

EDITORIAL

This issue of the Journal of Japanese Law is dedicated to *Matthias K. Scheer* on the occasion of his 65th birthday on 18 November 2010. In addition to offering him their heartfelt congratulations, the editors would like to express their deep gratitude for the editorial support Matthias Scheer has granted the Journal for many years. He was a founding member of the German-Japanese Lawyers Association (DJJV) in 1988 and, as the association's long-term general secretary, has contributed greatly to its growth and development. Since 1996 he has also been a most valuable advisor and co-worker for the J.Japan.L. We hope to continue this successful cooperation for many years!

Two contributions in this issue deal with the new draft legislation on jurisdiction in international matters that the Japanese Ministry of Justice submitted to parliament on 2 March 2010. The draft is aimed at complementing the rules on international civil procedure in the Code of Civil Procedure and the Civil Provisional Remedies Act. In the ARTICLES section, *Aurelio Lopez-Tarruella Martinez* analyzes the draft's rules on jurisdiction in IP disputes and compares them to the rules in the new draft for European Regulation 44/2001 as well as four recently published academic proposals. In the DOCUMENTATION section, *Toshiyuki Kono* presents some of the characteristic features of the draft and reflects on its genesis. His contribution is complemented by an English translation of the draft as well as a synopsis with two earlier drafts of 2008 and 2009.

In the ARTICLES section, the French analysis by *Masahiko Iwamura* draws a rather alarming picture of Japan's "new poor," a phenomenon he interprets as the result of the continuing economic crisis and the transformation of the labor market in the course of the 1990s' deregulation policy. *Meiko Dillmann* looks at recent Supreme Court cases concerning a university's obligation to repay prepaid tuition fees if a student later opts to study elsewhere. These cases not only have a significant impact on Japanese society, but also offer valuable insights into the future application of the Consumer Contracts Act in general. In the following article, *Bruce E. Aronson* examines possible consequences of Toyota's recent product safety troubles for the discussion on corporate governance in Japanese companies. *Hiroyuki Watanabe* reports on plans to reform Japanese takeover guidelines and the possible role European law might play in this regard. The frequent use of injunctions in Japan is considered by *Koki Arai*, who undertakes to explain these findings by using a behavioral economics approach. In the last article of this issue, *Dimitri Vanoverbeke* returns to the new lay-judge system in criminal proceedings, which continues to stir lively debates in Japan.

In addition to the aforementioned contribution by *Kono*, this issue's DOCUMENTATION section offers an English translation of the Close-out Netting Act with an introduction

by *Stacey Steele*. In this issue's LECTURES, *Makoto Ida* reflects on the troubling phenomenon of crimes committed by elderly people in Japan. *Kunihiro Nakata* looks into the European influence on Japanese consumer contract law.

In SHORT ARTICLES & COMMENTS, the reader will find an appraisal of Japan's new law school system by *Gerald McAlinn*. While recognizing shortcomings of the system, he argues in favor of appreciating the benefits of the new system as well. Furthermore, *Köksal Sahin* shares his first-hand observations during the first lay-judge tribunal held in Japan after the Second World War. In the CASE LAW section, *Christopher Heath* contributes a translation of the decision by the IP High Court in a recent trademark case.

As usual, this issue is complemented by various REVIEWS and REPORTS. *Luke Nottage* reviews a volume on legal education in Asia edited by S. Steele and K. Taylor in memory of Malcolm D.H. Smith. *Harald Baum* announces the new edition of Bernd Götze's German-Japanese legal dictionary. *Gabriele Koziol* and *Meiko Dillmann* give a joint account of their research activities in Kyoto, while *Annika Sunderdiek* reports on the first German summer school on Japanese law, which took place at Goethe University in Frankfurt in August. The results of two symposia, one co-organized by the German-Japanese Lawyers Association (DJJV) in Frankfurt and the other staged in Augsburg, are summarized by *Eva Schwittek* and *Kai Dräger*, respectively.

Finally, we are glad to announce that *Béatrice Jaluzot*, Institut d'Asie Orientale, Lyon, and *Dan W. Putschniak*, National University of Singapore, have joined the Editorial Board of the J.Japan.L. We are certain that our journal will greatly benefit from the expertise of these well-respected experts on Japanese law.

Hamburg / Frankfurt am Main, December 2010

Harald Baum

Moritz Bälz