

**MACQUARIE  
UNIVERSITY**



**FACULTY OF BUSINESS AND ECONOMICS  
DEPARTMENT OF BUSINESS LAW**

**BUSL377: JAPANESE TRADE LAW  
UNIT OUTLINE**

**FIRST SEMESTER  
2010**

**MACQUARIE UNIVERSITY**  
**FACULTY OF BUSINESS AND ECONOMICS**  
**DEPARTMENT OF BUSINESS LAW**  
**BUSL377 - JAPANESE TRADE LAW**  
**UNIT OUTLINE**

**Year and Semester:** 2010 Semester 1  
**Unit convenor:** Dr Kay-Wah Chan  
**Prerequisites:** BUSL201 or BUSL250

Students in this unit should read this unit outline carefully at the start of semester. It contains important information about the unit. If anything in it is unclear, please consult one of the teaching staff in the unit.

**ABOUT THIS UNIT**

**Credit Points:** 3 Credit Points

**Unit description:**

Students will be given an overview of Japanese trade laws to familiarise them with the Japanese investment environment and related laws. The course will look critically at topics such as the environment of business, company structures, financial instruments, intellectual property, taxation, and legal system. The course begins with a brief overview of the background information for the study of Japanese law and legal system in the context of business/trade in/with Japan. The unit also introduces students to the way business is conducted in Japan and the role of law and lawyers in business relations. The course then goes on to consider some main areas of law relevant to trade and commerce in/with Japan.

**Unit rationale:**

Japan is one of the largest economies in the world. She is an important trade partner to Australia and many other countries in the region such as China, Korea, and Indonesia. To all who intends to conduct business in/with Japan, it is invaluable to understand the characteristics and principal elements of: Japanese business practice, Japanese legal system, the role of the law and lawyers in business relations in Japan, and some main areas of law relevant to trade and commerce in and/or with Japan. It is also invaluable to know how to search for materials in English on these characteristics and principal elements.

**TEACHING STAFF**

**Course Convenor & lecturer**

Dr Kay-Wah Chan  
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Consultation Hours: Thursday 11:30 a.m. – 12:30 p.m. and 2:00 p.m. – 3:00 p.m.

## CLASSES

One three-hour lecture/seminar per week. The timetable for classes can be found on the University web site at: <http://www.timetables.mq.edu.au/>. **Weekly attendance of classes is compulsory (assessment includes class discussions and activities).**

## REQUIRED AND RECOMMENDED TEXTS AND/OR MATERIALS

There is no prescribed textbook. There are required and recommended reading materials for each week. Details of the reading materials for each week can be found in the Blackboard site for this course (see below).

## UNIT WEB PAGE

The web page for this unit can be found at:  
[http://www.buslaw.mq.edu.au/undergraduate\\_programs/business\\_law\\_units/BUSL377](http://www.buslaw.mq.edu.au/undergraduate_programs/business_law_units/BUSL377).

## LEARNING OBJECTIVES AND OUTCOMES

The **learning objective** of this unit is to familiarise students with the Japanese investment environment and related laws.

The **learning outcomes** of this unit are that:

1. Students will acquire knowledge and understanding about the characteristics and principal elements of the Covered Topics. The “Covered Topics” mean:-
  - a. Japanese business practices, such as business etiquette;
  - b. The history, origins and current structure of the Japanese legal system;
  - c. The role of the law and lawyers in business relations in Japan;
  - d. The main types of financial institutions in Japan and the regulatory authority;
  - e. Some main areas of Japanese law relevant to trade and commerce in and/or with Japan (namely contract law, corporation law and corporate governance, labour law, the Financial Instruments and Exchange Act, intellectual property law, and taxation law).
2. Students will acquire knowledge and understanding of how to search for materials in English about the characteristics and principal elements of the Covered Topics.

In addition to the discipline-based learning objectives, all academic programs at Macquarie University seek to develop students’ generic skills in a range of areas. One of the aims of this unit is that students develop their skills in the following:

**Communication and interpersonal skills** - through:-

- participating in class discussions and class activities;
- writing an assignment.

**Self-awareness** – through:-

- self discipline and time management skills;
- identifying and setting targets.

**Critical analysis skills** – through:-

- participating in class discussions and class activities
- writing an assignment

## TEACHING AND LEARNING STRATEGY

The classes will be a combination of lectures and class activities. **As assessment includes class activities, students will be expected to complete the required reading prior to class and to contribute to class activities.**

### Unit Overview - Topics to be covered are:

<b>Week 1</b>	<b>(25 February 2010)</b>	<b>Introduction, Course Overview, Understanding Japan</b>
<b>Week 2</b>	<b>(4 March 2010)</b>	<b>The Constitution and Governmental Structure</b>
<b>Week 3</b>	<b>(11 March 2010)</b>	<b>In-Class Quiz Origin of the Legal System; Sources of Law; Courts; Public Prosecutor's Office</b>
<b>Week 4</b>	<b>(18 March 2010)</b>	<b>Legal Professions; Quasi-legal Professions; Legal Education; Justice System Reform</b>
<b>Week 5</b>	<b>(25 March 2010)</b>	<b>Dispute Resolution and Role of the Law</b>
<b>Week 6</b>	<b>(1 April 2010)</b>	<b>Test 1 Contract Law and Contractual Behaviour</b>
<b>Week 7</b>	<b>(22 April 2010)</b>	<b>Doing Business in/with Japan</b>
<b>Week 8</b>	<b>(29 April 2010)</b>	<b>Corporation Law and Corporate Governance</b>
<b>Week 9</b>	<b>(6 May 2010)</b>	<b>Labour Law</b>
<b>Week 10</b>	<b>(13 May 2010)</b>	<b>Banking and Finance</b>
<b>Week 11</b>	<b>(20 May 2010)</b>	<b>Intellectual Property Law</b>
<b>Week 12</b>	<b>(27 May 2010)</b>	<b>Test 2</b>
<b>Week 13</b>	<b>(3 June 2010)</b>	<b>Taxation</b>

## RELATIONSHIP BETWEEN ASSESSMENT AND LEARNING OUTCOMES

The assessment tasks (described in details below, namely class participation, in-class quiz, tests, and assignment) adopted in this unit will test the extent that the student achieves the learning outcomes (as stated above), i.e. the extent of his/her knowledge and understanding about (1) the characteristics and principal elements of the Covered Topics; and (2) how to search for materials in English about these characteristics and principal elements.

### Assessment:

	<u>Full Marks</u>
<b>1. Class Participation<sup>1</sup>.....</b>	<b>15 marks</b>
<b>2. In-Class Quiz (Week 3) (an early low risk diagnostic)<sup>2</sup> .....</b>	<b>3 marks</b>
<b>3. Tests<sup>3</sup></b>	
<b>Test 1 (Multiple-Choice and True/False Questions) .....</b>	<b>12 marks</b>
<b>Test 2 (Multiple-Choice, True/False, and Short-Answer Questions) .....</b>	<b>25 marks</b>
<b>4. Assignment<sup>4</sup> .....</b>	<b>45 marks</b>

### **<sup>1</sup> Class Participation:**

- Attendance is required for all students and a roll will be taken at each class.
- Students are expected to do the required readings (if any), prepare for and actively participate in class activities.
- Class activities are designed to test students' understanding about (1) the characteristics and principal elements of the Covered Topics; and (2) how to search for materials in English about such characteristics and principal elements.
- Criteria upon which class participation is to be assessed are: frequency of participation, attitude towards participation, and quality of participation.
  - ***Excellent performance (12.8 marks or above out of 15 marks):*** detailed explanations on minimum requirements provided in the Blackboard site of the unit.
  - ***Very good performance (11.3 - 12.7 marks out of 15 marks):*** detailed explanations on minimum requirements provided in the Blackboard site of the unit.
  - ***Good performance (9.8 - 11.2 marks out of 15 marks):*** detailed explanations on minimum requirements provided in the Blackboard site of the unit.
  - ***Satisfactory performance (7.5 - 9.7 marks out of 15 marks):*** detailed explanations on minimum requirements provided in the Blackboard site of the unit.
  - ***Poor performance (0 - 7.4 marks out of 15 marks):*** failing to achieve the minimum requirements for satisfactory performance (see detailed explanations provided in the Blackboard site of the unit.).

The above are not definitive statements about marking and are not to be used as a basis for disputing the marks of Class Participation.

### **<sup>2</sup> In-Class Quiz:**

It is a short and open-book quiz (being an early low risk diagnostic task) (worth a total of 3 marks) to provide feedback for students to address likely learning challenges. Criteria for assessment are: students' understanding of the topics covered in the unit in Weeks 1 and 2.

The quiz will be marked in class in Week 3, and feedback will then be given to students verbally in the form of an explanation on the correct answers and the level of difficulty (low, medium and high) of each question.

### **<sup>3</sup> Tests:**

There are **two Tests** (see 'Unit Overview' above for schedule). All of them are **open-book** tests.

**Test 1** is a test with **multiple-choice questions and true/false questions**. Information about Test 1 (including materials allowed to be brought to the Test) will be announced in Class in Week 4.

**Test 2** is a test with **multiple-choice questions, true/false questions, and short-answer questions**. Information about Test 2 (including materials allowed to be brought to the Test) will be announced in Class in Week 10.

Criteria for assessment are: students' knowledge and understanding about the topics covered in the unit prior to the test concerned.

- ***Excellent performance (10.5 marks or above out of 12 marks for Test 1 and 21.5 marks or above out of 25 marks for Test 2):*** detailed explanations on minimum requirements provided in the Blackboard site of the unit.

- ***Very good performance (9 - 10 marks out of 12 marks for Test 1 and 19 - 21 marks out of 25 marks for Test 2):*** detailed explanations on minimum requirements provided in the Blackboard site of the unit.
- ***Good performance (8 - 8.5 marks out of 12 marks for Test 1 and 16.5 - 18.5 marks out of 25 marks for Test 2):*** detailed explanations on minimum requirements provided in the Blackboard site of the unit.
- ***Satisfactory performance (6 - 7.5 marks out of 12 marks for Test 1 and 12.5 - 16.0 marks out of 25 marks for Test 2):*** detailed explanations on minimum requirements provided in the Blackboard site of the unit.
- ***Poor performance (0 - 5.5 marks out of 12 marks for Test 1 and 0 - 12 marks out of 25 marks for Test 2):*** failing to achieve the minimum requirements for satisfactory performance (see detailed explanations provided in the Blackboard site of the unit).

The above are not definitive statements about marking and are not to be used as a basis for disputing the marks of any of the Tests.

Feedback to individual students is given in writing on the marked tests. The marked Test 1 will be returned to the students in class in Week 7. When the marked Test 1 is returned, feedback is also given to students in class verbally in the form of an explanation on the correct answers and the level of difficulty (low, medium and high) of each question. From the afternoon of **7 June 2010**, students can collect the marked Test 2 from the **B.E.S.S. - Business & Economics Student Services** (see below for address) by presenting their student identity cards. Students cannot collect marked Test 2 for others UNLESS they have a signed letter from the student or a proxy form signed by the student.

#### <sup>4</sup> **Assignment:**

- Students will be required to submit **ONE (1) Assignment** (in English).
- The **topic** of the Assignment will be **announced** in class in **Week 4**.
- Students must hand in the Assignment **before 5:00 p.m. on 10 June 2010** to:
  - B.E.S.S. - Business & Economics Student Services** (formerly ERIC)
  - E4B 106**
  - Phone: 9850 8450
  - Opening Hours (in semester): 9 am – 7:30 pm Monday – Thursday; 9 am – 5 pm Friday
  - Opening Hours (Exam period): 9 am – 6 pm Monday – Thursday; 9 am – 5 pm Friday
  - Out of hours assignments can be submitted in their secure overnight box.
- In view of the time given to students to complete the Assignment, normally **no extension of time** will be given for submission of the Assignment.
- **Late submissions:**
  - **Late submissions will be penalised at 10% of the mark for each day late.** Submission made on 10 June 2010 but after 5:00 p.m. is considered as one day late. **After 15 June 2010, submission of Assignment will not be accepted.**
- **Word Length:**
  - The Assignment must have a length of **2800 – 3200 words** (not including footnotes and bibliography). Failure to comply with this word length requirement will be subject to **penalty** as follows:
    - ✧ Within 300 words below the minimum or above the maximum: Deduction of 3 marks;
    - ✧ With 301-500 words below the minimum or above the maximum: Deduction of 7 marks;

- ◇ With 501-750 words below the minimum or above the maximum: Deduction of 10 marks;
  - ◇ With 751-1000 words below the minimum or above the maximum: Deduction of 15 marks;
  - ◇ With more than 1000 words below the minimum or above the maximum: the Assignment will not be marked and will receive zero marks.
- **Cover Sheet:**
    - The **Cover Sheet** (in the form as provided in the unit’s Blackboard site) must be **completed, signed and stapled** to the top left-hand corner of each Assignment. It is students’ responsibility to print and attach it to the front of the assignment. **Assignment without coversheet will not be marked and will be returned to the student with a zero mark.**
  - **Format:**
    - Handwritten Assignments will **not** be accepted. All Assignments must be **typed**, in A4-sized white papers, in the following **format**:
      - ◇ **Font size:** 12 point
      - ◇ **Font:** Times New Roman
      - ◇ **Spacing:** One-and-a-half-line or double-line spacing.
  - **Referencing:**
    - All Assignments must have referencing by **footnotes** (NOT endnotes or in-text referencing); and detailed **bibliography** of all source materials.
  - **Referencing Format:**
    - The required convention for providing references (i.e. footnotes) and bibliography is **the Australian Guide to Legal Citation**, which is available online (for viewing) at: <http://mulr.law.unimelb.edu.au/index.cfm?objectid=EC680959-CA26-5FED-64377B996D86A395>. More details about the Referencing Format can be found in the Blackboard site for this unit.
  - **Return of Marked Assignments:**
    - From **6 July 2010**, students can collect the marked assignments from the **B.E.S.S. - Business & Economics Student Services** (see above for address) by presenting their student identity cards. Students cannot collect assignments for others **UNLESS** they have a signed letter from the student or a proxy form signed by the student.

### **Assignment Assessment Criteria**

The Assignment is research based. Students will not be able to rely simply on the required and/or recommended reading materials for classes. Students will be expected to conduct a research, provide his/her own reasoned answers, which shall demonstrate that he/she has thought about the task and not merely paraphrased materials. The Assignment is a task for each individual student. Collective or collaborative work is **NOT ACCEPTABLE** and will receive **ZERO MARK**. The Assignment will be marked according to the criteria for assessment described below. They are not definitive statements about marking and are not to be used as a basis for disputing the marks of an Assignment.

### ***Minimum requirements for 38.3 marks or above (out of a total of 45 marks):***

- Excellent quality in contents, structure and presentation, and referencing (footnoting and bibliography) – detailed explanations provided in the Blackboard site of the unit.

***Minimum requirements for 33.8 – 38.2 marks (out of a total of 45 marks):***

- Very good (but not excellent) quality in contents, structure and presentation, and referencing (footnoting and bibliography) – detailed explanations provided in the Blackboard site of the unit.

***Minimum requirements for 29.3 - 33.7 marks (out of a total of 45 marks):***

- Good quality in contents, structure and presentation, and referencing (footnoting and bibliography) – detailed explanations provided in the Blackboard site of the unit.

***Minimum requirements for 22.5 - 29.2 marks (out of a total of 45 marks):***

- Satisfactory quality in the contents, structure and presentation, and referencing (footnoting and bibliography) – detailed explanations provided in the Blackboard site of the unit.

***0 - 22.4 marks (out of a total of 45 marks):***

- Failing to achieve the minimum requirements for 22.5 - 29.2 marks (out of a total of 45 marks) (see above for details).

Further information about the Assignment will be provided in class when the Assignment topic is announced.

**There is no final examination for this unit BUSL377.**

## **PLAGIARISM**

The University defines plagiarism in its rules: "Plagiarism involves using the work of another person and presenting it as one's own." Plagiarism is a serious breach of the University's rules and carries significant penalties. You must read the University's practices and procedures on plagiarism. These can be found in the *Handbook of Undergraduate Studies* or on the web at: <http://www.student.mq.edu.au/plagiarism/>

The policies and procedures explain what plagiarism is, how to avoid it, the procedures that will be taken in cases of suspected plagiarism, and the penalties if you are found guilty. Penalties may include a deduction of marks, failure in the unit, and/or referral to the University Discipline Committee.

Students who might be tempted to breach the plagiarism guidelines are well advised to read the following case: <http://www.austlii.edu.au/au/cases/vic/VSC/2007/520.html>.

## **DETERMINATION OF OVERALL GRADE**

The overall grade for the unit will be determined with regard to the student's performance in each of the assessment tasks described above (namely Class Participation, In-Class Quiz, Test 1, Test 2, and Assignment).

## **STUDENT SUPPORT SERVICES**

Macquarie University provides a range of Academic Student Support Services. Details of these services can be accessed at <http://www.student.mq.edu.au>.