

ผนวก ค.

Japan's  
The Code of Civil Procedure 1996 (revised)

**Article 4** (General forum)

1. A suit is under the jurisdiction of the court having the venue where the general forum of the defendant locates.
2. A general forum of a person is determined by his address, in case he does not have address in Japan or his address is not detected, by his residence, and in case he does not have residence in Japan or his residence is not detected, by his last address.
3. In case a general forum of an ambassador, a minister or other Japanese nationals who stay in a foreign country and are exempted from its jurisdiction, cannot be determined by the preceding paragraph, his general forum shall be determined by the Rules of Supreme Court.
4. A general forum of a legal person or other association or foundation is determined by its principal office or place of business, and in case it has no office or place of business, by the address of the representative in Japan or a leading person in charge of the business in question.
5. Notwithstanding the preceding paragraph, a general forum of foreign association or foundation is determined by the principal office or place of business in Japan, and if there is no such office or place of business in Japan, by the address of the representative or a leading person in charge of the matter in question.
6. A general forum of Japanese government is determined by the location of the governmental office representing Japanese government for the suit in question.

**Article 5** (Forum for proprietary claim and others)

The following suit may be brought before the court having a venue of the following respective place.

- 1) suit for proprietary claim: place of performance
- 2) suit for payment of promissory note or cheque: place of payment indicated on promissory note or cheque
- 3) suit for proprietary claim against seaman: place of ship's registry
- 4) suit for proprietary claim against a person who does not have address (in case of a legal person, office or place of business; hereinafter the same in this paragraph) in Japan or whose address is not

known: place where is a subject of claim or its security or an asset of defendant which may be attached

5) suit against a person who has an office or place of business and involving business at such an office or place of business: place of such an office or place of business

6) suit against a shipowner a person utilizing a ship in connection with her or her voyage: place of ship's registry

7) suit for claim with ship as a security: place where ship exists

8) the following suit in connection with corporation, association or foundation: place of general forum of association or foundation

(i) a suit by a corporation or other association against an employee or ex-employee, a suit by an employee against another employee or an ex-employee or a suit by an ex-employee against an employee, based on a party's position as such.

(ii) a suit by an association or foundation against an officer or ex-officer, based on a party's position as such.

(iii) a suit by a corporation against an incorporator, ex-incorporator, inspector or ex-inspector, based on a party's position as such.

(iv) a suit by a creditor of a corporation or other association against an employee or ex-employee, based on a party's position as such.

9) suit for claim in tort: place where tort occurred

10) suit for claim arising out of maritime accident such as a collision of ships: place where a ship first reached to

11) suit with respect to marine salvage: place where marine salvage was made or where a salvaged ship first reached to

12) suit with respect to real property: place where real property locates

13) suit with respect to registration or recordation: place where such registration or recordation shall be made

14) suit with respect to succession, legal portion or testation or other conduct having effect due to death: place of general forum of the ancestor at the time of commencement of succession

15) suit with respect to inheritance or its incumbrance, which does not fall into the preceding paragraph, provided that any part or all of inheritance locates in a place where the court has the jurisdiction pursuant to the preceding paragraph: place as provided in the preceding paragraph

**Article 11** (Jurisdiction agreement)

1. Parties concerned may agree to a court of first instance having the jurisdiction over the matters concerned.
2. The jurisdiction agreement in the preceding paragraph shall become valid only if it is made in writing with respect to a suit for certain legal relationship.

**Article 12** (Jurisdiction by defendant's answer)

1. In case a defendant pleads at the court of first instance or at its preliminary hearing without making any defence for wrong jurisdiction, the court has the valid jurisdiction over the case.