

# BIBLIOGRAPHY

- ABE, MASAKI, *Mobilizing Law Against Local Governments: A Recent Trend in Public Law Litigation in Japan*, in EMERGING CONCEPTS OF RIGHTS IN JAPANESE LAW 119-134 (Harry N. Scheiber & Laurent Mayali eds., Robbins Collection Publications 2007).
- ABE, YASUTAKA & SHIRAFUJI, HIROYUKI, JŪMIN SOSHŌ TO GIKAI TO SHUCHŌ [RESIDENTS' LAWSUITS, THE ASSEMBLY AND THE EXECUTIVE] (Chīki kagaku kenkyūkai 2011).
- Adachi, Eiji, *Senteitōjisha [Representative Parties]*, 74 WASEDA LAW REVIEW 467-491 (1999).
- ADRIAANSE, P.C., *HANDHAVING VAN EG-RECHT IN SITUATIES VAN ONRECHTMATIGE STAATSS-TEUN* (Kluwer 2006).
- Advisory Panel on Basic Issues Regarding the Anti-Monopoly Act, *Dokusenkinshihō kihon mondai kondankai hōkokusho [Report Issued by the Advisory Panel on Basic Issues Regarding the Anti-Monopoly Act]*, 26 June 2007, <http://www8.cao.go.jp/chosei/dokkin/finalreport.html>, translation at [http://www8.cao.go.jp/chosei/dokkin/kaisaijokyo/finalreport/finalreport\\_en.pdf](http://www8.cao.go.jp/chosei/dokkin/kaisaijokyo/finalreport/finalreport_en.pdf).
- Allain, Marie-Laure, et al., *The Determination of Optimal Fines in Cartel Cases: The Myth of Underdeterrence*, Cirano Working Paper, March 2011 (updated 8 September 2011), [www.cirano.qc.ca/pdf/publication/2011s-34.pdf](http://www.cirano.qc.ca/pdf/publication/2011s-34.pdf).
- AMD & Intel, *Settlement Agreement Between Advanced Micro Devices Inc. and Intel Corporation* (11 November 2009).
- Antitrust Modernization Commission, *Antitrust Modernization Commission Report and Recommendations*, [http://govinfo.library.unt.edu/amc/report\\_recommendation/amc\\_final\\_report.pdf](http://govinfo.library.unt.edu/amc/report_recommendation/amc_final_report.pdf).
- ATSUYA, JŌJI ET AL. EDS., JŌKAI DOKUSENKINSHIHŌ [ARTICLE-BY-ARTICLE COMMENTARY ON THE ANTIMONOPOLY ACT] (Kōbundō, 1997).
- Baker, Donald I., *Revisiting History – What Have We Learned About Private Antitrust Enforcement That We Would Recommend to Others?*, 16 LOYOLA CONSUMER LAW REVIEW 379 (2004).
- Baker, Donald I., *The EU Green Paper on Private Damage Actions – An Ambitious Response to a Very Difficult Set of Practical and Philosophic Issues*, 2005 COMPETITION LAW JOURNAL 239-249 (2005).
- Baker, Jonathan B., *Private Information and the Deterrent Effect of Antitrust Damages Remedies*, 4 JOURNAL OF LAW, ECONOMICS & ORGANIZATION 385-408 (1988).
- Baker, Jonathan B., *The Case for Antitrust Enforcement*, 17 JOURNAL OF ECONOMIC PERSPECTIVES 27-50 (2003).

- Barone, Giovanni & Amore, Roberto *Italy*, in THE INTERNATIONAL HANDBOOK ON PRIVATE ENFORCEMENT OF COMPETITION LAW 346-367 (Albert A. Foer & Jonathan W. Cuneo eds., Edward Elgar Pub. 2010).
- BASEDOW, JÜRGEN, ED., PRIVATE ENFORCEMENT OF EC COMPETITION LAW (Kluwer Law International 2007).
- BASEDOW, JÜRGEN, TERHECHTE, JÖRG PHILIPP & TICHÝ, LUBOŠ, EDs., PRIVATE ENFORCEMENT OF COMPETITION LAW (Nomos 2011).
- BASEDOW, JÜRGEN, FRANCO, STÉPHANIE & IDOT, LAURENCE, INTERNATIONAL ANTITRUST LITIGATION: CONFLICT OF LAWS AND COORDINATION (Hart Pub. 2012).
- BAUM, HARALD & BÄLZ, MORITZ, EDs., HANDBUCH JAPANISCHES HANDELS- UND WIRTSCHAFTSRECHT (Carl Heymanns Verlag 2011).
- Becker, Gary S., *Crime and Punishment: An Economic Approach*, 76 JOURNAL OF POLITICAL ECONOMY 169-217 (1968).
- Becker, Gary S. & Stigler, George J., *Law Enforcement, Malfeasance and Compensation of Enforcers*, 3 THE JOURNAL OF LEGAL STUDIES 1-18 (1974).
- BEEHAN, MICHAEL L., PUBLIC POLICY AND ECONOMIC COMPETITION IN JAPAN: CHANGE AND CONTINUITY IN ANTIMONOPOLY POLICY, 1973-1995 (Routledge 2002).
- BENACCHIO, GIAN ANTONIO & CARPAGNANO, MICHELE, L'AZIONE DI RISARCIMENTO DEL DANNO PER VIOLAZIONE DELLE REGOLE COMUNITARIE SULLA CONCORRENZA [DAMAGES ACTIONS FOR VIOLATIONS OF EU ANTITRUST LAW] (Università di Trento, 2007).
- Berrisch, Georg, et al., *E.U. Competition and Private Actions for Damages*, 24 NORTHWESTERN JOURNAL OF INTERNATIONAL LAW & BUSINESS 585-600 (2004).
- Besanko, D. & Spulber, D. F., *Antitrust Enforcement under Asymmetric Information*, 99 THE ECONOMIC JOURNAL 408-425 (1989).
- Besanko, D. & Spulber, D. F., *Are Treble Damages Neutral? Sequential Equilibrium and Private Antitrust Enforcement*, 80 AMERICAN ECONOMIC REVIEW 870-887 (1990).
- Bizjak, John M. & Coles, Jeffrey L., *The Effect of Private Antitrust Litigation on the Stock-Market Valuation of the Firm*, 85 THE AMERICAN ECONOMIC REVIEW 436-461 (1995).
- BLAIR, ROGER D. & KASERMAN, DAVID L., ANTITRUST ECONOMICS (2nd ed., Oxford University Press 2008).
- BOBEK, MICHAL, *Why There Is No Principle of "Procedural Autonomy" of the Member States*, in THE EUROPEAN COURT OF JUSTICE AND THE AUTONOMY OF MEMBER STATES (Hans-W. Micklitz & Bruno De Witte eds., Intersentia 2012).
- Böge, Ulf & Ost, Konrad, *Up and Running or Is It? Private Enforcement – The Situation in Germany and Policy Perspectives*, 27 EUROPEAN COMPETITION LAW REVIEW 197-205 (2006).
- Bolatoglu, Hilmi, *Turkey*, in THE INTERNATIONAL HANDBOOK ON PRIVATE ENFORCEMENT OF COMPETITION LAW 414-432 (Albert A. Foer & Jonathan W. Cuneo eds., Edward Elgar Pub. 2010).
- Bourjade, Sylvain, et al., *Private Antitrust Enforcement in the Presence of Pre-trial Bargaining*, 52 THE JOURNAL OF INDUSTRIAL ECONOMICS 372-409 (2009).
- BREALEY, MARK & GREEN, NICHOLAS, COMPETITION LITIGATION: UK PRACTICE AND PROCEDURE (Oxford University Press 2010).

- Breit, William & Elzinga, Kenneth G., *Antitrust Enforcement and Economic Efficiency: The Uneasy Case for Treble Damages*, 17 JOURNAL OF LAW & ECONOMICS 329-356 (1974).
- Breit, William & Elzinga, Kenneth G., *Private Antitrust Enforcement: The New Learning*, 28 JOURNAL OF LAW & ECONOMICS 405-443 (1985).
- Bryant, Peter G. & Eckard, Woodrow E., *Price Fixing: The Probability of Getting Caught*, 73 THE REVIEW OF ECONOMICS AND STATISTICS 531-536 (1991).
- Bronsteen, John, *Class Action Settlements: An Opt-in Proposal*, UNIVERSITY OF ILLINOIS LAW REVIEW 903-928 (2005).
- Bundeskartellamt, *Bundeskartellamt Imposes Multi-million Euro Fines Against Manufacturers of Fire-fighting Vehicles* (10 February 2011).
- Buxbaum, Hannah L., *The Private Attorney General in a Global Age: Public Interests in Private International Antitrust Litigation*, 26 YALE JOURNAL OF INTERNATIONAL LAW 219-263 (2001).
- Buxbaum, Hannah L., *German Legal Culture and the Globalization of Competition Law: A Historical Perspective on the Expansion of Private Antitrust Enforcement*, 23 BERKELEY JOURNAL OF INTERNATIONAL LAW 474-495 (2005).
- Buxbaum, Hannah L., *Private Enforcement of Competition Law in the United States – Of Optimal Deterrence and Social Costs*, in PRIVATE ENFORCEMENT OF EC COMPETITION LAW 41-60 (Jürgen Basedow ed., Kluwer Law International 2007).
- Calkins, Stephen, *An Enforcement Official's Reflections on Antitrust Class Actions*, 39 ARIZONA LAW REVIEW 413-451 (1997).
- Carpagnano, Michele, *Competition Law Litigation: The Italian Perspective (1990-2010)*, in PRIVATE ENFORCEMENT OF COMPETITION LAW 81-100 (Luis Antonio Velasco San Pedro et al. eds., Lex Nova, 2011).
- Cauffman, Caroline, *The Interaction of Leniency Programmes and Actions for Damages*, 7 COMPETITION LAW REVIEW 181-220 (2011).
- Chemtob, Stuart M., *Antitrust Deterrence in the United States and Japan*, in COMPETITION POLICY IN THE GLOBAL TRADING SYSTEM 195-209 (Clifford A. Jones & Mitsuo Matsushita eds., Kluwer Law International 2002).
- Chieu, Tiffany, *Class Actions in the European Union?: Importing Lessons Learned from the United States' Experience into European Community Competition Law*, 18 CARDOZO JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 123-157 (2010).
- Claims Funding International plc, Press Release (30 September 2010) at [http://www.claimsfunding.eu/fileadmin/Documents/Media\\_Release\\_for\\_Website.pdf](http://www.claimsfunding.eu/fileadmin/Documents/Media_Release_for_Website.pdf)
- Coffee, John C., *Understanding the Plaintiff's Attorney: The Implications of Economic Theory for Private Enforcement of Law Through Class and Derivative Actions*, 86 COLUMBIA LAW REVIEW 669-727 (1986).
- Coffee, John C., *The Regulation of Entrepreneurial Litigation: Balancing Fairness and Efficiency in the Large Class Action*, 54 UNIVERSITY OF CHICAGO LAW REVIEW 877-937 (1987).
- Coffee, John C., *Litigation Governance: Taking Accountability Seriously*, 110 COLUMBIA LAW REVIEW 288-351 (2010).
- Coleman, Jules L., *The Grounds of Welfare*, 112 YALE LAW JOURNAL 1511-1543 (2003) (book review).

- Combe, Emmanuel & Monnier, Constance, *Les amendes contre les cartels: La Commission européenne en fait-elle trop? [Fines Imposed on Cartels: Is the European Commission Overdoing It?]*, 4 *CONCURRENCES* 41-50 (2009).
- Connor, John M., *Price-fixing Overcharges: Legal and Economic Evidence*, in *RESEARCH IN LAW AND ECONOMICS: A JOURNAL OF POLICY* 59-153 (Richard O. Zerbe Jr. & John B. Kirkwood eds., Elsevier 2007).
- COOTER, ROBERT & ULEN, THOMAS, *LAW & ECONOMICS* (5th ed., Pearson/Addison Wesley 2008).
- COUNCIL OF EUROPE – EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE, *EUROPEAN JUDICIAL SYSTEMS: EDITION 2010 (DATA 2008): EFFICIENCY AND QUALITY OF JUSTICE* (Council of Europe Pub. 2010).
- Coutinho de Abreu, Jorge M., *Private Enforcement of Competition Law in Portugal*, in *PRIVATE ENFORCEMENT OF COMPETITION LAW* 101-113 (Luis Antonio Velasco San Pedro et al. eds., Lex Nova, 2011).
- Crane, Daniel, *Optimizing Private Antitrust Enforcement*, 63 *VANDERBILT LAW REVIEW* 675-723 (2010).
- Crane, Daniel A., *Enforcing Competition Law with Multiple Agencies and Private Enforcers*, 10 *SHINSEDAI HŌSEISAKUGAKU KENKYŪ [HOKKAIDO JOURNAL OF NEW GLOBAL LAW AND POLICY]* 45-70 (2011).
- CRANE, DANIEL A., *THE INSTITUTIONAL STRUCTURE OF ANTITRUST ENFORCEMENT* (Oxford University Press 2011)
- Creus, Antonio, *The Importance of Interim Measures in Civil Procedure Regarding Competition Law Matters*, in *PRIVATE ENFORCEMENT OF COMPETITION LAW* 181- 203 (Luis Antonio Velasco San Pedro et al. eds., Lex Nova, 2011).
- CUMMING, GEORGE, ET AL., *CIVIL PROCEDURE USED FOR ENFORCEMENT OF EC COMPETITION LAW BY THE ENGLISH, FRENCH, AND GERMAN CIVIL COURTS* (Kluwer Law International 2007).
- Cuneo, Jonathan W., *Differing Traditions*, in *THE INTERNATIONAL HANDBOOK ON PRIVATE ENFORCEMENT OF COMPETITION LAW* (Albert A. Foer & Jonathan W. Cuneo eds., Edward Elgar Pub. 2010).
- Daitō, Yasuo, *Dokusenkinshihō ihan kōi ni tai suru songai baishō seikyū – minpō 709 jō wo chūshin to suru wakugumi he no tenkan [Antitrust Damages Actions – Towards a System with Article 709 of the Civil Code at the Center]* (May 2012) (unpublished Master's thesis, Hitotsubashi University, on file with author).
- DANOV, MIHAIL *JURISDICTION AND JUDGMENTS IN RELATION TO EU COMPETITION LAW CLAIMS* (Hart Pub. 2011).
- DAVIS, JOSEPH W. S., ET AL., *DISPUTE RESOLUTION IN JAPAN* (Kluwer Law International 1996).
- Delatte, Jocelyn G., *Beyond the White Paper: Rethinking the Commission's Proposal on Private Antitrust Litigation*, 8 *COMPETITION LAW REVIEW* 29-48 (2011).
- Dillickrath, Thomas J., et al., *Trends in Private Federal Antitrust Litigation*, in *GLOBAL COMPETITION REVIEW: THE ANTITRUST REVIEW OF THE AMERICAS 2010*, at 1-4 (2009).
- Dorée, André G., *Collusion in the Dutch Construction Industry: An Industrial Organization Perspective*, 32 *BUILDING RESEARCH & INFORMATION* 146-156 (2004).

- Easterbrook, Frank H., *Discovery as Abuse*, 69 BOSTON UNIVERSITY LAW REVIEW 635 (1989).
- EHLERMANN, CLAUS-DIETER & ATANASIU, ISABELA, EDs., EUROPEAN COMPETITION LAW ANNUAL 2001: EFFECTIVE PRIVATE ENFORCEMENT OF EC ANTITRUST LAW (Hart Pub. 2003).
- ELZINGA, KENNETH G. & BREIT, WILLIAM, THE ANTITRUST PENALTIES: A STUDY IN LAW AND ECONOMICS (Yale University Press 1976).
- EPP, CHARLES R., THE RIGHTS REVOLUTION: LAWYERS, ACTIVISTS, AND SUPREME COURTS IN COMPARATIVE PERSPECTIVE (University of Chicago Press 1998).
- Epstein, Richard A., *The Coordination of Public and Private Antitrust Actions*, in PRIVATE REMEDIES (OECD ed., 2008).
- Ernst, Kristina & Juentgen, David, *Doing Nothing Is Not an Option: What the Management Needs to Know When Their Company Falls Victim to a Cartel*, 4(1) GLOBAL COMPETITION LITIGATION REVIEW 5-12 (2011).
- European Commission, *Commission White Paper on Modernisation of the Rules Implementing Articles 85 and 86 of the EC Treaty*, COM (1999) 101 final (April 1999).
- European Commission, Commission Notice on the Co-operation Between the Commission and the Courts of the EU Member States in the Application of Articles 81 and 82 EC, 2004 O.J. (C 101) 54-64.
- European Commission, Commission Notice on the Handling of Complaints by the Commission Under Articles 81 and 82 of the EC Treaty, 2004 O.J. (C 101) 65-77.
- European Commission, *Commission Green Paper on Damages Actions for Breach of the EC Antitrust Rules*, COM (2005) 672 final (19 December 2005).
- European Commission, *Commission Staff Working Paper Accompanying the Green Paper on "Damages Actions for Breach of the EC Antitrust Rules"*, COM (2005) 672 final (19 December 2005).
- European Commission, Commission Notice on Immunity from Fines and Reduction of Fines in Cartel Cases, 2006 O.J. (C 298) 17-22.
- European Commission, *Commission White Paper on Damages Actions for Breach of the EC Antitrust Rules*, COM (2008) 165 final (2 April 2008).
- European Commission, *Commission Staff Working Paper Accompanying the White Paper on Damages Actions for Breach of the EC Antitrust Rules*, SEC (2008) 404 (2 April 2008).
- European Commission, *Press Release – Commission Goes to Court Over Damages Suffered From Elevators Cartel* (24 June 2008).
- European Commission, *Commission Green Paper on Consumer Collective Redress*, COM (2008) 794 final (27 November 2008).
- European Commission, *Commission Staff Working Paper Accompanying the Communication from the Commission to the European Parliament and Council – Report on the Functioning of Regulation 1/2003*, COM (2009) 206 final (29 April 2009).
- EUROPEAN COMMISSION, ENFORCEMENT OF EU STATE AID LAW BY NATIONAL COURTS (Publications Office of the European Union, 2010).

- European Commission, Hearing Officers – Guidance on Procedures of the Hearing Officers in Proceedings Relating to Articles 101 and 102 TFEU (ex-articles 81 and 82 EC) (6 January 2010).
- European Commission, Guidelines on Vertical Restraints, 2010 O.J. (C 130) 1-46.
- European Commission, *Commission Staff Working Document – Public Consultation: Towards a Coherent European Approach to Collective Redress*, SEC (2011) 173 final (4 February 2011).
- European Commission, *Report on Competition Policy 2010*, SEC (2011) 690 final (10 June 2011).
- European Commission, *Draft Guidance Paper – Quantifying Harm in Actions for Damages Based on Breaches of Article 101 or 102 of the Treaty on the Functioning of the European Union* (June 2011).
- EUROPEAN COMMISSION, ANTITRUST MANUAL OF PROCEDURES (2012), at [www.ec.europa.eu/competition](http://www.ec.europa.eu/competition).
- European Competition Network, *Resolution of the Meeting of Heads of the European Competition Authorities of 23 May 2012 – Protection of Leniency Material in the Context of Civil Damages Actions* (23 May 2012).
- European Parliament, Resolution of 26 March 2009 on the White Paper on Damages Actions for Breach of the EC Antitrust Rules (2008/2154(INI)).
- Ezaki, Shigeyoshi & Uemura, Koya, *Shareholder Actions in Antitrust Cases in Japan*, 1 GLOBAL COMPETITION LITIGATION REVIEW 117-123 (2008).
- Ezrachi, Ariel, *From Courage v Crehan to the White Paper – The Changing Landscape of European Private Enforcement and the Possible Implications for Article 82 EC Litigation*, in ABUSE OF DOMINANT POSITION: NEW INTERPRETATION, NEW ENFORCEMENT MECHANISMS? (Mark-Oliver Mackenrodt et al. eds., Springer 2008).
- Fallon, Marc & Francq, Stéphanie, *Private Enforcement of Antitrust Provisions and the Rome I Regulation*, in INTERNATIONAL ANTITRUST LITIGATION: CONFLICT OF LAWS AND COORDINATION 63-90 (Jürgen Basedow, Stéphanie Francq & Laurence Idot eds., Hart Pub. 2012).
- Fallon, Marc, *The Law Applicable to Specific Torts in Europe*, in JAPANESE AND EUROPEAN PRIVATE INTERNATIONAL LAW IN COMPARATIVE PERSPECTIVE (Jürgen Basedow, Harald Baum & Yūko Nishitani eds., Mohr Siebeck 2008).
- FARHANG, SEAN, THE LITIGATION STATE: PUBLIC REGULATION AND PRIVATE LAWSUITS IN THE U.S. (Princeton University Press 2010).
- First, Harry, *Antitrust Enforcement in Japan*, 64 ANTITRUST LAW JOURNAL 137-182 (1995).
- First, Harry, *Antitrust in Japan: The Original Intent*, 9 PACIFIC RIM LAW & POLICY JOURNAL 1-71 (2000).
- First, Harry & Shiraiishi, Tadashi, *Concentrated Power: The Paradox of Antitrust in Japan*, in LAW IN JAPAN: A TURNING POINT 521-554 (Daniel H. Foote ed., University of Washington Press 2007).
- Fitcher, Jonathan, *Choice of Law in International Claims Based on Restrictions of Competition: Article 6(3) of the Rome II Regulation*, 5 JOURNAL OF PRIVATE INTERNATIONAL LAW 337-370 (2009).

- Fitzpatrick, Brian T., *An Empirical Study of Class Action Settlements and Their Fee Awards*, 7 JOURNAL OF EMPIRICAL LEGAL STUDIES 811-846 (2010).
- FOER, ALBERT A. & CUNEO, JONATHAN W., EDs., THE INTERNATIONAL HANDBOOK ON PRIVATE ENFORCEMENT OF COMPETITION LAW (Edward Elgar Publishing 2010).
- FOOTE, DANIEL H., ED., LAW IN JAPAN: A TURNING POINT (University of Washington Press 2007).
- Franco, Stéphanie & Wurmnest, Wolfgang, *International Antitrust Claims under the Rome II Regulation*, in INTERNATIONAL ANTITRUST LITIGATION: CONFLICT OF LAWS AND COORDINATION 91-129 (Jürgen Basedow, Stéphanie Franco & Laurence Idot eds., Hart Pub. 2012).
- FRESHFIELDS BRUCKHAUS DERINGER, CLASS ACTIONS AND THIRD PARTY FUNDING OF LITIGATION – AN ANALYSIS ACROSS EUROPE (Freshfields Bruckhaus Deringer 2007).
- FREYER, TONY ALLAN, ANTITRUST AND GLOBAL CAPITALISM, 1930-2004 (Cambridge University Press 2006).
- Fujita, Minoru, *Kōseitōrihikiinkai no shinpan no jiken kiroku ni tai suru jōhōkōkaihō dai 3 jō – dokusenkinshihō dai 69 jō – minjisoshōhō dai 223 jō ni yoru kaiji seikyū to jigyōsha no himitsu no hogo [Requests for Access to the File of the Japan Fair Trade Commission Pursuant to Art. 3 of the Information Disclosure Act, Art. 69 of the Antimonopoly Act, and Art. 223 of the Code of Civil Procedure with a Particular Focus on the Protection of Business Secrets]*, 29 YAMAGATA DAIGAKU HŌSEI RONSŌ 81-124 (2004).
- Fry, James D., *Struggling to Teethe: Japan's Antitrust Enforcement Regime*, 825 LAW & POLICY IN INTERNATIONAL BUSINESS 825-857 (2001).
- Gavil, Andrew I., *Antitrust Remedy Wars Episode I: Illinois Brick from Inside the Supreme Court*, 79 ST. JOHN'S LAW REVIEW 553-624 (2005).
- Gavil, Andrew I., *Thinking Outside the Illinois Brick Box: A Proposal for Reform*, 76 ANTITRUST LAW JOURNAL 167-203 (2009).
- Gehring, Andrew S., *The Power of the Purchaser: The Effect of Indirect Purchaser Damages Suits on Deterring Antitrust Violations*, 5 NEW YORK UNIVERSITY JOURNAL OF LAW & LIBERTY 208 (2010).
- Gerber, David J., *Constitutionalizing the Economy: German Neo-liberalism, Competition Law and the "New" Europe*, 42 AMERICAN JOURNAL OF COMPARATIVE LAW 25 (1994).
- GERBER, DAVID J., LAW AND COMPETITION IN TWENTIETH CENTURY EUROPE: PROTECTING PROMETHEUS (Oxford University Press 2001).
- GERBER, DAVID J., *Private Enforcement of Competition Law: A Comparative Perspective*, in THE ENFORCEMENT OF COMPETITION LAW IN EUROPE 431-452 (Andreas Heinemann & Thomas M. J. Möllers eds., Cambridge University Press 2007).
- GERBER, DAVID J., GLOBAL COMPETITION: LAW, MARKETS AND GLOBALIZATION (Oxford University Press 2010).
- Gilles, Myriam & Friedman, Bary B., *Exploding the Class Action Agency Costs Myth: The Social Utility of Entrepreneurial Lawyers*, 155 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 103-164 (2006).

- Ginsburg, Douglas H., *Comparing Antitrust Enforcement in the United States and Europe*, 1 JOURNAL OF COMPETITION LAW AND ECONOMICS 427-439 (2005).
- Ginsburg, Tom & Hoetker, Glenn, *The Unreluctant Litigant? An Empirical Analysis of Japan's Turn to Litigation*, 35 JOURNAL OF LEGAL STUDIES 31-59 (2006).
- Glader, Marcus & Alstergren, Peter, *Sweden*, in THE INTERNATIONAL HANDBOOK ON PRIVATE ENFORCEMENT OF COMPETITION LAW 395-413 (Albert A. Foer & Jonathan W. Cuneo eds., Edward Elgar Pub. 2010).
- Godek, Paul E., *Does the Tail Wag the Dog? Sixty Years of Government and Private Antitrust in the Federal Courts*, 9 THE ANTITRUST SOURCE 1-4 (2009).
- Golub, Alla, Detre, Joshua & Connor, John M., *The Probability of Price Fixing: Have Stronger Antitrust Sanctions Deterred?*, available at SSRN: <http://ssrn.com/abstract=1188515> (2005).
- Goodman, Carl F., *The Somewhat Less Reluctant Litigant: Japan's Changing View Towards Civil Litigation*, 32 LAW & POLICY IN INTERNATIONAL BUSINESS 769-810 (2001).
- Goodman, Carl F., THE RULE OF LAW IN JAPAN: A COMPARATIVE ANALYSIS (Kluwer Law International 2003).
- Goodman, Carl F., *Japan's New Civil Procedure Code: Has it Fostered a Rule of Law Dispute Resolution Mechanism?*, 29 BROOKLYN JOURNAL OF INTERNATIONAL LAW 511 (2004).
- Goodrich, Mark, *Japanese Arbitration – Much Work Done; Much Still To Do*, 27 JCAA NEWSLETTER 1-3 (2012).
- Gotts, Ilene Knable, *United States*, in THE PRIVATE COMPETITION ENFORCEMENT REVIEW (Ilene Knable Gotts ed., Law Business Research 2009).
- GLOBAL LEGAL GROUP, THE INTERNATIONAL COMPARATIVE LEGAL GUIDE TO: COMPETITION LITIGATION 2010 (Global Legal Group 2010).
- Haley, John O., *The Myth of the Reluctant Litigant*, 4 JOURNAL OF JAPANESE STUDIES 359-389 (1978).
- HALEY, JOHN OWEN, AUTHORITY WITHOUT POWER: LAW AND THE JAPANESE PARADOX (Oxford University Press 1991).
- Haley, John O., *Competition and Trade Policy: Antitrust Enforcement: Do Differences Matter?*, 4 PACIFIC RIM LAW & POLICY JOURNAL 303-323 (1995).
- HALEY, JOHN OWEN, ANTITRUST IN GERMANY AND JAPAN: THE FIRST FIFTY YEARS, 1947-1998 (University of Washington Press 2001).
- Hamabe, Yoichiro, *Changing Antimonopoly Policy in the Japanese Legal System – An International Perspective*, 28 INTERNATIONAL LAWYER 903-926 (1994).
- Handler, Milton, *The Shift from Substantive to Procedural Innovations in Antitrust Suits – The Twenty-Third Annual Antitrust Review*, 71 COLUMBIA LAW REVIEW 9 (1971).
- HANDLER, MILTON, PITOFKY ROBERT, GOLDSCHMID, HARVEY J. & WOOD DIANE P., TRADE REGULATION: CASES AND MATERIALS (4th ed., Foundation Press 1997).
- Harris, H. Stephen, *Competition Law and Patent Protection in Japan: A Half-Century Progress, a New Millenium of Challenges*, 16 COLUMBIA JOURNAL OF ASIAN LAW 71-139 (2002).



- Hasebe, Yukiko, *Songai no shōmei – Tsuruoka tōyu jiken [Proof of Damage – The Tsuruoka Kerosene Case]*, in HANREI KARA MANABU – MINJI JIJITSU NINTEI [LEARNING FROM CASE LAW – FACT-FINDING IN CIVIL LITIGATION] 36-40 (Makoto Itō & Shintarō Katō eds., Yūhikaku 2006).
- Hausfeld LLP, *Press Release: Hausfeld Backs Dutch Elevator Cartel Claim* (3 May 2011).
- HEINEMANN, ANDREAS & MÖLLERS, THOMAS M.J., *THE ENFORCEMENT OF COMPETITION LAW IN EUROPE* (Cambridge University Press 2007).
- HENDERSON, DAN FENNO, *FOREIGN ENTERPRISE IN JAPAN: LAWS AND POLICIES* (University of North Carolina Press 1973).
- HEATH, CHRISTOPHER, *THE SYSTEM OF UNFAIR COMPETITION PREVENTION IN JAPAN* (Kluwer Law International 2001).
- Heath, Christopher, *Three Recent Decisions on Unfair Competition*, 13(25) *JOURNAL OF JAPANESE LAW* 233-255 (2008).
- Heath, Christopher, *Case No. 60 – Antitrust Law – Unfair Trade Practices – Resale Price Maintenance – Private Enforcement*, in *BUSINESS LAW IN JAPAN – CASES AND COMMENTS* 663-676 (Moritz Bälz et al. eds., Kluwer Law International 2012).
- HENSLER, DEBORAH R. & INSTITUTE FOR CIVIL JUSTICE (U.S.), *CLASS ACTION DILEMMAS: PURSUING PUBLIC GOALS FOR PRIVATE GAIN* (Rand 2000).
- HIGASHIDE, KŌICHI ED., *DOKKINHŌ IHAN KŌI TO MINJITEKI KYŪSAISEIDO – “DOKUSENKINSHIHŌ IHAN KŌI NI KAKARU MINJITEKI KYŪSAISEIDO KENKYŪKAI” HŌKOKU [ANTITRUST VIOLATIONS AND CIVIL REMEDIES – THE REPORT OF THE “RESEARCH GROUP ON THE CIVIL REMEDY SYSTEM FOR ANTITRUST VIOLATIONS”]*, BESSATSU [SPECIAL ISSUE] *NBL* 55 (Shōji Hōmu 2000).
- HIGASHIDE, KŌICHI, ED., *DOKKINHŌ IHAN TO MINJI SOSHŌ – SASHITOME SEIKYŪ SONGAI BAISHŌ SEIDO [ANTITRUST VIOLATIONS AND CIVIL LITIGATION – INJUNCTIONS AND DAMAGES ACTIONS]* (Shōji Hōmu 2001).
- Hirabayashi, Hidekatsu, *Dokusenkinshihō dai 1 jō no kisō katei to sono haikei oyobi igi – hiseiō shakai ni okeru shijōkeizai to minshushugi no hō no seiritsu [The Drafting History of Article 1 of the Antimonopoly Act and Its Background and Significance – The Introduction of a Law on Market Economy and Democracy in a non-Western Society]*, *TSUKUBA RŌ JĀNARU* 39-77 (March 2007).
- HODGES, CHRISTOPHER, *THE REFORM OF CLASS AND REPRESENTATIVE ACTIONS IN EUROPEAN LEGAL SYSTEMS: A NEW FRAMEWORK FOR COLLECTIVE REDRESS IN EUROPE* (Hart Pub. 2008).
- Hodges, Christopher, *From Class Actions to Collective Redress*, 28 *CIVIL JUSTICE QUARTERLY* 41-66 (2009).
- Hodges, Christopher, *Collective Redress in Europe: The New Model*, 7 *CIVIL JUSTICE QUARTERLY* 370 (2010).
- Holzmueller, Tobias & von Koeckritz, Christian, *Private Enforcement of Competition Law Under the Rome II Regulation*, 3(3) *GLOBAL COMPETITION LAW REVIEW* 91-97 (2010).
- Hughes, Paul, *The Enforcement of Private Actions for Breaches of EC Competition Law – The Role of the Shareholder under English Law*, 3 *COMPETITION LAW REVIEW* 73-95 (2006).

- Idot, Laurence, *Private Enforcement of Competition Law – Recommendations Flowing from the French Experience*, in PRIVATE ENFORCEMENT OF EC COMPETITION LAW (Jürgen Basedow ed., Kluwer Law International 2007).
- Idot, Laurence, *The Role of Arbitration in Competition Disputes*, in THE REFORM OF EC COMPETITION LAW: NEW CHALLENGES 75-94 (Ioannis Kokkoris & Ioannis Lianos eds., Wolters Kluwer 2010).
- IMAMURA, SHIGEKAZU, DOKUSENKINSHIHŌ [THE ANTIMONOPOLY ACT] (1961).
- Inoue, Akira, *The Great Step Forward: The Reform to the Japanese Antimonopoly Act*, THE SINGAPORE LAW GAZETTE 36-43 (2006).
- Inoue, Akira, *The Recent Amendment of the Japanese Antimonopoly Law*, JAPAN BUSINESS LAW REVIEW 4-14 (2006).
- INOUE, AKIRA, JAPANESE ANTITRUST LAW MANUAL: LAW, CASES AND INTERPRETATION OF THE JAPANESE ANTIMONOPOLY ACT (Kluwer Law International 2007).
- INOUE, MOTO, JŪMIN SOSHŌ NO JŌZU NA KATSUYŌHŌ: KANSA SEIKYŪ KARA SOSHŌ MADE NO RIRON TO JITSUMU [USING RESIDENTS' LAWSUITS EFFECTIVELY: FROM AUDIT REQUEST TO LITIGATION, THEORY AND PRACTICE] (Minjihō Kenkyūkai 2009).
- Ishida, Hideto & Fujiyama, Duke, *Japan*, in THE PRIVATE COMPETITION ENFORCEMENT REVIEW 129-137 (Ilene Knable Gotts ed., Law Business Research, 2009).
- Ishida, Hideto, et al., *Private Antitrust Litigation – Japan*, in PRIVATE ANTITRUST LITIGATION IN 35 JURISDICTIONS WORLDWIDE 2009 (Samantha Mobley ed., 2009).
- Issacharoff, Samuel & Miller, Geoffrey P., *Will Aggregate Litigation Come to Europe?*, 62 VANDERBILT LAW REVIEW 179-210 (2009).
- ITŌ, MAKOTO, MINJI SOSHŌHŌ [CIVIL PROCEDURE] (3ed., Yūhikaku 2005).
- IYORI, HIROSHI & UESUGI, AKINORI, THE ANTIMONOPOLY LAWS AND POLICIES OF JAPAN (Federal Legal Publications 1994).
- Izumisawa, Mamoru, *Dokusenkinshihō ihan kōi to songaibaishō seikyū soshō – kinen no nyūsatsu dangō jirei wo gaikan shite – [Violations of the Antimonopoly Act and Damages Actions – An Overview of Recent Case Law Concerning Bidding]*, 16 GENDAI HŌGAKU 3-37 (2008).
- JACOB, HERBERT, ET AL., COURTS, LAW, AND POLITICS IN COMPARATIVE PERSPECTIVE (Yale University Press 1996).
- Jacoby, Mary, *London Becomes Lab for U.S.-style Lawsuits*, THE WALL STREET JOURNAL EUROPE, 16 January 2007.
- Jaacks, Jörg & Säcker, Franz Jürgen, *Article 81(2) EC & Civil Law Effects*, in COMPETITION LAW: EUROPEAN COMMUNITY PRACTICE AND PROCEDURE 675-753 (Günther Hirsch, Frank Montag & Franz Jürgen Säcker eds., Sweet & Maxwell, 2008).
- Japan Fair Trade Commission, *Fukōseina torihiki hōhō [Designation of Unfair Trade Practices]* (18 June 1982, as amended).
- Japan Fair Trade Commission, *Dokusenkinshihō ihan kōi ni kakaru songaibaishō seikyū soshō ni kansuru shiryō no teikyō ni tsuite [Concerning the Provision of Documents Relating to Damages Actions Concerning Violations of the Antimonopoly Act]* (15 May 1991, as amended in 2005 and 2009), <http://www.jftc.go.jp/dk/4/siryouteikyō.pdf>.

- Japan Fair Trade Commission, *Dokusen kinshihōsei (an) no kangaekata [Approach to the Amendment of the Antimonopoly Act]* (19 May 2004), <http://www.jftc.go.jp/kaiseikei/sisyou3.pdf>, also reproduced in SADAOKI SUWAZONO, HEISEI 17 NEN KAISEI DOKUSENKINSHIHŌ [THE ANTIMONOPOLY ACT AFTER THE 2005 AMENDMENT] 227 (Shōjihōmu 2005).
- Japan Fair Trade Commission, *Nyūsatsu dangō no bōshi ni mukete – dokusenkinshihō no shikkō to hacchūshagawa no torikumi [Towards the Elimination of Bid-rigging – The Enforcement of the Antimonopoly Act and Measures by the Parties Issuing the Bids]* (Kōseitōrihiki iinkai jimu sōkyoku 2006).
- Japan Fair Trade Commission, *Dantai soshō seido ni kansuru kenkyūkai [Study Group on Introduction of the Group Litigation System], Report of the Study Group on Introduction of the Group Litigation System* (12 July 2007).
- Japan Fair Trade Commission, *Guidelines for the Use of Intellectual Property Under the Antimonopoly Act* (2007).
- Japan Fair Trade Commission, *Hajjogata shiteki dokusen ni kakaru dokusenkinshihōjō no shishin [The Guidelines for Exclusionary Private Monopolization Under the Antimonopoly Act]* (28 October 2009).
- Japan Fair Trade Commission, *Nyūsatsu dangō no bōshi ni mukete – dokusenkinshihō to nyūsatsu dangō nado kanyo kōi bōshihō [Towards the Elimination of Bid-rigging – The Antimonopoly Act and the Laws Against Bid-Rigging Activities]* (Kōseitōrihiki iinkai jimu sōkyoku 2010).
- Jolls, Christine, et al., *A Behavioral Approach to Law and Economics*, 50 STANFORD LAW REVIEW 1471-1550 (1998).
- JONES, CLIFFORD A., *PRIVATE ENFORCEMENT OF ANTITRUST LAW IN THE EU, UK AND USA* (Oxford University Press 1999).
- Jones, Clifford A., *Trilateralism in Private Antitrust Enforcement: Japan, the USA, and the European Union*, in COMPETITION POLICY IN THE GLOBAL TRADING SYSTEM 211-224 (Clifford A. Jones & Mitsuo Matsushita eds., Kluwer Law International 2002).
- JONES, CLIFFORD A. & MATSUSHITA, MITSUO, *COMPETITION POLICY IN THE GLOBAL TRADING SYSTEM* (Kluwer Law International 2002).
- Jones, Clifford A., *Private Antitrust Enforcement in Europe: A Policy Analysis and Reality Check*, 27 WORLD COMPETITION LAW & ECONOMICS REVIEW 13 (2004).
- Jones, Clifford A., *Exporting Antitrust Courtrooms to the World: Private Enforcement in a Global Market*, 16 LOYOLA CONSUMER LAW REVIEW 409-430 (2004).
- Kadomatsu, Narufumi, *Judicial Governance Through Resolution of Legal Disputes? – A Japanese Perspective*, 4 NATIONAL TAIWAN UNIVERSITY LAW REVIEW 141-162 (2009).
- Kamemoto, Kazuhiko, *Kōkyō kōji ni nyūsatsu & keiyaku no tekiseika – nyūsatsu dangō no haijo to bōshi wo mezashite [Public Works and Bidding – Ensuring Fairness for Contracts]*, 632 REFERENSU 14 (September 2003).
- Kanazawa, Yoshio, *The Regulation of Corporate Enterprise: The Law of Unfair Competition and the Control of Monopoly Power*, in LAW IN JAPAN: THE LEGAL ORDER IN A CHANGING SOCIETY 480-506 (Arthur Taylor Von Mehren ed., Harvard University Press 1963).

- KAPLOW, LOUIS & SHAVELL, STEVEN, *FAIRNESS VERSUS WELFARE* (Harvard University Press 2002).
- Kawahama, Noboru, *Dai 3jō – Shiteki dokusen – futōna torihiki seigen no kinshi* [Article 3 – The Prohibition of Private Monopolization and Unreasonable Restraints of Trade], in *CHŪSHAKU DOKUSEN KINSHIHŌ* [COMMENTARY ON THE ANTIMONOPOLY LAW OF JAPAN] 108 (Akira Negishi ed., Yūhikaku 2009).
- Kawahama, Noboru, *Dai 2jō5 – Teigi – Shiteki dokusen* [Article 2(5) – Definition – Private Monopolization], in *CHŪSHAKU DOKUSEN KINSHIHŌ* [COMMENTARY ON THE ANTIMONOPOLY LAW OF JAPAN] 25-73 (Akira Negishi ed., Yūhikaku 2009)
- Kawai, Kōzo & Shimada, Madoka, *Japan*, in *THE PRIVATE COMPETITION ENFORCEMENT REVIEW* 157-169 (Ilene Knable Gotts ed., 3d ed., Law Business Research 2010).
- Kawai, Kōzo & Shimada, Madoka, *Japan*, in *THE PRIVATE COMPETITION ENFORCEMENT REVIEW* 189-200 (Ilene Knable Gotts ed., 4th ed., Law Business Research 2011).
- KESKE, SONJA E., *GROUP LITIGATION IN EUROPEAN COMPETITION LAW* (Intersentia 2010).
- Klonoff, Robert H., *Antitrust Class Actions: Chaos in the Courts*, 11 *STANFORD JOURNAL OF LAW, BUSINESS & FINANCE* 1-26 (2005).
- Koch, Harald, *Non-class Group Litigation Under EU and German Law*, 11 *DUKE JOURNAL OF COMPARATIVE & INTERNATIONAL LAW* 355-367 (2001).
- Kojō, Makoto, *Kōtorii enfōsumento to shiso* [The Antimonopoly Enforcement by Japanese FTC and Private Suits], in *DOKUSENKINSHIHŌ NO ENFŌSUMENTO – NIHON KEIZAIHŌ GAKKAI NENPŌ DAI 22 GŌ* [THE ANTIMONOPOLY ENFORCEMENT – THE 22ND ANNUAL OF THE JAPAN ASSOCIATION OF ECONOMIC LAW] (Nihon keizaihō gakkai [The Japan Association of Economic Law] ed., Yūhikaku 2001).
- KOKKORIS, IOANNIS & LIANOS, IOANNIS, EDs., *THE REFORM OF EC COMPETITION LAW: NEW CHALLENGES* (Wolters Kluwer 2010).
- Komninos, Assimakis, *Public and Private Enforcement in Europe: Complement? Overlap?*, 3 *COMPETITION LAW REVIEW* 2-26 (2006).
- KOMNINOS, ASSIMAKIS P., *EC PRIVATE ANTITRUST ENFORCEMENT: DECENTRALISED APPLICATION OF EC COMPETITION LAW BY NATIONAL COURTS* (Hart Pub. 2008).
- Komninos, Assimakis P., *Arbitration and EU Competition Law*, in *INTERNATIONAL ANTITRUST LITIGATION: CONFLICT OF LAWS AND COORDINATION* 191-222 (Jürgen Basedow, Stéphanie Francq & Laurence Idot eds., Hart Pub. 2012).
- Komninos, Assimakis P., *Private Enforcement: An Overview of EU and National Case Law*, *E-COMPETITIONS*, no. 44442, [www.concurrences.com](http://www.concurrences.com).
- Komninos, Assimakis P., *Relationship Between Public and Private Enforcement: Quod Dei Deo, quod Caesaris Caesari*, in *EUROPEAN COMPETITION LAW ANNUAL 2011: INTEGRATING PUBLIC AND PRIVATE ENFORCEMENT OF COMPETITION LAW – IMPLICATIONS FOR COURTS AND AGENCIES* (Philip Lowe & Mel Marquis eds., Hart Publishing, forthcoming in 2014).
- Kozuka, Sōichirō, *The Enforcement of the Competition Law in Japan: The Rise of Private Initiatives by Litigious Reformers*, in *WHO JUDGES JAPAN?: POPULAR PARTICIPATION IN THE JAPANESE LEGAL PROCESS* (Leon Wolff, Luke Nottage & Kent Anderson eds., Edward Elgar, forthcoming 2013).
- Kurita, Makoto, *Effectiveness and Transparency of Competition Law Enforcement – Causes and Consequences of a Perception Gap Between Home and Abroad on*

- the Anti-monopoly Act Enforcement in Japan*, 3 WASHINGTON UNIVERSITY GLOBAL LEGAL STUDIES LAW REVIEW 387-404 (2004).
- Kusunoki, Shigeki, *Japan's Government Procurement Regimes for Public Works: A Comparative Introduction*, 32 BROOKLYN JOURNAL OF INTERNATIONAL LAW 523-552 (2007).
- Lande, Robert H., *Are Antitrust "Treble" Damages Really Single Damages?*, 54 OHIO STATE LAW JOURNAL 115-174 (1993).
- Lande, Robert H., *New Options for State Indirect Purchaser Legislation: Protecting the Real Victims of Antitrust Violations*, 61 ALABAMA LAW REVIEW 447-500 (2010).
- Lande, Robert H. & Davis, Joshua P., *Benefits from Private Antitrust Enforcement: An Analysis of Forty Cases*, 42 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 879-918 (2008).
- Landes, W.M., *Optimal Sanctions for Antitrust Violations*, 46 UNIVERSITY OF CHICAGO LAW REVIEW 602-678 (1983).
- Lao, Marina, *Jurisdictional Reach of the U.S. Antitrust Laws: Yokosuka and Yokota, and "Footnote 159" Scenarios*, 46 RUTGERS LAW REVIEW 821-871 (1994).
- La Porta, Rafael, Lopez-de-Silanes, Florencio & Shleifer, Andrei, *The Economic Consequences of Legal Origins*, 46 JOURNAL OF ECONOMIC LITERATURE 285-332 (2008)
- L'Ecluse, Peter, *De privaatrechtelijke afdwinging van het mededingingsrecht [Private Enforcement of Competition Law]*, in ACTUALIA VERMOGENSRECHT 631-643 (B. Tilleman & A. Verbeke eds., Die Keure 2005).
- Lefèvre, Françoise, *Les actions en responsabilité pour infraction au droit de la concurrence*, 2009 (2) REVUE DE LA CONCURRENCE BELGE 4-23.
- Lefèvre, Françoise & Ysewyn, Johan, *Belgium*, in THE INTERNATIONAL COMPARATIVE LEGAL GUIDE TO: COMPETITION LITIGATION 2010 (Arundel McDougall & James Levy ed., Global Legal Group 2010).
- Lefèvre, Françoise & Taton, Xavier, *Belgium*, in THE INTERNATIONAL COMPARATIVE LEGAL GUIDE TO: COMPETITION LITIGATION 2012 (Arundel McDougall & James Levy eds., Global Legal Group 2011).
- Llewellyn, Paul & Barker, Stephen, *Class Actions in the EU – A Jeremiad?*, in THE INTERNATIONAL COMPARATIVE LEGAL GUIDE TO: PRODUCT LIABILITY 2007, at 21-26 (Ian Dodds-Smith & Michael Spencer eds., Global Legal Group 2007).
- Lin, Ping, *The Evolution of Competition Law in East Asia*, in COMPETITION POLICY IN EAST ASIA (Erlinda Medalla ed., Routledge Curzon 2005).
- Lopatka, John E. & Page, William H., *Indirect Purchaser Suits and the Consumer Interest*, 48 THE ANTI-TRUST BULLETIN 531-570 (2003).
- LOVELLS, STUDY ON THE ENFORCEMENT OF STATE AID RULES AT NATIONAL LEVEL (2009).
- LOWE, PHILIP & MARQUIS, MEL, EDs., EUROPEAN COMPETITION LAW ANNUAL 2011: INTEGRATING PUBLIC AND PRIVATE ENFORCEMENT OF COMPETITION LAW – IMPLICATIONS FOR COURTS AND AGENCIES (Hart Publishing, forthcoming in 2014).
- MACKENRODT, MARK-OLIVER, ET AL., ABUSE OF DOMINANT POSITION: NEW INTERPRETATION, NEW ENFORCEMENT MECHANISMS? (Springer 2008).
- MACLACHLAN, PATRICIA L., CONSUMER POLITICS IN POSTWAR JAPAN: THE INSTITUTIONAL BOUNDARIES OF CITIZEN ACTIVISM (Columbia University Press 2002).

- Maher, Imelda, *National Courts as European Community Courts*, 14 LEGAL STUDIES 226-243 (1994).
- Marcos, Francisco, *Why There Might Not Be Many Damage Claims Arising from the Spanish Property Insurance Cartel?*, in PRIVATE ENFORCEMENT OF COMPETITION LAW 303-333 (Luis Antonio Velasco San Pedro et al. eds., Lex Nova, 2011).
- Marshall, Jonathan, *Credible Commitments: Taxpayer Suits and Freedom of Information in Japan*, Paper Delivered at the 2001 Annual Meeting of the American Political Science Association (2001).
- Marshall, Jonathan, *Leveraging Accountability: How Freedom of Information Brought Courts into Governance in Japan* (doctoral dissertation, unpublished) (2001).
- Marshall, Jonathan, *Freedom of Information, Legal Mobilization, and the Taxpayer Suit Boom in Japan*, USJP Occasional Paper 04-06 (2004).
- Marshall, Jonathan, *Who Decides the Role of Courts, State or Society?*, in EMERGING CONCEPTS OF RIGHTS IN JAPANESE LAW 135-158 (Laurent Mayali & Harry N. Scheiber eds., Robbins Collection Publications 2007).
- Masuda, Tatsuyoshi, *Economic Analysis of the Surcharge Payment System*, 24 ECONOMIC JOURNAL OF HOKKAIDO UNIVERSITY 91-112 (1995).
- Matsui, Shigenori, *A Comment Upon the Role of the Judiciary in Japan*, 35 OSAKA UNIVERSITY LAW REVIEW 17-28 (1988)
- MATSUMOTO, HIDEAKI, CHIHŌJICHIHŌ NO GAIYŌ [AN OUTLINE OF THE LOCAL AUTONOMY ACT] (4th ed., Gakuyōshobō 2012).
- MATSUMOTO, HIDEAKI, CHIKUJŌ CHIHŌ JICHIHŌ [ARTICLE-BY-ARTICLE COMMENTARY ON THE LOCAL AUTONOMY ACT] 953-980 (6th ed., Gakuyōshobō 2011).
- Matsumoto, Tsuneo, *Privatization of Consumer Law: Current Developments and Features of Consumer Law in Japan at the Turn of the Century*, HITOTSUBASHI JOURNAL OF LAW AND POLITICS 1-14 (2002).
- Matsumoto, Tsuneo, *Kyōsō chitsujo to minjihō – minpō no shiten kara [Competition Policy and Private Law – From the Viewpoint of Civil Law]*, in KYŌSŌ CHITSUJO TO MINJIHŌ – NIHON KEIZAIHŌ GAKKAI NENPŌ DAI 19 GŌ [COMPETITION POLICY AND PRIVATE LAW – THE 19TH ANNUAL OF THE JAPAN ASSOCIATION OF ECONOMIC LAW] 27-55 (Nihon keizaihō gakkai [The Japan Association of Economic Law] ed., Yūhikaku 1998).
- MATSUSHITA, MITSUO & CHITEKI ZAISAN KENKYŪSHO [INTELLECTUAL PROPERTY RESEARCH CENTER] EDS., KYŌSŌ KANKYŌ SEIBI NO TAME NO MINJITEKI KYŪSAI [CIVIL REDRESS TO MAINTAIN A COMPETITIVE ENVIRONMENT], BESSATSU [SPECIAL ISSUE] NBL 44 (Shōji Hōmu 1997).
- Matsushita, Mitsuo, *The Structural Impediments Initiative: An Example of Bilateral Trade Negotiation*, 12 MICHIGAN JOURNAL OF INTERNATIONAL LAW 436-449 (1991).
- MATSUSHITA, MITSUO, INTERNATIONAL TRADE AND COMPETITION LAW IN JAPAN (Oxford University Press 1993).
- Matsushita, Mitsuo, *The Antimonopoly Law of Japan*, in GLOBAL COMPETITION POLICY (Edward M. Graham & J. David Richardson eds., Institute for International Economics 1997).
- Matsushita, Mitsuo, *Reforming the Enforcement of the Japanese Antimonopoly Law*, 41 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 521-534 (2010).

- MAYALI, LAURENT & SCHEIBER, HARRY N., EDs., EMERGING CONCEPTS OF RIGHTS IN JAPANESE LAW (Robbins Collection Publications 2007).
- McAfee, R. Preston, et al., *Private v. Public Antitrust Enforcement: A Strategic Analysis*, 92 JOURNAL OF PUBLIC ECONOMICS 1863-1875 (2008).
- Mehra, Salil K., *Antitrust by Other Means: Haley on Form and Function*, 8 WASHINGTON UNIVERSITY GLOBAL LEGAL STUDIES LAW REVIEW 333 (2009).
- Mehra, Salil K., BOOK REVIEW: POLITICS AND ANTITRUST IN JAPAN: ANTITRUST IN GERMANY AND JAPAN: THE FIRST FIFTY YEARS 1947-1998, 432 VANDERBILT JOURNAL OF INTERNATIONAL LAW 303-317 (2002).
- Meyring, Bernd, *European Union, in* THE PRIVATE COMPETITION ENFORCEMENT REVIEW (Ilene Knable Gotts ed., 2009).
- MICKLIZ, HANS-W. & DE WITTE, BRUNO, EDs., THE EUROPEAN COURT OF JUSTICE AND THE AUTONOMY OF MEMBER STATES (Intersentia 2012).
- MILUTINOVIĆ, VELJKO, THE “RIGHT TO DAMAGES” UNDER EU COMPETITION LAW: FROM COURAGE V. CREHAN TO THE WHITE PAPER AND BEYOND (Wolters Kluwer 2010).
- MINEMURA, TERUO & SHŌDA, AKIRA, SHITEKI DOKUSEN KINSHIHŌ (Nihon Hyōron Shinsha 1956).
- Ministry of Land, Infrastructure, Transport and Tourism, Nyūsatsu keiyaku tekiseika no tettei no tame no tōmen no hōsaku ni tsuite [Current Policy to Thoroughly Rectify Procurement Contracts] (15 April 2003), at [www.mlit.go.jp](http://www.mlit.go.jp).
- Ministry of Land, Infrastructure, Transport and Tourism, Kōji ni okeru iyakukin tokuyaku jōkō no kyōka ni tsuite [Concerning the Strengthening of Penalty Clauses in Contracts for Works] (6 September 2010), at <http://www.mlit.go.jp>.
- Miyakawa, Hiromitsu, *Japan, in* THE INTERNATIONAL HANDBOOK ON PRIVATE ENFORCEMENT OF COMPETITION LAW (Albert A. Foer & Jonathan W. Cuneo eds., Edward Elgar Pub. 2010).
- MONTI, GIORGIO, EC COMPETITION LAW 424-437 (Cambridge University Press 2007).
- MORIKAWA, HIDEMASA, ZAIBATSU: THE RISE AND FALL OF FAMILY ENTERPRISE GROUPS IN JAPAN (University of Tokyo Press 1992).
- Morita, Osamu, “*Dokinhō ihan no shihōjō no kōryoku*” shiron [On the Validity of the Contract Which Violates the Anti-Monopoly Law], in KYŌSŌ CHITSUJO TO MINJIHŌ – NIHON KEIZAIHŌ GAKKAI NENPŌ DAI 19 GŌ [COMPETITION POLICY AND PRIVATE LAW – THE 19TH ANNUAL OF THE JAPAN ASSOCIATION OF ECONOMIC LAW] (Nihon keizaihō gakkai [The Japan Association of Economic Law] ed. 1998).
- Morony, Elizabeth & Morfey, Anna, *England & Wales, in* GETTING THE DEAL THROUGH – PRIVATE ANTITRUST LITIGATION 2011 (Samantha Mobley ed., 2010).
- Möschel, Wernhard, *Japanisches Kartellrecht – von aussen gesehen [Japanese Antitrust Law – Viewed From the Outside]*, in JAHRBUCH DES DEUTSCHEN INSTITUTS FÜR JAPANSTUDIEN, Bd. 14, at 165-177 (Deutsches Institut für Japanstudien ed., Iudicium Verlag, 2002).
- Motta, Massimo, *On Cartel Deterrence and Fines in the European Union*, 29(4) EUROPEAN COMPETITION LAW REVIEW 209-220 (2008).
- MULHERON, RACHAEL P., THE CLASS ACTION IN COMMON LAW LEGAL SYSTEMS: A COMPARATIVE PERSPECTIVE (Hart Pub. 2004).

- Mulheron, Rachael, *Justice Enhanced: Framing an Opt-Out Class Action for England*, 70 MODERN LAW REVIEW 550-580 (2007).
- Mulheron, Rachael, *Reform of Collective Redress in England and Wales: A Perspective of Need*, Research Paper for the Civil Justice Council (2008), at <http://www.judiciary.gov.uk/Resources/JCO/Documents/CJC/Publications/Other%20papers/CJC%20Reform%20of%20collective%20redress.pdf>.
- Mulheron, Rachael, *The Case for an Opt-out Class Action for European Member States: A Legal and Empirical Analysis*, 15 COLUMBIA JOURNAL OF EUROPEAN LAW 409-453 (2009).
- Mulheron, Rachael, *Emerald Supplies Ltd v British Airways plc: A Century Later, The Ghost of Markt Lives On*, 8 COMPETITION LAW JOURNAL 159 (2009).
- Mulheron, Rachael, *A Missed Gem of an Opportunity for the Representative Rule*, EUROPEAN BUSINESS LAW REVIEW 49-60 (2011).
- Murakami, Masahiro, *Competition Rules and Enforcement in the US, EU and Japan*, in COMPETITION POLICY IN THE GLOBAL TRADING SYSTEM 95-106 (Clifford A. Jones & Mitsuo Matsushita eds., Kluwer Law International 2002).
- MURAKAMI, MASAHIRO, THE JAPANESE ANTIMONOPOLY ACT – NIHON NO DOKUSENKINSHIHŌ (Shōji Hōmu 2003).
- MURAKAMI, MASAHIRO & YAMADA, TAKEO, DOKUSENKINSHIHŌ TO SASHITOME SONGAI BAISHŌ [THE ANTIMONOPOLY ACT – INJUNCTIVE RELIEF AND DAMAGES ACTIONS] (2nd ed., Shōji Hōmu 2005).
- Murayama, Makoto, *Private Enforcement of Antitrust Law in Japan*, in COMPETITION POLICY IN THE GLOBAL TRADING SYSTEM 243-254 (Clifford A. Jones & Mitsuo Matsushita eds., Kluwer Law International 2002).
- Nakagawa, Akihiko, *Incrementally Redesigning Antitrust Enforcement: A Response to Professors Crane and Kurita*, 10 SHINSEDAI HŌSEI SAKUGAKU KENKYŪ [HOKKAIDO JOURNAL OF NEW GLOBAL LAW AND POLICY] 97-107 (2011).
- Narita, Yoriaki, *Jūmin soshō seido minaoshi no keika to sōten – shin yongō soshō wo chūshin ni [The Process and Issues of the Revision of the Residents' Lawsuits System – With a Focus on Litigation Pursuant to the New Article 242-2(1)(iv)]*, 55(8) HŌRITSU NO HIROBA 44-51 (2002).
- Negishi, Akira, *Economic Law*, 26 LAW IN JAPAN: AN ANNUAL 34-41 (2000).
- NEGISHI, AKIRA, ED., CHŪSHAKU DOKUSEN KINSHIHŌ [COMMENTARY ON THE ANTIMONOPOLY LAW OF JAPAN] (Yūhikaku 2009).
- Negishi, Akira & Eisele, Ursula, *Recht der Wettbewerbsbeschränkungen*, in HANDBUCH JAPANISCHES HANDELS- UND WIRTSCHAFTSRECHT 745-794 (Harald Baum & Moritz Bälz eds., Carl Heymanns Verlag 2011).
- NIHON BENGOSHI RENGŌKAI [JAPAN FEDERATION OF BAR ASSOCIATIONS], SHINKI TŌROKU BENGOSHI NO TAME NO MINJI BENGŌ JITSUMU HANDOBUKBU [HANDBOOK ON HANDLING CIVIL LITIGATION FOR NEWLY REGISTERED LAWYERS] 47 (Japan Federation of Bar Associations 2008).
- Ninomiya, Teruoki, *Funding, Costs and Proportionality in Civil Justice Systems in Japan*, Paper Submitted at the International Conference on Litigation Costs and Funding, 6 & 7 July 2009, available at [www.csls.ox.ac.uk/documents/JAPAN.doc](http://www.csls.ox.ac.uk/documents/JAPAN.doc) (2009).



- NIPPON HŌSŌ SHUPPAN KYŌKAI, NIHON NO SHŌHISHA UNDŌ [THE JAPANESE CONSUMER MOVEMENT] (Nippon Hōsō Shuppan Kyōkai 1980).
- Noble, Robin & Pilsbury, Simon, *Is 10 per Cent the Answer? The Role of Legal Presumptions in Private Competition Litigation*, 1 GLOBAL COMPETITION LITIGATION REVIEW 124-132 (2008).
- ODA, HIROSHI, JAPANESE LAW 327-362 (3d ed., Oxford University Press 2009).
- Oda, Yūichi, *Minji kyūsai seido no kakujū [Expansion of the Civil Redress System]*, in HEISEI 21-NEN KAISEI DOKKINHŌ NO KAISETSU TO BUNSEKI [EXAMINATION AND ANALYSIS OF THE 2009 AMENDMENT TO THE ANTIMONOPOLY ACT] (Tetsuya Nagasawa ed., Shōji Hōmu 2009).
- OECD, JAPAN – THE ROLE OF COMPETITION POLICY IN REGULATORY REFORM (1999).
- OECD, ANNUAL REPORT ON COMPETITION POLICY DEVELOPMENTS IN JAPAN – JANUARY-DECEMBER 2007 (2007), <http://www.jftc.go.jp/e-page/reports/annual/japan07.pdf>.
- OECD, PRIVATE REMEDIES (2007), <http://www.oecd.org/dataoecd/24/62/39892177.pdf>.
- Ohara, Yoshimi, *Japan*, in THE ASIA-PACIFIC ARBITRATION REVIEW 2012, at 36 (Global Arbitration Review ed., 2011).
- Ohara, Yoshimi *Japan*, in THE ASIA-PACIFIC ARBITRATION REVIEW 2013, at 44 (Global Arbitration Review ed., 2012)
- Ōhashi, Toshimichi, *Dokusenkinshihō no sashitome seikyū seido – hōshikōgo 6 nenme ni okeru hanrei to riron no mondai [The Injunctive Relief System of the Antimonopoly Act – Case Law and Theoretical Problems After Six Years]*, 52 FUKUOKA DAIGAKU HŌGAKU RONSŌ 197-231 (2007).
- Okatani, Naoaki, *Regulations on Bid Rigging in Japan, the United States and Europe*, 4 PACIFIC RIM LAW & POLICY JOURNAL 249-266 (1995).
- Okada, Toshihiro, *Kyōsō taisaku to minjihō – minjiteki kyūsai no genjō [Competition Policy and Civil Law: A Study of Private Actions]*, in KYŌSŌ CHITSUJO TO MINJIHŌ – NIHON KEIZAIHŌ GAKKAI NENPŌ DAI 19 GŌ [COMPETITION POLICY AND PRIVATE LAW – THE 19TH ANNUAL OF THE JAPAN ASSOCIATION OF ECONOMIC LAW] 74-98 (Nihon keizaihō gakkai [The Japan Association of Economic Law] ed., Yūhikaku 1998).
- Okada, Toshihiro, *Dokkinhōjō no songai baishō seido no kisō katei [The Legislative History of the Damages Provisions in the Antimonopoly Law]*, 60 KOMAZAWA DAIGAKU HŌGAKU RONSHŪ 217-236 (2000).
- Ōkawa, Takashi, *Dangō Mondai Bunkakai Hōkoku [Report from the Subsection on Bid-rigging]* (2010), <http://www.ombudsman.jp/dangou/toyama.pdf>.
- Okuda, Masamichi, *Mukō oyobi torikeshi [Invalidity and Cancellation]*, in CHŪSHAKU MINPŌ [CIVIL LAW COMMENTARY] 212-250 (Fujio Oho ed., Yūhikaku 1967).
- Ōmura, Atsushi, *Torihiki to kōjo – hōrei ihan kōi kōryoku ron no saikentō (ge) [Trade and Public Policy – A Re-examination of the Theory on the Effect of Unlawful Conduct]*, 1025 JURISUTO 66-74 (1993).
- Ormosi, Peter L., *How Big is a Tip of the Iceberg? A Parsimonious Way to Estimate Cartel Detection Rate*, CCP Working Paper 11-6 (2011)
- O'MALLEY, PAT, THE CURRENCY OF JUSTICE: FINES AND DAMAGES IN CONSUMER SOCIETIES (Routledge-Cavendish 2009).
- Orey, Michael, *Europe Inc. Takes Aim at Price-Fixers*, BUSINESSWEEK, 22 October 2009.

- Ostoyich, Joseph, et al., *More of the Same: Growth in Private Antitrust Litigation and Cutbacks by the US Supreme Court*, in GLOBAL COMPETITION REVIEW: THE ANTITRUST REVIEW OF THE AMERICAS 2009, at 1-4 (2008).
- Ōuchi, Yoshizo, *Kabunushi daihyō soshō to dokusenkinshihō ihan kōi [Derivative Actions and Violations of the Antimonopoly Act]*, 44(1) AJIA HŌGAKU 103-113 (2009).
- Oxera & Assimakis Komninou, *Quantifying Antitrust Damages: Towards Non-binding Guidance for Courts – Study Prepared for the European Commission*, [http://ec.europa.eu/competition/antitrust/actionsdamages/quantification\\_study.pdf](http://ec.europa.eu/competition/antitrust/actionsdamages/quantification_study.pdf) (December 2009).
- Page, William H., THE LIMITS OF STATE INDIRECT PURCHASER SUITS: CLASS CERTIFICATION IN THE SHADOW OF ILLINOIS BRICK, 67 ANTITRUST LAW JOURNAL 1 (1999).
- Page, William H., *Class Interpleader: The Antitrust Modernization Commission's Recommendation to Overrule Illinois Brick*, 53 THE ANTITRUST BULLETIN 725 (2008).
- PAGE, WILLIAM H. & LOPATKA, JOHN E., THE MICROSOFT CASE: ANTITRUST, HIGH TECHNOLOGY, AND CONSUMER WELFARE (University of Chicago Press 2009).
- Parlak, Süleyman, *Passing-on Defence and Indirect Purchaser Standing: Should the Passing-on Defence Be Rejected Now the Indirect Purchaser Has Standing After Manfredi and the White Paper of the European Commission?*, 33 WORLD COMPETITION LAW & ECONOMICS REVIEW 31-53 (2010).
- PETROLEUM ASSOCIATION OF JAPAN, PETROLEUM INDUSTRY IN JAPAN (September 2010).
- Peyer, Sebastian, *Injunctive Relief and Private Antitrust Enforcement*, Centre for Competition Policy (CCP) Working Paper 11-7 (2011).
- Peyer, Sebastian, *Private Antitrust Litigation in Germany From 2005 to 2007: Empirical Evidence*, 8(2) JOURNAL OF COMPETITION LAW & ECONOMICS 331-359 (2012).
- Peysner, John, *Costs and Financing in Private Third Party Competition Damages Actions*, 3 THE COMPETITION LAW REVIEW 97-115 (2006).
- Pineau, Elena Rodriguez, *Conflict of Laws Comes to the Rescue of Competition Law: The New Rome II Regulation*, 5 JOURNAL OF PRIVATE INTERNATIONAL LAW 311-336 (2009).
- Polinsky, A. M., *Private Versus Public Enforcement of Fines*, 9 JOURNAL OF LEGAL STUDIES 105 (1980).
- Polinsky, A. Mitchell & Shavell, Steven, *Should Liability Be Based on the Harm to the Victim or the Gain to the Injurer?*, 10 JOURNAL OF LAW, ECONOMICS AND ORGANIZATION 427-437 (1994).
- PORT, KENNETH L., TRADEMARK AND UNFAIR COMPETITION LAW AND POLICY IN JAPAN (Carolina Academic Press 2007).
- POSNER, RICHARD A., ECONOMIC ANALYSIS OF LAW (5th ed., Aspen Law & Business 1998).
- POSNER, RICHARD A., ANTITRUST LAW (2nd ed., University of Chicago Press 2001).
- Puchniak, Dan W. & Nakahigashi, Masafumi, *Japan's Love for Derivative Actions: Irrational Behavior and Non-Economic Motives as Rational Explanations for*

- Shareholder Litigation*, 45 VANDERBILT JOURNAL OF TRANSNATIONAL LAW 1-82 (2012).
- Radicati di Brozolo, Luca, *L'illicéité "qui crève les yeux": critère de contrôle des sentences au regard de l'ordre public international (à propos de l'arrêt Thalès de la Cour d'appel de Paris) [Unlawfulness that "Jumps Out": The Criterion for Scrutiny of Arbitral Awards in Light of International Public Policy (Concerning the Paris Court of Appeal Decision in Thalès)]*, 2005(3) REVUE DE L'ARBITRAGE 529-560.
- Ramseyer, J. Mark, *Trustbusting in Japan: Cartels and Government-Business Cooperation*, 94 HARVARD LAW REVIEW 1064-1084 (1981).
- Ramseyer, J. Mark, *Japanese Antitrust Enforcement After the Oil Embargo*, 31 AMERICAN JOURNAL OF COMPARATIVE LAW 395-430 (1983).
- Ramseyer, J. Mark, *The Costs of the Consensual Myth: Antitrust Enforcement and Institutional Barriers to Litigation in Japan*, 94 YALE LAW JOURNAL 604-645 (1985).
- Ramseyer, J. Mark, *Toward a Theory of Jurisdictional Competition: The Case of the Japanese FTC*, 1 JOURNAL OF COMPETITION LAW AND ECONOMICS 247-277 (2005).
- Reich, Robert B., *The Antitrust Industry*, 68 GEORGETOWN LAW JOURNAL 1053 (1980).
- Renda, Andrea, et al., *Making Antitrust Damages Actions More Effective in the EU: Welfare Impact and Potential Scenarios – Final Report* (21 December 2007), [http://ec.europa.eu/competition/antitrust/actionsdamages/files\\_white\\_paper/impact\\_study.pdf](http://ec.europa.eu/competition/antitrust/actionsdamages/files_white_paper/impact_study.pdf).
- Riley, Alan & Peysner, John, *Damages in EC Antitrust Actions: Who Pays the Piper?*, 31(5) EUROPEAN LAW REVIEW 748-761 (2006).
- RILL, JAMES F. & CHAMBERS, CHRISTINE S., *Antitrust Enforcement and Non-Enforcement as a Barrier to Import in the Japanese Automobile Industry*, 24 EMPIRICA 109-135 (1997).
- Robertson, Aidan, *UK Competition Litigation: From Cinderella to Goldilocks?* 9(2) COMPETITION LAW JOURNAL 275-294 (2010).
- Rodger, Barry J. & MacCulloch, Angus, *Wielding The Blunt Sword: Interim Relief for Breaches of EC Competition Law Before the UK Courts*, 17(7) EUROPEAN COMPETITION LAW REVIEW 393-402 (1996).
- Rodger, Barry J., *Competition Law Litigation in the UK Courts: A Study of All Cases to 2004 – Part I*, 2006 EUROPEAN COMPETITION LAW REVIEW 241-248 (2006).
- Rodger, Barry J., *Competition Law Litigation in the UK Courts: A Study of All Cases to 2004 – Part II*, 2006 EUROPEAN COMPETITION LAW REVIEW 279-292 (2006).
- Rodger, Barry J., *Competition Law Litigation in the UK Courts: A Study of All Cases to 2004 – Part III*, 2006 EUROPEAN COMPETITION LAW REVIEW 341 (2006).
- Rodger, Barry J., *Private Enforcement of Competition Law, the Hidden Story: Competition Litigation Settlements in the United Kingdom, 2000-2005*, 29 EUROPEAN COMPETITION LAW REVIEW 96-116 (2006).
- Rodger, Barry J., *Competition Law Litigation in the UK Courts: A Study of All Cases 2005-2008 – Part I*, 2009 GLOBAL COMPETITION LITIGATION REVIEW 93-114 (2009).

- Rodger, Barry J., *Competition Law Litigation in the UK Courts: A Study of All Cases 2005-2008 – Part II*, 2009 GLOBAL COMPETITION LITIGATION REVIEW 136-147 (2009).
- Rodger, Barry J. & MacCulloch, Angus, *Community Competition Law Enforcement Deregulation and Re-regulation: The Commission, National Authorities and Private Enforcement*, 4 COLUMBIA JOURNAL OF EUROPEAN LAW 579-612 (1998).
- Rosch, J. Thomas, *Striking a Balance? Some Reflections on Private Enforcement in Europe and the United States* (24 September 2008), at <http://www.ftc.gov/speeches/rosch/080924strikingbalance.pdf>.
- Rosenberg, David & Sullivan, James P., *Coordinating Private Class Action and Public Agency Enforcement of Antitrust Law*, 2 JOURNAL OF COMPETITION LAW AND ECONOMICS 159-187 (2006).
- Rosenthal, Douglas E. & Matsushita, Mitsuo, *Competition in Japan and the West: Can the Approaches Be Reconciled?*, in GLOBAL COMPETITION POLICY (Edward M. Graham & J. David Richardson eds., Institute for International Economics 1997).
- Roth, Wulf-Henning, *Private Enforcement of European Competition Law – Recommendations Flowing from the German Experience*, in PRIVATE ENFORCEMENT OF EC COMPETITION LAW (Jürgen Basedow ed., Kluwer Law International).
- Russell, Tiana Leia, *Exporting Class Actions to the European Union*, 28 BOSTON UNIVERSITY INTERNATIONAL LAW JOURNAL 141-180 (2010).
- Sacco, Rodolfo & De Nova, Giorgio, *Obbligazioni e Contratti (Vol. X, Tomo II)*, in TRATTATO DI DIRITTO PRIVATO 635 (Pietro Rescigno ed., UTET 2002).
- Sadaka, Kenichi & Sawasaki, Nobuhito, *Japan*, in THE INTERNATIONAL COMPARATIVE LEGAL GUIDE TO: LITIGATION & DISPUTE RESOLUTION 2010, at 186-192 (Global Legal Group ed., Global Legal Group 2010).
- SAEKI, HITOSHI, SEISAIRON [THEORY OF SANCTIONS] (Yūhikaku 2009).
- Sato, Tsuneo, *Japan*, in INTERNATIONAL CIVIL PROCEDURE 379-392 (Shelby R. Grubbs ed., Kluwer Law International 2003).
- Salop, Steven C. & White, Lawrence J., *Economic Analysis of Private Antitrust Litigation*, 74 GEORGETOWN LAW JOURNAL 1001-1064 (1986).
- SCHAEDE, ULRIKE, COOPERATIVE CAPITALISM: SELF-REGULATION, TRADE ASSOCIATIONS, AND THE ANTIMONOPOLY LAW IN JAPAN (Oxford University Press 2000).
- Schoors, Tom, Baeyens, Tinneke & Devroe, Wouter, *Schadevergoedingsacties na kartelinbreuken [Damages Actions After Cartel Infringements]*, 239 NIEUW JURIDISCH WEEKBLAD 198-213 (2011).
- Schreiber, Till, *Private Antitrust Litigation in the European Union*, 44 THE INTERNATIONAL LAWYER 1157-1172 (2010).
- Schwartz, Warren F., *Private Enforcement of the Antitrust Laws: An Economic Critique* (American Enterprise Institute for Public Policy Research 1981).
- Segal, Ilya & Whinston, Michael, *Public vs. Private Enforcement of Antitrust Law: A Survey*, EUROPEAN COMPETITION LAW REVIEW 306-315 (2007).
- Seita, Alex Y. & Tamura, Jirō, *The Historical Background of Japan's Antimonopoly Law*, UNIVERSITY OF ILLINOIS LAW REVIEW 115-185 (1994).
- Sensui, Fumio & Nishimura, Nobufumi, *Genshi dokusenkinshihō no seitei katei to genkōhō he no shisa [The Enactment of the Original Antimonopoly Act and Its*

- Implications for the Current Antimonopoly Act*], 2006, at <http://www.jftc.go.jp/cprc/english/cr-0206.pdf>.
- Sensui, Fumio & Nishimura, Nobufumi, *1947 nen dokusenkinshihō no keisei to seirit-su: genshi dokkinhō ni okeru shuyō kitei no seitei katei* [Initiative, Compromises, and Discrepancies: Discovering the Origin of Japanese Antimonopoly Law], 56(2) KOBE HŌGAKU ZASSHI 51-309 (2009).
- Sensui, Fumio & Nishimura, Nobufumi, *Genshi dokusenkinshihō no seitei katei to genkōhō he no shisa – Kōtorii no soshiki, shihō seido, songai baishō, keiji seido* [The Enactment of the Original Antimonopoly Act and Its Implications for the Current Antimonopoly Act – The JFTC's Organization, Judicial System, Damages and Criminal System], 2008, <http://www.jftc.go.jp/cprc/english/cr-0408.pdf>; English summary at <http://www.jftc.go.jp/cprc/english/cr-0408abstract.pdf>
- Sensui, Fumio, *Sashitome seikyū oyobi songai baishō* [Injunctions and Damages], in CHŪSHAKU DOKUSENKINSHIHŌ [COMMENTARY ON THE ANTIMONOPOLY LAW OF JAPAN] 573-602 (Akira Negishi ed., Yūhikaku 2009).
- Sensui, Fumio & Nishimura, Nobufumi, *1947 nen dokusenkinshihō no keisei to seirit-su (II) – Kōtorii no soshiki, shihō seido, songai baishō, keiji seido (1)* [Discovering the Origin of Japanese Antimonopoly Law (II) – JFTC's Organisation, Judicial System, Compensation for Damages and Criminal System (1)], 59(2) KOBE HŌGAKU ZASSHI 1-176 (2009).
- Sensui, Fumio & Nishimura, Nobufumi, *1947 nen dokusenkinshihō no keisei to seirit-su (II) – Kōtorii no soshiki, shihō seido, songai baishō, keiji seido (2)* [Discovering the Origin of Japanese Antimonopoly Law (II) – JFTC's Organisation, Judicial System, Compensation for Damages and Criminal System (2)], 59(3) KOBE HŌGAKU ZASSHI 1-131 (2009).
- Seryo, Shingo, *Private Enforcement and New Provisions for Damages and Injunctions in Japan*, in COMPETITION POLICY IN THE GLOBAL TRADING SYSTEM 255-294 (Clifford A. Jones & Mitsuo Matsushita eds., Kluwer Law International 2002).
- SHAVELL, STEVEN, FOUNDATIONS OF ECONOMIC ANALYSIS OF LAW (Belknap Press of Harvard University Press 2004).
- Shepherd, George B., *An Empirical Study of the Economics of Pretrial Discovery*, 19 INTERNATIONAL REVIEW OF LAW AND ECONOMICS 245-263 (1999).
- SHEPPARD, AUDLEY, INTERIM REPORT ON PUBLIC POLICY AS A BAR TO ENFORCEMENT OF INTERNATIONAL ARBITRAL AWARDS 11-14 (International Law Association, Committee on International Commercial Arbitration, 2000), <http://www.ila-hq.org/download.cfm/docid/E723662E-053C-415A-A4C7822577AE6B4F>.
- Shiraishi, Tadashi, *Sashitome seikyū seido wo dōnyū suru dokkinhō kaisei (jō)* [The Amendment to the Antimonopoly Act to Introduce the Injunctive Relief System (First Part)], 695 NBL 6-9 (2000).
- Shiraishi, Tadashi, *Sashitome seikyū seido wo dōnyū suru dokkinhō kaisei (ge)* [The Amendment to the Antimonopoly Act to Introduce the Injunctive Relief System (Second Part)], 696 NBL 48-60 (2000).
- Shiraishi, Tadashi, *Keiyakuhō no kyōsōseisakutekina ichi danmen* [Contract Law from a Competition Policy Perspective], 1126 JURISUTO 125-132 (1998).

- Shiraishi, Tadashi, *Dokkinhō no minjitekina enfōsumento [Private Enforcement of Antitrust in Japan]*, in DOKUSENKINSHIHŌ NO ENFŌSUMENTO – NIHON KEIZAIHŌ GAKKAI NENPŌ DAI 22 GŌ [THE ANTIMONOPOLY ENFORCEMENT – THE 22ND ANNUAL OF THE JAPAN ASSOCIATION OF ECONOMIC LAW] (Nihon keizaihō gakkai ed., Yūhikaku 2001).
- SHIRAISHI, TADASHI, DOKUSENKINSHIHŌ [COMPETITION LAW OF JAPAN] (2nd ed., Yūhikaku 2009).
- SHIRAISHI, TADASHI, DOKKINHŌ KŌGI [AN INTRODUCTION TO THE COMPETITION LAW OF JAPAN] 260-266 (5th ed., Yūhikaku 2010).
- SHIRAISHI, TADASHI, DOKKINHŌ JIREI NO KANDOKORO [THE KEY POINTS OF COMPETITION LAW CASE LAW] (2nd ed., Yūhikaku 2010).
- Shōda, Akira, *Dokusen kinshihō ihan kōi to songai baishō*, KEIZAIHŌ GAKKAI NENPŌ 1-18 (1982), translated in 16 LAW IN JAPAN: AN ANNUAL 1-20 (Stephan Salzberg, trans. 1983).
- Shōji, Kunihiko, *Dai 26 jō 1 kō / 2 kō – Songai baishō seikyū ken no kōshi, shōmetsu jikō [Arts. 26(1) and 26(2) – The Exercise of the Right to Damages, Statute of Limitations]*, in JŌKAI DOKUSENKINSHIHŌ [ARTICLE-BY-ARTICLE COMMENTARY ON THE ANTIMONOPOLY ACT] 467-484 (Jōji Atsuya et al. eds., Kōbundō 1997).
- Shughart, William F. II, *Private Antitrust Enforcement: Compensation, Deterrence, or Extortion?*, 13 REGULATION MAGAZINE 53-61 (1990).
- Sittenreich, Marc A., *The Rocky Path for Private Directors General: Procedure, Politics, and the Uncertain Future of EU Antitrust Damages Actions*, 78 FORDHAM LAW REVIEW 2701-2750 (2010).
- SŌDA, TAKAYUKI, DOKKINHŌ MINJI SOSHŌ [PRIVATE ANTITRUST LITIGATION] (LexisNexis Japan 2008).
- Steenbergen, Jacques, *Private Enforcement: Some Comments on the Belgian Experience*, in PRIVATE ENFORCEMENT OF COMPETITION LAW 149-154 (Luis Antonio Velasco San Pedro et al. eds., Lex Nova 2011).
- Stedman, Robert W., *Consent Decrees and Private Action: An Antitrust Dilemma*, 53 CALIFORNIA LAW REVIEW 627-654 (1965).
- Stigler, G.J., *The Optimum Enforcement of Laws*, 78 THE JOURNAL OF POLITICAL ECONOMY 526 (1970).
- Straetmans, G. & Stuyck, J., *De wet van 6 april 2010 betreffende marktpraktijken en consumentenbescherming – Een onvoldoende stap in de goede richting [The Law of 6 April 2010 Concerning Market Practices and Consumer Protection – An Insufficient Step in the Right Direction]*, 74 RECHTSKUNDIG WEEKBLAD 386-419 (2010).
- Stuyck, Jules, *L'effet réflexe du droit de la concurrence sur les normes de loyauté de la loi sur les pratiques du commerce [The Reflexive Effect of Competition Law on the Fair Competition Rules in the Fair Trade Practices Act]*, 2001 REVUE CRITIQUE DE JURISPRUDENCE BELGE 256-269.
- STUYCK, JULIEN, ET AL., MODERNISATION OF EUROPEAN COMPETITION LAW: THE COMMISSION'S PROPOSAL FOR A NEW REGULATION IMPLEMENTING ARTICLES 81 AND 82 EC (Intersentia 2002).

- Stuyck, Jules, *Case Note to ECJ – Courage v. Crehan*, EUROPEAN REVIEW OF CONTRACT LAW 228-239 (2005).
- Sugawara, Ikuo & Osaka, Eri, *The Current Situation of Class Action in Japan* (2007), [http://globalclassactions.stanford.edu/sites/default/files/documents/Japan\\_National\\_Report.pdf](http://globalclassactions.stanford.edu/sites/default/files/documents/Japan_National_Report.pdf).
- SUWAZONO, SADA AKI, HEISEI 17 NEN KAISEI DOKUSENKINSHIHŌ [THE ANTIMONOPOLY ACT AFTER THE 2005 AMENDMENT] (Shōjihōmu 2005).
- Suzuki, Takayuki, *Tetsuzuki [Proceedings]*, in CHŪSHAKU DOKUSEN KINSHIHŌ [COMMENTARY ON THE ANTIMONOPOLY LAW OF JAPAN] 641-762 (Akira Negishi ed., Yūhikaku 2009).
- Takahashi, Iwakazu, *The Development of Competition Law for the Last 15 Years in Japan: Progress or Setback?*, in THE DEVELOPMENT OF COMPETITION LAW: GLOBAL PERSPECTIVES (Andreas Heinemann et al. eds., Edward Elgar 2010).
- Tagigawa, Toshiaki, *Competition Law and Policy of Japan*, 54 THE ANTITRUST BULLETIN 435-516 (2009).
- Tamura, Jirō & Chen, Andrew, *Competition and Fair Trade*, in JAPANESE BUSINESS LAW 453-482 (Gerald Paul McAlinn ed., Wolters Kluwer 2007).
- Tanaka, Hideo & Takeuchi, Akio, *The Role of Private Persons in the Enforcement of Law: A Comparative Study of Japanese and American Law*, 7 LAW IN JAPAN 34-50 (1974).
- Taniguchi, Yasuhei, *The 1996 Code of Civil Procedure of Japan – A Procedure for the Coming Century?*, 45 AMERICAN JOURNAL OF COMPARATIVE LAW 767-791 (1997).
- TILTON, MARK, RESTRAINED TRADE: CARTELS IN JAPAN'S BASIC MATERIALS INDUSTRIES (Cornell University Press 1996).
- Tsuru, Shigeto, *Survey of Economic Research in Postwar Japan – Major Issues of Theory and Public Policy Arising out of Postwar Economic Problems*, 54 THE AMERICAN ECONOMIC REVIEW 79-101 (1964).
- Tsurumi, Yoshi, *Japan*, DAEDALUS: JOURNAL OF THE AMERICAN ACADEMY OF ARTS AND SCIENCES 113-127 (Fall 1975).
- TSŪSHŌSANGYŌSHŌ SANGYŌ SEISAKU KYOKU [BUREAU FOR INDUSTRIAL POLICY OF THE MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY] ED., FUKŌSEINA KYŌSŌKŌI NI TAI SURU MINJITEKI KYŪSAI SEIDO NO ARIKATA [THE WAY FORWARD FOR THE CIVIL REDRESS SYSTEM AGAINST UNFAIR COMPETITION], BESSATSU [SPECIAL ISSUE] NBL 49 (Shōji hōmu 1998).
- Tushnet, Mark, *New Forms of Judicial Review and the Persistence of Rights- And Democracy-Based Worries*, 38 WAKE FOREST LAW REVIEW 813-838 (2003).
- Tweede Kamer der Staten-Generaal – Parlementaire Enquêtecommissie Bouwnijverheid [Dutch House of Representatives – Investigatory Commission Concerning the Construction Industry], *Eindrapport [Final Report]* (12 December 2002).
- UCHIDA, TAKASHI, MINPŌ I [CIVIL LAW I] 291-292 (4th ed., Tokyo Daigaku Shuppankai 2008).
- Upham, Frank K., *Stealth Activism: Norm Formation by Japanese Courts*, 88 WASHINGTON UNIVERSITY LAW REVIEW 1493-1505.
- U.S. – Japan Working Group on the Structural Impediments Initiative, *Joint Report* (28 June 1990).

- Uesugi, Akinori, *How Japan is Tackling Enforcement Activities Against Cartels*, 13 *GEORGE MASON LAW REVIEW* 349-365 (2005).
- UPHAM, FRANK K., *LAW AND SOCIAL CHANGE IN POSTWAR JAPAN* (Harvard University Press 1987).
- Vallindas, Georges & Brohée Julie, *Amicus Curiae in the Context of EU Regulation 1/2003: An Overview of EU and National Case Law*, E-COMPETITIONS No. 45411, [www.concurrences.com](http://www.concurrences.com).
- VANDERMEERSCH, DIRK, DE MEDEDINGINGSWET [THE BELGIAN COMPETITION ACT] 494-508 (Kluwer 2007).
- Vande Walle, Simon, *Collective Actions by Indirect Purchasers – Lessons from the Japanese Oil Cartel Cases*, in *COLLECTIVE ACTIONS: ENHANCING ACCESS TO JUSTICE AND RECONCILING MULTILAYER INTERESTS* 299-338 (Stefan Wrška, Steven Van Uytsel & Mathias Siems eds., Cambridge University Press 2012).
- Vande Walle, Simon, *Private Enforcement of Antitrust Law in Japan: An Empirical Analysis*, 8 *COMPETITION LAW REVIEW* 7-28 (2011).
- van Gerven, Walter, *Substantive Remedies for the Private Enforcement of EC Antitrust Rules Before National Courts*, in *EUROPEAN COMPETITION LAW ANNUAL 2001: EFFECTIVE PRIVATE ENFORCEMENT OF EC ANTITRUST LAW* 53-93 (Claus-Dieter Ehlermann & Isabela Atanasiu eds., Hart Pub. 2003).
- VAN LIEROP, W.A.J & PIJNACKER HORDIJK, E.H., *PRIVAATRECHTELIJKE ASPECTEN VAN HET MEDEDINGINGSRECHT [PRIVATE LAW ASPECTS OF COMPETITION LAW]* (Kluwer 2007).
- VELASCO SAN PEDRO, LUIS ANTONIO ET AL. EDS., *PRIVATE ENFORCEMENT OF COMPETITION LAW* (Lex Nova 2011).
- Verlinden, Joost & Sabbe, Stijn, *Belgium*, in *THE INTERNATIONAL COMPARATIVE LEGAL GUIDE TO: CLASS & GROUP ACTIONS 2012*, at 40-44 (Ian Dodds-Smith & Alison Brown eds., Global Legal Group 2011).
- Verougstraete, Ivan & Bossuyt, Amaryllis, *Damages Actions for Breach of the EC Antitrust Rules*, 2009(4) *TJDSCHRIFT VOOR BELGISCHE MEDEDINGING* 17-26.
- VISSER 'T HOOFT, WILLEM MAURITS, *JAPANESE CONTRACT AND ANTI-TRUST LAW: A SOCIOLOGICAL AND COMPARATIVE STUDY* (Routledge Curzon 2002).
- Visser 't Hooft, Willem, *The Subtle Interplay Between the FTC and the Civil Courts. Three Famous Termination Disputes Within the Distribution System for Luxury Cosmetics*, 7(13) *JOURNAL OF JAPANESE LAW* 7-27 (2002).
- Völcker, Sven B., *Case Comment – Case C-360/09, Pfeleiderer AG v. Bundeskartellamt, Judgment of the Court of Justice (Grand Chamber) of 14 June 2011*, 49 *COMMON MARKET LAW REVIEW* 695-720 (2012).
- Waelbroeck, Denis, et al., *Study on the Conditions of Claims for Damages in Case of Infringement of EC Competition Rules* (31 August 2004).
- WAKUI, MASAKO, *ANTIMONOPOLY LAW – COMPETITION LAW AND POLICY IN JAPAN* (Arima Publishing 2008).
- Waller, Spencer Weber, *Towards a Constructive Public-Private Partnership to Enforce Competition Law*, 29 *WORLD COMPETITION LAW & ECONOMICS REVIEW* 367-381 (2006).



- Wautelet, Patrick, *Concurrence déloyale et actes restreignant la libre concurrence [Unfair Competition and Acts Restricting Free Competition]*, 2008/6 REVUE DE DROIT COMMERCIAL 502-514 (2008).
- West, Mark D., *The Puzzling Divergence of Corporate Law: Evidence and Explanations from Japan and the United States*, 150 UNIVERSITY OF PENNSYLVANIA LAW REVIEW 527 (2001).
- WHISH, RICHARD, COMPETITION LAW (5th ed., Oxford University Press 2005).
- WHISH, RICHARD & BAILEY, DAVID, COMPETITION LAW (7th ed., Oxford University Press 2012).
- WHITE, LAWRENCE J., PRIVATE ANTITRUST LITIGATION: NEW EVIDENCE, NEW LEARNING (MIT Press 1988).
- WILS, WOUTER P.J., THE OPTIMAL ENFORCEMENT OF EC ANTITRUST LAW: ESSAYS IN LAW & ECONOMICS (Kluwer Law International 2002).
- Wils, Wouter P.J., *Should Private Enforcement be Encouraged in Europe?*, 26 WORLD COMPETITION LAW & ECONOMICS REVIEW 473-488 (2003).
- WILS, WOUTER P.J., PRINCIPLES OF EUROPEAN ANTITRUST ENFORCEMENT (Hart Pub. 2005).
- WILS, WOUTER P.J., EFFICIENCY AND JUSTICE IN EUROPEAN ANTITRUST ENFORCEMENT (Hart Pub. 2008).
- Wils, Wouter P.J., *The Relationship Between Public Antitrust Enforcement and Private Actions for Damages*, 32 WORLD COMPETITION LAW & ECONOMICS REVIEW 3-26 (2009).
- Wollschläger, Christian, *Historical Trends of Civil Litigation in Japan, Arizona, Sweden, and Germany: Japanese Culture in the Light of Judicial Statistics*, in JAPAN, ECONOMIC SUCCESS AND LEGAL SYSTEM 89-142 (Harald Baum ed., Walter de Gruyter 1997).
- WOODALL, BRIAN, JAPAN UNDER CONSTRUCTION: CORRUPTION, POLITICS AND PUBLIC WORKS (University of California Press 1996).
- Woodgate, Tony & Filippi, Ilaria, *The Jurisdiction of the CAT: A Time for Change?*, 2012(1) COMPETITION LAW REVIEW 22-27.
- Wurmnest, Wolfgang, *A New Era for Private Antitrust Litigation in Germany? A Critical Appraisal of the Modernized Law Against Restraints of Competition*, 6 GERMAN LAW JOURNAL 1173-1189 (2005).
- X, Roundtable Conference with Enforcement Officials, June 2010 THE ANTITRUST SOURCE 1-28 (2010).
- X, Interview with Dr. Alexander Italianer, Director General for Competition, European Commission, April 2011 THE ANTITRUST SOURCE 1-18 (2011).
- X, Luchtvaartkartel krijgt reuzeclaim van verladere [Airline Cartel Hit by Giant Claim from Shippers], DE VOLKSKRANT (30 September 2010).
- X, *Tokushima chihō ga minji soshō de kudashita hanketsu “dangō ga atta to tsuyoku suinin sareru” [Judgment from the Tokushima District Court in Civil Case: “It Is Strongly Presumed that There Was Bid-Rigging”]*, 95 NIKKEN DAIKYŌ 5-6 (2003).
- X, *Gyōsei kanshi no buki ni – chuchō shokuin aite no jūmin soshō ga kyūzō – jichitai konwaku [Towards a Weapon to Inspect the Administration – Surge in Residents’ Lawsuits Against Heads of Local Governments and Staff – Local Governments Distressed]*, ASAHI SHINBUN, 23 July 1998.

- Yamaguchi, Hiroshi, *Kōkyō nyūsatsu dangō to songaibaishō seikyū – Saitama doyōkai dangō jiken jūmin soshō* [Bid-Rigging for Public Works and Damages Actions – The Residents' Lawsuit in the Saitama Saturday Club Case], 45(4) JIYŪ TO SEIGI 77 (1994).
- Yasumoto, Norio, *Jūmin soshō – shin yon gō soshō no kōzō to kaishaku* [Residents' Lawsuits – Structure and Interpretation of the New Article 242-2(1)(iv)], 292 RITSUMEIKAN HŌGAKU 383-424 (2003).
- YANAGIDA, YUKIO, ET AL., LAW AND INVESTMENT IN JAPAN: CASES AND MATERIALS (2nd ed., East Asian Legal Studies Program 2000).
- Yeung, Karen, *Privatizing Competition Regulation*, 18 OXFORD JOURNAL OF LEGAL STUDIES 581-615 (1998).
- Yokota, Masatoshi, *Shiteki dokusenkinshihō ihan no hōritsu kōi no kōryoku – shihōken to kōseitohikiinkai no kengen to no kankei* [Validity of Juristic Acts that Violate the Antimonopoly Act – The Relationship Between the Judicial Power and the Authority of the Fair Trade Commission], 1 HŌSŌ JIHŌ 270-271 (1949).
- ZIPPRO, ERIK-JAN, PRIVAATRECHTELIJKE HANDHAVING VAN MEDEDINGINGSRECHT [PRIVATE ENFORCEMENT OF COMPETITION LAW] (Kluwer 2009).
- ZWEIGERT, KONRAD & KÖTZ, HEIN, INTRODUCTION TO COMPARATIVE LAW (3d ed., Oxford University Press 1998).