

ASLI FELLOWSHIP SEMINAR

TRUST AS A NOMINATED CONTRACT WITHIN A CIVIL LAW SYSTEM

29 OCTOBER 2026, THURSDAY || 1.15PM TO 2.15PM

EAST CORE CONFERENCE ROOM EC03-12, NUS LAW (KENT RIDGE CAMPUS)

Chairperson: Associate Professor Kelry Loi, Faculty of Law, NUS and Co-Director, ASLI



Eriko Taoka
Professor
Rikkyo University

SYNOPSIS

Japanese trust law has a long history dating back to 1922. However, court decisions applying it remain rare. One notable exception is Article 2(1) of the Act, the clause simply defining what is governed as a trust under the Act. Despite its declaratory character, a series of cases has arisen under this clause in which parties argued that their relationship should be considered a trust even though they had not designated it as such. These cases have prompted ongoing academic debate over the essential elements of trust. Since the trust designation is often raised as a way of shielding assets from creditors or insolvency proceedings drawing on trust's ringfencing effect, this remedial aspect is sometimes also viewed as comparable to resultant or constructive trusts in common law jurisdictions. Japanese trust law, however, does not recognise a remedial application of trust, and such comparisons should be drawn with caution. This talk identifies the essential elements of trust as they emerge from Japanese case law and academic debate, and analyses the functions trust designation performs within that case law, weighing its remedial role against the doctrinal and practical considerations courts should rely on. Through this examination, the talk shows how the concept of trust imported from common law jurisdictions has been shaped in Japanese trust law to play the same role as a nominated contract fitting within the Japanese civil law framework.

ABOUT THE SPEAKER

Eriko Taoka is Professor at the College of Law and Politics, Rikkyo University, Tokyo. She holds a PhD from the National University of Singapore, along with an LLM from Duke University School of Law and degrees in law from Waseda University. Her research focuses on Japanese civil law, trust law, consumer contract law, and international sales law. She has published widely in both Japanese and English on trust and agency law especially focusing on the duties of trustees and agents, family trusts, use of trusts for environmental protection. She has held research grants from KAKEN Grants-in-Aid for Scientific Research offered by the Japanese Ministry of Education, Culture, Sports, Science and Technology (MEXT), as well as leading private foundations in the trust law area, the Trust Companies Association of Japan and the Public Interest Foundation Trust Future Forum. She also engages in comparative contract law in Asia, including chapters in *Studies in the Contract Laws of Asia* (Oxford University Press). She is currently an Asian Law Institute Fellow at the National University of Singapore.

REGISTRATION

Visit [HERE](#) to register by Monday, 26 October 2026, 12pm

There is no registration fee for this seminar. Lunch will be provided for registered participants.

For enquiries, please contact the ASLI Secretariat at asli@nus.edu.sg

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