

Competition/ Antitrust Practice

Competition/Antitrust Practice

Mori Hamada & Matsumoto's competition and antitrust practice group is one of the largest and most established in Japan. We regularly represent clients at the forefront of the most high-profile and challenging cases in antitrust enforcement. We take pride in our track record of successful clearance and favorable outcomes for our clients, and we strive to be the best competition and antitrust practice group in Japan.



Competition/ Antitrust Practice

Competition/Antitrust Practice Group

Our competition and antitrust practice group is one of the largest and most established in Japan. We are regularly involved in the most high-profile and challenging cases in antitrust enforcement in Japan, Asia, and beyond. Our track record of successful clearance and favorable outcomes for our clients speaks for itself and we strive to be the best competition and antitrust practice group in Japan.

Consistently top-ranked in the leading legal directories, our competition and antitrust practice group consists of highly qualified lawyers who have prior experience studying and working abroad and/or working for the Japan Fair Trade Commission (JFTC).

We regularly work with leading firms around the world in representing clients in various competition and antitrust matters including multi-jurisdictional merger filings and global investigations. Over the decades, we have developed strong relationships with many of the leading law firms and economic consulting firms in major jurisdictions around the globe. For each transaction and investigation, we select the firms best suited for the client's needs.

Our firm stands out from other law firms in Japan particularly in the following respects:

- given that our firm is recognized as one of the leaders in the field of M&A, the members of the competition and antitrust practice group are experienced in securing smooth clearance from the JFTC and competition authorities in other jurisdictions;
- we cover all sectors and levels of distribution having worked with a broad range of domestic and foreign clients in complex M&A transactions and government investigations;
- our team comprises dedicated lawyers, academics, and former senior government officials with experience working at the leading-edge of antitrust law enforcement;

- we work with a global network of law firms and specialists that extends beyond our offices in Japan; and
- we have strong support from our other Practice Groups such as Regulatory, Intellectual Property, Litigation and Dispute Resolution, which are also recognized as leading practices in Japan.

Competition/Antitrust Practices

The firm's Competition and Antitrust Practice Group focuses on the following key areas:

Merger Control

Businesses turn to us for the most difficult transactions that entail a close examination by the competition authority. We are regularly involved in the most high-profile and challenging transactions, assisting our clients in:

- obtaining smooth clearance from the JFTC and acting as global lead counsel and/or coordinator in foreign merger control proceedings in connection with cross-border mergers and acquisitions, joint ventures, and/or group restructuring transactions;
- counseling on regulatory risks and possible solutions;
- negotiating with the JFTC and other authorities to minimize the scope of remedial measures;
- assisting post-merger compliance of commitments and its report to agencies; and
- providing guidance on other practical issues in connection with mergers and acquisitions, including "gun jumping".

Government Investigations

Companies are under increasing scrutiny from regulators around the globe. As more competition regimes become established, and as investigative powers and penalties become more severe, the risk of falling afoul of these laws has never been more acute. We have a successful track record of:

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- assisting clients in investigation of alleged cartels (both domestic and international cartels) and other conduct (including private monopolization and unfair trade practices);
- advising clients on the best defense options (including protection of attorney-client privilege) in relation to dawn raids, requests for information, subpoenas, investigative interviews, and hearings;
- applying for immunity/leniency and providing necessary cooperation with the authorities in order to effectuate immunity/leniency position;
- negotiating with the authorities regarding fines and other sanctions; and
- assisting clients with internal investigations for possible competition and antitrust law violations.

Competition related Litigation

More competition cases are ending up in court and the stakes are high. These cases have frequently involved cutting-edge antitrust issues and we have deep experience in:

- representing clients in appealing the decisions of the competition authorities;
- representing clients in litigations that include antitrust claims;
- representing clients in follow-on damages litigations; and
- negotiating settlements in relation to these types of litigations.

Counseling on Competition and Antitrust Law

We advise clients on the full range of possible competition/antitrust issues arising from commercial agreements between competitors, suppliers, distributors, customers and others, such as:

- sales and distribution arrangements, marketing strategies, product development, and sales strategies;
- business alliances, including joint research and development programs;
- intellectual property licensing and other intellectual property related transactions;
- agency and subcontracting; and
- services for campaigns, advertisements, and publicity (including providing premiums).



Competition/ Antitrust Practice

Compliance Counseling and Training

The handling of antimonopoly compliance must reflect the latest trends in global competition laws and enforcement practices. Based on our experience in representing clients in complex transactions and investigations, we excel in:

- advising clients in introducing and establishing global competition and antitrust law compliance programs;
- assisting clients in drafting and reviewing competition and antitrust law related policies, rules, and manuals; and
- providing in-person audit services and training sessions to the executives and employees of clients.

Awards and Rankings

Featured below are just some of the many awards and industry-related rankings earned by this practice group and its attorneys.



Chambers Asia Pacific 2022

Mori Hamada & Matsumoto was ranked in the top tier for many areas of practice in Japan, including the area of Competition/Antitrust (Band 1). The lawyers named below were selected in the area of Competition/Antitrust.

Kenji Ito
Hideki Utsunomiya
Yusuke Takamiya



The Legal 500 Asia Pacific 2022

Mori Hamada & Matsumoto was ranked in the top tier for many areas of practice in Japan, including the area of Antitrust and competition (Tier 1). The lawyers named below were selected in the area of Antitrust and competition.

Hall of Fame
Hideki Utsunomiya

Leading Individual
Kenji Ito

Next Generation Partner
Tomoya Fujita

“Chambers” is a ranking survey by Chambers & Partners that evaluates law firms and lawyers across the globe based on interviews with clients and details of legal matters. Of more than 20,000 in-house corporate legal experts surveyed by International In-house Counsel Journal, 51% answered that Chambers & Partners was the resource they used most often when researching law firms and lawyers.



The 2023 edition of The Best Lawyers in Japan™

The lawyers named below were selected as "The Best Lawyers" and "Ones to Watch" in the practice area of Antitrust/Competition Law.

Best Lawyers

Kenji Ito
Hideki Utsunomiya
Aruto Kagami
Yusuke Takamiya

Ones to Watch

Masaki Kakimoto

asialaw 2022, the definitive guide to Asia's leading law firms and lawyers

Mori Hamada & Matsumoto was evaluated highly in 13 practice areas including the area of Competition/antitrust.

The lawyer named below was selected as the "Distinguished Practitioner" in the area of Competition/antitrust.

Kenji Ito

Who's Who Legal: Competition 2021

The lawyers named below were selected as "Global Leaders" and "Future Leaders" in the area of Competition.

Kenji Ito, Hideki Utsunomiya, Aruto Kagami,
Kana Manabe, Yusuke Takamiya

Who's Who Legal: Japan 2021

The lawyers named below were selected as the "National Leaders" in the area of Competition in Japan.

Kenji Ito, Hideki Utsunomiya, Kana Manabe, Yusuke Takamiya

GCR100 - 2021

Mori Hamada & Matsumoto was selected as a leading ("elite") firm in Japan in Global Competition Review's "GCR100 - 2021."

GCR "40 under 40"

Yusuke Takamiya was listed in "40 under 40" for 2020 published by GCR (Global Competition Review) as the only Japanese lawyer.

Competition/ Antitrust Practice

Members of the Competition/ Antitrust Practice Group

Our competition and antitrust practice is built around highly qualified lawyers who have first-hand experience in representing and advising clients in many of the most high-profile and challenging cases in antitrust enforcement in Japan. We are constantly exposed to the front line of antitrust enforcement and regularly collaborate with competition/antitrust lawyers in other jurisdictions.



Kenji Ito
Partner

Admitted in Japan, 1997
Admitted in New York, 2003
Daini Tokyo Bar Association
New York State Bar Association

Kenji Ito / Partner

Kenji Ito served as an official at the Japan Fair Trade Commission, the competition authority in Japan, where he was engaged in a number of high-profile antitrust cases. He has extensive experience in gaining merger clearance for cross-border transactions, defending cartel investigations, litigating civil antitrust cases, and managing complex international competition matters including distribution, licensing, joint ventures, and various types of business alliances. He has addressed a wide range of competition matters in various industries including technology, media, e-commerce, telecoms, finance, transportation, energy, natural resources, pharmaceutical, electronics, chemicals, automotives, food, consumer products, wholesale and retail. Legal publications such as GCR, Who's Who Legal, Chambers, and Best Lawyers® recognize him as one of the leading lawyers in Japan.

Background

- Kyoto University (LL.B., 1995)
- Georgetown University Law Center (LL.M., 2002)
- with Morgan Lewis & Bockius LLP, Washington D.C. (2002-2003)
- Secretariat in General Secretariat, Japan Fair Trade Commission (2003-2005)

Memberships

- Member of Japan Association of Economic Law
- Member of Study Group Regarding International Enforcement of Competition Law, Ministry of Economy, Trade and Industry (2008)
- Director of Japan Competition Law Forum (2014)

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Hideki Utsunomiya
Partner

Admitted in Japan, 2000
Tokyo Bar Association

Hideki Utsunomiya / Partner

Hideki Utsunomiya handles a full range of competition law matters. He has extensive experience in obtaining clearances for large/complex M&As and has successfully assisted clients in delivering objections to agencies. He has represented clients in cartels and a variety of antitrust infringements and damage actions in and out of Japan, and has successfully defended or secured immunities/reductions of penalties. He advises on alliances, marketing/distribution, licensing, standard setting and compliance, covering a broad range of industries. He was a member of the JFTC's study group on data and competition policy and has been involved in matters relating to data and digital markets. He is recognized as a leading antitrust practitioner in major media, such as in GCR/Who's Who Legal, Chambers Asia-Pacific, Legal 500, and Best Lawyers®. He frequently speaks and writes on competition law.

Background

- The University of Tokyo (LL.B., 1999)
- New York University, School of Law (LL.M., 2006)
- with Arnold & Porter LLP, Washington D.C. (2006-2007)
- Part-time lecturer (Competition Law) at Keio Law School (2011-)

Memberships

- Member of the Antitrust Legislation Study Group, The 21st Century Public Policy Institute, Japan Business Federation (Keidanren) (2012)
- Secretariat, Japan Competition Law Forum (2015)
- Member of Study Group on Data and Competition Policy, Japan Fair Trade Commission (2017)
- Member of Study Group on Competitive Markets in Electricity and Gas, Ministry of Economy, Trade and Industry (2018)

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Tomohiro Tsuchiya
Partner

Admitted in Japan, 1994
Admitted in New York, 1999
Daini Tokyo Bar Association
New York State Bar Association

Tomohiro Tsuchiya handles a variety of domestic and cross-border transactions (particularly corporate takeovers, business alliances and other M&A transactions). He is especially involved with and has abundant experience in project development and structural reviews from the perspective of competition law regulations in Japan and abroad, in addition to competition law clearance, filing services and the provision of legal advice relating to competition law regulations.

Tomohiro Tsuchiya / Partner

Background

- The University of Tokyo (LL.B., 1992)
- University of Chicago Law School (LL.M., 1998)
- with Jenner & Block LLP, Chicago (1998)
- with Weil, Gotshal & Manges LLP, New York (1999)

Qualifications

- admitted as Certified Public Accountant, Illinois (2000)
- American Institute of Certified Public Accountants (2000)

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Aruto Kagami
Partner

Admitted in Japan, 2002
Admitted in New York, 2011
Osaka Bar Association (2002-2014)
Daini Tokyo Bar Association (2014-)
New York State Bar Association

Aruto Kagami has considerable experience with multi-jurisdictional merger filings and cartel investigations and acted as global lead counsel coordinating merger filings and investigations involving Japanese, US, Canadian, EU, Chinese, Korean, Indian and other enforcement authorities. Having lived and worked abroad for more than 10 years, he has a good command of communication and takes a collaborative approach in order to bring about the best solution in the most efficient manner. He has extensive experience dealing with overseas competition authorities under the amnesty and leniency program and handling overseas civil litigations, including US class actions. Based on his experience working at the overseas subsidiary of a global manufacturer, he also provides advice on compliance issues.

Aruto Kagami / Partner

Background

- Kyoto University (LL.B., 2001)
- with Irokawa Law Office (2002-2009, 2013-2014)
- University of California, Berkeley, School of Law (LL.M., 2010)
- with Bingham McCutchen LLP (currently, Morgan, Lewis & Bockius LLP), New York (2010-2011)
- seconded to Sumitomo Electric Industries, Ltd. (2011)
- seconded to Sumitomo Electric Finance UK Limited, London (2011-2013)
- King's College London, Centre of European Law (Postgraduate Diploma in EU Competition Law, 2012)
- King's College London, Centre of European Law (Master of Arts in Economics for Competition Law, 2014)

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Kana Manabe

Partner
Co-representative of
Yangon Office
and HCMC Office

Admitted in Japan, 2002
Admitted in New York, 2007
Daini Tokyo Bar Association
New York State Bar Association
Registered Foreign Lawyer in
Singapore, 2014
Registered Foreign Lawyer in
Vietnam, 2022

Kana Manabe / Co-representative of Yangon Office and HCMC Office

Kana Manabe engages in dispute resolution, insolvency and antitrust matters in a broad range of fields, both domestic and international. She has been actively involved in cross-border matters and provides support for Japanese companies involved in litigation overseas and represents overseas companies in litigation in Japan. She is experienced in representing a variety of companies and individuals in major cases involving international antitrust investigations and antitrust litigation, as well as in handling domestic antitrust investigations. She was recognized in "Who's Who Legal-The International Who's Who of Competition Lawyers 2013, 2014, 2015, 2017, 2018, 2019, 2020 and 2021" and was an officer of the International Bar Association's Antitrust Committee from 2015 to 2016. She has handled compliance matters and disputes in Singapore, Yangon and Vietnam, including matters related to antitrust laws in Asia.

Background

- Armand Hammer United World College (1995)
- Kyoto University, Faculty of Law (LL.B., 1999)
- Kyoto University, School of Law (LL.M., 2001)
- University of Michigan Law School (LL.M., 2006)
- with Kirkland & Ellis LLP, Los Angeles (2006-2007)
- Legal Adviser for the Legal and Judicial Cooperation Project in the Kingdom of Cambodia, Japan International Cooperation Agency (JICA) (2007- 2008)
- Co-representative Partner of the Yangon Office, Mori Hamada & Matsumoto (2014-)
- Co-representative Partner of the HCMC Office, Mori Hamada & Matsumoto (2022-)

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Shiho Ono

Partner

Admitted in Japan, 2006
Admitted in New York, 2012
Daini Tokyo Bar Association
New York State Bar Association

Shiho Ono / Partner

With a focus on international cases, Shiho Ono has been engaged in the handling of numerous commercial disputes involving a wide range of legal areas including antitrust law and unfair competition regulations. She provides legal advice on antitrust matters including handling leniency applications and examinations and investigations by regulatory authorities. In addition to domestic matters, she has been involved in several major international cases that require procedures and measures related to competition law in a number of countries. She is also widely experienced in handling corporate scandal and risk management cases and was included in "The 2023 edition of The Best Lawyers: Corporate Governance & Compliance Practice".

Background

- The University of Tokyo (LL.B., 2005)
- University of California, Berkeley, School of Law (LL.M., 2011)
- with Dewey & LeBoeuf LLP, New York (2011-2012)
- with Winston & Strawn LLP, New York (2012)
- Lecturer at the University of Tokyo, Faculty of Law (Civil Law) (2013-2014)

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Tomoya Fujita
Partner

Admitted in Japan, 2007
Daini Tokyo Bar Association
Admitted in New York, 2014
New York State Bar Association

Tomoya Fujita is active in the fields of domestic and cross-border M&A, antitrust matters and general corporate matters. In the antitrust field, he deals with a number of merger clearance cases for domestic and cross-border transactions. His substantive experience in M&A practice and vast expertise in merger control make him uniquely qualified to render comprehensive advice, offering "one-stop-service" for M&A transactions - not only handling due diligence and negotiations but also providing advice on antitrust matters including gun-jumping and merger clearance. His experience working at the Ministry of Economy, Trade and Industry is valuable in advising clients in negotiations with administrative bodies, such as foreign investment review.

Tomoya Fujita / Partner

Background

- The University of Tokyo (LL.B., 2006)
- seconded to the Economic and Industrial Policy Bureau Corporate System Division of the Ministry of Economy, Trade and Industry (Deputy Director)(2009-2011)
- Duke University School of Law (LL.M., 2013)
- with Pillsbury Winthrop Shaw Pittman LLP, New York (2013-2014)

Awards

- The Legal 500 Asia Pacific 2021 (Next Generation Partner - Antitrust and competition)
- The Legal 500 Asia Pacific 2022 (Next Generation Partner - Antitrust and competition)

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Yusuke Takamiya
Partner

Admitted in Japan, 2008
Admitted in New York, 2017
Daini Tokyo Bar Association
American Bar Association
New York State Bar Association
International Bar Association
Inter-Pacific Bar Association

Yusuke Takamiya provides a wide range of legal advice on competition law with a focus on notifications for business combinations, the handling of responses to authorities in relation to regulatory clearance as well as cartels and other violations of competition law, and he has been involved in matters that require multilateral responses including those in the US and Europe. He regularly provides consultation on compliance with laws, including consumer protection laws, while at the same time offering legal advice on matters concerning abuse of superior bargaining positions, which has recently become subject to stricter enforcement of law, and engaging in analysis and examination of legal issues under antitrust law when companies start new businesses.

Yusuke Takamiya / Partner

Background

- The University of Tokyo (LL.B., 2005)
- The University of Tokyo, School of Law (J.D., 2007)
- Research Assistant of International Competition Law to Professor Eleanor M. Fox at the New York University, School of Law (2015-2016)
- New York University, School of Law (LL.M., 2016)
- with Gibson, Dunn & Crutcher LLP, Washington D.C. (2016-2017)
- King's College London (PG Diploma in EU Competition Law) (2017)
- U.S. Federal Trade Commission (2017)
- Visiting Researcher at Competition Policy Research Center, Japan Fair Trade Commission (2017-2019)
- Member of the Program for Globalization, Innovation and Competition Policy at the Research Institute of Economy, Trade and Industry of the Ministry of Economy, Trade and Industry (2018-)
- Member of Study Group on Competition Policy for Achieving a Green Society, Ministry of Economy, Trade and Industry (2022-)

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Saori Takekoshi
Counsel

Admitted in Japan, 2010
Daini Tokyo Bar Association

Saori Takekoshi / Counsel

Saori Takekoshi handles a wide range of competition law matters, both domestic and international. She has considerable experience in dealing with merger filings for large-scale M&A and high-profile cartel investigations, and has been actively engaged in cases involving cutting-edge issues. She also provides consultations on daily matters, such as advice on labeling regulations, lectures on in-house training, and the development of competition law compliance manuals. She has handled many international antitrust cases, including multi-jurisdictional merger filings, defense against investigations by regulatory authorities, applications for leniency, and civil litigations, in various jurisdictions.

Background

- Hitotsubashi University (LL.B., 2007)
- Hitotsubashi Law School (J.D., 2009)
- The University of California, Berkeley, School of Law (LL.M., 2019)
- with Arnold & Porter LLP, Washington D.C. (2019-2020)

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Ryosuke Nishimoto
LPC Senior Associate

Admitted in Japan, 2007
Osaka Bar Association

Ryosuke Nishimoto / LPC Senior Associate

Ryosuke Nishimoto deals with corporate legal affairs in general, but has extensive experience in litigation, especially in the labor law area. He also handles crisis management matters, such as whistle-blowing cases and fraud investigations. In the area of competition law, he provides a variety of practical advice based on his experience having worked as an investigator at the Litigation Division of the Japan Fair Trade Commission during 2015-2016, where he was engaged in on-site inspections and investigations for many matters. He also works on merger filings and covers related laws such as the Subcontract Act. His work in a global manufacturer during 2017-2018 provided him with additional business experience and understanding. His articles include "Reference Handbook for the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade" (Osaka Bar Cooperative, 2021), "Japanese Anti-monopoly Act- Annotated 2nd Edition" (Kobundo, 2022).

Background

- Kyoto University (LL.B., 2004)
- with Irokawa Law Office (2007-2014, 2019)
- Assistant to Litigation Division, Management and Planning Division, Investigation Bureau, General Secretariat of Fair Trade Commission (2015-2016)
- seconded to Sumitomo Rubber Industries, Ltd. (2017-2018)
- Business Breakthrough University, Kenichi Ohmae Graduate School of Business (MBA, 2020)

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Masaki Kakimoto
Senior Associate

Admitted in Japan, 2013
Daini Tokyo Bar Association
Admitted in New York, 2021
New York State Bar Association

Masaki Kakimoto / Senior Associate

Masaki Kakimoto has been involved in a large number of both domestic and cross-border antitrust/competition matters as well as other related matters, including false advertising. He also advises clients on data protection and privacy issues including the Privacy Act in Japan as well as the GDPR, based on his working experience in Europe. He is currently on a secondment and working for the Mergers and Acquisitions Division of the Japan Fair Trade Commission, the antitrust law regulator in Japan.

Background

- Hitotsubashi University (BSocSc, 2009)
- Hitotsubashi Law School (J.D., 2012)
- Columbia Law School (LL.M., 2019)
- with Slaughter and May, London (2019-2020)
- with Slaughter and May, Brussels (2020)
- seconded to the Japan Fair Trade Commission (2020-)

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