

国際商取引学会年報 第17号 目次

< 論 文 >

(1) 報告論文

- | | |
|---|----|
| 1 「国際投資仲裁判断の中国における執行手続上の課題」……………梶田幸雄 | 1 |
| コメント……………中野俊一郎 | 12 |
| 2 「ISBP745の誕生とICCの苦悩」……………水口久仁彦 | 15 |
| コメント……………平野英則 | 30 |
| 3 「最近の事例からみた『域外適用』論の再検証—経済制裁を中心に—」……………久保田隆 | 33 |
| コメント……………田中誠一 | 48 |
| 4 「標準規格必須特許のFRAND宣言の法的効果について—近時の日中裁判例を素材に—」……………陳思勤 | 51 |
| コメント……………牧野和夫 | 63 |

(2) 投稿論文

- | | |
|--|----|
| 5 “Development of an Investment Dispute Settlement System in Vietnam: Claims Against State Agencies”……………IWASE Maomi | 64 |
|--|----|

< 報告要旨 >

- | | |
|--|----|
| 6 「グローバルなインターネットサービス提供における個人情報保護法対応の実務上の課題—欧州個人情報保護対応を中心として—」……………金子啓子 | 78 |
|--|----|

< 解 説 >

- | | |
|--------------------------------|----|
| 7 「JCAA改正商事仲裁規則のポイント」……………小川新志 | 82 |
|--------------------------------|----|

< 西部部会ミニシンポジウム >

- | | |
|---|-----|
| 8 シンポジウム「中国における国際商事仲裁の最新動向」の概要……………梶田幸雄 | 99 |
| (1) 「中国における国際商事仲裁判断に対する司法審査」……………梶田幸雄 | 102 |
| (2) 「最近のCIETAC（上海）における仲裁事例」……………加藤文人 | 110 |
| (3) 「中国における仲裁機関の動向」……………柴裕紅 | 117 |
| (4) 「中国国際経済貿易仲裁委員会の分裂とその後の実務」……………麦志明 | 122 |

＜全国大会シンポジウム＞

9 UNCITRAL Japan Seminar 2014

「アジアの視点から見た国際投資紛争解決制度の展開」

(国際商取引学会・UNCITRALアジア太平洋センター共同主催シンポジウム) について

-齋藤彰 130
- (1) 「投資仲裁の適用法規—delocalisationとlocalisationの相克—」玉田大 134
- (2) 「投資紛争解決制度の展開—投資仲裁制度と国際商事仲裁制度の親和性と相違—」
.....大貫雅晴 146
- (3) 「国際投資紛争解決制度に対する日本政府の対応について」.....中村和彦 154

＜学会関係記録等＞

- 2014年西部部会・東部部会・全国大会プログラム 162
- AIBT主催第7回模擬仲裁大会プログラム 167
- 役員名簿..... 169
- 学会会則・執筆要領・審査要領等について..... 169

TABLE OF CONTENTS

<ARTICLES>

1	The Enforcement of International Investment Arbitral Awards in China ····· Yukio KAJITA	1
	(Professor, Faculty of Foreign Studies, Reitaku University)	
	Comments ····· Shunichiro NAKANO	12
	(Professor, Graduate School of Law, Kobe University)	
2	The Birth of ISBP745 and Distresses of ICC Banking Commission	
	····· Kunihiko MINAKUCHI	15
	(Manager, Trade Business Div., The Bank of Tokyo-Mitsubishi UFJ, Ltd.)	
	Comments ····· Hidenori HIRANO	30
	(Deputy General Manager, International Dept., The Seibu Shinkin Bank)	
3	Considering 'Extraterritorial' Application of the U.S. Economic Sanctions	
	····· Takashi KUBOTA	33
	(Professor, Waseda Law School, Waseda University)	
	Comments ····· Seiichi TANAKA	48
	(Attorney at Law, Tanaka Law Office)	
4	Declaration to License Essential IPR on FRAND Terms:	
	Comparing Recent Cases in Japanese and Chinese Courts ····· Siqin CHEN	51
	(Lecturer, Intellectual Property Center (IPrism), Osaka University)	
	Comments ····· Kazuo MAKINO	63
	(Attorney at Law, Shiba International Law Offices)	
5	Development of an Investment Dispute Settlement System in Vietnam:	
	Claims Against State Agencies ····· Maomi IWASE	64
	(Associate Professor, School of Economics, University of Hyogo)	

<SUMMARIES>

6	Practical Issues of Personal Data Protection in Global Internet Service:	
	Focusing on EU Data Protection Directive ····· Keiko KANEKO	78
	(Chief Legal Officer, Benesse Holdings, Inc.)	

<COMMENTARY>

7	Key Points of the New JCAA Commercial Arbitration Rules ····· Shinji OGAWA	82
	(The Japan Commercial Arbitration Association(JCAA), Osaka Office)	

<SYMPOSIUM IN WESTERN REGION CONFERENCE>

- 8 Symposium Summary “Recent Trend of International Commercial Arbitration in China”
..... Yukio KAJITA 99
(Professor, Faculty of Foreign Studies, Reitaku University)
- (1) Judicial Supervision over International Commercial Arbitration in China
..... Yukio KAJITA 102
(Professor, Faculty of Foreign Studies, Reitaku University)
- (2) Arbitration Case at CIETAC Shanghai Fumihito KATO 110
(Attorney at Law, Miyake & Partners)
- (3) The Trend of Arbitration Institution in China Yuhong CHAI 117
(Lecturer, Law School, Lanzhou University)
- (4) Summary of the Divorce of China International Economic and Trade Arbitration
Commission(CIETAC) and the Law Practice Afterward Zhiming MAI 122
(Attorney at Law(Japan), Higashimachi LPC Kobe office)

<SYMPOSIUM IN NATIONAL CONFERENCE>

- 9 Symposium Summary “UNCITRAL Japan Seminar 2014:
Development of Investor-State Dispute Settlement from Asian Perspective”
..... Akira SAITO 130
(Professor, Graduate School of Law, Kobe University)
- (1) Applicable Law in Investor-State Dispute Settlement: Conflict between Delocalisation and
Localisation Dai TAMADA 134
(Professor, Graduate School of Law, Kobe University)
- (2) Recent Development of Investor-State Disputes Settlement (ISDS)
- Friendly Relationship, Similarity and Difference between Investment Treaty Arbitration and International Commercial Arbitration-
..... Masaharu ONUKI 146
(Executive Director and Head of Osaka Office, The Japan Commercial Arbitration Association(JCAA))
- (3) ISDS from a Viewpoint of Government Policy in Japan Kazuhiko NAKAMURA 154
(Director, Economic Treaties Division International Legal Affairs Bureau, Ministry of Foreign Affairs)

<MISCELLANEOUS>
