

Newsletter

English Edition No. 1 Spring-Summer 2005



21st Century Center of Excellence Program “Soft Law” and the State-Market Relationship

Introduction

Project Leader: Nobuhiro Nakayama



We have been studying continuously for about two years on "soft law", since our project (entitled "Soft Law and the State-Market Relationship-Forming a Base for Strategic Research and Education in Business Law") was adopted as one of the COE programs in 2003. We have decided to issue newsletters so that outside people will be aware of our project.

The key word of our project is "soft law". "Law" typically means rules provided and enforced by the state; however, the reality of the legal norm is not narrowly limited to such laws. We call these norms "soft law".

"Soft law" is a phenomenon observed in various areas of business law. If we focus only upon "hard law" as the norm, we do not get a complete picture of our society. For instance, business practices are often conducted in areas where state laws cannot be enforced, and norms that are not enforceable by the state often drive the business world. Unfortunately, Japanese legal studies and education have not paid sufficient attention to the role and function of "soft law". The goal of our in-progress project is to study "soft law" in the context of business practice.

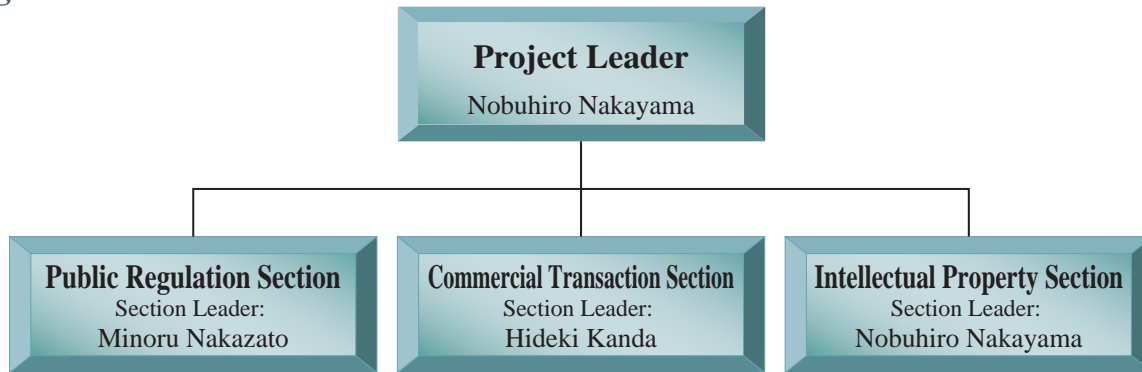
Although "soft law" exists everywhere in the real world, there has been no systematic method to uncover them. To conduct meaningful research in this area, it is vital to have comprehensive data on "soft law"; to that end, we will gather information on existing soft law and input them into a database; this database will be available for both research- and education-based purposes. Second, to achieve efficient and in-depth studies in specific areas of business law, we will divide the whole of the project into three sections: Public Regulation, Commercial Transaction and Intellectual Property; each section will be part of a separate (or interdisciplinary, if necessary) research program, in an effort to analyze soft law in those areas. With the cooperation of experts in economics and other social sciences, we will analyze the basic and theoretical issues concerning why people obey norms that are not legally binding by any court.

Finally, advanced legal education on soft law is another important focus of the project. The results of our research will be incorporated into the education systems at the Graduate Schools for Law and Politics. In addition to the ordinary curriculum media - such as in-class lectures and seminars and public lectures - professional interdisciplinary seminars and symposia are planned.

Ultimately, we hope our project will provide a basis for research and education in this unexplored area of law.

1 Organization of Research and Education

Organization Chart



(Dated as of August 31, 2005)

Project Scholastic Member

<p>Minoru Nakazato (Section Leader): Graduate Schools for Law and Politics ("GSLP") / Tax Law Takeshi Igarashi: GSLP / American History and Government Mitsuaki Usui: GSLP / Public Finance Law Akira Kotera: Graduate School of Arts and Sciences / International Economic Law Katsuya Uga: GSLP / Administrative Law Masahiko Iwamura: GSLP / Social Security Law Yoshihiro Masui: GSLP / Tax Law Tadashi Shiraishi: GSLP / Competition Law</p>	<p>Hideki Kanda (Section Leader): GSLP / Commercial Law Seiichi Ochiai: GSLP / Commercial Law Yoshiaki Miyasako: GSLP / International Business Law Shinsaku Iwahara: GSLP / Corporations Law Tomonobu Yamashita: GSLP / Commercial Law Takashi Uchida: GSLP / Civil Law Tomotaka Fujita: GSLP / Commercial Law Hiroyuki Kansaku: GSLP / Commercial Law Toshihiro Matsumura: Institute of Social Science / Industrial Organization, Public Economics</p>	<p>Nobuhiro Nakayama (Section Leader): Business Law Center ("BLC") / Intellectual Property Daniel Foote: GSLP / Law and Society Kichimoto Asaka: GSLP / Anglo-American Law Tetsuya Obuchi: GSLP/Intellectual Property Takashi Araki: GSLP / Labor Law Hiroki Morita: GSLP / Civil Law</p>
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<p>Project Professor Hiroyasu Watanabe: Waseda Graduate School of Finance Hidetaka Aizawa: Graduate School of International Corporate Strategy, Hitotsubashi University Noboru Kashiwagi: Chuo Law School Masato Dougauchi: Waseda Law School Takeshi Nakashima: Bank of Japan Oh, Seung Jong: Sungkyunkwan University</p> <p>Project Associate Professor Hiroyasu Ishikawa: Gakushuin University Faculty of Law Hiroyuki Seshimo: Senshu University, Faculty of Commerce Kazuaki Kagami: Meikai University, Faculty of Economics Naoki Okubo: Gakushuin University, Faculty of Law Kiyokazu Yamagami: Tokyo Metropolitan University, Graduate School of Social Science</p>	<p>Project Lecturer Kinuko Watanabe: Tokai University, Faculty of Law</p> <p>Project Researcher Hiroyuki Watanabe: Waseda University, Graduate School of Law Koichi Shirasaki: Trade Win Co., Ltd Masanobu Kato: Shinsei Patent Office Rei Kawazoe: Graduate Schools for Law and Politics Julien Mouret: Université Montesquieu Bordeaux 4 Tamitomo Saito: Graduate Schools for Law and Politics Koji Nishimoto: Graduate Schools for Law and Politics Tomoaki Iwakura: Tokyo Stock Exchange</p> <p>Project Assistant Hitomi Nagano: Graduate Schools for Law and Politics Ashiya Kuroda: Graduate Schools for Law and Politics</p>
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Public Regulation Section

The Study Group on Competition Law

The Study Group on Competition Law conducts multifaceted debates on the relationship between soft law and hard law in the area of economic law, with a special focus on competition law. Coordinated by Professor Tadashi Shiraishi, this Study Group is conducted with the participation of students of the Graduate School and external practitioners.

Softlaw taxation workshop

Even in tax law where written rules are dominant, soft law plays an important role. Professor Yoshihiro Masui coordinates graduate students to study soft law in the field of taxation.

Commercial Transaction Section

The Study Group on Market Transactions and Soft Law

The Study Group on Market Transactions and Soft Law researches soft law across a range of market transactions, including capital markets, commodities and international transactions, as well as new forms of commercial transactions such as electronic commerce. Further, when considering commercial transactions in regulated industries, it also becomes necessary to closely analyze the links with the field of public regulation. Centered around Professor Hideki Kanda, the Study Group consists of researchers and practitioners. The Study Group will report periodically on its activities in collecting material for the database on soft law in the area of commercial transactions, and then debate and analyze that material.

Intellectual Property Section

The Study Group on "Rights Businesses"

The Study Group on "Rights Businesses" conducts a probing analysis of both soft and hard law in relation to so-called "rights businesses" which have been rapidly increasing in importance in recent times, utilizing perspectives from intellectual property law, contract law, antimonopoly law, etc. The central figures are Professor Nobuhiro Nakayama and Professor Tetsuya Obuchi. Together with scholars from the University and other institutions, and practitioners with practical experience in "rights businesses", they aim to conduct integrated research on both theory and practice at the highest level in this field in Japan and also direct their efforts to joint international research and international publication of research results. Further, voluntary participation by graduate and undergraduate students of the Faculty of Law as observers means that the Study Group makes a strong contribution to the cultivation of young scholars and practitioners of the future.

The Study Group on Biotechnology and Legal Policy

The Study Group on Biotechnology and Legal Policy is convened jointly with the "Biotechnology, Bioethics and Legal Policy" Project, a Special Grant Program for Creation of New Academic Research Fields within this Graduate School. This Study Group undertakes comprehensive investigation of the state of legal protection for research results in the rapidly changing area of biotechnology, from the perspectives of biotechnology and intellectual property law, while taking full account of soft law norms. The Study Group, led by Professor Nobuhiro Nakayama, Professor Norio Higuchi, and Professor Tetsuya Obuchi, aims to bring together the best participants available in Japan in this field by conducting seminars at the highest level, from the perspectives of both theory and practice, with the involvement of researchers and practitioners (judges, attorneys, patent agents, representatives of the Patent Office, etc.). In terms of joint international research, international publication of research results and voluntary participation by students as observers, the same approach is taken as in the Study Group on "Rights Businesses".

The Study Group on Intellectual Property Law

The Study Group on Intellectual Property Law aims to conduct integrated research from theoretical and practical perspectives, including consideration of soft law, across the general field of intellectual property law which has taken on an indispensable importance in the current information society. The Study Group is coordinated by Professor Nobuhiro Nakayama and Professor Tetsuya Obuchi with the aim of gaining the participation of exemplary researchers and practitioners in the field of intellectual property law. The purpose is to conduct seminars at the highest level in this field, in the form of joint research of scholars across various disciplines, from this University and beyond, and practitioners (judges, attorneys, patent agents, representatives of government offices, etc.). In terms of joint international research, international publication of research results and voluntary participation by students as observers, the same approach is taken as in the Study Group on "Rights Businesses".

General Section

The Study Group on Theories of Soft Law

The Study Group on Theories of Soft Law is a joint study group of lawyers, economists and practitioners focusing on methodologies for analyzing and debating soft law.

Research Project on Art, Science and Entertainment Law (RASEL)

This Study Group focuses on the legal aspects of art, science and entertainment, especially in the context of soft law. Professor Minoru Nakazato organizes practitioners, graduate students and journalists. During August, 2004 and March, 2005, Professor Hidetaka Aizawa lead this project, when Professor Nakazato continued the project in Boston, Massachusetts where he stayed for his sabbatical.

Research Project in Boston on Art, Science and Entertainment Law

This study group was organized in Boston, Massachusetts during August, 2004 and March, 2005. Professor Minoru Nakazato organized several graduate students at Harvard Law School.

2 Activities

COE "Soft Law" Seminars Series

No	Date	Topic	Speaker
1	May 11, 2004	Global Law Reform: Institutions and Procedures	Lance Liebman, Professor, Columbia Law School
2	May 12, 2004	A Hard Look at Soft Law from an American Perspective	David Westfall, Professor, Harvard Law School
3	June 15, 2004	The Timing, Intensity, and Composition of Interest Group Lobbying: An Analysis of Structural Policy Windows in the States	John M. de Figueiredo, Associate Professor, MIT Sloan Management
4	June 23, 2004	Innovation in Bond Contracts	Gaurang Mitu Gulati, Professor, Georgetown University Law Center
5	August 12, 2004	Choice as Regulatory Reform: The Case of Japanese Corporate Governance	Curtis Milhaupt, Professor, Columbia Law School
6	December 13, 2004	Droit et éthique en matière biomédicale	Muriel Fabre-Magnan, Professeur, Université de Paris I
7	December 14, 2004	Du nouveau au self-service normatif : la responsabilité sociale des entreprises	Alain Supiot, Professeur, Université de Nantes
8	December 15, 2004	La réforme de l'assurance maladie en France	Jean-Pierre Chauchard, Professeur, Université de Nantes
9	December 22, 2004	Incoherent Empire: A Critique of the American Empire in terms of The Sources of Social Power	Michael Mann, Professor, University of California at Los Angeles
10	March 1, 2005	Legal Certainty over Securities - The UNIDROIT preliminary draft Convention and related European legislation	Dr. Philipp Paech, UNIDROIT



Symposium — "Soft Law and the State-Market Relationship"

No	Date	Topic	Speaker
1	March 12, 2004	Ethics, Social Norms and Law in the Current Age: Perspectives on the Future of Research on Soft Law	See, page 7 for detail
2	July 17, 2004 July 18	The Code of Medical Ethics: What It Means and How It Works Medical Information: Its Uses and Protection	See, page 8 for detail
3	December 4, 2004	Legal Ethics and Bioethics: A Comparison	See, page 9 for detail
4	March 14, 2005	The Move towards Soft Law: Case Studies in Business Law	See, page 9 for detail
5	July 1, 2005 July 2	Soft Law and Social Norms Soft Law and International Community	See, page 10 for detail

The First Symposium "Ethics, Social Norms and Law in the Current Age: Perspectives on the Future of Research on Soft Law"

Date: March 12 (Friday), 2004 13:30-16:30
Place: Auditorium-Academy Hills/Roppongi Forum

Chair: Nobuhiro Nakayama
(Professor, University of Tokyo, COE Program Project Leader/Intellectual Property Section Leader)

Greeting: Kazuo Sugeno
(Professor, Dean of the Graduate Schools for Law and Politics and of the Faculty of Law, University of Tokyo)

Part 1: Corporations and Ethics/Social Norms

"Social Norms in Business: Looking at Japan Business Federation's Charter of Corporate Behavior and OECD Guidelines for Multinational Enterprises"

Report: Hideki Kanda

(Professor, University of Tokyo: COE Program - Commercial Transaction Section Leader)

Comments: Yoshiaki Miyasako (Professor, University of Tokyo)

Motohiko Kato (The Ministry of Foreign Affairs)

Part 2: Ethics in the Medical Field and Social Norms

"Norms and Soft Law in the Medicine"

Report: Norio Higuchi (Professor, University of Tokyo)

Comment: Tatsuo Kuroyanagi (Attorney at Law, Kaneko Iwamatsu Law Firm)

Part 3: Theoretical Foundation of Research on Ethics and Social Norms

"The Law and Economics of Social Norms: Theoretical Perspectives"

Report: Tomotaka Fujita (Associate Professor, University of Tokyo)

Toshihiro Matsumura (Associate Professor, University of Tokyo)

Comment: Noriyuki Yanagawa (Associate Professor, University of Tokyo)

Conclusion: Minoru Nakazato (Professor, University of Tokyo, COE Program: Public Regulation Section Leader)

Co-sponsors: University of Tokyo Graduate Schools for Law and Politics- International Center for Comparative Law and Politics (No 15th Comparative Law and Politics Symposium)
University of Tokyo Graduate Schools for Law and Politics- Business Law Center
Grant-in-Aid for Creative Scientific Research



The Second Symposium
**First Day: "The Meaning of the Medical Ethics Code:
Comparisons between Japanese and American Medical Ethics Codes"**

Date: July 17 (Saturday), 2004, 13:00-17:00

Place: Large Meeting Room on 2nd Floor of University of Tokyo, Sanjo Kaikan

Part 1: "The Role of Professional Groups in Discipline for Medical Ethics: A Background of the Revision of Principles in Medical Ethics"

Yasuhiko Morioka (Japan Medical Association, Consultant)

Part 2: "Importance of Soft Law that Rules the Medical Field"

Ryuichi Ida (Professor, Kyoto University)

Part 3: "Medical and Law in the US; Function of Soft Law —Suggestion to the Japanese Society"

Robert B. Leflar (Professor, University of Arkansas)

Part 4: "Characteristics of Principal of Medical Ethics of American Medical Association; From Japanese Researchers' Point of View"

Yuko Tsuchiya (Research Assistant, University of Tokyo)

Tomoko Mise (Doctoral Candidate, University of Tokyo Graduate School)

Part 5: Comments from Reporters and Discussion

Part 6: Question & Answer Period

Chair: Keisuke Abe (Associate Professor, Seikei University Faculty of Law), and other contributors

Second Day:
"Protection and Utilization of Medical Information-Problems in Operation"

Part 1: "Protection and Utilization of Medical Information in the US: Problems and Actions in Clinical Cases"

Bette-Jane Crigger, PhD (Chief, Ethics Communication Service, National Center for Ethics in Health Care, Veterans' Health Administration)

Part 2: "From the Medical Information System Point of View: Problems in Protection and Utilization of Medical Information in Clinical Cases."

Shigekoto Kaihara (Professor Emeritus, University of Tokyo, Chairman of Directors, The Medical Information System Development Center)

Part 3: "Measurements Taken by the Administration with regard to Protection of Medical Information and its Open Issues."

Eiji Habu (Ministry of Health, Labour and Welfare)

Part 4: "A Lawyer's View of Protection and Utilization of Medical Information"

Tatsuo Kuroyanagi, Esq

Part 5: Comments from Reporters

Part 6: Question & Answer Period

Chair: Futoshi Iwata (Associate Professor, Sofia University), and other contributors

Sponsor: Grant-in-Aid for Creative Scientific Research

Co-sponsors: University of Tokyo, the 21st Century COE Program: "Soft Law and the State-Market Relationship"; University of Tokyo Graduate Schools for Law and Politics- Business Law Center

The Third Symposium "Legal Ethics and Bioethics"

Date: December 4 (Saturday), 2004 13:00-17:00

Place: Marubiru Hall

Chair: Makoto Ito (Professor, University of Tokyo Graduate Schools for Law and Politics)

Greeting: Hiroshi Takahashi (Dean, University of Tokyo Graduate Schools for Law and Politics and Faculty of Law)

Bioethics and Legal Ethics - Conflict of Interest Between Medical Issue and Law

Report: Rebecca Dresser (Professor, Washington University-Schools of Law)

Summary: Norio Higuchi (Professor, University of Tokyo Graduate Schools for Law and Politics)

Conflict of Interest between Legal and Medical Experts

Report: Peter Joy (Professor, Washington University-Schools of Law)

Summary: Norio Higuchi

Issues as Legal Ethics

Report: Shintaro Kato (The Legal Training and Research Institute Instructor, Judge)

Clinical Ethics and Ethics in Medical Research

Report: Yasuyoshi Ouchi (Professor, University of Tokyo Faculty of Medicine, Chairman of Ethics Committee of Faculty of Medicine)

Clinical Ethics and Legal Ethics-Toward a New Horizon of being Public

Report: Yasushi Kodama (Attorney at law and Medical Doctor)

A View on Legal Ethics and Bioethics-Independence and Mandatory, Relationship between Ethics and Law

Report: Shigeaki Tanaka (Professor, Kyoto University Graduate School of Law)

Discussion

Special Speech: Tatsuo Kuroyanagi (Attorney at Law)

Sponsor: Grant-in-Aid for Creative Scientific Research

Co-sponsors: University of Tokyo Graduate Schools for Law and Politics, Business Law Center

University of Tokyo Graduate Schools for Law and Politics, International Center for Comparative Law and Politics

University of Tokyo, the 21st Century COE Program: "Soft Law and the State-Market Relationship"

Cooperation: Yuhikaku, Ltd.

The Fourth Symposium "The Move towards Soft Law: Case Studies in Business Law"

Date: March 14 (Monday), 2005 13:00-17: 00

Place: Auditorium-Academy Hills/Roppongi Forum

Chair: Hideki Kanda (Professor, University of Tokyo, Graduate Schools for Law and Politics)

Part 1: Intellectual Property and Soft Law

"Soft-law on Intellectual Property: Use of image and name of antique, product, and animal, etc."

Report: Yasufumi Shiroyama (Associate Visiting Professor, University of Tokyo Graduate School of Law)

Comment: Tetsuya Obuchi (Professor, University of Tokyo Graduate Schools for Law and Politics)

Part 2: Commercial Transaction and Soft Law

"Soft Law in Securities Markets: Looking at Stock Repurchase"

Report: Atsushi Yano (Tokyo Stock Exchange; Project Researcher for The 21st Century COE Program)

Comment: Tomotaka Fujita (Professor, University of Tokyo Graduate Schools for Law and Politics)

Part 3: Public Regulation and Soft Law

"Analysis of a Unilateral Refusal to license by Konami"

Report: Naoki Okubo (Project Researcher for The 21st Century COE Program)

Comment: Tadashi Shiraishi (Professor, University of Tokyo Graduate Schools for Law and Politics)

Cooperation: University of Tokyo Graduate Schools for Law and Politics - International Center for Comparative Law and Politics

Shoji-Homu Ltd.



The Fifth Symposium

First Day: "Soft Law and Social Norms: Theory and Practice"

Date: July 1 (Friday), 2005 13:00-17:00
Place: Hall D5, Tokyo International Forum

Chair: Hideki Kanda (Professor, University of Tokyo)
Opening Remarks: Hideki Kanda

Soft Law in Domestic and International Settings

Speaker: Eric A. Posner (Professor, University of Chicago)

The Development of Trade Customs in International Sales

Speaker: Clayton P. Gillette (Professor, New York University)

The State of Debate over the Incorporation Strategy in Commercial Law

Speaker: Steven D. Walt (Professor, University of Virginia)

The Evolution of Social Norm: Economic Modeling

Speaker: Tomotaka Fujita (Professor, University of Tokyo)
Toshihiro Matsumura (Associate Professor, University of Tokyo)

Comments: Robert C. Ellickson (Professor, Yale University)

Closing Remarks: Hideki Kanda



Second Day: "Soft Law and International Community"

The Historical Contexts of Soft Law Discourse

Speaker: Tamitomo Saito (Project Researcher for The 21st Century COE Program)
Comment: Naoki Iwatsuki (Associate Professor, Rikkyo University)

Expansion of Soft Law to Corporate Social Responsibility in the EU?

Speaker: Hiroyuki Kansaku (Professor, University of Tokyo)
Comment: Hiroshi Noda (Professor, Hitotsubashi University)

Soft law in the International Business Law; International Trade Customs, Lex Mercatoria, Rules of Private Organizations and others

Speaker: Noboru Kashiwagi (Professor, Chuo Law School)
Comment: Souichirou Kozuka (Professor, Sophia Law School)

Cooperation: University of Tokyo Graduate Schools for Law and Politics- Business Law Center
University of Tokyo Graduate Schools for Law and Politics - International Center for Comparative Law and Politics
Shoji-Homu Ltd.

International Exchange

< Visitors from Overseas >

2003

September 25

Mark J. Ramseyer (Professor, Harvard Law School); Lecture: "The Myth of the Main Bank System in Japan," at the First Public Lecture of the COE.

2004

May 6

David Westfall (Professor, Harvard Law School); Lecture: "Collective Labor Relationships in American Law: A Japanese Perspective," at the Sixth Public lecture of the COE.

May 12

David Westfall (Professor, Harvard Law School); Lecture: "A Hard Look At Soft Law From an American Perspective," at the First COE Soft Law Seminar.

May 11

Lance Liebman (Professor, Columbia University Law School); Lecture: "Global Law Reform: Institutions and Procedures," at the Second COE Soft Law Seminar.

June 15

John M de Figueiredo (Professor, MIT Sloane School of Management); Lecture: "The Timing, Intensity, and Composition of Interest Group Lobbying: An Analysis of Structural Policy Windows in the States," at the Third COE Soft Law Seminar.

June 23

Gaurang Mitu Gulati (Professor, Georgetown University Law School); Lecture: "Innovation in Bond Contracts," at the Fourth COE Soft Law Seminar.

August 12

Curtis Milhaupt (Professor, Columbia University Law School); Lecture: "Choice as Regulatory Reform: The Case of Japanese Corporate Governance," at the Fifth COE Soft Law Seminar.

October 13

Rick Krever (Professor, Deakin University); Lecture: "Characterizing and Correctly Taxing Financial Assets and Liabilities," at the Fourth Softlaw taxation workshop.

November 10

Peter Meltz (Professor, Stockholm University); Lecture: "Advance Rulings and Administrative Guidelines: Soft Law Creation of Tax Norms in Sweden," at the Fifth Softlaw taxation workshop.

December 13

Muriel Fabre-Magnan (Professor, Université de Paris 1); Lecture: "Droit et éthique en matière biomédicale," at the Sixth COE Soft Law Seminar.

December 14

Alain Supiot (Professor, Université de Nantes); Lecture: "Du nouveau au self-service normatif: la responsabilité sociale des entreprises," at the Seventh COE Soft Law Seminar.

December 15

Jean-Pierre Chauchard (Professor, Université de Nantes); Lecture: "La réforme de l'assurance maladie en France," at the Eighth COE Soft Law Seminar.

December 22

Michael Mann (Professor, University of California at Los Angeles); Lecture: "Incoherent Empire: A Critique of the American Empire in terms of the Source of Social Power," at the Ninth COE Soft Law Seminar.

2005

January 13

Kent Anderson (Associate Professor, Australia National University/Visiting Associate Professor of Waseda University); Lecture: "The Limit of Soft Law Harmonization: Australia, Japan and Others' Experience with the UNCITRAL Model Law on Cross-Border Insolvency," at the Ninth Meeting of the Study Group on Theories of Soft Law.

January 6 through 29

Mattieu Forlodou (Université de Nantes, as a Foreign Researcher at the COE Program)

February 5 through March 3

Sara De Donatis (University of Bologna, as a Foreign Researcher at the COE Program)

March 1 to present

Julien Mouret (Université Montesquieu Bordeaux 4, as a Project Researcher at the COE Program)

March 1

Dr. Phillipp Paech (UNIDROIT Secretary to the Committee of Governmental Experts); Lecture: "Legal Certainty over Securities – The UNIDROIT Preliminary Draft Convention and Related European legislation," at the 10th COE Soft Law Seminar.

July 1

Eric A. Posner (Professor, University of Chicago); Lecture: "Soft Law in Domestic and International Settings," at the Fifth Symposium.

July 1

Clayton P. Gillette (Professor, New York University); Lecture: "The Development of Trade Customs in International Sales," at the Fifth Symposium.

July 1

Steven D. Walt (Professor, University of Virginia); Lecture: "The State of Debate over the Incorporation Strategy in Commercial Law," at the Fifth Symposium.

July 1

Robert C. Ellickson (Professor, Yale University); Comments at the Fifth Symposium.

July 21

Mark J. Ramseyer (Professor, Harvard Law School); Lecture: "Corporate Finance and Soft Law in Japan," at the Fifteenth Public Lecture of the COE.

< The Project Members' Overseas Research Activities >

2003

November

Tomotaka Fujita (Associate Professor, University of Tokyo)

London, UK: Participated in the Convention for the Unification of Carriage of Goods by Sea Act

2004

February

Yoshihiro Masui (Professor, University of Tokyo)

Austria/Vienna: Research meeting with members of International Fiscal Association

July

Masahiko Iwamura (Professor, University of Tokyo)

France: Visited Université Montesquieu Bordeaux 4

August

Takashi Araki (Professor, University of Tokyo)

Netherlands: Visited Leiden University

November

Hideki Kanda (Professor, University of Tokyo)

USA: Investigated and Studied the Theory and Actual of Soft Law at University of Chicago Law School

COE Soft Law Discussion Paper Series

This center distributes each research paper as a "Discussion Paper," written either by each project member or each researcher outside our university. The "Discussion Paper" is available in hardcopy form and for download from our web site (<http://www.j.u-tokyo.ac.jp/coelaw/outcome.html>)

No	Author	Title
COESOFTLAW 2004-1	Tomotaka Fujita, Toshihiro Matsumura	The Law and Economics of Social Norms: Theoretical Perspective
COESOFTLAW 2004-2	Yoshihiro Masui	Taxation of Partnership and Trust in Japan: the Role of Circulars Issued by the National Tax Agency
COESOFTLAW 2004-3	Shuta Kobayashi	A Direction of Legislation for Tax on Trust from the Observation of Official Notice of Tax on Trust of Real Estate
COESOFTLAW 2004-4	Aiko Yamanaka	Study of Tax on the New Type of Corporation — an LLC-type hybrid entity —
COESOFTLAW 2004-5	Takenobu Yoshitani	Study of Tax on the Limited Liability Partnership of Investment Business
COESOFTLAW 2004-6	Yusuke Takamiya	Disclosed Union and Tax — Approach from the Characteristics of a Contract
COESOFTLAW 2004-7	Hatsuru Morita	An Empirical Research on Commercial Transactions of Sake Industry in Miyagi Prefecture
COESOFTLAW 2004-8	Hiroyasu Ishikawa	A Trend of Interdisciplinary Studies on Trust
COESOFTLAW 2004-9	Takashi Araki	Workers' Personal Information and Privacy Protection and Japan's Employment System
COESOFTLAW 2004-10	Hiroshi Noda	Law and Social Norms in Corporate Governance
COESOFTLAW-2004-11	Takashi Araki	Function of the duty to endeavor clauses in Japanese labor legislation: Soft law in the Japanese style?
COESOFTLAW-2004-12	Norio Higuchi	Norms and Soft Law in Medicine
COESOFTLAW-2004-13	Hiroyuki Kansaku	Expansion of Soft Law to Corporate Social Responsibility in the EU?
COESOFTLAW-2004-14	Curtis Milhaupt	Choice as Regulatory Reform: The Case of Japanese Corporate Governance
COESOFTLAW-2004-15	Hideki Kanda	Social Norms in Business: Looking at Japan Business Federation's Charter of Corporate Behavior and OECD Guidelines for Multinational Enterprises
COESOFTLAW-2004-16	Minoru Nakazato	A Memo on the Concept of Social Norms
COESOFTLAW-2004-17	Seiichi Ochiai	Transactions between Merchants: Business Customs and the Interpretation of Contracts
COESOFTLAW-2004-18	Tomonobu Yamashita	Proposal for CMI Guideline regarding Marine Insurance- Process of Failure of Soft Law Formation regarding Marine Insurance
COESOFTLAW-2004-19	Rei Kawazoe	Historical Analysis of Theoretical Research for Soft Law in International Law
COESOFTLAW-2005-1	Yoshihiro Masui	Japan's New Advance Ruling System in the Area of Taxation
COESOFTLAW-2005-2	Yoshihiko Kimura	A Study of the Liberalization of Voting Structure in Public Companies — Present day Significance of Approach on Corporate Governance by Stock Exchange —
COESOFTLAW-2005-3	Aiko Yamanaka	The Prior Consultation System set by the Japan Fair Trade Commission — Study from the point of Soft Law Formation —
COESOFTLAW-2005-4	Hiroyuki Seshimo	Asymmetric Information and Self Regulation
COESOFTLAW-2005-5	Minoru Nakazato	An Optimal Tax That Destroyed the Government: An Economic Analysis of the Decline of Tang Dynasty
COESOFTLAW-2005-6	Tomotaka Fujita, Toshihiro Matsumura	The Evolution of Social Norm: Economic Modeling
COESOFTLAW-2005-7	Tamitomo Saito	The Historical Contexts of Soft Law Discourse

Soft Law Journal

In January 2005, our first journal was issued in order to report the results of the research at the Center of the project as a research paper, and to demonstrate our achievements for the next generation of researchers. We will issue three journals annually.

No.1 2005 CONTENTS

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Nobuhiro NAKAYAMA

<Symposium>

Ethics, Social Norms and Law in the Current Age: Perspectives on the Future of Research on Soft Law

Nobuhiro NAKAYAMA

Introduction

"Social Norms in Business: Looking at Japan Business Federation's Charter of Corporate Behavior and OECD Guidelines for Multinational Enterprises"

Hideki KANDA

"Norms and Soft Law in Medicine"

Norio HIGUCHI

"The Law and Economics of Social Norms: Theoretical Perspectives"

Tomotaka FUJITA and Toshihiro MATSUMURA

<Articles>

"Law and Social Norms in Corporate Governance"

Hiroshi NODA

<Note>

"A Memo on the Concept of Social Norms"

Minoru NAKAZATO

<Book Review>

"Social Norms and Rationality: A Perspective from Law and Economics" by Takashi IIDA

Hiroyuki SESHIMO

No.2 2005 CONTENTS

<Articles>

"A trend of Interdisciplinary Studies on Trust"

Hiroyasu ISHIKAWA

"A Study of the Liberalization of Voting Structure in Public Companies

— Present day Significance of Approach on Corporate Governance by Stock Exchange —"

Yoshihiko KIMURA

<Lecture>

"Expansion of Soft Law to Corporate Social Responsibility in the EU?"

Hiroyuki KANSAKU

<Note>

"An Economic Perspective on the Secondary Rules of Soft Law"

Kazuaki KAGAMI

No.3 2005
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<Symposium>

The Move towards Soft Law: Case Studies in Business Law

Introduction Hideki KANDA

"Soft-law on Intellectual Property: Use of image and name of antique, product, and animal, etc."
Yasufumi SHIROYAMA

"Comments on "Soft-law on Intellectual Property: Use of image and name of antique, product, and animal, etc.""
Tetsuya OBUCHI

"Soft Law in Securities Markets: Looking at Stock Repurchase" Atsushi YANO

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