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Настоящее пособие предназначено для студентов бакалавриата и магистратуры (преимущественно направления подготовки «Юриспруденция») для развития академического письма (написание статьи, дипломной работы) и навыков презентации результатов научного исследования на английском языке. Пособие включает теоретическую часть и комплекс упражнений, цель которых – научить студентов представлять результаты научной работы в письменной и устной форме в соответствии с англоязычными академическими конвенциями. Издание может быть рекомендовано всем желающим развить навыки академического письма и презентации на английском языке.

CONTENTS

Foreword................................................................................................................. 4
Part 1 Writing a paper............................................................................................... 5
Unit 1.1 Abstract..................................................................................................... 5
Unit 1.2 Introduction............................................................................................... 13
Unit 1.3 Literature review..................................................................................... 24
Unit 1.4 Methodology............................................................................................. 42
Unit 1.5 Results...................................................................................................... 51
Unit 1.6 Conclusion................................................................................................. 66
Unit 1.7 Referencing............................................................................................... 79
Part 2 Transforming a paper to an oral presentation............................................... 85
Unit 2.1 PowerPoint presentation.......................................................................... 85
Unit 2.2 Poster presentation.................................................................................. 97
References............................................................................................................... 107
Appendices.............................................................................................................. 109
Appendix 1 Student’s project title page and contents............................................ 109
Appendix 2 Questionnaire.................................................................................... 111
Appendix 3 Annual law students conference history and requirements................ 113
Appendix 4 Sample projects.................................................................................. 115
The book’s main objective is developing academic writing and speaking skills, namely teaching students to write an academic paper and to prepare an oral presentation on its basis. The book is mainly intended for undergraduate and graduate students of the faculty of law of Higher School of Economics. However, it can be also used by students of other specializations due to the fact that basic principles of academic writing and presenting are universal.

“Academic English for Legal Research” is divided into two parts. The first part “Writing a paper” contains seven units, each devoted to a particular part of an academic paper (abstract, introduction, literature review etc.). The second part “Transforming a paper to an oral presentation” consists of two units devoted to PowerPoint and poster presentations, correspondingly. The book is also provided with additional materials: information about annual conference for law students organised by the department of foreign languages of Higher School of Economics, questionnaire, project title page and contents templates, and samples of projects’ chapters.

Each unit contains both theoretical information and practical exercises. The theory is presented in a concise form, so that students can use the book as a manual for paper writing and presenting. For more information students are encouraged to use additional resources, to which links are provided in every topic. The theoretical part of the book aims at dethroning traditional stereotypes and prejudices of Russian students considering academic writing in English as well as making them aware of typical mistakes that were identified during several years of teaching a variety of Academic English courses in Higher School of Economics. Such a focus on Russian students makes the book different from those published by British and American authors and helps to bridge the gap between Russian and English academic writing conventions.

Practical exercises are based on the material of academic articles from legal journals and fourth year students’ projects that were completed by law students of Higher School of Economics as a part of their final state examination in English in 2015. The tasks are aimed at recognizing and using both the academic vocabulary and structural principles of academic paper creation and presentation. The exercises comprise such tasks as identifying strong and weak sides of given samples, correcting mistakes, different matching activities, creative tasks. The last task of each unit suggests students to write a part of their own research and provides a checklist of points to consider while writing, thus, after studying the book students should be able to present a draft of their research work.

The book can be used both in class and individually. It can be suggested as an additional course book for fourth year students to help them prepare for their English examination.

The authors would like to thank Valeria Vovk, Nikolay Golubev and Diana Ledukhovskaya for giving their permission to use their students’ projects and video presentations as the materials for this book.
PART 1 WRITING A PAPER
Unit 1.1 Abstract

Students’ criticism on the abstract

Student A says with a cunning smile that in order not to lose time and efforts he is going to copy some parts from the introduction and present using some formal phrases.

Student B adds that an abstract is just a part of a ridiculous procedure which was definitely invented to torture poor students and English people must be stupid if an introduction is not enough for them.

Student C insists on the theory that an abstract is a short repetition of main points of the survey which is impossible to be presented in such a way. It is milk and water, copy and paste.

Student D considers that an abstract should be created at the very beginning, which is better to pay more attention to the paper itself.

Student E thinks of why not to write a more extended abstract: “In this case I will be at least understood more correctly.”

The answer

Well… The abstract. Everything in your paper functions in a certain way to make a reader be able to comprehend your research paper in a better way. Thus, every part you have completed should enlighten a particular sphere to make it more explicit for the reader. The abstract plays a vital role in the future life of your paper. You can easily compare it with a relevant description of a product in a shop. You look at it and understand whether you want to buy it or not. So, imagine that you are buying an mp3 player which has not got a good description but what we call “milk and water” instead, such as “it is a cool mp3 player, wonderful, with headphones and music”. Will you buy it? Obviously, you will not. We buy what we know about (or at least think that we know). In case of an mp3 player the important information for us is that it has 16 Gb memory, a particular weight, an equalizer and so on. This information speaks about this player despite the fact that we have not read instructions or even held this player in our hands. Imagine an opposite situation – you have written everything about this player but it will take a lot of time to read this information up to the end. Somebody might read it, but most significant features might be lost in the huge amount of information. In other words, the abstract allows the reader to understand whether to read the whole paper or not.

The abstract behaves in the way information sheets do. It is a very good opportunity to look at the paper from above and define the most crucial achievements. From this perspective, it is clear that the abstract should be written down the last. Before you start creating the abstract identify the most essential results you have reached. Think of an mp3 player again. You want to sell it, so, write what is special about it in comparison to similar goods. You will probably find useful to stress in the abstract the reason why you have been doing this
research. Then, it would be vital to state what you have done, not describing your work in details but in one sentence. Each research paper requires some results, so, you also have to briefly mention your results or, alternatively, what you plan to achieve. The last point you might find useful to include into your abstract is about your research application in real life, so, basically you have to understand how findings of your paper could be applied to practice.

Of course, the abstract is not only about content but also about style. The abstract is a certain genre of writing in which you should be able to present much information in a concise form. It can be compared to haiku expressing a great idea with a very limited amount of words. Your abstract should be not more than 350 words (200 words for your project), which will demand rather effective choice of linguistic means. A very good strategy here is to think about what is 100 % necessary for your abstract. After writing the first draft of your abstract read it – you are very likely to find extra words and phrases that can be crossed out from you abstract without losing sense. Do not think that you must fill an application form, do not use some cliché forms only if everybody does so. Remember that your task in the abstract is to present the most precious information from your survey but not to repeat words everybody uses to speak about the general background of your topic. These cliché words can take up to 30 % percent of words you are allowed to use. Concentrate on expressing vital data. Start from speaking about important and people will buy it.

Write the essence!

***********************************************************

Task 1. Match the following titles and abstracts. Underline the key words (both in the titles and the abstracts) that helped you to complete the task.
1. Transferring Trust: Reciprocity Norms and Assignment of Contract
2. The Divergence of Contract and Promise
3. Misrepresentation: the Restatement’s Second Mistake

A. The contract defenses of mistake and misrepresentation can be used to unravel deals as big as a corporate merger and as small as the sale of a used car. These two defenses, while conceptually distinct in theory, contain a significant amount of overlap in practice, causing courts to conflate the two legal standards. A misrepresentation of one party, when believed, results in a mistaken belief of the other, and both defenses address fundamental flaws in bargaining that throw the contracting parties’ consent into question. The coextensiveness of the defenses suggests that, absent an overriding normative justification, the legal test and remedy should be the same for each. Such a normative justification exists only in the case of fraudulent misrepresentation which, unlike mistake or nonfraudulent
misrepresentation, involves the intentional infliction of a dignitary harm. In such cases, punishment and deterrence are appropriate normative goals but neither are addressed by currently prevailing common law. Providing a single test for cases of misrepresentation and mistake with recourse to punitive damages in cases of fraud would harmonize the defenses with their normative underpinnings and eliminate inefficient redundancies in the common law.

B. In U.S. law, a contract is described as a legally enforceable promise. So to make a contract, one must make a promise. The legal norms regulating these promises diverge in substance from the moral norms that apply to them. This divergence raises questions about how the moral agent is to navigate both the legal and moral systems. This Article provides a new framework to evaluate the divergence between legal norms and moral norms generally and applies it to the case of contracts and promises. It introduces and defends an approach to the relationship between morality and law that adopts the perspective of moral agents subject to both sets of norms and argues that the law should accommodate the needs of moral agency. Although the law should not aim to enforce interpersonal morality as such, the law's content should be compatible with the conditions necessary for moral agency to flourish. Some aspects of contract not only fail to support the morally decent person, but also contribute to a legal and social culture that is difficult for the morally decent person to accept. Indeed, U.S. contract law may sometimes make it harder for the morally decent person to behave decently.

C. This article presents four experiments testing the prediction that assignment of contract rights erodes the moral obligation to perform. The first three studies used an experimental laboratory game designed to model contractual exchange. Players in the games were less selfish with a previously generous partner than with a third-party player who had purchased the right to the original partner’s expected return. The fourth study used a web-based questionnaire, and found that subjects reported that they would require less financial incentive to breach an assigned contract than a contract held by the original promisee. The results of these four experiments provide support for the proposition that a permissible and apparently neutral transfer of a contractual right may nonetheless reduce the likelihood or quality of performance by weakening the norm of reciprocity.

D. One of the central problems of contracts jurisprudence is the conflict between autonomy theories of contract and efficiency theories of contract. One approach to solving this conflict is to argue that in the realm of contracts between corporations, autonomy theories have nothing to say because corporations are not real people with whose autonomy we need to be concerned. While apparently powerful, this argument ultimately fails because it implicitly assumes theories of the corporation at odds with economic theories of law. Economics, in turn, offers a vision of the firm that is quite hospitable to autonomy theories of contract. The failure of this
argument suggests that a more fruitful avenue for reconciling these competing approaches is to find a principled way of integrating them into a single theory.

Task 2. Read the following abstracts and decide which of them comes from 1) a journal article, 2) a conference paper proposal, 3) a student final research project. What is the difference between them?

A. Adapted from: Chemical engineering & the law - Case Examples in industrial litigation

Chemical, petroleum, and allied manufacturing sectors involved in research, technologies, engineering and project management at times encounter issues and problems in successfully meeting a project's intended financial, technical, and operational goals and expectations. Significant deviations from goals and expectations can result in lawsuits between involved parties. Alternatively, parties file insurance claims, which can also result in lawsuits. Research and technology issues can result in patent and intellectual property legal cases. Accidents and incidents at manufacturing or other facilities can result in damage to property and the environment, injuries and death as well as interruption to normal operation causing business loss. Such damages and losses also can result in lawsuits and insurance claims. The need for collaboration between lawyers, scientists, engineers and other technical specialists is obvious when conducting legal, technical and business analyses to get to the root cause of the matter to support or defend a legal complaint or an insurance claim. This paper presents a brief introduction to lawsuits and how legal and technical teams can collaborate with their respective experience and expertise in handling a lawsuit either as a plaintiff’s or a defendant’s team. The main focus of the presentation will be case examples that demonstrate how principles familiar to engineers and other technical specialists play a part in litigation involving diverse issues in the chemical, refining and allied business sectors.

B. Adapted from: Corporate responses to online music piracy: Strategic lessons for the challenge of additive manufacturing

Additive manufacturing, also known as 3-D printing, offers exciting opportunities for business but threatens to bring with it a new generation of prosumers (i.e., individuals who are both producers and consumers) who can infringe copyrights within their own homes based upon downloaded, digital designs. This article presents an analogous discussion of the music industry’s war against online piracy to the hypothetical threat additive manufacturing poses to traditional industry. The author examines examples from contemporary media and academic literature to identify five indicative concepts that specialist and non-specialist managers should acknowledge in developing effective anti-piracy strategies: changing consumer expectations, the negative impact of legal recourse, the pervasiveness of new technology, the de facto stalemate of piracy, and the importance of networks. The
author considers how these lessons can inform anti-piracy strategies and guide managers and entrepreneurs in protecting existing rights and engaging with new market paradigms.

C. Adapted from: Legal Regulation of Transmission and Distribution of Natural Gas in the European Union and the Russian Federation: Comparative Legal Analysis
The present research is devoted to comparative legal analysis of regulations of natural gas transmission and distribution in the European Union and the Russian Federation which is conducted in order to find the most effective way of regulation in this sphere. The work contains examination of regulations of mid-stream sector of gas industry in both jurisdictions, identification of the differences between them and tendencies of their development. In Europe there can be distinguished a tendency to liberalization of natural gas market which implies deregulation (departure from excessive governing of this sphere), demonopolization (support of competition), re-structuring (creating new markets within former ones, unbundling) and liquidation of borders to gas market access. In Russia there are also some steps in the way of gas market liberalization, but unfortunately legislators tend to believe that competition in the gas industry is more expensive than natural monopoly. The work concentrates on main principles of gas market organization: unbundling, free access to gas transmission systems, transparency of rate making and others. The main advantages and disadvantages of mid-stream sector structures of both jurisdictions are examined and several suggestions of their reforming are offered.

D. Adapted from: Labor as the Basis for Intellectual Property Rights
In debates about the moral foundations of intellectual property, one very popular strand concerns the role of labor as a moral basis for intellectual property rights. This idea has a great deal of intuitive plausibility; but is there a way to make it philosophically precise? That is, does labor provide strong reasons to grant intellectual property rights to intellectual laborers? In this paper, I argue that the answer to that question is “yes”. I offer a new view, different from existing labor theories of intellectual property, which I call the productive capacities view. This view gives us a way to make sense of the idea of labor as the basis for intellectual property rights, as well as a tool for critically evaluating existing intellectual property institutions.

Task 3. Read the abstracts again and answer the questions.
1) Analyse the abstracts structure. What structural elements do you find there?
2) When is it better to write each type of abstracts: before writing the paper or after the paper is ready?
3) How does the authors of the papers refer to themselves in the abstracts?
Task 4. Rewrite and expand where necessary the following abstracts to improve them. Pay attention to the structural elements, style, legal and academic vocabulary.

A. Bodies of the legal entity in the context of institution of representation
Due to recent changes in civil law regarding the status of legal persons and bodies, this study involves the analysis of data innovations and their critical evaluation. Researches involves the use of formal legal method to objectively reflect the current legislation, as well as problems associated with the implementation of new rules.

B. Procedural aspects of Evaluation of Evidence in Civil Process
The institute of judicial evidence occupies one of the central positions in procedural branches of Russian law in recognition of its practical importance for course of justice. The purpose of application of evidentiary rules – is creating facility for investigation of an objective truth in finding of facts. In this vein, the system of rules, which regulates the construction of evaluation of evidence, has a special significance in the institute of evidence. The main purpose of this work – is to investigate the procedural aspects of the evaluation of the evidence by the court.

The proposed research is mainly seek to:
1. to identify the problems of the modern civil procedural law in the area of assessment of the evidence by the court.
2. to find weaknesses in terms of legal technique of drawing up of the law.
3. to set the ambiguity rules and propose ways to close up the gaps in the legislation.

The introduction consists of the description of the topicality of the research, its novelty and of the thesis statement, outlines the main issues analyzed in the project. The main part presents critical review of the research, analysis of academic works and legal regulation and proposed research methodology. The last part summarizes the preliminary findings and concludes the analyzing issues.

C. History of the development of bill legislation in Russia: from the XVII century until 1917.
A bill is a security confirming the fact of the loan or purchase of goods on credit under a certain percentage. Bill usually is used by individuals and legal entities. The development of bill legislation in the pre-revolutionary period of Russian history determinates the basis of present legislation system. So in purpose to analyze a history of bill institution, the topics that will be affected in this research are: the dynamic of the historical development of the bill institution, doctrines and legal enactments that determined an evolution of this institution and other aspects of legislative regulation of this security at that time. The history shows a necessary
experience of legal regulation of bills that is helpful during updating active legal system in financial sphere.

Task 5. Write an abstract to one of the following topics:
1) Contract Law: Misrepresentation
2) Human Rights Law in the XXI century
3) Crimes and Civil Wrongs: Classifications and Penalties

Task 6. Write your own abstract. Specify its type (a conference proposal, a journal article abstract, a student’s research project abstract).
You may need the following words and expressions.

<table>
<thead>
<tr>
<th>aim</th>
<th>to focus on</th>
</tr>
</thead>
<tbody>
<tr>
<td>analysis</td>
<td>to obtain results</td>
</tr>
<tr>
<td>to analyse</td>
<td>to outline</td>
</tr>
<tr>
<td>attempt to study/investigate</td>
<td>on the basis of paper</td>
</tr>
<tr>
<td>to be based on</td>
<td>purpose of the presentation</td>
</tr>
<tr>
<td>to carry out the research</td>
<td>the research/paper is devoted to</td>
</tr>
<tr>
<td>to concentrate on</td>
<td>the research suggests</td>
</tr>
<tr>
<td>to examine</td>
<td></td>
</tr>
</tbody>
</table>

When writing an abstract for you student’s project make sure that you outlined topicality of your research and the research question but do not go into the details of your tasks and results. Do not copy sentences from the introduction and other sections of your work, instead, treat an abstract as a summary of a text (a text being your project).

See also Joan McCormack and John Slaght. (2012). English for Academic Study: Extended Writing & Research Skills. (Unit 4)

For more information about an abstract in a journal article see Wallwork A. (2011). English for Writing Research Papers. (Unit 12)

The main function of a conference paper proposal is to interest an organizing committee in your research to such an extent as to make them invite you to the conference. To achieve this purpose you abstract must introduce a topical problem, highlighting what you in particular is going to contribute to its study. If you do not disclose all the results of your study but mention only what the audience might hear in your talk, this will make your proposal more intriguing.

Read your abstract and check whether you did the following:
- outlined the general aim of your paper;
- included essential background information;
- excluded all unnecessary details, data, examples;
- outlined your paper structure (optional);
- mentioned what the results of the research suggested (optional);
- used register ranging from neutral to formal;
- used appropriate vocabulary and linking words to indicate relations between ideas;
- used more formal grammatical structures;
- used correct spelling and punctuation.
Unit 1.2 Introduction

Students’ criticism on the introduction

Let us present five main points all students usually think when writing the academic introduction in any language.

Student A thinks of an introduction as of nothing else but milk and water, where he will have to use many generalizations, basically speaking about nothing.

Student B accepts the previous idea and adds that an introduction is a formal part which is easier to write after the main body of work is completed.

Student C joins this act of humiliation and considers that an introduction is just a useless appendix, whereas the main body of a paper is something that is more vital and scientifically significant.

Student D is almost dying to understand who needs these goals and objectives, when everything is to be found in the main body, and why anyone may need the repetition of what is written in the paper.

Student E assumes in a solemn way that nobody shall read it ever.

The answer

To begin with, an introduction is the only two pages in your paper in which you can explain to the reader what you write about and what is the best way to understand your paper. Like in a conversation, if you want to be understood better you should express your motivation. When you see that a father shouts at his son, will you protect the child or join the father? It depends on the parties’ motivation. The child may have done something really awful or the father may be a maniac. Without making the father’s motivation explicit, it is impossible to make any objective choice in that situation. Another example may be finding an ancient object which function is difficult to identify. What you have to do is to guess. Your assumption is likely to be right, but still it is much weightier if you have exact data from the users or experts. The object definitely needs the introduction.

In your introduction you should clarify what you study in your paper, why it is relevant for the contemporary world, what is your main point in the paper and how you are going to reach your main point. Besides, after reading the introduction an expert in this field has to understand what you PERSONALLY do in your paper, what kind of real work is expected to be completed.

In most cases in academic papers professionals first deal with introductions. You may have a great research with a well-written main body, but do not forget that it is the introduction to be read in the first place. For the experienced researcher the introduction is the shortest way to evaluate the quality of the paper, that is why in many cases the introduction is the ONLY PART THAT IS ACTUALLY READ.

In a serious scientific research an introduction is the first part that has to be written. A competent scholar like any person who has common sense needs to define the aim of his work and how to achieve this aim. If an ordinary man needs a computer, he or she thinks first why he or she needs it, what computers are
available on the market at the moment, what shop is the best etc. The same work should be done in relation to your research. Remember that your introduction could be milk and water only if your complete academic paper is water and milk.

*Explain your plans!*

*******************************

Structure of the introduction is variable but be sure that in your introduction you have the following points expressed.

1. **Definition of the topic (key words) and its background**
   (What is that? What is the context?)

2. **Present state in the field**
   (What is the problem? What attempts to solve it have been (are being) made?)

3. **Topicality of the research**
   (What proves that your research is necessary for today’s world?)

4. **A gap an author wants to fill (i.e. novelty of the research)**
   (What particular problem (aspect of a problem) do you have to solve?)

5. **Thesis statement**
   (What you claim to be your central idea that you will attempt to prove in the course of your work)

6. **Tasks to solve the research question/to prove your central idea**
   (What steps do you have to complete to solve the above mentioned problem)

Additionally, you may include:

7. **Methods used in the study**
   But only in case when your methods differ significantly from the methods traditionally used in your research area (e.g. formal juridical analysis) or when establishment of a new method constitutes one of the research tasks

8. **The outline of the paper**
   Again, if your paper has a complex structure (e.g. several subtopics in the main body)

Task 1. Find the structural elements mentioned above in the given samples. Are they successfully expressed? Is it clear for the reader what the study is about?

A.

The Supreme Court’s decision in *Citizens United v. FEC* is a triumph of First Amendment political speech doctrine. This doctrine holds that “speech is an essential mechanism of democracy,” and as such, “government may not suppress political speech on the basis of the speaker’s corporate identity.” In *Citizens United*, the Court ruled unconstitutional provisions of the Bipartisan Campaign

The political speech debate encounters a peculiar situation when corporations are involved. This problem arises because of the structure of corporations: the owners of the corporations, the shareholders, do not control how the assets of the corporation are used; the managers do. This separation of ownership and control is known as the agency problem in corporate law. The agency problem presents the potential for the shareholders’ agents, corporate management, to use the shareholders’ property, the assets of the corporation, for management’s own purposes.

One argument made in favor of limiting corporate expenditures is that management can use the assets of the corporations to support political causes shareholders do not agree with, thereby violating the shareholders’ rights of association. The potential violation of this right gives the government a compelling interest justifying speech limitations. The *Citizens United* opinion gives short shrift to this argument. There is no compelling state interest because there is corporate democracy. Using shareholder democracy, shareholders are able to protect themselves. With this conflict, *Citizens United* raises the agency problem of corporate law to a constitutional level.

The path of this article is as follows. First, it will present the major issues involved with campaign finance reform and corporate political speech to show that the issues that take up most of the Court’s attention do not have any effect on corporate law and are not part of a larger legal scheme. I will also show that the Justices who support greater corporate participation do not base their position within a larger framework of law – that the outcome cannot be connected to doctrines concerning stare decisis or judicial restraint, a robust defense of political speech rights in all its forms, or the protection of property rights. Then, I will present the argument for guarding shareholders’ association rights as a justification for limiting a corporation’s political activities. Next, I will discuss the barriers to shareholder action in Delaware corporate law. I conclude that the current state of corporate governance law is not amenable to a robust approach to corporate democracy described by Justice Kennedy. The two approaches are incompatible; one must yield to the other. The article finishes by presenting a litigation strategy that can determine whether my conclusion is correct.

Throughout this article, I accept the following positions *arguendo*. First, limiting corporate speech through limitations on how corporations may use corporate assets is a restriction based on the content of the speech because the targets of the speech are those who have a particular approach to economic matters. Second, strict scrutiny is the appropriate standard for reviewing corporate speech limitations. Third, I accept that the justification put forward to justify campaign finance limitations, that “the unique legal and economic characteristics of corporations necessitate some regulation of their political expenditures to avoid corruption or the appearance of corruption,” is a straw man argument. The real
purpose of these arguments is to bring about a form of financial equity soundly rejected by Buckley and Bellotti. This is not a rejection of the arguments that campaign finance laws are not content-based restrictions and therefore subject to a lower standard of review. I argue that shareholder speech rights that conflict with corporate speech rights are equal. Government action that protects speech rights can therefore meet strict scrutiny requirements.

B.

Agricultural lands have a deep emotional resonance within American history and culture. These lands are an important part of our shared cultural heritage regardless of how much distance ultimately comes between our increasingly urbanized society and its rural past. In recognition of this significance, considerable attention has been given to implementing programs designed to protect working agricultural lands against development pressures. Farmland protection programs, particularly those relying on agricultural conservation easements, have been successful in protecting thousands of acres of working lands with the assistance of an increasing array of advocates and non-profit organizations focused on this form of resource protection. These efforts have made a profound difference, notably along the rural-urban fringe, and in many areas farmland protection has become integrated into the overall thinking regarding long-term land use planning.

What has been relatively absent from this movement is any meaningful discussion of the significance of these resources from a historic preservation perspective. Many of the cultural resources located on this country’s farmsteads have immense cultural and societal significance — architecturally, historically, and aesthetically. Additionally, these irreplaceable resources present challenges because they are not static; “farming practices change and what agriculture once produced naturally for our great satisfaction such as country lanes, landscapes, traditional buildings and so forth [are] no longer being produced.” The current threats to agricultural historic resources are considerable and include “increasing operational costs, declining prices, development pressures, and an aging farm population, all of which place the future of many farms at risk.”

Within the farmland preservation movement, agricultural historic resources such as barns, farmhouses, and other vernacular structures are not typically separated from the working lands in the public’s perception of what these efforts are designed to accomplish. For example, in rural Maine, land use planners studying the role of place attachment recently surveyed local residents to assess what features of the rural landscape they most valued, or in short, what they actually wanted to see preserved. In this comprehensive photo-preference survey, the most highly rated views or vistas included rural landscape elements as well as historic farm structures — demonstrating the public’s appreciation of this subset of the built environment. Despite strong appreciation for rural historic structures, there has been little attention paid to how these structures present unique challenges to the existing body of historic preservation law. In fact, many
agricultural preservation initiatives specifically omit protection of the farm structures from programmatic goals as this resource type often falls outside of the skillset of the agency or non-profit actor tasked with implementation.

It is the purpose of this Article to explore the range of issues that complicate efforts to preserve agricultural historic resources and to evaluate possible options for promoting their preservation. To this end, Section II of this Article will briefly detail the unique nature of agricultural historic resources. Section III will detail the challenges that preservationists face in attempting to apply existing tools to the rural context at the local, state, and federal levels. Last, Section IV will analyze and assess possible policy options to improve efforts to protect agricultural historic resources within federal preservation and agricultural policy. Ultimately, if consideration for these resources can become better integrated within agricultural and historic preservation policies, advocates can begin to work more effectively to protect vulnerable rural historic structures and livelihoods.

Task 2. Read the introductions again and identify topics of the papers they come from. Summarize briefly the concept of one of these papers. Suggest your titles for the papers.

Task 3. Correct mistakes in these samples from students’ papers. Analyze the structure of the introduction. Which example is better? Have you understood what the paper is about?

A. Legal Regulation of Transmission and Distribution of Natural Gas in the European Union and the Russian Federation: Comparative Legal Analysis

As stated in technical scientific works, natural gas is a hydrocarbon gas mixture consisting primarily of methane, it also includes varying amounts of other higher alkanes and carbon dioxide, nitrogen, and hydrogen sulfide (Demirbas, 2010, p. 58). Natural gas was found by ancient peoples of Persia, Greece, and India about 4 thousand years ago. As a source of energy gas was recognized by ancient Chinese in about 500 BC and was used to boil sea water to extract the salt. The first industrial extraction of natural gas started in US in 1825 (Ibid., p.59-60). Since then the natural gas industry has grown considerably and now this source of energy plays a significant role in many branches of economy. Bergman describes that gas industry is generally divided into three segments: upstream (extraction), midstream (transmission and distribution) and downstream (supply) (Bergman, 1998, p.18). Initially due to the extremely high costs on pipeline network’s construction, each state’s gas market was dominated by national monopolies, vertically integrated undertakings (hereinafter, VIU). According to article 2 of the Directive 2009/73/EC, VIU is a natural gas undertaking or a group of undertakings which “performs at least one of the functions of transmission, distribution, LNG or storage, and at least one of the functions of production or supply of natural gas.”

There are many disputes over optimal gas market structure due to the high prices for pipeline construction. For instance, Bamoul believes that in gas
production sphere competition is more costly than natural monopoly (Bamoul, 1977, p. 810). While DiLorenzo argues that monopoly is ineffective system of government interference in market in order to increase income by virtue of price manipulation (DiLorenzo, 1996, p. 45-46). Russian gas market reflects the idea of natural monopoly in gas system, while the European one is aimed at liberalization, which implies demonopolization, deregulation, re-structuring and liquidation of borders to gas market access, according to professor Moussis, this liberalization has to lead to reduction of prices and favorably affect the investment climate (Moussis, 2011, p. 399). The most striking instance of differences between Russian and European gas market’s designs is the distinction between mid-stream sectors in the two jurisdictions. Consequently, present research is devoted to precise analysis of gas transmission and distribution in the Russian Federation and in the European Union.

Gas problems have always been a burning issue, especially in the context of Russia-EU relations. Nowadays it has become even more disputable due to the ongoing crises in Ukraine and fluctuations in the Russian economy. There are a lot of scientific works devoted to gas industry in Russia and in the European Union: their composition, principles (some of them will be analyzed in the chapter “Literature overview”). Usually they cover gas industry as an aspect of energy market and only few researches concentrate on each sector of gas industry in more details, especially on comparison of the two systems. However, this is extremely important because Russia and the EU have hugest gas networks and in spite of the fact that they are connected, they do not form the united system.

**Purpose** of present research: *In order to find the most effective way of regulation in this sphere, it is vital to compare regulations of mid-stream sector of gas industry in the European Union and the Russian Federation, identify the differences between them and tendencies of their development.*

In order to determine this differences there are several **goals** to be achieved:

1. to determine and compare legal sources, basic terms and regulators of gas industry in the European Union and Russia;
2. to analyze the main principles of mid-stream sector’s regulation in both jurisdictions and compare them;
   - 2.1. to describe subjects which perform functions of transmission and distribution in gas industry;
   - 2.2. to examine the access to pipeline network systems;
   - 2.3. to study tariff regulation of gas transmission;
3. to explore antitrust measures in mid-stream sector of gas industry in Russia and the EU and analyze their interaction.

**B. Procedural aspects of Evaluation of Evidence in Civil Process**

In accordance with Civil Procedure Code of Russian Federation tasks of civil procedure are correct and timely trial and decision of civil cases to protect the violated rights, freedoms and legitimate interests of the subjects of civil relationships. Court plays a key role as independent adjudicator, who is intended to
decide the difference between parties yet at the same time he uninterested in outcome of a case. This characteristic allows the court to impartially evaluate the attached evidence of the parties in order to resolve the dispute with justice.

Proper evaluation of the evidence by the court has a paramount importance for making a lawful, fair and reasonable decision. Moreover, proper evaluation of evidence allows fully achieve the assigned tasks. For this reason, the evaluation of evidence plays an important role not only in the process of proof, but also in civil proceedings as a whole.

Notwithstanding the fundamental nature of the legal phenomenon, scientists have not developed a clear opinion on certain issues. Most problems one way or another touched upon in this paper are debatable.

Despite the critical importance of this stage of the process of evidence this study is relevant due to the fact that:

Firstly, there is no legal term for understanding of essence of evaluation of evidence in science of civil procedure.

Secondly, also there are no uniform rules about how court must evaluate the evidence and what focuses must be considered primarily.

Thirdly, it is unclear how to get rid of subjectivity in the process of evaluation of evidence, because of there is no objective models of evidence.

Most researchers in this area see the cause and source of the vast number of miscarriages of justice and distortion of judicial principles in wrong interpretation of the basic constituent elements of practice for the evaluation of evidence.

Based on importance of this study, the main aim of this work is to identify the procedural aspects of the evaluation of evidence in civil court proceedings.

Achieving this aim will be possible with the following tasks:

1. to disclose the concept, approaches and essence of the phenomenon of evaluation of evidence by the court;
2. to describe the stages of evaluation of evidence, to determine the rules of evaluation at the appropriate stage;
3. to consider the criteria for evaluation of the evidence from the point of view of the theory and practice;
4. to analyze the judicial practice and to draw conclusions in accordance with the theoretical basis of the concept of evaluation of evidence.

Methods of research include both general scientific and public-scientific methods of scientific knowledge. The first group includes: basic knowledge of general scientific dialectical method, theoretical analysis and synthesis, analogy, systemic and structural methods. The second group includes: logical, comparative legal and formal-legal methods of scientific knowledge. The structure of this paper consists of an abstract, introduction, and main part: Preliminary Literature and Legal Regulation Review, Proposed Research Methodology, Preliminary Findings, conclusion and bibliography. Each chapter is devoted to a separate study questions are designed to reflect the logic of presentation and facilitate systematic perception of the work.
The scientific novelty of the paper lies in the assumption, that the main regulations and results of the research can be used in the sphere of lawful regulation improvement of evaluation of evidence.

C. A history of the development of bill legislation in Russia: from the XVII century until 1917 year

Securities institute holds a special place in the civil law of Russia. The securities are an alternative to cash payments, so the society is increasingly resorting to their use, because this mechanism of calculating is more convenient. The history of the very popular in Russian securities will be discussed in the work – bills of exchange. There will be an analysis of the history of legislative regulation of deals with this security from the very beginning of its use - from the XVIII century – until turning point in Russian history – 1917 year.

Studying the history, politics understand the consequences of their activities. For businessmen and economists innovations are important in the conduct of affairs of the company in the past to prevent errors in the present and the future. The development of legislation also, is impossible without a history in which the recorded work done by legislators and other lawyers of the past. From the experience and conclusions of predecessors scientists understand what the best direction is.

Since the roots of modern legislation in the field of securities has gone into the past and it is formed by the slow and gradual development from the time of the Russian Empire and even earlier, and now this institute continues to evolve and become more familiar and often used among ordinary citizens, the research is actual nowadays.

An active development of the financial legislation and market economic relations occurs nowadays and the popularity of the securities increases. Further development of the law cannot take place without a comprehension of the historical experience, on the foundation of which there is a legal basis today. The research of the bill legislation in the imperial period of history of Russia will demonstrate past experience and help to assess perspectives of further development in various areas of law.

The novelty of the study is to examine the history of the bill legislation by comparing the legal acts of different eras and revealing reflection of the legal system of that time and the present one.

The aim of the work is to analyze the dynamics of the history development of the Russian bill legislation from XVIII century up to revolution of 1917 year and to know, what legal rules have had the influence on the present bill legislation.

The tasks of this work which serve as achieving the aim are:

- to research the history of fixing bill regulation in the law;
- to study bill legislative acts and judicial decisions of the pre-revolutionary period of Russian history;
- to determine which legal rules have survived, what has changed or withered away;
to reveal the causes of development of bill institute and conservation it nowadays.

The first point that will be highlighted is about a conception of a bill. Than the history of bill legislation separately in the XVIII, XIX, and the beginning of XX centuries will be reviewed. Finally the analysis of the historical development of bill legislation will be made, bringing out the causes of this development as well as the influence of the history on the modern bill legislation.

Task 4. **Match the introductions from the previous exercise with the following abstracts. Discuss the difference between an abstract and an introduction.**

1.

The institute of judicial evidence occupies one of the central positions in procedural branches of Russian law in recognition of its practical importance for course of justice. The purpose of application of evidentiary rules – is creating facility for investigation of an objective truth in finding of facts.

In this vein, the system of rules, which regulates the construction of evaluation of evidence, has a special significance in the institute of evidence. The main purpose of this work – is to investigate the procedural aspects of the evaluation of the evidence by the court.

The proposed research mainly seek to:
1. to identify the problems of the modern civil procedural law in the area of assessment of the evidence by the court.
2. to find weaknesses in terms of legal technique of drawing up of the law.
3. to set the ambiguity rules and propose ways to close up the gaps in the legislation.

The introduction consists of the description of the topicality of the research, its novelty and of the thesis statement, outlines the main issues analyzed in the project. The main part presents critical review of the research, analysis of academic works and legal regulation and proposed research methodology. The last part summarizes the preliminary findings and concludes the analyzing issues.

2.

A bill is a security confirming the fact of the loan or purchase of goods on credit under a certain percentage. Bill usually is used by individuals and legal entities. The development of bill legislation in the pre-revolutionary period of Russian history determinates the basis of present legislation system. So in purpose to analyze a history of bill institution, the topics that will be affected in this research are: the dynamic of the historical development of the bill institution, doctrines and legal enactments that determined evolution of this institution and other aspects of legislative regulation of this security at that time. The history shows a necessary experience of legal regulation of bills that is helpful during updating active legal system in financial sphere.
3. The present research is devoted to comparative legal analysis of regulations of natural gas transmission and distribution in the European Union and the Russian Federation which is conducted in order to find the most effective way of regulation in this sphere. The work contains examination of regulations of mid-stream sector of gas industry in both jurisdictions, identification of the differences between them and tendencies of their development. In Europe there can be distinguished a tendency to liberalization of natural gas market which implies deregulation (departure from excessive governing of this sphere), demonopolization (support of competition), re-structuring (creating new markets within former ones, unbundling) and liquidation of borders to gas market access. In Russia there are also some steps in the way of gas market liberalization, but unfortunately legislators tend to believe that competition in the gas industry is more expensive than natural monopoly. The work concentrates on main principles of gas market organization: unbundling, free access to gas transmission systems, transparency of rate making and others. The main advantages and disadvantages of mid-stream sector structures of both jurisdictions are examined and several suggestions of their reforming are offered.

Task 5. Write an introduction to the topic “Principles of limitation of mobile phone use”.

Task 6. Conduct any survey in the classroom, formulate the topic and write an introduction to it.

Task 7. Write an introduction to your research paper. You may need the following words and expressions.

<table>
<thead>
<tr>
<th>analysis</th>
<th>to have top priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>to bring/come to light</td>
<td>hypothesis</td>
</tr>
<tr>
<td>concept</td>
<td>intention</td>
</tr>
<tr>
<td>to consider</td>
<td>to identify</td>
</tr>
<tr>
<td>criteria</td>
<td>to look for evidence</td>
</tr>
<tr>
<td>definition</td>
<td>phenomenon</td>
</tr>
<tr>
<td>to define key concepts/research tasks</td>
<td>research methodology</td>
</tr>
<tr>
<td>to display</td>
<td>tasks</td>
</tr>
<tr>
<td>essence</td>
<td>thesis statement</td>
</tr>
<tr>
<td>goal</td>
<td>undeniable</td>
</tr>
<tr>
<td>to reach/achieve/attain a goal</td>
<td></td>
</tr>
</tbody>
</table>

For more vocabulary see also Meniailo V.V., Tuliakova N.A., Chumilkin S.V. (2014). Developing Academic Literacy: Build your Vocabulary. (Units 28, 31, 41)
When writing an introduction pay attention to the grammar you use:
- Present Perfect to state the recent fact;
- Present Simple to state fact as it is;
- infinitives to formulate your goal and tasks;
- gerunds to formulate general concepts.
Do not forget to use relevant linkers to structure your introduction.

See also Joan McCormack and John Slaght. (2012). English for Academic Study: Extended Writing & Research Skills. (Unit 6)

For more information about an introduction in a journal article see Wallwork A. (2011). English for Writing Research Papers. (Unit 13)

Read your introduction and check whether you did the following:
- explained the topicality of your research;
- acknowledged the previously conducted studies in this field and highlighted the novelty of your research;
- presented a clear thesis statement;
- avoided writing about the so-called “subject” and “object” of the research;
- used correct tense (Present Simple for the background information, description of what will be done in the paper and thesis statement, Present Perfect to show how the problem has been approached until the present day);
- did not copy anything from your abstract;
- was concise and did not include any details, data, literature review;
- used register ranging from neutral to formal;
- used appropriate vocabulary and linking words to indicate relations between ideas;
- used more formal grammatical structures;
- used correct spelling and punctuation.
Unit 1.3 Literature Review

Students’ criticism on the literature review

Student A says that the literature review is just a set of quotations from various books.

Student B suggests that this section of the paper is for her scientific consultant to understand that she has read many necessary materials.

Student C admits that the literature review should be short, because students have to mention only the most important scientists in the sphere of their research.

Student D says in a very low tone that this section is a theoretical one, there is no need to include what he is actually doing in his research.

Student E gives a clue to success saying that what is really necessary to do in this section of the paper is to copy corresponding sections from different other papers on similar topics.

Student F states as an expert that the literature review section helps you to make your paper longer in order to meet volume requirements.

The answer

This section tends to be the most complicated for our students. Mainly, the point is that many students believe that a literature review is nothing else but quoting from different scientific sources about the topic. However, this opinion sounds really ridiculous to anyone who has ever conducted a research. Indeed, if we try to imagine that this point of view is right, let us ask a reasonable question: “Why do we need this section in our paper? Why do we require all this information for our research?” The mentioned above students’ answers are not satisfactory, first of all, in terms of logic, and logic is something we should definitely stick to if we want to produce a logical narration.

The true understanding of the meaning of this chapter is based on the idea that in this chapter you should define the most important concepts of your paper and explain from what angle you are going to present them in your work. The common mistake made by students is that they are trying simply to describe some books that they have read. Such an approach leads to senseless waste of time for the reader. Why should he or she learn about your achievements in reading skills? With the same success you might write down about Tolstoy’s “War and Peace”! You have read it, it took quite some time, and it is not a bad book! But what would the reader feel? Awkward!

First, you should understand that your aim in this section is not simply to describe but to analyse positions of the authors of the sources you use as theoretical grounds of your research. In this chapter you have to collide several points of view and choose which point of view is suitable for your research and why. This will help your readers to understand what sort of limitations can be applied to your study. Information in this section should not be too general. Try to connect your data to your actual topic as close as possible. Showing great knowledge of scientific works is wonderful, the readers will see it in the list of
bibliography, but in the literature review show what relevant recent approaches to your topic has been created, in what way achievements of the quoted works may be applied to your work and, finally, what are the gaps in the academic knowledge which could be identified in these works and in the sphere in general. To sum it up, this section is in no way just a theoretical description, instead, it is a significant part of your research, which helps to present the context of your work. Imagine the situation when you ask a gold fish to build you a castle. And she does it. But you wanted a castle of a different type. “Hey you, Fish!”, you are saying, “Where is my castle?” The gold fish answers: “But what do you mean by a castle?” The story is very instructive!

There is one more point to consider. The literature review could be different! It is! In different journals, universities, curricula you will find various points of view on literature review and, thus, various recommendations. It means that it is impossible to present here any structure that always leads to success and fulfills all the needs. The philosophy here is simple: a phrase that students like to use in their essays “everybody has got their own opinion” is not just a dull general statement in case of the literature review; it is truth. There are different topics, different spheres and different requirements. Let us have an example - in one academic paper you can be asked to write the literature review in one section only. In another it will be possible to have several sections. Both of these variants has pros and cons. If a paper is long, it is better to have several sections, while if it is less than fifteen pages, one section will suit perfect.

However, whatever is the format of the literature review, just before you start writing it take into consideration that you have two levels of text: horizontal, which is responsible for organizing the text itself in terms of words and sentences, and vertical, which shows the topic development in general. This second level is very important, as it is responsible for the logic of your writing. The sequence of sections in your chapter cannot be accidental, as it is not Cortasar’s novel (though a brilliant one!). It must follow certain logic and have different links between sections. That is why at first it is recommended to make a plan of the chapter. Try to include all main ideas of the whole section into this plan. This will help you not to lose your direction. One more recommendation for building your analysis of the literature in a more or less logical way is thinking of your section as of a novel (a traditional novel in which action develops chronologically, e.g. that of Tolstoy). In these novels it is very difficult to imagine any chapter without a previous one. That is something you should do. Move from the most general to more and more specific until you fill the gap in knowledge that you have to fill in your research.

Do not describe, create!

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Task 1. Analyse two examples of literature review. What is the sequence of concepts the authors are trying to analyse? What are the main differences between these two examples.
A. Tax havens: Legal Regulation in the Russian Federation and International Practices

This chapter of the graduation work is dedicated to the analysis of two objects: doctrinal conception of tax havens and conception of tax havens which is contained in tax legislation. First of all, doctrinal points of view related to taxation and tax havens will include opinions of scientists from different countries with different tax policy in order to make the review more thorough and complex and also in order to avoid one-sided views which were made in accordance with certain tax policy of certain country. Moreover, legal acts concerning tax havens will also be taken from diverse jurisdictions with various approaches to taxation.

The present chapter begins with the description of legal doctrine related to taxation and tax havens. This description starts with overview of the attitude of Russian scientists to low tax regimes and zones, nature of tax havens and their role in economics. As Russian legislation does not provide the basic definition of tax havens, the meaning of this term in legal doctrine remains indeterminate. Nevertheless, essential amount of certain characteristics in various works coincide and it allows to clarify the sense of the term. In accordance with Shumilov, tax haven is a state or a certain territory of a state in which a specific favorable treatment, involving several services as legal services, tax treatment, comfortable conditions related to registration of companies, nondisclosure of personal data, is established in regard to foreign legal entities (Shumilov, 2003, p. 512). Other Russian scientists claim that tax havens are specific zones with favorable tax regulation (Gorlov, Guzhova, 2012, p. 1-2). Moreover, several authors suppose that both favorable tax treatment and simplified order of registration of legal entities should be considered as vital characteristics of tax havens (Sorokova, 2013, p. 84). Thus, in general, Russian scientists identify tax havens through their key characteristics which are mostly connected with certain preferences provided on these territories. The work of Yakovlev generalizes the most significant criteria, derived by Russian scientists and legislation, in accordance with which certain territories could be referred to tax havens (Yakovlev, 2008).

Further review of legal doctrine in the Russian Federation is devoted to the analysis of common approach to tax havens. The author in this abstract answers the question whether tax havens are perceived as harmful phenomenon or as useful instrument for economics. Following the opinion of Chashin, tax havens or offshore zones are created in specific regions which economics is weak. Chashin is convinced that offshore zones stimulate capital movement to these economically depressed regions and creates good conditions for foreign investors (Chashin, 2010, p. 7). This position is actively supported by Pavlov. He suggests that tax havens can strengthen Russian economics and enlarge the amount of capital in Russia (Pavlov P, 2012, p.1) Nevertheless, other authors in the Russian Federation do not consider this position as apodictic. In particular, Sukhanov states that tax havens are often used unlawfully and this usage cause harm to civil circulation (Sukhanov, 2014, p. 20). In addition to this opinion, it is necessary to take into
consideration the position of Karpovich. The scientist thinks that absence of due regulation of activity of offshore zones subjects leads to legitimization of illegally received income (Karpovich, 2009, p. 30).

After the review of conception of tax havens contained in Russian legal doctrine the actual work describes the same conception but from the different points of view provided in international legal doctrine. The term tax haven or its synonym offshore zone is treated slightly different in other jurisdictions. Several scientists emphasize that the key feature of tax havens is the inability of business conduction on this specified territory by offshore companies with local business or citizens of the state (Mitchell, 2002, p. 3). Despite this opinion, from the point of view of other authors, tax havens are defined as any jurisdictions in the world that have preferential rules for foreign investors (Mitchell, 2006). The last interpretation of tax havens mostly coincides with the Russian one. It should be mentioned that in most countries the legislation does not explain the meaning of tax havens. This is the reason why the meaning of tax havens differs. Legal doctrine in international practice similarly to Russian doctrine defines offshore zones through their basic characteristics.

Pursuant to the plan of the present chapter the author makes further review of literature related to the attitude of international practice to tax havens. Likely to the Russian Federation, international practice has a complex approach to tax havens. A lot of monographs of foreign scientists are devoted to the topic of tax completion. General concepts can be divided into two groups. The first one includes positions in accordance with which tax havens are regarded as a specific way of tax evasions that badly affects national and international tax systems. The main idea presented in this conception is that states should coordinate their powers and enlarge the amount of control over tax havens residents in order to prevent capital outflow and certain business actions which negatively affect economics (Avery, 1974, p. 87). The second conception suggests that offshore zones provide business an ability to avoid exceeding tax rates and, furthermore, that these territories play a great role in support of economics of developing countries (Ainer, 2005, p. 143).

In this part of the actual chapter legal regulation of tax havens is described. The review of legislation as literature review starts from overview of regulation in the Russian Federation and ends with international practice. Taking into consideration the above stated in literature review information, the author claims that the regulation of tax havens in Russia is complex and indirect, which means that legal acts from different branches of law regulate this realm. The most important provisions related to the stated topic are contained in Tax Code of the Russian Federation. This legal act does not give a direct definition of tax havens but it establishes certain conditions for the residents of such zones which make specific business activities. More legal regulation is contained in specific legal acts provided by federal executive authority. For instance, the order of Ministry of Finance № 108н dated 13 of November 2007 establishes the list of states and territories which provide favorable treatment of taxation. Order of Central Bank of
Russia №1317-Y dated 7 of August 2003 regulates an order of establishment of correspondent relations with banks registered in offshore zones where the nondisclosure regime is applied to financial operations. Several provisions of Criminal Code of the Russian Federation indirectly regulate liability for crimes connected with tax havens usage. Treatment of foreign investments and capital movement is regulated in a different way. Particularities of this regulation are disclosed in details on the next chapter of the present work.

Continuing the review of legal regulation of tax havens it is important to mention a legal act from international practice in which an approach to taxation differs from the Russian one. A good example of such act is the Kyoto Protocol Convention dated 18 of May 1973. This convention establishes basic conditions in accordance with which national treatment of tax law should be draught. This document contains certain standards which guarantee basic rights and privileges to taxpayers of countries which are signatories to the above mentioned convention. This document also simplifies custom formalities and duties. Other examples of legislation with different approach to taxation are international treaties, particularly, conventions between governments of states for the avoidance of double taxation with respect to certain types of taxes. These conventions establishes international taxation rules between their signatories in accordance with which certain types of taxes are not collected from residents of one or both states which are signatories to the convention. The Russian Federation concluded about one hundred of the above mentioned conventions with different states.

Reviewing of legal regulation shows that tax havens are treated in a complex way. Nevertheless, the key problem of every complex regulation of certain legal institute is that terms and definitions are mixed and, as a consequence, a lot of problems appear in practice. These practical problems are analyzed in the following chapter of the actual graduate work.

B. A history of the development of bill legislation in Russia: from the XVII century until 1917 year

The book of Belov called “Bill law” is one of the references of the research. This work is useful in that it outlines the basic things related to the research topic. To begin with, Belov provides a framework for understanding the concept of "bill" describing its origin, and applies even to the etymology of the word itself. The author describes the causes of social phenomenon such as bill and provides a theoretical basis for this concept. This information, of course, is needed to identify and analyze the approach to the concept of the bill in the pre-revolutionary period.

Specifically, the author pays little attention to the history of Russian legislation of bill, however, he concretely determines where this legislation came from, what foreign legal concepts became the source and basis of Russian legislation and also highlights the key points needed to be taken into account in the history of law. These key points are, in the main, the date of the adoption of legislation acts that determine the development of the bill legislation. The author describes some of them in details, allocates the structure and the basic legal norms
that secured this legal act and which determine the development of the bill legislation at this point of time. The author also gives a clue to understanding the characteristic notes in that age, that is important to know when looking at the bill legal framework of public relations in the stated time period. Therefore, the book of Belov rather provides general direction for further research and indicates which documents should be examined for the study of history of the law (Белов, 2004, p. 9-42).

The "The Evolution of the bill" written by Moshensky is a work that focuses on the history of the bill legislation and practical application of bill legislation. The book was published in Ukraine, so it is impossible to use it as a source of information on current legislation. However, as Ukraine was part of the Russian Empire during the reporting period (up to 1917), the research of the author, which relate to the development of the institution of the bill law, are relevant. Moshensky reviews spread preconditions of bill operations in the XVIII century and, in contrast to Belov, devotes separate chapters of his detailed research of the legislation. The author gives a characterization of logical structures and the first legal act that legalized bill operations (Charter of the bills in 1729) in his book, considers the practice of bill operations that were carried out during the period from the XVIII century to 1917, and describes the development of the bill legislation in the Russian Empire. This book is one of the main references. (Мошенский, 2005, p. 318-389).

Article of Professor Osipov, "Bill in its past and present," was written in 1878. It is written based on a speech which Osipov said in a solemn annual meeting of the Imperial University of Kazan on 5th of November 1878. In his speech professor deepens into the theory of bills, talks about the advantages and disadvantages of this security, as well as talks about the wide prospects of development of this institution of law. Professor mentions the possibility of bills to take over some of the functions of money. Also he expresses an opinion about the current bill legislation. This paper, firstly, reflects the opinion of a scientist of the XIX century, which gives a legal evaluation of regulatory legal acts, secondly, shows the popularity of the using of bills at that time and, thirdly, shows the readiness of society to develop this legal institution. This article describes the personal opinion of only one scientist, so it can not be the basis for characterizing the situation in the country at all at that time. However, it contains details that are important for understanding the legal awareness of the people and shows the position of not just one person, but of the one of the top universities in the state at that period of time. (Осипов, 1888, p. 1-20).

"Essay on the Russian bill of law" - the work, made by Vitsyn in 1857. The author describes the Russian bill law that is active at the time of writing the essay. In this work the author analyzes all legislation relating to bills, compares them with similar foreign legal regulation of the analogous institution, highlights the nuances of operations with bills and examines in detail the concept of the bill. As an article of professor Osipov, this essay is mainly subjective and largely expresses personal judgment of problems Vitsyn. However, the product is an extensive theoretical
base and is filled with examples for easy understanding of the law. In contrast to the theoretical works such as books Moshensky, mentioned earlier, "Essay on the Russian bill of law" does not contain any systematization of information. The author tells about the different aspects of the application of the bill legislation and his work looks like a lecture at the university. This work contributes to the comprehension of the bill legislation on the historical period of time about the middle of the XIX century. (Вицьн, 1857, p. 7-78).

Katkov "General doctrine of a bill," made in 1905, is a fundamental legal work of the XX century, comprising the doctrine of bill law at that time. The author calls his work a legal study, this fact characterizes his work as a set of scientific theoretical conclusions that summarize and systematize the knowledge of the regulation of legal relations arising in the use of bills. This work helps to understand how people understand the Russian treatment of securities, including a bill, at that time, what was a theory of bills at that time and how did the bill legislation apply.

Katkov adducts different approaches to the concept of the bill legislation. The first part of his work is devoted to theories of bills, pre-existing and existing at the time of writing the work. The author gives these theories using legal terms, which shows that this work is for people who already have a connection to jurisprudence and law as a science. In his own work Katkov criticizes these theories, comments on them and brings his vision of the spirit and nature of the Russian bill on legislation. The information that can be gleaned from the "General doctrine of a bill" gives insight into information, how legal science has studied the phenomenon of the bill by the border of the XIX and XX centuries, about the legal status of bills in that period of time, as well as determine how this consolidation of security happened at the legislative level in the Russian Empire. On this basis, we can determine the dynamics of the bill legislation (Катков, 1905, p. 104-225).

With regard to the legal acts, which are used for the analysis of the history of the bill legislation from the XVIII century to 1917, it is impossible to do it without the analysis of the first Russian legislation act - "Charter of the bills" that was enforced on May 16 in 1729 year. Last publication of the text of the charter took place in 1987, so it will be easy to find this historic document. This act regulated lots of sub-institutions, and has been acting more than a hundred years, which indicates the necessity of it and its significant role in history.

Following legal act that addresses promissory relationship already in the XIX century, was the Charter of the bills, enforced in 1832 year. This legal document issued some new sub-institutions of law and improved existing ones. Since the last legal document was the Charter in 1729, the adoption of the new enactment was necessary action. His research is needed in order to review the dynamic of the development of the bill legislation.

In 1903 the third Charter of the bills came into force, which was active until the revolution of 1917, and was subsequently replaced by the bill legislation of Soviet Russia. This legal document, as indicated above, should be studied in order
to study changes in legal relations in society, as well as to evaluate the development of the Russian bill legislation at that time.

For comparison with the present legislation Federal Law of 11.03.1997 № 48-FZ "About Ordinary Bills and Bills of exchange" should be studied, which is the main act of specifying the normative regulation of relations with the bills. Having studied this legal act, it is possible to draw conclusions about what rules have already appeared at that time and still remain, what rules are absolutely new, and what rules have taken place at that time and died off before reaching our days during the process of development of Russian society.

There is a lot of literature concerning the legal regulation of a bill. Most of them related to XIX century, when the legislative development was the most intensive. Correlating legal enactments with theoretical works and essays that describe the practical application of the law of the XVIII century until 1917 year, it is possible to understand the full picture of the bill legislation in Russia.

Task 2. Analyse paragraph structure in the following samples. In what sample do the paragraphs seem more logical? Why? Correct their structure if necessary. How do the authors present other scholars’ points of view? Define the strategy being used for presenting other scholars’ opinion (paraphrasing, summarizing, quotation)? Correct mistakes if necessary

A.

The first approach consists in position that securities can be presented only in documents while the uncertificated securities cannot be ascribed to the institution of securities. «Securities are documents. Uncertificated securities are not documents. Consequently, the uncertificated securities are not securities” (Белов, 2003, p.20). The uncertificated security cannot be regarded as an object of property rights because it is set of rights in papeless form which refers to obligatory rights. Therefore, the term of “uncertificated security” is not appropriate to this doctrine as there is confusion of notion “security” as a document and method of fixation the rights (Шевченко, 2004, p.36). This statement reflects to the position of professor Suhanov who also claims that the uncertificated securities cannot be an object of property right in contrast to the certificated securities. Thus, there is necessity of special regulation for turnover of the uncertificated securities due to existing rules is suitable for turnover of thing as object of material world (Суханов, 1995, p.97).

Nevertheless, the paperless doctrine based on provisions of Civil law of Russian Federation and the Federal law № 39 (22.04.1996) “On the securities market” considers that there is importance of the nature of the right from the security as similarity for both documentary and uncertificated securities rather than a form of their fixation (Кокоева, & Сырхаев, 2014, p.47). As a result, dematerialization of security cannot have an influence on character of proprietary rights referring to the security. Traditional Russian doctrine of “security” was transformed from German philosophy about securities XIX century, for that reason, it does not take into account interests of modern time (Степанов, 2002, p.
Supporters of this doctrine assert that there is not matter the form of fixation, on the contrary vested interests are significant for to be a security (Юлдашбаева, 1999, p.133).

B.

Narrowing research area directly to natural gas, it is significant to notice that there is a wide variety of works devoted to European gas market and its liberalization. Most of them cover legal sources and principles of gas market structure, outline competence of the European Union and national regulators and analyze the efficiency of a liberalized system. Among others there can be distinguished several works. For instance, the monograph of Ivan Gudkov “Gas market of the European Union” (Гудков, 2007) describes history of integration in gas sphere at the European level, analyzes main problems of integration and distinguishes factors affecting gas market structure. Unfortunately, it is not up-to-date because of relatively recent changes of European legislation. Another book which has to be emphasized is “Law and Policy of the European Gas Market” written by Monica Waloszyk. The main issue of this book is examination how regulatory and competitive choices influence the achievement of an integrated EU gas market and gas market design (Waloszuk, 2014, p. 7). The monograph appeared in print more recently that is why it reflects not only regulations of Third energy package of 2009-2010 but also studies actual consequences of this reform. There is also a very interesting article of Tomas Maltby “European Union energy policy integration: A case of European Commission policy entrepreneurship and increasing supranationalism” (Maltby, 2013) which gives description of supranational power by the example of increased competence of European Commission in the internal market of natural gas. There are many scientific works devoted to European gas market liberalization: “Regulatory Reform on the European Gas Market” of Hans-William Ressel (Ressel, 2013), “A Glance at the European Energy Market Liberalization” of Delia Vaslica Rotaru (Rotaru, 2013), “European Gas Market Liberalization: Are Regulatory Regimes Moving towards Convergence?” of Nadine Haase (Haase, 2008) and many others. All of them try to analyze European gas market in general context, without giving the importance to separation and description of sectors (extraction, transmission, distribution, supply) in more details. There is practically the same situation with Russian literature dedicated to national gas market. There can be distinguished a master’s thesis of Anatoliy Khripunov called “Problems of Formation of Russian Gas Market” (Хрипунов, 2003). This work is devoted to legal regulation of Russian gas market while most of other sources concentrate only on economic issues.

C.

Civil law development concept of Russian Federation (accepted in October, 7th 2009) is ultimate step on the path of building indefectible legal regulation in land property ownership rights. This concept provides list of limited property ownership rights needed in present Russian social-economic circumstances. In
despite of quite progressive offers, several states of the concept, needs additional argumentation. Moreover it's very important to note that many of property ownership rights, established by the concept, weren't appropriately considered by special theoretical comprehension. For instance, such property ownership rights, as property encumbrances, rent as property ownership right requires systems research and deep theoretical analysis. Their doctrinal elaboration has been realized in XVIII-XIX centuries by pandekt doctrine. Unfortunately in Russian Civil law appealing to pandekt doctrine is not usual.

As empirical basis of the research were used norms of Russian Law, concepts of judiciary practice, acts of official interpretation of Law in force, judiciary practice of German, Austrian, Swiss Law and Law of others countries of continental Europe. As theoretical basis of the research were used works of legists, dedicated to research of property ownership rights as in general and as particular types of limited property ownership rights.


In this research has been analyzed works of some of foreign scientists such as R. Iering, U. Mattei, L.Z. Morander, F.K. Savinghi. Beside this were analyzed works of several German authors of XVIII - XIX centuries, such as K. Cosack, H. Degenkolb, G. Dernburg, L. Duncker, G. Friedlieb, O. Gierke, M. Kohn, H. Mitteis, Oertmann, G. Puchta, A. Thibaut, C. Walch, B. Windscheid.

Task 3. Analyse the vertical structure of the chapter. To what extent does the vertical structure seem to be logical. Analyse the way other points of view are implied.

Compensation as a Way to Protect the Exclusive Right

The study branch of law has quite complex vocabulary. It is necessary to define terms used in this research for its correct understanding. Intellectual property right is the right to the results of intellectual activity and means of individualizing. These rights include, for example, the right of authorship, the author's right of integrity of the work, the right to publication and, of course, the right to safety and protection of these rights. There are many approaches to the classification of intellectual property rights in the Russian law doctrine. Frequently they are divided into moral, or personal non-property right (for example,
copyright), property, or exclusive rights (the right to reproduce and distribute the writing) and other rights (right of access) (Судариков, 2010, p.19). The legislator has offered his version of the separation of this concept in the Civil Code of the Russian Federation. This legal act provides the following classification of rights which related to intellectual: they are the exclusive right as a property right, and in cases stipulated by this Code, personal non-property rights and other rights (the right route, right of access, etc.) (Article 1226 of the Civil Code of the Russian Federation). As can be seen from this classification, the law-maker considers that the exclusive right is paramount among other intellectual property rights. At the same time, scientists do not make that conclusion, they give the first place to personal non-property rights. This difference in theoretical work shows that the doctrine of the Russian law and legislation differ, and this is one of the issues that will be reviewed in this research in the future. It is important because for competent legal regulation single item of theory and practice on the basic issues and key concepts of the branch of law is necessary.

The centre of this work will be the part of such intellectual property rights as exclusive rights through one of the most important aspects: compensation as a way to protect the exclusive right. The provisions governing this method of protection legal fixed in Item 3 of Article 1252 in Part Four of the Civil Code of the Russian Federation. Despite the fact that the concept of compensation fixed by law, in the juridical literature are continuing scientific debate about the legal nature of this method of protection of exclusive rights. Many points of view put forward by scientists, but it is possible to consider as the most reasonable the following.

The first theory considers that compensation is a simplified method for calculating losses. Sadikov substantiates this thesis as follows: the basic content and purpose of compensation is that the use of this method of protection allows you to simplify and speed up the trial of complex disputes for damages, to create the conditions to achieve a reasonable and fair decisions as to the court to provide a wide field of activity in evaluating the conduct of the parties and there shall be adversely affected (Садиков, 2009, p.112). Thus, based on the content and purpose of compensation, Sadikov offers to consider the legal nature of compensation not as a separate type of civil liability, but as a special simplified way of damages. In contrast to this position the following arguments should be noted. Compensation differs from this method of protection as compensation. Indemnification of damages as one of the remedies at the same time is a form of civil liability (for example, Article 16 of the Civil Code of the Russian Federation which contains provisions for damages caused by state bodies and bodies of local self-government). Losses in the classic civil law sense are the expenses that the person whose rights have been violated, made or must be made to restore the violated right, the loss of or damage to property (real damage), as well as the revenues that this person would have received under normal conditions civil turnover, if his right had not been violated (lost profits) (Article 15 of the Civil Code of the Russian Federation). The presence of certain conditions and grounds of occurrence of civil liability for damages required. Such grounds are unlawful actions (inaction), the
occurrence of harm, a causal relationship between them wine. Amount of damages
is subordinated to the general problem of civil law, that is full compensation for the
damage (harm). The amount of compensation may be reduced only in certain cases
provided by law or contract. The law provides for the possibility of compensation
in lieu of damages to the victim's consent holder, regardless of the origin of
property losses (losses), i.e., when only a violation of the exclusive right to exist, if
it is established in the legislation. The claimant applying for compensation is not
obligated to prove the fact of loss and the size of these losses. Identification of
losses, their size can be set only for determining the amount of monetary
compensation exacted as other circumstance that affects the amount of
compensation exacted in cases stipulated by law (Андреев, 2011, p.239).

One more argument reveals that the contraposition of compensation and
damages in Article 1252 of the Civil Code clearly shows the difference in the
semantic meaning of these terms. It is logical to assume that there must be a
difference in the way of proof for claims for damages or compensation. Thus, the
failure of the first approach is proved through the independent nature of
compensation, which may not depend on the availability of losses copyright
holder.

However, the position that compensation is paid in the absence of the
claimant incurred losses only on the basis of a violation of the exclusive rights
provoked a mixed assessment in judicial practice. The Supreme Arbitration Court
of the Russian Federation (at the time of the introduction of this provision in the
legislation, when the Supreme Arbitration Court of the Russian Federation was
still) considered that this provision should be interpreted literally, i.e.
compensation is recoverable with proof of the offense, not loss (Paragraph 13 of
Information Letter of the Presidium of the Supreme Arbitration Court of the
Russian Federation (28.09.1999) №47 "The review of practice of consideration of
disputes related to the application of the Law of the Russian Federation "On
copyright and related rights"). At the same time, the Supreme Court held the
opposite point of view (Decision of the Supreme Court of the Russian Federation
(18.10.1999) N 18-B99-69). The approach of the Supreme Arbitration Court of the
Russian Federation is the most reasonable, in my opinion. The majority of
scientists also holds that position. However, it should be noted that now all of
Russian law enforcement practices can go to the second way. The reason could be
the recently held a joint aforementioned courts. Time will tell which path will be
elected by the Supreme Court in the present circumstances.

According to the second theory it is assumed that the compensation as a
legitimate penalty. Proponents of this view argue that compensation is in the nature
of contractual liability. They justify it by the fact that the licensor is not obliged to
prove the existence of damages, the legislation does not add to it this duty, it is
enough to prove a violation of his rights. Adherents of this theory are Gavrilov
(Гаврилов, 2005, p.32), Kalyatin (Калятин, 2000, p.250) and Gursky (Гурский,
2006, p.37). They claim that the amount of compensation, established by the law,
actually resembles a penalty, which in Article 330 of the Civil Code of the Russian
Federation is defined as established by law or contract amount of money that the debtor must pay to the creditor in case of default or improper performance of an obligation, in particular in the case of a delay in execution, with the only difference being that it is not running for the contract (as is usually the case) and for tort liability and aims to ensure its execution. In addition, creditor has a possibility with a claim for compensation not to prove the size of losses (Калятин, 2000, p.251). This fact approximates the institute of compensation to the institute of the penalty in civil law.

Despite these arguments, the approach seems to be also untenable. In the accordance with the refutation of the theory, the ratio of losses and penalties stipulated in Article 394 of the Civil Code of the Russian Federation (Article 394 of the Civil Code of the Russian Federation). The legislation distinguishes between four types of penalties depending on the balance penalty with damages: goal, box, exceptional and alternative. Goal penalty means that losses are compensated to the extent not covered by the penalty. This general rule, unless otherwise provided by law and the contract, and such a decision is reasonable and fair, because the losses caused shall be reimbursed in full, if the opportunity is available. Legislation or contract also provide for other cases. Exceptional penalty is excluded recover damages, only penalty. This penalty simplifies the calculations between the parties of obligations and may be established by law, such as transport charters and codes, as well as the contract. Alternative penalty gives the lender the right to choose: he can claims any penalty or damages, but in this case, the loss must be proven. That penalty is rarely used in legislation and contract (Садиков, 2009, p.328). Box penalty allows recovery of damages, and they can be levied in full above the penalty. This penalty is provided under the most serious and flagrant violations of obligations, such as low-quality supply of products and consumer goods. However, a view exists that the box penalty is anomaly in modern conditions, and we need to abandon (Яковлев, 2000, p.103). Nevertheless many federal acts provide for a penalty, and its application in serious violations seems reasonable, as it stimulates the proper performance of obligations (Article 13 of Consumer Right Protection Law of the Russian Federation (07.02.1992) N 2300-1).

Compensation shall be recovered at the request of the victim instead of the right holder only damages (in contrast to the above cases). Unlike the compensation damages and its size is closely related to the size of the penalty, its views, and varies depending on the type of penalty. The amount of penalty is determined in advance by legislation or contract as a fixed sum or a percentage of the price of the obligation breached. Recovery of losses due to the same violation of this or that exclusive right in cases stipulated by law is independent of the size of the possible compensation. The sheer size of claimed compensation is not fixed for entities of liability, and it is determined only by the court within the limits established by the Civil Code of the Russian Federation, and this depends on the nature of the violation and other circumstances of the case. As against to compensation the amount of penalties, specified by the parties, may be reduced, not defined in the law by court, if payable penalty is clearly disproportionate.
consequences of breach of an obligation, except as otherwise expressly provided by legislation (Article 333 of the Civil Code of the Russian Federation).

It is worth mentioning that the compensation resembles an alternative penalty, when the lender has the choice to request either losses or penalties. However, in this case the recovery of compensation is not the recovery of this kind of penalty. The alternative penalty implies a loss that is often difficult to prove, while the compensation is applied in the absence of losses (regardless of the presence or absence). Kozir exactly notes that the order of application of alternative penalties and compensation are different. On this occasion, a scientist writes: "Despite the fact that both of these measures can be applied by the court in lieu of recovery losses discretion of the person whose right is violated, it should be remembered that the Code directly imposes on the court determining the specific amount of compensation (Item 2 Paragraph 3 Article 1252 of the Civil Code of the Russian Federation), while the size of the alternative penalty is not determined by the court and the parties' agreement, and if the contract size of the penalty (or the method of its calculation) is not specified, the party whose right has been violated, it can not require recovery in court of law. The court may only reduce the size of the penalty provided for by the parties in the circumstances referred to in Article 333 of the Civil Code" (Копачкин, Козырь, Корчагин, 2009, p.124). Thus, the above arguments refute the second approach.

As the founders of the third theory suppose the compensation is an independent sanction for violation of the exclusive rights. Here, apparently, the legal nature of the responsibility will be non-contractual, in contrast to the penalty, for example. It seems to me that this approach is most relevant at the moment. The main proponents of this theory are Simkin (Симкин, 2004, p.23) and Ruzakova (Рузакова, 2004, p.211). Recovery of monetary compensation, as legal way protection provided the law, is both specific independent measure of civil liability stipulated the rules of the Russian civil law for non-contractual causing harm, and with non-pecuniary damage as different type of civil penalties. Domestic civil law doctrine does not deny the possibility of the existence of methods of civil remedies that are both measures of civil liability, such as compensation for damages, recovery of damages, moral damages, recovery of interest on monetary obligations. As a way to protect the right holder for the victim, compensation is both a form of civil liability for the exclusive rights of the offender (Рузакова, 2007, p.381).

As any measure of civil liability, the recovery of monetary compensation is a pecuniary sanction of civil law, the court applied compulsorily to the offender shall be obliged to tolerate assigned to it by law additional burdens and hardships. Recovery of compensation in return for damages as a defense and as a specific measure of civil liability facilitates the protection of the victim who is not required to prove the size of losses incurred and a causal link between the unlawful actions (inaction) of the offender and then comes the negative consequences. Recovery of compensation shall not apply in case of violation of contract terms of use and serves as a means of protection is not relative and absolute rights violations on the
part of an indefinite number of persons who are not related to copyright contractual relationship (Симкин, 2004, p.26).

Summing up, we can draw the following conclusions. As previously noted, the institution of compensation is moving closer to penalty institution by allowing the creditor not to prove the amount of damages. At the same time, the possibility of the court to determine the final amount of compensation to the extent permitted by law brings the measure of protection to non-pecuniary damage, determination the amount of which is also left to the discretion of the court (as opposed to the penalty). Thus, we can conclude that the compensation as a way of protection should be considered as an independent, not related to any of the known remedies that combines a simplified procedure of proof inherent in the penalty, and the determination of the amount under the control of the court, the inherent non-pecuniary damage (Изотов, 2007, p.27).

Consequently, the compensation for infringement of the exclusive right can be defined as a measure of self-protection (but it combines the features of methods such as penalty and compensation for moral damages), which is a requirement of the copyright owner to the infringer of its exclusive right to the payment of a sum of money within the limits established by law in lieu of damages, the reason for which is a violation of law.

Task 4. Summarise, paraphrase and quote given pieces as sources for your literature review

A.

As descriptive analysis is impossible at the current stage of the research, the following chapter is devoted to the discussion of the expected results of the research. These expectations may change, as legal norms themselves may be changed and interpreted in a different way by legislator or theorists of the law.

To achieve the setting goal of the research paper, it is necessary to determine the relevant legal norms that regulate the institution of uncertificated securities. The main provisions regulate the relationship connected with the uncertificated securities are contained in the Civil Code of Russian Federation and the Federal law № 39 (22.04.1996) “On the securities market”. The Civil Code of the Russian Federation is almost 20 years old, and only in 2013 its most essential changes and amendments took place; their need was substantiated by the Conception of the development of the civil legislation of the Russian Federation. The seventh chapter of the Russian Civil Code on securities was reformed especially deeply, in particular, for the first time the concept and lawful regime of uncertificated securities were legally registered. Obviously, it should be remembered that the last amendments to the Russian Civil Code must be became indicator of relevance of the theoretical works.

In Russia, the concept of uncertificated securities has been used in the financial-currency sphere since the 1990s (Мурзин, 1998, p.123). This concept is used today on equal footing with the concept of certificated or documentary
securities, which forms the basis for use of classical securities. Both these concepts are mentioned in the Civil Code of the Russian Federation and the Federal law № 39 (22.04.1996) “On the securities market”. Uncertificated forms are gradually forcing out document-based ones. For example, according to the Russian Federal Law “On the securities market” the uncertificated form has become the standard one for all securities in the form of shares. It is clear from this observation that active introduction of the new form of securities in practice brought the attention of researchers; hence, the problem of uncertificated securities became one of the main themes of scientific discussions of securities during the last decade.

B.

2. In Europe there can be distinguished a tendency to liberalization of natural gas market which implies demonopolization (support of competition), restructuring (creating new markets within former ones, unbundling) and liquidation of borders to gas market access. In Russia there are also some steps in the way of gas market liberalization, but unfortunately legislators tend to believe that competition in the gas industry is more expensive than natural monopoly. The main reason of all the differences between Russian and European regulation of gas sphere is different purposes of energy policy. European Union has a settled gas infrastructure and it is aimed at supply of consumers with gas at reasonable prices while in the Russian Federation building of gas infrastructure is not finished completely that is why regulation is aimed at increasing of prices.

2.1. European Union’s legislation institutes separation of transmission sector from production and supply ones. There are three variants offered to member states: ownership unbundling, establishment of independent system operator or independent transmission operator. In the Russian Federation there is also a separation of functions of production, transmission, distribution and supply, but most of these functions are executed by “Gazprom” affiliates, that is why this separation is not noticeable in the conditions of natural monopoly.

2.2. Third energy package also declared the aim of simplification of the third party access to gas transmission system by placing gas transmission operators under a duty to organize access to pipelines for third parties. Energy legislation of the Russian Federation also regulates questions of gas transmission access. Under its provisions “Gazprom” cannot refuse conclusion of a contract with independent gas producers on non-discriminatory conditions. Unfortunately, these guaranties cannot be fulfilled in the situation of national monopoly. There are two variants of reformations in this sphere. The first one is strengthening of the state control in the sphere of access to gas transmission network, which is supported by government, and the second one is the European model of unbundling. Long-lastet practice shows that separation of control over transmission network simplifies the access of third parties.

2.3. In the European Union there is the aim to increase transparency of tariffs for gas transportation. Tariffs are established by member states which can establish a tariff itself or create methodology of tariff formation. There are many
regulations in Russia that establish principles and instructions relating to tariff formation, but there is no united methodology of rate making. The main problem is that state regulations of tariffs touch only cases where “Gazprom” transmit gas of independent producers, not of its affiliates therefore there is a possibility of unfair rate making.

**Task 5. Create a literature review on the topic “Legal regulation of advertising”**

**Task 6. Write a literature review to your research paper.**
*You may need the following words and expressions.*

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<thead>
<tr>
<th>to acknowledge</th>
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<td>to discuss</td>
<td>to relate</td>
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</tbody>
</table>

For more vocabulary see also Meniailo V.V., Tuliakova N.A., Chumilkin S.V. (2014). *Developing Academic Literacy: Build your Vocabulary.* (Units 29, 32, 33)

When writing a literature review pay special attention to the following:
- use Present Perfect for recent results and Past Simple for past discoveries;
- be analytical;
- avoid plagiarism.

See also Joan McCormack and John Slaght. (2012). *English for Academic Study: Extended Writing & Research Skills.* (Unit 2)

For more information about a literature review in a journal article see Wallwork A. (2011). *English for Writing Research Papers.* (Unit 14)

**Read your literature review and check whether you did the following:**
- justified the use of every quotation, author, reference;
- made references whenever you used any idea, data, piece of information that was not your own;
- presented a critical overview of the sources, not simply summarized them;
- presented the information in a logical order (a chronological one is an option);
- used correct tense (Present Simple for established facts, Present Perfect for past-to-present descriptions, Past Simple for the information or studies connected to a particular moment in the past);
- used register ranging from neutral to formal;
- used appropriate vocabulary and linking words to indicate relations between ideas;
- used more formal grammatical structures;
- used correct spelling and punctuation.
Unit 1.4 Methodology

Students’ criticism on the methodology
Student A grumbles: “Why should I have to write all that stuff?”
Student B suggests in an icy tone that the method of the research is one for everybody and there is no need to explain that.
Student C states that this section is nothing more than a matter of formal tradition
Student D asks what methods could be here at all.
Student E thinks that it is milk and water again.

The answer
If you have read our book up to this section, then you will probably predict the first point we are going to write. Well, let it be so. The methodology section is definitely crucial for your research paper.

The most important question that you have to answer in this part is “how”. In your everyday life, you usually do not have any problems of understanding how you have achieved or are going to achieve a particular aim. However, for other people it is not always evident. The same can be said about a reader of your paper. No matter what banal or well-known methods you use for the study, in an academic context a reader should understand how you have reached your aims. If you insist that everybody knows about your procedures, well, we will be more persistent. It is not always like this, let us be honest, it is almost never like this.

The methodology could be compared with a way you tell your friend how you have solved a complicated problem. Sometimes it is more important than the result because results may be easily predicted. Another example will come from the legal sphere this time. Imagine that you entered a room with a big bag of money. It would not be bad but your friend would ask you where you had got it. How had you got it? This is the most important point, much more important than the fact of possessing the money itself. You might have killed someone or might have robbed someone or you might have found it or might have earned it. The same story takes place in your research paper. You cannot just come and say: “Hello, here are my points!” It will not work. Your methodology should help your readers to understand methods of collecting and analyzing of your data, at the same time demonstrating that they were relevant for the study. For example, if you want to make conclusions about the way people treat capital punishment, you cannot have exit polls with just two people. The reader will make a conclusion that your study does not have enough academic weight.

If we consider the situation when the methods you use are traditional and well-known for everybody, still you have to provide explanations on how you apply them to your particular study. No matter how well-known they are, it is crucial to describe how you use the methods in order to prove that your results are worth trusting.
Task 1. Read the chapters from research papers. What methods were introduced by the authors? Do you have all the necessary information about the way research was done? Rephrase in your own words how the procedure was completed in each chapter. Create a plan of each chapter. Add additional information if necessary.

A. Futures Contracts: Legal Nature and the Features of Use on the Stock Market

Lawyers widely use the method of formal legal (or formal logical) analysis of the normative material. Formal-juridical method promotes the study of the "dogma" of law, the identification of formal logical relations, abstracting from other socio-economic phenomena (economic, ideological, and political). This method is of limited use, but important from the point of view of formation and functioning of law as an integral phenomenon, "recognizable" by the people and controlled by institutions of civil society. Formal-juridical method is a special method of processing and analyzing the content of the current legal system of law. The specific feature of this method is a distraction from some of the essential sides of the law related to the material and class-determined legal system. At the forefront there are allocated logical, linguistic and other abstract aspects, expressing structural regularities law.

Formal-juridical method involves the study of law in the "pure" form, without reference to other social phenomenal (politics, economics, ideology etc.). The study of the internal structure of the rule of law and law in general, the analysis of sources (forms) of law, a formal definition of law and its essential features, methods, systematization of legal material, the rules of legal technique – this is all specific display of formal-juridical method.

With reference to this topic it is worth mentioning that there is no definition of the futures contracts in the legislation. However, futures are a variety of derivatives. The concept of derivatives is provided in Article 2 of the Federal Law "On the Securities Market", according to which the derivative is an agreement providing for certain duties. Thus through application of formal-juridical method derivatives (and consequently, the futures contracts) has to be qualified as civil law agreements that determine their legal nature.

Considering that the futures is a civil contract, such contracts are supposed to be unnamed contract that fully complies with the provisions of the Civil Code. So, in § 2 of Art. 421 of the Civil Code it states that the parties may enter into an agreement as provided, and is not required by law and other legal acts. This position reflects a fundamental principle of civil law - the principle of freedom of contract. This means that regardless of the fact that the concept of the futures is not contained in the legal act, the parties respecting the rules of free will and volition,
may enter into such agreement.

This position is also confirmed by the jurisprudence, in particular, the decision of the Plenum of the Supreme Arbitration Court of the Russian Federation (14.03.2014) № 16 «On freedom of contract and its limits." The Supreme Arbitration Court of the Russian Federation noted that the court in assessing whether a contract unnamed, pays attention not to his name, but to the subject of the contract, the actual content of the rights and obligations of the parties, the distribution of risks, etc. In such cases, the courts should take into account that the rules on certain types of contracts don’t apply to unnamed contracts in the absence of signs of a mixed agreement (§ 3 of Art. 421 of the Civil Code). However, the rules on certain types of contracts can be applied to unnamed contract law by analogy in the case of similarity relations and the absence of direct its settlement be agreement between the parties (§ 1 of Art. 5 of the Civil Code).

Interpreting the position of the Supreme Arbitration Court, it should be pointed out that the futures contract will be qualified according to the relations between the parties in the event of a dispute. In this case, the rules of common contracts can be applied to the futures contracts by analogy, that is, the application of provisions of the law that regulates similar relationship to relations, which don’t regulated by the law.

Great importance is attached to application of formal-juridical method, which helps to understand not only the correctness of legal act’s use, but also the legal nature, origin, specific characteristics and the purpose of one or another legal phenomenon. It must be stressed that all above has great function in stability of civil turnover.

B. Tax havens: Legal Regulation in the Russian Federation and International Practices

The present chapter contains the formal juridical analysis of certain provisions of legal and law enforcement acts related to the topic of tax havens. The main method which is used in this part of the graduate work is formal-legal method. The above mentioned method is the unique way of analysis used especially in jurisprudence. This methodology includes different rules used in formal logic which are applied to analysis of legal acts and other sources of law. In the actual part of work two legal and two judicial acts are analyzed. One relevant legal and one relevant judicial act is taken from the jurisdiction of the Russian Federation and one relevant legal and one relevant judicial act is taken from international practice.

First of all, in the present work in accordance with the logic of continental law system, legal acts are analyzed. The most important effective legal act in Russia concerning tax havens is Federal Law №134-ФЗ dated 28.06.2013. This law modified Russian offshore legislation and reflected the general tendency in legal regulation of tax havens in the country. This legal act altered a huge variety of articles of a lot of federal laws in the Russian Federation. In particular, this law altered articles 51, 63, 89 of Civil code of the Russian Federation, article 26 of
Federal Law №17-Ф3 dated 3 of February 1996, article 26 of Federal Law №4015-1 dated 27 of November 1992, a lot of provisions in Criminal and Tax codes of the Russian Federation, other federal laws and legal acts. The meaning of the above mentioned alterations, in the opinion of prevailing amount of scientists in Russia, is extremely high because they significantly changed regulation of foreign investments and restricted capital movement from the country. What is more important, alteration of article 86 of Tax code destructed non-disclosure regime in relation to bank secrecy, as since this alteration came into force, tax organs became authorized at controlling of the capital movement of non-residential organizations, entrepreneurs and individuals which conduct business on the territory of the Russian Federation. There are controversial positions related to the changes in this article. Judge of Moscow arbitration court suggests that this measure has a positive effect and allows tax organs to prevent crimes connected with capital legitimating (Condrat, 2013, p. 64). Other opinion is provided by libertarian scientists who are convinced that breach of main tax haven principle of non-disclosure of bank secrecy definitely creates negative effect and makes economics of Russia weaker (Lermontov, 2013, p. 150).

Similar trend in anti-offshore policy could be seen also in international practices. Even such countries as Republic of Cyprus, Luxembourg, which provided maximum tax privileges to non-residents restricted this favorable treatment. Taking more concrete examples into consideration, it is necessary to mention the directive of European Union with requisites 2011/96/EU dated 30 of November 2011 which enforced the rules of taxation of parent companies and subsidiaries. Article 6 of the document forbids charging withholding tax on income which parent company received from its subsidiary located in a different state of European Union. This rule produced a lot of practical situations in European Union when companies used these schemes for the purpose of tax evasion. In 2014 the Council of European Union with European Commission enacted amendments to the above mentioned article. Following these amendments, legislative bodies oblige states of European Union to unify national treatment for the purpose of preventing tax evasion until 31 of December 2015. This means that general liberalization trend which was observed in the policy of European Union changes and nowadays new approach, due to which state organs have more powers related to tax control, prevails.

Further information provided in the actual chapter is devoted to the analysis of judicial acts in which legal rules connected with tax havens and international tax system are applied. Following the structure of the work, at first, the judicial act of the Russian Federation is taken into account. The author describes decision of Federal arbitration court of Volgo-Vyatksiy region dated 28.06.2011 made on case № A39-3331/2010. This case clearly reflects general approach of the Russian Federation to non-residential companies which conduct business on the territory of Russia. In accordance with the fable of the case, Russian legal entity, which acted as a party of international contract with non-residential company, transferred money funds (contractual payment) with the help of Russian bank. The Russian
bank applied a high commission rate at this transaction. The Russian legal entity lodged a complaint against the bank and claimed that applied rate was insufficient. The court did not satisfy the claim and justified the actions of Russian bank on the following grounds: the non-residential company was registered in the Republic of Cyprus which seemed undesirable to the court; the amount of charter capital of the Russian legal entity was much lower than the amount of transaction; above mentioned operation was of transitional nature and was made in purpose of transactions of money funds from residents to non-residents; the rules established in the agreement between the Russian bank and the Russian legal entity permitted the bank to vary tariffs in unilateral manner. This case demonstrates that in Russian law capital movement to tax havens is controlled by state. The juridical act also shows that state authorities consider capital movement to tax havens as a way of tax evasion and, as a consequence, harmful to national economics.

Another essential judicial act which deserves to be taken into account in the present work is taken from international practice. Author in the present abstract analyzes the decision of the Court of Justice of the European Union dated 15 of November 2011. The background of the case is that the United Kingdom of Great Britain and Northern Ireland notified the European Union Commission on the agenda that several changes in Gibraltar tax system are proposed. In particular, it was suggested that corporation tax should be replaced by business property occupation tax and payroll tax. The Court of Justice of the European Union denied the proposal of the United Kingdom and motivated its decision with the following arguments: the proposed tax regulation was materially selective because it allowed entities registered in tax havens avoid taxation. It was further explained that payroll tax and business property occupation tax could be applied only to companies which did have physical presence in the country. As companies registered in offshore zones do not have physical presence in the country where the proposed taxes are applied it is impossible to collect these types of taxes from them. The above mentioned decision emphasizes the importance of equalizing tax system to international practice. Privileges provided to certain groups of entities in the prejudice of the others are considered by authorities as ineffective and unjust. Legal regulation of taxation in international practice also establishes the aim of preventing tax evasion through tax havens nowadays.

Task 2. Analyze the way paragraphs are structured in the following samples. What grammar means are used to describe methodology? Correct the passages where necessary.

A. Liability for copyright infringement

For conducting a research on the topic being studied first of all is necessary to determine the method of research, because the further development of work depends on it. Jurisprudence traditionally does not leave its researchers another method other than formal legal method. This method is also called logical method, it allows to determine the legal concepts, identify their attributes, classify, interpret
the content of legal prescriptions. The history of this method goes far into the
century, even the Roman scholars who are considered classics of jurisprudence
used it to conduct their research in various areas of law. Some theorists include in
this method as well comparative legal analysis of legal documents. For example,
Professor Alekseev, in spite of what he thought was a legal method - a method that
can only study the already existing legal system claim that this method allows to
compare different legal sources, as well as court decisions and binding precedent.
It is also necessary to note that despite the fact that many authors emphasized the
limitations of formal legal method, there is no denying the fact that the existing
system of right can lead to conclusions about the structure of the new system or
changes in the current system. Based on the foregoing, in the process of research is
needed to analyze not only existing legal doctrine, but to compare different
enforcement practices on issue of liability for copyright infringement.
For profound research is necessary to isolate the existing concepts from the legal
doctrine and to identify points of contact all well as issues in which they contradict
each other. Precisely for this purpose and it seems necessary to use a logical
method, because it allows the most efficient work with the existing legal concepts,
which in its turn, were built on studies that had similar methods.

Moreover, quite an important place in the study of this issue takes the
comparison of legal decisions of the courts of various instances in which expressed
the essence of law. One of the fundamental court decisions in modern legal
doctrine deemed Plenum of the Supreme Court of the Russian Federation from
(Постановление Пленума Верховного Суда Российской Федерации № 15
(2006). It is necessary for the study of researched issue to analyze the court
decisions, which are an important source for the formation of the current system of
bringing to responsibility for copyright infringement. There Court established the
basic criterion of a violation of copyright and the limits of property liability. This
decision of the court is necessary for law enforcement practices, which, however,
sometimes diverges with the theory. This judgment establishes the principles of
law-making activities of the entire judicial system, which is part of the system to
prosecute for copyright infringement. This decision is particularly important for
them because of the installation status of various correlation of legal acts having
the same legal force. Furthermore, in this judgment establishes the basic rules of
the relationship between national and international law in the sphere of copyright.
Moreover, the Court broadly interpreted the rules of civil law, thus allowing the
existing law to solve problems without changing the legislation. In general, the
judgment reflects the interests of the authors of works, interprets the provisions of
the law on cases that can be considered copyright infringement.

B. Legal Regulation of the Adrogation of Russian Children by Foreign
Citizens and Stateless Persons: Problems and Prospects of Development

Formal juridical method involves the study of law unalloyed, out of
alignment with other social phenomena. This method involves the study of the
internal structure of the rule of law and law in general, the analysis of the sources
of law, the study of methods of systematization of law and the rules of legal
technicality. Formal juridical method allows to determine the legal concepts,
identifying their attributes, classifying and interpreting the content of the legal
regulations. The purpose of this method is the understanding and the explaining the
current legislation, in its systematic exposition and interpretation for the purposes
of law-making and law enforcement practice. Foremost, to demonstrate the skills
to use formal juridical method in the analysis of legal acts it is necessary to define
a list of documents that contain rules governing the process of adoption by foreign
citizens and stateless persons of Russian children. After examining the content of
the legal acts the following documents were allocated for the analysis. Firstly, it is
necessary to analyze the Family Code of the Russian Federation, which contains a
number of articles that define the legal status of international adoption. According
to the results of the literal interpretation of Chapter 19 we can do the following
conclusions. In the studied chapter establishes the procedure for the adoption of
children in our state. In addition, it also contains provisions regarding the transfer
of children for adoption to foreign citizens and stateless persons (Семейный
кодекс (1995) №223, art. 125). Thus, the law is determined by a special procedure
of registration and special training of foreign nationals who wish to adopt a child.
Also in this section contains rules that provide additional safeguards to maintain
domestic adoption.

Further, according to a study of Article 165 we can make the following
conclusions. This article addresses the question of international adoption. These
norms have the overall character. It contained the basic provisions concerning the
adoption by foreign citizens and stateless persons of Russian children. This article
is determined by the rule of law applied in each particular case of adoption
(Семейный кодекс (1995) №223, art. 165). In accordance with the Family Code
of the Russian Federation must apply laws of foreign countries, as well as the
legislation of the Russian Federation in a certain part. In addition, the legislator
makes reference to international law. It should be noted that the selection of
foreign nationals and stateless persons as adopters and the definition of their
special order of adoption is not discriminatory. From the meaning of Article 165, it
follows that the regulation is intended to prevent violations of the rights and
freedoms of children on the territory of the Russian Federation and abroad.

Secondly, the next important act to regulate the issue of adoption of Russian
Sanctions for Individuals Violating Fundamental Human Rights and Freedoms of
the Citizens of the Russian Federation». By analyzing the content of this legal
instrument Article 4 was highlighted for further study. As a result of a literal
interpretation of the article we can do the following conclusions. In the studied
norm contains a provision which prohibits the transfer of children who are citizens
of the Russian Federation for adoption by citizens of the United States of America
(Федеральный закон (2012) № 272, art. 4). The lack of features of discrimination
in this prohibition can be proved by means of a comparative legal analysis of
Russian legislation. By examining the provisions of the Constitution of the Russian
Federation we can do the following conclusions. It contains a provision according to which the State shall guarantee the equality of rights and freedoms of man and citizen regardless of any facial features (Конституция РФ (1993)). In addition, in the Russian Federation no laws shall be adopted cancelling or derogating human rights and freedoms. However, the restriction of the rights and freedoms of man and citizen is allowed by a federal law to a certain extent. As can be seen from the content of the Federal Law, this legal act was passed for the protection, inter alia, the rights and legitimate interests of others. An analysis of the provisions of the Federal Law under study, we can guess that this provision is intended to prevent violations of fundamental human rights and freedoms, rights and freedoms of citizens of the Russian Federation. Thus, by comparing these provisions it can be concluded that Article 4 of the Federal Law of the test is non-discriminatory, does not violate the rights and freedoms of man and citizen, and comply with the Constitution of the Russian Federation.

Task 3. Write a methodology chapter for a project on the topic “Principles of regulating law in the sphere of service in the Russian Federation”.

Task 4. Write a methodology to your research paper. Analyze the methods that you are going to use in your project. Define stages of your work. Check whether the data you use is relevant enough. You may need the following words and expressions.

<table>
<thead>
<tr>
<th>to allow</th>
<th>formal legal analysis</th>
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<tr>
<td>to analyse</td>
<td>methods</td>
</tr>
<tr>
<td>approach</td>
<td>to permit</td>
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<tr>
<td>case study</td>
<td>perspective</td>
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<tr>
<td>to compare</td>
<td>procedure</td>
</tr>
<tr>
<td>consequently</td>
<td>to research</td>
</tr>
<tr>
<td>corpus-based study</td>
<td>thereby</td>
</tr>
<tr>
<td>to enable</td>
<td>thus</td>
</tr>
<tr>
<td>evaluation</td>
<td></td>
</tr>
</tbody>
</table>

For more vocabulary see also Menialo V.V., Tuliakova N.A., Chumilkin S.V. (2014). Developing Academic Literacy: Build your Vocabulary. (Units 22, 37)

When writing a methodology section pay attention to the grammar you use:
- Past Simple is the best choice for description of your methods and research steps;
- use more passive in order to attract the reader’s attention to the actions you have completed.

For more information about an introduction in a journal article see Wallwork A. (2011). English for Writing Research Papers. (Unit 15)
Read your methodology and check whether you did the following:
- justified the use of particular methods and data;
- avoided explaining generally known methods (why the method received its name, what is the procedure of its application etc.);
- presented the information in a logical order (a chronological one is an option);
- used correct tense (Past Simple mainly or Present Simple for established facts);
- used register ranging from neutral to formal;
- used appropriate vocabulary and linking words to indicate relations between ideas;
- used more formal grammatical structures;
- used correct spelling and punctuation.
1.5 Results

Students’ criticism on the results

Student A shouts: “What results do you want me to describe? It is January only!”

Student B adds: “My whole paper is my result, it is complicated to find something else I can use for this section.”

Student C nods and mumbles: “You just don’t understand, everything is in details! Do you expect me to write all that again? It should be a huge list!”

Student D claims in a polite way: “Well, it is very formal, so, I will write something about my results, if they want me to write.”

Student E, who is a good guy actually, persuades his mates that they have to write only about positive results, any other should be out of consideration. So, if some of your results are negative you cannot have them in the paper.

Student F insists that it is milk and water, and all his work was described in the previous section.

The answer

Results is a thing we always bear in mind. We cannot agree with an opinion that results have not been achieved yet or have not been clear. They may be completely unknown in two cases only: if the paper is bad, or if the author is incompetent. So, if you still insist on the opinion, we will try to persuade you.

You always have results in your mind. It makes our life full of predictability. If you want to buy some bread, you know the result, although there are several steps you have to complete before you reach your final point. But you see your purpose – bread in your head. If you want to have a good wedding party, you see one in your mind, and it is a result as well. Later, after having a lot of preparation you may have some changes to your initial conception, and that is fine as virtually everything changes in the course of time. There definitely will be something that has not come true. Well, that happens quite often too. Let us go further: before the wedding you thought your partner was great, and after the wedding you may come to the opposite conclusion.

This series of examples displays a very simple idea. Without the results your paper definitely cannot exist. Furthermore, there is nothing terrible in the situation when your initial expectations about the topic are modified in the process of your research. We will briefly comment on these two statements. First, the results section shows how you have changed the situation in your sphere. To understand this, at any point of your work ask yourself questions: “what for” and “what are the changes my study brings to the research field”. Ask these two questions several times in a row, finally, you must come to identifying your results. Also, do not forget that the results section is the essence of your paper. The reader wants to know what you have achieved, no matter whether these achievements are negative or positive. If your achievements are positive, then, good for you, if they are negative, still, that is not worse than the previous situation, as, in general, the idea
of any research is to prove the validity of a hypothesis. If at the current stage of your research you are still not sure about your results, then, write down what you are expecting to have in the future. You have read a number of sources, you have chosen a certain methodology, so, you have got the right to make suggestions about your expected results, both positive and negative.

It is time now to prove our standpoint that there is no scientific paper without results, they are always in, they are built in, automatically, initially. There is a simple way to make up your mind when it comes to the results, even, if you suppose that you have not yet achieved anything worth reporting in this section. As a rule, your results are answers to the tasks you set in the introduction. So, from this perspective your paper has a clear structure: the section of the introduction dictates the section of the results. Thus, if you say that it is difficult to identify results, then, check this connection with your tasks. If you do not have one, it is strange that you have written an academic paper.

Again and again we hear the voice saying: “I have so many details, and it will be awkward to present all of them in this section”. Well, you might be right, but you should remember that it is always possible to draw a general conclusion from the list of specific details. Try to see them in a more united way. For instance, if you have found many mistakes in somebody’s essay, you may analyze each of them in a separate way, not seeing any connection between syntax mistakes or spelling mistakes. Instead, you can make a generalization that if a person has so many mistakes of different types, he or she might be of low competence and, probably, it is too early for them to write essays. Usually, if you have many details, which are not connected with each other, you need to check again your aim and your tasks. You may have made a mistake in their defining or, probably, have forgotten about some of them.

To sum it up, we all read to get results. All plots in the world have ends. Remember, you prefer stories in which a plot has a logical end. If it is not like this, you feel uncertain! Good for prose sometimes, always bad for an academic paper!

**Results are Tasks!**

********************************************************************************************************************************************************************************************************

**NB!** 1. Mind that *Results* may be final, preliminary or expected – depending on the stage of your research, its focus or purpose of your research / a particular paper within the research.
2. In many journals a Results section is often combined with the Discussion (“Results and Discussion”).

**Task 1. Read the following Results and decide which of them comes from 1) a journal article, 2) a student final research project. What is the difference between them?**
A. The review of the works of legal scholars on the definition of fault allowed to outline two main concepts of the definition of ‘fault’: the mental and the behavioral.

1. By the analysis of the mental concept, it was found that the essence of this idea is that the question of fault should be answered by inquiring of mental attitude of a person towards its acts and understanding of unlawfulness and antisocial character of them and their harmful consequences. Most scholars who supported this concept lived in times of the Soviet Union, what predetermined their views. The studies on the mental concept were based on the idea of conscious socialist citizens, whose consciousness did not know even the possibility to infringe law or act in dishonest antisocial way. So, if a person did not perform a duty, it was presumed to be a strange thing, as conscious of a member of the socialist society could not permit to do so. As a result, a court was required to ascertain whether this individual had will to infringe law or contract and whether he understood actions and their harmful consequences, in brief, a court had to ascertain thoughts of the defendant and his mental attitude to his actions. This concept was presented as the most fair. However, as it was demonstrated, with dissolution of the Soviet Union, the conditions of existing of this concept in contractual obligations disappeared, what has resulted in developing the behavioral concept.

2. According to the modern doctrine, the behavioral concept regards fault as failing to make certain actions. These actions can be characterized as a required duty of care by which an obligation to behave with reasonable care and prudence is meant. The duty of care determines an objective standard, which is common to all individuals and does take into consideration a kind of the obligation and conditions of civil circulation. This concept corresponds to legal clauses of contractual liability and the practice of their enforcement. Due to the fact that there is no definition of fault in law, it is observed in the doctrine that the definition may be derived from the conditions of founding a person to be not at fault. However, as absence of the direct definition entails theoretical disputes over understanding the term, the question over necessity and utility of the legal definition of fault may be raised in current situation of the ongoing reform of civil regulation.

3. As it was discussed, federal statutes do not directly explain the notion of fault. It might be derived from conditions of finding a person to be not at fault. Moreover, conditions of liability that are specified in different provisions of laws can be regarded as features of fault, as it was shown on the example of article 993 of the Civil Code. Upon the basis of the analysis of legal acts, it can be concluded that the unwritten legal notion of fault does not have any elements of mental attitude of a breaker to its wrong behavior. As a result, courts do not ascertain thoughts of an infringer, but do value its actions in comparison with
the required duty of care in certain circumstances. As it was illustrated, courts even provide with the examples of the duty of care that a defendant was required to fulfil. So, there is some reliable and convincing evidence to suggest that the behavioral concept is appropriate in modern legislation and its application.

*Adapted from: Fault in Russian Contract Law.*

**B.** Taken together, these four studies have two overarching results. First, subjects believe that it is less immoral to behave selfishly toward an assignee than toward a promisee; second, they in fact behave more selfishly when paired with an assignee. Players in Studies 1 and 3 reported that they had more positive feelings for the Sender than for the Assignee, felt less indebted to the Assignee than to the Sender, and felt that it was less immoral to return nothing to the Assignee than to return nothing to the Sender. Subjects in Study 4 reported that breach was less immoral in the assigned condition.

Overall, study participants’ financial decisions reflected their moral judgments. In all three games, Receivers who participated in both two-party and assigned contract conditions returned significantly less overall to the Assignee than to the original Sender. Studies 1 and 2 also showed between-subjects effects of the assignment manipulation, meaning that even when subjects were not primed to think comparatively about the Receiver and the Assignee, they still responded as predicted. Finally, the results from Study 4 show preliminary evidence that the intuition demonstrated in the experimental games is robust in the contracts context.

These results fit squarely into the growing body of research on the connection between moral and legal decision making. In each of the four studies, within-subjects differences were significant. That is, participants who thought about the difference between two-party and assigned contracts determined that the moral obligation of the assigned contract was less compelling (or, perhaps, that the moral satisfaction of altruism was diminished with respect to the assignee); in turn, they were less likely to perform in the face of economic incentives to default. In at least some cases, this formulation appears to be at the level of conscious thought. In addition to the explicit view that selling a contract weakens its moral force, these results also indicate that assigning a contract may have some implicit, nonconscious framing effects, as evidenced by the between-subjects results in Studies 1, 2, and 4.

What these results cannot do is identify how these two effects (the conscious belief and the implicit prime) relate to each other in a given context, which would require a better understanding of the psychological mechanism at play. There are at least three distinct explanations for a subject’s preference for promisees over assignees. The first is a basic reciprocity effect, in which the promise is irrelevant, and the only question is whether or not one’s counterparty has done something worthy of reciprocal generosity. In this view, we might see less performance on an assigned contract because the promisor has no feelings of goodwill or gratitude toward the assignee. This explanation is in line with the first two studies, which
show the basic difference between returns to promisees versus assignees in a study with no explicit promising element.

A second possible explanation is that promising itself is party specific. It may not matter what the promisee has done to deserve the performance, it only matters that the promisor has made the commitment. This explanation would suggest that the promise itself is narrow, that it includes both the direct and indirect object: I promise to do something for someone. Once a particular promisee is out of the picture, nonperformance is not immoral.

Third, the reason that people feel differently about assigned contracts may be that the assignment is a signal that the transaction is purely economic, impersonal, and that the informal norms of reciprocity and promise are irrelevant. Once one party signals that trust is irrelevant, breaching the contract is not a breach of trust. This effect may operate at the level of conscious belief or as an implicit prime. In Study 4, even subjects who reported that the promisee and assignee ought to be treated the same often treated them differently, favoring promisees.

In all likelihood, the assigned contract effect is overdetermined, with each of these explanations playing a causal role. In fact, typical assignments also involve other factors that are likely to push in the same direction. For example, in these studies, there are no salient differences between assignors and assignees, but in the real world, it is usually small firms assigning rights to larger ones. Insofar as people may feel more sympathetic toward a smaller, more personal counterparty, this would compound the assignment effect. Future research should focus on how the norms of reciprocity and promise relate to each other, and how we can tease apart their effects on decision making.

Finally, these studies have several methodological limitations, which I iterate here in order to suggest an appropriate level of caution in interpreting the results, and to note some unanswered questions that could be fruitfully addressed in future research. The first limitation of these studies is that they are uniformly low stakes. Subjects have no material incentive to respond truthfully to a hypothetical case, and the prospect of $5–$7 in the laboratory game may be trivial. Generalizability may be further limited by some fundamental differences between the setup of the laboratory game and the typical features of a contract. Most important, Studies 1 through 3 followed experimental economics norms and did not use any words related to contracting, including “promise,” “contract,” or even “assignment.”

Results from Study 4, which gave a richer context to the decision, show the same predicted result, but have other limitations in terms of extrapolating from a briefly described, no-stakes hypothetical to a real contracts context. Further, interpreting the results of Study 4 is difficult insofar as we cannot be sure how subjects interpreted the assignment. Some subjects may have understood that a long-term assignment and delegation arrangement was made, whereas others may have simply understood (as intended) that the delivery should be made to a new person.
The goal of this project was to test the basic assignment effect. Taken together, the studies offer some evidence that the effect exists, with important caveats about generalizing too broadly. Below, I suggest that the next step for this kind of research is to turn to the real world, using existing data and field studies to ask how assignment matters for contract performance in particular industries. 

Adapted from: Transferring Trust: Reciprocity Norms and Assignment of Contract.

Task 2. Read Results again and try to define a research question and tasks set by each author.

Task 3. Analyse the following tasks outline from introductions and results report from research findings sections. Do they correspond to each other? Do the authors use the same language to refer to the same research concepts, questions, steps etc. in these two parts of the paper?

A. Child Custody and Visitation by a Separately Living Parent: Theoretical and Practical Issues

<table>
<thead>
<tr>
<th>Tasks</th>
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<td>There is already litany of works written in national doctrine, yet it deals with general review of a separately living parent in constitutional context and potential diminishment as a guarantee for a child to be fostered in proper, ameliorated conditions, hereby separately living parent institution banishment from the national doctrine is considered as a gap to be smoothed out. Thus, actual equality is important, and the existing rule, according to which mothers almost always, regardless of the circumstances, receive some preferences in cases of determining the place of child custody does not seem to be correct and should be changed, which the current trends in principle and in practice of Saint-Petersburg in fact confirm. To achieve this: 1) the author aims at determination of the notion, content and the essence of parental rights; 2) the author states the problem of legal state of a separately living parent definition and practical aspects of de facto status transformation towards separately living parent; 3) the author brings to light actual presidential case on a basis of which he will outline general tendency in custody and visitation issues.</td>
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<th>Results</th>
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<td>The author of the current paper managed to derive several theoretical conclusions relevant to some practical sides of the family law based disputes and family relationships as well as showing a different, (never suggested before), direction of the settlement of disputes on the determination of child custody. Hereby, throughout the research the following has been achieved.</td>
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1) Determination of the notion, content and the essence of parental rights.
The author tackled some problems in determining legal nature of the "starting point" of the object of the study, as a commonly shared, established single point of view does not exist. The author of this work has not ignored the urgency of the matter in relation to the practical component of the entity of parent relationships because of belonging to a particular institution, as it was shown, affects both the way of protection and the accountability mechanism. Despite the conclusion has been drawn on the complexity of the parental relations and specifics of their essence, which in author’s opinion the norm for the model "right-duty" does not belong, it has not been yet investigated the significant problem of legal liability of the family. Since parental relationships are a part of family relationships, their essence is represented by the specific status of the subjects, legal relations and model rules, the author sees it reasonable to expand the list of separate legal liabilities of the family and provide the further development of this institution. It appears to be methodologically wrong to ensure the family norms in the form of legal liability of the family by the liability from other branches of law, except the cases where there is a particular socially dangerous act so Criminal Code of the Russian Federation can be used. The author shows that the model of subjective parental rights, aimed at obtaining such intangible benefits as happiness from communication with children, attachment to child and the feeling response formation is not consistent. The latter proves the need for a practical implementation and development of a qualitatively different concept of family responsibility.

2) The problem of legal state of a separately living parent definition and practical aspects of de facto status transformation towards a separately living parent.

Literal and systematic interpretation of the Rules of Family Code of the Russian Federation led the author of this work to the conclusion that the status of a non-custodial parent does not undergo any legal upheavals despite the existing difficulties of participating in raising a child. In practice, this should mean that a non-custodial parent is a fully legitimate representative of child and may have the civil procedural status of child’s representative in a legal action against the other parent. The author believes that the Rules of Family Code of the Russian Federation and Civil Procedure Code of the Russian Federation should be supplemented by a separate norm confirming the substantive and legal status of the non-custodial parent. Hereby, the author brings to light personal proposition on apropos of the iteration to be implemented in Article 66 Family Code of the Russian Federation.
1. re-name Article 66 Family Code of the Russian Federation, entitling it: "Implementation of parental rights and duties of parents living apart from the child»;
2. add to Article 66 Family Code of the Russian Federation a new paragraph specifying it as the first in order. It would say: "parents living apart from the
child retain the full amount of their parental rights and responsibilities."
Since parents are legally equal and the acting Family Code of the Russian Federation recognizes the child (who used to be regarded as a semi-subject and a semi-object) as a fully legal part of the legal reality (Тарусина, 2015), so it is necessary to proceed from the interests of the child when determining custody and it is the interest of child that must be a foundation of a court decision. The above leads to the conclusion that when the courts act in the best interest of child, the problem of the noncustodial parent should neither occur in case of determining the custody of the child nor in case of literal treatment of Family Code of the Russian Federation. Consequently, the author believes, the main legislative difficulty in implementing the principle of equality is the lack of clear boundaries of permissible behavior of parents when exercising their rights due to the omissionship in Family Code of the Russian Federation and Civil Procedure Code of the Russian Federation. In addition, the virtual absence of the concepts and established terminology describing the abuse of parental rights with respect to the other parent within the frame of parent relationship creates a certain legal vacuum in which the misconduct cannot be clearly exposed to the competent authorities. The lack of conceptual apparatus concerning the abuse in relation to the separate raising of child may affect the best interests of child as well as his rights towards both of his parents, as child may be deprived of his right to communicate with one of them. The author believes that this legislative gap correlates with the problem of non-custodial parent and his status, and should also be settled by statute.

3) Bring to light actual presidential cases on a basis of which general tendency in custody and visitation issues was outlined.

In the Russian Federation, judicial practice in family disputes on the custody of the minors and the child raising issues tends to be in favor of mothers (Малькевич, 2014), which fact the present study confirms. Unfortunately, the courts sometimes come from the interests of child merely in an indirect way, to a greater extent, than it should be according to the norms of Civil Procedure Code of the Russian Federation, being guided by their inner conviction. Some scholars in their works tend to latently express their preference of mothers; exampli gratia according to Averbakh, "Young children should have custody with his mother, unless there are exceptional circumstances (exampli gratia, drug use, alcoholism, the persistent lack of proper care of children), whose indicative list must be defined by law in Article 65 Family Code of the Russian Federation. It is unacceptable to indicate judicially that the child needs father's love and affection to justify his child custody with father, which is contrary to Article 54 Family Code of the Russian Federation, according to which the child has the right to be raised by both parents." (Averbakh, 2013, p. 24). However, neither legists nor judicial practitioners feel confused by the contradicting statements with respect to the status of mother and her privileged position as person who can provide the
necessary degree of child care (Определение Московского городского суда от 15 июля 2011 г. по делу № 3/г/5-5629/11). As the author found out in Article 1 and Article 2, that sort of selective approach appears to be wrong; moreover, the reasoning in such cases that Justice of Peace apply as a rule conflicts with the Constitution and does not serve the best interests of child. In this study were analyzed two judicial acts. They have entered into force and having a case-position with respect to the problem of non-custodial parent and legal equality of parents, because the courts acted in the interests of child. They analyzed mother's behavior with respect to her minor child and based the ruling on their inner conviction and on the basis of Family Code of the Russian Federation and Civil Procedure Code of the Russian Federation norms, rather than on such unreasonable doctrine developed by some jurists, including Averbakh. The precedential character of such cases is shown in the absence of redistribution of the burden of proof between parties, which really takes place in such disputes and which contradicts the legislation of the Russian Federation, namely, Clause 1, Article 56 Civil Procedure Code of the Russian Federation. In the reasoning of the courts focused on the lack of evidence on the part of the mother, that is, on the implementation of mediocre rights under para. 1, Article 56 Code of Civil Procedure of the Russian Federation. This approach characterized by the formal optionality and its contestability is fully consistent with the existing legislation and is seen as the only proper one. The author believes that such solutions will mark a positive trend in law enforcement, as they facilitate the appropriate balancing between the interests of parents and the priority of the interests of the child.

B. Penalty in Arbitration Courts Practice

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<td>There was no attention paid to the problem that notwithstanding the fact of existence of that supreme ruling there was still fragmentation of court practice. Consequently, the article dedicated to reducing penalty in the Civil Code required serious improvement because the proposed revision allows different interpretation that could trigger the fragmentation of the judicial practice and become an excuse for abuse by unscrupulous contractors, therefore the discretion of judges should be stricted. Thus, the aim of the present research is study and analysis of the institution of penalties, in particular reducing disproportionate penalty. The tasks derived from the purpose are the following:</td>
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<td>- to examine the legal nature of penalty institute;</td>
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<td>- to study the correlation of application of Article 333 of the Civil Code and optionality and freedom of contract;</td>
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<td>- to analyze the criteria and mechanisms for reducing penalty under Art. 333 of the Civil Code;</td>
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<tr>
<td>- to review and analyze Arbitration court practice.</td>
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Application of the institute of penalty is quite common in civil law relations, because penalty is one of the most attractive and easily applicable methods of enforcement of contractual obligations. Considering a widespread use of penalties as enforcement, there appears a risk of abuse regarding establishment of size of penalties. Unscrupulous contractors place debtors in uncomfortable position by setting excessive penalties for improper performance or non-performance of obligations. Legislator in this respect stands on the side of debtors setting a norm in Art. 333 of the Civil Code. Notwithstanding, the norm allows to reduce penalty which is apparently disproportionate to the consequences of violation of obligation and at the same time introduces ambiguity and uncertainty in its application. This position of uncertainty gives to the courts wide discretion in the application of the norm. Braginsky and Vitryansky also emphasized the negative tendency to consider a reduction of penalty in case of its disproportionality to the impact of the losses as a duty of the court. A possible reason for this trend appears as a low level of agreements concluded participants of property turnover. Most agreements set excessively high sizes of penalties that may exceed any reasonable limits. Thus, there raised a problem of lack of upper limit of the size of penalty, in contrast to the situation in foreign countries where the contract should provide both limits of penalty (Braginsky & Vitryansky, p.671). However, the judgment of the Presidium of the Russian Federation was aimed to reduce the discretion of the courts regarding the application of Art. 333 of the Civil Code. The court cannot reduce penalty on its own initiative considering similar cases. This rule has also been implemented to protect the interests of the parties, in particular the optionality and freedom of contract.

The Supreme Arbitration court of the Russian Federation stated what exactly courts have to consider in cases of demanding and reducing of penalty, which factors cannot be considered as reasons for decreasing penalty, whether it is appropriate to reduce penalty on initiative of courts and other significant issues.

According to the ruling of the Supreme Arbitration court, which was analyzed earlier, there are both positive and negative comments. This ruling set the lower limit of penalty that is undoubtfully a positive thing. However, in certain extraordinary cases courts can reduce a size of penalty lower than a minimum. The ruling also explained to the inferior courts the issue of apparent disparity of penalty compared to the consequences of breach. There was indicated that the conclusion that a difficult financial situation, the failure of counterparties, a debt owed to other creditors confirms disparity of penalty to consequences of the breach of obligations is erroneous and these circumstances cannot be considered as reasons for reducing penalty under Art. 333 of the Civil Code. An unacceptability of reduction of penalty by a court is definitely a positive development, because the court does not have to respond and act for the debtor, otherwise, there is a mixture of procedural status, the violation of the
adversarial principle in the trial as well as violation of the will and legal interests of the parties. In addition, the reduction of size of penalty by a court is contrary to the principle of optionality in the implementation of the subjects of civil rights, as well as the principle of freedom of contract. It is established that the debtor must prove an apparent disparity of penalty to the consequences of a breach of an obligation, that is the burden of proof rests on the debtor, and the creditor, in turn, has the right to contest the application of the defendant-debtor. That ruling is not only law enforcement but also law interpreting because previous arbitration practice otherwise permitted similar cases, and the Supreme Arbitration court Of Russian Federation formed a position for courts to form further practice which is not divergent in interpretations of norm. The Supreme Arbitration court interpreted Art. 333 of the Civil Code broadly, it can be concluded under the provisions of the Art. 333 of the Civil Code: “If penalty is apparently disproportionate in comparison with the effects of the breach, the court can reduce penalty.” The article does not specify that the defendant must declare by himself or herself to reduce the size of penalty, this provision is derived by the court.

Nevertheless, it should be noted that the court practice in similar cases was and is different, because not all the courts follow that ruling, therefore it causes different decisions and, consequently, the same situations can be considered in two courts absolutely differently and that will generate different rights and obligations. This fact proves inadequate and ineffective implementation of legislation, but probably the way of solving these problems is to widen the norm about reducing penalties not in court rulings. It would be more appropriate to clarify the norm in the Civil Code – to widen this Art. 333 with additional explaining amendments or to create a new norm instead of former one. Also it can be given an imperative nature to the rule about reducing penalties in order to prevent conjecturing of rule, opportunity to change its meaning.

Task 4. Rewrite and expand where necessary the following Results to improve them. Pay attention to the structural elements, style, legal and academic vocabulary.

A. In the era of the democratic state, proclaiming the principles of equality, free access to justice, the adversarial process of proving is fully shown with all the necessary features that are inherent only to him, filled with a wealth of legal means and methods for the most quick and proper consideration and resolution of the disputed relationship. Evidentiary activity reflects the essence of conditions of social life existing in a particular historical juncture and therefore is logically necessary. According to the research question - the problems of evidence in civil proceedings and defining of significance of the institution of evidence in civil litigation - and on the basis of the analysis of literature and methodology presented above, the proposed research sees its target in reaching the following results.
First of all, the author will present a detailed and structured analysis of modern Russian civil procedural legislation and judicial practice that presumably will help to identify the most urgent problems of evidence in Russian civil proceedings. This will be accomplished by study of the legal normative acts regulating this area, study and comparison of judicial decisions at different levels of judicial system of the Russian Federation. This will contribute to a fuller and deeper understanding of the position and the legal policy of the legislator and the legal position of the courts on this issue as the main enforcers. Currently, procedural and legal mechanism, which was recognized as an element of a common mechanism of legal regulation, with a separate subsystem of legal means, in terms of the ratio of proof and some guiding principles is quite unbalanced. Principles of civil procedural law and, in particular, the principles of competition and disposition, should be tightly linked to the procedure of proof, prejudicing goals, means and results of this activity. In the Civil Procedural Code of The Russian Federation the determination of these legal phenomena cannot be satisfactorily traced due to the lack of harmonization of legislation, which was repeatedly proclaimed as a priority for judicial and legal policy.

Secondly, will be performed a direct study of theoretical and practical problems of evidence and the process of proving in civil proceedings found in order to propose the most wise and scientifically justified way of solving them. The provisions of Code devoted to evidence and the process of proving are often imperfect. The legislator included into Article 67 «Evaluation of evidence» the requirements for studying of written evidences, mixing the research of evidence and its evaluation. In assessing the documents and other written evidence, the court should take into account the other evidences to make sure that such document or other written evidence comes from the body authorized to represent this kind of evidence, signed by the person entitled to attach a document signed, contain all the other inalienable details of this type of evidence. In assessing the copy of the document or other written evidence the court checks whether there has been a change of content of a copy compared to its original when copying by any technical device, whether the copying process ensures the identity of a copy of the document and its original and the way a copy of the document was stored. The Court cannot take for granted the fact that is confirmed only with a copy of a document or another written evidence. If the original document is lost and not transferred to the court and the copies of this document presented by each of the disputing parties are not identical to each other and it is impossible to establish the authenticity of the original content with the help of other evidences.

Finally, the author will propose the way to develop the existing legislative norms concerning judicial evidence by studying the doctrine, the science of civil procedural law, by comparing the opinions of modern scientists and preparation of the ideal model of civil litigation in the Russian Federation. It is possible that in the closest future will appear a versatile and optimal model of evidentiary process, which will act as a reliable guarantee of protection of the rights, freedoms and legally protected interests of each person and citizen.
We must keep in mind that the law of evidence is an autonomous system and legal formation having mixed, both material and procedural nature. This provision is based on the functions of the rules of evidence, which often have a double effect: firstly, and, above all, affecting the very essence of the legal material, its form and content; secondly, only in case of a dispute, determining the specificity of evidentiary activity on specific categories of cases. It is necessary to determine the substantive or procedural nature of the rules of evidence, taking into account their legal action on the relationship caused by the effects rather than the place in the system of positive law and legislation. The process of proof, as well as the civil procedural law in Russia, is very dynamic. Evidence of this statement is tracking of the formation and evolution of the evidentiary process under the influence of various factors throughout the history of Russia. In this way, as a result of this work, the author intend to present a fundamental study of modern civil procedural legislation in the field of evidence and the process of proving, the analysis of educational and scientific literature, the periodicals in order to identify the most significant problems of the process of proving in modern civil litigation, analysis of the problems found, finding reasonable solution of the problems detected and the proposition of scientifically reasoned ways of modernization and perfection of modern civil procedural law of the Russian Federation in the field of evidence and the process of proving.

B. Expected or Preliminary Findings

As noted in the work, the evaluation of evidence is regulated by the Code of Civil Procedure of the Russian Federation. Some rules connecting with the assessment of evidence are criticized by specialists. The blurred boundaries of the subject of evaluation of evidence, illogical structure and failures in the content show that it is necessary to correct these rules and may be to add some new articles. During the analysis of theoretical and practical material in this field of the research some conclusions are formed. These summaries are results of the tasks, which were formed at the introduction of the research.

1. to disclose the concept, approaches and essence of the phenomenon of evaluation of evidence by the court

That task was studied in the part of literature and legal regulation review of the research. During the analysis of theoretical material, the points of view of such scientists as S. Mikhailov, V. Puchinsky, M. Fokina, M. Reznichenko, and V. Matyushin were examined. Most of these scientists conclude that the articles of the Code of Civil Procedure of the Russian Federation has a several spaces and collisions.

2. to describe the stages of evaluation of evidence, to determine the rules of evaluation at the appropriate stage

Secondly, will be performed a direct study of the stages of assessment of evidence. The author will analyze all the stages and define the main rules, which are
appropriate to different stages. As the result the structure of assessment process will be more clear.

3. to consider the criteria for evaluation of the evidence from the point of view of the theory and practice

In the part of Preliminary Literature and Legal Regulation Review it were considered the main criterias of the evaluation of evidence. During the analysis of theoretical material in this field of the research the points of view of such scientists as S. Mikhailov, V. Puchinsky, M. Fokina, M. Reznichenko, V. Matyushin were examined. The author comes to the conclusion that there are several criteria of the assessment of evidence such as relevance, admissibility, reliability, sufficiency and interconnection. It should be noted also that the inner conviction of the court is the central aspect of the assessment of evidence.

4. to analyze the judicial practice and to draw conclusions in accordance with the theoretical basis of the concept of evaluation of evidence

This study showed that the relevance of the topic of the diploma is higher than it was expected. First of all, despite the fact that there are many theoretical studies and critical articles, the legislator does not seek to eliminate whitespace in the rules on the regulation of evaluation of evidence. The only source of regulatory control is the Code of Civil Procedure of the Russian Federation. The author will analyze the judicial practice connecting with the assessment of evidence. The main result of the work will be a recommendation system based on overall findings, which will focus on improving the rules of law devoting to the evaluation of the evidence.

It should be noted that some of results may change further within studies. The final findings of the study will be obtained after completion of all phases of the study.

Task 5. Write a Results section to the topic “Advertising Legislation Infringements”.

Task 6. Write your own Results section. You may need the following words and expressions.

<table>
<thead>
<tr>
<th>Firstly… secondly… finally…</th>
<th>it was found/established/proved that…</th>
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</thead>
<tbody>
<tr>
<td>Overall</td>
<td>something was found/established/proved/identified</td>
</tr>
<tr>
<td>The three key results…</td>
<td>to note/demonstrate/disclose</td>
</tr>
</tbody>
</table>

For more vocabulary see also Meniailo V.V., Tuliakova N.A., Chumilkin S.V. (2014). Developing Academic Literacy: Build your Vocabulary. (Unit 30)

For more information about Results in a journal article see Wallwork A. (2011). English for Writing Research Papers. (Unit 16)
Read your results and check whether you did the following:
- reported the results according to all tasks set in the introduction;
- avoided making conclusions;
- used correct tense (Past Simple for your findings and Present Simple for established facts);
- used register ranging from neutral to formal;
- used appropriate vocabulary and linking words to indicate relations between ideas;
- used more formal grammatical structures;
- used correct spelling and punctuation.
Unit 1.6 Conclusion

Students’ criticism on the conclusion

Student A speaks in a loud way that this section is the easiest to write.
Student B persuades in a very low tone that this section is the last and nobody will read the paper up to this moment.
Student C adds that in this section you need to write something about the background of the topic again.
Student D claims that in this section you are not allowed to add anything new to your survey.

The answer

Some scholars consider that this section is very tricky to write. The reason for that is very predictable. A conclusion will depend on the genre and structure of your paper. That is why you may find quite different variants of conclusions in different papers. This situation is typical. Many writers feel unsure and unconfident of what should be written in this section. Still we will try to outline what is more relevant for your project.

Do not write in this section something in order just to fill the space, do not be on the surface, answer the questions which might be vital at the very end: what is the outcome of your research, what is needed from the world to support or continue it.

Well, keep in mind that in the introduction you were trying to identify and present the aim of your research. The section of the conclusion is probably the best place to present the information whether you have reached your aim or not. In the previous section you have spoken about your tasks, in this section you should speak about the main aim of your research. Conclude how you have succeeded with achieving the aim but do that in general. It is like an answer “yes” or “no”. Start with the idea why the subject of the study is significant for your branch of study and continue with revealing whether your hypothesis is right or wrong.

However, the conclusion does not mean that your research is over. Usually any study is devoted to a certain aspect of the topic and your research can be continued by other scholars. It might be a good idea to suggest several directions of further investigations into your topic. From this perspective, it will be relevant to state the limitations you have in your study. Some of the limitations will prove once more that your study is relevant and they will show that other angles of the research are possible. If you understand what are these angles, write short about them.

Aim in the Conclusions!

*****************************************************************
A. In this work it has been attempted to analyze the vital problems of judicial status endemic to separately living parent and problematical aspects of custody under the clauses of the Russian Federation’s relevant legislation. The result has been brought to light by means of two key aspects scrutinized: research of the notion, content and the essence of parental rights, followed by the research on the issue of practical aspects of de jure and de facto parental status, hereby its transformation. Those two methodological aspects were accompanied with presidential cases in the scope of custody, highlighting essentiality of child’s interests to be met, significance of balance of parent’s rights and established novelty in custody cases as the Courts treated parties factually impartially acting in a child’s prioritized interest.

The author deems that the novelty has been presented on the example of those two presidential cases and the decisions handed down. They fall within Constitutional and Family Code clauses and reflect author’s point of view on the matter of the essence inherent to parental rights and parents actual equality in rights and obligations fulfillment. Hence, the author suggests the current trends in practice of Saint-Petersburg in fact confirm theoretical basements regarding to the cases in determination child custody. However, there is solid layer of aspects had been left outside the brackets, yet they still require additional research to be conducted. The author suggests the concept of legal responsibility and legal protective mechanism for “child-parent” relations regulation in the context of separate living of parents to be underdeveloped. Hence, it is required to fill the legislative gap in Family Code of the Russian Federation and bring certain iterations on apropos of family liability and interconnected civil and administrative one. Henceforward, the author aims at more precise research of the Gromozdina’s scientific projects and accomplish propositions of further alterations in Article 66 and Article 68 of Family Code of the Russian Federation.

The key aspect to mention, the author wanted to scrutinize in the current work is child’s abduction issues through the lens of international law. However, it would be made in further works. It is essential, the latest sway of the past decade, in a scope of child custody and visitation by a separately living parent, has found totally different features in a shape of child abduction by his own parent in aspiration towards sole foster process. The aspect exists within the Articles of Hague Convention on the Civil Aspects of International Child Abduction (1980), that has been ratified by the Russian Federation, stating facilitation aspects for a victim-parent to initiate investigation process and determine the child’s locus for the subsequent transportation to the motherland. At the first glance, convention’s ratification would guarantee impeccable law enforcement, still such scholars as Trigubovich, Sukharenko, Kravchuk, Khazova et cetera find problematical aspects in law enforcement derived from linguistic, administratively-organizational and Family Code’s mismatches. It is considered by the aforementioned group of
authors, those gaps might lead to detrimental consequences, making ratified norms declaratory.

Notwithstanding, these findings could be exploited in family law sphere as a guideline for the further legislative revision or a practical guide for family law paralegals in custody cases as this paper presented several leeways for a legal position to be justified. Nay, the author implies those arguments to be not a circumvent of law, contrariwise literal interpretation of judicial clauses to be used in relatively similar custody cases.

B. Contractual relationships are extremely widespread, and breaches of contracts also exist. Fault is an important element of contractual liability, as, under article 401 point 1 of the Civil Code, fault-based liability is stated. Furthermore, fault and its forms are fixed in different law provisions. Some articles specify actions which are included in the standard of behavior in accordance with a kind of the obligation; infringing such the standard would be considered to be faulty. As for the doctrine, the results of this research shows groundlessness of the mental concept in the modern situation. In conditions of market economy, the key function of contractual liability is compensation for losses born by the injured party. So, there are no incentives to implement the mental concept by ascertaining mental attitude of a debtor towards his actions in case of the breach of his obligations. The aim of a court is to find whether a breaching party acted with prudence and reasonable care, that is, fulfilled the duty of care. The court compares the behavior with the objective standard of the duty of care, and, upon it, the court holds whether the defendant is at fault. The objective standard is not described in legal provisions in order to enable courts to take into consideration a kind of the obligation and conditions of civil circulation, but not peculiarities of a debtor, in each case of breach.

I consider that the behavioral concept should be regarded as the most appropriate. Firstly, changed conditions of real life, grounded on changed political, economic and social situation presume lack of reasons to use the mental concept. Secondly, the behavioral concept complies with the current legal regulation, which provides with the conditions to consider a person to be not at fault. Thirdly, courts also apply the latter concept, and under its scope, they interpret ambiguous legal provisions. Therefore, only the behavioral concept of fault has reasons to be applied in modern conditions.

On this stage of my research, the question of necessity of providing with the direct legal definition of fault is not addressed. As stated previously, the indirect definition of fault is stated in the Civil Code. However, it is presumed that fault as an important legal notion should be clarified. So, the further research perspective is to examine possible advantages and disadvantages of including the direct definition in the legal regulation.

C. As legal and economics scholars have pointed out, the ability to freely transfer contracts is vital to modern society. It permits parties to shift risk to those
who can best bear it, in turn creating a flow of credit to those who most value it. However, the psychology of an obligation changes when the obligation is sold. Of course, moral convictions about the meaning of contract are beside the point when performance is much cheaper than breach. But when performance is costly, morals do matter. These studies offer preliminary evidence that when contracts are assigned, they have less moral force because there is no room for reciprocity. When a debt is sold, it becomes impossible to repay one’s lender and fulfill the moral obligation of loan, leaving the moral status of performance to the third party unclear. Overall, it may be easier to transfer a legal obligation than a moral one.

What is the difference between results and conclusions?

Task 2. Analyse the following introductions and conclusions. How are they connected? Do the authors use the same language to refer to the same research concepts, questions, parts etc. in the corresponding introductions and conclusions?

A. Substituting piracy with a pay-what-you-want option: Does it make sense?

<table>
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<tr>
<th>Introduction</th>
<th>Conclusion</th>
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<td>In October 2007, the famous UK band Radiohead announced publicly that fans could directly download their new album In Rainbows from their website, under a ‘pay-what-you-want’ or ‘pay-what-you-think-it-is-worth’ agreement. Concretely, fans could pay from nothing (plus a trifling administrative fee) upwards. As for fans interested in the complete package—called ‘Discbox’—they were informed that it would be available for purchase a few months later at the cost of $80. Interestingly, this strategy allowing the free downloading of the album was well received by consumers and made piracy seeming irrelevant, at least for this album. Nevertheless, the music industry viewed the initiative as a threat for its survival, especially because of possible contagion effects. For example, an A&amp;R executive at a major European label stated about the Radiohead experiment: ‘This feels like yet another death knell. If the best band</td>
<td>Let us return to our main question: can a ‘pay-what-you-want’ strategy be more profitable than a more conventional release? The answer is ‘yes’ but not an unconditional ‘yes’. A PWYW strategy can be more profitable than conventional pricing under certain conditions. Indeed, the answer is likely to differ substantially for artists (and even among artists) and record labels. More profits for the former can mean fewer profits for the latter. These innovative strategies are likely to profoundly redefine the allocation of value among partners in the music industry. The Radiohead experiment and similar ones can be used by artists to negotiate better contracts with record labels by threatening to leave them and distribute their music by themselves. Record labels which can perceive this alternative business model as a threat are likely to oppose it. Record labels can attempt to stop these initiatives by labelling them as anti-competitive.</td>
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</table>

in the world doesn’t want a part of us, I’m not sure what’s left for this business.” (Tyrangiel 2007). Interestingly, several well-known artists like Prince, The Crimea or the Charlatans adopted similar strategies to distribute some recent creations (Gibson 2007). As opposed to the conventional theoretical prediction where all homo oeconomicus consumers are expected to download the album for free, it is observed that some consumers pay more and significantly more than zero dollars. Consequently, the main question addressed in this paper can be formulated as follows: Can a ‘pay-what-you-want’ strategy be more profitable than other alternatives and for whom? The main other alternative considered is the conventional release of an album with a realistic level of piracy.

A distinctive feature of the proposed model is the dual consideration of prerecorded and live markets of music and its implications on the selection of the pricing scheme. Indeed, we assume a positive externality of record users, regardless of the way the record is obtained, on the price of live performances. In the internet era, this assumption is well supported by recent empirical evidence (e.g., Krueger 2005; Montoro-Pons and Cuadrado-García 2011). For instance, after discarding alternative explanations, Krueger (2005) explains the surge of the ticket price for live performance as the result of the decline in complementarities between the prerecorded and the live market. In the same vein, Montoro-Pons and Cuadrado-García (2011) Indeed, as in Rambonilaza (2009), record companies frequently argue that the higher prices charged per album allow them to support and promote less-known artists (cross subsidies). At the same time, this strategy can redefine the functions devoted to record labels. They are likely to develop specific skills in order to implement ‘pay-what-you-want’ strategies, ensure sufficient voluntary contributions of downloaders and increase overall profits through derivatives (e.g., concerts, other goods and services than cannot be delivered digitally). Interestingly, some US record labels propose innovative deals where artists must give a portion of revenues from performance to the record label. Our model does not mean the elimination of publishers, but indicates a possible profound change in their functions in the music industry. Consumers also play a different role because they are not only listeners but they can also enjoy procedural utility (cultural goods accessible for all, regardless of price considerations) and encourage bands by offering monetary ‘incentives’ to artists accordingly. Even small monetary incentives can have a huge effect because they are compensated by a great number of contributors. Moreover, this strategy can have strong and positive effects on sales of derivatives (e.g., packages, concerts and so on) and help reducing piracy (but not necessarily eliminating it completely) in a non-repressive way. Surprisingly, pay-what-you-want strategies may need co-existence of conventional releases at posted prices to remain successful.
found empirical evidence of a ‘strong causation from prerecorded music consumption to attendance’ and uses these findings to explain recent institutional changes.

Given this distinctive feature of our model, we show analytically that the ‘paywhat-you-want’ strategy can be more profitable for both the artist and the user, although it is likely to change profoundly the profit and role of publishers. In short, the ‘pay-what-you-want’ approach will help the artist making money to the extent he/she lure in money from otherwise-pirates, increases revenue thanks to price discrimination (e.g., the high-valuing consumers pay more than what would have been the sticker price) or by driving more people to undertake complementary purchases (e.g., live performances). A ‘pay-what-you-want’ strategy allows artists to fight piracy in a non-repressive way and offers a strategic bargaining ‘weapon’ in the relationship with record labels. Consumers also enjoy procedural utility from the way the product is delivered. Moreover, we also identify domains and conditions under which pay-what-you-want strategies are more likely to work. For instance, pay-what-you-want strategies may need co-existence with conventional releases to remain successful. In addition to describing and analyzing a natural field experiment, we provide anecdotal evidence to support the real-world applicability of these strategies in various domains.

The remainder of this paper is organized as follows. The next section

Nevertheless, even if this business model seems very promising, it is premature, at this stage to conclude whether such a model is economically sustainable over time and can be applied to all artists or all domains. As mentioned earlier, the profitability of PWYW approach differs among artists. For instance, Regner et al. (2009) demonstrated that a PWYW strategy can be more relevant for artists at the beginning and the end of their artist life-cycle. It remains also interesting for artists with an established reputation, who seek to maximise their audience or to gather valuable data about downloa
introduces the model and derives the main results. Section 3 briefly presents the case of Radiohead and confronts it with our model predictions. We will enrich the discussion with insights from behavioral and experimental economics that can explain the observed behaviors. The last section focuses on policy implications and serves as a conclusion.

challenge the one-size-fits-all model of intellectual property rights, time is needed to identify which one will prevail.

B. Legal Regulation of Transmission and Distribution of Natural Gas in the European Union and the Russian Federation: Comparative Legal Analysis.

<table>
<thead>
<tr>
<th>Introduction</th>
<th>Conclusion</th>
</tr>
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</table>
| As stated in technical scientific works, natural gas is a hydrocarbon gas mixture consisting primarily of methane, it also includes varying amounts of other higher alkanes and carbon dioxide, nitrogen, and hydrogen sulfide (Demirbas, 2010, p. 58). Natural gas was found by ancient peoples of Persia, Greece, and India about 4 thousand years ago. As a source of energy gas was recognized by ancient Chinese in about 500 BC and was used to boil sea water to extract the salt. The first industrial extraction of natural gas started in US in 1825 (Ibid., p.59-60). Since then the natural gas industry has grown considerably and now this source of energy plays a significant role in many branches of economy. Bergman describes that gas industry is generally divided into three segments: upstream (extraction), midstream (transmission and distribution) and downstream (supply) (Bergman, 1998, p.18). Initially due to the extremely high costs on pipeline network’s construction, each state’s gas market was dominated by national monopolies, vertically integrated undertakings (hereinafter, on the basis of all above mentioned this is possible to conclude that present regulation of Russian gas industry does not correspond to the needs of society. Monopolized system does not justify hopes, that is why this is essential to look for the new variants of gas industry organization. The present research is devoted to search of the most effective way of regulation of mid-stream sector of gas industry. In order to do this, there conducted a comparison between regulations of mid-stream sector in the European Union and the Russian Federation, identified the differences between them and tendencies of their development. During the research the two legal systems were compared and the main advantages and disadvantages of them were distinguished. In spite of the fact that liberalized European system protects consumers’ rights and furthers competition on gas market, there is a possibility that unbundling will cause stagnation of pipeline development. In order to avoid this stagnation there are several measures connected with attracting investment: transparent rate
VIU). According to article 2 of the Directive 2009/73/EC, VIU is a natural gas undertaking or a group of undertakings which “performs at least one of the functions of transmission, distribution, LNG or storage, and at least one of the functions of production or supply of natural gas”.

There are many disputes over optimal gas market structure due to the high prices for pipeline construction. For instance, Bamoul believes that in gas production sphere competition is more costly than natural monopoly (Bamoul, 1977, p. 810). While DiLorenzo argues that monopoly is ineffective system of government interference in market in order to increase income by virtue of price manipulation (DiLorenzo, 1996, pp. 45-46). Russian gas market reflects the idea of natural monopoly in gas system, while the European one is aimed at liberalization, which implies demonopolization, deregulation, restructuring and liquidation of borders to gas market access, according to professor Moussis, this liberalization has to lead to reduction of prices and favorably affect the investment climate (Moussis, 2011, p. 399). The most striking instance of differences between Russian and European gas market’s designs is the distinction between mid-stream sectors in the two jurisdictions. Consequently, present research is devoted to precise analysis of gas transmission and distribution in the Russian Federation and in the European Union.

Gas problems have always been a burning issue, especially in the context of Russia-EU relations. Nowadays it making methodology and long-range planning, which can help to maintain transmission networks. During reformation Russian legislator has to take into consideration the European experience and adopt effective innovations of legal regulation. That does not mean that whole European energy institutes have to be copied and squeezed into Russian legal reality. Adoption should be thought-out and it should take into account fundamental principles of gas market organization and historical context of its development. Russian antitrust regulators also stick to adopt liberalized European system and to simplify the access to gas transmission network for the third parties. Unfortunately, efforts of antitrust bodies are not always successful due to imperfections of legislation.

As for the future perspectives of research, this is possible to note that there are other sectors of gas industry that can be examined more precisely. For instance, legal regulation of sale and purchase market of gas industry is not widely covered in the literature. But issues of organization of wholesale and retail markets are of current importance and even people working in the gas industry completely understand them. It would also be quite interesting to investigate the construction of the whole gas market of Russia and the European Union with its four sectors: production, transmission, distribution and supply. Perhaps, trying to find the most appropriate way of regulation considering only one mid-stream sector is not effective, but after the profound examination of the whole market, this
has become even more disputable due to the ongoing crises in Ukraine and fluctuations in the Russian economy. There are a lot of scientific works devoted to gas industry in Russia and in the European Union: their composition, principles (some of them will be analyzed in the chapter «Literature overview»). Usually they cover gas industry as an aspect of energy market and only few researches concentrate on each sector of gas industry in more details, especially on comparison of the two systems. However, this is extremely important because Russia and the EU have hugest gas networks and in spite of the fact that they are connected, they do not form the united system.

Purpose of the present research: In order to find the most effective way of regulation in this sphere, this is vital to compare regulations of mid-stream sector of gas industry in the European Union and the Russian Federation, identify the differences between them and tendencies of their development. In order to determine this differences there are several goals to be achieved:
1. to determine and compare legal sources, basic terms and regulators of gas industry in the European Union and Russia;
2. to analyze the main principles of mid-stream sector’s regulation in both jurisdictions and compare them;
   2.1. to describe subjects which perform functions of transmission and distribution in gas industry;
   2.2. to examine the access to pipeline network systems;
   2.3. to study tariff regulation of gas transmission;

would be possible to propose solutions of problems.
Task 3. Rewrite and expand where necessary the following conclusions to improve them. Pay attention to the structural elements, style, legal and academic vocabulary.

A. Since the relevance of the investigated problem is caused by the novelty of legislation in this area and the lack of a legal interpretation of the new rules, the performance of work objectives fully achieves the goal of the study. As a result of the study as well as the performance of tasks we can draw conclusions.

Firstly, established mechanism of legal regulation of entities bodies completely opposite to the established in the jurisprudence of the opinion of the impossibility of examining the bodies of legal entities apart from the company.

Secondly, due to the novelty of the reform, there is no case law on the issue under study, as well as there is no consensus in the scientific community.

Thirdly, courts to consider the possibility of representation body of legal entity and application of the provisions of the power of attorney and representation may involve serious problems, because in this case it is not clear who gives power of attorney to the executive body. In this connection, the problem needs to be addressed before the first court cases. The author sees the solution in creating officially judicial interpretation of these articles. This will avoid different approaches to the same cases and unifies the application of the law.

In a research of the study problem formal legal method is used, which allows not to deviate from the objective laws of reflection and to consider it in the context in which it appears in the legislation. Trials of the historical development of the institution as well is critical in nature, because the only way to see the dynamics of a particular institution. A comparison with foreign laws to predict the effectiveness of reforms as well as to correct errors before the commencement of the Act.

During the study, the legislator may issue a number of other changes, or to supplement current. As well, the legislator can give a legal interpretation of existing regulations, which will facilitate their use by the courts, as well as simplify the study.

During the study, the legislator may issue a number of other changes, or to supplement current. As well, the legislator can give a legal interpretation of existing regulations, which will facilitate their use by the courts, as well as simplify the study. Therefore, this paper will reflect the most current legal position and, where necessary, the changes are associated with the legal interpretation.

The structure of the paper can be changed according to the need to introduce new relevant information.
B. A history of the bills in Russia goes back to the ancient past. Since the eighteenth century the legislative fixing of the institution of law has begun. Gradually with the course of history society has developed this institution and has improved the legislation. After the Revolution of 1917 year there was a decrease of the role of finance due to conditions of socialism, so the research is limited to this date. At the same time with an update of legislation quantity of judicial practice in cases involving turnover of bills increased. Improving the circulation of bills in the future is largely determined by the situation in its legislation. Of course bill law should be combined organically and not contradict the norms of civil law. So, the development of bill relations in the country requires further improving of their legal regulation.

Anyway, the history of the bill is not an object of the research. However to determine the place of the bill in the system of modern civil law is possible only if we can find out the cause of this unique legal phenomenon and the degree of interference of the bill and the traditional institutions of civil law of each other. The study of the appearance of the social necessity in the legislative regulation of bill relations, the study of normative-legal acts regulating this relationship, as well as judicial practice of application of the bill legislation will help to learn the experience of past years in the study of law. Determining which rules have survived and which could not withstand the test of time, and analyzing the reasons why it is impossible now to dispense without the bill legislation, it is possible to figure out how the law of the XVIII century – 1917 year influenced on the legislation of our time.

Thus, the experience of legislative regulation of that time and its influence on today's right to show the dynamics of the bill legislation during the study period. This will help to determine in which direction it is needed to develop the current bill legislation.

C. Our issue was about Tour Operators Indemnity Insurance - form of professional liability insurance. In our research we answer a question: “Whither hidden flaws of tour operators professional indemnity insurance legislation lead to imperfection of law enforcement.”

In 2007 such novel of insurance law as financial provision was introduced. Nowadays implementation of tour operator’s activities in the territory of Russian Federation is permitted only in case of availability of financial provision. There are 2 forms of financial provision: Bank Guarantee and Tour operators indemnity insurance. The last one is the most preferable because of comparative simplicity of its receiving. But imperfections of insurance legislation create prerequisites for misbehavior, leads to problem of statutory interpretation and consequently to decrease of valuable interest protection.

In my work I examined tour operators insurance coverage issues, preconceived hypothesis, suggesting ways of resolution of conflicts between opposed legislation acts and offered other perfections of current insurance legislation.
I believe my work could have a profound impact on improvement of dearths of tour operators professional indemnity insurance law.

**Task 4. Paraphrase the following sentences so that they can be used in a conclusion.**

1. It is essential to emphasize that in the work not only legal analysis but also economical data is taken into consideration.
2. This provision is specified in the Civil Code. However, full application of such rule has some difficulties in the modern legal system.
3. It is vital to mention that the topic which is stated in the actual work covers several areas which involve international relationships, economics, political approach of different countries to tax systems and as a consequence legal regulation of economics and taxation.
4. This paper is devoted to research of relationships existing in the process of production, distribution and dissemination of advertising in the market of goods and services.
5. It is presented that the absence of clear legal regulation in the advertising field leads to a number of negative consequences, expressed primarily in violation of the rights and legitimate interests of a large part of the participants of advertising relationships.
6. The author claims that tax havens should not be treated as a harmful occurrence for economics but should be considered as a specific way of business planning which helps business to survive in existing tax conditions of different countries with high tax rates.
7. The main issue of the research is the possibility of reducing penalty in case of its disproportion to the consequences of the breach.
8. The author brings to light parents factual essentiality of a balance of interests in custody disputes on the basis of two RF landmark cases, hereby the author claims them to be new righteous tendency.

**Task 5. Write your own conclusion section.**

You may need the following words and expressions.

<table>
<thead>
<tr>
<th>As indicated</th>
<th>On the basis of</th>
</tr>
</thead>
<tbody>
<tr>
<td>As the research demonstrates</td>
<td>Overall</td>
</tr>
<tr>
<td>Future studies are needed to…</td>
<td>Something has been analyzed / studied / evaluated</td>
</tr>
<tr>
<td>Future work should/will…</td>
<td>Something might be a better option</td>
</tr>
<tr>
<td>In general</td>
<td>Something / The research reveals / suggests that…</td>
</tr>
<tr>
<td>It is suggested that…</td>
<td>This project / article has examined / studied…</td>
</tr>
<tr>
<td>It remains to be seen whether…</td>
<td></td>
</tr>
</tbody>
</table>
For more vocabulary see also Meniailo V.V., Tuliakova N.A., Chumilkin S.V. (2014). Developing Academic Literacy: Build your Vocabulary. (Unit 45)

When writing a conclusion section for your student’s project pay attention to the grammar you use:
- modal verbs to speak about perspective of the research;
- Past Simple to speak about your findings and Present Simple or Present Perfect to describe stages of your research.

See also Joan McCormack and John Slaght. (2012). English for Academic Study: Extended Writing & Research Skills. (Unit 6)

For more information about a conclusion in a journal article see Wallwork A. (2011). English for Writing Research Papers. (Unit 18)

Read your conclusion and check whether you did the following:
- made a reference back to the thesis statement;
- gave emphasis to your findings;
- wrote about limitations *(optional)*;
- suggested further research perspectives *(optional)*;
- avoided “cut and paste” from other parts of your work;
- used correct tense (Past Simple for your findings and Present Simple or Present Perfect for the description of the research process);
- used register ranging from neutral to formal;
- used appropriate vocabulary and linking words to indicate relations between ideas;
- used more formal grammatical structures;
- used correct spelling and punctuation.
Unit 1.7 Referencing

Students’ criticism on the referencing

Student A says that bibliography is the same for any paper.
Student B claims that it is just a list of some books related to the topic, which is just a silly tradition. So, it does not matter whether you referred to all of these books in the main body of your paper.
Student C assures that information you have taken from the Internet does not need to be referenced.

The answer

When we speak about the list of sources you have used in your survey, first, you should understand that this list could be very useful to you. Sometimes, it could be compared with an identity card. Usually, scholars can identify the quality of a scientific paper by only looking at the list of your sources. It could be like a passport proving that you are a citizen of a scientific country. If you want to be a citizen of a scientific country, then you should have valid references. However, valid references are not only about bibliography but also about the way you present other scholars’ opinions and concepts.

In your work, you have to give regards to previous scholars who conveyed surveys in the sphere of your research. In an academic style, almost each point or idea should be supported with somebody’s opinion in order to make your points of higher academic weight. What is the best way to reach it? Exactly! You should base your study on the references. If the references are relevant, they will protect and support any of your ideas. Of course, there have to be sections of your research in which you have to express your own ideas, but still in any case if you want to feel safe about the concepts of your paper being solid, try to support with references as many ideas as possible.

However, when you create references, you need to take care of the correct format. Before you start writing your paper, try to investigate what style of referencing you need to use. You might be surprised, but referencing styles are really different. They differ from one branch of science to another and, even within one branch, they differ between journals, universities and countries. Be careful and use the required format from the very beginning, in order not to reread your entire paper and correct your references at the very last moment. Follow the instructions thoroughly and be accurate with punctuation and amount of information you need to include about the sources you have used.

Also, do not forget to mention your sources when it comes to the oral presentation of your research. Some people forget that oral presentations also have to be in an academic style, while, in fact, it is necessary to display again that your study has an academic weight.

Finally, if you utilize some sources from the Internet, do not forget to include them into the list of references. In supporting materials on a preferable style of referencing it is always explained how to present the information from the Internet.
both in the main body of your paper and in the bibliography, so, be careful!

Your references are your prestige!

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Task 1. Answer the questions.
1. What is the function of references in the text?
2. What is the difference between a direct quotation, a paraphrase and a summary of a source? When do you need to use each type of reference in your writing?
3. What is the difference between an in-text citation, a footnote and a bibliography?
4. What styles of referencing do you know?

NB! The most widely used styles of referencing that you might need are the following:
* APA (author-date system): www.apastyle.org
  http://www.hud.ac.uk/library/finding-info/apa-referencing/apaguides/ - here you can find APA referencing guide (full and short versions), mind that the information about citing legal sources can be found in Full guide, p. 31-32.
* Chicago style (both author-date and note systems):
  www.chicagomanualofstyle.org
* OSCOLA – Oxford Standard for the Citation of Legal Authorities:
  www.law.ox.ac.uk/oscola
  http://www.law.ox.ac.uk/publications/oscola.php - here you can find OSCOLA referencing guide (full and short versions).

Usually, journals indicate what style of referencing you should apply, however, quite often they have their own guidelines that you must follow.

For your student’s project you must use APA style. Mind the way you are to incorporate Russian sources into your English language paper:

E.g. According to Kumanovskaya (NO INITIALS, LATIN SPELLING), the obligation cannot be converted into the right (Кумановская, 2005, p. 61). – IN THE IN-TEXT CITATION SURNAME IS IN RUSSIAN, PAGES ARE IN ENGLISH

References
1. Кумановская, А.Л. (2005). Права и обязанности родителей по воспитанию детей в семейном праве РФ (Дис. ... канд. юрид. наук). Москва. – IN THE BIBLIOGRAPHY EVERYTHING IS IN RUSSIAN
Task 2. Study the following extracts and identify what style of referencing is used there. Outline the main differences between them.

Extract A

Each process of research begins with understanding of the general context of the problem and its place in the law systems of the EU and Russia. First of all, it is necessary to study literature devoted to legal organization of the European Union and its competence in the area of energy. For instance, professor Moussis in his work “Access to European Union” analyzes energy policy of the EU in the context of integration process which takes place in Europe nowadays. This book concentrates on the importance of EU’s energy competence and gives brief characteristics of European energy market (Moussis, 2011, p. 393-409). The book “The Political System of European Union” of Simon Hix touches questions of EU’s energy policy during the analysis of regulation of single European market. Hix marks out two tendencies of Union’s energy policy: deregulation which reflects liberalization process and re-regulation which implies creation of common standards of environmental and social responsibility (Hix, 2011, p. 189-216). There are also some books devoted to energy law of the EU. For instance, monograph of Kurbanov “Energy law and energy policy of the European Union” describes legal regulation of gas, electricity and oil markets and also examines atomic industry (Курбанов, 2013). Also there is a volumetric work edited by professor Peter Cameron “Legal Aspects of EU Energy Regulation: Implementing the New Directives on Electricity and Gas Across Europe” which deals comprehensively with all aspects of law applicable to energy utilities and covers legal regulation of key EU Member States as well as EU’s competence in this sphere (Cameron, 2005). Considering Russia, there are also several works devoted to energy law: e.g. “Introduction to Energy Law” of Oleg Gorodov (Городов, 2012), “Energy Law. General Part” of Victoria Romanova (Романова, 2013) and many others. One of the books which is undoubtedly worth mentioning is “Energy Law of Russia and Germany: comparative legal analysis” published by Petr Lakhno and Franz Zekker (Лахно&Зеккер, 2011). This is a volumetrical product of cooperation of Russian and German lawyers which gives a very detailed analysis of legal regulations of oil, gas, electricity industries in both jurisdictions. This research is made in the form of comparison that is why the differences between Russian and European regulations become clear and outstanding. Moreover, there is a precise description of transmission and distribution process which is extremely important for the present research.

References:
In *Democracy and Other Neoliberal Fantasies*, Jodi Dean argues that “imagining a rhizome might be nice, but rhizomes don’t describe the underlying structure of real networks,” rejecting the idea that there is such a thing as a nonhierarchical interconnectedness that structures our contemporary world and means of communication. Michael Hardt and Antonio Negri, on the other hand, argue that the Internet is an exemplar of the rhizome: a nonhierarchical, noncentered network—a democratic network with “an indeterminate and potentially unlimited number of interconnected nodes [that] communicate with no central point of control.” What is at stake in settling this dispute? Being. And, knowledge and power in that being. More specifically, this paper explores how a theory of social ontology has evolved to theories of social ontologies, how the modernist notion of global understanding of individuals working toward a common (rationalized and objectively knowable) goal became pluralistic postmodern theories embracing the idea of local networks. Furthermore, what this summary journey of theoretical evolution allows for is a consideration of why understandings of a world comprising emergent networks need be of concern to composition instructors and their practical activities in the classroom: networks produce knowledge.

Our journey begins with early modernism, and if early modernism had a theme, it was oneness. This focus on oneness or unity, on the whole rather than on individual parts, derived from Enlightenment thinking: “The project [of modernity] amounted to an extraordinary intellectual effort on the part of Enlightenment thinkers to develop objective science, universal morality and law, and autonomous art according to their inner logic.” Science, so the story went, stood as inherently objective inquiry that could reveal truth—universal truth at that. Enlightenment thinkers, such as Kant, believed in the “universal, eternal, and . . . immutable qualities of all of humanity”; by extension, “equality, liberty, faith in human intelligence . . . and universal reason” were widely held beliefs and seen as unifying forces. In fact, Kant believed that Enlightenment (freedom from self-imposed immaturity, otherwise known as the ability to use one’s understanding on his or her own toward greater ends) was a *divine right* bestowed upon and meant to be exercised by the masses. Later modernists began to acknowledge the fragmentation, ambiguity and larger chaos that characterized modern lifes but, perhaps ironically, only so they might better reconcile their disunified state.

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1. Jodi Dean, *Democracy and Other Neoliberal Fantasies: Communicative Capitalism and*
Task 3. Find examples of direct quotations, paraphrases and summaries in the following extract (Adapted from: Golubev, N. Child Custody and Visitation by a Separately Living Parent: Theoretical and Practical Issues.).

A set of rights and obligations, the legal relation built on a set of uniform standards applicable to all the members of the particular legal institution is the basis of any legal institution. In other words, a legal institution is a set of established legal rules governing a certain kind of qualitatively homogeneous social relation and interaction (Поляков, 2005), thereafter, it would be methodologically incorrect to consider a legal institution of a separately living parent apart from the concept of parental rights and legal relations as well as ignoring their legal nature. Understanding the legal nature of parental rights is a matter of practical importance since it affects the choice of the way of legal protection and its subordination to a particular family law institution. In the former Soviet doctrine there was the only principle shared by all the contemporary scholars, according to which the relations arising in a family between parents and children constitute a fairly complex set of relationships between the parents and the child, on the one hand, and between the parents themselves, on the other hand (Громоздина, 2012). This stance was probably best expressed by Koshkin: "Not only does the parental relationship include a legal relationship between mother and child (maternity) and a legal relationship between father and child (paternity), but it also includes a legal relationship between the parents due to exercising their rights as well as fulfilling their obligations toward the child. Being the subject of parental relationship the child acts as a linking element between the parents." (Кошкин, 1972, p. 12). Hence, the author concludes that the parental relationship is an integral part and a special type of family relationships, id est family relationships and parenting are related as a generic and a specific concept, respectively. That conclusion seems to be true if thoroughly considered. For instance, according to Pchelintseva, the family relationship is a relationship regulated by the rule of law over the terms and conditions of marriage, termination of marriage and/or obtaining a marriage annulment, as well as property and private non-property rights, between family members: spouses, children and parents (adoptive parents and adopted children), and in cases and to an extent provided by family law, between other relatives and other persons, as well as forms and procedures for adopting children left without
Thus, it becomes clear that the subjects of family relations are those endowed with family rights and responsibilities (Ibid.), who are unable to act as such on the basis of the same judicial facts, regardless of the right being exercised, id est parental relationship is a part of the family relationship, which is featured by specificity of the subject composition and content, as well as the characteristics of their origin, development and termination, since the possibility of exercising such rights and fulfilling the obligations is not dependent on the will of the parental relationship, the rights and obligations arise from their parents since the birth of the child, and they cannot be "set aside", delayed or moved due to any conditions of secondary importance. There is no consensus with regard to the legal nature of parental rights, according to monographs and papers on the matter (Фомина, 2004). However, the most popular views would be analysed in an attempt to pinpoint the most appropriate one. The most trivial point of view, presented by Kosova, is that a parent has legal relationship regulated by the family law and this is a relation between parents and children, so, the rights are in fact limited in time and do not overlap the entire spectrum of all the types of relationship (Косова, 1996, p.14-15).

Task 4. Correct mistakes in the following APA style bibliography.

Task 5. Make an APA style bibliography on the topic “Contract Law: Misrepresentation”. You should have at least 1 monograph, 1 journal article, 1 case, 1 statute, 1 electronic resource.

Task 6. Prepare an APA style bibliography for your paper.

After completing your bibliography check whether you did the following:
- included into your bibliography only the sources you referred to in the text;
- listed your sources according to the alphabetical order (first, Russian sources, then, English);
- used italics to highlight the required parts of your source description;
- mentioned dates of electronic sources retrieval;
- used correct spelling and punctuation.
Students’ criticism on PowerPoint presentations (with comments)

Student A says that they should just speak on what they have written. This point is worth discussing. Only, we would substitute one word in this cue. Try to cross out the word “speak” and use the word “present” instead. It expresses fully that the essence of the process of presenting is in delivery information about the results of your study. You should speak of what you have written but never do it literally.

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Student B enters the classroom with a moan: “Who needs our presentations? They are boring and too complicated to explain!”

Well, that would sound a little bit sarcastic but it is you who need this presentation. For instance, you want to get a good mark. No doubt, other people would find better and more interesting occupation to do and you may kill their time with an ill-prepared presentation. Speaking seriously, your research can be connected with any branches that are considered to be boring or complicated but it does not have any connection with the presentation. In many academic writings you have to face much content which tends to be difficult to understand, and often you have to reread such texts as many times as possible to understand what the author is trying to say. In presentation, it is you who is responsible for making such content NOT boring and NOT difficult to comprehend.

At the stage of brainstorming, think first of people who are going to listen to you. What should they understand about your research? What background needs to be implied? Which parts of your work are just details? Remember, there is no dull content; there are dull presentations. If your presentation is too complicated, try to brainstorm it again in a way you can explain all the necessary terms and notions, use examples, use parallels, use whatever you have to use to be understood. To a certain extent, people have difficulties in understanding information when they do not have enough of it. So, find ways to give it. Take care of the audience and work on your performance. In these cases, a relevant way could be to start your presentation with defining main terms of your research.

Finally, the last point about potential boredom of your work. In your presentation, you have portrayed what you have done in your research. Do you really want to show that it was dull to do all the work? If it was, our sympathies to you! But we hope it was better than boredom, so, do not be a bore yourself!

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Student C says that your presentation has to be nice to look at, so, a set of slides is a half of a successful presentation.

Of course, if your slides contain something that annoys many people, like using different fonts for letters of one word, it is awful and it could seriously affect your performance or, that is better to say, the way people will comprehend it. The
main concept here to understand is that slides cannot do the work for you. Was it the opposite case, we would not have oral presentations at all, but we live in another reality. Slides cannot substitute you but they are to be your real allies in the fight for people’s attention and comprehension. All scholars are as one in one rule: do not duplicate what you are saying on your slides. On the slides you can have statistics, schemes, photos, but do not put there words which you are actually saying. Use your slides to increase the level of understanding and as a means of saving time.

Keep it simple! It is a very important recommendation. It deals both with your slides and with your presentation. Your slides and presentation should not be beautiful and gorgeous, they must be simple, clever and crystal. Your aim in the presentation is to deliver the information about the results of your work. So, concentrate on this. The best way here is to be direct and clear. Simple does not mean primitive, it just means that everything in your presentation is easy to understand. In order to attain simplicity you should start by reducing and eliminating everything that is additional or extra. Sometimes it is very hard to do, like throwing away a thing that you do not use anymore, but which is so dear to you. If you have one or two things of such a kind, it is OK, but if you have many of them, probably, you have some problems to solve with a specialist. To simplify your presentation structure and clarify your slides, choose three main points you have to express in the presentation about your research, and that will become a skeleton of your presentation. Speak about significant things!

After freeing the slides from unnecessary information, critically evaluate their design: try to get rid of everything that could be treated wrong or will lead to lack of concentration. For example, if you use an animation effect for some text on a slide, think how people will react to it. Do you really need them to say something like: “Wow, what a nice animation!” We hope that it is not your aim. It will be much better if they say that your information is striking and worth listening to or that your research is profound and topical. Conclusions, sir or madam, we do not need this animation, and be careful with sounds as well!

One more thing to consider is that design of the slide should not lead to the lack of concentration. Fonts and backgrounds must depend not on what you like but what will be the best for perception. When choosing colours take into consideration lighting in the room, where the presentation will take place. Do not be afraid to use big fonts they will secure you from misunderstanding of your content.

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**Student D** says that longer presentation is better than a shorter one.

Here, the answer is quite definite. Typically, you will be provided with the information about the time limit of a presentation. It is better to finish a minute or half a minute earlier than you are supposed to. If you break time limit, the audience will concentrate on the point that you have broken time limit and start thinking about that subject more than about your topic.

Besides, it is significant to mention that a presenter has only two minutes
when the audience is ready to listen to the speaker. After that, they will lose interest if the speaker has not been successful. So, take your time!

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Student E grumbles that she is very shy and does not have enough will for public speaking.

Nobody is perfect in this world. People usually feel shy if they are not sure in what they have done. So, spend more time getting ready for the presentation. The best way to have a good presentation is to know your presentation well. If necessary, practice your presentation nine or ten times until you feel absolutely sure about each point, tell it to your friends and relatives or perform in front of the mirror (or better do both if you are not an experienced presenter). Never use sheets (even with the plan or key words). Some presenters believe that these sheets will help them to control the presentation better, but, in fact, if you have any sheets in your hand you will focus on your next point and its place on the paper rather than on the story, you are to tell to the audience.

Keep this image of a story in your mind when preparing your presentation. If you are telling a story to a friend, you do not use sheets, but you still know what to tell, because you are interested both in the story and in sharing the information with another person. Thus, forget about sheets, throw away a written plan and start telling a meaningful intriguing story. That will definitely work. Also, be sincere to make your story sound natural. Try not to retell your written text but deliver it to the audience with a strong voice, natural pace of speech and proper intonation. Remember that no one likes and respects people who speak in a mumbling way.

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Student F is scared of questions that is why he refused to come for the presentation.

Students tend to be really uncomfortable about questions, while, in fact, questions after a presentation are a good sign. It shows that people, who are listening to you, are interested in what you are saying and want to learn more, so, there is no need to panic. Just say thank you to the person who asked a question and answer it in the best way you can. If you cannot answer a question because you have not investigated your problem from such a perspective do not be afraid to explain this. No one expects you to know everything.

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Student G thinks that it is slides that we do first.

It is a very poor idea. If you want to have a successful presentation, do it firstly on paper: outline your plan, write down key ideas, and even draw rough versions of your slides. With this method you will achieve two goals. First, you can be independent from ppt format, because often this leads to an overload with slides and information on the slides; second, you will save time when it comes to actually creating a PowerPoint file, as you do not have to sit in front of an empty slide thinking what to fill it with, trying different variants, deleting and recreating them.
Tell them a story!

Task 1. Discuss main parts of the presentation with the teacher. Formulate main principles of each part. Think of the best way to create slides.

Task 2. Watch the video “Child Custody and Visitation by a Separately Living Parent: Theoretical and Practical Issues” and complete the following tasks.
1) Define how successful the beginning of the presentation is.
2) Find several ways of effective beginning of the presentation. Try to use all possible ways of relevant start - statistics, rhetoric question, example from your own experience, etc.
3) Have you understood the message of the presentation? Define the message.
4) What is the structure of the presentation? Is it appropriate?
5) Analyze with the teacher means the author uses to attract people's attention.
6) Compare the presentation with the original text of the introduction (see Appendix 4). Are they similar?

Task 3. Discuss the following blog opinion about effective beginnings. Which strategy do you consider the most relevant?

We’ve all been there before: staring at the glow of your blank computer screen with no idea on how to open or start your talk. For starters, you should never be staring at PowerPoint with no clear objective (that’s a conversation for another day), but let’s be honest, we’ve all struggled with the best ways to open a presentation.

It’s time to get unstuck. Here are five powerful ways to open a presentation:

1. Use Silence

Most people won’t be able to pull this off very easily, but if you are feeling like a rock star during your next presentation, opt for silence. Say a few words then be quiet. Say a few more words then be quiet. It’s a quick and easy way to own the room. Just make sure you can hold your composure.

2. Point to the Future or Past

I have two simple statements for you:
-Prospective (looking to the future): “30 Years from now, your job won’t exist.”
-Retrospective (looking to the past): “In 1970, Japan owned 9% of the market. Today, they own 37%.”
The reality is that looking into the future or past always sparks engagement since that’s where our hearts live.

3. Quote Someone

The easiest way to open a talk is simply to quote someone. Think about that last presenter you heard when they opened their talk with a quote from Albert Einstein or Napoleon. A quote equals instant credibility.

4. Share Something Extraordinary

I don’t know about you, but I love Snapple. Even more so, I love their bottle caps since they always share fun facts or extraordinary insight into ordinary things. Is my life going to be improved because I know how many times a bee’s wings flaps in a second? No. Is it crazy interesting? Yes.

5. Tell a Story

Here’s the amazing thing about stories: If your presentation is based solely on facts and stats then your audience is going to react in one of two ways: 1) agree or 2) disagree. However, if you tell a story, your audience will participate with you. Still not sold? Stories have been known to increase audience retention by up to 26%.

So, what are you waiting for? Experiment. Try something new. Step outside your comfort zone. You’ll see some amazing results by trying any one of these techniques.

Adapted from: Schwertly, S. Powerful Ways to Open a Presentation.

Task 4. Convert the following introduction into the beginning of the presentation. What information do you consider to be vital? Find several ways of effective beginning. Introduce the main object of the research. Use all necessary means including visuals. Use the vocabulary provided after the text.

“Liability for copyright infringement”

In today's fast moving world, the state is trying to cover by their powers all spheres of human activity. The sphere of civil legal relations, which is undoubtedly the key to the existence of a stable and economically developed society, is not an exception. One of the most important and fast developing areas which currently follow the development and creation of new technologies is copyright. Like all other branches of law, it needs appropriate regulation. In developed countries, the income level of the information sphere is more than 85% of gross domestic product, so, today in addition to owners rights and other property rights there are those rights which are quite difficult to identify - personal unproperty rights that apply to every innovative invention, each computer program through which employees carry out their duties - is an object of copyright, every electronic device
it is an object of copyright, each mechanism - it is an object of copyright. Occasionally, the entire languages become an object of copyright, let alone the patterns on clothes, pictures on the Internet, popular movies audio recordings. Thus, everything that surrounds modern man anyhow related to copyright.

The main issue of copyright is that, unlike a physical object, information can be copied without losing its essential qualities. Practically impossible to control such objects, which could be sold countless times, while they still satisfy the needs of the consumer. Modern society has reached an understanding that author of a product shall be protected in his rights, or for him there is no sense in inventing something new, to create masterpieces of art, if anyone can arrogate to itself the outcome of his work. To do this, mankind has invented a mechanism of responsibility for copyright infringement. Since the development of digital technologies in the early 21st century has taken such a rapid scale, society has not yet invented the ideal really working mechanisms to prevent or deal with such violations. Precisely in this the relevance of conducted research is expressed: in fact it is possible to talk about the study of terra incognita of the legal world.

Actually, the current system does not allow to bring to justice for offenses stipulated by civil legislation and inhibits the development of the copyright branch. The main purpose of the study is to identify deficiencies of applicable system of accountability and to find solutions to existing problems of such methods and their possible implementation in the Russian legislation. Only by reaching the stated goal it would be possible to talk about well-functioning institutions of intellectual property protection, which will inevitably serve as an impetus for the economic development of our country in this sector. Only thoroughly elaborated legal framework defining the issues of liability for copyright infringement would allow this public institution to evolve, to self-sustain and generate income as for the authors of objects of intellectual property rights themselves, as well as for the state (in the form of direct and indirect taxes). For the applying of stated goal deemed necessary to realize three tasks, which contribute to a comprehensive study of the issue, they are listed below:

Firstly, existing deficiencies in bringing to responsibility for offenses in sphere of copyright should be identify. In order to do it, the development of the institution of copyright throughout the history of its existence should be analyzed. Only having information about the attempts of copyright regulation in the past allow us to predict the consequences of the adoption of certain legal decisions, what is more, only defining the most successful theoretical and practical concepts society can confidently declare their readiness to improve the existing system.

Secondly, foreign legislation and experience of our international colleagues should be analyzed. It is necessary to review existing mechanisms of bringing to justice for violation of copyright. Such analysis allow to distinguish the most rational ideas and implement them into the Russian legal reality. Moreover, here is a huge variability in ways of bringing to account and types of liability in copyright law. Only after studying of such mechanism it is possible to talk about the relevance of borrowing from other legal systems.
Thirdly, it is needed to find best solutions for Russian legislation by comparing of the results based on first two tasks. Only a complete analysis of the entire spectrum of offered possibilities of positive changes in the legislation would lead to comprehensive solution of existing problems.

Structure of the work involves statement of the most pressing issues of the research, analysis and review of the literature and judicial acts and identification of the most appropriate methodological framework. Based on it, the preliminary results are going to be presented the assigned tasks and the conclusion about the possibility of achieving the main goal of the work.

Summing up, the issue of liability for copyright infringement stands very sharply in our society, every now and then there are new legislative proposals of changes and amendments of existing regulatory acts. Conducted research intended to help in the reform of the current legal system and to achieve positive results.

Useful language for presenting

- Good morning/afternoon/evening (everyone, ladies and gentlemen, colleagues)
- I am happy to have this chance to speak to you (all) today about...
- I am honored to have the opportunity to share my research with you here today.
- My presentation is in/consists of three parts. / My presentation is divided into three main sections.
- I’ve divided my presentation into two/three/four/several parts. First, I’ll explain XXX and then I’ll move onto talk about...
- Firstly, secondly, thirdly, finally…
- I'm going to…, take a look at…,
- As you can see, I’m here today to talk to you about...
- talk about… examine… tell you something about the background… give you some facts and figures… fill you in on the history of… concentrate on… limit myself to the question of…
- Please feel free to interrupt me if you have questions. / There will be time for questions at the end of the presentation. / I'd be grateful if you could ask your questions after the presentation.

See also:

Task 5. Watch the video “Legal Regulation of Transmission and Distribution of Natural Gas in the European Union and the Russian Federation: Comparative Legal Analysis” and complete the following tasks.
1) What are three main concepts of the presentation?
2) Identify the structure of the presentation. Has the author used all the components
3) Is the author successful in explicating results of the conducted research?
4) Compare the main body of the presentation with the original text (see Appendix 4). What parts of it are used in the presentation? Why are some of them omitted?

Task 6. Convert the following text into an academic speech. Try to express all relevant information in 3-4 minutes. You can use all means you need including slides. Discuss with the teacher whether the slides were relevant.

**Justness and Sufficiency of Judicial Acts in Civil Proceeding**

This chapter will be devoted to the research of the textbooks we used before, monographs, scientific articles and legal acts that collectively contain the basis on which the key conclusions are based. The necessity of this analysis is conditioned by the possibility of the comparison of the scientific positions regarding the justness and sufficiency questions in civil procedure in order to define key problems and subsequently form personal position.

First, let us turn to the academic views of V.A. Ponomarenko, PhD in law, because his position contains more detailed description of the essence of the judgement and also the problems connected with the rendering of the motivated, legal and founded judgements are analysed herein for the first time. This author belongs to the group of authors who argue against the interpretation of the category of the judgement by introducing the ratio of «order» and «adoption», because in the author’s opinion these elements don’t let the quality of the judgement such as the remedy of the implementation challenges of the justice in a civil action to be reflected within a framework of the judgement essence. Moreover, Ponomarenko holds a view that the judgement is a jurisdictional fact that can not only discharge but also generate new procedural legal relations that must completely fulfil the requirements of justness and sufficiency. However, the motivation of the judgement should be distinguished from the requirements of the judgement such as justness and sufficiency because the absence of the reasoning excludes the possibility of judgments about sufficiency of the judgement (Пономаренко, 2009, p. 170).

Some principles of the above-mentioned position can be found in the teaching medium of the judge of the Constitutional Court G.A. Zhilin. The author holds the point of view whereby the judgement can not only discharge but also generate new legal facts. G.A. Zhilin also believes that the requirements of justness and sufficiency refer to the all decisions and they are interrelated, hence the unreasonable decision cannot be legitimized (Жилин, 2000, p. 125). As contrasted with the previous author, Zhilin does not refer the requirement of the motivation to the separate category. However, he refers «timeliness» to the separate category of the judgement requirements. In support of this position, the author points out the rule of the Civil Procedure Code, which sets the absolute deadline of adjudgment. The author considers that the requirement of timeliness of the judgement is
interrelated with the requirement of its justness and manifested in the following aspect: terms of legal investigation is set by procedural law and non-compliance with deadlines is a violation of law and requires a necessity of revocation of a decision by The Court of Appeal consequently.

Moreover, Zhilin believes that a paper chase in a civil action not only negates the effectiveness of judicial defense, but also make it senseless sometimes. (e.g. in cases regarding protection of electoral rights (Жилин, 2000, p. 130). In this connection, the book of Civil procedure by V.I. Mironov, Doctor of Laws, presents features of interest because in contrast with V.A. Ponomarenko and G.A. Zhilina, this author does not include neither the requirement of motivation of the judgement nor the requirement of the timeliness of the decision making into the number of requirements to the judgement. Mironov holds the view that only requirements of the justness and sufficiency could be placed on the judgement. Nevertheless, it does not mean that motivation and timeliness of the decision are not the key requirements. Justness and sufficiency are so broad concepts that comprise either the concepts of motivation or timeliness (Миронов, 2011, p. 13). However, it should be emphasized that the author understands the judgement as the special kind of court act which serves as the sufficient service document during the decision on the merits of the case in action proceedings, special proceedings and in proceedings of public law, which are taken on behalf of Russian Federation.

Therefore, the definition of the essence of the judgement given by Mironov does not differ drastically from the same definitions given by Zhilin and Ponomarenko. The broad basis for the building of the position regarding the question of the judgement definition and the realization of it can be found in following scientific views. In particular, E.A. Nefedjev, defines the essence of the judgement as the unity of this decision. This means that only one decision can be taken for one case. Nevertheless, there exists exceptions, when an original and cross actions are combined together in one place. In these instances, a special decision will be taken for every case or e.g. when there are problems in a case, one of which should be solved by the Criminal court and another by the Civil. In this case, there will be taken two separate decisions (Треушников, 2005, p. 538).

The extracts from the scientific works of M.G. Avdyukov which are dedicated to the requirements of justness and sufficiency can be found in this book. This author along with professor V.I. Mironov does not distinguish special requirements except for justness and sufficiency. Avdyukov draws special attention to the fact that there are no well-marked court differences between justness and sufficiency (Треушников, 2005, p. 602). However, in the author’s opinion, the mixture of these concepts is unwelcomed because either legislation, court practice or the science of civil procedure distinguish justness and sufficiency as different concepts and all these attract special attention to the problem of court’s findings regarding conditions of legal proceedings.

All of the authors above are primarily basing on the regulatory material, which is the basis for further discussion in their works, speaking about the topic of the nature of the judgment and the requirements for a judgement. In particular, the
supreme legal act of the Russian Federation is the Constitution of the Russian Federation, which has supreme legal force consolidating the foundations of the constitutional system of Russia, state structure, rights and freedoms of men and citizen. That part of the Constitution about the rights and freedoms of man and citizen is relevant to the subject of our research in terms of the legality and the validity of the judgement. In particular, the Article № 46 of the Constitution says that the judicial protection of rights and freedoms is guaranteed for everyone. Moreover, the decisions or the actions of public authorities may be appealed to a higher court. Therefore, our rights are protected in the case of the court’s illegal or unjustified decisions, as we have the right to appeal. Consequently, the Constitution of the Russian Federation is the significant source in terms of providing justness and sufficiency of the judgement.

The Civil Procedure Code is another important legal act in this area that sets the rules of proceedings and adjudgment of the civil cases by the court of general criminal jurisdiction and is a main source of the civil proceedings norms. For our study, we will analyse the Chapter № 16 of Code of Civil Procedure, in particular, the articles such as the judgement, justness and sufficiency of the judgement, the content of the judgement and other articles of this chapter. It is necessary to say, that the article about justness and sufficiency of judgment does not contain any explanation of terms such as "justness of the judgment" and "sufficiency of the judgement" which leads to the fact, that in practice an independent interpretation of these concepts can lead to the abuse because of the broad interpretation of justness and sufficiency.

Task 7. For the next lesson find the information about String theory and be ready to explain it to the class. Try to explain that in such a way that everybody understands you. You can use any visual aids. Discuss whether the slides were relevant.

Task 8. Brainstorm a conception plan of your presentation. Discuss it with your partner. To what extent is your structure of the presentation simple and clear?

Task 9. Watch the video “Fault in Russian Contract Law” and complete the following tasks.
1) What are three main concepts of the presentation?
2) Identify the structure of the presentation. Has the author used all the components of the presentation?
3) Analyze the very end of the presentation. Was it successful?
4) Has the author used relevant signposting, body language and speaking skills?
5) Discuss with the teacher the way slides were used?

NB! When you create your presentation, mind signposting.
Signposting language

**When you want to make your next point, you 'move on'.**
Moving on to the next point.
I'd like to move on to the next point if there are no further questions.

**When you want to change to a completely different topic, you 'turn to'.**
I'd like to turn to something completely different.
Let's turn now to our plans for next year.

**When you want to give more details about a topic you 'expand' or 'elaborate'.**
I'd like to expand more on this problem we have had in Chicago.
Would you like me to expand a little more on that or have you understood enough?
I don't want to elaborate any more on that as I'm short of time.

**When you want to talk about something which is off the topic of your presentation, you 'digress'.**
I'd like to digress here for a moment and just say a word of thanks to Bob for organizing this meeting.
Digressing for a moment, I'd like to say a few words about our problems in Chicago.

**When you want to refer back to an earlier point, you 'go back'.**
Going back to something I said earlier, the situation in Chicago is serious.
I'd like to go back to something Jenny said in her presentation.

**To just give the outline of a point, you 'summarize'.**
If I could just summarize a few points from John's report.
I don't have a lot of time left so I'm going to summarize the next few points.

**For your final remarks, you 'conclude'.**
I'd like to conclude by leaving you with this thought ......
If I may conclude by quoting Karl Marx ......

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Task 10. Discuss videos in the following links. Which way of presentation ending seems to be more relevant to you? What are the main differences?
https://youtu.be/MXSRRcA8yII
http://www.youtube.com/watch?v=8Q7SLKYN4Xo

Task 11. Create a suitable and effective end for your presentation of a string theory. Brainstorm an effective end for your research presentation.

Task 12. Get ready to present your research at the lesson. When preparing, follow these steps.
1. Create and perform with slides a full presentation of your research. Discuss it with your partners.
2. Make changes and perform it again. Discuss it with your partners.
3. Make some changes, practice the presentation, perform it to your partners.
4. Make some changes, practice the presentation, perform it to your partners.
5. Make some changes, practice the presentation, perform it to your partners.
6. At this stage, you should be ready to present in front of the audience.
Use this links to support your knowledge at any part of this unit:
- http://www.businessenglishpod.com/learningcenter2/2006/07/12/bep-102-
  transcriptpresentations-signposting-your-presentation/ (podcast)
- http://www.asdataoz.com/Documents/Website-
  %20Objective%20vs%20Subjective%20ltr.pdf
- http://www.differencebetween.net/language/difference-between-objective-and-
  subjective/
  eleven

See also:
- Meniailo, V.V., Tuliakova, N.A., Chumilkin, S.V. (2014). Developing Academic
  Literacy: Build your Vocabulary. (Unit 36)
  Delivery.
Unit 2.2 Poster presentation

Both students A and B together with C, D and E stay silent when hearing a phrase “poster presentation”, which is quite natural as this kind of presenting is not so widespread in Russian universities as the one described in the previous unit. However, poster presentation is a well-known format in western universities, besides, young researchers, when applying to international conferences, are more likely to be invited to participate with a poster rather than with a talk.

A poster provides young researchers with a great opportunity to master their presentation skills at the same time reducing such negative factors as:
- fear to speak in front of the audience;
- fear to forget one’s paper;
- necessity to catch and keep the audience’s attention.

Nevertheless, the main principles of presenting remain the same:
- you should have one central idea you want to share with the audience;
- you should be a specialist in your topic;
- you should be interested in your material and presentation.

Still there are certain differences between a traditional and a poster presentation. The main difference between these two kinds of presentations is that in a traditional presentation your PowerPoint slides play a supporting role while it is your duty to attract the audience’s attention by your speech. In contrast, when presenting with a poster it is your poster that must attract the audience while you remain silent until somebody gets interested in your topic and asks for clarification, comments or additional information.

Thus, the conclusion is evident – your poster should be designed in such a way as to attract the audience’s attention and transfer your message as fast as possible. However, before proceeding to poster presentations do’s and don’ts it is necessary to briefly outline the main principles of a poster creation.

A poster is usually an A0 or A1 format paper placed either vertically or horizontally (particular requirements are usually specified by the conference you attend), designed in a computer programme (PowerPoint may be an option to create a poster) and printed as one piece of paper (which explains the name “poster”).

Example:
Poster presentation DO’S:
- remember to put your name and affiliation on a poster (usually, after a title) and you contact details at the end of it (usually, right lower edge);
- use a type size that can be read easily at a distance of 1,5 meters or better (for text 20-point type is about right);
- make your poster visual and easy to read by reducing the amount of text and introducing pictures, graphs, arrows etc.;
- use unified style for different parts of your poster;
- place your poster segments in a logical order, so that reading proceeds in a linear way from one segment to the next - the best way to set up this pattern is columnar format, so, the reader proceeds vertically first, from top to bottom, then left to right;
- put only such amount of information on a poster that can be read in no more than 5 minutes;
- give only key information and the main message in your poster – the rest can be explained orally;
- it is advisable, although not obligatory, to have separate sections on your poster (you can even name them) roughly resembling an article structure, for example: introduction to the topic (topicality and thesis statement), methodology, results, conclusion (here you can mention research perspective);
- give references in a shortened form, only to the extent necessary to match citation used on your poster; a detailed bibliography may be printed as a handout;
- when presenting, chos the right position: you shouldn’t stand directly in front of your poster not to close it from the audience, however, you should be near it not to produce an impression that the poster is left alone and there is no one around to give explanations (remember to keep the right position even when talking to those interested – there might be other people who can come later and wish to see your poster);
- be well prepared, the fact that you do not have to give a 20 minutes talk in front of the audience does not mean that you should not be able to give such a talk on your topic;
- have ready some additional materials relevant to the topic (your articles on the topic, bibliography, more detailed data etc.) and business cards with your contact details.

Poster presentation DON’TS:
- don’t print your title in too big letters (comparing to the main text), however, check that it is visible and easy read from a distance;
- don't use the same large type size for your name and affiliation as you did for the title; use something smaller and more discreet;
- don’t overload your poster with text – it is not an article printed in big size letters;
- don’t copy parts of the text directly from an article or paper, use more telegraphic and concise style in a poster;
- don’t use combinations of colours for your font and text that are difficult to read or may be distracting;
- don’t vary the type sizes and typefaces excessively throughout a poster;
- don’t use pictures simply as decoration, make them meaningful;
- don’t leave your poster alone;
- don’t ignore people and questions;
- don’t forget about eye contact and body language.

Task 1. Study and analyse the following posters: identify their strong and weak sides, suggest how they can be improved.
The Theoretical Basis of a Linguo-Didactic Model of Developing Creativity in Translation: “Push-Word” Methodology, Prospects for the Neurolinguistic Approach

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«Choice is the heart of all creating, and where there is no choice there is no room for ingenuity.»
Vilen N. Komissarov.
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INTRODUCTION:
What means of transport do you know?
- And if in the East?

METHODS:
the neurolinguistic approach
the human brain activity research

PROSPECTS:
The Algorithm:
certain definite conscious methodological steps:
1. Word-for-word translation + meaning analysis;
2. “Push-word” determination;
3. Idiomatic translation decision choice.
The main purpose: to provoke the creative translation decision

RESULTS:

trigger-words:
context

style
formal
informal
neutral

background
linguo-specific
culture-specific
encyclopedic

Contact information:
E-mail: information@cnail.ru

Pharos: 14, Moscow, Russia, 193101
Evolvement of the Concept of Beauty in Russian Culture

Irina & Elena
Tyumen State University, Russia

INTRODUCTION
This research is devoted to the evolutionary development of the concept of beauty in Russian culture. In the course of time (XIX-XX centuries), Russian society has transformed from a religious state to the modern technocratic one, in which material values have a priority over spiritual ones. Following the course of evolution of human society the concept of beauty as a unit of mentality evolves, too, accumulating all the information about the world in semantically and prototypical signs. The language units representing the concept transform their semantic structure as well.

OBJECTIVES
We aim at the frame-slot analysis of the realization of the concept of BEAUTY in the literary works of Russian writers of the XIX-XXI centuries in order to reveal the componential structure of the concept in question and its evolution in the course of time.

RESULTS
The study of Russian literature of over two centuries (XIX-XXI) has shown that the meaning of the concept of beauty underwent gradual changes and though its denotative structural component remained basically the same, the figurative and axiological components have changed.

THEORETICAL BACKGROUND
In our research we define the concept as the main category of cognitive and cross-cultural linguistics of non-material, mental, culturally marked nature which is verbalized in the language with the help of language units of various levels such as words, free word combinations, set phrases, idioms, sentences, or texts.

We accept that the concept has a three-component structure: notional, figurative, and axiological. The notional component corresponds to the denotative meaning of the lexemes verbalizing the concept in the lexicographic sources or given contexts. The figurative component implies the indirect, ambiguous, metaphorical, etc. usages of such lexemes carrying implicit aesthetic information. The axiological component bears the meaning of the value the concept in question possesses for the speakers of the language.

RESEARCH
In the works of the XIX-early XX centuries the notional component is expressed by the most frequent lexemes: pretty, attractive, and beautiful which are used to describe both aesthetic and ethical qualities of the characters and surrounding environment.

The figurative component is realized through the visual, auditory, olfactory, gustatory, kinesthetic images of light, wonder, heaven, brightness, colourfulness, etc.

Contextual analysis facilitated decoding of the axiological component of the concept in question. The value of beauty lies in its ability to bring people pleasure from its perception, beholding. The beauty of household articles is not valuable unless they are also useful and practical. A beautiful person is not necessary of high moral standards, which is frowned upon. A beautiful place, house or room without a loving and warm-hearted host brings no pleasure.

The value of beauty of man and woman is in the fact that it sparks love between them. Love is the most beautiful, joyful and blessed feeling according to the authors. However, in order to preserve, strengthen and support love, outer beauty of people is not enough. Inner beauty of their souls is necessary which reveals itself in cases of emergency when man has to sacrifice his habits, social status, personal freedom and sometimes even life for the beloved one. In general the tonality of the studied works is positive, moral and inspiring.

In the literary works of the mid XX-early XXI centuries the notional component remains unchanged. However, the frequency of the usage of the lexemes denoting beauty in the direct meaning has decreased with all the studied writers except Ye. Grininovets. The figurative component prevails with the most frequent employed devices of oxymoron, antithesis, antithesis and sarcasm thus bringing negative connotation. The lexical vocabulary of the key lexeme ‘beautiful’ has widened: it can modify evil, promiscuous and cruel activity such as murder, prostitution, etc.

The axiological component is diminished. The value of beauty as an aesthetic and ethic phenomenon decreases. The objects described as beautiful do not necessarily excite aesthetic pleasure in the minds of readers.

CONCLUSION
The research performed indicates that the concept under study has changed its meaning from the previously ideal values to denoting beautiful material possessions.
Poster D

Ономатопея в поэтическом тексте

Robert Sauvagey «The extract of The Cairn of Ladores»

Here it comes sparkling,
And there it lies shining,
Here smoking and humming,
Till the rapid race
On which it is bent,
It reaches the place
Of its deep descent.
...

甘肃, splat, on shore
Sunlight, flags some more
Rain, patter and splatter
Drops, plash on windscreen
Meditative silence shatters
Fresh year springs from daybreak

- тилоботные сочетания льонов (25, 46, 87)
- тилоботное сочетание (рассер, шлепал, шлепал, сопер, шлепал, шлепал, фриск, шлепал, шлепал)
- тилоботное сочетание (оволь, шлепал, шлепал, фриск, шлепал, шлепал, фриск, шлепал, шлепал)
- тилоботное сочетание (оволь, шлепал, шлепал, фриск, шлепал, шлепал, фриск, шлепал, шлепал)
- тилоботное сочетание (оволь, шлепал, шлепал, фриск, шлепал, шлепал, фриск, шлепал, шлепал)

Примечания автора — ономатопея — это имитационное воспроизведение звуков, происходящих в реальном мире, — шелеста моря, шлепанья по шоссе и т. д.

1) В литературе — это сочетание звуков, звучание которых сопоставлено с описываемым объектом, например, слово «рассер» для описания потока воды, слово «шлепал» для описания звука, который производится при ударе воды о камень.

2) В словесности — это сочетание звуков, сопоставленных с описываемым объектом, например, слово «рассер» для описания потока воды, слово «шлепал» для описания звука, который производится при ударе воды о камень.

Poster E

Отражение гендерных геминий в лексике, номинирующей род деятельности

Гендер
(Социально определяемые роли)

Род
(Грамматическая категория)

Пол
(Физиологические различия)

Схема 1: Отражение гендерных геминий в лексике

1. Матрица гендерных геминий
2. Круговая диаграмма гендерных геминий
3. Пирамида гендерных геминий

103
Task 2. Read the following text and decide how the information can be presented on a poster.


In October 2007, the famous UK band Radiohead announced publicly that fans could directly download their new album In Rainbows from their website, under a ‘pay-what-you-want’ agreement. Concretely, fans could pay from nothing upwards. As for fans interested in the complete package—called “Discbox”—they were informed that it would be available for purchase a few months later at the cost of $80. Interestingly, this strategy allowing the free downloading of the album was well received by consumers and made piracy seeming irrelevant, at least for this album. Nevertheless, the music industry viewed the initiative as a threat for its survival, especially because of possible contagion effects. For example, an A&R executive at a major European label stated about the Radiohead experiment: “This feels like yet another death knell. If the best band in the world doesn’t want a part of us, I’m not sure what’s left for this business.” (Tyrangiel 2007). Interestingly, several well-known artists like Prince, The Crimea or the Charlatans adopted similar strategies to distribute some recent creations (Gibson 2007). As opposed to the conventional theoretical prediction where all homo oeconomicus consumers are expected to download the album for free, it is observed that some consumers pay significantly more than zero dollars. Consequently, the main question addressed in this paper can be formulated as follows: Can a ‘pay-what-you-want’ strategy be more profitable than other alternatives and for whom? The main other alternative considered is the conventional release of an album with a realistic level of piracy.

In autumn 2007, Radiohead walked out of their official label EMI and decided to release independently their seventh album entitled In Rainbows. Originally, it was offered as a digital download for whatever fans wanted to pay. The release was announced with a short message from guitarist Jonny Greenwood on the Radiohead website, revealing that the album would be available to download from October, 10 under a pay-what-you want agreement from nothing (plus a $1 administration charge) upwards. During the month of October, estimates indicate that around 1.2 million people worldwide visited the Rainbows site with a significant percentage of visitors ultimately downloading the album. Regarding this arrangement, an online research group, comScore, derived data and measured the success of the strategy by analysing the behaviour of nearly 1,000 people. According to the released report, comScore indicated that 62% of fans chose to pay nothing for the album and 38% paid something. Regarding the amount paid by downloaders, the average contribution for those who were willing to pay was $6.

In addition to the original download under a pick-your-price arrangement, fans were proposed to order and purchase later a complete package called the Discbox (vinyl copy, a bonus CD plus assorted band goodies) or the album at conventional in-store or on-line outlets. According to Warner Chappell’s Head of Business Affairs Jane Dyball, “the digital publishing income from the first licence
(for the Radiohead pay-what-you-want site) alone dwarfed all the band’s previous
digital publishing income and made a ‘material difference’ to Warner Chappell
UK’s digital income. (…) The topline figure, though, is that, after about 4 months
from the exclusive release of the record on the website, there were three million
purchases of In Rainbows, including physical CDs, box-sets, and all downloads —
including those from the band’s own website and from other digital music stores.
Moreover, after giving away their album practically for free for 3 months the
album was ranked #1 in the UK and in the US” as reported by Music Ally (2008).
To date, ‘official estimates’ claim that Radiohead sold 100,000 boxsets and that
this strategy increased the band’s overall fan base, which was likely to generate
incremental album and concert ticket sales. Besides, information on downloaders
such as their place of residence can help to better organize the tour. Estimates
indicate that 1.2 millions fans were expected to attend the tour. In sum, whatever
the perimeter and estimates considered, Radiohead’s strategy for marketing In
Rainbows was obviously a commercial success.

Moreover, the live performance success of In Rainbows was expected from
the point of view of our modelling in that the artist’s profit generated by this
activity is higher in the case of the ‘pay-what-you-want’ strategy compared to the
strict intellectual property rights or piracy regimes. Consequently, a pay-what-you-
want strategy is more likely to work in context where it can drive more people to
complementary purchases (e.g., live performances) which are not or less amenable
to piracy. In addition, Radiohead bypassed several costs tied to a record label
representation, making a higher percentage of sales going back to the band. A
lower average sale price is fully compatible with higher profits for the band, but
not for the record label. Furthermore, our study demonstrates that the artist’s and
the publisher’s profits do not always follow the same path. Indeed, while the artist
could be better off in a ‘pay-what-you-want’ strategy compared to strict intellectual
property rights enforcement, the publisher’s fate in that case can mean his
‘extinction’.

Let us return to our main question: can a ‘pay-what-you-want’ strategy be
more profitable than a more conventional release? The answer is ‘yes’ but not an
unconditional ‘yes’. A PWYW strategy can be more profitable than conventional
pricing under certain conditions. Indeed, the answer is likely to differ substantially
for artists (and even among artists) and record labels. More profits for the former
can mean fewer profits for the latter. These innovative strategies are likely to
profoundly redefine the allocation of value among partners in the music industry.
The Radiohead experiment and similar ones can be used by artists to negotiate
better contracts with record labels by threatening to leave them and distribute their
music by themselves. Record labels which can perceive this alternative business
model as a threat are likely to oppose it. Record labels can attempt to stop these
initiatives by labelling them as anti-competitive. Interestingly, some US record
labels propose innovative deals where artists must give a portion of revenues from
performance to the record label. Our model does not mean the elimination of
publishers, but indicates a possible profound change in their functions in the music

105
industry. Consumers also play a different role because they are not only listeners but they can also enjoy procedural utility (cultural goods accessible for all, regardless of price considerations) and encourage bands by offering monetary ‘incentives’ to artists accordingly. Even small monetary incentives can have a huge effect because they are compensated by a great number of contributors. Moreover, this strategy can have strong and positive effects on sales of derivatives (e.g., packages, concerts and so on) and help reducing piracy (but not necessarily eliminating it completely) in a non-repressive way.

**Task 3. Present results of your own research in a form of a poster. Get ready for a poster presentation.**
REFERENCES


APPENDICES

Appendix 1 Student’s project title page and contents

National Research University - Higher School of Economics
Saint Petersburg Campus
Faculty of Law

DIPLOMA THESIS

Limited Rights for Land in Russian Legislation

By Valentina S. Stepanova
4th year, group 343

Thesis advisor:
Vera V. Meniailo

Saint Petersburg
2015
# TABLE OF CONTENTS

ABSTRACT ......................................................................................................................3  
INTRODUCTION ...........................................................................................................3  
PRELIMINARY LITERATURE AND LEGAL REGULATION REVIEW .................4  
  1.1. Mental concept of fault in contractual liability .................................................4  
  1.2. Behavioral concept of fault ...........................................................................6  
PROPOSED RESEARCH METHODOLOGY ..............................................................8  
PRELIMINARY FINDINGS ..........................................................................................11  
CONCLUSION ..............................................................................................................12  
REFERENCES ............................................................................................................14
Appendix 2 Questionnaire

NB! The questionnaire can be used for assessment or self-assessment of academic writing and speaking skills development. You may answer the questionnaire several times at different stages of the course study to evaluate your progress.

Tick the correct variant or variants or answer the questions.

1. When you have a question related to your academic skills, you
   - Look up a dictionary
   - Search for a solution in a textbook / course book / encyclopedia
   - Try to find an answer in sample articles
   - Ask your tutor
   - Ask your group mates
   - Ask your relatives
   - Type a question in a search engine

2. When writing your project, you
   - First write it in Russian, then translate into English
   - First write in Russian, then in English using the Russian version as a basis
   - Write instantly in English

3. Do you write the sections in the order they appear in your project?
   - Yes
   - No

4. How often and when do you proofread your project?

5. How important are your tutor’s comments?
   - I do not pay attention
   - Written comments are important
   - Oral comments are important

6. Do you fully understand the meaning of your tutor’s comments?
   - Absolutely
   - I cannot comprehend them and do not ask anything
   - I cannot comprehend and ask for clarification

7. Do you rewrite your paper in accordance with your tutor’s comments?
   - Yes
   - No

8. Identify the most challenging areas for you.
   - Contents
   - Relevance
   - Being understandable
   - Translating citations from Russian sources
   - Referencing
   - Paraphrasing
   - Summarizing
• Explaining terms
• Academic vocabulary
• Legal vocabulary
• Grammar
• Linking devices
• Academic style

9. Do you have access to HSE electronic resources?
   • No
   • Yes, and I use them
   • Yes, but I do not use them

10. Where do you find academic and legal sources for your project?
   • HSE library
   • Other libraries (specify, please) ……………………………………………
   • HSE electronic resources
   • Specialised websites (specify, please) ……………………………………..
   • Any website I am directed to by a search engine

11. How do you make a presentation of your project?
   • I have a written text of my project, so, I copy necessary parts of it into the presentation
   • I write a shorter text of my speech on the basis of my project and then make slides to match it
   • I think how to present the information from my project orally and then make the presentation according to my plan

12. Do you have a written text of your talk?
   • Yes, and I learn it by heart
   • Yes, but I do not learn it by heart
   • I have only short written comments for each slide of my presentation
   • No, my presentation slides serve as notes for my speech

Adapted from: Meniailo, V. V., Tuliakova, N. A. (2015). Transformation of Western Academic Conventions in Russia: a Case Study of Higher School of Economics, Faculty of Law.
Appendix 3 Annual law students conference history and requirements

For a number of years foreign languages department organises the annual conference for law students, where undergraduates are invited to present results of their research on a broad variety of topics. This conference gives students a great opportunity to master their presentation skills and skills required to conduct an academic discussion as well as a space to share their views on topical issues of their choice.

Here you can find information on how to participate in the conference and an overview of the most recent conference topics and titles of presentations that were found the best by a jury from the foreign languages department.

Requirements

The Conference invites students (2-4 years) to share their presentations on an announced topic. Students should demonstrate their cognitive and analytical abilities, as well as language and academic skills. Students are welcome to present the results of their research and survey in the form of academic presentation. The papers must comply with the following rules:

- be individual;
- be original;
- be presented in academic style.

Presentations are usually allocated 8-10 minutes plus 3-5 minutes for discussion.

The jury evaluates the content and the form of presentations. All the participants are awarded with certificates. The winners and runners-up receive academic bonuses.

In order to participate students are welcome to send their abstracts (120-150 words) to the conference official address: academic_presentations@mail.ru

An attached file should contain the name of the author, presentation title and a short overview of the presentation content, underlining its main points (structure of the presentation) and emphasizing the research thesis statement (the main problem of the research).

Students must meet the deadline.

History

Conference 2015: The Russian Law System of the 20-21st Century: Cases of Significant Legal Importance

The best presentations:
- Group of Companies doctrine: legal nature and conditions of implementation (4 year)
- Establishment of penalties in case of failure of the service agreement (3 year)
- Copyright and piracy on the Internet (3 year)
- Do we need the European Court of Human Rights as a supranational body? (3 year)
- “Bolotnaya Square case” and its legal and political significance in the Russian law system (2 year)
- The Influence of the Decision of The Constitutional Court on the Problem of Foreign Agents in Russia (2 year)

**Conference 2014: Commercial Law in the 3d Millenium**

The best presentations:
- Development of parties’ status in distance and off-premises contracts in the European Union (3 year)
- Restriction of usury in Russia: contradictions and perspectives of establishment (3 year)
- Legal consequences of engaging in unregistered entrepreneurial activity (3 year)
- Efficiency of resolving Civil Law Disputes by courts of arbitration in the Russian Federation (2 year)
- E-Commerce and its legal dimension (2 year)
- The alternative view on the free trade (2 year)

**Conference 2013: International Law in the Multipolar World**

The best presentations:
- International Criminal Court (3 year)
- Sovereignty and International law (3 year)
- Individual as Subject of International Law (2 year)
- International Law of Mass Media: Information Security (2 year)
- Transnational corporations. The necessity of the legal regulation (2 year)
Appendix 4 Sample projects

Introduction


Codification and development of Family Law of the Russian Federation has passed through (at least) three stages (Фархтдинов & Камалдинов, 2000). However, with all certainty it should be concluded that it was during the first years after the October Revolution that the Family Law took an incredible and qualitative leap forward (Тарусина, 2014), separating itself from the canon law and turning into a sovereign-sectoral and a codified civil plane. Despite a diverse and sometimes negative attitude towards codification (Антокольская, 2010), the result of the allocation of the codification and progressive formation was the advanced family law in comparison with the development of European and American norms of family regulation at that time (Тарусина, 2014).

The modern society in the Russian Federation is being christened with an endemic to the whole world, trait such as family institution transformation. Factual nature of the latter, as it is deemed in special literature, (Громоздина, 2012) was the increasing number of children whose parents live separately originated from a prior divorce and inevitability in a tendency to mere cohabitation between potential spouses with no legally binding connections. Gromozdina in her monograph "Осуществление родительских прав при раздельном проживании родителей по законодательству Российской Федерации" suggests such tendencies as an incentive for the further hearings and divorce procedures, high percentage of which is related to child custody and visitation of a separately living parent in the aftermath (Ibid., p.1).

Nay, the nascent prejudice in legal society of the Russian Federation, that "motives" are poles apart from ordinary course of practice and Family Code clauses perpetuated. Pursuant to the title (п. 3 ст.1 СК РФ), child's interests are significantly prioritized and protected by law, whereas parent's legal status terms and clauses are characterized with lack of certainty and transparency.

On the one hand, parents are granted with a potential right to raise the child, meanwhile being in charge of raising up child’s system of values, religious views, individual features in order to communicate with the world around and establish general principles of morality, parents generally "mold child". On the other hand, there is a judicial mechanism for a parent to be prevented from flagrant abuse of powers and rights inherent to him by means of competent local state authorities protection, authorized to hold an unfair parent to responsibility for an unlawful deed had been done and proved. However, bona fide parent is being unprotected by law by virtue of the fact, that sufficient legal lever does not exist in Family Code of the Russian Federation. It begs the question of a separately living bona fide parent, who is legally equal in rights and obligations to the parent living together with a
child, regardless of the fact whether there is factual cohabitation with the child or not. Nonetheless, the quintessential aspect to acknowledge in general, is court’s practice generalization which brings to light impeccable and indisputable one conclusion, it has its detrimental repercussion for a child in a broken home family of the parents are granted equal rights and treated impartially. The point is, that ordinary course of legislation falls to be discussed due to constitutional pillars of parents rights, as far as following "cherry pick" way, would eventually bring legislative bodies to a slippery slope, bordering constitutional breaches and negligence.

There is already litany of works written in national doctrine, yet it deals with general review of a separately living parent in constitutional context and potential diminishment as a guarantee for a child to be fostered in proper, ameliorated conditions, hereby separately living parent institution banishment from the national doctrine is considered as a gap to be smoothed out. Thus, actual equality is important, and the existing rule, according to which mothers almost always, regardless of the circumstances, receive some preferences in cases of determining the place of child custody does not seem to be correct and should be changed, which the current trends in principle and in practice of Saint-Petersburg in fact confirm.

To achieve this:
1) the author aims at determination of the notion, content and the essence of parental rights;
2) the author states the problem of legal state of a separately living parent definition and practical aspects of de facto status transformation towards separately living parent;
3) the author brings to light actual presidential case on a basis of which he will outline general tendency in custody and visitation issues.

By means of the tools aforementioned, the author aims at heightened scrutiny to be conducted in the scope of child’s interests and parents’ rights and obligations on the issue of interconnectedness, hereby efficiency of legal mechanisms in the realm of the latter.

*************************Main Body*************************


1. Preliminary Literature and Legal Regulation Review
1.1. Literature overview
Each process of research begins with understanding of the general context of the problem and its place in the law systems of the EU and Russia. First of all, it is
necessary to study literature devoted to legal organization of the European Union and its competence in the area of energy. For instance, professor Moussis in his work “Access to European Union” analyzes energy policy of the EU in the context of integration process which takes place in Europe nowadays. This book concentrates on the importance of EU’s energy competence and gives brief characteristics of European energy market (Moussis, 2011, p. 393-409). The book “The Political System of European Union” of Simon Hix touches questions of EU’s energy policy during the analysis of regulation of single European market. Hix marks out two tendencies of Union’s energy policy: deregulation which reflects liberalization process and re-regulation which implies creation of common standards of environmental and social responsibility (Hix, 2011, p. 189-216).

There are also some books devoted to energy law of the EU. For instance, monograph of Kurbanov “Energy law and energy policy of the European Union” describes legal regulation of gas, electricity and oil markets and also examines atomic industry (Курбанов, 2013). Also there is a volumetric work edited by professor Peter Cameron “Legal Aspects of EU Energy Regulation: Implementing the New Directives on Electricity and Gas Across Europe” which deals comprehensively with all aspects of law applicable to energy utilities and covers legal regulation of key EU Member States as well as EU’s competence in this sphere (Cameron, 2005). Considering Russia, there are also several works devoted to energy law: e.g. “Introduction to Energy Law” of Oleg Gorodov (Городов, 2012), “Energy Law. General Part” of Victoria Romanova (Романова, 2013) and many others. One of the books which is undoubtedly worth mentioning is “Energy Law of Russia and Germany: comparative legal analysis” published by Petr Lakhno and Franz Zekker (Лахно&Зеккер, 2011). This is a volumetrical product of cooperation of Russian and German lawyers which gives a very detailed analysis of legal regulations of oil, gas, electricity industries in both jurisdictions. This research is made in the form of comparison that is why the differences between Russian and European regulations become clear and outstanding. Moreover, there is a precise description of transmission and distribution process which is extremely important for the present research.

Narrowing research area directly to natural gas, it is significant to notice that there is a wide variety of works devoted to European gas market and its liberalization. Most of them cover legal sources and principles of gas market structure, outline competence of the European Union and national regulators and analyze the efficiency of a liberalized system. Among others there can be distinguished several works. For instance, the monograph of Ivan Gudkov “Gas market of the European Union” (Гудков, 2007) describes history of integration in gas sphere at the European level, analyzes main problems of integration and distinguishes factors affecting gas market structure. Unfortunately, it is not up-to-date because of relatively recent changes of European legislation. Another book which has to be emphasized is “Law and Policy of the European Gas Market” written by Monica Waloszyk. The main issue of this book is examination how regulatory and competitive choices influence the achievement of an integrated EU
gas market and gas market design (Waloszuk, 2014, p. 7). The monograph appeared in print more recently that is why it reflects not only regulations of Third energy package of 2009-2010 but also studies actual consequences of this reform. There is also a very interesting article of Tomas Maltby “European Union energy policy integration: A case of European Commission policy entrepreneurship and increasing supranationalism” (Maltby, 2013) which gives description of supranational power by the example of increased competence of European Commission in the internal market of natural gas. There are many scientific works devoted to European gas market liberalization: “Regulatory Reform on the European Gas Market” of Hans-William Ressel (Ressel, 2013), “A Glance at the European Energy Market Liberalization” of Delia Vasilica Rotaru (Rotaru, 2013), “European Gas Market Liberalization: Are Regulatory Regimes Moving towards Convergence?” of Nadine Haase (Haase, 2008) and many others. All of them try to analyze European gas market in general context, without giving the importance to separation and description of sectors (extraction, transmission, distribution, supply) in more details. There is practically the same situation with Russian literature dedicated to national gas market. There can be distinguished a master’s thesis of Anatoliy Khripunov called “Problems of Formation of Russian Gas Market” (Хрипунов, 2003). This work is devoted to legal regulation of Russian gas market while most of other sources concentrate only on economic issues.

The main gap in the research area is that the issue in question (i.e. mid-stream sector) is not always separated and usually described in the general context of characteristics of markets. Only several researches throw light upon legal regulation of mid-stream sector of gas industry. In this area there can be emphasized the article of Alexander Volkov “Legal Regulation of Natural Gas Pipeline Transmission in the European Union and the Russian Federation” where the author precisely describes legal sources and principles of transportation process in the EU and Russia, compares regulators supervising this sphere and main subjects involved into transmission process (Волков, 2011). Another article devoted to mid-stream sector is the work of Petr Lakhno “Legal Regulation of the Relationships with Regard to Transportation of Gas through major pipelines: the experience of Russia and the USA”. This article also compares regulation of process of gas transmission by means of pipelines and outlines main regulators and their functions (Лахно, 2013). Some authors stick to innovative tendency to separate so-called “pipeline law” and to consider it as an independent complex sub-branch of a complex branch – transport law. For instance, the book of Alexandr Perchik “Pipeline Law” subscribes to such point of view (Перчик, 2005). This is remarkable, that this book does not consider mid-stream sector of gas industry through the lenses of energy law, but tends to separate this sector and supply its regulation with own object and method. The book also examines the structure of energy supply and transmission contracts and provides comparison with other jurisdictions. Article “Pipelines and law” written by Ivan Gudkov and Petr Lakhno gives a detailed definition of pipelines and provides the analysis of proposed statute “Of pipeline transport”: its perspectives and possible impact on
gas industry (Гудков & Лахно, 2009). Distribution as a last stage of transmission process is not widely elucidated in literature. Usually it is mentioned only in context of general description of gas market structure and it is associated with a means of connection between transmission and supply sectors. At the same time there are several researches that concentrate on distribution networks, their organization and perspectives: e.g. Christian Held “The Future Role of Gas Distribution Networks” (Held, 2014).

The abovementioned works touch mainly general principles and sources of mid-stream sector of gas industry while the following ones help to look at each aspect of research more comprehensively. For instance, some articles are devoted to the principle of unbundling between transmission/distribution networks on the one hand and upstream (generation or production)/downstream (supply) functions on the other which means that companies are obliged to create separate legal entities for network activities (Lowe, 2007, p. 24). Articles written by Philip Lowe (Lowe, 2007) and by Christian Growitsch (Growitsch, 2014) examine legal aspects of unbundling between sectors of gas industry and analyze the status of transmission system operators. The latters are described in details in the article of Konstantin Degtiarev “Role of Transmission and Distribution System Operators in Legal Regulation of Liberalization of Gas and Electricity Markets of the European Union” (Дегтярев, 2012). Issues of access to gas transmission network and tariff regulation are also subjects of a considerable literature. For instance, the articles of Dmitry Smirnov (Смирнов, 2005) and of Aigul Sharifullina (Шарифулина, 2014) cover questions of nondiscriminatory access to gas transmission systems in Russia and the EU, conditions of this access and cases where the gas transition network can refuse an access. Final report “EU Involvement in Electricity and Natural Gas Transmission Grid Tarification” carried out under the control of Christian von Hirschhausen (Hirschhausen, 2012) and master’s thesis concerning “Perfection of State Mechanisms of Tariff Regulation of Natural Gas Transmission” of Pavel Dovgoluk (Довголюк, 2011) give an economic analysis of methods of tariff formation and advantages and disadvantages of tariff regulation in both jurisdictions.

As far as gas transmission sector is considered to be naturally monopolistic, antitrust control is also one of significant issues of present research. The first step in the way of understanding of antimonopoly regulation is comprehension of what a natural monopoly is. In this area several controversial works can be distinguished: “On the Proper Cost Tests for Natural Monopoly in a Multiproduct Industry” of William J. Baumol (Baumol, 1977) and “The Myth of Natural Monopoly” of Thomas J. DiLorenzo (DiLorenzo, 1996). First work gives proofs of existence of natural monopolies while the second one argues that a monopoly is always inefficient. Considering European antitrust law, there is a book that is worth mentioning: “The International Dimension of EU Competition Law and Policy” written by Anestis S. Papadopoulos (Papadopoulos, 2010). This book describes at great length practically all the legislation of the EU containing provisions about competition and anti-trust measures and observes the impact of
European competition law on other jurisdictions worldwide. There are also some works devoted to antitrust law in the gas market of Russia, e.g. “Features of Antitrust Control of Gas Markets” of A. Golomolzin (Голомолzin, 2014), and the EU, e.g. “Antitrust Regulation of Energy Sphere in the EU” of Ivan Gudkov (Гудков, 2012).

1.2. Legal regulation overview

First of all, organization of gas industry including mid-stream sector is regulated by peremptory norms _jus cogens_ which are fundamental principles of international law accepted by the international community as a norm from which no derogation is permitted. Peremptory norms can be common (sovereignty, nondiscrimination etc.) and specific (environmental responsibility, efficiency, rationality etc.). Also issue in question is regulated by different international treaties and organizations. There are universal international organizations: United Nations, World Trade Organization, Gas Exporting Countries Forum, and International Energy Agency; regional organizations: Energy Charter Conference, International Energy Agency, Council on Industrial Policy of CIS Member States, Eurasian Economic Union; and bilateral cooperation of Russia and the EU based on the Partnership and Co-operation Agreement of 1994. Also international gas congresses and forums, international associations of gas producers, conferences of G8 create so-called “soft law”.


To sum it up, this is possible to notice that discussed literature tends to underestimate the efficiency of description of mid-stream legal regulation, concentrating mainly on economic aspects. However this is extremely important, because this sector of gas industry incarnates a tendency to liberalization of gas
markets. The present research will systematize the information related to transmission and distribution of natural gas generalizing it from general and specific resources.

2. Proposed Research Methodology

The key method used in present research is formal juridical method which, according to professor Grafskiy, implies the analysis of the pule law in the form of statutory provisions, legal terms, judicial decisions (Графский, 2007, p. 12-13). This method is illustrated by examination of two legal sources and two judicial decisions devoted to regulation of mid-stream sector in Russia and the EU. During this analysis, there examined legal force of statutory provisions and influence of described cases on the following law enforcement practice.

Recent developments in the EU’s energy law and adoption of Third energy package were significant reforms which, as reported by Monica Waloszuk, facilitate the construction of liberalized gas market across the EU (Waloszuk, 2014, p. 5-6). The most outstanding document of the Third package which regulates issues in question is Directive 2009/73/EC. Directive is a legal act of the European Union which in contrast to regulations is not self-executed and requires member states to achieve particular goals in national legislation (Folsom, 1996, p. 5). According to the article 288 of the Treaty on the Functioning of the European Union, “a directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods” (Treaty on the Functioning of the European Union, art. 288). The aim of each directive is harmonization of the law of European Union, but it still has a binding force and if a member state fails to reform the required national legislation, the European Commission may initiate legal action against the member state in the European Court of Justice (Steiner, 2009, p. 75).

The Directive 2009/73/EC establishes the principle of unbundling of vertically integrated undertakings, which is aimed, according to Gudkov, to separation of naturally monopolistic mid-stream sector from the competitive upstream and downstream ones (Гудков, 2010, p. 61). The main purpose of this unbundling is deprivation of gas transmission system owners of the factual opportunity for discrimination of third parties. There are there variants offered to member states: ownership unbundling, establishment of independent system operator or independent transmission operator. Ownership unbundling implies the complete disintegration of VIU: the owner of transmission system should assign this system to independent person or VIU should be separated into independent undertakings dealing with transportation, production and supply. Establishment of independent system operator or independent transmission operator allows combination of production-supply and transmission business ownership within one group of companies, but the owner loses control over transmission system completely (in case of independent system operator) or considerably (in case of independent transmission operator). The unbundling is considered to be a measure that furthers competition and consequently, as noted by Pollitt, simplifies access of
the third parties to gas transportation system (Pollitt, 2008, p. 192). According to the provisions of Directive 2009/73/EC, gas transmission operators are obliged to organize access of third parties to the system on a non-discriminatory basis. Under article 35 of the directive “natural gas undertakings may refuse access to the system on the basis of lack of capacity or where the access to the system would prevent them from carrying out the public service obligations which are assigned to them or on the basis of serious economic and financial difficulties with take-or-pay contracts”.

The provisions related to unbundling and responsibility of operators to provide access to the system were caused by several cases against huge monopolies RWE, Gas de France Sues, E. ON and ENI, which put obstacles in the way of third party access to gas transmission network. For instance, in the case Gas de France Sues European Commission found that gas transmission undertaking which belonged to Gas de France Suez group of companies reserved transmission capacity for the undertaking-supplier belonging to the same group on basis of long-term contracts. Monopoly’s competitions willing to supply buyers with gas and connected to the gas transmission system of Gas de France Sues found themselves in the situation of bottleneck: they had natural gas for sale but they were seriously restricted in the sphere of gas transportation. European Commission decided that such unjustifiable protection of partner’s interests cannot be an excuse of limitation of rights of other suppliers for free and fair trade on gas market (Gas de France Sues case, §23). Thus booking of transmission capacity on basis of long-term contracts was adjudged a violation of article 102 of Treaty on the Functioning of the European Union. Consequently, European Commission recognized that free access to gas transmission system is not a formality but a guaranty and necessary condition of free market of natural gas.

In Russia liberalization of gas market is less noticeable, but there are tendencies to some liberalization which have to be emphasized. For instance, access of independent gas producers to gas transmission system is regulated by article 27 of Federal Law “On gas supply in the Russian Federation” and by Government Regulation “On Ensuring Access of Independent Gas Producers to Gas Transmission Network of OAO “Gazprom” enacted further to the this article. Under legislation “Gasprom” cannot refuse conclusion of a contract with independent gas producers on non-discriminatory conditions if some conditions are fulfilled:

1. the transmission capacity is available for the period when the producer intends to supply gas;
2. the input gas meets the required quality level and technical specifications;
3. the supplier has the capacity to funnel gas via supply and branch pipelines to consumers, all fitted with gas metering and quality control facilities.

If independent gas producers are not satisfied with refusal of access or with partial access, they can appeal a decision of “Gazprom” to a court or administrative
bodies (Federal Antimonopoly Service, Federal Tariff Service). Unfortunately researches concluded, provisions of law are not always exercised and this is difficult to get the access to transmission network for independent gas producers (Баранов, 2002, p.138).

However, there should be noticed the manifestation of effectively-oriented approach close to the European one, which can be illustrated by “GazEnergo-Aliance” case of 2008-2010. GazEnergo-Aliance, an independent gas supplier, after expiry of the terms of transmission contract with “Gazprom” asked for short-term access to the network. “Gazprom” had been considering the request not for 15 days but for 5 months and after that granted it. “Gazprom” insisted on the fact that violation of consideration terms did not much harm to independent gas supplier. But Federal Antimonopoly Service decided that “Gazprom’s” breach of obligation resulted in destroyed reputation of gas supplier, made it unattractive for customers. As noted by Golomolzин, during 5 months of postponing “Gasprom” offered counteragents of “GazEnergo-Aliance” to change the supplier due to the fact that the latter did not have access to gas transmission network (Голомолзин, 2012, p. 4). Federal Antimonopoly Service considered that “Gazprom” acted in bath faith and abused dominating position. This case set the start of tendencies towards liberalization of Russian gas market. Professor Poondopulo notes that Russian legislation assimilates the experience of the European Union’s antitrust law and tends to liberalization and development of competition (Попондопуло, 2010, p. 355).

Consequently, formal juridical analysis of legal provisions and judicial acts provides basic overview of organization of mid-stream sector in the European Union and the Russian Federation, cases help to understand the efficiency of statutory provisions and law enforcement mechanisms and the doctrine gives reasoning and furthers understanding. That is why this is necessary to use complex analysis for deeper understanding.
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