

# Washington International Law Journal

---

Volume 26 | Number 2

---

4-1-2017

## Contents

anon

Follow this and additional works at: <https://digitalcommons.law.uw.edu/wilj>

---

### Recommended Citation

anon, Table of Contents, *Contents*, 26 Wash. L. Rev. i (2017).

Available at: <https://digitalcommons.law.uw.edu/wilj/vol26/iss2/1>

This Table of Contents is brought to you for free and open access by the Law Reviews and Journals at UW Law Digital Commons. It has been accepted for inclusion in Washington International Law Journal by an authorized editor of UW Law Digital Commons. For more information, please contact [cnyberg@uw.edu](mailto:cnyberg@uw.edu).

# *Washington International Law Journal*

---

---

VOLUME 26, NUMBER 2

---

---

## CONTENTS

### INTRODUCTION

Foreword *Taryn Jones* vii

### ARTICLES

Chinese Patent Law's Statutory Damages Provision: The One Size That Fits None *Xiaowu Li & Don Wang* 209

Entrenching the Minority: The Constitutional Court in Thailand's Political Conflict *Khemthong Tonsakulrungruang* 247

Pushing the Envelope: Application of Guiding Cases in Chinese Courts and Development of Case Law in China *Mo Zhang* 269

No Port, No Passport: Why Submerged States Can Have No Nationals *Jonathan Simon & Heather Alexander* 307

### COMMENTS

Customary Ivory Law: Inefficient Problem Solving with Customary International Law *Michael Graves* 325

Can the Japanese Supreme Court Overcome the Political Question Hurdle? *Po Liang Chen & Jordan T. Wada* 349

A Quest to Increase Women in Corporate Board Leadership: Comparing the Law in Norway and the U.S. *Angela R. Foster* 381

**ABOUT THE *WASHINGTON INTERNATIONAL LAW JOURNAL***

The *Washington International Law Journal* (ISSN 2377-0872), formerly the *Pacific Rim Law & Policy Journal* (ISSN 1066-8632), is published three times a year by students of the University of Washington School of Law. Phone (206) 543-6649, Facsimile (206) 685-4457. Address all correspondence to *Washington International Law Journal*, University of Washington School of Law, William H. Gates Hall, Box 353020, Seattle, WA 98195-3020.

**SUBSCRIPTIONS:** Subscriptions in the United States and Canada, covering three issues per volume, are USD 42.50 per year and USD 56.54 elsewhere. An additional fee is added to credit and debit card transactions. Single issues and back volumes are available from William S. Hein Co., Inc., 2350 North Forest Rd., Getzville, NY, 14068. Phone (800) 828-7571, Facsimile (716) 883-8100. Domestic claims for non-receipt of issues should be made within 90 days of the month of publication, overseas claims within 180 days. Thereafter back issue rates will apply. Overseas delivery is not guaranteed.

**CITATION:** Cite as WASH. INT’L L.J.

**MANUSCRIPTS:** The *Washington International Law Journal* welcomes the submission of articles that focus on foreign, comparative, and international law or policy. Of particular interest to the *Journal* are articles that make use of foreign-language sources otherwise unavailable to English-language readers. The *Journal* also welcomes the submission of English translations of foreign-language legal materials and scholarship. If any part of a manuscript has been published previously, or is to be published elsewhere, the author must include this information at the time of submission. Citations should conform to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (20th ed. 2015) unless common sense dictates otherwise. For detailed submission guidelines, please visit our website at: <http://www.washingtoninternationallawjournal.org/>.

**COPYRIGHT:** Copyright 2017 Washington International Law Journal Association. Except as otherwise specifically provided, the author of each article in this issue has granted permission for copies of his or her article to be made for classroom use, provided that 1) copies are distributed at or below cost, 2) the author and the *Washington International Law Journal* are identified on each copy, 3) proper notice of copyright is affixed to each copy, and 4) the *Journal* is notified of the use. Requests for reprint permission should be directed to the current Editor-in-Chief at [winlj@uw.edu](mailto:winlj@uw.edu) or by mail.

**LIBRARIANS:** Prior to Volume 4, issues are designated as follows:

Winter 1992.....	Intramural Issue	Summer 1993.....	Vol. 2, No. 2
Winter 1992.....	Vol. 1, No. 1	1993.....	Vol. 3 Special Edition
Summer 1992.....	Vol. 1, No. 2	June 1994.....	Vol. 3, No. 1
Winter 1993.....	Vol. 2, No. 1	February 1995.....	Vol. 3, No. 2

Beginning with Volume 4, each issue is designated by a month, year, volume, and number, and is consecutively paginated.

Prior to Volume 24, each issue is designated by the *Journal*'s former name, the *Pacific Rim Law & Policy Journal*, cited as PAC. RIM L. & POL'Y J.

# Washington International Law Journal

---

---

## EDITORIAL BOARD 2016 – 2017

### *Editor-in-Chief*

TARYN JONES

### *Associate Editors-in-Chief*

MICHELLE RUSK

JASON A. SLAYBAUGH

CAROLYN WHITE

### *Chief Articles Editor*

MICHAEL GRAVES

### *Chief Translation Editor*

YUTAKA ISHIDA

### *Chief Managing Editor*

LUCY INFELD

### *Chief Comments Editor*

JORDAN WADA

### *Executive Articles Editor*

ELLIE PAGE

### *Executive of Content Solicitation*

JASON PARFET

### *Executive Managing Editor*

RAZ BARNEA

### *Executive Comments Editor*

KELSEY CHRISTIANSON

### *Senior Articles Editors*

HATHAWAY BURDEN

LAURA DAUGHERTY

ROBERT FRANCESCHINI

JAYME STATEN

### *Senior Translation Editors*

NATHALY CECCHET-AULAR

CHENGYU SHI

### *Senior Managing Editors*

ALISON CHYAN

ALEXANDRA POLLACK

JAMES PRESCOTT

JEFFREY READ

### *Senior Comments Editors*

ELLEN MACOMSON

JULIA NORWOOD

BLAKE RISENMAY

## EDITORIAL STAFF

ZACHARY BROWNING

JESSICA BURRUS

JENNIFER CALKINS

CAMERON CARLSON

MALINA DUMAS

NATHAN FREI

BRIDGET GROTZ

JENNA GUSTAFSON

ALISON HARPER

ADAM HAYNIE

CÉSAR JOSÉ HERNÁNDEZ

BONEZZI

MIKI HOY

MICHELLE HUR

ANNIKA KAUFMAN

DYLAN OLSON

MADHU PANJINI

MAIA ROBBINS

CHE SCHIRMER

JONATHAN SHI

KELLY SKAHAN

ADAM STERLING

KENNETH TSENG

VICKY WEI

CHRISTINA WEIDNER

VANESSA WILLIAMS-HALL

## BOARD OF DIRECTORS

MARY HOTCHKISS

JOHN BRUMBAUGH

PENNY HAZELTON

VALENTIN POVERCHUK

CLARK LOMBARDI

BRIAN SCHWARWALDER

DONGSHENG ZANG

MELISSA J. DURKEE

## BUSINESS OFFICE

JONATHAN FRANKLIN

CHOONG KIM

## University of Washington School of Law 2016-2017

### OFFICERS OF ADMINISTRATION

Jessica Brase, M.P.A., Assistant Dean for Finance and Operations  
Christine Cimini, Associate Dean for Experiential Education  
Jonathan Franklin, A.B., A.M., J.D., M.Lib., Associate Dean for Library & Information Systems  
Mary Hotchkiss, B.A., M.S.L.S., J.D., Senior Advisor to the Dean  
Sanne Knudsen, B.A., M.S., J.D., Associate Dean for Research & Faculty Development  
Mathiew Le, B.A., J.D., Assistant Dean for Enrollment  
Pontus Niklasson, M.A., Assistant Dean for Academic Services & Registrar  
Scott Schumacher, B.A., J.D., LL.M., Associate Dean for Academic Administration, Professor of Law, Director of Federal Tax Clinic, Director of Graduate Program in Taxation  
Kellye Y. Testy, B.A., J.D., Toni Rembe Dean & Professor of Law  
Brenda Williams, B.A., M.P.A., J.D., Associate Dean for Students, Equity & Engagement  
Craig Wright, J.D., Assistant Dean for Advancement

### FACULTY EMERITI

William R. Andersen, B.S.L., LL.B., LL.M.  
Thomas R. Andrews, B.A., M.A., J.D.  
Robert H. Aronson, B.A., J.D.  
Julia Gold, B.A., J.D.  
James H. Hardisty, A.B., LL.B.  
Penelope A. Hazelton, B.A., J.D., M.L.L.  
Roland L. Hjorth, A.B., LL.B.  
Linda Hume, B.A., J.D.  
John Huston, B.A., J.D., LL.M.  
Stewart M. Jay, A.B., J.D.  
John M. Junker, B.A., J.D.  
Deborah Maranville, B.A., J.D.  
Kathleen O'Neill, B.A., J.D.  
John R. Price, A.B., LL.B.  
Roy L. Prosterman, B.A., J.D.  
Marjorie D. Rombauer, B.A., J.D.  
Charles Z. Smith, B.S., J.D.  
Frank W. Smith, B.A., J.D., LL.M.  
Philip A. Trautman, B.A., J.D.  
Louis Wolcher, B.A., J.D.

### FACULTY OF LAW

Craig H. Allen, B.S., J.D., LL.M., Professor of Law  
Kimberly D. Ambrose, B.A., J.D., Senior Law Lecturer  
Helen A. Anderson, B.A., J.D., Professor of Law  
Robert T. Anderson, B.A., J.D., Professor of Law, Director of Native American Law Center  
William Bailey, B.A., J.D., Law Lecturer  
Elizabeth Baldwin, B.A., M.A., J.D., Law Lecturer  
Karen E. Boxx, B.A., J.D., Professor of Law  
Steve P. Calandrillo, B.A., J.D., Professor of Law  
Ryan Calo, B.A., J.D., Assistant Professor of Law, Co-director of the Center for Advanced Study and Research on Intellectual Property  
Angelica Chazaro, B.A., J.D., Assistant Professor of Law  
John A. Clynch, B.A., J.D., LL.M., Law Lecturer, Staff Attorney Federal Tax Clinic  
Thomas D. Cobb, B.A., M.A., M.A., J.D., Senior Law Lecturer  
Molly M. Cohan, B.A., J.D., Law Lecturer  
Ronald K.L. Collins, B.A., J.D., Harold S. Shefelman Scholar  
William Covington, B.A., J.D., Senior Law Lecturer  
Dwight J. Drake, B.S., J.D., Associate Professor of Law  
Melissa J. Durkee, B.A., J.D., Assistant Professor of Law  
Eric Eberhard, B.A., J.D., LL.M., Assistant Professor of Law  
Jonathan A. Eddy, B.A., J.D., Professor of Law, Manager of Afghanistan Legal Educators Project  
Jennifer Fan, A.B., J.D., Managing Director, Entrepreneurial Law Clinic & Law Lecturer  
Mary D. Fan, B.A., J.D., M.Phil., Professor of Law  
Jeff Feldman, B.A., J.D., Affiliate Professor of Law  
Daniel H. Foote, A.B., J.D., Affiliate Professor Law  
Trevor Gardner, B.A., Ph.D., J.D., Assistant Professor of Law  
Robert W. Gomulkiewicz, B.A., M.A., J.D., Professor of Law, Faculty Director, IP LLM, Co-director of the Center for Advanced Study and Research on Intellectual Property  
Benjamin Halasz, B.A., J.D., Law Lecturer  
Michael Hatfield, B.A., M.A., J.D., Professor of Law  
Gregory A. Hicks, B.A., J.D., Professor of Law  
Maureen A. Howard, B.A., J.D., Associate Professor of Law  
Sarah Kaltsounis, B.S., M.Ed., J.D., Senior Law Lecturer

Lisa Kelly, B.A., J.D., Professor of Law, Director of Children & Youth Advocacy Clinic  
 Alan Kirtley, B.A., J.D., Associate Professor of Law  
 Anita K. Krug, B.A., M.A., J.D., Ph.D., Professor of Law  
 Patricia C. Kuszler, B.A., M.D., J.D., Director, Center for Law, Science  
 Ben Logan, B.A., J.D., Law Lecturer  
 Clark B. Lombardi, B.A., M.A., J.D., Ph.D., Associate Professor of Law, Adjunct Associate Professor of Law in International Affairs  
 Lisa Manheim, B.A., J.D., Assistant Professor of Law  
 Anna C. Mastroianni, B.S., B.A., J.D., M.P.H., Professor of Law  
 Shannon Weeks McCormack, B.A., J.D., LL.M., Associate Professor of Law  
 Kathleen M. McGinnis, B.A., J.D., Senior Law Lecturer  
 Jacqueline McMurtrie, B.G.S., J.D., Professor of Law, Director of Innocence Project Northwest  
 Theodore A. Myhre, B.A., M.A., M.A., J.D., Senior Law Lecturer  
 Peter Nicolas, B.A., M.P.P., J.D., Professor of Law  
 Sean O'Connor, B.A., M.A., J.D., Professor of Law, Boeing International Professor  
 Elizabeth Porter, B.A., M.Ed., M.A., J.D., Associate Professor of Law  
 Anita Ramasastry, B.A., M.A., J.D., Professor of Law  
 Jeffrey Riedinger, B.A., J.D., M.A., Ph.D., Professor of Law, Vice Provost for Global Affairs  
 Beth Rivin, B.A., M.D., M.P.H., Research Associate Professor of Law  
 William H. Rodgers, B.A., J.D., Professor of Law  
 Zahr Said, B.A., J.D., Ph.D., Assistant Professor of Law, Co-director of the Center for Advanced Study and Research on Intellectual Property  
 Lauren Sancken, B.A., J.D., Law Lecturer  
 Sallie Thieme Sanford, B.A., J.D., Associate Professor of Law  
 Eric Schnapper, B.A., M.A., B.Phil., LL.B., Professor of Law  
 Toshiko Takenaka, B.A., LL.M., Ph.D., Professor of Law  
 Kellye Y. Testy, B.A., J.D., Toni Rembe Dean & Professor of Law  
 Anna Tolin, B.A., J.D., Law Lecturer  
 Michael E. Townsend, B.A., M.A., Ph.D., J.D., Associate Professor of Law  
 Lea B. Vaughn, A.B., J.D., Professor of Law  
 Walter J. Walsh, B.C.L., LL.M., S.J.D., Associate Professor of Law  
 Kathryn Watts, B.S., J.D., Professor of Law  
 Todd Wildermuth, B.S., M.S., Ph.D., Law Lecturer  
 Jane K. Winn, B.Sc., J.D., Professor of Law, Co-director of the Center for Advanced Study and Research on Intellectual Property  
 Jeffrey Wool, B.A., J.B., Condon-Falknor Professor of Global Business Law  
 Dongsheng Zang, LL.B., LL.M., LL.M., S.J.D., Associate Professor of Law, Co-Director Asian Law Center  
 Lara Zarowsky, J.D., Law Lecturer  
 David Ziff, A.B., J.D., Senior Lecturer

#### ADJUNCT AND VISITING FACULTY

Betsy Baker, B.A., J.D., LL.M., Counsel to the Dean - Alaska Programs & Affiliate Professor of Law  
 Gad Barzilai, B.A., LL.S., LL.B., M.A., Ph.D., Adjunct Professor of Law  
 Katherine Beckett, B.A., M.A., Ph.D., Adjunct Professor, Law Societies and Justice Program, Sociology  
 Andrew Benjamin, J.D., Ph.D., Affiliate Professor of Law  
 Sharan E. Brown, B.A., M.A., J.D., Ed.D., Adjunct Research Associate Professor of Law  
 Denise Dudzinski, Ph.D., MTS, Adjunct Professor, Bioethics and Humanities  
 John Haley, Professor of Law  
 Thomas Hazlet, B.S., Pharm.D., Dr.P.H., Adjunct Associate Professor, Pharmacy  
 Nancy S. Jecker, B.A., M.A., M.A., Ph.D., Adjunct Professor of Law  
 Sang Jo Jong, Visiting Professor  
 Alicia LeVezu, XXXX, Supervising Attorney, Child and Youth Advocacy Clinic  
 Michael McCann, B.A., M.A., Ph.D., Adjunct Professor of Law  
 Arzoo Osanloo, B.A., J.D., Ph.D., Adjunct Associate Professor of Law, Law, Societies and Justice Program  
 Saadia Pekkanen, B.A., M.I.A., Ph.D., M.S.L., Adjunct Associate Professor of Law  
 Clare Ryan, B.S., M.S., Ph.D., Adjunct Professor, School of Environmental and Forest Sciences  
 Thomas Schoenbaum, B.A., J.D., Visiting Professor  
 Hugh Spitzer, B.A., J.A., LL.M., Acting Professor of Law  
 Jessica West, B.A., J.D., Visiting Associate Professor  
 Susan Whiting, B.A., Ph.D., Adjunct Associate Professor of Law  
 Nathalie Williams, B.S., Ph.D., Associate Professor of International Studies

#### GALLAGHER LAW LIBRARY STAFF

Crystal Alberthal, B.A., M.L.I.S., Librarian, Serials and Research Services  
 Karen Ballard, B.A., Library Specialist, Cataloging  
 Rob Britt, B.A., M.A., M.A., East Asian Law Library Services Coordinator  
 Judy Davis, B.A., M.L.I.S., Librarian, Access & Resource Sharing and Reference  
 Anna Ender, B.A., J.D., M.L.I.S., Librarian, Head of Research Services  
 Grace Feldman, B.A., J.D., M.L.I.S., Librarian, Research Services  
 Sharon Hall, Library Specialist Supervisor, Cataloging  
 Tricia Hart, B.A., M.L.I.S., Librarian, Cataloging  
 Ingrid Holmlund, A.B., J.D., M.L.I.S., CILP Co-Editor  
 Peggy Jarrett, B.A., M.S.L.I.S., Librarian, Collection Development, Government Information, & Reference  
 Richard Jost, B.A., M.A., M.A., Interim Director, Law Librarianship Program

Choong Kim, B.A., Fiscal Specialist, Washington Law Review, Washington International Law Journal  
Kaden Mack, B.A., Library Technician, Circulation  
Ann Nez, B.A., M.L.I.S., Librarian, Technical Services Coordinator  
Cheryl Nyberg, B.A., M.S.L.I.S., Librarian, Digital Innovation and Reference  
Nikki Pike, Program Operations Specialist, CILP  
Patty Roberts, B.A., Library Technician Lead, Evening Circulation Supervisor  
Tania Schriwer, B.A., J.D., M.L.I.S., CILP Co-Editor  
Reba Turnquist, B.A., M.L.I.S., Librarian, Collection Development  
Mary Whisner, B.A., J.D., M.L.I.S., Librarian, Research Services  
Alena Wolotira, B.A., J.D., M.L.I.S., Librarian, Reference Services & Circulation; CILP Exec. Editor  
Quan (John) Zhang, B.A., M.A., Ph.D., Library Specialist, Acquisitions

Source: <https://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/1626/91wlrno3faculty1617.pdf?sequence=1&isAllowed=y>