

BLINOVA, Liliya Gafurovna

Home Credit & Finance Bank Limited Liability Company (Moscow)
Senior Legal Advisor
blinovallilya@rambler.ru

KNOW-HOW IN TERMS OF LEGAL REGULATION AND TRANSFER AGREEMENT LEGAL REGULATION AND TRANSFER AGREEMENT OF KNOW-HOW

Keywords: Confidential information, trade secret, know-how, legal regime, exclusive rights, factual monopoly, know-how transfer agreement.

The relationships between the concepts of "confidential information", "trade secret" and "know-how" are analyzed in the article. According to the author it is confidentiality (or factual monopoly) that makes know-how an object of commercial turn-over. The author describes the legal regulation of know-how and criticizes the existing civil laws providing for the exclusive right to know-how. The contract transferring the right to know-how is viewed as the legal form of its commercial realization and the issues connected with its conclusion are highlighted.

TOMSINOV, Vladimir Alekseevich

Doctor of Legal sciences
Professor M. V. Lomonosov MSU Law School
tomsinov@yandex.ru

LEGAL EDUCATION AND JURISPRUDENCE IN RUSSIA IN THE 1860S-1870S.

Keywords: History of the Russian jurisprudence, University Charter of 1863, the nature of university education, university law school curriculum.

The article deals with the legal education reform as a part of the university reform in the early 1860s. The drafting of a new Common charter of Russian universities is described when there were raised questions about the nature of university education in general and legal education in particular and law school curriculum in Russian universities.

OVCHAROVA, Elena Vladimirovna

Candidate of Legal sciences
Law Lecturer
M. V. Lomonosov MSU Law School

Pepeliaev Group

The Head of Legal protection of business Group
e.ovcharova@pgplaw.ru

OSIPOVA, Yulia Anatolievna

Pepeliaev Group
Legal protection of business Group
Lawyer
y.osipova@pgplaw.ru

INSUFFICIENT NET ASSETS AS JUSTIFICATION FOR LIQUIDATION?

Keywords: Liquidation, net assets value, substantive and irreversible nature of violations, tax agency, tax actions.

The article examines court decisions in actions seeking liquidation order which are brought by a tax agency against businesses experiencing steady decrease of their net assets value below the minimal amount of their charter capital. The issue raised in the article is becoming even more important in modern circumstances when there is observed poor economic performance of many businesses during the current general recession. The authors give convincing reasons to conclude that liquidation court orders based on formal application of legal rules should be avoided. Tax agencies should be obliged to prove substantive and irreversible nature of violations committed by a joint stock company especially in terms of the amended Federal Law "On joint stock companies".

MEDUSHEVSKY, Andrey Nikolayevich

Doctor of Philosophy
Professor
High School of Economics
medushevsky@stream.ru

DOCTRINE OF LAW-GOVERNED STATE AND STRATEGY OF MODERNIZING RUSSIA

Keywords: Law-governed state, modernization, liberalism, constitutionalism.

Why did all major political crises in Russia end in the establishment of authoritarian rule? To what extent does this conclusion apply to modern Russia? What can be borrowed from the experience of liberal constitutional movement in the early 20th century into modern political life? What barriers prevent the program of liberal constitutionalism from implementing? What can or should be done to facilitate its successful realization?

SMIRNOV, Georgy Konstantinovich

Candidate of Legal sciences
Investigative Committee at the Public Prosecutor's Office of the Russian Federation
Senior Assistant
zhora-s@yandex.ru

THE REVISION OF CRIMINAL LAWS ON ECONOMIC OFFENCES IN TERMS OF THE NEW ECONOMIC POLICY IN MODERN RUSSIA

Keywords: Economy, criminal legal policy, modernization of economy, business protection, economic offences, repressive nature of criminal law, humanization of criminal law.

Criminal laws on economic offences drafted in the mid-1990s do not meet the changing needs of the modern Russian economy. To ensure security and investment attractiveness of the Russian economy criminal legal policy should be amended at the same time.

SHERSTJUK, Vladimir Mikhajlovich

Doctor of Legal sciences
Professor
Department of civil procedure
M. V. Lomonosov MSU Law School
civil_proceedings@law.msu.ru

INTERIM MEASURES IN COMMERCIAL COURT PROCEDURE

Keywords: Interim measures issued by commercial court, grounds for issuing interim measures, motion seeking preliminary injunction, procedure of dealing with the motion seeking preliminary injunction, interim counter-measures, motion to quash interim measures.

Interim measures ensure both the protection of claimant's or petitioner's rights and the enforcement of judgment. What are interim measures? Who invokes them? What are the grounds and procedures of their application? What should be done when the defendant finds their application improper? Is the court or a bailiff authorized to suspend, postpone or delay the execution of interim measures issued by commercial court?

NIKONCHUK, Dmitry Alexandrovich

Degree-seeking student
Department of Legislative Environment of Management Behaviour
International Institute of Management
Moscow State Institute of International Relations of the Ministry of Foreign Affairs of the Russian Federation
DimasN2006@yandex.ru

ISSUES OF IMPROVING THE LEGAL MECHANISM OF DRAFTING AND ENACTING THE LAW ON FEDERAL BUDGET

Keywords: Budget, budgetary process, subjects of budgetary planning, the planned period, the Government, the Budgetary committee, the State Duma, the Government of the Russian Federation.

The article deals with the matters of improvement of legal mechanism and organizational practices which enable the participants of budget formation to exercise their functions while drafting and debating the federal budgetary provisions. Specific features of budget law drafting are analyzed in detail. The passage of budget draft law through the State Duma is carefully examined in terms of the changing needs. The problems existing in the legislative procedure are identified as requiring urgent legislative solution.

VENEDIKTOV, Andrej Albertovich

Doctor of Economics
Professor
University of the Russian Academy of Education
venediktov@yandex.ru

NOTIFICATION, NOTICE OF DATE AND VENUE OF HEARING, TAX NOTICE, TAX PAYMENT NOTICE, COMMUNICATION AGENCY

Keywords: Notification, notice of date and venue of hearing, tax notice, tax payment notice, communication agency.

The author examines the problem of determining the legal fact of proper notice of legal persons and individuals. The practical law application is analyzed. A solution to the problem is offered which is reasonably based on the balance of interests of addresser and addressee of the posted official documents.

KOREPANOVA-KAMSKAYA, Daria Sergeevna

Post graduate student
Department of Criminal Law and Criminology
Udmurt State University
Senior expert
Ministry of property relations of the Udmurt Republic
korkam@list.ru

COERCION TO ENTER INTO A CONTRACT OR REFRAIN FROM TRANSACTION AS A RISK OF PROCUREMENT CONTRACTS

Keywords: Public procurement, competition, coercion to enter into a contract or refrain from transaction.

The term "procurement contract" has not been completely adopted in legal writings on government contracts. Its meaning also includes the bidding process as well as the government a contractual party – a purchaser of goods or services. The article examines an important issue concerning criminal liability of the parties involved in this type of contractual relationships in the event of coercion used for concluding a contract or refraining from transactions. (RF Criminal Code, Art. 179).

GRIBANOV, Andrey Vladimirovich

Candidate of Legal sciences
Associate professor
Private Law department
The Russian Academy for Foreign Trade
Lawyer
grbn@orc.ru

CONTRACT OF SALE OF ENTERPRISE IN GERMAN LAW

Keywords: Civil law, enterprise, sale contract, the law of Germany, German Civil Code, German Commercial Code, statute of limitation.

Enterprise as a property complex is a complicated legal object in legal terms. The contract of sale of enterprise provided for by the Russian Civil Code, Chapter 30, paragraph 8 causes lots of problems and has a very limited practical application. In this connection it would be quite interesting to consider the contract of sale of enterprise under the law of Germany where the institution of commercial enterprise has been sufficiently elaborated in theory and is successfully applied in practice. Transactions involving the sale of enterprise are quite common.