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Exclusive rights and competition

Keywords: Exclusive rights; intellectual property product; industrial rights; copyright and related rights; patent rights; rights for means of individualization; protection of competition; good; market

The author is analyzing possible consequences of regulation of legal relations in the sphere of exclusive rights and norms of antitrust legislation. A number of questions are discussed. Will such regulation facilitate creation and protection of competition in the market of intellectual property products? Will such regulation contribute to growth and demonopolization of the IP market? Will such regulation allow people, small and medium businesses cheaper and easier access to intellectual property products? Will such regulation merely expand the authority of the Federal Anti-monopoly Service?

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Res judicata: back to basics

Keywords: res judicata pro veritate habetur; principle of legal certainty; European court of Human Rights; constancy of a court decision; stability of a sentence; authority of a sentence; appeal of a sentence after its execution

The author observes the principle of legal certainty from the point of historical development of criminal procedure law in Russia. The author outlines three main periods of the evolution of res judicata: pre-revolutionary, Soviet, and modern. The author provides an overview and main characteristics of the three periods.

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Relation between state and popular sovereignty in legal systems of european states

Keywords: State sovereignty; popular sovereignty; legal sovereignty; nature and forms of sovereignty

The article analyzes the notion of state sovereignty based on the nature and forms of sovereignty. The author compares historical landmarks of European law and constitutional acts of modern European states; the author provides justification for distinguishing between monarchial and popular, absolute and legal form of sovereignty. Particular attention is given to the notion of popular sovereignty. The author criticizes distinction between state and popular sovereignty.

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Public-private partnership as entity type for business activity

Keywords: Public private partnership; mechanisms of public-private partnership; public-private agreement

The author compares benefits and drawbacks of entity forms for public-private partnership. The authors suggest ways to eliminate legislative gaps in this sphere.

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Book review: 'On the Constitution' by S.M. Shakhrai

Keywords: Russia; the constitution; models of constitutional institutions; creative potential; chronology

The review covers main issues of the research conducted by S.M. Shakhrai. The research deals with development, adoption, content, and historical importance of the RF Constitution.

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Guarantee of labor rights in the work of labor unions

Keywords: Guarantees of labor rights for the workers involved into union activity; provision of rights; court practice

Based on the provisions of Chapters 25, 28 of the RF Federal Law 'On labor unions, their rights and guarantees of their activity' the author considers topical issues regarding provision of guarantees to the workers involved into labour union activity.

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Accuracy of the concept of 'evasion' in russian legislation and court practice

Keywords: Abuse of right; good-faith; evasion; invalidity of transaction; exercise of civil rights

The author analyzes selecting of criteria, which determine if norms on 'evasion' will be applied. These norms were introduced into the RF Civil Code and enforced on March 1, 2013. Based on analysis of arbitrazh practice, the authors claim that the concept of 'evasion' is concrete, not abstract. The concept helps to distinguish between exercise of law and abuse of law.

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Law 'On Contractual System': from 'order placement' to selection of contractors

Keywords: State contractors; municipal contractors; public institutions; order placement; selection of suppliers; contractors; procurement; tender; auction; two-stage tender; tender with limited participation; procurement from a sole contractor; guarantee of tender application guarantee

The article presents a brief review of main changes to the procedure prescribing how state and municipal clients, public institutions will select contractors for the procurement contracts (for works and services). The author provides a comparison of the existing and currently enforced norms on the selection procedure and requirements to its execution. Also the author describes new ways of contractors' selection.

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Codification and differentiation — contrast and comparison

Keywords: Codification; differentiation; rationalization of law; criminal procedure; differentiated order of the procedure

Many recently adopted acts and regulations need to be systematized and reorganized. This task can be carried out through codification and differentiation. However, although both processes have a common purpose – rationalization of law - codification and differentiation in some cases have different areas of focus. A good example of such situation is the forthcoming unification of the Civil Procedure Code and Arbitrazh procedure Code of the RF.

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Development of Russian science of state law from XIX till early XX century: general outlook. Article four

Keywords: State law science; XIX century; reforms of Alexander II; dogmatic (juridical) method of the Russian state law science

The article observes the changes in the focus and methodology of Russian science of the state law in the period of 'Great Reforms'. In particular, the author analyzes dogmatic (juridical) method, which acceptance within the Russian state law science took place in the 60s–70s of the XIX century.