

# Index

## BELOV, Vadim Anatolevich

Doctor of legal sciences  
Professor  
Department of commercial law and legal method  
Lomonosov Moscow State University Law School

### **Incoterms: problems of legal analysis and its development (research materials)**

**Keywords:** Terms of commerce; Incoterms; acts of international private law unification; international sale of goods

The paper discusses the problems related to the study of one of the most important set of terms created within the institute of unification of private law. The author draws attention to the problem of availability of original drafts of Incoterms, their edited versions and their translation into Russian for research purposes. The series of such drafts gives a number of insights regarding the evolution of the structure and content of the terms of commerce – price provisions of commercial contracts which determine the content of Incoterms in all nine available versions.

## KACHALOVA, Anna Valerievna

Candidate of legal sciences  
Associate professor  
Department of civil law  
Kutafin Moscow State Law University

### **Problems of challenging large transactions**

**Keywords:** Large transaction; large interested-party transaction; business activity; scale of business; related transactions; approval; invalid transaction

The enactment of the Federal Law #343-FZ on July, 3 of 2016 changed the approach to challenging large transactions. Based on the analysis of law enforcement practice starting from January, 1st of 2017 the author outlined problems relate to contesting large transactions which primarily stem from unspecific nature of regulating provisions.

## LATYNTSEV, Alexander Viktorovich

Candidate of legal sciences  
Director  
LLC 'SRI of legal review and complex research'

### **Problems of legal regulation of lawful commercial unauthorized use of patented intellectual property in health care sphere**

**Keywords:** Patents; intellectual property; unauthorized use; unauthorized use of patented intellectual property; compulsory licensing; public register

The paper discusses legal relations involving use of patented intellectual property without agreement of the licensor. Thus legal relations provided by p. 3 of Art. 1359, Art. 1360 and 1360.1 of the Russian Federation Civil Code form a sub-class which, as it has been suggested, should be referred to as 'commercial unauthorized use of patented intellectual property without agreement of licensor'. The author outlines characteristics of such relations and analyzes the problems of their regulation.

## PETROV, Alexey Yakivolevich

Doctor of legal sciences  
Full professor  
Honorary worker of Higher Professional Education of Russian Federation  
Professor  
National Research University Higher School of Economics

### **Freedom to protect one's rights: concept, rationale and criteria**

**Keywords:** Freedom to protect one's rights; self-protection; self-defense; arbitrariness; concept; subjects; forms of self-protection; right to protect oneself; interdisciplinary institute of law

Based on the analysis p. 2 Art. 45 of the Russian Federation Constitution and other pertinent provisions of Russian law and positions of law scholars the author elaborates on the issues relating to person's freedom to protect their rights.

## SEGALOVA, Elena Aleksandrovna

Candidate of legal sciences  
Associate professor  
Department of civil law and civil procedure  
Faculty of law and national security  
Russian Presidential Academy of National Economy and Public Administration

### **GATULLINA, Rinata Rafaelevna**

Student  
Faculty of law and national security  
Russian Presidential Academy of National Economy and Public Administration

### **Institute of pre-contractual liability: model for calculation of damages, memorandum of understanding, withdrawing from negotiations**

**Keywords:** Pre-contractual liability; withdrawal from negotiations; negotiations agreement; memorandum of understanding

The paper analyzes claims for damages at the pre-contractual stage under negative and positive model of M&A transactions. The author analyzes the court practice involving cases of withdrawing from negotiations. The paper analyzes certain provisions of negotiations agreement (memorandum of understanding) and provides useful practical recommendations. The author gives a comparative analysis of the agreement on conduct of negotiations and pre-contractual agreement.

## SHAYKHUTDINOVA, Aygul Ildarovna

Master of private law  
Postgraduate  
Department of private law  
Law faculty  
National Research University Higher School of Economics

### **Application of lis alibi pendens principle in litigation of cross-border transactions: comparative analysis of legal regulation in Russian Federation and European countries**

**Keywords:** Lis alibi pendens principle; parallel court proceedings; identical disputes  
There has been a dramatic increase in the number of parallel proceedings, i.e. consideration of the same dispute (the same issues, same legal grounds and parties) in

Russian and a foreign jurisdiction. The author's objective is to conduct comparative analysis of application of lis alibi pendens principle in cases of parallel litigation subject to the provisions of Russian law and international legal acts; to outline problems of law theory and practice; and reach conclusions which will contribute to future research and development of legislation.

## SHEVELEV, Arseniy Yurievich

Student  
National Research University Higher School of Economics

## SHEVELEV, Georgiy Yurievich

Student  
Lomonosov Moscow State University Law School

### **Legal status of dead body: comparative review of court practice in Russia and European countries**

**Keywords:** Dead body; ownership of dead body; right to be buried

The paper presents comparative analysis of court practice in Russia and European countries regarding legal rights dealing with a dead body. The authors discuss the main approaches to determination of nature and content of personal, property, non-proprietary rights of dealing with a dead body. There are two alternative approaches: recognizing the possibility of establishing ownership of a dead body and its remains or non-recognition of any proprietary rights. The authors suggest that the right to deal with a dead body should have a special status — it is non-proprietary and it derives from the obligation to bury a dead body. It is further suggested that the practical approach of foreign judicial authorities should be implemented since it guarantees the posthumous bodily integrity by granting the possibility to seek damages for psychological injury caused by violation of personal non-proprietary rights.

## STEPANOV-EGIYANTS, Vladimir Georgievich

Doctor of legal sciences  
LLM  
Associate professor  
Department of criminal law and criminology  
Lomonosov Moscow State University Law School

### **Meaning of victim behavior manifested by pedestrian for qualification purposes under Article 264 of Russian Federation Criminal Code**

**Keywords:** Victim behavior; injured pedestrian; traffic accident; criminology; traffic violation; Article 264 of Russian Federation Criminal Code

The paper describes the types of victim behavior manifested by persons injured in vehicle accidents, and conditions which contribute to the development of certain patterns of behaviour and their analysis for the qualification and sentencing. Based on the analysis of examples the author considers the effect of victim behavior of pedestrian on the mechanism of crime perpetration subject to the Article 264 of the Russian Federation Criminal Code.

## TOMSINOV, Vladimir Alekseevich

Doctor of legal sciences  
Full professor  
Lomonosov Moscow State University Law School

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

#### **Article sixty-two**

**Keywords:** USSR; soviet jurisprudence; soviet civil law; Civil Code of RSFSR of 1922; A.Ya. Vyshinsky

The article continues the series of works devoted to the professional career and academic legacy of A.Ya. Vyshinsky. The author discusses the formation and development of the theoretical basis of the Soviet science of civil law.

## ZHUK, Oleg Dmitrievich

Doctor of legal sciences  
Full professor  
Director of Scientific and Educational Center for Combating Organized Crime and Corruption  
Lomonosov Moscow State University Law School  
Russian Academy of Natural Sciences  
Academician

Honoured worker of Public Prosecution Office of the Russian Federation

### **On changes to Russian Criminal Code provisions on protection of state and national security**

**Keywords:** High treason; espionage; defecting to the enemy during armed conflict; recruiting; mercenaries; public calls; national security

The paper focuses on the changes to the Criminal Code of the Russian Federation, in particular introducing stricter penalties for state treason, espionage, defecting to the enemy during armed conflict, recruitment of mercenaries and public calls for actions against Russia's security.

## ZYUBANOV, Kirill Alexeevich

Expert  
Department 'Service of internal control' JSC UniCredit Bank  
Master's program student 'Compliance and prevention of legal risks in corporate, public and non-governmental sectors'  
National Research University Higher School of Economics

### **Agreement to personal data processing — classification of forms**

**Keywords:** Personal data; data processing agreement; form of data processing agreement; 152-FZ; 519-FZ; personal data owner; compliance; court practice

The author discusses the variety of forms of agreement to personal data processing. Russian legislation provides for at least three forms of data processing agreement. Each of them has its advantages and drawbacks. The author puts forward a new classification of forms and criteria of their applicability which, in his opinion, may significantly reduce the costs related to data collection and processing and improve efficiency of business processes.