

ASTAFJEV, Pavel Aleksandrovich

Postgraduate
Kazan Federal (Privolzhsky) University Law School
russ8787@mail.ru

ON PROTECTION OF PROPERTY RIGHTS AND RIGHT OF PRIVACY

Keywords: convention on protection of human rights and fundamental freedoms, property right, the right of ownership, right of privacy, vindication, interference of the state, fair balance of public and private interests

The author examines the ECHR decision in S.M.Gladyshev vs RF. ECHR found violation of property right in vindication of property from bona fide purchaser. There is drawn a conclusion in the article that neither broad powers of national public bodies nor inertia and vagueness of domestic laws can justify the conduct of authorities which is contrary to the essence of the Convention on human rights.

BELIKOVA, Ksenia Mikhailovna

Candidate of legal sciences
Associate professor
Civil law and Labour law Department
Peoples' Friendship University of Russia
BelikovaKsenia@yandex.ru

COMMERCIAL REPRESENTATION AND AGENCY IN EUROPEAN UNION LAW: SIMILAR AND DIFFERENT RULES CONCERNING REPRESENTATION AND AGENCY IN DIFFERENT JURISDICTIONS WITH DIFFERENT LEGAL SYSTEMS

Keywords: European Union, representation, agency, independent trade agents, employees in a commercial enterprise, unification, harmonization

The article deals with certain aspects of commercial representation and agency in EU common law and civil law member-states. The issues raised are very important since involvement of third parties making transactions on behalf of persons being parties to various contracts has become common place nowadays.

ERLICH, Margarita Evgenievna

The head of legal assistance of investment projects "OBORONPROM"
erlich@inbox.ru

INVALIDATION OF DEBTOR'S TRANSACTION AS A REMEDY SATISFYING CREDITOR'S CLAIM AND RESTORING THE DEBTOR'S SOLVENCY

Keywords: insolvency, bankruptcy, invalidation of debtor's transactions, shady transactions

Invalidation of debtor's transaction is a remedy satisfying creditor's claim and restoring the debtor's solvency. However, according to the author, the law provides deficient presumptions in applying common reasons to invalidating debtor's transactions: their ambiguous language results in an unreasonably wide range of debtor's transactions being referred to as invalid.

KARELINA, Svetlana Aleksandrovna

Doctor of legal sciences
Associate professor
Lomonosov MSU Law School
Business law department
enterprise@law.msu.ru

DOBROLYUBOVA, Elena Anatoljevna

Lawyer in Legal department
Open Joint Stock Company «Oil Company «Rosneft»
Postgraduate
Lomonosov MSU Law School
Business law department
enterprise@law.msu.ru

MEDIATION AS A MEANS OF DISPUTE RESOLUTION IN INSOLVENCY (BANKRUPTCY) PROCESS IN LEGAL TERMS

Keywords: mediation, bankruptcy, alternative dispute resolution, settlement agreement

The article deals with possible use of mediation in dispute resolution before commencing the bankruptcy procedure as well as in the course of the said procedure. The authors show that Federal law "On alternative dispute resolution involving mediator (mediation procedure)" should be amended to that end.

KAMENEVA, Anna Nicolayevna

Candidate of legal sciences
Associate professor
Lomonosov MSU Higher School of Public Audit
Kamenev.A.N@yandex.ru

POWER ABUSE BY PRIVATE AUDITORS IN LEGAL TERMS AND ITS DEFINITION

Keywords: offences against the service interests in commercial and other organizations, power abuse, auditing, liability for audit information disclosure, private auditor, "black audit"

Why is there lack of judicial decisions under art. 202 of the RF Criminal Code concerning power abuse by private auditors? Why do auditors escape criminal liability

in most cases? The article examines the crime in question as defined in art. 202 of the RF Criminal Code in its relation to private auditors' activities in terms of this blanket rule.

KOPYTOV, Pavel Isidorovich

Lawyer
pkopytov@yandex.ru

LEGAL REGULATION OF MINIMAL CHARTER CAPITAL IN LIMITED LIABILITY COMPANY AND JOINT-STOCK COMPANY

Keywords: charter capital functions, minimal charter capital, limited liability company, joint-stock company

Is it true that increased charter capital of an economic unit increasingly secures its performance of obligations to creditors? Why has there prevailed tendency to decrease minimal charter capital of joint-stock companies and to abolish minimal charter capital requirement in limited-liability company? The author tries to answer these questions, analyses controversial securing and investing functions of charter capital, justifies objections against a draft law on increase of minimal charter capital of Russian economic units.

MIESHKOVA, Kristina Mikhailovna

Postgraduate
Lomonosov MSU Law School
Civil law department
kristina865@gmail.com

TERRITORIAL ASPECT OF INTERNET TRADEMARK USE

Keywords: trademark, internet, international court rulings, jurisdiction

Trademarks tend to be used more and more often in the Internet. Properly registered trademark is considered as a separate one from other trademarks registered in other countries. This rule is widely observed in off-line media. However, the use of the trademark by holders of identical trademarks registered in other jurisdictions due to global ex-territorial nature of the Internet give rise to international legal disputes in this field. The article examines existing approaches to and experience in settlement of disputes about Internet trademark use taking for example court rulings in France, USA, Australia and EU.

ROMANETS, Yuriy Vladimirovich

Doctor of legal sciences
yur-romanec@yandex.ru

CIVIL-LAW EQUIVALENCE PRINCIPLE AS FAIRNESS PRINCIPLE EXPRESSION

Keywords: fairness, morality, civil-law equivalence principle, property balance, value, price, equality, business relations, making agreement, currency clause, inflation, invalidity of contract, restitution, termination of contract, property liability

Property equivalence as moral and legal basis securing fairness of social relations is examined in the article. The author defines the concepts of absolute and relative equivalence and determines the conditions under which the departure from absolute equivalence can be morally acceptable. There is general description of equivalence as a civil-law principle, its realization in various civil-law institutions is shown. The author taking equivalence for ethical basis of modern civil-law regulation stresses its moral essence limitation which is significant in legal terms.

TOMSINOV, Vladimir Alekseyevich

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

MOSCOW LAW SOCIETY AT THE MOSCOW IMPERIAL UNIVERSITY. ARTICLE THREE

Keywords: Moscow law society in the 1880s—1890s, S.A. Muromtsev, Moscow law society in 1910—1916

The final article dealing with Moscow law society created in the course of preparing court reform. It describes the society's activities under the leadership of S.A. Muromtsev and the problems the society faced in 1910—1916.

YASTREBOV, Vladislav Borisovich

Doctor of legal sciences
Professor
Lomonosov MSU Law School
Department of criminal procedure, justice and public prosecutors' supervision
criminal_proceedings@law.msu.ru

INTERRELATIONS BETWEEN PUBLIC PROSECUTOR, INVESTIGATOR, THE HEAD OF INVESTIGATIVE BODY IN THEORETICAL AND PRACTICAL PERSPECTIVES

Keywords: parties in a criminal proceeding, investigator, the head of investigative body, prosecution, institutional control, supervision over legal principles observed in preliminary inquiry

There is discussed further development of laws regulating powers exercised by prosecution (namely, public prosecutor, investigator, the head of investigative body) at the pre-trial stage in criminal proceeding.