

Activities of the Institute

2015

I. Joint Research Projects

- (1) Research on Civil Procedure in Foreign Countries(1993-): Tetsuo Kato (chief), Yoshio Toga, Yasuo Ueno, Kazuhiko Teshigawara, Ken Yamamoto, Kazunori Matsumura, Yasunori Honma, Ikuo Sugawara, Koji Nakayama, Keizo Sakamoto, Takashi Kondo, Eiji Adachi, Kim Byonghak, Kazushi Sugimoto, Yuji Yanagisawa, Yasuyuki Tajiri, Hiroyoshi Kawanaka, Yayoi Hisasue.
- (2) Research on Oceanian Legal Systems(1996-): Katsunori Kai (chief), Morikazu Taguchi, Yasuhiro Osaki, Masayuki Tanamura, Shigeo Miyagawa, Megumu Yokono, Yutaka Sano, Hiroko Minekawa.
- (3) Change and Development of the Constitutional Law toward the 21st Century (2001): Koji Tonami (chief), Hiroshi Nishihara, Makoto Tajimi, Ken Nemori, Liu Di, Lee Dooyoung, Kazuhisa Saito, Takashi Jitsuvara, Yuuhiko Miyake, Masato Takahashi, Rryousuke Chikuni, Masao Kawai.
- (4) Analysis of the Latest Trend of the French Law for the Purpose of Making a Database(2003-): Motonari Imaseki (chief), Yoichi Shimada, Takashi Hakoi, Asaya Ohashi, Yuichiro Ishikawa, Tomonori Shiraishi, Tatsuya Hino, Satomi Baba.
- (5) Comparative Studies on Intellectual Property Law and International Trade Law (2004): Yoshinobu Eizumi (chief), Masato Dogauchi, Takashi Kubota, Yoichiro Hamabe, Takaya Ito, Yusuke Tanemura, Jiman Kim, Shoichi Kidana.
- (6) Research Project on the United States Supreme Court(2004-): Shigeo Miyagawa (chief), Motonari Imaseki, Hideaki Otsuka, Tetsuo Kato, Kazuhiro Tsuchida, Toru Nakajima, Tamio Nakamura, Setsuo Miyazawa, Hitomi Yoshida, Shigenori Matsui.
- (7) Studies in Anglo-American Criminal Law(2004-): Yoshiki Ogawa (chief), Yoshihiro Terasaki, Toshihiko Tanaka, Mitsuo Schumi, Jun Kojima, Takuya Watanabe, Kazutoshi Sugimoto, Yukitaka Uchida, Satomi Tayama, Katsuyoshi, Masateru Matsuda, Katsuyoshi Kato, Kazuyuki Harada.

- (8) Comparative Study of Asian Constitutional Law (2006-): Motonari Imaseki (chief), Koji Tonami, Hiroshi Nishihara, Norikazu Kawagishi, Katsutoshi Takami, Joji Shishido.
- (9) Research on Anglo-American Juvenile Law (2008-): Masaoki Ishikawa (chief), Tokikazu Konishi, Naoyuki Watanabe, Noriyoshi Watanabe, Naotaka Kato, Hiromi Naito, Bunri Tatsuno, Keiya Taguchi, Narumi Wakisaka, Taichi Yoshikai, Keiya Taguchi, Narumi Wakisaka.
- (10) Comparative Legal Research on Economic Administrative Law and Theory (2009-): Masayuki Okada (chief), Shigeyuki Suto, Tatsuhsa Tamura, Junichi Yamamoto, Jo Wonje, Kenji Shimoyama, Yohei Tera, Toshiki Mori, Mayuko Fukawa, Eiko Hirakawa, Hiroki Osanai, Kwon Gibob, Shinichiro Yamada.
- (11) Study on Recent Court Cases in China (2009-): Hikota Koguchi (chief), Yoshiki Kurumisawa, Yuanchun Wen, Makoto Tajimi, Satoshi Kuniya, Hu Guanghui, Lu Yanbin, Naoyuki Matsui, Xia Yu, Daisuke Mitarai, Kong Xiaoxin, Gao Gehui, Tomomine Ichihashi, Hideaki Kobayashi, Takuya Akatsuki.
- (12) Synthetic Study on Medical Law (2011-): Katsunori Kai (chief), Waichiro Iwashi, Nariaki Yamaguchi, Megumu Yokono, Naoto Kawahara, Kazuki Chiba, Mari Honda, Masaaki Muto, Tsunakuni Ikka.
- (13) Studies on the Supreme Court of the United Kingdom (2011-): Tamio Nakamura (chief), Shigeo Miyagawa, Hideaki Serizawa, Yutaka Sano, Kichimoto Asaka, Masayuki Tamaruya.
- (14) Study on International Law of Responsibility (2013-): Hiroyuki Banzai (chief), Akio Shimizu, Yasuhiko Miyauchi, Daizo Sakurai, Takahide Nagata, Makoto Minakawa, Shinya Tazunoki.
- (15) Studies of Current Development of European Law (2014-): Tamio Nakamura (chief), Takao Suami, Takuma Obase.
- (16) Study on Scandinavian Law (2014-): Shin Matsuzawa (chief), Yasuhiro Osaki, Katsunori Kai, Hironao Fukushima, Yasuhiro Tagawa, Syo Ogata, Shunsuke Kizaki, Li Yan Hong.
- (17) Law and Sustainability (2014-): Tatsuo Uemura (chief), Tadashi Otsuka, Yoshimi Kikuchi, Tamio Nakamura, Yoshiki Kurumisawa, Kenichi Ogata, Takayuki Ii, Mitsuhiko Takahashi, Yuji Ogawa, Kouhei Kameoka, Ichiro Uechi.
- (18) Comprehensive Research of Social Law in a Society with a Declining Population (2015-): Yoshimi Kikuchi (chief), Youichi Shimada, Makoto Ishida, Mutsuko Asakura, Satoshi Shimizu, Hisashi Takeuchi.

II. Lectures

Public Lectures

April 17:

‘The Recognition and Enforcement of Foreign Judgment under Korean New Civil procedure Law: Dupon v. Kolon Case’

GyooHo Lee, (Professor, Chung Ang University School of Law)

May 15:

‘Die materiellrechtliche und prozessrechtliche Problematik der Schadenserschaetzung in Deutschland’

Sturmer Rolf (Professor, University of Freiburg Faculty of Law)

May 27:

‘The Race Jurisprudence of the United States Supreme Court under Chief Justice Roberts’ Linda S. Greene (Professor, University of Wisconsin Law School)

June 29:

‘The Evolving Methods of Teaching Law in the United States —From Case method / Socratic Method to Clinical Legal Education—’

Michael J. Dale (Professor, Nova Southeastern University Law School)

July 1 :

‘Marine Spatial Planning for Sustainable Ocean Governance and Management: A Regional Overview’

SM Daud Hassan (Senior Lecturer, University of Western Sydney, School of Law)

October 10:

‘The Desert Model for Criminal Sentencing’

Andreas von Hirsch (Honorary Professor, University of Frankfurt)

November 25:

‘What Western Law can learn from the Japanese Concept of Model’

Laurent de Sutter (Professor, Vrije Universiteit Brussel, Faculty of Law)

December 4:

‘America’s Failure and Challenging Path toward Comprehensive Immigration

Reform'

Hiroko Kusuda (Clinic Professor, Loyola University New Orleans School of Law)

January 22:

'Reforms in the Chinese Criminal Procedure'

Ming Hu (Professor, Zhejiang University Granghua Law School)

January 29:

'Positive Vertragsverletzung – die Entwicklungen im taiwanesischen Vertragsrecht'

JAN, Sheng-Lin (Professor, Dean, National Taiwan University College of Law)

January 29:

'Negligently Infringement on Pure Economic Loss in Taiwan Laws: A Deadlock and Breakthrough'

TSUNG-FU CHEN (Professor, National Taiwan University College of Law)

March 3:

'Ethical and Regulatory Issues in Genome Editing and Gemline Gene Modifications'

Renzong Qiu (Emeritus Professor, Renzong Qiu, Institute of Social Science)

March 4:

'Causation and Copyright'

Shyam Balganes (Professor, University of Pennsylvania Law School)

March 10

'Vermögensabschöpfung, Verfall und Rückgewinnung'

Thomas Rönnau (Professor, Bucerius Law School)

March 14

'The multi-layered system for the protection of human rights in Europe'

Jörg Polakiewicz, (Head of the Human Rights and Developments, Directorate of Human Rights, DGI, Council of Europe)

Serial Symposiums

May 27:

'Sustainable Society and Social/Gender Law'

- (1) ‘Sustainability and Social Law’
Masahiro Yano (Professor, Ryukoku University, Faculty of Law)
- (2) ‘Re-positioning of Care work and Gender’
Miho Mitsunari (Professor, Nara Woman’s University, Graduate School of Human Life and Environment)

Coordinator: Yoshimi Kikuchi (Professor, Waseda University, Faculty of Law)

June 24:

‘Sustainable Society and Medical Jurisprudence’

- (1) ‘Sustainable System of Medical Care Supply and Medical Jurisprudence’
Yuichi Sato (Professor, Tokyo Gakugei University, Humanities and Social Sciences)
- (2) ‘Sustainable Pharmaceutical Products Supply and Medical Jurisprudence’
Nariaki Yamaguchi (Professor, Waseda University, Faculty of Law)
- (3) ‘Sustainable Medical Security and Medical Jurisprudence’
Katsunori Kai (Professor, Waseda University, Faculty of Law)

Coordinator :Katsunori Kai (Professor, Waseda University, Faculty of Law)

July 22:

‘Sustainable Society and Administrative/Financial Law’

- (1) ‘Rights of citizens and Municipalities for Sustainable local community’
Ryuichi Yamachita (Professor, Hokkaido University, Graduate School of Law)
Commentator: Tatsuhisa Tamura (Professor, Waseda University, Faculty of Law)
- (2) ‘Reform of governing system toward ‘Sustainable finance ‘
Ryuichi Ozawa (Professor, the Jikei University School of Medicine)
Commentator: Maw-In Tsai (Professor, Taiwan University)

Coordinator: Masanori Okada (Professor, Waseda University, Faculty of Law)

October 28:

‘Society with a Declining Population and Law in the view of legal philosophy and labor law’

- (1) ‘Society with a Declining Population in the view of legal philosophy’

Yachiko Yamada (Professor, Chuo Law School)

(2) 'Society with a Declining Population and Employment'

Ikuko Mizushima (Professor, Osaka University Law School)

Coordinator: Katsumi Yoshida (Waseda University, Faculty of Law)

Symposiums

April 4:

'Reconstruction of Fukushima earthquake disaster and Support for Namiecho ---
Updates from Waseda'

Reporters:

Tamotsu Baba (Mayor of Namiecho)

Kiyomizu Suzuki (Chief of Compensation Support Unit, Team of Industrial
Compensation Policies)

Kyoko Ishida (Associate Professor, Waseda University)

Masaharu Hioki (Leader of Legal Support Team for Namiecho; ex-Professor,
Waseda University)

Masanori Okada (Professor, Waseda University)

Takao Suami (Professor, Waseda University)

Yoshimi Kikuchi (Professor, Waseda University)

Masahiro Ikeda (Director, Non-Profit Organization, Community Life Support
Center Japan)

Hiroshi Kwamura (Director, Non-Profit Organization, Jin)

Michitaro Urakawa (Professor, Waseda University)

Plan person in charge: Yoshimi Kikuchi

June 26 :

"The 2nd International IP Workshop for Junior Researchers"

Session1: Patent Infringement

Session2:IP/Patent Enforcement & Competition Law

Session3:Information Protection & Other IP

Host: Research Center for the Legal System of Intellectual Property (RCLIP), Waseda
University Institute of Comparative Law, Waseda University

Plan person in charge: Christoph Rademacher

July 4:

‘Widening and entrenched disparity and problems of the legal system for indigent/
needy person in the light of the comparison with East Asian countries ‘(the
International symposium by the ICL research project “Establishing legal studies
for a sustainable society”)

Reporters

Japan: Yoshimi Kikuchi (Professor, Waseda University)

China: Han Junling (Professor, Beijing Institute of Technology)

Korea: Kwang-Seok, Cheon (Professor, Yonsei University)

(translator: Yuki Katagiri, Professor, Otaru University of Commerce)

Taiwan: Maw-in Tsai (Professor, National Taiwan University)

England: Kousuke Marutani (Professor, Sagauniversity)

Germany: Yoshihiro Shimada (Associate Professor, Sapporo Gakuin University)

U.S.: Yusuke Tsunemori (part-time Lecturer, Tsuru University)

Coordinator: Masahiko Iwamura (Professor, Tokyo University)

Host: Waseda University Institute of Comparative Law

(Sponsored by Egusa Foundation for International Cooperation in the Social Science)

Plan person in charge: Yoshimi Kikuchi

January 30:

‘Japan-Korea joint symposium on Civil Procedure Law’

Moderator: Tetsuo Kato (Member of ICL; Professor, Waseda University, Faculty of
Law)

Opening Remark: Makoto (Emeritus Professor of Tokyo University; Visiting Professor
of Nihon University)

1) ‘Changes and problems in Korean Civil Procedure Law’

Hu Won Lee (Professor, Yonsei University, Law School)

2) ‘Changes and problems in Japanese Civil Procedure Law’

Yasunori Honma (Professor, Waseda University, Faculty of Law)

Translator: Jin Bingxue (Associate Professor, Fukusima University, Faculty of
Administrations), Cui Yanren (Student, Waseda University, Graduate School of
Law)

Host: Japan Society for the Promotion of Science, National Research Foundation of

Korea, Waseda University Institute of Comparative Law

Plan person in charge: Tetsuo Kato § Jin Bingxue

March 8:

‘Socialization of the risks concerning damaging acts by senior citizens with dementia’

Lecturers:

Yasushi Kamiyama (Professor, Niigata University, Faculty of Law)

Yoshimi Kikuchi (Professor, Waseda University, Faculty of Law)

Sayaka Dake (Associate Professor, Tohoku University, Faculty of Law)

Shigeto Yonemura (Associate Professor, Tohoku University, Faculty of Law)

Host: Community-care Policy Network, Waseda University Institute of Comparative

Law Plan Person in charge: Yoshimi Kikuchi (Director of ICL)

III. Agreements with Overseas Institutions

- (1) Chinese Academy of Social Sciences (China)
- (2) University of Melbourne, Institute for Comparative and International Law (Australia)
- (3) Duke University School of Law (U.S.A.)
- (4) Max Planck Institute for Foreign and International Criminal Law (Germany)
- (5) Max Planck Institute for Intellectual Property, Competition and Tax Law (Germany)
- (6) University College London (U.K.)
- (7) Korea Legislation Research Institute (Korea)

IV. Publications

(1) Books

SOSHO [Comparative Law Study Series] No.43

Yoshiki Kurumisawa (ed.), Shift to the Sustainable Society and Law/Jurisprudence, 2015

(2) Periodicals

HIKAKU HOUGAKU (Comparative Law Review) VOL.49,NO.1 (March 2015)

Articles:

- Hikota Koguchi, “Judicial Cases regarding the Dissolution of Contract in the P.R.C.”
- Kayoko Kitagawa/Zhou Zhou, “The Comparative Study of the Road Traffic Crimes

Between Japanese and Chinese Criminal Law”

- Shigeru Ohta, “ Case Law doctrines in the U.S. Federal Court concerning particularity requirements in search and seizure under the Fourth Amendment and its practice: focusing on ‘permeated with fraud ’ doctrine”

Lectures:

- Xiong Qi, “On the Dialogue between the Media Effect and the Criminal Legal Norms and its Profound Meaning in Criminal Law Theories—An Approach to the Internal Structure of Chinese and German Criminal Law Theories from the Start Point of ‘Public Opinion’”

(Makoto Tajimi)

- Petter Asp, “Criminal Complicity in Sweden”

(translated by Yashuhiro Tagawa)

Materials:

- Anglo-American Criminal Law Study (29)

Society of Anglo-American Criminal Law Studies

Overview of the U.S. Supreme Court 2013 October Term Decisions

- Japanische Übersetzungen von Literatur über ausländisches Zivilprozessrecht (36)

Arbeitskreis ausländisches Zivilprozessrecht

Recent Discussions on the Revision of Korean Arbitration Act

— for the Promotion of the International Arbitration

- Developments in the U.S. Supreme Court Jurisprudence (17)

Research Project on the U.S. Supreme Court

I Sup. Court denied eligibility of a patent relating to a computerized trading platform used for conducting financial transactions

— Alice Corp. v. CLS Bank International, 134 S. Ct. 2347 (2014)—

II Copyright infringement by internet transmission of TV program signal

— ABC, Inc v. Aereo, Inc., 134 S. Ct. 2498 (2014)—

- Study on recent court cases in China (9)

Research Project on the cases of Chinese Court

Civil Disputes Concerning Restrictions on Agents’ retail Prices

—Recognition if Horizontal Competition-Restriction Agreements Involving Fixed Minimum Prices—

Articles:

- Shigeru Ohta, “Case law doctrines in the U.S. Federal Court concerning particularity requirements in search and seizure under the Fourth Amendment and its practice: focusing on ‘permeated with fraud’ doctrine ”
- Yanhong Li, “The Concentration of Control and Managerial Power in Italian Listed Companies ”
- Yoshiko Nakayama, “US Legal Doctrines For The Government’s Indirect Information Collection Through Third Parties-Third Party Doctrine and Electronic Surveillance Jurisprudence ”
- Akiko Ogawa, “ The potential and the limitation of the resale royalty right in Europe — some suggestions from CJEU judgements”

Lectures:

- Ferdinand Wollenschläger, “Grundrechtskonflikte bei der prädiktiven Gendiaostik: Das Recht auf Wissen, Nichtwissen und Geheimhaltng”
(Translated by Katsunori Kai/YuAmada)
- George Mousourakis, „Criminal Complicity in New Zealand Law“
(translated by Katsunori Kai/Toshiya Takekawa)
- “International Symposium on Legal-medical Aspects of Nuclear Disaster and Human Rights”
(Takao Suami/Eri Osaka)

Materials:

- Japanische Übersetzungen von Literatur über ausländisches Zivilproßrecht (37)
Arbeitskreis ausländisches Zivilproßrecht
Die deutsche Insolventrechtsreformen Seit 2012 (1)
- Japanische Übersetzungen von Literatur über ausländisches Zivilproßrecht (38)
Arbeitskreis ausländisches Zivilproßrecht
Translation of the Federal Rules of Bankruptcy Procedure [1]
- Developments in the U.S. Supreme Court Jurisprudence (18)
Research Project on the U.S. Supreme Court
I Serching Cell Phones Incident to Arrest
—Riley v. California, 134 S. Ct. 2473 (2014)
II The Fraud-on-the-Market Theory and the Opportunity to Rebut
—Halliburton Co. v. Erica P. John Fund, Inc., 134 S.Ct. 2398 (2014)

HIKAKU HOUGAKU (Comparative Law Review) VOL.49, No.3 (March 2016)

Articles:

- Hikota Koguchi, “On Judicial Cases Regarding Article 52(5) of the Law of Contract in the P.R.C.”
- Shigeru Ohta, “Case law doctrines in the U.S. Federal Court concerning particularity requirement in search and seizure under the Fourth Amendment and its practice: focusing on ‘permeated with fraud’ doctrine”

Lectures:

- “Recognition and Enforcement of Foreign Judgements under the Korean Civil Procedure Act and Civil Enforcement Act Revised in 2014: Related to Dupont v. Kolon”

(translated by Jiman Kim)

Materials:

- The Introduction of Amendment IX to the Criminal Law of the People’s Republic of China
Kayoko Kitagawa/Zhou Zhou
- The Provisions of Defective Product in Chinese Criminal Law—Focused on crimes of Making or Producing Fake or Inferior Commodity-
Kayoko Kitagawa/Lanxue ZHAO
- Association d’etudes sur le droit francais (11)
L’ evolution contemporaine de la prestation familiale en France
- Study on recent court cases in China (11)
Research Project on the cases of Chinese Court
I Case of Chongqing Suote Yanhua Co.Ltd.
II Over positioning of the unreal joint and several liability in China
III On the Case of Purchase Option Agreement about Real Estate Sales in China
- Japanische Übersetzungen von Litaratur über ausländisches Zivilprozeßrecht (39)
Arbeitskreis ausländisches Zivilprozessrecht
Translation of the Federal Rules of Bankruptcy Procedures [2]
- Japanische Übersetzungen von Litaratur über ausländisches Zivilprozeßrecht (40)
Arbeitskreis ausländisches Zivilprozessrecht
Die deutsche Insonvenzrechtsreformen (2)
- Developments in the U.S. Supreme Court Jurisprudence (19)

Research Project on the U.S. Supreme Court

I Liberty, Equality and the Rights to Same-Sex Marriage

— Obergefell v. Hodges, 135 S. Ct. 2584 (2015)

II Freedom of Speech and the Personal Solicitation Ban on State Judicial Candidates:

— Williams-Yulee. v. Florida Bar, 135 S.Ct. 1656 (2015)