

## What's new?

Japanese laws on private ADR (Arb. and Med.) were updated in 2023 to correspond with the latest international standards.

(effective by the end of Apr. 2024)

### Arbitration (Arb.) is...

a form of dispute resolution where parties agree to be bound by an arbitrator's award (arbitral award)

### Mediation (Med.) is...

a form of dispute resolution wherein a mediator seeks to facilitate a settlement agreement between parties

## What are the standards?

\*United Nations Commission  
on International Trade Law

Model Law on Arb. and Convention on Med. adopted by \*UNCITRAL

### Act amending the Arb. Act

☆ The new act allows a court to order execution based on an order by an arbitral tribunal to preserve rights and evidence until an arbitral award is issued ("interim measure").



Adopted the latest  
UNCITRAL Model Law

### Implementation Act on Med.

☆ The new act allows a court to order execution based on a settlement agreement through int'l Med. ("ISA") as defined by the Singapore Convention on Med.



Entry into force of the Singapore  
Convention on Med.

## What's more?

User-friendly judicial proceedings for obtaining execution orders for arbitral awards or ISAs necessary for compulsory execution based on int'l Arb. or Med.

### Omission of translation

Where a court finds it appropriate, a party may submit an original arbitral award or an ISA to the court without Japanese translation.

### Expansion of Jurisdiction

A party may file a petition for execution order in Tokyo/Osaka District Courts, as well as in courts with original territorial jurisdiction.

## Foreign Lawyers Act

### Who can assist me in Japan?

- Japanese attorneys
- Registered foreign lawyers in Japan
- Foreign attorneys representing the client in the client's jurisdiction.

#### Registered Foreign Lawyers

456 registrants (April 1, 2022)

Country of primary qualification:

U.S. 240 / China 50

U.K. 70 / Australia 31 etc.

#### Foreign Law Joint Ent./Corp.

49 joint enterprises (April 1, 2022)

Lawyers engaging in them:

163 Registered Foreign Lawyers

1320 Japanese Attorneys

## Court Cases & Statistics

researched by JIDRC

### Annulment of Arbitral Awards

“a substantial re-examination of arbitral awards is not permitted in cases of petition for annulment of arbitral awards.”

(Tokyo High Ct. decision of Aug. 1, 2018)

#### ”unable to defend in the Arb. procedure”

“annul the arbitral award only in cases where there is a material violation of procedural guarantees ...”

(Tokyo District Ct. decision of Jul. 28, 2009)

#### ”contrary to public policy in Japan”

“Since ... the court is in a position to respect an arbitral award as much as possible ...”

(same decision)

### Recognition and Enforcement

Petitions for execution order of arbitral awards are speedily handled.

\* More than 50% of petitions for execution orders concluded within 6 months (2004-2016 in Tokyo District Ct.)