



Course XXIII

Module 9, Tokyo “Law & Business in Japan”:

26th August – 30th August 2019

LIST OF SPEAKERS

HAMAMOTO SHOTARO, Dr.

Professor of the Law of International Organizations, Graduate School of Law, Kyoto University
Kyoto, Japan

LL.B.(Kyoto), LL.M.(Kyoto), Docteur en droit (Paris II). Professor of the Law of International Organizations, Graduate School of Law, Kyoto University. Professeur invité, Paris I (2009) and Sciences Po de Paris (2012). Counsel and Advocate for the Japanese Government in Whaling in the Antarctica (ICJ, Australia v. Japan, New Zealand intervening, 2010-), Hoshinmaru (ITLOS, Japan v. Russia, 2007), and Tomimaru (ITLOS, Japan v. Russia, 2007). Assistant for the Spanish Government in Fisheries Jurisdiction (ICJ, Spain v. Canada, 1997-98). Japanese Representative to the UNCITRAL WG II (Arbitration/Conciliation) (2010-) and to the OECD Investment Committee (2011). Arbitrator, Japan Sports Arbitration Agency (2008-). Fields of research: theory of international law, international dispute settlement, law of the sea, international investment law, international sports law, and institutional law of the European Union. Recent publications include: “Parties to the ‘Obligations’ in the Obligations Observance (‘Umbrella’) Clause”, *ICSID Review*, 2015 (forthcoming); “État situé dans le droit international de l’investissement”, in Shotaro Hamamoto, Hironobu Sakai & Akiho Shibata eds., *Essays in Honour of Professor Ryuichi Ida*, Brill, 2015 (forthcoming); “Domestic Review of Treaty-Based International Investment Awards: Effects of the Metalclad Judgment of the British Columbia Supreme Court”, in Machiko Kanetake & André Nollkaemper eds., *Rule of Law at the National and International Levels: Contestations and Deference*, Routledge, 2015 (forthcoming); “Protection of the Investor’s Legitimate Expectations: Intersection of a Treaty Obligation and a General Principle of Law”, in Wenhua Shan ed., *China and International Investment Law*, Brill, 2014; “Méthodologie extraordinaire pour trouver le sens ordinaire ? : Le sens ordinaire pour les tribunaux compétents en matière d’investissement”, *Unité et diversité du droit international : Ecrits en l’honneur du Professeur Pierre-Marie Dupuy*, Nijhoff, 2014, pp. 689-707; “A propos de deux clichés sur l’histoire du droit international en Asie de l’est : une reconsidération de l’ordre mondial chinois et du discours de traités inégaux”, in Pierre-Marie Dupuy & Vincent Chetail éd., *The Roots of International Law / Les fondements du droit international : Liber amicorum Peter Haggemacher*, Leiden, Nijhoff, 2014, pp. 743-756; “Requiem for Indirect Expropriation: On the Theoretical and Practical Uselessness of a Contested Concept”, *PILAGG e-series/IA/1*, École de Droit, Sciences Po de Paris, 2013, pp. 1-28; “New Challenges for the ICSID Annulment System: Another Private-Public Problem in the International Investment Dispute Settlement”, in Rüdiger Wolfrum & Ina Gätzschmann eds., *International Dispute Settlement: Room for Innovations?*, Springer, 2013, pp. 393-416.

INADA TETSUSHI, Ph.D.

President, Pharma-East Insight, Inc.,
Tokyo, Japan

Education / Job Career/ Professional History

1973 Okayama Univ, Pharmaceutical Science; Bachelor 1973-81 Osaka Univ Medical School; Ph.D. / Immunology 1978-81 National Cerebral and Cardiovascular Center; Registered Pharmacist 1981-83 Brandeis Univ, MIT, Harvard Med Sch; Post Doc in Immunology 1983-88 Kyowa Hakko Kogyo, Tokyo Res Lab; Scientist in Immunology 1988-2002 Kyowa Pharmaceutical Inc, USA; Clinical Dev, Alliance 2002-2005 Kyowa Hakko Kogyo, Tokyo Headquarters; Licensing 2005-now Pharma-East Insight, Inc., Tokyo & USA; Consulting/Lic, Clinical Dev

Pharmacist for 8 years; National Cerebral and Cardiovascular Center in Osaka & other Hospitals
Scientist for 14 years; Immunology; Osaka Univ, Brandeis Univ and Kyowa Hakko
Drug Development for 26 years; 8Drugs/25 Protocols in US & Japan; Oncology, CV, CNS & Allergy
Business Development/Alliance/Licensing for 27 years; Evaluation, Negotiation, Intellectual Property Management(President, Co-Chair)for 17 years;Establishment of New Company, NY Pharma Forum, LES International
Consultancy Pharmaceutical Business and R&D Strategy for 11 years;Academia, Pharma Industries & Biotech in US, EU & Japan

ISHIKAWA TOMOKO, Dr.

Associate Professor, Graduate School of International Development, Nagoya University
Ibaraki, Japan

Tomoko Ishikawa is an Associate Professor at Graduate School of International Development, Nagoya University in Japan.

She received an LLM from the University of Tokyo, a second LLM from the University of Cambridge, and earned her PhD in public international law from University College London (UCL). Her professional experiences include serving as a Judge at Tokyo District Court and holding the position of Deputy Director at the International Legal Affairs Bureau of the Ministry of Foreign Affairs of Japan, where she worked on bilateral/trilateral investment treaties, Free Trade Agreements and WTO dispute settlement. Her publications include:

Extraterritorial Discovery in Aid of Execution and State Immunity: Case Comment on Republic of Argentina v. NML Capital, Ltd., 573 U.S. (2014), Accounting, Economics and Law: A Convivium, 2014-10; "On the Investor-State Dispute Settlement Mechanism in the China-Japan- Korea Free Trade Agreement" (co-authored with Professor Yasuhei Taniguchi), in J. Hu et al., eds, Regional Cooperation and Free Trade Agreements in Asia (Brill/Nijhoff, 2014), "International Sovereign Debt and Investment Treaty Arbitration: Ambiente Ufficio S.p.A. and others v. Argentina", Rivista Dell'Arbitrato (Issue 2/2014), "Collective Action Clauses in Sovereign Bond Contracts and Investment Treaty Arbitration - an Approach to Reconcile the Irreconcilable", Accounting, Economics and Law: A Convivium (October 2013);

"Third Party Participation in Investment Treaty Arbitration", International and Comparative Law Quarterly, (April 2010); "Interpreting the Most-Favoured-Nation Clause in Investment Treaty Arbitration: Interpretation as a Process of Creating an Obligation?" in C. Sampford et al, eds, Rethinking International Law and Justice (Ashgate, 2014).

KAWABATA YASUYUKI, Prof.

Professor of Law, Department of International and Business Law, Graduate School of International Social Sciences, Yokohama National University, Kanagawa

Kanagawa, Japan

Area of expertise: International Taxation, Japanese Business Law, Japanese Business

Major Fields: Public Law, Tax Law, European Taxation, Financial Accounting

Graduate School of International Social Sciences, Yokohama National University LL.B. (1982, Kansai University), Master of Laws (1985, Kansai University), Master of Commerce (1987, Kansai University)

1990-1995 Fulltime Lecturer, Department of Commerce, Kansai University

1995-1998 Associate Professor, Department of Commerce, Kansai University

1998-2002 Associate Professor, Graduate School of International and Business Law, Yokohama National University

2002- Professor of Law, Graduate School of International Social Sciences, Yokohama National University

2011-2015 Dean, Department of International and Business Law, Graduate School of International Social Sciences, Yokohama National University

1994 Visiting Researcher, Katholieke Universiteit Leuven, Belgium

1994 Invited Researcher, International Bureau of Fiscal Documentation, The Netherlands

2000 Visiting Researcher, International Bureau of Fiscal Documentation, The Netherlands

2007-2008 Visiting Researcher, Yale Law School, Yale University, U.S.A.

KAWANO MARIKO, Prof.

Professor, Waseda University, School of Law

Tokyo, Japan

Background :

Assistant Professor: Associate Professor, Institute of Social Sciences, University of Tsukuba (1990-2004)

Field of Specialization :

International Law

Research Theme :

Pacific Settlement of International Law, State Responsibility

Academic Societies / Service to Society :

【Academic Societies】

Japanese Association of International Law

Association of International Economic Law

World Law Association

【Service to Society】

Advisor to the Headquarters for Ocean Policy (2012-)

Member of the Council of Transport Policy (2013-)

Member of the Committee for Ocean and Environment Policy (2013-)

Research Project :

Pacific Settlement of International Disputes

Research theme, outline of project research seminar, message to prospects :

The purpose of the project is to analyze international dispute from legal viewpoint and consider the significance of judicial settlement. The students are expected to get insights of the legal approach to the settlement of international disputes.

Web Page/ Researcher DB :

<http://researchers.waseda.jp/profile/en.0f5ac6552a1ef6fa8317421972895b76.html>

KIHIRA TAKAYUKI

Partner, Mori Hamada & Matsumoto

Tokyo, Japan

Takayuki Kihira is a corporate/M&A partner with Mori Hamada & Matsumoto, one of the largest Japanese law firms having more than 470 lawyers including approximately 70 foreign lawyers with 4 domestic offices (Tokyo, Osaka, Fukuoka and Nagoya) and 7 overseas offices (Beijing, Shanghai, Singapore, Bangkok, Jakarta, Yangon and Ho Chi Minh City).

Mr. Kihira's areas of practice include mergers and acquisitions, venture financing and international commercial transactions. He has been selected by various media as a recommended lawyer in corporate and M&A sector in Japan, including Chambers Global (2019) and Chambers Asia-Pacific (2019), where he is noted "very knowledgeable practitioner who is extremely diligent, with excellent English, and who works on a lot of cross-border matters." His firm has consistently been ranked at the top of the M&A league tables prepared by various media companies, including a first-place ranking as the legal adviser on mergers and acquisitions in Japan in the 2018 M&A league table of Thomson Reuters.

Since 2015, Mr. Kihira has been teaching "Global M&A Practice" as an adjunct professor of law at Cornell Law School in the U.S. He has also lectured for University of St.Gallen Executive M.B.L.-HSG (in cooperation with Waseda University) on "M&A: A Japanese Perspective" (2013, 2015-2018). His recent publications include "Corporations and Partnerships in Japan" Second Edition (Wolters Kluwer Law & Business (2016)) and "Chambers Global Practice Guides Corporate M&A Japan 2019" (Chambers & Partners (2019)).

Mr. Kihira is qualified to practice law in both Japan and New York. During 2006-2007, he worked with the international law firm of Shearman & Sterling LLP in New York.

LOEFFLAD MICHAEL

Representative Director & President, DKSH Japan K.K,

Tokyo, Japan

Work Experiences

October 2017- Representative Director & President, DKSH Japan K.K.

April 2009 - September 2017 Representative Director & President, Wuerth Japan Co., Ltd

2004 -2008 Branch Manager, Skidata Co.,Ltd. (Japan)

1998-2003 T-Systems International (Deutsche-Telekom Group) various positions in Frankfurt, Bonn and Tokyo

Education Ludwig-Maximilians-Universität München/University of Munich (Law)

EU Executive Training Program 2003/2004 (ETP22 alumni)

Other Activities Chairman, EU Executive Training Program Association (ETPA)

First Vice-Chairman, European Business Council in Japan

Executive Board Member, Austrian Business Council

MROCZEK MICHAEL

Partner, Okuno&Partners-Attorney at Law

Tokyo, Japan

Michael Mroczek is a Swiss licensed attorney. He holds a Master of Laws degree from the Basel University (Switzerland) and an LL.M. in US Law from Beasley School of Law at Temple University (Philadelphia, USA). He is admitted as a foreign attorney (gaikokuho-jimu-bengoshi) in Japan, and registered as a EU-lawyer with the District Council of the Bar in Warsaw (Poland). Michael's main areas of practice are international commercial arbitration, corporate law, M&A and finance. He is partner at Okuno & Partners – Attorneys at Law (Tokyo, Japan). Michael was born in Warsaw and grew up in Switzerland. In addition to English and German, he advises clients in Polish, French, and Italian. Michael is the President of the Swiss Chamber of Commerce in Japan. He is also lecturer at the University of Tokyo and Rikkyo University where he teaches International Arbitration.

NAKAYAMA ICHIRO, Prof.

Professor, Hokkaido University

Hokkaido, Japan

Ichiro Nakayama is a Professor, Graduate School of Law, Hokkaido University where he has been teaching intellectual property law courses. Nakayama joined Hokkaido University in 2019 after he served as an Associate Professor of School of Law at Shinshu University from 2005-2009 and a Professor of School of Law at Kokugakuin University from 2009-2019. Prior to joining academia, Nakayama spent many years in Government of Japan, where his last position was a Deputy Councilor, Secretariat of Intellectual Property Strategy Headquarters, Cabinet Secretariat from 2003-2005. Nakayama originally joined the Ministry of International Trade and Industry (MITI) in 1989. Then, he worked in various fields including patent law reform, regulatory reform in energy industries, and defense technology cooperation.

Nakayama received a Bachelor of Law degree in 1989 from the University of Tokyo, LL.M. in 1995 from the University of Washington, and M.I.A. in 1997 from Columbia University. He has published a number of articles in the field of intellectual property law.

OGINO MAKOTO, Prof.

Tokyo University of Science

Research Area

International law (Anglo American Contract Law)

Civil law (IP License Agreements and their negotiations)

Management (IP Exploitation as a Corporate Business Strategy)

Research Institute Theme

IP Strategies of Japanese companies in comparison with the U.S. and European best practices

Academic Society Affiliations

2016/2 - 2018/2

Licensing Executive Society Japan
President Elect
2012/2 - 2016/2
Licensing Executive Society Japan
Vice President

SHIGETOMI TAKAMITSU, LL.M.

Partner, Oh-Ebashi LPC & Partners
Osaka, Japan

Education:

Osaka University LL.B. 1997
Legal Training and Research Institute of Japan Diploma 1999
University of Washington School of Law IP LL.M. 2003

Practice areas:

Intellectual Property Licensing and Litigation

Bar Admissions:

Admitted to the bar in Japan 1999 and New York 2005
Admitted as patent attorney in Japan 2005

Lecturer:

- Adjunct Lecturer, Graduate School of Intellectual Property at Osaka Institute of Technology, teaching U.S. Patent and Trade Secret Law
- Adjunct Lecturer, Graduate School at Kyusyu University, teaching Intellectual Property Law
- Adjunct Lecturer, Faculty of Intellectual Property at Osaka Institute of Technology, teaching Anglo-American Law
- Adjunct Lecturer, Kwansei Gakuin University Law School, teaching Intellectual Property Law (Patent Law and Copyright Law) and Intellectual Property Law Seminar (Patent Case Law and Copyright Case Law)

SHIMIZU AKIO, Prof.

Professor of Law, Waseda University Law School
Tokyo, Japan

Akio Shimizu is a Professor of Law at Waseda University Law School. His research and teaching focus on international trade regulations, international economic law and general issues in public international law. He has extensive practical experience in the World Trade Organization (WTO) as a dispute settlement panelist in several cases and is a member of the Permanent Group of Experts established under the Agreement of Subsidies and Countervailing Measures for the term Spring 2010 - Spring 2015. Shimizu has written extensively in the fields related to his research interests. He has engaged in several visiting professorships in Japan and abroad including the University of Pennsylvania, Duke University and Santa Clara University. He holds a B.A. in Law and LL.M. from Waseda University as well as a LL.M. from Yale Law School. Recent publications in trade area:

- Casebook on the WTO Law (Mitsuo Matsushita, Junji Nakagawa & Akio Shimizu, eds., 2000)
- European Communities - European Communities - Anti-Dumping Measure on Farmed Salmon From Norway (Panel Decision) in Research Report on GATT/WTO Dispute Settlement XVIII (Fair Trade Centre, 2008)
- European Communities - Selected Customs Matters (Panel Decision) in Research Report on GATT/WTO Dispute Settlement XVII (Fair Trade Centre, 2007)
- European Communities - Export Subsidies on Sugar (Appellate Body Decision) in Research Report on GATT/WTO Dispute Settlement XVI (Fair Trade Centre, 2006)
- European Communities - Export Subsidies on Sugar (Panel Decision) in Research Report on GATT/WTO Dispute Settlement XV (Fair Trade Centre, 2005)
- Canada - Export Credits and Loan Guarantees for Regional Aircraft - Recourse to Arbitration by Canada under Article 22.6 of the DSU and Article 4.1 I of the SCM Agreement, in Research Report on GATT/WTO Dispute Settlement XIV (Fair Trade Centre, 2004)
- Canada - Export Credits and Loan Guarantees for Regional Aircraft, in Research Report on GATT/WTO Dispute Settlement XIII (Fair Trade Centre, 2003)
- Treaties for the Global Environment (co-authored with Nishi and others, Chuo Hoki Publishing, Tokyo, 2003)
- International Economic Law (Co-authored with Juniji Nakagawa et al., 2003)
- The WTO Dispute Settlement Procedures - The Japan Liquor Tax Case in Bessatsu Jurist: Hundred International Law Cases, Jurist (published by Yuhikaku Publishing in Tokyo), Vol. 37, No. 1 (2001)
- Casebook on the Law of GATT/WTO (Mitsuo Matsushita, Junji Nakagawa & Akio Shimizu, eds., 2000)

Trade-related experience at the World Trade Organization: Served on the following dispute settlement panels

- Brazil - Export Financing Programme for Aircraft (WT/DS46/R, 14 April 1999)
- Brazil - Export Financing Programme for Aircraft, Recourse by Canada to Article 21.5 of the DSU (WT/DS46/RW, 9 May 2000)
- Brazil - Export Financing Programme for Aircraft Recourse to Arbitration by Brazil under Article 22.6 Of the DSU and Article 4.1 I of the SCM Agreement (WT/DS46/ARB, 28 August 2000)
- Brazil - Export Financing Programme for Aircraft, Second Recourse by Canada to Article 21.5 of the DSU (WT/DS46/RW/2, 26 July 2001)
- European Communities - Conditions for the Granting of Tariff Preferences to Developing Countries (WT/DS246/R, 1 December 2003)
- European Communities - Measures Affecting the Approval and Marketing of Biotech Products (WT/DS293, 29 September 2006)

SUAMI TAKAO, Prof.

Professor of Law, Waseda University Law School Director, Waseda Law School, Legal Clinic L.P.C.
Tokyo, Japan

Professor Takao Suami is Professor of Law at Waseda Law School in Tokyo where he teaches European Union Law, European Competition Law, Current Developments of Japanese Law, and Professional Responsibility and is in charge of the Civil Justice Clinic. He is also Director of the Waseda Law School, Legal Clinic L.P.C. and in 2007 he was a Visiting Professor at Duke Law School in Durham, NC. Professor Suami holds LL.M.-degrees from Cornell Law School, Ithaca, NY and the Katholieke Universiteit Leuven in Belgium. He was Attorney-at-Law in Tokyo and Senior Associate with the law firm De Bandt, van Hecke & Lagae in Brussels where he focused on corporate law and European Community law. Subsequently he worked as an Associate Professor at Yokohama National University, Graduate School of International & Business Law in Kanagawa, Japan. Professor Takao Suami is a member of the Daini-Tokio Bar Association and the International Law Association. His recent English publications include articles on European Union law, WTO law and an essay on Japan's educational reform.

UCHIDA KATSUICHI, Prof.

Professor of School of International Liberal Studies, Waseda University
Tokyo, Japan

KATSUICHI UCHIDA is Professor Emeritus of Law at Waseda University. Before retiring from Waseda University in March 2017, he had served as Executive Vice President for International Affairs from 2006 to 2014 and Assistant to the President for Global Affairs from 2014 to 2017.

He holds a B.A. in Law from Waseda University Faculty of Law, and later earned an M.A. and completed postgraduate study in the Graduate School of Law, Waseda University. He became professor of law in 1984, and he was subsequently named to be the founding Dean of Waseda's School of International Liberal Studies in 2004, an interdisciplinary liberal arts and sciences program that has inspired similar undertakings throughout Asia.

His research field is Japanese Civil Law, landlord and tenant law in particular, he has published many articles and books on Japanese Civil Law, and became a member of the Science Council of Japan (Nippon Gakujyutu-Kaigi) from 1994 to 1997.

He is also an acknowledged expert in international higher education and had served as President of the Asia Pacific Association for International Education from 2014 to 2016, and President of the US-Japan Research Institute in Washington DC, a joint undertaking by eight of Japan's leading universities to dispatch policy related research results to the U.S. from 2009 to 2017.

YABUKI KIMITOSHI, LL.M.

Managing Partner, Yabuki Law Offices
Tokyo, Japan

Kimitoshi Yabuki is the managing partner of Yabuki Law Offices, and specialises in international and domestic antitrust and litigation practice. He represents international and domestic clients in IT, IP, electronics, transportation, construction and other manufacturing industries in antitrust and competition fields, particularly in the cartel, bid rigging, unfair trade practice, private monopolisation and merger regulation cases. The recent international cartel cases in which he has been involved are, for example, airline fuel surcharge, DRAM, SRAM, marine hose, TFT- LCD, CRT, high voltage power cable, forwarder, auto-parts and auto-shipping cases. He has also been involved in those in unilateral

conducts and IP-related cases in the international stage, including the Qualcomm case in the JFTC hearing. He has also worked on many domestic antitrust cases such as the bridge construction bid-rigging case, the forwarder price-fixing case, the auto-parts price fixing case and the JASRAC private monopolisation case. He is a professor of antitrust law at the Hitotsubashi University Graduate School of International Corporate Strategy. He is the secretary general of the Japan Competition Law Forum, the largest organisation of antitrust lawyers in Japan, and secretary general of the task force on amendments to the Antimonopoly Act at the Japan Federation of Bar Associations, as well as the vice president of the Asia Competition Association, the international organisation among practitioners and professors in Korea, China and Japan. He has participated in various international conferences organised by the IBA and the ABA as a speaker or a panellist, including the cartel workshops in 2008 (San Francisco), 2010 (Paris), 2012 (Vancouver) and 2014 (Rome). He is the co-author of several law books and has written numerous articles on antitrust. In 2012 and 2013 Yabuki Law Offices was selected by Global Competition Review as a highly recommended firm in Japan. He is currently member of the audit and supervisory board of Ricoh Company, Ltd. Between 2008 and 2012 he was an independent director of the board of Eisai Co, Ltd, one of the largest pharmaceutical companies in Japan. Between 2000 and 2003 he was an outside independent auditor of UPS Japan KK.

Mr Yabuki graduated from the University of Tokyo (LLB, 1982) and Columbia Law School, NY (LLM, 1991). He was admitted as an attorney-at-law in Japan (1987) and in New York (1992). He also worked as lawyer from abroad at Covington and Burling in Brussels and Washington, DC (1991-1993).