

(6) The Significance and Problems of the New Fisheries Agreement between Japan and the Republic of Korea, by Kiminobu Fukamachi (Assistant Professor, Kanto Gakuen University)

(7) The Southern Bluefin Tuna Cases: Issues Concerning the Order of Provisional Measures, by Nobukatsu Kanehara (Director, Legal Affairs Division, Treaties Bureau, Ministry of Foreign Affairs)

(8) The Southern Bluefin Tuna Cases: Conflict between the Concept of Conservation and the Obligation to Cooperate, by Shigeki Sakamoto (Professor, Kansai University)

(9) The Principle of Non-Recognition in International Law, by Eiichi Usuki (Assistant Professor, Daito Bunka University)

(10) Legitimacy of the Antarctic Treaty Consultative Meeting as an International Law-Making Forum, by Akiho Shibata (Assistant Professor, Okayama University)

MORITAKA HAYASHI  
HIROYUKI BANZAI (EDS.)

## 11. Comparative Law

1998

A. *The Japan Society of Comparative Law* held its 61th General Meeting at Doshisha University on June 6 and 7, 1998.

The First Day

### 1. Anglo-American Law Section

(1) The Origin of Two American Copyright Theories: A Case of the Reception of English Law, by Hideaki Shirata (Japan Society for the Promotion of Science).

(2) British Law Under the Influence of EU Law: A Study on British Labour Law, by Aiko Ieda (Nagoya University).

(3) A Diversion Program in the U.S.A.: Teen Court and the Pos-

sibility of its Introduction in Japan, by Miyuki Arimoto (Kwansei Gakuin University).

## 2. Continental Law Section

(1) *Des règles procédurales dirigeant la pluralité des partiers à l'instance en France*, by Yukari Yasumi (Lecturer, Aoyama Gakuin University).

(2) *Die Behandlungen des Absonderungsgläubigers im Insolvenzrecht: Der Kreditrahmen gem. §264 InsO als Finanzierungsinstrument des Sanierungsplans*, by Takahiro Suzuki (National Tax College).

(3) *Die Maßnahme zu der Vorfrage, ob wirksam oder nichtig ein Patent ist, auf das die Patentverletzungsklage gestützt wird: Ein Vergleich des japanische Rechts mit dem deutschen und österreichischen Recht*, by Shinji Watanabe (Keio University).

## 3. Reports related to Symposium on The Second Day

(1) Legal Cultures in Russian Law, by Taiichiro Ohe (Professor, Shizuoka University).

(2) Legal Cultures in Iberoamerica, by Akio Sato (Professor, Niigata University).

(3) Scots Law as a Mixed Law, by Akira Saito (Associate Professor, Kansai University).

## 4. Joint Section of Anglo-American Law and Continental Law

Mini-Symposium: *Der Erfüllungsanspruch als Wirkung des Schuldverhältnisses* (The Specific performance as a effect of obligation)

(1) *Einleitung*, by Toshio Tsubaki (Professor, Meiji University).

(2) *Situation in dem deutschsprechenden Rechtskreise*, by Toshio Tsubaki (Professor, Meiji University).

(3) *Droit de derander en exécution: Droit français*, by Toyohiro Nomura (Professor, Gakushuin University).

(4) Specific Performance in Common Law Countries, by Ikufumi Niimi (Professor, Meiji University).

## 5. Socialist Law Section

Mini Symposium: New Criminal Code in Transition

(1) Russia, by Tatsuhiko Ueno (Professor, Mie University).

(2) China, by Hikota Koguchi (Professor, Waseda University).

(3) Poland, by Akio Komorida (Professor, Tokyo University).

### The Second Day

#### Symposium: Legal Cultures in the World: Focussing on Legal Conceptions

(1) Comparative Legal Cultures: A Western Legal Culture and Non-Western Legal Cultures Areas, by Tsuyoshi Kinoshita (Professor, Chuo University).

(2) The Significance of Compensation in Melanesian Legal Culture, by Taro Kitakamae (Professor, Obihiro University).

(3) The World of Indian Legal Culture, by Masaji Chiba (Professor, Tokyo Metropolitan University).

(4) Legal Culture in the Northeast Asia, by Ken Suzuki (Associate Professor, Hokkaido University).

(5) The Conception of Law from an Islamic Perspective, by Yoshiaki Sanada (Professor, Chuo University).

(6) Western Legal Cultures, by Kiyoshi Igarashi (Professor, Sapporo University).

(7) Summary, by Tadashi Takizawa (Professor, Sophia University).

**B.** *The Japanese American Society for Legal Studies* held its 35th General Meeting at Kyoto University on September 26 and 27, 1998.

### The First Day

#### Symposium: American Civil Procedure

(1) Concept of Procedure in American Law, by Yasuhei Taniguchi (Professor, Teikyo University) and Stephan D. Sugarman (Professor, University of California, Berkeley).

(2) Comparative Study of Differences in Japanese and American Legal Remedy and Sanction, by Tadashi Ishikawa (Attorney) and Matthew E. Digby (Attorney).

(3) American Bankruptcy Proceeding: The Good, the Bad and the Ugly of Frictional Structure DIP (Debtor in Possession) vs. Board of Creditors, by Kenji Nakajima (Attorney), Hideyuki Sakai (Attorney) and Rey H. Stroube, III (Attorney).

(4) Recent Japan-U.S. Actions of Anti-Trust: Extraterritoriality of Anti-Trust Law, by Makoto Matsuo (Attorney) and Adam C. Hemlock (Attorney).

### The Second Day

Symposium: The Increasing Punitiveness in American Society: Focusing on the Death Penalty and White Collar Crime.

(1) The Rise of Punitiveness in American Criminal Law, by Sara Sun Beale (Professor, Duke University).

(2) Increased Punitiveness in White Collar Crime, by Hitoshi Saeki (Professor, Tokyo University).

(3) Many Death Sentences, But Few Executions: The Law and Politics of Capital Punishment in America, by Joseph L. Hoffmann (Professor, Indiana University).

(4) The Increasing Punitiveness in the U.S. and the Death Penalty: Juries and Judges: A Comment, Futoshi Iwata (Japan Society for the Promotion of Science).

C. *La Société Franco-japonaise de Science juridique* held its 38th General Meeting at Tokyo University on March 20, 1998.

(1) *Les contrats concurrants sur le même immeuble*, by Mika Yokoyama (Associate Professor, Osaka City University).

(2) *Le droit communautaire et la responsabilité de l'Etat*, by Youichi Ito (Associate Professor, Tokyo University).

### D. *Japanisch-Deutsche Gesellschaft für Rechtswissenschaft*

(Activities of *Japanisch-Deutsche Gesellschaft für Rechtswissenschaft* will be placed in the next issue.)

E. *The European Union Studies Association-Japan* held its 19th Annual Conference at Seikei University on November 7 and 8, 1998.

Unified Theme: The European Monetary Integration

### The First Day

(1) The Institutional and External Aspects of the Economic and Monetary Union (EMU), by Katsuhiro Shoji (Associate Professor, Yokohama National University).

(2) Outline of the 4th ECSA-World Conference — Introduction: The Economic Aspects, by Shigeyasu Osabe (Professor, Hosei University); The Political and Institutional Aspects, by Tamio Nakamura

(Associate Professor, Seikei University); The International Aspects, by Sokou Tanaka (Professor, Tohoku University).

(3) The Political Economy of EMU, by Loukas Tsoukalis (Professor, University of Athens).

### The Second Day

(1) Single Monetary Policy through Euro by the ESCB (the European System of Central Banks), by Kenji Iwata (Associate Professor, Fukuoka University).

(2) The Single Currency and the Possible Convergence of Prices, by Takuji Shimano (Professor, Gakushuin University).

(3) Implications of Economic and Monetary Union to the Global Economy, by Sahoko Kaji (Associate Professor, Keio University).

(4) The Conditional Transformation and the Structure of Disparity in the European Monetary Integration, by Joonho Kim (Lecturer, Tokyo International University).

## 1999

A. *The Japan Society of Comparative Law* held its 62th General Meeting at Chuo University on June 5 and 6, 1999.

### The First Day

#### 1. Anglo-American Law Section

(1) Broadcasting policy and freedom of speech theory in America, by Hidetomo Sasaki (Assistant, Meiji University).

(2) Accounting Liability for Compilation and Review Engagements for Small Corporations, by Tomonori Akisaka (Associate Professor, Sano International Information Junior College).

#### Mini-Symposium: the Constitutional Change Today in Britain

(1) Introduction: Blair's Project in the "Historical" Context, by Akihiro Okada (Associate Professor, Kobe University).

(2) Reforms of the Monarchy, the House of Lords and the House of Commons, by Katsuyoshi Uemura (Associate Professor, Kokugakuin University).

(3) Protecting Civil Liberties: The Traditional English Approach

to Civil Liberties and the Human Rights Act 1998, by Takashi Kuramochi (Professor, Nagoya Economics University).

(4) Judicial Reform and Legal Profession in England and Wales, by Michiatsu Kaino (Professor, Nagoya University).

(5) Devolution and Modernising Local Government, by Hidenori Sakakibara (Professor, Nagoya Economics University).

## 2. Continental Law Section

(1) *Betrieb des Zivilprozesses und Vereinbarungen der Parteien: Eine rechtsvergleichende und geschichtliche Skizze*, by Naohiro Yoshida (Kwansei Gakuin University).

(2) *Der Vergleich über das Mahnverfahren in Japan und Deutschland*, by Kazuhiko Koike (Professor, Rissho University).

(3) *5 ans des lois bioéthiques: au regard de la procréation médicalement assistée*, by Atsushi Motoyama (Lecturer, Aichi University).

(4) Judicial Review in Brazil : from the Aspects of Comparative Law, by Miyuki Sato (Tokyo University).

(5) Swedish personal Data Protection Act, by Shohachiro Hishiki (Professor, Senshu University).

## 3. Socialist Law Section

(1) The Problems of Civil Procedure Law in Socialist Countries, by Masayoshi Kawa (Lecturer, Seiwa University).

(2) Redress of citizens' grievances against maladministration in Russia, by Tetsuo Seki (Professor, Nihon University).

## Mini-Symposium: Parliament in the Course of Systemic Change

(1) China, by Masamichi Konoma (Professor, Meiji University).

(2) Russia, by Shigeru Kodama (Professor, Mie University).

(3) Hungary, by Hiromichi Hayakawa (Professor, Waseda University).

## The Second Day

Symposium: Electronic transaction and law in the era of globalization:  
The impact of the scientific development on law

(1) Introduction, by Toyohiro Nomura (Professor, Gakushuin University).

(2) Electronic Commerce and Contractual Theory, by Shinzaburo Nagata (Professor, Kansai University).

(3) Security Systems for Electronic Commerce: A focus on Authentication System with Electronic Signature, by Yukio Ohno (Professor, Niigata University).

(4) Consumer Protection in Electronic Transaction, by Tsuneo Matsumoto (Professor, Hitotsubashi University).

(5) Personal Data Protection in Electronic Commerce, by Masao Horibe (Professor, Chuo University).

(6) International Tendency and Japanese Legal Attitude Towards Electronic Commerce, by Kazuo Yoshida (Lecturer, Seiwa University).

**B.** *The Japanese American Society for Legal Studies* held its 36th General Meeting at Tokyo University on September 25 and 26, 1999.

#### The First Day

(1) Case Study: *Matthew Bender & Company, Inc. v. West Publishing Co.*, 158F. 3d 693 (2nd Cir. 1998), by Masami Ashidate (Assistant, Tohoku University).

(2) The Electronic Database of Printed Matters and Copyright, by Masato Umetani (Fuji Xerox Co., Ltd.).

(3) Meanings of Legal Controls by FCC (Federal Communication Committee) in Cyberspace Development, by Ryuta Hirashima (Associate Professor, University of Tsukuba).

#### The Second Day

##### Symposium: The Impact of Internet on the U.S. Law

(1) Internet Law and Policy: A U.S. Perspective, by Pamela Samuelson (Professor, University of California, Berkeley).

(2) Copyright Takeover: The Expansion of Contract under UCITA, by Hiroo Sono (Associate Professor, Kyushu University).

(3) Significance of Internet Access Control Regulations in the Context of Law of Torts, by Hideaki Serizawa (Professor, Tohoku University).

(4) The Third Wave of the Copyright Law, by Yoshiyuki Tamura (Professor, Hokkaido University).

(5) Competition Law on Internet Monopolies, by Tadashi Shiraishi (Associate Professor, Tokyo University).

C. *La Société Franco-japonaise de Science juridique* held its 39th General Meeting at Tokyo University on March 20, 1999.

(1) *Société française et le principe d'égalité: Sur le projet de la loi constitutionnelle concernant l'égalité des sexes*, by Yasue Nukatsuka (Lecturer, Kanto Gakuin University).

(2) *La diversité de la notion de contrat-cadre*, by Hiroyasu Nakata (Professor, Hitotsubashi University).

(3) *Le contrat-cadre et le contrats d'application: une nouvelle essor de la theorie des groupes de contrats*, by Masamichi Nozawa (Associate Professor, Rikkyo University).

**D. *Japanisch-Deutsche Gesellschaft für Rechtswissenschaft***

(Activities of *Japanisch-Deutsche Gesellschaft für Rechtswissenschaft* will be placed in the next issue.)

E. *The European Union Studies Association-Japan* held its 20th Annual Conference at Keio University on November 6 and 7, 1999.

Unified Theme: EU toward 21th Century

**The First Day**

(1) EC Banana Dispute and the GATT/WTO, by Norio Komuro (Professor, Kobe University).

(2) EU-US Politico-Economic Relations: In Need of Transformation?, by Margarete Sawada (Professor, Tokyo Junshin Women's College).

(3) Who Implements Integration?: An institutional analysis of comitology, by Machiko Hachiya (Lecturer, Kyushu University).

(4) Security, trade and regionalism: Implications for EU-US-Asia relations, by Emil J. Kirchner (Professor, University of Essex).

(5) The Contribution of Universities and Academics to the European Integration Process, by Jacqueline Lastenouse (Chief of Information for Universities of the European Commission).

(6) The Role of Business in European Integration, by Ove Juul Joergensen (Head of Delegation of the European Commission in Japan).



## The Second Day

(1) The Euro Politics of the *Deutsche Bundesbank*: Developments and Perspectives, by Shozo Iwami (Professor, Nara Sangyo University).

(2) Market Principles and the Legitimacy of State Intervention in Economic Activities: The Enforcement of EU Competition Law on Public Services, by Hiroko Yamane (Professor, Ritsumeikan University).

(3) The Militarization of the European Union and US-Europe Relations, by Takako Ueta (Professor, International Christian University).

(4) The EC/EU's Policy towards Central and Eastern Europe: Past, Present and Future, by Atsuko Higashino (Keio University).

(5) The CAP Reform: The Agenda 2000 Agreement, by Kimiko Isono (Associate Professor, Osaka Kun'ei Women's College).

**MICHITARO URAKAWA  
YASUHIRO AKIYAMA (EDS.)**