

(For JSPS Fellow)

Form B-5

Date (日付)

18/03/2013 (Date/Month/Year: 日/月/年)

**Activity Report -Science Dialogue Program-**  
(サイエンス・ダイアログ事業 実施報告書)

- Fellow's name (講師氏名): Chinyen WANG (ID No. P12008)

- Participating school (学校名) : 佐賀県立致遠館高等学校

- Date (実施日時): 16/03/2013 (Date/Month/Year: 日/月/年)

- Lecture title (講演題目): (in English) International Civil & Commercial Dispute Resolution

(in Japanese) 国際民事紛争の解決

- Lecture summary (講演概要): Please summary your lecture 200-500 words.

The first part of the lecture was a brief introduction of me as well as my country. So I talked about my study background (from Taiwan to Japan and to the United Kingdom), and I briefly explained the historical, geographical and political background of Taiwan and its relation with Japan. The second part was the content of my research. I cited an example to explain the concept of "international civil dispute": imagine, that you are on a trip to Taiwan and you fly with an Australian airline. You booked the flight to return to Japan on a certain day, and the next day you will take another domestic flight from Osaka to Hokkaido for a ski trip. However, the Australian flight was delayed for 17 hours, and if you take the delayed flight you will not be able to catch your domestic flight for the ski trip. You asked the Australian airline to arrange a substitute flight for you so that you can return to Japan earlier, but they refused. Now, you can either take the delayed flight but give up your ski trip, or you can buy another ticket yourself to fly back to Japan earlier and go to Hokkaido in time. What will be your choice?

Two students responded that they would rather give up their ski trip and took the delayed flight. The lecturer asked the class if they had been on a sky trip. The result was that only about 10 percent students had been skiing. It was apparent that skiing is not common in Kyushu.

In this case, you (Japanese) and the airline company (Australian) are of different nationality, and the event took place in a foreign country (Taiwan). This is not a purely Japanese domestic dispute, but a civil dispute with foreign elements, and can be called "international civil dispute". In this case, actually, you have a third option: to buy another ticket to return to Japan in time, and sue the airline company for the breach of contract and claim for reimbursement. However, comparing to pure domestic dispute, there are some difficulties in the dispute resolution process for international civil dispute. Firstly, you have to know which country has jurisdiction over it. If you sue in a country and the courts of that country think that they don't have jurisdiction over your

case, your case will be rejected in vain. Secondly, if the court considers it has jurisdiction, it will then decide the applicable law for the merit, not necessarily its own law. That is to say, if you sue in Japan for example, the Japanese court might apply Australian law or Taiwanese law to decide if you are entitled for reimbursement. Therefore, before you file the litigation, you should investigate the content of the relevant conflict of laws rules and the possible applicable laws, in order to know how big is the chance that you will win.

The lecturer explained the concepts relating to international disputes resolution to the class until the end of the lecture time. And then answer questions from the students.

- Language used (使用言語): 英語

- Lecture format (講演形式):

◆Lecture time (講演時間) 70 min (分), Q&A time (質疑応答時間) 20 min (分)

◆Lecture style (ex.: used projector, conducted experiments)

(講演方法 (例: プロジェクター使用による講演、実験・実習の有無など))

プロジェクター使用による講演

◆Interpretation (ex.: assistance by accompanied person, provided Japanese explanation by yourself) (通訳 (例: 同行者によるサポート、講師本人による日本語説明))

同行者による通訳

◆Name and title of accompanied person (同行者 職・氏名)

Kobe University Law Student/Arbitration Moot Seminar Senior Member, Ayano Kobayashi

◆Other note worthy information (その他特筆すべき事項):

- Impressions and opinions from accompanied person (同行者の方から、本事業に対する意見・感想等がありましたら、お願いいたします。):