Survey response	
Please indicate: [Name:]	Takasugi Naoshi; Choi Jaewon; Kawato Yuriko; Shinohara Rena; Yamamoto Taiga
Please indicate: [State:]	Japan
Please indicate: [Region:]	Kyoto
Please indicate: [Affiliation:]	Doshisha University
Please indicate your profession:	Academia
Do you have practical expertise in cross-border civil or commercial litigation:	No
1.1 What are your views on the scope of the Draft Text?	The scope of application of this draft appears generally appropriate, as it maintains consistency with the 2019 Judgments Convention. First, the phrase "civil or commercial matters" is well-established, having been used in various Hague Conventions for many years, and thus poses no issue.
1.2 Does the subject matter scope of the Draft Text cover those matters for which rules on parallel proceedings and related actions would be beneficial?	Furthermore, the exclusions from scope listed in Article 2 are commendable in three respects: (1) consistency with other Hague Conventions and the avoidance of conflicts with existing treaties, (2) political considerations for respective States, and (3) the avoidance of legal uncertainty that may arise from divergent interpretations between States.
1.3 What are your views on the subject matter exclusions in particular, and how they would work in practice? For example, what are your views on the formulation of the arbitration exclusion in Article 2(3)?	Additionally, the exclusion of arbitration is appropriate given the necessity of avoiding conflict with the New York Convention. The exclusion of consumer and employment contracts is also indisputable from the perspective of protecting the weaker party. Since these matters are excluded under the 2019 Convention and are already governed by other Hague instruments, they appear to present no practical difficulties. Regarding whether to include terrorism in the exclusions, each Contracting State should make an individual determination through Article 22.
1.4 What are your views on the geographical scope of the Draft Text and how it would work in practice? (See paragraph 16 for further information).	However, as stipulated in Article 1, paragraph 2, the requirement for the defendant's habitual residence should be limited to cases where the defendant "has their habitual residence in a Contracting State." The reasons for this are twofold: (1) enhancing the effectiveness and ratifiability of the Convention, and (2) ensuring the predictability for the defendant. By limiting the defendant's habitual residence requirement to "Contracting States," the scope of the Convention becomes self-evident, allowing national courts to determine simply and expeditiously whether the

	Convention applies. This should lead to improved effectiveness and increased likelihood of ratification as a global treaty. Moreover, by limiting application to defendants habitually resident in a Contracting State, defendants can foresee that they will be subject to the Convention and recognize in advance that they will be bound by the rules governing parallel proceedings (lis pendens). If a defendant habitually resident in a third State were suddenly made subject to the coordination rules for parallel proceedings between Contracting States, their predictability would be significantly undermined, and their procedural rights would be infringed.
2. What are your views on the definitions of parallel proceedings and related actions? In particular, please share your views on how these definitions might operate, and be applied by parties and courts, in practice.	According to the view taken here, the phrase "same subject matter" in Article 3(a) of the draft is too abstract and requires revision. The current wording is legally ambiguous and lacks predictability compared to the concept of "same cause of action" found in the Brussels I bis Regulation. For this reason, we propose adopting the concept of "same cause of action" as the basic criterion.
3. What are your views on Article 4?	The absence of provisions addressing the "procedural default" of the plaintiff is a significant issue. Since there is a risk of abuse if lis pendens is recognized solely based on the formal filing of a complaint, a condition should be added stipulating that "the plaintiff has not subsequently failed to take the steps they were required to take." However, it is not necessary to adhere strictly to the wording above; it is sufficient to adopt alternative language that reflects the intended purpose, provided that the substance is appropriately conveyed. This should be modeled after Article 32(1) of the Brussels I bis Regulation. This amendment would achieve two objectives: ① preventing formalistic filings made solely to secure priority (race to the court), and ② preventing unforeseen prejudice to the defendant.
4. What are your views on Article 5?	The fact that Article 5 adopts the suspension of proceedings as a general principle, rather than the dismissal of the action, is extremely rational in ensuring the opportunity for judicial redress. In particular, by deferring the timing of dismissal until the judgment of the court first seized becomes recognizable and enforceable in the Contracting State, the risk of obstructing access to justice is avoided. Furthermore, the current

	framework based on a "stay" is functionally sound, as the proceedings must remain pending for a court to determine the grounds for resuming them, such as “unlikely to render a judgement on the merits within a reasonable time" as provided in Article 5, paragraph 3. However, since the requirements of "reasonable time" and "unlikely to render" are highly abstract, it is desirable to provide certain definitions or clarify the criteria for judgment to prevent divergent interpretations among different States.
5. What are your views on Articles 6 – 8 including how they will work in practice?	As the draft suggests the possibility of expanding the scope of Article 6 in the future, exclusive jurisdiction should likewise be recognized for litigation concerning tenancies of immovable property and the registration of immovable property, given their close connection with the State where the property is situated. The 2005 Choice of Court Convention primarily covers only exclusive choice of court agreements that "designate the courts of one Contracting State or one or more specific courts of one Contracting State to the exclusion of the jurisdiction of any other courts." However, in practice, various types of agreements are seen, such as asymmetric jurisdiction clauses or agreements designating multiple courts. Therefore, it is rational that Article 7 of this draft situates the coordination of party autonomy, not limited to exclusive agreements, within the rules governing parallel proceedings. Article 8(2) enumerates the requirements for jurisdiction/connection. The problem is that these requirements are applied on an equal footing, with no established hierarchy. The lack of hierarchy means that courts in multiple States could simultaneously satisfy different requirements under Article 8(2). If courts in multiple States meet these criteria, the parallel proceedings cannot be resolved under Article 8 and will instead be deferred to the determination of the "more appropriate court" under Article 9. This significantly undermines the importance of Article 8; thus, it is desirable to rank these requirements in order of priority. Furthermore, the term "defendant" in Article 8(2) is ambiguous as to which party it refers to, given the nature of parallel proceedings. Therefore, clarification is necessary, such as "the defendant in the court first seised."

6.1 What are your views on the 'jurisdiction / connection' list in Article 8(2)?	First, the extensive list of jurisdictional bases in Article 5 of the 2019 Judgments Convention is justified, as it aims to facilitate the recognition and enforcement of as many judgments as possible across borders. However, the adoption of a similarly broad list in Article 8(2) of this draft is problematic for the following reasons. The first reason, as previously noted in the response to Question 5, is that if multiple courts satisfy the requirements of Article 8(2), the resolution will be deferred to the determinations under Articles 9 and 10. This creates a risk that parallel proceedings will become protracted. The second reason is the contradiction with the purpose of this draft Convention. The objective of the draft is to enhance legal certainty, predictability, and access to justice by reducing litigation costs and suppressing the occurrence of conflicting judgments in international civil or commercial litigation. However, the adoption of an extensive list leads to further hearings under Articles 9 and 10, thereby undermining the goals of reducing complexity and expense.
6.2 Based on your experience, do you consider these factors appropriate for parallel proceedings i.e. for obliging courts to suspend or dismiss proceedings if they are not seised on the basis of one of these? Why or why not?	That said, using the jurisdictional and connectivity requirements of Article 8(2) as a threshold for mandating the stay or dismissal of proceedings is fundamentally rational, provided that it contributes to the objectives of the Convention (i.e., reducing costs and preventing conflicting judgments).
6.3 Are there any additional factors that you believe should be included?	Furthermore, in the view adopted here, there is no necessity to add new requirements. Reducing the requirements narrows the functional scope of this Convention. On the other hand, the more Article 8(2) is expanded, the more frequently multiple courts will simultaneously satisfy the requirements. This, in turn, expands the scope of cases left to the "more appropriate court" determination under Articles 9 and 10. This concern aligns with the arguments of View A in the Consultation Paper. As a result, the early resolution of disputes through the stay or dismissal of proceedings would become less effective, hindering the achievement of the Convention's goals.
7.1 What are your views on the approaches proposed in Article 9 for determining which court should adjudicate the dispute in cases of parallel	First, regarding the method of determining the "more appropriate court" in Article 9 of the draft, the adoption of an intermediate approach between the common law principle of forum non

proceedings which Articles 6 – 8 have not resolved?	conveniens and the civil law principle of lis pendens is commendable, as it seeks to harmonize both legal systems.
7.2 What are your views on how the two approaches may work in practice?	Furthermore, Approach 1 ensures predictability and expediency by using the priority in time principle as its foundation. As demonstrated by the practice under the Brussels I bis Regulation (Articles 29, 30, 33, and 34), a balanced operation is possible through a tiered regulatory framework: mandatory stays for parallel proceedings and discretionary stays for related actions. In contrast, Approach 2 allows for broader discretion in each court without strongly recognizing the primary jurisdiction of the court first seized. While the court second seized temporarily stays its proceedings on a temporary basis, it may resume them upon a party's application. This facilitates more rapid and stable access to justice.
7.3 Do you have a preference for either approach? If so, please explain why.	Based on the above, I consider Approach 1 to be more appropriate. As argued by View A in the Consultation Paper, an objective and clear criterion such as priority in time contributes to the predictability and procedural certainty for parties in parallel proceedings. Moreover, Approach 1 prevents the undesirable "race to the court" in competing proceedings and effectively deters abuse of process.
8.1 What are your views on the factors listed in Article 10 for determining the more appropriate court in cases of parallel proceedings subject to Article 9 (i.e. that are not resolved by Articles 6 – 8)?	The factors enumerated in Article 10 are rational as they cover the perspectives typically at issue when discretionarily determining the "more appropriate court" (e.g., burden on the parties, access to evidence, applicable law, stage of proceedings, possibility of comprehensive dispute resolution, and recognizability and enforceability). Furthermore, in common law proceedings, the determination is made by comprehensively considering various factors according to the circumstances of the specific case, such as: the nationality, domicile, or principal place of business of the parties; the intent of the parties; the place where the dispute arose; the court's familiarity with the issues at stake; the speed of the trial; the location of witnesses and evidence (including the availability of compulsory process for attendance or production); the applicable law; litigation costs; the nature of the judgment sought and the method and content of the available remedy; the progress of proceedings in the other court; and the convenience of enforcing the

	judgment. The factors in Article 10 overlap significantly with this framework of multi-factor consideration and can be said to have high affinity with the common law.
8.2 Do you have any views on how Article 10 might work in practice?	However, Article 10 does not explicitly state which party should bear the burden of proof regarding the "more appropriate court," which could lead to practical confusion. Moreover, since the ambiguity of the concepts in subparagraphs (a) through (f) may result in inconsistent rulings and prolonged disputes, in the author's view, that clarifying the definitions of terms such as "convenience of the parties," "access to evidence," and "possibility of comprehensive resolution" would contribute more to the Convention's objectives (reducing litigation costs and preventing conflicting judgments) than adding further factors.
8.3 Are there additional considerations that, in your view, should be taken into account?	Furthermore, there appear to be no additional factors that need to be added. Subparagraphs (a) through (f) of Article 10 broadly encompass the typical considerations for determining the "more appropriate court," namely: burden on the parties, access to evidence, applicable law, stage of proceedings, comprehensive resolution, and recognizability and enforceability.
9. Do you have an overall view on the effectiveness of the framework developed in the Draft Text for dealing with parallel proceedings in an international context? Please explain any advantages and / or disadvantages of the framework, and how you think it will work in practice.	First, the fact that Article 5 requires, in principle, a "suspension" of proceedings in courts other than the court first seized is extremely rational in ensuring the opportunity for judicial redress. By deferring the timing of dismissal—rather than dismissing the case outright—until the judgment of the priority court becomes recognizable and enforceable in the Contracting State, access to justice is preserved even if the jurisdiction of the court first seized is ultimately denied. Furthermore, the current framework based on a "suspension" is effective, as the proceedings must remain pending for a court to determine the grounds for resumption, such as when there is "no prospect of a judgment being rendered within a reasonable time" under Article 5, paragraph 3. Next, the phased establishment of jurisdictional requirements in Articles 6 through 8 is also commendable as it contributes to the appropriate resolution of concurrent proceedings. Additionally, the exclusion of exclusive choice of court agreements in Article 7, paragraph 2, is crucial to avoid overlap with the 2005

	Convention. However, regarding the criteria in Article 10, further expediting the process should be considered by establishing a hierarchy of priority among the factors. Moreover, under the view adopted here, the functional key to the entire framework lies in the utilization of Articles 16 and 17. In cases where multiple courts each determine themselves to be the "more appropriate court," resulting in a deadlock, direct discussions and cooperation mechanisms between the courts—except where mutual recognition of judgments is impossible—serve as the only effective means to achieve a practical resolution to the dispute.
10. Do you have a view on the effectiveness of the framework developed in the Draft Text for dealing with related actions in an international context? Please explain any advantages or disadvantages of the framework, and how you think it will work in practice.	While the effect or binding force in suppressing concurrent proceedings under this Chapter may be limited, the necessity to consolidate related actions is lower compared to parallel proceedings (identical actions). Forcing such consolidation does not necessarily lead to the proper administration of justice. Therefore, it is commendable that Article 11, paragraph 2, adopts a regulatory framework similar to Article 10, allowing for the examination of the "more appropriate court" from multifaceted perspectives. However, the expression "reasonable time" in Article 11, paragraph 1, lacks specific detail. Furthermore, the emphasis placed on agreements between courts in Articles 12 and 13 is an excellent feature, and these provisions appear to be functionally sound. However, in the author's view, that Article 14 should be revised to encourage, or establish as a duty of endeavor, the utilization of the cooperation and communication mechanisms found in Articles 15 through 18 before proceeding to separate litigation processes. Doing so would facilitate consensus-building between courts and lead to a more seamless resolution of concurrent proceedings.
11.1 What are your views on the practical operation (or the effectiveness) of the communication methods set out in Chapter IV of the draft text for use between courts seised, in cases involving parallel proceedings and related actions?	First and foremost, the most significant benefit that communication mechanisms can provide is the expedited determination of the appropriate court and the prompt rendering of judgments. By sharing information, all involved courts can have access to the same evidentiary basis for determining the "more appropriate court." Furthermore, by gaining insight into the status of proceedings and the reasoning behind decisions in other courts, it is expected that the occurrence of conflicting judgments will be suppressed. In

	practice, however, there are concerns that proceedings may stagnate when applying these communication mechanisms, given the requirements for written communication and translation. To address this, the use of video conferencing and the sharing of documents or communications via online platforms should be enabled. Moreover, it is suggested that the wording should be changed from a permissive "may" to a more proactive phrasing, such as "are encouraged to," to call for more active utilization of these mechanisms.
11.2 Are there particular advantages and challenges you foresee in applying these methods?	
12. What are your views on the three safeguards provided in the Draft Text (Articles 19-21), particularly as to how they will operate in practice?	Under the view adopted here, that establishing these three provisions is appropriate. However, as noted in the Consultation Paper, it is difficult to specify exactly what circumstances constitute a "denial of access to justice" under Article 19. There is a concern that this provision could be abused and utilized, in effect, as a new residual ground for jurisdiction.
13.1 Would the rules set out in the Draft Text achieve the objectives of a future instrument? The objective of a future instrument is to enhance legal certainty, predictability and access to justice by reducing litigation costs, and to mitigate inconsistent judgments in transnational litigation in civil or commercial matters.	First, this draft Convention ensures legal clarity by establishing two independent frameworks, namely "Parallel Proceedings" (Chapter II) and "Related Actions" (Chapter III), and providing appropriate solutions for each. Furthermore, by stipulating clear requirements (connections) such as the priority jurisdiction for rights in rem in immovable property (Article 6) and party autonomy (Article 7), the draft ensures predictability and legal certainty regarding which court should prioritize the proceedings. Moreover, the draft aims for effective dispute resolution by establishing a mechanism for a single court to decide the whole or part of related actions collectively. In particular, it is commendable for suppressing the occurrence of conflicting judgments in parallel and related actions by expressly providing for communication mechanisms and joint hearings.
13.2 Do you have any views on whether the proposed rules set out in the Draft Text would improve the status quo?	The draft also establishes standardized rules by imposing international obligations on when each court should stay, dismiss, or proceed with its proceedings, which appears to lead to the resolution of confusion that may arise in the context of parallel and related actions. According to the position taken here, these proceedings can

	continue even more smoothly through Chapter IV (Cooperation and Communication).
13.3 Do you consider there are any risks of tactical or satellite litigation arising from any of the provisions, or the overall approach of the Draft Text? Are these risks greater or fewer than those that currently exist? Are there any ways that such risks could be addressed in the Draft Text?	However, further consideration appears necessary regarding the possibility that the determination of the "more appropriate court" under Articles 9 and 10 may lead to protracted proceedings due to divergent interpretations between courts.
14. What other comments, if any, do you have?	