

# urriculum vitae

**Konstantin Totyev**

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**Citizenship: Russian Federation;**

**Date of birth: 19.05.1971;**

**Country of residence: Russian Federation**

## *Part I. Academic history*

### **1. Education, scientific degrees, appointments:**

- Moscow State Law Academy (1993), Jurisprudence
- Candidate of jurisprudence, Moscow State Law Academy (1996)
- Senior lecturer, Moscow State Law Academy (1999)
- Professor, SU-HSE (2003)
- Member of Advisory Board, Federal Antimonopoly Service of the Russian Federation (2006 ó present)

### **2. Research Interests:**

- Business Law
- Competition Law
- Legislation on advertising
- Application of Economic Analysis to Competition Law
- Social welfare versus Moral Philosophy in Competition Law
- Public and Private Enforcement of Competition Law

- Liability for violations of legal rules in Competition Law
- Epistemology of Competition Law
- The economic argumentation (justification) in judicial and administrative rule-based decision-making in Competition Law
- The comparative Business and Competition Law

### **3. Teaching Experience:**

- Competition Law: the course covers basic Russian antitrust (competition) law, analysis and enforcement, focusing on agreements in restraint of trade, monopolization, mergers, price discrimination, tying and similar topics.
- Business Law
- Company Law
- Legal regulation of economic activities

### **4. Scientific activity:**

The scientific activity in sphere of publications I began in 1994.

By the present moment I have published more than 80 scientific articles on problems of the business and competition law.

All of them are published in key scholarly Russian journals on jurisprudence (for example, «The State and Law», «The Economy and Law», "The Law", «The Laws of Russia»).

Book reviews on my works have been published in scholarly journals «The State and Law», "The Jurisprudence" and «The Economy and Law». Results of scientific researches are annually approved at the international conferences.

## 5. Representative Publications:

- Business Law (book). (2003)
- Competition Law (book). (2003)
- Public interest in the legal doctrine and the legislation (article). (2002)
- Conditions of a dominant position: practice of application and foreign experience (article). (2008)
- Structure of anti-competitive abuses: between unification and differentiation (article). (2008)
- Administrative liability for infringement of the antimonopoly law: two models of sanctions in one Code (article). (2009).

**Abstract:** The federal legislation on administrative offences traditionally contains the rules of law concerning protection of competition. During last years this branch of the legislation has undergone essential changes. In May 2007 amendments to the Code of the Russian Federation on Administrative Offences cardinally corrected the previous model of an administrative liability for infringement of the competition rules. How should we estimate changes mentioned above from the point of view of principles of the Russian and foreign competition law? In the present article they are assessed and criticised in accordance with the main constitutional principle of equality of all before the law and court.

- Illegal advertising and unfair competition: a collision of conditions and ways of its elimination (article). (2009).

**Abstract:** The first Russian law on advertising was approved in 1995. The purpose of law on advertising of 2006 is to continue positive tendencies of the former law and to eliminate its lacks. But the problem of the collision of illegal advertising (it is forbidden by the advertising legislation) and unfair competition (it is forbidden by the antimonopoly

law) continues to exist. This problem has been considered in the present article.

## ***Part II. Specific subject area***

### **1. Specific subject area:**

My specific subject area is the economic argumentation in formation and application of the Russian and foreign competition law.

### **2. Possible problems and results of scientific research:**

It is supposed to consider following problems and to receive following results:

1) Economic argumentation is used in competition law for creation of legal rules and for application (interpretation) of competition law. But the structure and connections of such argumentation with rule-based decision-making are poorly studied in competition law.

2) Competition law is about economics and economic behavior, and it is essential for judges and regulators to have some knowledge of the economic concepts concerned. But economists have different views on the same problems and concepts. How should the judge interpret the statute in this case?;

3) Competition law does not perceive the economic argumentation in an invariable kind. It introduces the specific legal elements connected with the purposes of legal regulation of a competition;

4) Application of the economic argument in sphere of creation and application (adjudication) of competition law causes necessity of working out and introduction of special rules and the conceptual device, specially adapted to specificity of the economic argumentation.

### *Part III. Title and abstract from the work-in-progress*

#### **1. Title:**

The economic argumentation in formation and application of the Russian and foreign competition law: rules versus standards.

#### **2. Abstract:**

This research-in-progress surveys the place and the role of economic argumentation in formation, application (adjudication) and interpretation of legal rules in the Russian and foreign competition law. It is supposed to discuss economic and legal aspects of the argumentation proving the maintenance of rules about a competition at their creation, change and cancellation. I also examine the problems of a choice, interpretation and an appreciation of existing rules about a competition by the courts and antimonopoly bodies and the relationship of the precision of competition law to the accuracy of its adjudication. Economically oriented analysis of competition law is considered to be the key element of interpretation in competition law. Especially economic analysis of competition law is concerned with the circumstances in which it is necessary to define the relevant market.

#### **3. Keywords:**

competition law, unfair competition; collision of rules; economic utilitarianism, public enforcement of law, economic argumentation, interpretation of legal rules, market definition, market power, punishment, rules and standards.