

Index

AFAOUNOVA, Farida Alikovna

Postgraduate student
Lomonosov Moscow State University Law School
Department of Civil Law
farida-afaunova@yandex.ru

Non-normative state acts as elements of issuance procedure

Keywords: State registration of legal person, securities issue, prospectus, securities issue report, invalidation of state registration of securities issue; decision on: suspension of securities issue, avoidance of securities issue

The effect of state acts on establishment and termination of corporate relations has a number of reasons. How does the state regulate corporate relations? How does it affect their development? Is it possible to say that the balance between centralized and decentralized regulation of corporate relations is maintained? What abusive practices do participants of corporate relations encounter? How can they struggle with them?

FILIPPOVA, Elena Vladimirovna

Postgraduate student
Russian Academy of national economy and public service under the President of the Russian Federation
filippova89@gmail.com

Legal status of non-executive director on the board of directors of joint stock companies as provided in Russian and American legislation: comparative analysis

Keywords: Non-executive director; board of directors; joint-stock company; Sarbanes-Oxley Act

The concept of non-executive director is a relative newcomer in Russia. The nature, competence and its role within management of a joint-stock company have not been determined. The author analyses legal status of non-executive director in joint-stock company in Russia comparing it with legal status of non-executive director in the USA where this notion has been successfully developed.

KAYSIN, Dmitry Valerevich

Candidate of Legal Sciences
LLM of New York University School of Law
kaysind@gmail.com

Foreign State Immunity: debatable issues

Keywords: State immunity, jurisdictional immunity, restrictive approach, functional immunity

The article describes development of foreign state immunity doctrine across the world. It outlines a particular role of the UN Convention on Jurisdictional Immunity of States and Their Property of 2004 in advocacy of the restrictive approach. The author highlights the dichotomy in regulation of foreign state immunity matters in the Russian Federation and proposes to endorse the approach accepted by the framers of the UN Convention and to favor legal equality between states and businessmen where they do business together.

KHISMATULLIN, Ildar Ghaysovich

Far East Institute of Law under Ministry of the Interior of Russian Federation
Department of Criminal Law
ildar-khismatullin@yandex.ru

Urgent investigative actions performed by inquiry bodies and inquiry officer

Keywords: Inquiry officer; inquiry body; investigative jurisdiction; urgent investigative actions; other urgent actions

The article observes problems related to performance of urgent investigative actions by inquiry bodies and inquiry officers. By pinpointing the competence of inquiry bodies and inquiry officers, the author puts emphasis on actual performance of investigative and other urgent actions, and suggests making certain changes into the effective criminal procedure law.

KORABLIN, Vladislav Vadimovich

Postgraduate student
Lomonosov Moscow State University Law School
korablin.vladislav@mail.ru

Outlook for amending Russian currency legislation following Russia's accession to World Trade Organization

Keywords: WTO; currency regulation; currency operations; trade restrictions; quantitative restrictions

Accession of the Russian Federation to WTO implies amending local legislation and carrying out a step by step liberalization of trade and currency spheres. How has the accession to WTO impacted the currency policy of our state? Can it lead to partial loss of sovereignty in currency regulation? Does Russian currency legislation need to be amended in order to meet WTO requirements? What changes will be made to Russian currency regulation in the light of ongoing development of Common Free Market Zone legal framework?

KOZLOVA, Natalia Vladimirovna

Doctor of Legal Sciences
Professor
Lomonosov Moscow State University Law School
Department of Civil Law
kozlovanv@mail.ru

PHILIPPOVA, Sofia Yurievna

Candidate of Legal Sciences
Associate Professor
Lomonosov Moscow State University Law School
Department of Business Law
filippovasy@yandex.ru

Civil law remedies for shareholders in view of reforms in civil legislation

Keywords: Shareholder; indemnity; restoration of corporate control; corporate relations; invalidity of decisions; remedies

In the light of the ongoing reform in civil legislation the question of protecting the rights of corporate members is becoming increasingly important. The article analyzes remedies for shareholders as provided in civil law.

NIKITIN, Dmitry Nikolaevich

Modern University for the Humanities, Assorti Co.Ltd
dmntry-nikitin-2011@bk.ru

Agreements on child's residence and exercise of parental rights as non-material family law agreements

Keywords: Parenting agreement; child's residence; exercising parental rights; spouses; parents

The article observes contractual regulation of relations between parents, in particular, the questions of establishing child's residence, and exercising of parental rights in case they live separately from the child. The author underlines the necessity to include liquidated damages clause into non-material agreements. According to the author there is disagreement between norms of substantial law and procedural law, which entails violation of rights and legitimate interests of family relations parties.

SHCHERBAK, Natalia Valerievna

Candidate of Legal sciences
Associate professor
Lomonosov Moscow State University Law School
Department of Civil Law
NVShcherbak@yandex.ru

Legal protection of non-conventional objects of copyright

Keywords: Software; databases; copyright; sui generis; related rights of database creator; constructive system; registration system; elements of form; elements of content; spin-off doctrine

The author compares software and databases with other objects protected by copyright: literary works and collective works. The article provides the answer to the most important law enforcement issue: which elements of software form and content are subject to legal protection from the point of the right to results of intellectual work, and which of them are not protected by copyright. Moreover the article observes spin-off doctrine, which is applied in Anglo-Saxon legal system, it provides for limited copyright protection of databases that represent a by-product of business activity.

TOMSI NOV, Vladimir Alekseevich

Doctor of Legal sciences
Professor
Lomonosov Moscow State University Law School
tomsinov@yandex.ru

Civil law science in Russia in the 1860s—1880s. Article three.

Keywords: Legal science in Russia in the 19th century; civil law science; 'Civil Law Course' by K.P. Pobedonostsev

The article describes development of the Russian civil law science in the 1860s—1880s. The most significant development of Russian civil law science during the period of 'Great Reforms' and a remarkable example of novel law science — 'Civil Law Course' by K.P. Pobedonostsev is analyzed in the article.

YEGOROVA, Maria Alexandrovna

Candidate of Legal Sciences
Member of the Russian academy of jurisprudence
Academic Secretary of School of Law
Russian Academy of national economy and public service under the President of the Russian Federation
Associate professor
Department of enterprise and corporate law
egorova-ma@rane.ru

Withdrawal of property from civil circulation as justification for failure to fulfill obligations

Keywords: Circulability of property; total loss of property; destruction of property; forfeiture of property; attachment of property; termination of obligations; failure to perform obligations

The article observes legal consequences arising from failure to perform obligations as a result of withdrawal of property from civil circulation owing to various reasons. The grounds for termination of obligations such as total loss, destruction, attachment, and forfeiture are considered in the article.