
ANTITRUST

in Germany and Japan

The First Fifty Years, 1947–1998

JOHN O. HALEY

Antitrust In Germany And Japan The First Fifty Years 1947 1998

Sol Picciotto



Antitrust In Germany And Japan The First Fifty Years 1947 1998:

Antitrust in Germany and Japan John O. Haley, 2017-05 Antitrust in Germany and Japan presents an innovative comparative analysis of the development and enforcement of two antitrust regimes illustrating how each was shaped by American occupation strategies and policies following World War II First imposed in 1947 the antitrust controls in Germany and Japan were the world's first outside the United States Those enacted in Japan continue in force whereas in Germany following a decade of debate the occupation legislation was superseded in 1975 by the Law Against Restraints of Competition This study explores the ironies and errors that led to the enactment of the German and Japanese statutes and emphasizes the unexpected degree of convergence that has occurred during the past fifty years through amendment and practice It compares in detail the institutional structure and processes for the enforcement of antitrust controls as well as the system of remedies and sanctions available under each statute It notes the debates in Germany and Japan over the effectiveness of statutes particularly the still timely debate in 1970s Germany over a proposal for criminal sanctions Antitrust in Germany and Japan reveals many unexpected and controversial similarities between the two antitrust regimes and demonstrates the extent to which American policy toward Germany determined American policy in Japan not only during presurrender planning but also throughout the occupation It also challenges the prevailing view of the relative strength of antitrust controls in Germany relative to the weakness of antitrust in Japan This book will be of interest to corporate lawyers as well as to legal historians and scholars of political economy

Product Safety and Liability Law in Japan Luke Nottage, 2004-07-31 Developing insights from a number of disciplines and with a detailed analysis of legislation case law and academic theory Product Safety and Liability Law in Japan contributes significantly to the understanding of contemporary Japan its consumers and its law It is also of practical use to all professionals exposed to product liability regimes evolving in Japan and other major economies

Competition Law and Policy in Japan and the EU Etsuko Kameoka, 2014-01-31 This exciting new book embarks on a comparative analysis of competition law and policy in Japan and the EU It provides a clear and carefully researched exposition of the differences between the relevant rules systems and underlying ideas of the two j

Competitiveness of New Industries Cornelia Storz, Andreas Moerke, 2014-04-08 Many recent books on information and communication technologies concentrate on individual country experiences or neglect to analyze political factors in conjunction with entrepreneurial ones This book the result of an international research project comprises a comprehensive comparison of three key countries Japan the United States and Germany The book adopts an institutional approach

Regulating Competition Susanna Fellman, Martin Shanahan, 2015-12-22 Cartels trusts and agreements to reduce competition between firms have existed for centuries but became particularly prevalent toward the end of the 19th century In the mid 20th century governments began to use so called cartel registers to monitor and regulate their behaviour This book provides case studies from more than a dozen countries to examine the emergence application and eventual decline of this form of

regulation Beginning with a comparison of the attitudes to regulation that led to monitoring rather than prohibiting cartels this book examines the international studies on cartels undertaken by the League of Nations before World War II This is followed by a series of studies on the context of the registers including the international context of the European Union and the importance of lobby groups in shaping regulatory outcomes using Finland as an example Section two provides a broad international comparison of several countries registers with individual studies on Norway Australia Japan Germany Sweden and the Netherlands After examining the impact of registration on business behaviour in the insurance industry this book concludes with an overview of the lessons to be learnt from 20th century efforts to regulate competition With a foreword by Harm Schroter this book outlines the rise and fall of a system that allowed nations to tailor their approach to regulating competition to their individual circumstances whilst also responding to the pressures of globalisation that emerged after the Second World War This book is suitable for those who are interested in and study economic history international economics and business history Chapter 10 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license

Legitimacy, Legal Development and Change David K. Linnan, 2016-04-22 This book addresses critical questions about how legal development works in practice Can law be employed to shape behavior as a form of social engineering or must social behavior change first relegating legal change to follow as ratification or reinforcement And what is legal development s source of legitimacy if not modernization But by the same token whose version of modernization will predominate absent a Western monopoly on change There are now legal development alternatives especially from Asia so we need a better way to ask the right questions of different approaches primarily in non Western Asia Africa the Islamic world plus South America Incoming waves of change like the Arab spring lie on the horizon Meanwhile debates are sharpening about law s role in economic development versus democracy and governance under the rubric of the rule of law More than a general survey of law and modernization theory and practice this work is a timely reference for practitioners of institutional reform and a thought provoking interdisciplinary collection of essays in an area of renewed practical and scholarly interest The contributors are a distinguished international group of scholars and practitioners of law development social sciences and religion with extensive experience in the developing world [The Great Ming Code / Da Ming lu](#), 2012-09-01 Imperial China s dynastic legal codes provide a wealth of information for historians social scientists and scholars of comparative law and of literary cultural and legal history Until now only the Tang 618-907 C.E. and Qing 1644-1911 C.E. codes have been available in English translation The present book is the first English translation of The Great Ming Code Da Ming lu which reached its final form in 1397 The translation is preceded by an introductory essay that places the Code in historical context explores its codification process and examines its structure and contents A glossary of Chinese terms is also provided One of the most important law codes in Chinese history The Great Ming Code represents a break with the past following the alien ruled Yuan

Mongol dynasty and the flourishing of culture under the Ming the last great Han ruled dynasty It was also a model for the Qing code which followed it and is a fundamental source for understanding Chinese society and culture The Code regulated all the perceived major aspects of social affairs aiming at the harmony of political economic military familial ritual international and legal relations in the empire and cosmic relations in the universe The all encompassing nature of the Code makes it an encyclopedic document providing rich materials on Ming history Because of the pervasiveness of legal proceedings in the culture generally the Code has relevance far beyond the specialized realm of Chinese legal studies The basic value system and social norms that the Code imposed became so thoroughly ingrained in Chinese society that the Manchus who conquered China and established the Qing dynasty chose to continue the Code in force with only minor changes The Code made a considerable impact on the legal cultures of other East Asian countries Yi dynasty Korea Le dynasty Vietnam and late Tokugawa and early Meiji Japan Examining why and how some rules in the Code were adopted and others rejected in these countries will certainly enhance our understanding of the shared culture and indigenous identities in East Asia

Building on Air Raymond G. Stokes, Ralf Banken, 2015-10-20 The industrial gases industry originated in 1886 when a London based company began producing high purity oxygen Initially purified oxygen was a solution in search of a problem but demand for it soared early in the twentieth century with the emergence of welding technology By then dramatic technological improvements in air separation and purification had emerged as had most key firms dominating the industry today Building on air in the decades that followed the firms expanded their product range and geographical reach to create applications that were essential to every manufacturing process in the modern world from semiconductor production to oil refining waste water treatment and steel making This is the first scholarly history of this vital but invisible industry from its origins to the present Based on unparalleled access to company and public archives the book explores business and technological development industrial evolution and the industry's local roots and international and global reach

The Clash of Economic Ideas Lawrence H. White, 2012-04-16 This book places economic debates in their historical context and outlines how economic ideas have influenced swings in policy

Regulating Global Corporate Capitalism Sol Picciotto, 2011-05-12 This analysis of how multi level networked governance has superseded the liberal system of interdependent states focuses on the role of law in mediating power and shows how lawyers have shaped the main features of capitalism especially the transnational corporation It covers the main institutions regulating the world economy including the World Bank the IMF the WTO and a myriad of other bodies and introduces the reader to key regulatory arenas corporate governance competition policy investment protection anti corruption rules corporate codes and corporate liability international taxation avoidance and evasion and the campaign to combat them the offshore finance system international financial regulation and its contribution to the financial crisis trade rules and their interaction with standards especially for food safety and environmental protection the regulation of key services telecommunications and finance intellectual property

and the tensions between exclusive private rights and emergent forms of common and collective property in knowledge

Law and Long-Term Economic Change Debin Ma, Jan Luiten van Zanden, 2011-06-06 Recently a growing body of work on law and finance and legal origins has highlighted the role of formal legal institutions in shaping financial institutions. However, these writings have focused largely on Europe, neglecting important non-Western traditions that prevail in a large part of the world. *Law and Long-Term Economic Change* brings together a group of leading scholars from economics, economic history, law, and area studies to develop a unique global and long-term perspective on the linkage between law and economic change. Covering the regions of Western Europe, East and South Asia, and the Middle East, the chapters explore major themes regarding the nature and evolution of different legal regimes, their relationship with the state or organized religion, the definition and interpretation of ownership and property rights, the functioning of courts and other mechanisms for dispute resolution and contract enforcement, and the complex dynamics of legal transplants through processes such as colonization. The text makes clear that the development of legal traditions and institutions as embodiments of cultural values and norms exerts a strong effect on long-term economic change. And it demonstrates that a good understanding of legal origins around the world enriches any debate about Great Divergence in the early modern era as well as development and underdevelopment in 19th-20th century Eurasia.

Asian Capitalism and the Regulation of Competition Michael W. Dowdle, John Gillespie, Imelda Maher, 2013-04-18 This book explores the implications of Asian forms of capitalism for the emerging global competition law regime.

Competition Law in Times of Crisis Conor Talbot, 2018-12-11 This book examines the role and utility of competition law within the EU's legislative and regulatory dialogue, using its response to crisis conditions as a test of its aims and abilities. As such, its main conclusion is that competition policy acts as a forum for debate as to the direction of the European integration project, while competition law can serve as a tool for aiding in the implementation of broader policy objectives. The analysis here explores the role of the general economic context in the application of competition law, the existence of identifiable baselines applicable in crisis conditions, the ability and role of national competition authorities in applying competition law, and the ways in which the European Commission's overarching policy goals can influence the application of competition law. The decision to take an empirical approach to this research project stems from a conviction that an investigation into the real-world situations faced by firms and consumers should underpin the evaluation of the applicable legal rules. Over the past number of years, the Commission has exerted more and more influence over the development of the regional and global airline industry, and this book identifies the emergence of an apparent overarching aim on the part of the Commission to create a market with a handful of ultra-competitive airlines with international reach, serviced by an array of smaller feeder airlines on a regional basis. The study of Irish beef processing, on the other hand, identifies a high level of government involvement in providing the strategic thinking behind a crisis cartel scheme, and then demonstrates how the economic context exerted considerably more pressure on the government and the

national court than on the competition authorities involved China and EU Antitrust Review of Refusal to License IPR Dr. Tiancheng Jiang, 2015 Striking a proper balance between unilateral exercise of intellectual property rights on the one hand and competition rules on the other hand is not an easy exercise The right owners unilateral behaviour of refusal to license is one such delicate issue particularly for China considering that it has not been clarified within existing competition rules how to assess a right owner's specific unilateral practices In a series of cases the EU courts have established the exceptional circumstances in which the right owners refusal conduct might be considered as an infringement of EU competition rules In general Chinese competition law has been modelled after the EU competition rules This book firstly examines the EU approaches on dominant undertakings refusal to license intellectual property rights and the follow on pricing issue and then explores to what extent the EU model could contribute to China's anti monopoly practice **Asian States** Richard Boyd, Tak-Wing Ngo, 2005-01-26 A team of international leading experts provide a much needed re examination of the theoretical claims and the empirical foundation of developmental state theory Asian States argues that regardless of the merits of the developmental state as an explanation of economic growth it falls far short of being an adequate theory of the state in Asia The contributors critically review claims about agency state society and state market relations that shape developmental projects It broadens the analysis of state involvement in developmental projects and considers the variety of political and social bases for state projects across East and Southeast Asia in a theoretically sensitive thematic and empirically rich way **Asian Discourses of Rule of Law** Randall P. Peerenboom, 2004 Rule of law one of the pillars of the modern world has emerged in Western liberal democracies This book considers how rule of law is viewed and implemented in the different cultural economic and political context of Asia **Collective Actions** Stefan Wrzka, Steven Van Uytsel, Mathias Siems, 2012-04-30 This volume of essays examines whether collective actions can enhance access to justice for multilateral interests Annuaire Europeen 2000/European Yearbook 2000 Francis Rosensteel, 2001-07-01 The year 2000's most significant international event was almost certainly neither political nor military but scientific the announcement in June that the human genome had been almost totally decoded Future generations may well see this as a major turning point opening the way to radical changes in diagnosis prognosis and medical treatment Often compared with the space programme this vast enterprise still generates misgivings this new power which human beings now have to modify the genetic heritage of living creatures raises fundamentally new ethical questions and society as a whole will have to find the answers In fact the accelerating pace of scientific and technical progress seems to be reviving atavistic anxieties some rational others less so Recent public health crises including the mad cow disease scare which lasted into 2000 have fuelled these fears The public's rejection of GMOs Genetically Modified Organisms verging on a crusade in some countries tells its own story As regards conflict 2000 saw the Middle East peace process grind to a halt and the Intifada resume In Europe the situation in Kosovo and Chechnya both the scenes of fighting in 1999 stayed precarious Peace and democracy did score some successes however

particularly in Europe the centre left's victory in Croatia sweeping former President Tudjman's party off the scene the democratic party's triumph in Bosnia and the fall of the Milosevic regime in Serbia *The Chinese Anti-Monopoly Law* Michael Faure, Xinzhu Zhang, 2013-01-01 This book focuses on experiences with the Anti Monopoly Law AML of 2007 in China It uses carefully chosen case studies to examine how the competition authorities in China discuss cases and how they use economic reasoning in their decision making process Bringing together comparative perspectives the expert contributors discuss the practice of the Anti Monopoly Law in China from the viewpoints of European and American competition policy Several very current topics are given specific attention including enforcement the role of the state how to define the relevant market and how to apply the AML to regulated industries The book also indicates the scope for mutual learning on how to improve the AML The Chinese Anti Monopoly Law will appeal to competition lawyers attorneys at law dealing with economic law generally civil servants and policy makers comparative lawyers and social scientists with an interest in developments in China **Veiled Power** Doreen Lustig, 2020 This book critically analyses existing accounts of the history of the relationship between international law and multinational corporations using four case studies Firestone in Liberia the Nuremberg trials the Anglo Iranian Oil Company and the UNCTC code of conduct

Whispering the Strategies of Language: An Mental Journey through **Antitrust In Germany And Japan The First Fifty Years 1947 1998**

In a digitally-driven world where screens reign supreme and immediate transmission drowns out the subtleties of language, the profound secrets and emotional nuances hidden within phrases often go unheard. However, situated within the pages of **Antitrust In Germany And Japan The First Fifty Years 1947 1998** a fascinating literary value sporting with raw emotions, lies a fantastic quest waiting to be undertaken. Published by an experienced wordsmith, this marvelous opus encourages viewers on an introspective trip, delicately unraveling the veiled truths and profound influence resonating within the very cloth of each word. Within the emotional depths of the poignant evaluation, we can embark upon a heartfelt exploration of the book is primary themes, dissect their interesting publishing style, and yield to the powerful resonance it evokes heavy within the recesses of readers hearts.

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