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Keywords: Adversarial civil litigation; equality of parties; equal access to justice; active role of court; court assistance in discovery

Court assistance to parties of adversarial proceedings: discovery proceedings

Court assistance in discovery proceedings reflects the social aspect of adversarial proceedings in civil litigation and guarantees equality of access to justice. The author argues that the court may assist the parties in discovery proceedings within confines of the requirements of adversarial proceedings and equality of access to justice. Particularly it concerns the cases where parties have no opportunity to defend their right or lack expertise required for evidence evaluation.

BATALOV, Alexander Alexandrovich

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International law aspects of regional cooperation in sphere of air traffic service

Keywords: Air traffic service; regional international organisations; civil aviation; air sovereignty; Chicago Convention

The paper presents a brief history of regional cooperation between states in the sphere of air traffic service, it discusses the forms of cooperation and the underlying premises of such cooperation. Using the analysis of regional international organisations the author outlines the main problems dealing with international law aspects which are encountered by these organisations and the states in the course of establishing and promoting regional cooperation on air traffic service.

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Effect of sanctions of legal personality of legal entity

Keywords: Legal personality; legal capacity; legal competence; legal entity; sanctions; invalidity of transactions; resolutions of shareholders meeting

Due to the fact that a number of Russian companies were included into the so-called 'sanction' list, the government of Russia is working on reciprocal measures for organizations from 'unfriendly' countries. These measures affect the legal personality of legal entities with direct and indirect involvement of foreign parties and their assets.

KARLASH, Daniil Sergeevich

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Development of legal framework: big data domain

Keywords: Digital economy; big data; data protection; regulatory sandbox

The legislation in the said domain is quite patchy. The author proposes three approaches to the development of legal framework: adoption of a single act; introduction of relevant norms in the civil legislation; and regulatory 'sandbox, the most appropriate one according to the author.

MUKHINA, Yulia Vladimirovna

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Alimony arrears as part of inheritance

Keywords: Inheritance; objects of inheritance; limitations period

The paper discusses the issues deriving from cases where alimony arrears are passed on as part of inheritance. The obligation to pay alimony, as a personal duty, cannot be passed on as inheritance, however, outstanding alimony arrears will survive the death of the testator. The authors highlight the vague character of relevant provisions of law which enforcement adversely impacts the interests of alimony recipients and discuss possible solutions to this problem.

PATSATSIYA, Malkhaz Shotaevich

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Default rulings of Russian Federation Supreme Court in civil procedure: gap in Civil Procedure Code of Russian Federation

Keywords: Default rulings; civil procedure; Russian Federation Supreme Court; court of supervision; second cassation review

Within the framework of the civil procedure Justices of the Russian Federation Supreme Court cannot indicate in the default rulings a possibility of reviewing the case in light of new circumstances by virtue of a specific ruling or new changes in the scope of legal application of a legal norm provided in the Russian Federation Supreme Court Plenum Resolution. The author considers this gap in legislation and discusses possible ways of eliminating it.

PODEIKO, Vadim Andreevich

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Administrative responsibility under Universities Act of Austria

Keywords: Administrative responsibility; administrative proceedings; education; 'ghostwriter'; Austria

The paper analyses the elements of administrative offences and pertinent procedural issues in the sphere of education and science provided by the Austrian Universities Act of 2002. The author analyses the legal practice in connection with the enforcement of these provisions and discusses the possibility of incorporating similar elements of offenses into Russian law.

SMAKOV, Vladislav Maratovich

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Models of satisfaction of positive and negative interest in recovery of damages

Keywords: Contract; damages; positive interest (expectation); negative interest (trust)

The paper analyses theoretical models of calculation of damages based on the criteria of satisfaction of positive (expectation) interest and negative (trust) interest. The author concludes that these models represent methods for calculation of damages. The author compares the models and analyses their co-relation.

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Moral rights to intellectual property works

Keywords: Moral rights of author; integrity of work; attribution; right to modification; derivative works; level of creative work; doctrine of essential part; abstraction test; parallel work

The author analyses the development of personal moral rights of author after the completion of the civil law reform and tackles a difficult task of working out a clear and adequate understanding of this construct.

TOMSINOV, Vladimir Alekseevich

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Andrey Yanuarievich Vyshinsky (1883—1954), statesman and legal scholar.

Article sixty-nine

Keywords: USSR; repressions; USSR General Procurator Office; NKVD USSR; N.I. Ezhov; A.Ya. Vyshinsky

The paper continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses A.Ya. Vyshinsky's work as Procurator General in late 1938.

ZHUK, Oleg Dmitrievich

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On denouncing of Criminal Law Convention on Corruption by Russian Federation and introducing changes to Federal Law 'On fighting corruption'

Keywords: Criminal Law Convention on Corruption; corruption; officials; property privatization

The paper analyses the reasons for denunciation by Russia of Criminal Law Convention on Corruption and discusses the changes to the Federal Law 'On fighting corruption' and other legal acts regulating the procedure and liability of officials for committing acts of corruption.

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Director's noncompliance with decisions of general meeting due to breach of company's interests

Keywords: Chief executive officer; authorities of chief executive officer; duty to act in best interests of company; executing decisions of general meeting; good faith and reasonableness; scope of director's competence; liability for damages to corporation

The paper analyses courts' determination of the confines of the powers of director in the current context which prioritises the element of public interest in the director's duty to execute the resolutions of the general meeting. The courts have been hesitant to call for a more thorough analysis of the scope of directors' duties. The authors discuss the legal consequences entailed by director's non-compliance with resolutions of general meeting and analyse the 'shields' available to directors.