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BALAKIN Kirill Vladimirovich

Candidate of legal sciences

Associate Professor

atom077@mail.ru

Liability of bankruptcy administrator: theory and practice. Part one

Keywords: Bankruptcy; liability; bankruptcy administrator; inevitability; proportionality; protection of rights of creditors; grounds for filing a case on administrative violation

Professional bankruptcy administrator is a key figure in the whole procedure of bankruptcy, since it is their responsibility to ensure due execution of the procedure by performing their powers. Based on court practice and statistics data, the author consistently examines types of liability applied to bankruptcy administrator. The author comes to a conclusion that under Russian legislation such liability is insignificant, implausible, it does not correspond neither to damage incurred nor to expenses related to holding them liable. The author also outlines a fact that creditors, especially minority ones, do not have effective instruments against improper actions of the bankruptcy administrator. The author underlines that such a situation cannot be tolerated, and suggests his solutions to improve it.

BELOV Vadim Anatolevich

Doctor of legal sciences

Department of business law

Lomonosov Moscow State University Law School

belov@severstalgroup.com

Sources of international trade law: tendencies and patterns

Keywords: Sources of international trade law, international trade custom, international agreements, acts of supranational law, acts of private law unification (acts of new lex mercatoria, acts of sub-law or 'soft law')

The author continues his research of international trade law. The study of its sources given in the previous article — international trade custom, international conventions, acts of supranational law and acts referring to private law unification — helped to outline such common features that constitute independence of international trade law, which can lead to independent scientific and academic research. On the whole the outlined features give a new perspective on concept of law in general.

BELYAeva Olga Alexandrovna

Doctor of legal sciences

Chief science specialist

The Institute of Legislation and Comparative Law

under the Government of the Russian Federation

o_beliaeva2011@mail.ru

Procurement from sole supplier in the context of law interpretation

Keywords: Procurement; procurement from sole supplier; client; procurement provisions; regulating bodies; interpretation of law

The article reviews disputable questions of procurement from a sole supplier. The emphasis is made on main mistakes and blunders of interpreting legal acts regarding this procedure.

BONDAREVA Marina Vasilievna

Candidate of legal sciences

Associate Professor

Assistant Professor

Department of Criminology

Omsk Academy of RF Ministry of the Interior

KUZNETSOV Alexander Alexandrovich

Candidate of legal sciences

Professor

Department of criminology

Omsk Academy of RF Ministry of the Interior

TRAYZE Anton Andreevich

Educational supervisor,

Adjunct faculty

Omsk Academy of RF Ministry of the Interior

marina232360@yandex.ru

Appointment and execution of forensic examinations before bringing criminal charges

Keywords: Forensic examination; preliminary check of claims on crimes; a suspect; an accused; adversarial principle

The article describes a problem of applying special knowledge i.e. forensic examinations during preliminary check of claims on criminal deeds. The authors analyze changes entered to article 140 of the RF Criminal Code with adoption of Federal Law # 23-FZ as of March 4, 2013. This law authorizes appointment and execution of forensic examinations prior to bringing criminal charges.

IVANOV Vitaliy Yurievich

Candidate of legal sciences

Head of law department

Bank 'Petrokommerts' (Rostov-on-the-Don branch)

ivanov.V.U@pkb.ru

Agreement on use of electronic payment instruments: legal nature and features

Keywords: Electronic payment instrument; Federal Law 'On national payment system'; electronic money; payment card; payment services

The author analyzes legal nature and terms of agreement on use of electronic payment instruments subject to the Federal Law 'On national payment system' and RF Civil Code. In particular the author analyzes peculiarities of agreements on paid services that can be concluded under new regulation of electronic payment services.

KANASHEVSKY Vladimir Alexandrovich

Doctor of legal sciences

Professor

Moscow State Law Academy named after O.E.Kutafin

Department of Private International Law

seleron75@mail.ru

International franchise contract: content and private international law regulation

Keywords: Franchise contract; commercial concession; international private law regulation; package of exclusive rights; applicable law; trademark; franchisor; franchisee

The article focuses on content and concept of international franchise contract, international law regulation in Russia and other countries. The article provides examples of disputes on cross-border franchise contracts from foreign practice.

POLYAKOV Igor Igorevich

Postgraduate

The Russian Presidential Academy of

National Economy and Public Administration

i.i.poliakov@gmail.com

Objects of concession agreement

Keywords: Concession agreement; infrastructure, investments; causa; object

Within the research the author offers a doctrinal definition of a legal purpose of a concession agreement, based on this definition the author also formulates the essence of the concept of 'object of concession agreement'. The author pinpoints some key features of concession agreement object and outlines some drawbacks of legal regulation. Following the analyses the author offers to enter amendments to current legislation.

SHAKIROVA Regina Ilgizovna

Candidate of legal sciences applicant

Lawyer at Local Public Organization

'Kazan Human Rights Organization'

shakirova_regina@mail.ru

Law 'On procedure of enforcement of ECHR decisions in the Russian Federation' as a solution to structure problems of law system

Keywords: European Court of Human Rights; enforcement of decisions; structure problems; human rights

Russian Federation undertook obligations to enforce final decisions of European Court of Human Rights. However in practice performance of these obligations is a tough process due to a number of structure problems in Russian law system on the one hand, and lack of enforcement mechanism on the other. The author believes that adoption of a law regulating enforcement of ECHR decisions can be a solution to this problem. The premises and main provisions of this law are examined in the article.

TERESCHENKO Olga Ivanovna

State expert on intellectual property

FIP

ol_tereschenko@mail.ru

Peculiarities of proving identity of trademarks

Keywords: Intellectual property; means of identification; trademark; identity of trademarks; types of trademarks

The article reviews questions of expert examination of trademarks and proving their identity in particular. Law literature does not cover this issue broadly, for without detailed study of claims this questions seems self-evident and answers may seem conspicuous. In the meantime cases on identical trademarks are not rare. Lack of regulated approaches causes ambiguity in expert opinions and uncertain prospects for the claimant.

The article presents criteria that were worked out to establish identity of trademarks, similar to criterion of confusing similarity. At the same time the author studies correlation between trademark and particular type of symbol — wordmark, pictorial, compound — which is crucial for establishing rights under trademark registration.

TOKAIEVA Regina Anatolevna

Postgraduate

Kazan (Volga Region) Federal University

regina7@mail.ru

Levy of execution of the pledged property, out of court agreement: agreement effecting and its legal nature

Keywords: Levy of execution; agreement on out-of-court procedure; pledge agreement

Over the last years lawmakers have been improving and reforming the procedure of levy of the pledged property including out-of-court procedure. These developments inevitably prompt research of legal nature of out-of-court agreement on levy of execution of pledged property, and a possibility to apply norms on obligations and contracts to such agreements.

TOMSINOV Vladimir Alekseevich

Doctor of legal sciences

Professor

Lomonosov Moscow State University Law School

tomsinov@yandex.ru

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

Keywords: State law science; XIX century; political regime; censorship in Russia

The article opens a series of essays on main trends in development of Russian state law during XIX till 1917. Facts and documents of the second half of XIX century reveal how development of this science depended on political regime in Russia of that period.