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RUSSIAN TRADEMARK RIGHTS IN THE MECHANISM OF LEGAL REGULATION (A HISTORICAL AND LEGAL ESSAI)

Specialty 5.1.1. – Theoretical and historical legal sciences

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Relevance of the research topic. The process of individualisation is undoubtedly one of the most important social processes of today, manifested in the legal field by increasing the number of participants (subjects) of civil-legal relations, as well as qualitative complication of the legal tools available to them (mechanism of legal regulation).

The grandiose expansion of the boundaries of property law as a result of scientific and technical progress, the dominance of Platonic views in relation to ideas and knowledge in the new economic formation brought to the forefront the right of intellectual property.

Thus, the means of individualisation of the results of intellectual activity represent a reflection of the material world in the subject field of intellectual property law.

The term 'means of individualisation of the results of intellectual activity' used in this dissertation about the historical and legal research of Russian trademark law was proposed to express the variability and transformability of intellectual property in accordance with the periodisation proposed by the dissertation, and at the same time, to designate a larger conceptual category than 'means of individualisation of legal entities, goods, works, services and enterprises' (hereinafter - means of individualisation), enshrined in Article 1225 of the Civil Code of the Russian Federation, which includes in itself 'means of individualisation of the results of intellectual activity'.

The dissertant has repeatedly questioned the logic and expediency of fixing in domestic law the notion given in the title of Chapter 76 of the Civil Code of the Russian Federation as an example of excessive systematisation, the legacy of the Marxist view of civil law, in many respects contradicting the established international law enforcement practice, which rightly raises doubts, including from the point of view of jurilinguistics.

In this dissertation the term 'means of individualisation of legal entities, goods, works, services and enterprises' is used only in conjunction with the current

provisions of the Civil Code of the Russian Federation, proposals to improve the Civil Code of the Russian Federation, or when describing the Soviet legal order up to the ratification of the Paris Convention for the Protection of Industrial Property by the USSR.

In accordance with the declared historical and legal subject of the research, the means of individualisation of the results of intellectual activity are considered outside the legislative framework of domestic civil and legal jurisdiction, based, among other things, on the Paris Convention for the Protection of Industrial Property of 1883 and the fundamental documents of the World Intellectual Property Organisation (WIPO), as part of the historical and legal process.

Such a terminosystem allows for an interconnected study of historical phenomena of individualisation, for example, privileges, actual means of individualisation in national and international law, as well as hypotheses for the development of individualisation practices taking into account the processes of digitalisation, the development of new technologies and artificial intelligence. The term 'means of individualisation of the results of intellectual activity' is formed by synthesising the concepts set out in Article 1225 of the Civil Code of the Russian Federation: 'result of intellectual activity' and "means of individualisation" (trade names, trademarks and service marks, geographical indications, appellations of origin of goods, commercial designations), to designate legally significant concepts of the past, prescribed in legal acts that have lost legal force; the present, the definitions of which are given in the current civil legislation; and the future, including concepts that are not currently regulated in national and international law. These concepts are linked by a common legal nature expressed through the process of individualisation.

As an example of the mentioned volatility of the means of individualisation of the results of intellectual activity, the blurring of the legal relationship between the means of individualisation and legal entities is observed today. The amendments introduced in Article 1477 of the Civil Code of the Russian Federation allow individuals to register trademarks from 29 June 2023 in the amount of 9427

applications filed for the second half of 2023 and according to the empirical data of Rospatent coincided not only with the record number of applications filed, but also with the record year-on-year figures. This innovation, expressed in the expansion of the circle of persons interested in trademark registration, allows us to draw a conclusion about the previously existing restrictions that hindered the growth of the domestic market of intellectual property, which did not allow previously interested parties to ensure the relationship of their reputation with the individualised goods.

In the conditions of current international phenomena of globalisation, growth of consumption and competition, it is necessary to take into account the mechanisms of legal regulation of means of individualisation of the results of intellectual activity, aimed at satisfying individual demand, creating new market niches, strengthening competition in the market.

Moreover, the aspirations for individualisation of practical human activity have led to the emergence of a new type of services - advertising and marketing, whose tools are, of course, means of individualisation of the results of intellectual activity.

In Russia there is a need and opportunities to support small business. Means of individualisation of the results of intellectual activity act as such support, allowing to find their consumers and help in the competition for import substitution. Skilful use of these tools, including 'parallel imports', will contribute to the protection and competitiveness of the national producer and increase Russia's share in international trade. In recent years, the legal practice of 'compulsory licensing', enshrined in Russian law in respect of inventions, utility models or industrial designs, finds its supporters in respect of trademarks in domestic law. The dynamics of import substitution of foreign trademarks in the Russian market is also expressed in court practice, using the example of the proceedings between The Coca-Cola Company and LLC 'Drinks from Chernogolovka-Aqualife'.

During his speech at the 63rd series of meetings of the Assemblies of the Member States of WIPO, Geneva, July 15, 2022, Yuri Zubov, Head of Rospatent, stated about the threat of politicisation of intellectual property: 'I am firmly

convinced that the global intellectual property system has been and remains a creative mechanism through which scientific and creative ideas are brought to life.... It is important to preserve the role of WIPO as the central professional platform for the discussion of international approaches and standards in the field of intellectual property'.

Grigory Ivliev, President of the Eurasian Patent Office (EAPO), emphasised that 'we all have a high mission to support creativity and innovation. Predictable stable operation of ... intellectual property deserves all users of the system without exception'.

Indeed, as part of the sanctions measures, officials of the US Patent and Trademark Office (USPTO) and the EU Patent Office (EUIPO) have ceased contacts and co-operation with officials of Rospatent, the EAPO and the patent authority of the Republic of Belarus. Nevertheless, Rospatent continues to fulfil the functions of a registrar within the framework of the international systems of WIPO, Russia has acceded to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, active work is underway to adapt the national civil legislation to this agreement.

Moreover, Russian right holders, according to General Licence No. 31 of the US Treasury Department, have the full authority to protect, register, dispose of and use the results of intellectual activity.

Despite the new restrictions in the field of intellectual property were established by amendments to the EU Council Regulation No. 833/2014 of 31 July 2014, related to the prohibition, starting from 24 June 2024, for Russian individuals and legal entities to register intellectual property in the EU patent offices: namely, the national intellectual property offices of the EU member states; the European Patent Office (EUIPO). Thus, according to the WIPO World Intellectual Property Indicators report, as early as 2023, a 30 per cent increase in the number of trademark registrations from Russia under the Madrid system was recorded.

Such an established legal regime with respect to intellectual property is characterised by the fact that, although WIPO was founded in 1967, the fundamental

principles of intellectual property law were enshrined as early as the late nineteenth century in the Paris Convention for the Protection of Industrial Property (1883) and the Berne Convention for the Protection of Literary and Artistic Works (1886). The most relevant principles today are the universality and extraterritoriality of the legal protection of intellectual property objects and the legal status of the right holder due to the exclusive relationship between the subject and the specific intellectual property object. In this regard, WIPO, as the UN technical organisation for creativity and intellectual property, has no influence on sanctions policy.

The 63rd WIPO Assembly declared as the main directions for the development of intellectual property and the means of individualisation of the results of intellectual activity the further implementation of initiatives to strengthen the collective institutions of intellectual property expressing tangible and intangible cultural heritage, such as traditional knowledge and traditional cultural expressions, ensuring the protection of the intellectual rights of migrants and persons with disabilities. Relations in the field of rights to the means of individualisation of the results of intellectual activity are part of the rapidly developing branch of Russian intellectual property law.

This dynamics is associated with the relevance and productivity of these legal relations on a national and international scale, and the vast prospects of replenishing the regulation of this legal field. In this regard, the issues of individualisation of intellectual activity in the context of intellectual property rights require comprehensive study. In domestic and foreign civilistics, special attention is paid to the consideration of civil individualisation as a fundamental substantive category of intellectual property rights objects and their protection. The treatment of the phenomenon of civil-law individualisation is not limited only to the civil-law field, but also affects such spheres of legal relations as political rights and others.

This unique situation is conditioned by the peculiarity of historical development, specificity of genesis of these legal relations. This explains the diversity that constitutes the content of social relations underlying the individualisation of intellectual activity (ethics of labour relations, mechanisms of

individualisation of goods and services, as well as the geographical factor). Without a thorough analysis of these relations, it is impossible to have a qualitative legal regulation of the means of individualisation of the results of intellectual activity.

Due to the complexity of the doctrine of individualisation, these legal relations can serve as a tool to improve the legal mechanisms of means of individualisation of differentiation of human activity, including as objects of intellectual property.

The foregoing indicates the expediency of the study of the phenomenon of means of individualisation of the results of intellectual activity and its legal regulation, and also explains the interest with which lawyers approach the study of this issue.

The degree of scientific development of the research topic. The problem of historical-legal study of the means of individualisation of the results of intellectual activity has not found a specialised polemic in the domestic scientific discourse. The fundamental work of I.A. Bliznets 'Intellectual Property Law in the Russian Federation: Theoretical and Legal Study' considers the legal category of means of individualisation of intellectual rights in a complex with other elements of intellectual property law: patent law, copyright and related rights. Another group of researchers, including V.N. Rybin, focused on the study of trademark, ignoring other means of individualisation in Russian law. It seems that the direction of studying the means of individualisation as a separate complex within the intellectual property law is promising. In particular, from the position of the primacy of trademark and individualisation marks for the genesis of intellectual property.

In turn, civilists in their works investigated the historical development of the institute of means of individualisation of the results of intellectual activity. Among these works there are dissertation studies devoted to the issues of legal regulation of means of individualisation by D.V. Mazaev, M.E. Bobrova, K.K. Razdanova, D.V. Kuznetsov, and D.V. Kuznetsov. Bobrov, K.K. Ramazanova, as well as monographs by Y.T. Gulbin, L.V. Shcherbacheva.

In a separate row are studies by civilists of the rights to geographical indications and appellations of origin of goods, reflecting the historical and legal

aspect, such as the works of M.A. Saltykov, V.S. Znamenskaya, O.Y. Shirokova, E.A. Shakhnazarova.

Considering the significant contribution to the development of theoretical ideas about the mechanism of legal regulation made by S.S. Alekseev, a native of Orel, its study at the present stage is impossible without the works of L.N. Berg. In her study of the statics and dynamics of the processes of legal influence, she echoes the pre-revolutionary researcher of intellectual property law, Professor of St. Petersburg University A.A. Pilenko (1873 - 1956). In his book 'The Inventor's Right' (1902) Pilenko proposed the term 'legal construction' based on the study of statics and dynamics of legal relations. In - essence, legal construction is a method of synthetic information, analytically studied legal institution, using all the rules of hermeneutics. The universality of this method in legal science allows to apply it, including to the means of individualisation of the results of intellectual activity.

An important stage in the study of legal regulation in domestic jurisprudence is the introduction of the concept of 'individual legal regulation' by A.S. Grigoriev.

Abroad much attention is paid to the development of modern doctrine of intellectual property and its revision taking into account the accumulated historical experience.

The effectiveness of the functional method can be illustrated by the work of Florian Martin-Barito, Professor of Law at the University of Ottawa, Canada.

In his dissertation research on the right to a trade mark, the lawyer considers it as one of the oldest social institutions, which gained unprecedented importance in the twentieth century. The trademark has become both an illustration of modern globalisation and a means of creative expression.

Andrea Zappalaglio, Professor at the Max Planck Institute for Innovation and Competition, Munich, Germany, demonstrated his ability to analyse the legal regulation of the law of geographical indications with reference to European cultural heritage and history.

European civilists, represented by Benedetta Ubertazzi, have made great efforts to reform the sui generis European law of geographical indications.

Australian lawyer, Professor Danny Friedman, explores the mechanisms of legal regulation of means of individualisation of intellectual property results within the WTO and on the territory of the PRC.

Among Chinese civilists one can highlight the works of Shi Wei and Peter Yu.

The subject of legal regulation of the means of individualisation of the results of intellectual activity has been studied by many Russian scientists-civilists. The works of I.A. Zenin, E.A. Sukhanov and A.P. Sergeev can be singled out among the system-forming works.

Thus, for example, the study of mechanisms of implementation of the rights to the means of individualisation of the results of intellectual activity in the pre-revolutionary period was dealt with G.F. Shershenevich, A.A. Pilenko, V.D. Spasovich and others. In the Soviet period of the Russian state the researchers of the problems of legal regulation of means of individualisation of the results of intellectual activity were S.I. Raevich, A.P. Pavlinskaya, E.P. Gavrilov and others.

The object of the study is legal relations that arise in the process of creation, protection and use of means of individualisation of the results of intellectual activity.

The subject of the study is the institute of the right to the means of individualisation of the results of intellectual activity, its place in the mechanism of legal regulation, the processes of formation of this institute and key trends in its development, including models for improving the legal regulation of the means of individualisation of the results of intellectual activity and ways of legislative support of public relations related to it.

Purpose of the study. Theoretical substantiation of the legal regulation of the means of individualisation of the results of intellectual activity, which is characterised by the dynamics of their variability and transformation in the course of the historical and legal process carried out in society with its inherent historical features and development trends, as well as a comprehensive solution to the problems of modernisation and updating of theoretical approaches to the formation of modern intellectual property law that meets the challenges of digitalisation and

new technologies, the development of means of individualisation of the results of intellectual activity.

Objectives of the research:

1) to study the regularities of legal regulation of social relations in the system of legal impact on society, to study the peculiarities of legal impact within the framework of civil-legal relations, to study the legal regulation of means of individualisation of the results of intellectual activity and its legal impact;

2) to identify and systematise the concept, features, structure and stages of the mechanism of legal regulation in relation to the means of individualisation of the results of intellectual activity;

3) to consider the concept, characteristics and system of legal means ensuring the normal functioning of the mechanism of legal regulation of the means of individualisation of the results of intellectual activity;

4) to trace the formation of the institute of legal means of individualisation of the results of intellectual activity in the class and caste society;

5) to consider the development of the institute of legal means of individualisation of the results of intellectual activity in the industrial society;

6) to objectively evaluate and characterise the legal means of the results of individualisation of intellectual activity in the postmodern society;

7) to analyse the formation and development of legal means of individualisation of the results of intellectual activity in the Old Russian State, Moscow Principality and in the Russian Empire;

8) to study the branch regulation of legal means of individualisation of the results of intellectual activity in the Soviet state;

9) to consider particular problems and challenges, as well as prospects for the development of the institute of legal means of individualisation of the results of intellectual activity in Russia. Evaluate the role of presidential power in improving the mechanism of legal regulation in the field of individualisation of intellectual activity. To develop mechanisms to improve the domestic legislation in the part relating to the means of individualisation of the results of intellectual activity.

Methodology and methods of research: is a set of general scientific and private scientific methods used in the study of social relations within the sciences of the theory of state and law, as well as civilistics. In the dissertation the author used the following general scientific methods of research: dialectical, historical, systematic. In the scientific research for the solution of the tasks set by the author, private-scientific methods are used, including: formal-legal, method of comparative jurisprudence. Separately it is necessary to note the application of the method of legal construction, first proposed by A.A. Pilenko, in the study of individual norms of law in the historical context, as well as the study of trends in the development of means of individualisation of the results of intellectual activity.

Theoretical basis of the research. In the dissertation the author used scientific approaches to the study of the mechanism of legal regulation of the means of individualisation of the results of intellectual activity to realise the purpose of the scientific research, as well as the works of Russian and foreign scientists, which constitute doctrines recognised by the scientific community, in the field of intellectual property rights and theoretical-historical legal sciences: S.S. Alekseev, L.N. Berg, V.N. Rybin, I.A. Bliznets, D.V. Mazaev, M.E. Bobrov, K.K. Ramazanova, Y.T. Gulbin, L.V. Scherbacheva, M.A. Saltykov, V.S. Znamenskaya, O.Y. Shirokova, E.A. Shakhnazarova, I.A. Zenin, E.A. Sukhanov and A.P. Sergeyev, G.F. Shershenevich, A.A. Pilenko, V.D. Spasovich, V.I. Sinaisky, V.V. Rosenberg, J.S. Rosenberg, Ya. Rosenberg, Y.S. Rosen, S.I. Raevich, A.P. Pavlinskaya, E.P. Gavrilov, Shi Wei, Peter Yu, Florian Marten-Barito, Benedetta Ubertazzi, Andrea Zappalaglio, Denny Friedman and other authors.

The empirical/practical basis of the research is represented by normative-legal materials, which are: international legal acts ratified by the Russian Federation; provisions of the Constitution of the Russian Federation, the Civil Code of the Russian Federation, other codes, federal laws and normative-legal acts on the problem in question, rulings of the highest courts, as well as published materials of practice of courts of general jurisdiction; and materials of judicial practice: rulings and definitions of the Constitutional Court of the Russian Federation, rulings of the

Supreme Court of the Russian Federation, judicial acts of lower arbitration courts and courts of general jurisdiction, judicial practice of foreign courts, other law enforcement materials.

The empirical basis of the study also includes statistical data, including the results of the World Intellectual Property Organisation (WIPO) and the Federal Service for Intellectual Property (Rospatent), and media materials.

Scientific novelty

The scientific novelty of this dissertation is that the author presented a scientific approach to the systematisation of doctrines of means of individualisation of the results of intellectual activity, described the criteria of functioning of means of individualisation of the results of intellectual activity in the mechanism of legal regulation and legal impact, made theoretically substantiated proposals in terms of improving the theory of the mechanism of legal regulation and legal impact, as well as the special place of means of individualisation of the results of intellectual activity. Besides, the dissertation outlines new mechanisms of development of S.S. Alekseev's legal doctrine in modern conditions within the logic of legal convergence and diffusion of law, because many phenomena investigated in the dissertation, such as, for example, legal impact of means of individualisation of results of intellectual activity or transformation of law go beyond the limits of the theory formulated by S.S. Alekseev, which prompted the dissertant to expand the methodological base (the method of legal construction of A.A. Pilenko), as well as the area of scientific research. Systematisation of the obtained scientific results, allowed the author to formulate some directions of the process of transformation of S.S. Alekseev's doctrine outside the context of means of individualisation of the results of intellectual activity.

Taking into account the growing impact that the trademark has on modern society, regulating not only consumer behaviour, but also transmitting other value attitudes in the form of legal information, the author of the dissertation considers the trademark as a vector of development and transformation of the forms of normative-legal acts in law-making.

The study of the phenomenon of voluntary certification allowed the author to argue that the legal existence of several systems of individualisation in relation to a certain product allows us to talk about legal regulation that is not typical for the majority of legal relations.

The author also declares, as a result of comparative legal research, the superiority of the domestic physical and cultural terroir in terms of the breadth of the nomenclature and scope of legal protection granted to geographical indications and the appellation of origin of goods.

The dissertant for the first time undertook a comprehensive study of the development of the right to the means of individualisation of the results of intellectual activity in ancient China and the formation of the Confucian doctrine of intellectual rights. For the first time a special Russian 'mineral' nature of the terroir of rights to appellation of origin and geographical indications was formulated and investigated, which is expressed in a closer relationship not with agrarian practices, but with mining.

The author argues for the consistent improvement of inclusive practices in relation to the means of individualisation of intellectual property: the removal of barriers for persons with disabilities to practice as patent attorneys, as well as the assignment of special forms of interaction with geographical indications, appellations of origin and intangible cultural heritage to migrants in the post-colonial world.

The dissertant in his study confirmed the stability of the constitutional and legal status of the concepts of 'intellectual property' and 'means of individualisation' after the changes approved in the nationwide vote on 01.07.2020. It is also proposed to pay attention to the constitutional-legal regulation of intellectual property at the regional level.

The author insists on the realisation of the fixation of the traditional guaranteed product in the domestic law, which in the future will create a sustainable legal institution for the preservation of artistic, cultural, technological and culinary traditions in the Russian Federation.

All the above described allowed to formulate the main directions of development and transformation of the regularities of legal regulation of social relations in the system of legal impact on society, features of legal impact within the framework of civil-legal relations, legal regulation of the means of individualisation of the results of intellectual activity and its legal impact; to outline new fronts of the mechanism of legal regulation in relation to the means of individualisation of the results of intellectual activity;

Scientific work on the dissertation research 'Means of individualisation of the results of intellectual activity in the mechanism of legal regulation (historical-legal study)' allowed to **formulate the following provisions for defence**:

1. In order to improve the legal practice in the field of individualisation of intellectual activity, one of the results of this work was the development of conceptual apparatus.

In order to determine the content of legal regulation in the studied area of intellectual activity it was proposed to introduce into scientific circulation the term 'individualised legal impact', in addition, a proposal was put forward to fix the term 'preception', denoting the process of 'export of law'. The use of the term 'impulsum legis' to describe the all-directed legal impact, which corresponds to the concept of impact of law in common law countries, is also justified. It is established that the dynamics of legal impact and regulation is determined by transformational interaction, emphasising that legal regulation in national jurisdictions is conditioned by convergence processes and the specific regime of international legal regulation.

2. It is proved that the legal regulation of means of individualisation of the results of intellectual activity is part of 'individual legal regulation', its unique characteristics are highlighted. As a result of the analysis it is proposed to introduce into scientific circulation the term 'individualised legal regulation' and expand the terminosystem of legal regulation by introducing the concept of lex regulata. This will allow to comprehensively study the legal regulation of social relations and behaviour of individuals in the context of domestic legal tradition, relying on the principles of regulatory law from common law countries. It is established that the

mechanisms of legal regulation in this area are dynamic and correlate with technological progress rather than with the development of social relations. Individualised legal regulation forms a unique regime of legal relations based on the norms of exclusive law applied to absolute legal relations.

3 The correlation of means of individualisation and exclusive rights as objects of civil rights is substantiated. Three key characteristics are highlighted: 1) the absolute nature of rights; 2) the value of exclusive rights; 3) the possibility of their alienation. The diversity of forms of means of individualisation is determined by sui generis legal mechanisms. It is proved that the dynamics of legal impact and regulation in this sphere is determined by the transformational interaction of right holders and individualised results of intellectual activity, carried out through sui generis mechanisms and exclusive rights of rights.

4 Based on the formation of the institute of legal means of individualisation of the results of intellectual activity in the class and caste society on the example of ancient China, the Confucian doctrine of intellectual property rights is revealed. This doctrine is characterised by encouragement of copying and unlimited dissemination of reputation of products and services, as well as the absence of exclusive rights.

5. It is argued that the mechanisms of legal regulation of means of individualisation of the results of intellectual activity, developed by the end of the XIX century and based on the theory of remuneration of J. Locke, have reached their limits and do not meet the challenges of the XXI century, such as the rapid development of technology and changes in economic structures. To address this problem, improvements in legal regulation are proposed to take into account Hegel's personal theory and Bentham's utilitarian theory. This may lead to a reformatting of modern intellectual property law and the introduction of new regulatory mechanisms, including K. Marx's concept of 'universal intelligence'.

6. The relationship between colonialism and intellectual property is revealed, identifying practices of cultural appropriation. The assertion of national sovereignty is possible through the protection of intangible cultural heritage and geographical indications, which expands the framework of legal regulation of the means of

individualisation of the results of intellectual activity, including the development of the institution of collective right holder and regulation of the legal status of migrants.

7. The key differences in the development of legal means of individualisation of the results of intellectual activity in the Old Russian State and the Moscow Principality compared to the European legal order of the Middle Ages have been identified, emphasising the low importance of geographical identification and individualisation of trade unions. This highlights the need to improve legal regulation in modern conditions, including the use of ergonyms as a new tool of individualisation.

8. Identified the unique 'mineral' basis of domestic terroir, explaining the structure of geographical indications and appellations of origin. The connection with the history of mining law of the XX century is substantiated. Proposed a new strategy of transboundary mineral turnover, taking into account international legal protection, which reduces the risks of sanctions and minimises environmental consequences.

9. It is argued that the exclusion of the firm name from the number of protected means of individualisation will harmonise Russian legislation with international norms, such as the Stockholm and Paris Conventions. The proposed changes may have a positive impact on the development of public relations and disclosure of commercial potential in this area.

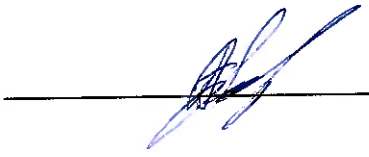
Theoretical and practical significance of the research lies in the fact that the obtained results of the dissertation research and the formulated assumptions can be used to improve the legal regulation of means of individualisation in the framework of Russian legislation. The main theses of this study may be useful for judicial authorities and practicing lawyers, including in the process of analysis, clarification of the essence and legal nature of various means of individualisation of the results of intellectual activity. The results and content of this dissertation research can be used in teaching and pedagogical activities, in particular, in the process of teaching and studying courses of theory of state and law, history of state and law of Russia, history of state and law of foreign countries, history of doctrines of state and law, as well as civil law and comparative law, intellectual property law, and various

academic disciplines in law schools. In particular, this dissertation research can serve as a basis for methodological materials for the following academic disciplines: the history of intellectual property law, the history of the law of new technologies, the history of copyright and related rights, the history of the right to means of individualisation of the results of intellectual activity. The main conclusions and proposals of this dissertation can be used in the research work on this problem, as well as in the normative activity.

The degree of reliability and approbation of the research results:

The main scientific results of the thesis have been published in 30 scientific articles: 12 scientific articles published by the author in journals recommended by the VAK at the Ministry of Science and Higher Education of the Russian Federation, including 3 articles published in journals included in the list of journals recommended by the Academic Council of the Russian Academy of National Economy and Public Administration for the publication of articles on jurisprudence, as well as 18 articles published in other scientific editions.

The structure of the dissertation is built in accordance with the goals and objectives of the research and consists of an introduction, three chapters consisting of 9 paragraphs, conclusion, bibliographic list of sources and literature used in writing the dissertation research.



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