

BOLOKHONOV, Boris Sergeevich

Senior lecturer
Department of civil law and procedure
Ya. Kupala Grodno State University Faculty of law

On 'non-controversial' nature of summary proceedings in context of unification of civil procedure of Belarus Republic

Keywords: Summary proceedings; non-controversial nature of summary proceedings; unification of civil procedure; Code of civil procedure

The article analyzes the 'non-controversial' character of summary proceedings in civil and arbitrazh procedure in the Republic of Belarus. Based on the analysis of the existing academic approaches the author discusses possibilities to further refine the provisions dealing with unification of summary proceedings in the Code of civil procedure. The author concludes the cases of summary proceedings are relatively (formally) controversial and they deal with substantive law matters.

FNOTOVA, Olga Vladimirovna

Candidate of legal sciences
Associate professor
Department of legal regulation of business
National Research University Higher School of Economics Law Faculty

BELYAeva, Lidia Evgenievna

Master's program student
Department of legal regulation of business
National Research University Higher School of Economics Law Faculty

Unequal bargaining power in international business:

legal practice of European countries

Keywords: Inequality; pre-contractual relations; contractual negotiations; pre-contractual liability; weaker party

In the context of growing inequality of bargaining power of Russian contracting parties negotiating international commercial contracts it is important to secure the position and interests of the parties during the negotiation stage. It is achievable both in legal framework of the European countries and Russian law. The article aims to define the approach towards securing equal bargaining power of the parties in international negotiations and presents comparative analysis of the existing approaches.

GAZIMAGOMEDOVA, Naida Abdulmusalimovna

Senior lecturer
Department of constitutional and municipal law
Dagestan State University Institute of Law

Implementation of Federal Law 'On General Principles of Organization of Public Government in Constituent Entities of Russian Federation' and problems in sphere of human rights protection: North Caucasus Federal District

Keywords: Human rights protection; constitutional reform; constitutional legislation; system of government; North Caucasus Federal District

The author discusses different lines of work in the sphere of refining and improving the federal and regional legislation in the sphere of human rights protection, development of the legal regulation of local governments, increasing the scope of legal status of Human Rights Ombudsmen which represent a unified system of human rights protection in the country.

KUDRYASHOVA, Anastasiya Gennadievna

Head of postgraduate studies department
Lomonosov Moscow State University Higher School of Public Audit (faculty)
Master's program student
Department of civil procedure
Lomonosov Moscow State University Law School

Voluntary satisfaction of claim by defendant in course of proceedings and its impact on court ruling: theoretical and practical aspects

Keywords: Voluntary execution; legal effect; right to petition; mandatory nature of court rulings; civil procedure objective; claim dismissal; termination of proceedings

The practice where courts issue rulings on satisfaction of a claim without execution contradicts the theory of legal effect of court rulings and right to petition and does not meet the objective of civil procedure. The author believes that claim dismissal would be a reasonable step given the applicable rules and norms.

MAZAEV, Vladimir Dmitrievich

Doctor of legal sciences
Full professor
Professor
Department of public law
National Research University Higher School of Economics Law Faculty

Nationalization in constitutional framework

Keywords: Constitution; constitutionalisation; nationalization; confiscation

Over thirty years of constitutional development the institute of nationalization has not been fully reflected neither in legislation nor in legal doctrine. At present there is a need for adoption of a federal law on nationalization based on constitutional principles.

PETROV, Alexey Yakovlevich

Doctor of legal sciences
Full professor
Professor
National Research University Higher School of Economics Law Faculty
Honorary worker of Higher Professional Education in the Russian Federation

Liability under labour law: current situation and prospects

Keywords: Russian Federation Labour Code; disciplinary action; pecuniary liability; compensation

The author believes that all legal norms regulating liability under the Russian Federation Labour Code should be combined into one section. This would enhance integrity, certainty and consistency of the code and the system of Russian labour law as a whole.

SHCHERBAK, Nataliya Valerievna

Doctor of legal sciences
Associate professor
Department of civil law
Lomonosov Moscow State University Law School
Professor
Department of intellectual property rights
Kutafin Moscow State University of Law

Fan fiction & Fan art through lens of modern copyright law

Keywords: Independent art; fan art; monopoly of right holder; exclusive copyright; confines of exclusive copyright; cases of free use of work; object-specific requirements under exclusive right; sequels; prequels; spin-offs

Modern legislation on intellectual property rights has a number of unresolved questions dealing with works of independent artists. The number of such questions has grown as copyright protection has expanded to cover new types of works like sequels, prequels, and spin-offs. Extending the scope of intellectual property protection and the growing monopoly of the right holder appears to blur the lines between the content-specific and object-specific characteristics of intellectual works under exclusive copyright. This may lead to an increase in the number of infringements in this sphere. The author believes the problems in question should be regulated accordingly.

TOMSINOV, Vladimir Alekseevich

Doctor of legal sciences
Full professor
Lomonosov Moscow State University Law School

Andrey Yanuarievich Vyshinsky (1883—1954), statesman and legal scholar. Article eighty-one

Keywords: USSR; Great Britain; A.Ya. Vyshinsky; R.S. Kripps

The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses the role of A.Ya. Vyshinsky in the sphere of foreign politics of the Soviet state in autumn of 1940.

ZAPLATNIKOVA, Yulia Viktorovna

Candidate of legal sciences
Docent
Associate professor
Department of public law
National Research University Higher School of Economics Law Faculty

Contesting report of inspection and review (oversight) activities and pre-trial consideration of answers to rulings of inspection and review (oversight) bodies: expectations and reality

Keywords: Public control (oversight); persons subject to control (oversight); pre-trial procedure of contesting reports; report of inspection and review (oversight) activities; complaint; answer

The article discusses the problem of enhancing the procedure of pre-trial consideration of answers to rulings of inspection and review (oversight) bodies as it warrants due exercise of rights by parties subject to inspection and review in the context of public control (oversight). The author argues that reports of inspection and review (oversight) bodies should be excluded from the list of objects which can be contested in pre-trial consideration. The author discusses possibilities of further enhancement of the pre-trial procedure of filing such answers.

ZENIN, Ivan Alexandrovich

Doctor of legal sciences
Professor
Department of civil law
Lomonosov Moscow State University Law School
Honorary professor of Lomonosov Moscow State University

Part Four of Civil Code of Russian Federation: codification or incorporation?

Keywords: Part Four of Russian Federation Civil Code; codification; intellectual property law

The article posits that 'comprehensive codification' of legislation on 'intellectual property rights' carried out 16 years ago within the framework of Part Four of the Russian Federation Civil Code and repealing of all six Federal laws regulating this sphere, in essence, represent incorporation of the said Federal laws into the Russian Federation Civil Code which led to the delineation of the minimal set of norms partially common for regulating copyright, related, patent and other exclusive rights.

ZHUK, Oleg Dmitrievich

Doctor of legal sciences
Full professor
Director of Scientific and Educational Center for Combating Organized Crime and Corruption
Lomonosov Moscow State University Law School
Russian Academy of Natural Sciences
Academician
Honorary worker of Public Prosecution Office of the Russian Federation

On adoption of Federal law 'On genocide of multi-ethnic people of Russia in the years of the Great Patriotic War' and other legislative initiatives

Keywords: Genocide; multi-ethnic people of Russia; Great Patriotic War; suspect; defendant; convict; penal system; administrative oversight

The author analyzes the legal situation which has necessitated the adoption of the Federal law 'On genocide of multi-ethnic people of Russia in the years of the Great Patriotic War'. The author also considers legislative initiatives in the sphere of the penal system of the Russian Federation.