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Does notary act equal court decision?

Keywords: Civil procedure; arbitrazh procedure; evidence; notary office; notarial act; supervision of notary service

Based on the existing legislation the author analyzes legal effect of a notary act. In the context of civil and arbitrazh procedure, the author analyzes possible legal consequences of applying a norm on prejudging of circumstances which were affirmed by a notary certified document.

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Law on mediation in Russia: from legal experiment to creation of mediation centers

Keywords: Russia; mediation; Law on mediation 2010; RF mediation centres

The article describes development of mediation and centers for mediation in Russia. In particular, the author talks about main stages of this process, and main characteristics of drafts of law aimed at legal regulation of this legal issue. The author speaks about main mediation centers working at present in Russia.

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Monetary obligation under unification acts of international private law

Keywords: monetary obligation; new lex mercatoria acts; soft law acts; UNIDROIT Principles [PICC]; Lando Principles [PECL]; European Contract Code [ECC]; Principles, Definitions and Model Rules of European Private Law: Draft Common Frame of Reference [DCFR]; CENTRAL List of lex mercatoria Principles, Rules and Standards, The Trans-Lex Principles [TLP, CENTRAL Principles]

Last ten years have seen a steady rise in popularity and authority of unification acts of international private law sometimes referred to as acts of soft law and new lex mercatoria acts. Using the example of monetary obligation institute the author shows that unification acts of international private law de-facto have formed an independent jurisdiction and legal framework which can maintain competitive edge together with traditional national legal systems.

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Settlements in arbitrazh procedure: legal consequences

Keywords: Settlement agreement; affirmation of settlement agreement; legal consequences

What happens to a court act on disposition of a dispute in case the parties subsequently conclude a settlement agreement? The RF Arbitrazh procedure code does not answer this question. The court practice shows that in such situation court acts are normally cancelled although they fully meet the criteria of legality and sufficiency. The author tries to answer the question whether such approach is consistent with the tasks of arbitrazh procedure rules and will of law-makers?

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Legal regulation of real estate tax: ways for optimization

Keywords: Elements of tax; real estate tax; protection of taxpayer rights; cadastre; assessed valuation

The article tackles the issues of determining tax basis and fiscal assets of property and attempts to establish whether they comply with provisions of the RF Constitution and the principles of taxation. The author highlights problems of legal regulation of main elements of tax, and offers some solutions.

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Criminal responsibility for professional offences committed by lawyers: practice of European countries

Keywords: Lawyer; offence; foreign countries; advocacy; professional offence

The article provides comparative analysis of regulatory provisions concerning professional offences committed by lawyers based on RF Criminal Code and criminal law legislation of some European legislation concerning. The authors point at the tendency of setting forth special procedures to address situations related to legal abuse. In particular, they focus on outlining similarities and points of difference inherent to criminal responsibility for lawyers in different countries.

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Governing law for international commercial contracts: interpretation and prospects in the view of international arbitration and national courts

Keywords: Private international law; international commerce contract; autonomy of will; governing law; transnational norms; international court of arbitration; lex mercatoria; the Hague principles

International commerce has recognized the principle of autonomy of will which allows parties of cross-border transactions choose governing law. However the term 'governing law' may be construed differently in the practice of international courts of arbitration and of national courts. Current paper highlights possible tendencies in evolution of superstructures for modern cross-border commercial relations. The author speaks about the possibility of applying the Hague principles on governing law - as applied to international commercial contracts - which contain novel solutions for the issue on choice of governing law.

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Entering a tenancy agreement: legal issues

Keywords: Form of agreement; tenancy agreement; state registration; restriction of right

The article observes issues related to introduction of additional requirements to formation of a tenancy agreement. In particular, the author studies the issue of state registration of restriction of right of property for the leased residential premises. The article also provides respective examples of international practice.

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Recognizing debtors transactions void under bankruptcy law: legal consequences

Keywords: Bankruptcy law; insolvency; bankruptcy; bankruptcy proceeding; consequences of contesting transactions; counteragent in a contested transaction

The article observes specific consequences which arise when debtor's transactions are recognized void under bankruptcy law. In particular, the author analyzes consequences arising from transactions of debtors that were recognized void in the course of bankruptcy proceedings.

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Development of Civil code of laws draft and development of civil law science in Russia at the end of XIX — early XX century. Article five.

Keywords: Russian civil law; draft of Civil Code of Laws; votchinna right; copyright
The article provides a critical analysis of the content of the third book of Civil Code of Laws devoted to right in property ("Votchinnoye Pravo"). Particularly, the analysis concerns the institute of copyright.

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Damages for actual time loss: law enforcement issues

Keywords: Damages; time loss; procedural rights; procedural obligations; abuse
The author analyzes legal regulation of such civil law institute as damages for actual time loss and court practice involving that institute. The author makes suggestions for resolving existing controversies.