

Comparative Analysis on the CISG and the Japanese Law: A New Approach for Teaching the CISG (summary)

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This paper proposes a new plan for effectively teaching Japanese law students about the United Nations Convention for the international Sale of Goods (CISG), a topic which recently (since 2010) has been incorporated into the Japanese Bar Exam. It will also be a useful tool for Japanese practitioners who are not familiar with the CISG. The CISG has been effective in Japan since August 2009 and many Japanese law professors are seeking an effective method for teaching the CISG to students and practitioners. On the other hand, the drastic reform of the Japanese Civil Code (claim law) is currently proposed to adopt some important features of the CISG, including “fundamental breach” and modification of “mirror image” in formation of contracts, into domestic relations. By making the most of this relatively common knowledge of the Japanese Civil Code, I propose concrete CISG teaching plans for three hours out of the fifteen hours of the normal international transaction law course. The first class stresses on understanding the relationship of the articles of the CISG, which is an effective tip for taking the Japanese Bar Exam. The second class focuses on the differences between the CISG and the Japanese Law (current and proposed reform), and provides practical tips for making contracts. The third class illustrates three mock cases including problems likely to appear in the Japanese Bar Exam.