

国際商取引学会年報 第19号 目次

ご挨拶.....高杉 直

<報告論文>

1	Japanese Investor-State Dispute Settlement in a Post-TPP Asia	Daniel Allen	1
2	米国における建設ADR—より良い国際建設紛争解決への示唆—.....	小倉 隆	8
	コメント	澤井 啓	25
3	中国における不動産投資信託（REIT）の実務進展及び法的問題 —日本法やアメリカ法との比較—.....	段 磊	28
	コメント.....	梶田幸雄	44
4	外国送金受付時の本人確認手続き再編提言.....	花木正孝	47
	コメント.....	渡邊隆彦	58
5	外国判決の承認・執行に関する中国の現状と改革の動向.....	馮 茜	61
	コメント.....	高杉 直	75
6	米国における反トラスト法をめぐる抵触法上の問題.....	西岡和晃	77
	コメント.....	多田 望	89
7	超国家法的仲裁への希求—フランスにおける仲裁合意の 人的範囲の拡張事例を契機として—.....	越智幹仁	91
	コメント.....	中村達也	105
8	債権法改正中間試案における外貨債権の取扱い.....	平野英則	107
	コメント.....	田澤元章	115

＜報告シラバス＞

9 拡大するessDOCSの電子貿易取引と、電子海上運送状活用の提言……………	檜垣拓也	118
10 北極海航路の現状……………	合田浩之	132

＜全国大会シンポジウム＞

11 【全体概要】アジアにおける国際ビジネスと法……………	高杉 直	140
12 東南アジアにおける投資法制……………	阿部道明	142
13 アジアにおける国際建設契約紛争の予防と解決……………	大本俊彦	149
14 中国におけるビジネス紛争解決法……………	梶田幸雄	154
15 中国における商業賄賂を中心に……………	村上幸隆	161

＜東部部会報告シラバス（2015年度・2016年度）＞

16 TPPと農地法……………	金光寛之	167
17 イギリス法におけるシンジケート・ローン ～アレンジャー責任を中心に～……………	鬼頭俊泰	174

＜東部部会ミニシンポジウム＞

18 国際取引と国際課税～ BEPS（税源浸食と利益移転）プロジェクト 最終報告書を巡る議論～……………	齋藤憲道	182
19 国際税務における租税回避防止規定の進展……………	矢内一好	188

＜西部部会シンポジウム＞

20 西部部会全体概要……………	齋藤 彰	197
------------------	------	-----

＜学会関係記録等＞

2016年 全国大会・西部部会・東部部会プログラム……………	199
AIBT主催第10回模擬仲裁日本大会プログラム……………	204
役員名簿……………	206
学会会則・審査要領・執筆要領等について……………	207
編集後記……………	208

TABLE OF CONTENTS

Introduction Naoshi TAKASUGI

<ARTICLES>

1	Japanese Investor-State Dispute Settlement in a Post-TPP Asia Background..... Daniel Allen	1
	(Associate, Freshfields Bruckhaus Deringer)	
	(Current: Senior Associate, Freshfields Bruckhaus Deringer)	
2	Construction ADR in United States – Suggestion for a better approach to resolve International Construction Disputes Takashi OGURA	8
	(Manager, Attorney at Law (New York), Contracts Section Risk Management Department, International Operations Headquarters, Taisei Corporation)	
	(Current: Manager, Attorney at Law (New York) Legal Section-International, Legal Department)	
	Comment..... Akira SAWAI	25
	(Visiting professor, OSAKA University of Economics)	
3	The Practices and Legal Issues of REITs in China –Compare with J-REITs and US-REITs– DUAN Lei	28
	(Assistant Professor, Faculty of Commerce, Nagoya University of Commerce & Business)	
	Comment..... Yukio KAJITA	44
	(Professor, The College of Foreign Studies, REITAKU University)	
4	A proposal for Amend of Regulations to verify Customer’s Identification at the time of Foreign Remittance Transactions Masataka HANAKI	47
	(Associate Professor, Faculty of Business Administration, Kinki University)	
	Comment..... Takahiko WATANABE	58
	(Associate Professor, Faculty of Commerce, Senshu University)	
5	Recognition and Enforcement of Foreign Judgment in China –Current Status and Recent Arguments for Improvements– FENG Xi	61
	(Ph.D. Student, Graduate School of Law and Politics, Osaka University)	
	(Current: Assistant Professor, Graduate School of Law and Politics, Osaka University)	
	Comment..... Naoshi TAKASUGI	75
	(Professor, Doshisha University Faculty of Law)	
6	Some Conflict-of-Laws Issues in the Area of Antitrust Law in the U.S... Kazuaki NISHIOKA	77
	(Ph.D. Candidate, Graduate School of Law, Doshisha University)	
	(Current: Research Associate, Doshisha University, Organisation for Research Initiatives and Development/Faculty of Law)	
	Comment..... Nozomi TADA	89
	(Professor, Department of Law, Seinan Gakuin University)	
7	Towards Transnational Regime of International Commercial Arbitration – Extension racione personae of the arbitration clause – Mikihito OCHI	91
	(Ph.D. Candidate, Graduate School of Law, Kobe University)	
	(Current: DC Research Fellow, Japan Society for the Promotion of Science)	

Comment.....	Tatsuya NAKAMURA	105
	(Professor, Faculty of Law, Kokushikan University)	
8 Deal with Foreign Currency Obligations in Interim Draft of Revision for Law of Obligations	Hidenori HIRANO	107
	(The Seibu Shinkin Bank, International Department, Deputy General Manager)	
Comment.....	Motoaki TAZAWA	115
	(Professor, Faculty of Law, Meiji Gakuin University)	

<SYLLABUSES>

9 Spreading the electronic trade transaction of “essDOCS” and the proposal about an utilization of electronic SeaWaybill	Takuya HIGAKI	118
	(Assistant manager, MU Business Service Co.,Ltd)	
10 The present situation of the commercial arctic shipping	Hiroyuki GODA	132
	(Manager, Government and Industrial Affairs Group, Nippon Yusen Kabushiki-Kaisha Limited)	

<SYMPOSIUM IN NATIONAL CONFERENCE>

11 Symposium: International Business in Asia and Law	Naoshi TAKASIGU	140
	(Professor, Faculty of Law, Doshisha University)	
12 Investment related Legal System in South East Asia	Michiaki ABE	142
	(Professor, Law School, Chuo University)	
13 Avoidance and Resolution of the Disputes of the International Construction Contracts	Toshihiko OMOTO	149
	(FIDIC President's List of Adjudicators, Adjunct Professor of Kyoto University)	
14 Business dispute resolution in China	Yukio KAJITA	154
	(Professor, The College of Foreign Studies, REITAKU University)	
15 Commercial bribe in China	Yukitaka MURAKAMI	161
	(Professor, Lawyer, Kansai University)	

<SYLLABUSES OF EASTER REGION CONFERENCE >

16 TPP and agricultural land law	Hiroyuki KANEMITSU	167
	(Professor, Department of Regional Policy, Takasaki City University of Economics)	
17 A Study of Syndicated Loans in UK Law -The Legal Responsibility of the Arranger in the Syndicated Loan-	Toshiyasu KITO	174
	(Associate professor, College of Commerce, Nihon University)	

<SYMPOSIUM IN EASTER REGION CONFERENCE>

18 Eastern Committee: Mini Symposium	Norimichi SAITO	182
“International Transactions and International Taxation; Discussions over the OECD’s Base Erosion and Profit Shifting (BEPS) Final Report”		
	(Supervisor, Education of Business Law, Doshisha University Faculty of Law)	

19	The Evolution of Anti-Tax Avoidance Measures in International Taxation	Kazuyoshi YANAI	188
		(Professor, Faculty of Commerce, Chuo University)	

<SYMPOSIUM IN WESTERN REGION CONFERENCE>

20	Summary of Symposium	Akira SAITO	197
		(Professor, Kobe University School of Law)	

<MISCELLANEOUS> _____

PROGRAM of WESTERN REGION CONFERENCE/ EASTERN REGION CONFERENCE/
NATIONAL CONFERENCE in 2016

The 10th Simulation Arbitration Tournament Program organized by AIBT

Members of the Executive Board

etc.

Editor's Note