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### BELOV, Stepan Alexeyevich

Candidate of sciences applicant  
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#### Application of IP law norms in case of copyrighted works protected by trademarks

**Keywords:** Work; trademark; copyright

Currently the legislation does not provide whether the copyright to a work will be exhausted in case the work in question is subject to exclusive right protection under trademark. The author contends that both copyright and exclusive right can apply simultaneously.

### BEZHETSKY, Anton Yurievich

Candidate of legal sciences

#### Fictitious and sham contracts

**Keywords:** Invalidity of transactions; sham contracts; fictitious contracts

Based on the analysis of the legislative developments, relevant court practice and commentaries of the Supreme Court the author discusses the distinction between fictitious and sham contracts.

### CHUBAKOVA, Alina Andreevna

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#### Factual findings in administrative cases brought before Disciplinary Board of Supreme Court of Russian Federation

**Keywords:** Administrative procedure; court; facts of administrative case; disciplinary responsibility; disciplinary offence; qualification review of judges

The article analyzes the facts, which must be established within administrative proceedings held by the Supreme Court Disciplinary Board. Given the specifics of substantive and procedural law which stipulate the list of such findings, the administrative cases can be divided into two groups: cases involving the imposition of disciplinary penalties and those involving contesting the results of judges qualification review.

### KHARLAMOVA, Alyona Alekseevna

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#### Criminal responsibility for non-payment of social security contributions covering labour accidents and occupational diseases

**Keywords:** Non-payment; social security contributions; responsibility for non-payment; labour accident; occupational disease; contributions to state non-budgetary funds

The norms on criminal responsibility for non-payment of social security contributions were amended in 2017. Given the high non-payment rate the author discusses whether the pertinent norms are sufficient and effective enough to tackle the problem.

### KUZMENKO, Yulia Vladimirovna

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#### Good faith construction in national and international practice

**Keywords:** Good faith; general principles of cross-border trade; autonomous construction; private law regulation

The article analyzes good faith as one of the most influential and broad norms. In view of the dynamic nature of the market and trans-border transactions, in particular, the frequent application of good faith goes hand in hand with the issues of its precise construction. The main task of the article is to identify modern tendencies in terms of good faith construction.

### LYUBARSKAYA, Tatyana Sergeevna

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#### Limitations of party autonomy in determination of law applicable to real rights on security transactions

**Keywords:** Party autonomy, pledge, security interest, movable property, conflict of laws, *lex rei sitae*

This article explores the limitations of the party autonomy in the field of property rights in relation to security transactions with movable property. The author in particular is analyzing the limitations of the party autonomy on the subject of issues in respect of which the parties can choose the applicable law to real rights; in respect of legal sys-

tems which can be selected by the parties as applicable; with regard to persons who are subject to the law chosen by the parties.

### MASLOVA, Varvara Alexeyevna

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#### Abuse of rights by consumers in construction contracts

**Keywords:** Construction contracts; abuse of rights by consumer

The situation in which consumers abuse their rights during the execution and performance of contracts has been analyzed in a number of recent publications. Present article covers typical cases of rights abuse by consumers who act as clients under construction contracts.

### SHOKHIN, Dmitry Vladimirovich

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#### Parties and scope of subject matter of licensing system

**Keywords:** Licensing system; party of licensing system; element of licensing system; administrative regime; security; public order

Licensing system (from the point of practice) is a special system of administrative relations established between the parties with the purpose of protecting certain elements. The scope of the latter determines the legal method whereas the parties constitute the administrative nature of the relations. The article discusses the problems of determining the scope of the licensing system, classification of subject matter elements; the issues of oversight and control over the bodies authorized to issue permits and licenses.

### TOMSINOV, Vladimir Alekseevich

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

##### Article sixteen

**Keywords:** USSR Procurator General; USSR Constitution of 1936; repressions; J.V. Stalin; A.Ya. Vyshinsky

The article is devoted A.Ya. Vyshinsky, his professional career, and contribution to the development of jurisprudence. The article dispels political myths about this figure and provides an unbiased analysis of his political career and scholarly works.

### YADRIKHINSKY, Sergey Alexandrovich

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#### Tax audit costs

**Keywords:** Taxpayer; tax authority; legitimate interest; tax audit; tax obligation; ownership; respect of human dignity; costs of taxpayers; presumption of innocence

The author raises the issue of costs incurred to taxpayers as a result of tax audit. Tax audit as one of the elements enforcing the obligation to tax is analyzed from the perspective of such constitutional values as: inviolability of ownership and respect of taxpayer's dignity. The author concludes that the costs incurred to taxpayers as a result of tax audit should be recovered solely at the expense of the budget.

### YASTREBOV, Vladislav Borisovich

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### YASTREBOV, Vladimir Vladislavovich

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#### Role of prosecutor in implementation of systems principle in legal procedure

**Keywords:** Legal procedure; prosecutor; law enforcement reform

The article is devoted to the problem of development and improvement of legal procedure of the Russian Federation and related legislative initiatives in this sphere. The author discusses the idea of expanding the scope of prosecutors' authority within criminal, civil and arbitrazh procedure.