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Compulsory licence as a legal construct: theoretical and legal analysis

Keywords: Compulsory licence; intellectual property right; intellectual rights; intellectual property; FRAND-obligations; will-substituting judicial act

In this paper, the author determines two models of how compulsory licensing mechanism shall operate: 1) the model of will-substituting judicial act and 2) ex-post contractual model. This dichotomy is elaborated with the theoretic and legal analysis based on international experience. The article also provides the analysis of legal nature of payments to be made to the copyright holder under a compulsory licence. The author proposes to qualify such payments as a special type of remuneration arising from the contract.

CHEFRANOVA, Elena Alexandrovna

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On expansion of the grounds for emergency of parental children-addressed alimony duties

Keywords: Alimony; children; parents; right of full age children to receive maintenance
The article considers the grounds for a parental alimony obligation in favour of full-age children as the recipients of the maintenance to emerge, change and terminate. The author analyses such an obligation based on the example of Polish family legislation. Based on the results of such an analysis, the author makes proposals aimed at improving the Russian legislation.

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Specifics of unitary and non-profit legal entities participating in holdings

Keywords: Unitary legal entities; non-profit legal entities; holdings
The article examines the specifics of unitary and non-profit legal entities, their legal regulation, describes the forms of their participation in holdings. The author also determines the interests of these entities and their founders in holding as a system, analyses how an entity's organizational and legal form influence the intra-group relations if non-profit unitary legal entities are involved. As a result of the research, the author proposes the concepts and approaches of how to effectively integrate unitary and non-profit legal entities into the regulative mechanism for corporate control and management relations in holdings.

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Powers of prosecutors aimed at national security protection in the Russian Federation and the Republic of Tajikistan: comparative analysis

Keywords: National security; public prosecutor's office; powers of a prosecutor; Tajikistan; coordination activities

The author provides a comparative analysis of how the powers of prosecutors are legally regulated in the Russian Federation and the Republic of Tajikistan. Based on the results of such an analysis, the author determines the similarities and differences in the relevant regulation. The article also focuses on the international experience exchange as a possible way for improving the activities of prosecutors.

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"Corporate governance", "system of corporate governance" and "legal model of governance": correlation of concepts

Keywords: Corporate governance; system of corporate governance; legal model of governance; contractual relations; organizational agreement

From the author's perspective, concepts of "corporate governance", "system of corporate governance" and "legal management model" are extensively discussed in modern academic works. At the same time, as the author states, attention paid to comparison of these concepts is insufficient. According to the article, while there are various approaches to determine the content of these concepts, the correlation between them is overall undefined. The author briefly describes the current status of this issue and proposes to further scrutinize it.

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Damages recovery from the sole executive body: distribution of the burden of proof

Keywords: Liability of a sole executive body; corporate liability; standards of proof; duties of good faith and reasonableness

The article provides an analysis of how the burden of proof in cases related to damages recovery from the sole executive body is redistributed under the rulings of the Higher Arbitrazh Court of the Russian Federation. The author clarifies why it is necessary to consider the mechanism of such redistribution as a formalization of a reduced proving standard for a plaintiff. The further aspects, as stated in this paper, shall be regarded as the procedural presumptions. Proving these presumptions is to be sufficient to meet the proving standard.

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Integration of certain intellectual property objects into audiovisual works: legal qualification

Keywords: Audiovisual work; creative contribution; act of use; exclusive right; authorship

According to the author, the issue of authorship entails a significant challenge when it concerns individuals whose creative contribution was incorporated into audiovisual works. In the presented paper, the author analyses the legal consequences of particular cases when intellectual property objects were integrated into audiovisual works.

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On ethical principles and human-centricity while using artificial intelligence

Keywords: Digital law; ethics; ethical principles; human-centricity; artificial intelligence
In this paper, the author outlines the necessity of ethical issues being resolved before the effective legal regulation of AI systems is established. As the article states, it is important to design and implement an AI which is exclusively human-centred and benefits a human being. Based on the analysis of international and national acts on AI ethics, the author elaborates a list of fundamental and universal principles of how to use AI ethically.

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Right to participate in public governance as the constitutional ground for "private" delegation in the Russian Federation

Keywords: Delegation in constitutional law; governmental powers; political rights; right to participate in public governance; right of association

The article examines the content of the constitutional right to participate in public governance. As the author states, this right includes a collective exercising of delegated public powers. At the same time, such powers may be exercised only due to the right of association, which is considered as the source of certain constitutional guarantees necessary for "private" delegation.

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Exempting witnesses from testifying within criminal proceedings: historical, axiological and legal grounds

Keywords: Witness; witness immunity; witness privilege; right not to incriminate oneself, one's spouse and close relatives; attorney-client privilege

The article analyses the historical development of the concept, under which an individual shall be exempted from being a witness, as well as the underlying moral and legal grounds. The author considers particular specifics of how views on the institutions, which released an individual from testifying within criminal proceedings, evolved in continental and common law systems.

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Andrey Yanuariyevich Vyshinsky (1883—1954): statesman and legal scholar. Article ninety-seventh

Keywords: Great Patriotic War; alliance of the USSR, Great Britain and the USA; A.Ya. Vyshinsky; J.V. Stalin; Franklin D. Roosevelt; Winston Churchill

The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses how the military-political alliance of the USSR, Great Britain and the USA was formed in August—September 1941 regarding its international legal aspects. The author highlights that A.Ya. Vyshinsky, being the First Deputy People's Commissar for Foreign Affairs of the USSR, was actively involved in this process.

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Immoral act as a special reason for a pedagogical worker to be dismissed: searching for an alternative

Keywords: Evaluative concept; immoral act; privacy; respect of person's dignity; right to education

In this paper, the author joins the commonplace discussion about the Russian Labour Code provision enabling to dismiss a pedagogical worker for committing an immoral act. On the one hand, the author questions whether such a provision violates the privacy of an educator. On the second hand, the author wonders whether such a provision is actually necessary for the educational process. As the article states, a more legally defined alternative is needed, and such an alternative is already present in the Russian Labour Code.

ZHUK, Oleg Dmitrievich

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On prevention of dissemination of extremist and terrorist ideology within the penal system institutions of the Russian Federation

Keywords: Penal system; extremist ideology; terrorist ideology; convicts; imprisonment; term of sentence; corrections facilities

The article analyses how to make ensuring of lawfulness and legal order within the penal system institutions of the Russian Federation (hereinafter referred to as the "penal system") more effective. Moreover, the author scrutinizes how to improve the measures preventing dissemination of extremist and terrorist ideology within the penal system institutions.