

Virtual Workshop on September 20: Hisashi Harata on Foreign-Corporation Regulations and Private International Law



On Tuesday, September 20, 2022, the Hamburg Max Planck Institute will host its 25th monthly virtual workshop Current Research in Private International Law at 11:00 a.m. -12:30 p.m. (CEST). Prof. Hisashi Harata (University of Tokyo) will speak, **in English**, about the topic

“Foreign-Corporation Regulations and Private International Law: With a Case Study on Derivative Action”.

The globalization of enterprise organization as well as activities causes more serious labour issues, environmental issues, human rights issues and so on. The corporate law rules on duties and responsibilities of corporate directors are regarded as a tool for corporate governance and compliance.

Based on the current position for the *lex incorporationis* as well as the internal-affairs doctrine, the breach of duties and responsibilities of directors and the shareholder’s standing for derivative action would be ruled by the *lex incorporationis*, except for the application of overriding mandatory rules of *lex fori*.

However, the existence of foreign-company regulations in different jurisdictions like California, New York, Hongkong, Netherland etc. might lead us to a theoretical reflection, as they could impose regulations severer than *lex*

incorporationis on directors and there is no room for such regulations of third countries other than lex incorporationis and lex fori to be applied within the conventional framework of P.I.L.

This presentation will shed lights on this theoretical issue, introducing practical case-study analysis on derivative action, and suggest several problematic points to be tackled in further studies.

The presentation will be followed by open discussion. All are welcome. More information and sign-up [here](#).

If you want to be invited to these events in the future, please write to veranstaltungen@mpipriv.de.