МИНИСТЕРСТВО НАУКИ И ВЫСШЕГО ОБРАЗОВАНИЯ РОССИЙСКОЙ ФЕДЕРАЦИИ
МОСКОВСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ УНИВЕРСИТЕТ
ИМЕНИ О. Е. КУТАФИНА (МГЮА)

АНГЛИЙСКИЙ ЯЗЫК
В СФЕРЕ ЮРИСПРУДЕНЦИИ

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Учебное пособие знакомит студентов с основными понятиями в области инновационного права, в том числе в таких актуальных и динамично развивающихся направлениях, как биоправо, цифровое право и LegalTech.

Цель данного пособия – развитие компетенций, достаточных для дальнейшего совершенствования в профессионально ориентированной сфере, а также расширение и активизация словарного запаса, развитие основных видов речевой деятельности в области профессиональной иноязычной коммуникации и формирование навыков самостоятельной работы над языком.

Издание адресовано студентам и слушателям юридических вузов, обучающимся по профилю подготовки «Инновационная юриспруденция». Пособие может быть использовано при обучении широкого круга лиц, изучающих юридический английский язык.

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ПРЕДИСЛОВИЕ

Настоящее учебное пособие предназначено для студентов второго года обучения по профилю подготовки «Инновационная юриспруденция». Пособие разработано профессорско-преподавательским коллективом кафедры английского языка Московского государственного юридического университета имени О. Е. Кутафина (МГЮА) в соответствии с рабочей программой по дисциплине «Иностранный язык в сфере юриспруденции» согласно ФГОС ВО.

Пособие раскрывает такие темы, как: «Инновационное право в цифровой экономике», «Правовое регулирование инноваций в Российской Федерации, Великобритании и США», «Вызовы и возможности в области LegalTech», «Искусственный интеллект в правовой сфере», «Блокчейн и смарт-контракты», «Биомедицина и права человека», «Правовое регулирование биотехнологий», «Биоэтика», «Правовые и этические аспекты клонирования человека и вмешательство в геном человека» и пр. Раздел Case Study предлагает студентам изучить практику международного суда по решению межгосударственных споров. Охватываемая тематика позволяет студентам не только ознакомиться с основными аспектами области инновационного права, но и расширить и активизировать словарный запас для успешной профессиональной коммуникации на английском языке.

Пособие состоит из четырех глав, разделенных на 4—5 уроков. Структура урока включает несколько аутентичных текстов по заданной теме и комплекс заданий к ним, направленных как на проверку понимания, так и на перевод и реферирование текста. В каждой главе содержатся разноплановые задания, способствующие поиску иноязычной профессионально значимой информации в проверенных аутентичных источниках, ее последующей переработке и активному участию обучающихся в дискуссии на английском языке.

Chapter I. INNOVATION LAW. STATE REGULATION OF INNOVATIONS

Unit 1
WHAT IS INNOVATION?

Lead-in

1. Discuss the questions in pairs.

1. Why did innovation become so important by the end of the 20th century?
2. Why is innovation associated with technology and commercialization?

2. Read the text.

Text

Vocabulary

1. to achieve significant results — добиться существенных результатов
2. to be critical in doing smth — иметь решающее значение в чем-л.
3. to be an integral part of smth — быть неотъемлемой частью чего-л.
4. to enhance — повышать; усиливать
5. to stir up — активизировать; оживить
6. competitive pressures — конкурентное давление
7. capability — способность
8. to stand at the heart of smth — стоять в центре чего-л.
9. to outperform — превзойти
10. competitive advantage — конкурентное преимущество

The word "innovation" is derived from the Latin verb innovare, which means to renew. In essence, the word has retained its meaning up until today. Innovation means to improve or to replace something, for example, a process, a product, or a service.

Innovation is doing things in new ways in order **to achieve significant results** and make a huge difference in performance compared to others.

Innovation's goal is to have a positive change, to make someone or something better. Testing and evaluation of ideas **is critical in** achieving this goal. The ideas that do not work are identified through testing. Failure **is an integral part of** the innovation process. Failing means collecting data and evidence about the changes that organizations want to undergo. Innovation is defined as new ideas that work and a successful innovation can be achieved through the creation and implementation of new processes, products, services and methods of delivery which will result in significant improvements in the profitability and **enhance** the growth of an enterprise.

Innovation is a special case of planned change and learning that either transforms current products, services, and markets, or creates an entirely new market by introducing a radically new product or service. An organization is considered innovative if it **stirs up** the marketplace, by creating **competitive pressures** and new opportunities. It has been recognized that successful innovation in an established organization requires balancing the stabilized efficiency of the current market offerings and building new **capabilities** to create and develop offerings for unknown markets. Importance of innovation seems to be the most talked management issue these days. Knowledge plays a crucial role in the economic processes because within the knowledge-based economy, innovation plays a central role and **stands at the heart of** economic change. Firms innovate to defend their competitive position as well as to achieve competitive advant age. Organizations possessing more knowledge **outperform** those with less. It was believed that an enterprise can maintain **competitive advantage** through quality and price, whereas today's different researchers have revealed that innovation is one of the most valuable differentiator for sustainable competitive advantage.

3. Give Russian equivalents to the following words and word combinations.

a. to have a positive change
b. to play a central role
c. to defend their competitive position
d. the knowledge-based economy
e. maintain competitive advantage
f. to achieve significant results
g. to replace something
h. to outperform
i. methods of delivery

4. Find English equivalents to the following words and word combinations in the text.

a. оживить рынок
b. создать конкурентное давление
c. кардинально изменить
d. достичь конкурентного преимущества

e. быть самым обсуждаемым управленческим вопросом
f. оценка идей
g. претерпевать изменения
h. внедрение новых процессов
i. провал/неудача
j. привести к значительным улучшениям

5. Guess the concept of the following definitions.

a. the world of economic activity or trade
b. the lack of success
c. the introduction of something new
d. the act or manner of brining something
e. a unit of economic organization or activity
f. the ability to avoid wasting materials, energy, efforts, money, and time
g. the ability to do smth

6. Insert the missed prepositions consulting the text.

1. It was believed that an enterprise can maintain competitive advantage ___ quality and price.
2. An organization is considered innovative if it stirs ___ the marketplace.
3. The word "innovation" is derived ___ the Latin verb innovare.
4. Testing and evaluation of ideas is critical ___ achieving this goal.
5. Innovation plays a central role and stands ___ the heart of economic change.
6. The word "innovation" has retained its meaning ___ until today.
7. A successful innovation can be achieved ___ the creation and implementation of new processes, products, services and methods of delivery which will result ___ significant improvements in the profitability.

7. Answer the questions.

1. What is the origin of the word "innovation"?
2. What does innovation mean?
3. What does innovation aim at?
4. What constitutes an integral part of the innovation process?
5. What kind of organization could be considered innovative?
6. Why is it crucial for a company to be innovative?

8. Translate the following sentences into English using the active vocabulary.

1. Инновация — новый или улучшенный продукт (товар, услуга) или процесс, новый метод продаж или новый способ доставки, используемый на рынке.
2. Однако инновацией является не каждое новшество, а лишь такое, которое серьезно повышает эффективность действующей системы.

3. Целью инноваций является использование компаниями новых способов производства для достижения конкурентного преимущества на рынке.
4. Конкурентным преимуществом называют уникальную ценность предприятия, которая дает ему возможность выделиться среди конкурентов, эффективнее распоряжаться ресурсами и привлекать больше клиентов.
5. Организация считается инновационной, если она в состоянии оживить рынок, создавая конкурентное давление и новые возможности.
6. Знания играют решающую роль в экономике, поскольку инновации лежат в основе экономических изменений.
7. Различные исследования показали, что инновации являются одним из наиболее значимых факторов устойчивого конкурентного преимущества.

9. Complete the text by choosing the correct word and word combination from the box.

a. discovering	b. technology
c. first	d. business models
e. better	f. introduce
g. new ideas	h. accessing
i. value	j. distinction
k. creative	l. processes
m. conversations	n. creation
o. innovation	p. to conclude

There is a clear ___**1**___ between invention and innovation. Invention is ___**2**___ of things never existed before while innovation is discovering how to ___**3**___ and commercialize new products, ___**4**___ and new ways of adding customer ___**5**___ through innovative ___**6**___ and management systems. Invention is defined as the generation of ___**7**___ which have the potential to make someone or something ___**8**___. New ideas can be drawn from scanning other industries, by having ___**9**___ and meetings, or ___**10**___ information which is not usual in your business. All innovation's starting point is invention of ___**11**___ ideas. The distinction between them is that invention is having an idea about a service, product, ___**12**___ or device, while ___**13**___ is the successful application of those ideas.

___**14**___, invention is the ___**15**___ of a product, device or method that has never been made and existed before. So, every invention is an innovation. But every innovation is not an invention. When a company ___**16**___ publishes its website, this is a major innovation for the company even though many other websites may already exist.

Unit 2
WHAT IS INNOVATION LAW?

Lead-in

1. Read the following passage from THELAW.COM LAW DICTIONARY & BLACK'S LAW DICTIONARY (2ND ED.).

Do you hold the same opinion? Why? Why not? Discuss the issue in pairs. Use the following word-combinations:

In my view (in my opinion)	По-моему
Personally, I think	Я считаю
As far as I'm concerned	Что касается меня
According to (smb)	Как считает
I agree (with you)	Я с вами согласен
I doubt	Я сомневаюсь
I have my doubts about	Я не уверен (в чем-л.)
Yes, you could be right but I'm not sure (that)	Возможно, вы правы, но я не уверен (что)
I agree to some extent but	В некоторой степени я согласен, но
I'm afraid I totally disagree	Боюсь, что я совсем не согласен

"Innovations are said to be dangerous, as likely to unsettle the common law. Certainly, no innovations ought to be made by the courts, but as every thing human is mutable, no legislation can be, or ought to be immutable; changes are required by the alteration of circumstances; amendments, by the imperfections of all human institutions but laws ought never to be changed without great deliberation, and a due consideration of the reasons on which they were founded, as of the circumstances under which they were enacted. Many innovations have been made in the common law, which philosophy, philanthropy and common sense approve. The destruction of the benefit of clergy; of appeal in felony; of trial by battle and ordeal; of the right of sanctuary; of the privilege to abjure the realm; of approvement, by which any criminal who could, in a judicial combat, by skill, force or fraud kill his accomplice, secured his own pardon of corruption of blood; of constructive treason; will be sanctioned; by all wise men, and none will desire a return to these barbarisms".

2. Read the text and find the English equivalents to the following Russian sentences.

1. Инновационное право возникло на рубеже веков как ответ на коренные изменения, которые произошли в связи с компьютеризацией, использованием передовых технологий, внедрением инноваций в деятельность предпринимателей и иных хозяйствующих субъектов.
2. Предметом инновационного права являются три группы общественных отношений, составляющих определенное единство. Это инновационные отношения, иные связанные с инновационными отношения и отношения по государственному воздействию на инновационную деятельность.
3. Первая группа отношений — это отношения по осуществлению инновационной деятельности, возникающие между ее субъектами.
4. Вторая группа отношений, составляющих предмет инновационного права, связана с созданием новшеств.
5. Третью группу отношений, входящих в предмет инновационного права, составляют отношения по государственному воздействию на инновационную деятельность, которые возникают между государством и субъектами инновационной деятельности.
6. Инновационное право как институт права представляет собой совокупность правовых норм, регулирующих инновационные отношения, иные связанные с инновационными отношения, а также отношения по государственному воздействию на инновационную деятельность путем предоставления широкой свободы субъектам инновационной деятельности и предъявления обязательных предписаний там, где это необходимо.

Text

Vocabulary

1. a multifaceted system — многогранная система
2. to emerge at the turn of the century — возникнуть на рубеже веков
3. the drastic changes — радикальные изменения
4. state-of-the-art technologies — передовые технологии
5. to entail — повлечь за собой
6. the subject matter of innovation law — предмет инновационного права
7. applied scientific research — прикладное научное исследование
8. binding rules — нормы, имеющие обязательную силу
9. It should be borne in mind... — следует иметь в виду

Innovation law is **a multifaceted system** of legal norms governing relations in the area of innovation activities. Innovation law may also be understood as a branch of scientific knowledge that comprises a system of ideas, knowledge and concepts in the field of innovation law development.

Innovation law **emerged at the turn of the century** in response to **the drastic changes** that computerization, the use of **state-of-the-art technologies** and the introduction of innovation into business activities of entrepreneurs and other economic actors **entailed**.

The subject matter of innovation law is typically understood as the range of social relations regulated by the norms of a certain legal system. More specifically, the subject matter of innovation law consists of three groups of social relations that constitute a certain unity. These are innovation relations, other relations connected with innovation, and relations of state influence on innovation activity. Moreover, the first two groups of relations are horizontal, as they arise between equal and independent participants, and the third group is a vertical relationship.

The first group of relations deals with the implementation of innovation activities arising between the subjects of innovation law. The essence of these relationships is the implementation and commercialization of special objects, i.e. innovations.

The second group of relations, constituting the subject matter of innovation law, is related to the creation of innovations. Innovation is the result of fundamental and **applied scientific research**, development, experimental work in any field of activity, embodied in a material form.

The third group of relations, which makes up the subject matter of innovation law, is the relationship between the state and the subjects of innovation activities. The state through its bodies implements the public interests of society, influences the subjects engaged in innovation activities through regulation, planning, control and other means.

Innovation law as a legal institution is a set of legal rules regulating innovation relations, other relations referred to innovation activities, as well as relations of state influence on innovation activities by granting broad freedom to subjects of innovation activities and establishing **binding rules**. The above definition clarifies the notion of innovation law as a legal institution. **It should be borne in mind** that the term "innovation law" is also used in the sense of an institute of law, an academic discipline and a training course.

3. Find the synonyms to the following words in the text. Rephrase the sentences which contain the synonyms using the words below.

a. basic	b. multidimensional	c. to result in
d. introduction	e. to appear	f. mandatory
g. advanced	h. radical	i. term

4. Say whether the following statements are true or false. Explain why.

1. Innovation law is a simplified system of legal norms.
2. Innovation law is a relatively new branch of law.
3. The use of traditional technologies is one of the key features of innovation law.
4. Innovation law governs several types of social relations.
5. The nature of the first group of relationships is the implementation and commercialization of innovations.
6. The second group of relations makes up the subject matter of Innovation law.
7. The term "innovation law" refers to an institute of law, an academic discipline and a training course.

5. Answer the questions.

1. How can innovation law be defined?
2. When did innovation law appear?
3. What is the subject matter of innovation law?
4. What types of social relations does innovation law regulate?
5. What does the term "innovation law" imply?

6. Match the words on the left with the words on the right to form word combinations. Consult the text if necessary. Make up your own sentences with the collocations below.

1. multifaceted	a. knowledge
2. innovation	b. changes
3. scientific	c. system
4. drastic	d. discipline
5. state-of-the-art	e. activities
6. subject	f. rules
7. applied scientific	g. research
8. binding	h. technologies
9. academic	i. course
10. training	j. matter

7. Render the text in English.

Несмотря на то, что термин «инновационное право» появился в отечественной и зарубежной юридической литературе в конце XX в., до сих пор в юридической науке отсутствует единый подход к определению понятия инновационного права и его места в системе российского права. В настоящее время существуют следующие наиболее распространенные концепции определения места инновационного права

в системе права: а) инновационное право — самостоятельная отрасль права; б) инновационное право — институт гражданского права; в) инновационное право — комплексная отрасль права; г) инновационное право — комплексная отрасль законодательства без соответствующего места в системе права.

В предмет инновационного права входят имущественные отношения между субъектами инновационной предпринимательской деятельности, а также организационные отношения по поводу государственного воздействия на инновационную деятельность. При этом определяющими в предмете инновационного права являются общественные отношения, возникающие в процессе осуществления инновационной деятельности.

Unit 3
INNOVATION IN THE DIGITAL ECONOMY

1. Match English word combinations with their Russian equivalents.

1. a critical ingredient	a. устойчивая цифровая экономика
2. a stagnating rate	b. вероятное воздействие
3. the perceived impact	c. стагнирующий показатель
4. to capture part of smth	d. важный элемент
5. near-costless types of innovation	e. не соответствовать ожиданиям
6. to fall short of expectations	f. поддерживаться; быть взращенным
7. a resilient digital economy	g. завоевать часть чего-л.
8. to be nurtured by smth	h. виды инноваций, почти не требующие затрат
9. the steady upward trend	i. принимать форму
10. to take shape	j. устойчивая тенденция к росту
11. emerging technologies	k. развивающиеся технологии

2. Read the text and match the key ideas (a—e) with the text paragraphs (1—5).

a. The digital revolution changes the nature of innovation.
b. A new economy is shaping, requiring urgent innovations in governance and regulation.
c. Firms will face increasing pressure to innovate continuously.
d. Businesses and governments are missing out on a rapidly growing digital population.
e. The reasons for innovation in the digital economy.

1. We are at the dawn of the Fourth Industrial Revolution, which represents a transition to a new set of systems, bringing together digital, biological, and physical technologies in new and powerful combinations. These new systems are being built on the infrastructure of the digital revolution.

One of the key characteristics of the digital revolution is that it **is nurtured by** a different type of innovation, increasingly based on digital technologies and on the new business models it allows. In addition to making traditional research tools more powerful, it allows for new and **near-costless types of innovation** that require little or no R&D (Research and Development)[1] effort. Examples include the digitization of existing products and processes, distributed manufacturing, blockchains, and advertising-based "free services" as well as the prospect of more "uberized" activities in multiple sectors, including transport, banking, entertainment, and education. The NRI (the Networked Readiness Index)[2] data show that the minds of business executives around the world are increasingly focused on innovation, as reflected by **the steady upward trend** in firms' perceived capacity to innovate. Traditional measures for innovation, such as the number of patents registered, are picking up only part of the story. Instead, new types of innovation, such as business-model innovation, look set to become an important part of the innovation story: executives in almost 100 countries report increases in **the perceived impact** of ICTs (Information and communication technologies)[3] on business-model innovation compared with last year.

2. Because digital technologies are driving winner-take-all dynamics for an increasing number of industries, getting there first matters. However, although firms feel that overall capacity to innovate has increased, **a stagnating rate** of ICT adoption and usage by existing firms across all regions suggests that a large number of firms are not getting into the game fast enough.
3. In recent years, digital innovation has been primarily driven by consumer demand. Yet this increasing demand for digital products and services by a global consumer base is largely being met by a relatively small number of companies. Businesses need to act now and adopt digital technologies **to capture their part of this growing market**. A widening and worrying gap is also emerging between growth in individual ICT usage and public-sector engagement in the digital economy, as government usage is increasingly **falling short of expectations**. Governments can do more to invest in innovative digital solutions to drive social impact.
4. As the new digital economy is **taking shape**, offering it the right framework conditions will be crucial to ensuring its sustainability. Digital technologies are unleashing new economic and social dynamics that will need to be managed if the digital transformation

[1] R&D (Research and Development) — научно-исследовательские и опытно-конструкторские разработки (НИОКР).

[2] NRI (the Networked Readiness Index) — индекс сетевой готовности.

[3] ICTs (Information and communication technologies) — информационные и коммуникационные технологии (ИКТ).

of industries and societies are to deliver long-term and broad-based gains. **A resilient digital economy** also calls for new types of leadership, governance, and behaviors. **A critical ingredient** for the success and sustainability of the emerging system will be agile governance frameworks that allow societies to anticipate and shape the impact of **emerging technologies** and react quickly to changing circumstances.

3. Give Russian equivalents to the following words and word combinations.

a. a transition to a new set of systems
b. to drive social impact
c. agile governance frameworks
d. a stagnating rate
e. "uberized" activities
f. public-sector engagement in the digital economy
g. the steady upward trend
h. to drive winner-take-all dynamics
i. to require little or no R&D effort
j. blockchain

4. Find English equivalents to the following words and word combinations in the text.

a. не соответствовать ожиданиям
b. находиться на пороге промышленной революции
c. виды инноваций, почти не требующие затрат
d. предполагаемая способность
e. обеспечение стабильности
f. потребительский спрос
g. развивающиеся технологии
h. устойчивая цифровая экономика
i. призывать к чему-л.
j. многочисленные секторы

5 Work in pairs. Write 6 questions covering the basic points of the text and take turns to ask each other.

6. Self-study. Render the fragment of the article headlined "Digital Economy is the Economy of Innovations, Not Inventions" in English.

На чем стоит строить свое конкурентное преимущество той или иной стране, чтобы занять лидирующие позиции в технологической гонке?

Цифровая экономика — это экономика инноваций, а не изобретений. Очень важно разделять эти понятия. Изобретение — это любая вещь, имеющая принципиальную техническую новизну. Инновация — нечто, принятое рынком. Инновация может иметь очень низкую изо-

бретательскую ценность, но при этом перевернуть весь мир. Лампочки А. Лодыгина и Т. Эдисона, радио Г. Маркони и А. Попова — пара ярких примеров. Сегодня конкуренция происходит за рынок, за способность устанавливать стандарты и правила, а не за техническую новизну. В этой конкуренции побеждает тот, у кого больше потребителей.

В каких технологических отраслях для России необходим кардинально иной государственный подход?

Практически во всех. Как уже было сказано, вопрос не в технологиях, а в рынках. Российские государственные программы в области цифровой экономики — во многом продукт ностальгии по атомной и космической программам времен СССР. Это ложные аналогии. Мы конкурируем не с сопоставимыми государственными программами, а с невероятно широким полем частных инициатив и экспериментов. В этой конкуренции очень мало пространства для прямого действия в духе «давайте вложимся в ...». В ней можно выиграть лишь за счет развития среды. Государству полезно стать эффективным рыночным заказчиком цифровых технологий, но еще важнее — совершать минимум действий, которые мешают развиваться национальным «цифровым чемпионам» (сильным частным компаниям). Особенно вредны любые намеки на национализацию отрасли.

В каких областях Россия наиболее и наименее конкурентоспособна на мировом рынке высоких технологий?

В России сейчас три суперкомпьютера из мирового списка топ-500 — меньше, чем в Италии или Сингапуре. В мировых цифровых рейтингах страна в лучшем случае занимает позицию в середине третьего десятка. Есть несколько относительно узких областей, где мы действительно конкурентоспособны, что связано с традиционной силой математической школы. Однако надо отдавать себе отчет — мы крепкий середняк в глобальном масштабе. Строить стратегии развития нужно на этом осознании, и только тогда они будут реалистичными.

7. Group work. Study the article of Harvard Business Review "Which Economies Showed the Most Digital Progress in 2020?" (https://hbr.org/2020/12/which-economies-showed-the-most-digital-progress-in-2020) and discuss the following concepts:

— stand out economies;
— break out economies;
— stall out economies;
— watch out economies.

Look for the up-to-date information on the digital evolution in different economies worldwide, compare with the data in the article and provide a critical analysis on the current situation in one of the categories.

Unit 4

REGULATORY FRAMEWORK OF INNOVATION ACTIVITIES IN THE RUSSIAN FEDERATION

Lead-in

1. Discuss with your partner what branches of law regulate innovations and innovation activities in the Russian Federation, prepare a statement (5—10 sentences) to share with the group. Use the following expressions to present your ideas.

We can safely assume that	Мы можем смело предположить
As a matter of fact	На самом деле
It's important to keep in mind that	Важно понимать, что
As far as we can see	Насколько мы понимаем
To put it short	Кратко говоря
It's worth noting	Стоит отметить

2. Read the text.

Text

Vocabulary

1. innovation activities — инновационная деятельность
2. finished product — готовый, конечный продукт
3. regulatory legal framework — нормативно-правовая база
4. to entail — повлечь за собой, приводить к
5. declaratory — декларативный
6. incentive — стимул
7. National Technological Initiative (NTI) — Национальная технологическая инициатива (НТИ)
8. JSC (Joint Stock Company) — акционерное общество
9. JSC "RVC" — АО «РВК» (Российская венчурная компания)

In its broadest sense, **innovation activities** are understood as activities directly related to the creation and use of an intellectual product, bringing new original ideas to their implementation as **finished products**. As a rule, it is focused on the transformation of the results of scientific activity.

The central element of innovation activities is the development, planning and implementation of innovations.

The implementation of innovation activities, their boundaries, rules of organization and protection are regulated by current legislation. The sources of its legal regulation are normative legal acts that have different legal force and industry classification.

The **regulatory legal framework** is a set of laws and by-laws regulating subjects, objects and issues related to innovation activities. The current legislation sets up rights and obligations of participants of innovation activities, which observance is enforced in the process of implementation of innovation activities. Violation of the rights and obligations of participants in innovation activities **entails** the corresponding regulatory and legal consequences.

Legal sources in the sphere of innovation comprise laws, by-laws, decrees, programs and **declaratory** acts of the government. The latter include concepts, strategies and development programs. The foundation of the legal regulation of innovation activities is the Constitution and the Civil Code of the Russian Federation. The Constitution provides the primary basis of civil legislation. Civil legislation includes intellectual property laws, copyright laws, patent legislation. The legal protection of the results of innovation activities is ensured through the state registration of intellectual rights to new inventions and technologies in the relevant patent and trademark committees.

Certain elements of the legal regulation of innovation activities are reflected in the federal law "On small and medium businesses development in Russia". In particular, the law implies the state to provide support to small and medium businesses involved in innovation activities. State support for innovation activities, its organization and provision are enshrined in the relevant federal law "On science and state scientific and technical policy". State support for innovation activities is a set of measures implemented by state authorities and aimed at creating the necessary legal, economic and organizational conditions, as well as **incentives** for individuals and legal entities that carry out innovation activities.

Despite the existence of certain legal mechanisms for regulating innovation activities, the legislative system in this sphere has not yet been fully formed.

In 2017, the Decree of the Government of the Russian Federation No. 1184 of September 29, 2017 approved the Regulation on the development and implementation of action plans ("road maps") to improve legislation and eliminate administrative barriers in order to ensure the implementation of **National Technological Initiative (NTI)**. In 2017, with the support of **JSC "RVC"**, seven working groups representing such areas of NTI as "Autonet", "Aeronet", "Marinet", "Neuronet", "Technet", "Healthnet"

and "Energynet" elaborated projects of the corresponding "road maps", which were adopted by the Government of the Russian Federation in 2018.

3. Give Russian equivalents to the following words and word combinations.

a. directly related to
b. to bring ideas to implementation
c. a set of laws, by-laws and regulations
d. to entail legal consequences
e. patent and trademarks committees
f. to be enshrined in the relevant law
g. to eliminate administrative barriers

4. Find English equivalents of the following words and word combinations in the text.

a. продукт интеллектуальной деятельности
b. иметь юридическую силу
c. соблюдение прав и обязанностей
d. обеспечивать соблюдение прав
e. нормативные акты программного и декларативного характера
f. предполагать государственную поддержку инноваций
g. создать условия и стимулы

5. Answer the questions.

1. What is the main goal of innovation activities?
2. What constitutes legal and regulatory frameworks of innovation activities in Russia?
3. How can the results of innovation activities be protected?
4. How does the state provide support for innovation activities?
5. What initiatives have the state and business taken to facilitate the development of the innovations sector of economy?

6. Explain the difference between the following notions. Make up your own sentences with these terms.

a. legislation	b. ruling	c. act
d. law	e. regulation	f. statute
g. by-law	h. decree	i. provision

7. Guess the concept of the following definitions.

a. final packaged product intended for human consumption
b. a government authority or licence conferring a right or title for a set period, especially the sole right to exclude others from making, using, or selling an invention

c. a name or symbol on a product that shows it was made by a particular company, and that it cannot be used by other companies without permission
d. an official document stating the existing law on a particular subject; explanatory
e. a course or principle of action adopted or proposed by an organization or individual
f. a thing that motivates or encourages someone to do something
g. a plan or strategy intended to achieve a particular goal

8. Render the following text in English using the active vocabulary.

a. В настоящее время научно-техническая политика российских властей направлена на инновационный путь развития. В стране разрабатываются и принимаются нормативно-правовые документы, которые направлены на развитие и внедрение научно-технических разработок. Эти документы являются приоритетным источником экономического роста, расширяют возможности для создания новых продуктов и технологий, а также позволяют государству увеличивать инвестиции в развитие человеческого капитала, прежде всего — в фундаментальную науку и образование, а также в поддержку инноваций. Совокупность законодательных и подзаконных нормативно-правовых актов, регулирующих отдельные стороны и вопросы осуществления инновационной деятельности, составляют нормативно-правовую базу Российской Федерации. Соблюдение законодательства в области инноваций обеспечивает правоприменительную практику. В случае нарушения установленных прав субъекты инновационной деятельности обращаются за их защитой в органы судебной власти.
b. К субъектам инновационной деятельности можно отнести изобретателей, конструкторов и других творческих личностей, создающих инновационный продукт. Индивидуальным предпринимателем в инновационной сфере выступает физическое лицо, получившее право использовать объект промышленной собственности, но его возможности в создании и использовании инновационного продукта всегда ограничены. Основными субъектами инновационной деятельности являются юридические лица. К ним относятся конструкторские и научно-исследовательские организации (исследовательские центры, проектно-конструкторские организации и специализированные конструкторские бюро, проектно-технологические организации) и предприятия различных отраслей экономики, независимо от форм собственности, а также высшие учебные заведения. В процессе выполняемой инновационной деятель-

ности они выступают как разработчики, исполнители, заказчики или производители новых изделий, а также как потребители инновационной продукции.

c. Основные принципы, лежащие в основе государственной поддержки инновационной деятельности:
   — государственная поддержка доступна на всех этапах инновационной деятельности;
   — поддержка осуществляется на основе программного подхода, наличие измеримых целей во время планирования и реализации направлений поддержки;
   — инновационная инфраструктура развивается опережающими темпами;
   — государственная поддержка инновационной деятельности оказывается публично;
   — государственная поддержка защищает частные интересы предпринимателей и стимулирует предпринимательскую инициативу;
   — поощряются рыночные меры регулирования и механизмы государственно-частного партнерства с целью развития инновационной деятельности;
   — государственная поддержка инновационной деятельности должна быть эффективной, чтобы обеспечивать достижение стратегических целей социально-экономического развития России.

d. Закон определяет основные формы государственной поддержки, такие как:
   — предоставление налоговых и таможенных льгот;
   — предоставление финансовой поддержки в виде субсидий, грантов, кредитов и т. д.;
   — создание инфраструктурных условий для поощрения инновационной деятельности;
   — оказание информационной, консультационной и иной поддержки субъектам предпринимательства.

e. База для нормативно-правового регулирования инновационной деятельности в Российской Федерации уже существует, тем не менее определенные проблемы все еще имеют место:
   — отсутствие однозначных критериев определения инновационной организации;
   — отсутствие законодательных определений для компонентов инновационной инфраструктуры (технопарков, бизнес-инкубаторов и их целей и задач в рамках стимулирования предпринимательской инновационной деятельности);
   — проблема надежной защиты прав на интеллектуальную собственность и др.

Для того чтобы решить задачи, позволяющие осуществить модернизацию экономики и повышение уровня конкурентоспособности, требуется не только разработка и принятие необходимых нормативно-правовых документов, но и упорядочение, систематизация действующих правовых норм, а также выработка единого механизма правового регулирования инновационной деятельности.

9. Self-study. Find information on the following NTI projects on the internet. What progress has been reached so far? Make presentations on one of the projects:

a. Autonet
b. Aeronet
c. Marinet
d. Neuronet
e. Technet
f. Healthnet
g. Energynet
h. Foodnet
i. Safenet

Unit 5
INNOVATION POLICY IN THE UK AND THE USA

Lead-in

1. Read the following quotations and comment on them.

"Some people see innovation as change, but we have never really seen it like that. It's making things better." Tim Cook, Apple CEO.

"Nothing in life is to be feared, it is only to be understood. Now is the time to understand more, so that we may fear less... I am one of those who think like Nobel, that humanity will draw more good than evil from new discoveries." Marie Sklodowska Curie, Nobel Laureate in both physics and chemistry.

2. Read a fragment from the UK Innovation Strategy of 2021.

Text 1

Vocabulary

1. to cement — укрепить, усилить
2. to level up — поднимать на более высокий уровень
3. robust — крепкий, сильный, устойчивый
4. agile — гибкий
5. net zero target — зд. цель свести к нулю уровень вредных выбросов в атмосферу
6. to boost — повышать, способствовать росту
7. to reiterate — вновь обратить внимание (на что-л.), подчеркнуть
8. to span — охватывать
9. a global hub for innovation — мировой центр инноваций
10. Innovate UK — вневедомственный государственный совет Соединенного Королевства, предоставляющий поддержку и инвестиции разработчикам инновационных технологий (входит в UKRI)
11. UK Research and Innovation (UKRI) — вневедомственный государственный орган, предоставляющий поддержку и финанси-

рование науки и инновационных разработок во всех областях экономики

12. to operationalise — вводить в действие, внедрять
13. to nurture — зд. развивать
14. commitment — обязательство
15. overarching — всеобъемлющий, имеющий наибольшее значение
16. to drive — зд. способствовать, стимулировать
17. to underpin — укреплять, поддерживать
18. a pillar — зд. основа, основополагающий элемент
19. to allow for — способствовать, обеспечивать
20. disruptive — подрывной, разрушительный

Innovation is central to the largest challenges the world faces, from climate change and the ageing society to global pandemics. Upon leaving the EU, the country moves quickly to respond to these challenges, and other global opportunities, **to cement** the UK's position as a world-leader in science, research and innovation. Furthermore, by supporting innovation in places, sectors, and businesses across the country, the UK has been **leveling up** the economy and creating high-value new jobs and trading opportunities.

The UK can look back on a proud history of changing the world through innovation, from the industrial revolution to the vaccine development of the past year. The UK government relies on innovative foundations to create a **robust** and **agile** economy, and invests in innovation to build a greener, healthier and more prosperous future for the UK.

With the climate emergency and **net zero target** as well as the pace of technological innovation in mind, the Government has published "Build Back Better: our plan for growth" which focuses on infrastructure, skills and innovation as the foundation of recovery and growth across the economy.

To build on this foundation, this UK-wide Innovation Strategy sets out a long-term plan for delivering innovation-led growth. Its primary objective is **to boost** private sector investment across the whole of the UK, creating the right conditions for all businesses to innovate and giving them the confidence to do so.

The Prime Minister **reiterated** the objective of making the UK a global science superpower, turning world-leading science and ideas into solutions for the public good. The Innovation Strategy contributes to that goal with an ambitious programme of work **spanning** the innovation landscape setting out their vision for the UK to be **a global hub for innovation**. Such bodies as **Innovate UK** and **UK Research and Innovations (UKRI)** are responsible for **operationalising** this Strategy in order to achieve the set goals. The Government works alongside other partners, including universities and other research organisations, charities, public sector research establishments and research and innovation institutes who play a key role in implementation of the Strategy.

Boosting innovation in the private sector is an essential part of the UK's future prosperity and key to achieving UK objectives to be a force for good

on global challenges around climate, biodiversity, prosperity and security. The different elements that characterise innovation — discovery, invention, development, and adoption — cannot be readily and cleanly separated. The whole ecosystem of businesses, government, R&D-performing organisations, finance providers, funders, international partners and others are to work together. The 2020 R&D Roadmap set out the importance of this broad system and how the Government **nurtures** it. The Strategy focuses on how the authorities support private sector innovation by making the most of the UK's research, development and innovation system.

The UK government has therefore placed innovation at the heart of its **commitments** to the British people:

— *Science Superpower agenda*. The Prime Minister has announced the intention to be a science superpower by 2030, placing science, innovation and technology at the heart of his vision for the UK. This involves becoming to science and technology a central hub of the global economy, and the country that the world's most innovative people and firms make their home.

— *The 2021 Integrated Review (IR)* put science and technology at the centre of the **overarching** national and international strategy. The IR sees science and technology as a key arena of systemic competition, with both extraordinary opportunity and severe risk. It highlights that establishing leads in specific technologies such as engineering biology, quantum, and AI is fundamental to the country's security and prosperity. The Innovation Strategy provides a key path to achieving leadership in these high-tech innovations as well as more conventional technologies, whilst enabling the research and innovation sector to manage risks in international collaborations.

— *The Defence and Security Industrial Strategy (DSIS)*. The DSIS provides the framework for government to work with industry to achieve the ambitions set out in the IR; **driving** innovation and improvements in productivity to ensure that the UK continues to have competitive, innovative and world-class defence and security industries that **underpin** the national security and drive prosperity and growth across the UK. The Innovation Strategy supports these ambitions by creating an innovation ecosystem in which defence and security businesses can **thrive**.

— *Build Back Better:* the plan for growth places innovation as one of its three **pillars** of economic prosperity. The UK government places strong emphasis on innovation as the way to **allow for** economic prosperity and to build back better. The plan for growth includes a range of critical measures to support start-ups, scale-ups, and attract global talent. The Innovation Strategy builds on these steps taken to unleash UK innovators and private sector investment in innovation.

Through this the UK seeks to generate **disruptive** inventions, the most tech-centric industry and government in the world, more "unicorns", and a nation of firms and people that all aspire to innovate.

3. Give Russian equivalents to the following words and word combinations.

a. to cement the position as a world-leader in science
b. high-value job
c. robust and agile economy
d. to deliver innovation-led growth
e. to reiterate the objective
f. global science superpower
g. to contribute to the goal
h. to set out the vision
i. to be a force for good on global challenges
j. ecosystem of businesses, government, R&D-performing organisations
k. to make the most of the system
l. innovative people and firms
m. to manage risks in international collaborations
n. to allow for economic prosperity

4. Find English equivalents to the following words and word combinations in the text.

a. поднимать уровень экономического развития страны
b. разработка вакцины
c. инвестировать в более экологичное, здоровое будущее
d. нулевой уровень выбросов в атмосферу
e. основа восстановления и роста экономики
f. способствовать росту инвестиций частного сектора в инновации
g. охватывать инновации во всех областях
h. мировой центр инноваций
i. глобальные вызовы в области климата, биоразнообразия и безопасности
j. обязательства государства перед народом
k. всеобъемлющая национальная стратегия
l. биоинженерия, квантовые технологии и искусственный интеллект
m. укреплять национальную безопасность
n. основы экономического процветания

5. Give definitions to the following concepts in English. Use the Internet or dictionaries if necessary.

a. agile economy
b. net zero

c. a hub for innovation
d. R&D
e. engineering biology
f. AI
g. a start-up
h. a scale-up
i. disruptive invention / innovation

6. Answer the questions.

a. What are the greatest challenges the world faces today?
b. What output can be reached by investing in innovations?
c. What is the contribution of the UK in the world innovations throughout the history?
d. What does the UK Government's plan focus on?
e. What are the main goals of Innovation Strategy in the UK?
f. Who plays a key role in carrying out the Strategy?
g. Why has the UK Government placed innovation at the heart of its commitments to the British people?

7. Read the text and fill in the gaps.

a. to facilitate	b. groundbreaking	c. tackle	d. framework
e. legal services	f. smart shipping	g. to develop	h. to bring together
i. territorial waters	j. consumers	k. proactive	l. efforts
m. to encourage	n. enable	o. legal advice	p. to pioneer

From smart shipping to AI-powered legal services

The Regulators' Pioneer Fund is backing the Future of Mobility and AI and Data Grand Challenges through ___**1**___ projects to enable technologies from smart shipping to AI-powered ___**2**___.

The Solicitors Regulation Authority has already taken steps ___**3**___ innovation in the legal industry, inviting firms ___**4**___ new business models in a controlled way. The Regulators' Pioneer Fund investment will ___**5**___ the Solicitors Regulation Authority to work with the innovation foundation Nesta to accelerate ethical AI-powered innovations, with a focus on legal services for small businesses and ___**6**___ where AI and automation can have transformative impact.

Paul Philip, Chief Executive of the Solicitors Regulation Authority, said:

"Smart use of technology could help ___**7**___ the problem that far too many people struggle to access expert ___**8**___. It will help us further build on our work ___**9**___ new ways of delivering legal services, benefiting both the public and small business."

In the Maritime and Coastguard Agency, the Regulators' Pioneer Fund investment will create the Maritime Autonomy Regulation Lab (MAR Lab) ___**10**___ industry specialists, academics and government ___**11**___ new regulatory approaches and make data available to the emerging ___**12**___ industry.

The project will inform UK legislation for a domestic ___**13**___ for autonomous vessels to attract international business and support and promote testing in the UK's ___**14**___. It will also support government ___**15**___ to establish a new ___**16**___ and adaptive international regulatory framework for autonomous vessels at the International Maritime Organisation.

8. Read a fragment from "Understanding the U.S. National Innovation System, 2020" by Robert D. Atkinson.

Text 2

Vocabulary

1. advanced and emerging technologies — передовые и новые технологии
2. technological edge — технологическое преимущество
3. cutting-edge — передовой, новейший, самый современный
4. public notice and comment period — период публикации официального уведомления общественности и предоставления замечаний (по документам, планам и т. д.)
5. the Office of Information and Regulatory Affairs (OIRA) — Управление по информационным и нормативным вопросам
6. the White House Office of Management and Budget — Административно-бюджетное управление Белого дома
7. to trump — иметь преимущество, превосходить
8. the Administrative Procedure Act — Закон об административной процедуре (процедуре осуществления административной власти США)
9. the Commerce Clause — положение о регулировании торговли
10. the U.S. Patent and Trademark Office (PTO) — Бюро патентов и торговых марок США
11. the Department of Commerce (DOC) — Министерство торговли
12. The Librarian of Congress — Библиотека Конгресса
13. The American National Standards Institute (ANSI) — Американский национальный институт стандартов
14. a counterpart — организация, занимающаяся аналогичной деятельностью (в другом учреждении, регионе, стране и т. д.)

The United States is one of the most innovative economies in the world. U.S companies drive global innovation and the development of **advanced and emerging technologies**. Although the United States has no national,

coordinated innovation policy system, the State Department is committed to removing barriers overseas, protecting intellectual property, and maintaining U.S. **technological edge**.

Increased engagement and cooperation with the U.S. private sector allow the U.S. government to better understand **cutting-edge** technology as it becomes more widely adopted. In conducting diplomatic negotiations, it helps policymakers to hear firsthand technology companies' perspectives to inform effective policy that maintains and advances the U.S. technological edge.

Role and Form of Regulation

The U.S. system of regulations, many of which affect innovation, begins with Congress passing legislation and sometimes requiring executive branch agencies to promulgate regulations. These agencies go through an extensive **public notice and comment period** in which individuals and organizations can submit written comments that the agencies are required to review. In addition, **the Office of Information and Regulatory Affairs (OIRA)** within **the White House Office of Management and Budget** also conducts cost-benefit reviews of some proposed regulations, particularly those with high expected costs. To the extent OIRA finds a "significant" federal regulation inconsistent with its cost-benefit analysis, it can return the regulation to the promulgating agency (which can then revise or withdraw it). Although OIRA's analysis does not always **trump** that of the agency, it does dominate. If agencies do not change their regulatory decision, Congress can also act and change the law. This process is generally quite transparent.

Transparency and Rule of Law

Regulations have less of a negative effect on innovation and growth when they are transparent and backed up by the rule of law so that they are consistently applied. This has generally been a strength of the U.S. system, which enjoys a well-developed, independent judiciary and a legislative framework (e.g., **the Administrative Procedure Act**) that works to hold government executive agencies accountable for obtaining public input and basing rules on evidence.

Intellectual Property

The U.S. system of IP protection has its roots in the U.S. Constitution, which gives Congress the powers to promote "the progress of science and useful arts" by providing inventors with the limited but exclusive right to their discoveries. This applies to copyrights and patents, with trademarks similarly protected by Congress under **the Commerce Clause** (Article I, Section 8, Clause 3). The view then, as well as now, was that without reasonable protection for their IP, inventors and creators (e.g., individuals or companies) would innovate and create less. Patents and trademarks are governed by **the U.S. Patent and Trademark Office (PTO)** in **the Department of Commerce**

(DOC). Copyright is governed by **the Librarian of Congress**. And of course, Congress writes the laws under which these agencies must function, and mostly objective courts can rule on their decisions.

Standards

The U.S. commercial standards system (as opposed to standards for health, safety, and the environment) is characterized by a voluntary, consensus-based global system. By and large, the government itself does not get involved in picking particular industry standards. For example, in the dispute between HD and Blu-ray high-definition video players, the government did not pick a standard, instead letting cooperation and competition between industry and the emergence of consumer choice determine the winning standard. These standards processes are coordinated by industry trade associations and **the American National Standards Institute (ANSI)**. ANSI facilitates the development of American National Standards (ANS) by accrediting the procedures of standards developing organizations (SDOs). ANSI and other SDOs also work with their **counterparts** around the world to develop voluntary, consensus-based global standards.

9. Give Russian equivalents to the following words and word combinations.

a. to be committed to removing barriers overseas
b. to maintain technological edge
c. firsthand
d. to go through an extensive public notice period
e. to conduct cost-benefit analysis
f. to hold smb accountable for
g. to have roots in smth
h. the emergence of consumer choice
i. a winning standard

10. Find English equivalents to following words and word combinations in the text.

a. возросший уровень вовлечения и сотрудничества
b. внедрять передовые технологии
c. эффективная стратегия
d. обнародовать директивы
e. не соответствовать чему-л.
f. обладать развитой законодательной базой
g. полезные изобретения
h. в целом/в основном
i. выбирать промышленный стандарт

11. Guess the concept by the following definitions.

a. _____ — a quality or factor which gives superiority over something
b. _____ — to beat someone or something by doing or producing something better
c. _____ — a person or an agency that has the same purpose or function as another one in a different place or organization
d. _____ — an activity done by a number of people or organizations, each of which is trying to do better than all of the others
e. _____ — to make or cause to make progress
f. _____ — to make changes in something established, especially by introducing new methods, ideas or products
g. _____ — growing and developing, esp. in business investment

12. Answer the questions.

1. What policy does the USA implement regarding innovation?
2. What state agencies promulgate regulations affecting innovation?
3. How can the public participate in adopting these regulations?
4. Who has the final say in passing laws and regulations?
5. How are the transparency and the rule of law ensured?
6. What are the legal sources providing for IP protection?
7. Does the US government establish industry standards? Why?

13. Read the summary of the bill from the US Congress website and substitute words in brackets with their English equivalents. Make a list of questions to the text and take turns to ask each other.

S.1260 — United States Innovation and Competition Act of 2021

Introduced in Senate (04/20/2021)

This (законопроект) establishes a Directorate for Technology and Innovation in the National Science Foundation (NSF) and (определяет) various programs and activities.

The goals of the directorate shall be, among other things, the (укрепление) of U.S. leadership in critical technologies (посредством) basic research in key technology focus areas, such as (искусственный интеллект), high performance computing, and (передовое) manufacturing, and the (коммерциализация) of those technologies to businesses in the United States.

The bill gives the NSF the (полномочия) to provide for the widest practicable and appropriate dissemination of information within the United States concerning the NSF's activities and the results of those activities.

The Office of Science and Technology Policy shall annually develop a strategy for the federal government to improve national competitiveness (в науке, исследовательской деятельности и инновациях) to support the (национальную стратегию безопасности).

(Министерство торговли) shall (1) establish a supply chain resiliency and crisis response program to address supply chain gaps and vulnerabilities in critical industries, (2) designate regional technology (центры) to facilitate activities that support regional economic development that diffuses innovation around the United States, and (3) (предоставлять гранты) to facilitate development and implementation of comprehensive regional technology strategies.

The bill extends through FY2026 the Manufacturing USA Program and expands such program to support innovation and growth in (национальной промышленности).

Chapter II. INTERNATIONAL LEGAL REGULATION OF INNOVATIONS

Unit 1
INTERNATIONAL LITIGATION AND ARBITRATION

Lead-in

1. Discuss the following questions with your partner.

1. What international courts do you know? What cases do they hear?
2. What is arbitration? Is there any difference between domestic and international arbitration?

2. Read the text and match the key ideas (a—g) with the text paragraphs (1—7).

a. Selection of arbitrator/judge
b. Public/private, formality
c. Speed of process
d. Use of attorneys
e. Final outcome and availability of appeal
f. Cost of the process
g. Evidence allowed

Text 1

Differences between Arbitration and Litigation

Vocabulary

1. an arbitrator — арбитр, третейский судья
2. to have a say in smth — участвовать в обсуждении; иметь право голоса
3. costs — расходы, издержки, затраты

4. fee — гонорар, вознаграждение
5. deposition — дача показаний
6. interrogatory — допрос; опросный лист
7. motion — ходатайство
8. to abide by smth — придерживаться
9. to vacate a decision — отменить решение

Litigation is an ancient process that involves determining issues through a court, with a judge or jury. The type of court is decided by the type of dispute, based on jurisdiction. In most civil cases, jurisdiction is based on where the lawsuit originated.

Arbitration, on the other hand, involves two parties in a dispute who agree to work with a disinterested third party in an attempt to resolve the dispute. In arbitration, there may be one or more **arbitrators** who hear both sides of the issue and who make a decision. Here are some differences between litigation and arbitration:

1. The arbitration process is private, between the two parties and informal, while litigation is a formal process conducted in a public courtroom.
2. The arbitration process is fairly quick. Once an arbitrator is selected, the case can be heard immediately. In civil litigation, on the other hand, a case must wait until the court has time to hear it; this can mean many months, even years before the case is heard.
3. In litigation, the judge is appointed, and the parties **have** little or no say in the selection. The parties may have some say in whether a case is heard by a judge or a jury.
   In arbitration, the two parties usually decide together on an arbitrator, unless the decision is specified in the arbitration clause of a contract.
4. The **costs** for the arbitration process are limited to the **fee** of the arbitrator (depending on the size of the claim, expertise of the arbitrator, and expenses), and attorney fees. You may also have to pay the cost of the location for the arbitration. Costs for litigation include attorney fees, pre-trial costs for **depositions** and **interrogatories**, records searches, and court costs, which can be very high.
5. Attorneys may represent the parties in an arbitration, but their role is limited; in civil litigation (one person against another), attorneys spend much time gathering evidence, making **motions**, and presenting their cases.
6. In a court case, the court must follow the federal rules of evidence. The arbitration process has a limited evidence process, meaning that the federal rules of evidence do not apply, and the arbitrator decides what evidence is allowed.
7. The opinion of a judge in a lawsuit is usually considered binding; that is, the two parties must **abide by** it. Litigation allows multiple appeals at various levels. The decision of an arbitrator can be either binding or non-binding, depending on contract language or the situation.

In binding arbitration, the parties usually have no appeal option, unless an appeal has been included in an arbitration clause. Some arbitration decisions may be reviewed by a judge and **the decision may be vacated** if you can prove that the arbitrator was biased.

3. Give Russian equivalents to the following words and word combinations.

a. limited evidence process
b. to be biased
c. to make motions
d. records searches
e. parties in a dispute
f. an ancient process
g. a public courtroom
h. to gather evidence
i. the fee of the arbitrator
j. to vacate a decision

4. Find English equivalents to the following words and word combinations in the text.

a. третейский судья
b. иметь право голоса
c. дача показаний
d. незаинтересованная третья сторона
e. заниматься сбором доказательств
f. затраты на арбитражный процесс
g. принять решение
h. совместно выбрать арбитра
i. не иметь возможности подать апелляцию
j. опросный лист

5. Consult the text and complete the Arbitration vs. Litigation: Comparison chart.

	Arbitration	**Litigation**
Type of proceeding (private/public)		
Evidence allowed		
How arbitrator/judge is selected		
Formality		
Appeal available		
Use of attorneys		
Costs		

6. Work in pairs. Make 8 true/false statements covering the basic points of Text 1 and take turns to ask each other.

7. Read and translate Text 2.

Text 2

Vocabulary

1. to evolve — развиваться, развивать
2. arbitrable — подлежащий рассмотрению в арбитражном порядке
3. submission agreement — соглашение о передаче спора в арбитраж
4. the arbitration laws of the seat of arbitration — арбитражное законодательство места проведения арбитража
5. on the merits — по существу

International arbitration is similar to domestic court litigation, but instead of taking place before a domestic court it takes place before private adjudicators known as arbitrators. It is a consensual, neutral, binding, private and enforceable means of international dispute resolution, which is typically faster and less expensive than domestic court proceedings.

The use of international arbitration has **evolved** to allow parties from different legal, linguistic and cultural backgrounds to resolve their disputes in a final and binding manner, typically without the formalities of the procedural rules of their own legal systems.

International arbitration is sometimes called a hybrid form of international dispute resolution, since it blends elements of civil law procedure and common law procedure, while allowing the parties a significant opportunity to design the arbitral procedure under which their dispute will be resolved. International arbitration can be used to resolve any dispute that is considered to be "**arbitrable**," a term whose scope varies from State-to-State, but which includes the majority of commercial disputes.

Companies frequently include international arbitration agreements in their commercial contracts with other businesses, so that if a dispute arises with respect to the agreement, they are obligated to arbitrate rather than to pursue traditional court litigation. Arbitration may also be used by two parties to resolve a dispute via what is known as a "**submission agreement**", which is simply an arbitration agreement that is signed after a dispute has already arisen.

Typical arbitration agreements are very short. The ICC model arbitration clause, for instance, merely reads: *"All disputes arising out of or in connection with the present contract shall be finally settled under the Rules of Arbitration of*

the International Chamber of Commerce by one or more arbitrators appointed in accordance with the said Rules." Parties also frequently add rules concerning the law governing the contract, the number of arbitrators, the place of arbitration and the language of arbitration.

Most international arbitration institutions provide rules which govern the resolution of disputes to be resolved via arbitration. The best-known rules of arbitration include those of the International Chamber of Commerce, the London Court of International Arbitration, the International Centre for Dispute Resolution of the American Arbitration Association, and the rules of the Singapore International Arbitration Centre and the Hong Kong International Arbitration Centre. Investment arbitrations are often resolved under the rules of the World Bank's International Centre for Settlement of Investment Disputes or the United Nations Commission on International Trade Law rules. Many arbitrations involving Russian businesses take place under the rules of the Stockholm Chamber of Commerce.

Thanks to a treaty known as the New York Convention, which entered into force on 7 June 1959, arbitration awards can be enforced in most countries unlike traditional court judgments. Over 150 countries have ratified the New York Convention today, meaning that arbitration awards can be enforced in approximately 3/4 of the countries recognized by the United Nations.

The primary laws on the basis of which international arbitration lawyers argue a case are the governing law of a contract, or the law of tort relating to a contract, **the arbitration laws of the seat of arbitration**, and the New York and Washington convention (alternatively known as the ICSID Convention).

International arbitration lawyers assist their clients in pursuing their claims, preparing pleadings and argument **on the merits** before arbitrators. Most international arbitration lawyers have an understanding of foreign cultures, and they work on the basis of many different foreign laws. Language skills are very important in international arbitration, as well as understanding the significant procedural differences with traditional court litigation.

8. Answer the questions.

1. What is international arbitration?
2. What is international arbitration used for?
3. What is another name for international arbitration?
4. What are the best-known rules of arbitration?
5. What is the key feature of arbitration agreements?
6. How are international arbitration awards enforced?
7. How do international arbitration lawyers assist their clients?

9. Find terms and titles the following abbreviations stand for and give their Russian equivalents.

ICSID	SCC	ICDR	UNCITRAL
ICC	LCIA	HKIAC	SIAC

10. Read the text. Draw up the plan for rendering and then summarize it.

International litigation refers to a legal tool typically used to resolve civil disputes that occur between citizens or governments in two or more countries. Unlike domestic litigation, the parties in an international litigation situation must carefully navigate the judicial system of the foreign jurisdiction to ensure that their rights are adequately protected.

Each country maintains its own legal procedures, laws, regulations, and practices that apply to the litigation that commences within their jurisdiction. A party that fails to fully recognize or educate itself about the nuances in the law of a foreign jurisdiction will find itself at a distinct disadvantage during litigation.

In the realm of international litigation, jurisdictional issues tend to be the primary concern among parties and legal counsel. Each country has its own jurisdictional rules that apply in litigation. The location that has jurisdiction has the power or authority to hear a case in its court.

If a party attempts to file a complaint to commence litigation with a court that does not have jurisdiction over the matter, any ruling or decision made by that court will not be enforceable. Furthermore, many countries are broken down into smaller regions, each with its own jurisdictional rules. For example, if a Canadian citizen is involved in a motor vehicle accident with a United States citizen in Pittsburgh, Pennsylvania, the correct jurisdiction is not merely the United States. Rather, it would be a court located in Allegheny County, Pennsylvania.

The procedural rules that apply in a given jurisdiction play an important role in international litigation. Procedural rules govern the way in which a case proceeds through the court system of a particular country or region. For instance, a jurisdiction's procedural rules will state the specific items or facts that must be provided in order to file a valid complaint to commence a litigation action, how and when evidence can be introduced, and the process for appealing a decision made by a court at a specific level. They also guide the court systems in scheduling hearings and considering motions, which allows each case to be litigated in a uniform manner.

Parties and counsel who become involved in international litigation must also be cognizant of the substantive laws of the jurisdiction. Substantive laws are the particular statutes, regulations, and case law that govern how a court will decide a case. Depending upon the jurisdiction, substantive laws will either be derived from legislation, case law, or specific codes. For example, the civil law system used by many European countries relies heavily upon

statutory law for substantive legal principles, whereas the common law system of the United States uses both case law and statutory regulations.

11. Translate the sentences into English.

1. Судебный процесс — это процесс, который предполагает решение вопросов через суд, с участием судьи или присяжных.
2. Арбитражное разбирательство предполагает, что две стороны соглашаются работать с незаинтересованной третьей стороной в попытке разрешить спор.
3. Арбитражное разбирательство — это частный процесс, проводимый между двумя сторонами и носящий неформальный характер, в то время как судебное разбирательство — это официальный процесс, проводимый в зале суда.
4. Международный арбитраж — это обоюдный, независимый, частный и обязательный к исполнению способ разрешения международных споров, который обычно быстрее и дешевле, чем судебные разбирательства в национальных судах.
5. Международный арбитраж иногда называют гибридной формой разрешения международных споров, поскольку он сочетает в себе элементы гражданско-правовой процедуры и процедуры общего права, предоставляя при этом сторонам значительные возможности для определения арбитражной процедуры, посредством которой будет разрешен их спор.
6. Компании часто включают соглашения о международном арбитраже в свои коммерческие контракты с другими предприятиями, чтобы в случае возникновения спора, вытекающего из соглашения, они были обязаны разрешить его через арбитраж, а не через традиционный судебный процесс.
7. В международном арбитраже очень важно знание языка, а также понимание существенных процессуальных отличий от традиционного судебного процесса.
8. Международное судопроизводство — это правовой инструмент, обычно используемый для разрешения гражданских споров, возникающих между гражданами или правительствами двух или более стран.
9. В каждой стране существуют свои юридические процедуры, законы, правила и практика, которые применяются к судебным разбирательствам, начатым в рамках их юрисдикции. Сторона, которая не полностью понимает или не ознакомилась с нюансами законодательства иностранной юрисдикции, окажется в невыгодном положении во время судебного разбирательства.
10. Если сторона пытается подать жалобу для начала разбирательства в суд, который не имеет юрисдикции по данному вопро-

су, любой приказ или решение, вынесенное этим судом, будет недействительным.

11. Стороны и адвокаты, участвующие в международных судебных процессах, должны также знать материальное законодательство данной правовой системы. Материально-правовые нормы — это конкретные законы, нормативные акты и прецедентное право, которые определяют, как суд будет решать дело.

12. Round table. Divide into groups. One of the students is chosen to be a moderator of the discussion. Prepare reports and/or presentations on the pros and cons of international arbitration and international litigation.

Unit 2

INTERNATIONAL BUSINESS AND CROSS-BORDER DISPUTE RESOLUTION

1. Read the text and match the key ideas (a—h) with the text paragraphs (1—8).

a. Enforcement of judgments and awards
b. Dispute costs
c. Damages
d. Dispute resolution clauses
e. Delays in justice
f. Temporary restraining orders and other interim relief
g. Confidentiality concerns
h. Multiple parties' issues in cross border disputes

Text 1

Vocabulary

1. mutual performance of a transaction — взаимное выполнение сделки
2. to wipe out the benefits — свести на нет преимущества
3. a bone of contention — камень преткновения; предмет разногласий
4. joint ventures — совместные предприятия
5. at the outset — на начальном этапе; в первую очередь
6. up-front fees — предоплата; авансовые платежи
7. underlying transaction — основная сделка
8. proprietary information — конфиденциальная информация
9. interim relief — временные меры судебной защиты
10. speculative damages — предполагаемые убытки
11. to ensure consistency — обеспечить согласованность

While working toward the closing of a transaction that will reward both parties for their **mutual performance**, there is often a tendency for the parties to believe that future disputes are unlikely to arise between them or, if they

do occur, to believe that they can simply work them out through the course of good business. As a result, the parties often give the dispute resolution clauses in many transaction documents little or no consideration. Yet disputes can and do arise following signing or closing and a significant one could **wipe out** many of the transaction's intended benefits.

1. In general, dispute resolution clauses take on a few forms, but practical experience teaches us that no single approach to dispute resolution and no single approach to forum selection will be appropriate for every deal. If the resolution provision is written to address only one party's concerns, it will be adverse to the other party—and therefore a bone of contention in the negotiations.

For those parties opting to include a dispute resolution clause in the transaction agreement, the choice generally comes down to litigation or arbitration, with various levels of negotiation or mediation often agreed upon as a preliminary step. The forum for the arbitration or litigation usually will be the home country (or state) of either party or a third, neutral country (i.e., home, away or neutral). Litigation remains the most common dispute resolution mechanism, in part because unless the parties agree to another approach, they will be forced to litigate their disputes by default.

Many parties opt to require various levels of negotiation or mediation prior to resorting to binding arbitration or litigation. These steps can save time and money if both parties are motivated to fully participate and thus tend to be more common in long-term relationships like **joint ventures** or outsourcing transactions, which are presumed **at the outset** to be more cooperative in nature.

2. One of the most unique issues in cross-border disputes relates to the uncertainty surrounding the enforcement of foreign country judgments or arbitration awards. While parties may more easily appeal a court judgment in the jurisdiction in which it was rendered, some countries will not enforce the judgments of foreign courts, including those of the United States. Several European conventions exist, including the Brussels and Lugano Conventions, regarding the recognition of court judgments within and among various signatory countries.

3. As a rule, plaintiffs, not defendants, are generally more interested in avoiding delays in resolving disputes. Delays can affect the dispute resolution process, including the length of time required for a court or arbitrator to render a judgment or award, hear and decide appeals and rule on matters of enforcement. Litigation typically takes longer than arbitration, and these delays are generally thought to be a disadvantage for a plaintiff and an advantage for a defendant.

4. International arbitration has become a highly advanced and sophisticated dispute resolution mechanism and the arbitrators, or one side's counsel, can independently cause fees to increase significantly if, for example, discovery is permitted as part of the arbitration. Moreover, certain arbitration organizations charge significant **up-front fees,** and many arbitrators require

significant advance payments, which can make it very costly just to begin the dispute resolution process. While these up-front costs can be a drawback, they can also provide a strategic benefit to the would-be defendant by deterring the other party from filing some or all of their potential claims.

5. As in the domestic context, another significant concern for many parties to cross-border transactions is preserving confidentiality, both with respect to the dispute itself and with respect to the components of the **underlying transaction**. Often the parties will have entered into a confidentiality agreement or will include a confidentiality clause within the main transaction agreement that prevents the parties from disclosing the transaction and any **proprietary information** shared in connection with it.

6. As in domestic transactions, cross-border transactions often present situations in which one party may require immediate relief at the outset of a dispute in order to prevent irreparable harm. This **interim relief** may take the form of a temporary restraining order, or a preliminary injunction and it may be necessary to protect a party's intellectual property or to preserve assets, evidence or other rights that are essential to a party's business. The courts of most jurisdictions have well-established procedures to both facilitate the adjudication of requests for interim relief and to impose the necessary relief immediately. Even so, the parties should consider expressly providing for the right to bypass any preliminary requirement to negotiate or seek mediation in the event emergency relief is necessary.

7. Another important reason why parties select arbitration over litigation is to avoid the possibility of excessive damages. That said, punitive damages, as well as other undesirable or speculative damages can be specifically excluded in most dispute resolution clauses, whether litigation or arbitration is the chosen mechanism. In order to ensure that the arbitrators adhere to any contractual limitations on damages, the parties may expressly state in the arbitration clause that the arbitrators have no authority to render an award in excess of the limitations provided for in the agreement. This type of express link to the scope of the arbitrator's authority should give the parties stronger grounds for vacating any award that is inconsistent with the limitations on liability provisions.

8. Disputes involving multiple parties are common. A supplier, a contractor and the owner might have related disputes, or the parent and local entities could be involved in a dispute with a third party. Most jurisdictions have procedural rules that govern the involvement of multiple parties in the litigation context. However, since arbitration is governed by contract, it is not as easy to bring in a third party, especially when that third party is not a signatory to the arbitration agreement. The most troubling aspect of the multiple party arbitration dilemmas occur when one party has an arbitration agreement in its contract with party A and a different arbitration provision in its contract with party B. While some courts may order consolidation when the disputes are related, more often than not, the party will have to arbitrate against A and B separately. Not only can this lead to additional expenses but

it also raises the risk of inconsistent awards. The solution to this dilemma is to ensure consistency among disputes provisions and to expressly provide for consolidation of arbitrations.

2. Give Russian equivalents to the following words and word combinations.

a. mutual performance
b. forum selection
c. to be adverse to the other party
d. to litigate disputes by default
e. a signatory
f. a sophisticated dispute resolution mechanism
g. to provide a strategic benefit
h. underlying transaction
i. to raise the risk of inconsistent awards
j. a temporary restraining order

3. Find English equivalents to the following words and word combinations in the text.

a. обеспечить согласованность
b. сфера компетенции арбитражного судьи
c. конфиденциальная информация
d. предоплата
e. потенциальный ответчик
f. свести на нет преимущества сделки
g. штрафные убытки
h. временные меры судебной защиты
i. вынести решение или постановление
j. камень преткновения

4. Insert the missed prepositions consulting the text. Translate the sentences.

1. Yet disputes can and do arise following signing or closing and a significant one could wipe ___ many of the transaction's intended benefits.
2. In general, dispute resolution clauses take ___ a few forms but practical experience teaches us that no single approach to dispute resolution and no single approach to forum selection will be appropriate ___ every deal.
3. For those parties opting to include a dispute resolution clause in the transaction agreement, the choice generally comes ___ to litigation or arbitration.
4. The parties should consider expressly providing ___ the right to bypass any preliminary requirement to negotiate or seek mediation in the event emergency relief is necessary.

5. However, since arbitration is governed by contract, it is not as easy to bring ___ a third party.
6. Many parties opt ___ require various levels of negotiation or mediation prior to resorting to binding arbitration or litigation.
7. Litigation remains the most common dispute resolution mechanism, in part because unless the parties agree to another approach, they will be forced to litigate their disputes ___ default.
8. These steps can save time and money if both parties are motivated ___ fully participate and thus tend to be more common in long-term relationships like joint ventures or outsourcing transactions, which are presumed ___ the outset to be more cooperative ___ nature.

5. Find the synonyms to the following words in the text. Rephrase the sentences which contain the synonyms using the words below.

a. deal
b. advantage
c. reciprocal
d. backlog
e. state-of-the-art
f. grievance
g. first and foremost
h. numerous
i. quandary
j. sequence

6. Work in pairs. Make 8 true/false statements covering the basic points of Text 1 and take turns to ask each other.

7. Answer the questions.

1. Why do parties pay little or no attention to dispute resolution clauses in many transaction documents?
2. What is considered to be a bone of contention in the negotiations?
3. What is the most common dispute resolution mechanism?
4. What is one of the most unique issues in cross-border disputes?
5. Which party is more interested in avoiding delays in dispute resolution?
6. Why do certain arbitration organizations charge significant up-front fees?
7. How do the parties to cross-border transactions maintain confidentiality?
8. What form can an interim relief take?
9. How can the parties avoid the possibility of excessive damages?
10. When does the most troubling aspect of the multiple party arbitration dilemmas occur?

8. Render the following text.

Мировой опыт предпринимательской деятельности убедительно доказывает, что международные коммерческие споры в очень редких случаях рассматриваются государственными судами общей компетенции. Организации и фирмы различных стран обычно считают, что арбитражное разбирательство лучше, чем судебное, — как с точки зрения сроков и порядка рассмотрения споров, так и с точки зрения размеров необходимых для этого материальных затрат. Речь в данном случае идет не о государственных арбитражных судах, рассматривающих главным образом споры с участием хозяйственных организаций внутри страны, а о специализированных негосударственных (третейских) коммерческих арбитражных судах, специально предназначенных для рассмотрения споров с участием иностранных фирм и организаций. Именно применительно к последним в международном частном праве обычно используется понятие международного коммерческого арбитража. Эти органы следует также отличать от третейских судов, которые могут рассматривать споры между государствами — субъектами международного публичного права.

Обращение сторон не к государственному, а к третейскому суду в области международных экономических связей объясняется тем, что одна из сторон не верит в объективность судопроизводства в другой стране.

Делая выбор в пользу третейского суда, стороны исходят из следующих соображений:

- срок рассмотрения дел в третейском суде, как правило, короче, чем в обычном суде;
- профессиональная компетентность арбитров, которые должны рассматривать спор, обычно выше, чем у судей в государственных судах, поскольку последние не обладают специальными знаниями и опытом ведения операций в области международной торговли, валютного регулирования, торгового мореплавания и в других аналогичных сферах;
- решение арбитража, как правило, не подлежит обжалованию;
- предусматривается возможность согласования между сторонами языка, на котором будет вестись разбирательство дела в арбитраже;
- для фирм, ведущих споры, важно соблюдение конфиденциальности, а третейский суд обычно заседает негласно, его решения обычно не публикуются, а если и публикуются, то без указания наименований спорящих сторон и, уж во всяком случае, без приведения сведений о суммах исковых требований. Эти преимущества третейского разбирательства представляются бесспорными.

Unit 3
THE ROLE OF INTERNATIONAL ORGANIZATIONS IN INTERNATIONAL BUSINESS LAW

Lead-in

1. Work in pairs. Give your opinion about the following idea or comment on it.

International organizations today play an important role in almost all the political and economic challenges of the 21st century.

2. Read the text.

Text

Vocabulary

1. to flow — протекать
2. social stature — социальный статус
3. customary exchanges — система традиционных обменов / торговли
4. to affect smth adversely — отрицательно сказаться на чем-то
5. to promote economic recovery — содействовать экономическому восстановлению
6. to treat smth favorably — благосклонно относиться к чему-то
7. to emerge — формироваться/появляться

As international trade has grown, so has the evidence of its benefits to both states and enterprises, the most obvious of which is economic gain. The more universal the market, the more freely trade **flows**, generating more economic resources for market growth, infrastructure, research and development, jobs, market and labour specialization, global, economic, and **social stature**.

Numerous guidelines, model laws, conventions, and treaties now exist to manage and govern international trade. Their goal is to open borders, modernize **customary exchanges** and reduce trade barriers around the world.

In an effort to realize these goals, a number of international organizations (IOs) have been established.

The GATT and WTO

Barriers to trade, including tariffs and quotas, are challenging for international businesses, as they can **adversely affect** international trade and economic stability as a whole.

Before the end of the Second World War, several government delegates met at the Bretton Woods Conference in the U.S. to, among many goals, establish an International Trade Organization (ITO) in order **to promote economic recovery** and stabilize world trade after the war ended. But the U.S. Congress refused to approve participation and the attempt to formally establish an ITO subsequently failed.

The attempt to formalize an ITO was not without accomplishment. Its legacy document, the General Agreement on Tariffs and Trade (GATT), was a 1947 document agreed to by all parties, including the United States, which aimed to reduce trade barriers (especially tariffs).

The GATT provided both trade rules and a forum for members to discuss and address trade issues. It also established some basic rules to direct international trade, following several years of gathering members (rounds) for negotiations. Three major rules were established:

- Tariffs and the Binding Concessions rule: If a WTO member lowers a tariff, it is considered "bound" and the country is prohibited from subsequently raising the tariff. The bound tariff applies to all WTO members.
- The Most-Favoured-Nation rule: The MFN principles prohibit discrimination among like products regardless of their origin and the rules relating to the importation or exportation of goods or payments on the basis of their origin or destination.
- The National Treatment rule: "The requirement, set forth most prominently in GATT Article III, that members treat imported goods no less favourably than domestically-produced like products once the imports have passed customs".

While the GATT made significant progress in the reduction of tariffs, other trade agreements (multi-lateral and bi-lateral) and national protectionism began **to emerge** as significant barriers to trade. In April of 1994 in Marrakesh, Morocco, more than 100 countries agreed to form a World Trade Organization (WTO) and the WTO came into effect in January 1995.

The WTO is:

- A place where member governments go to try to sort out the trade problems, they face with each other.
- A set of rules, contracts and agreements binding governments to keep their trade policies within agreed limits.
- A harmonious way to settle trade differences through neutral procedures based on an agreed legal foundation. The WTO is the

only international organization responsible for the rules pertaining to trade between nations for goods, services, intellectual property, dispute settlement, and monitoring members' trade policies.

The hope was to acquire revenue from tariffs and to increase the demand for goods produced domestically. The response of industrialized nations to the crisis of the depression was to impose barriers on trade imports which periodically paralyzed international trade. There are, however, a number of additional organizations working to make international trade freer: UNIDROIT, UNCITRAL, ICC, Hague Conference on Private International Law, European Union, OHADA, CDIP.

3. Give Russian equivalents to the following words and word combinations.

a. economic gain
b. the reduction of tariffs
c. social stature
d. to acquire revenue
e. to set forth
f. to flow
g. a guideline
h. model laws
i. dispute settlement
j. to prohibit discrimination

4. Find English equivalents to the following words and word combinations in the text.

a. формироваться
b. социальный статус
c. генерировать экономические ресурсы
d. разобраться с проблемами
e. реакция на кризис
f. вступить в силу
g. отрицательно сказаться на чем-то
h. осуществить цели
i. двустороннее соглашение
j. переговоры

5. Find the synonyms to the following words in the text. Rephrase the sentences that contain the synonyms using the words below.

a. to set forth
b. a decrease
c. to settle
d. to take shape
e. one-size-fits-all (adj)

f. to resolve
g. to pass
h. to proscribe
i. a directive
j. typical

6. Match the names of the international organizations with their description and give their Russian equivalents.

1. UNCITRAL	a. The International Institute for the Unification of Private Law is an independent intergovernmental organization that studies "needs and methods for modernising and harmonising private and, in particular, commercial law as between States and groups of States".
2. Hague Conference on Private International Law	b. Established in 1993, it is a political community in which 28 member states comprise a single economical market that has reduced the barriers and obstacles when moving goods, services and investments within the community. Through a standardized system of laws and a single currency (the Euro), citizens of this organization can freely live, work, study and do business throughout its territory as well as enjoy a wide choice of competitively priced goods and services.
3. UNIDROIT	c. The United Nations Commission on International Trade Law was established by the UN General Assembly in 1966 to play an active role to overcome the "disparities in national laws governing international trade created obstacles to the flow of trade".
4. European Union	d. Established in 1993, the Organization for the Harmonization of Business Law in Africa is working toward instituting more secure legal and judicial measures and establishing a modern and uniform business law in order to attract investors to African states.
5. OHADA	e. The World Intellectual Property Organization (WIPO) is a UN agency whose mandate is to develop an international intellectual property (IP) system to ensure creativity and innovation to foster economic development while safeguarding public interest. In September of 2007 it announced the establishment of the Committee on Development and Intellectual Property.
6. CDIP	f. The Paris-based industry group, the International Chamber of Commerce, is an organization that has worked to harmonize private international law and is also playing a major role as an arbitration institution.

7. ICC	g. It is a global intergovernmental organization working toward the harmonization of private international laws states have adopted to address individuals and corporations connected to more than one state. Representing all continents, it is a melting pot of different legal traditions that develops and services multilateral legal instruments, which respond to global needs.

7. Work in pairs. Write 5 questions covering the basic points of the text and take turns to ask each other.

8. Self-study. Summarize the text.

Role of various international organizations can be gauged from the treaties under which they are established.

1. **Expertise in specific matters:** One of the main reasons why states want to establish or participate as members of independent international organizations is that such organizations have and can delegate authority in those matters which require knowledge, expertise, information, time and resources that are always not available. International organizations perform actions that enjoy legitimacy and affect the legitimacy of the State activity.
2. **Political neutrality with no vested interests**: International organizations provide a platform for depoliticized and specific unbiased discussions in a much more effective way than any other arrangement. They delineate the specific terms of ongoing interactions between States and strive to balance the relationships between stronger and weaker nations, between interests and knowledge. This is because international organizations participate as independent and neutral actors on the global stage and this helps in increasing the efficiency and legitimacy of their individual or collective decisions. Thus, International organizations are instrumental in ensuring international cooperation.
3. However, the main aim of international organizations continues to be to facilitate negotiations and implement agreements and treaties, dispute resolution, and offering technical assistance and monetary assistance and developing rules. Specific International organizations cater to a specific problem or issue faced by the global community.
4. **Peaceful dispute settlement**: One of the fundamental ways in which international organizations can contribute and uphold international law is by a peaceful settlement of disputes. Without such a mechanism, the global world which is always in a constant state of anarchy and will descend into the Hobbesian *"State of nature",* which is a state

of war of everyone against everyone and the life in it will be *"nasty and brutish"*.

5. **Legislative functions:** International organizations perform various specialized legislative and supervisory functions, which involves developing a framework for cooperation, treaties, developing rules etc. However, it does not act as a world parliament. For instance, resolutions passed by the United Nations Security Council (UNSC) are binding on member states. Similarly, the International Civil Aviation Organisation (ICAO), World Health Organisation (WHO), International Labour Organisation (ILO) perform specialized legislative and regulatory functions.

Unit 4
INNOVATION AND INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Lead-in

1. Discuss the questions in pairs. Use the following word-combinations.

I am sure that	Я уверен, что
Evidently	Явно, несомненно
Actually	На самом деле
I presume	Я предполагаю
Most likely	Скорее всего
As far as I know	Насколько мне известно

1. Have you ever heard about non-governmental organizations? Can you name any of them?
2. What do you know of their activities?

2. Read the text.

Text

Vocabulary

1. to be a key attribute of smth — быть важным характерным признаком чего-л.
2. to meet the scale of current global changes — соответствовать всему спектру современных глобальных изменений
3. to stay relevant — оставаться востребованным
4. non-profit institutions — некоммерческие организации
5. to promote partnership — поощрять, содействовать сотрудничеству

6. dedicated financial resources — целевые, выделяемые денежные ресурсы
7. albeit — хотя
8. to create a dedicated fund — создать целевой фонд
9. R&D lab — научно-исследовательская лаборатория
10. a reconfiguring of resources — перераспределение ресурсов
11. to thrive — процветать
12. outward — видимый, очевидный

Innovation is frequently claimed **to be a key attribute of** non-governmental organizations (NGOs) working in the field of development. Innovation is critical for organizations wanting **to meet the scale of current global challenges**, increase their impact and **stay relevant** in a changing context. NGOs should consider the strategic objectives of their innovation efforts and how it can help improve their future-readiness.

Most NGOs don't yet have a clear or precise organizational definition of innovation. This is perhaps not surprising given that social innovation is a practice-led field, which has developed without clear boundaries, definitions or meaning.

Although innovation has most typically been considered in the context of the commercial firm and the contribution it makes to an organization's prosperity by improving market share, the benefits of innovation in the areas of service provision and the not-for-profit sector are increasingly being recognized. It is argued that in the rapidly changing environment of multilateral and bilateral contracting, **non-profit institutions** need innovation as much as businesses or governments, and many have attributed the comparative advantage of non-governmental organizations (NGOs) over governments and official donors to their innovation-related characteristics.

The governments have a natural tendency towards centralization, bureaucracy and control. NGOs, on the other hand, are distinguished by their flexibility, willingness to innovate, and emphasis on the non-hierarchical values and relationships required **to promote true partnership** and participation.

There is a growing recognition that innovation needs sufficient time and resource. Alongside this, there is acknowledgment of the need for **dedicated financial resources** to support such work. As a result, the allocation of resources to innovation is increasing among NGOs (**albeit** from a very low base).

The most common way for NGOs to resource innovation is through **the creation of a dedicated innovation fund** to finance new ideas. While an innovation fund is a good way to allocate money to innovation, some NGOs have found that they fail to generate quality ideas from within the organization in the absence of building staff capability and a supportive innovation process.

It is also becoming increasingly common for the larger organizations to set up their own innovation labs, **R&D labs**, and teams, employing specialists.

These allow individuals to carve out space for innovation and, in some cases, create new cultures that better support innovation.

Organizations that want to innovate require strategic intent, dedicated leadership and **a reconfiguring of organizational resources** to achieving this. The cultures of organizations that will **thrive** in the coming decade will be different to those that thrived in the last decade because the rate of change is increasing.

They will be highly collaborative across disciplines, flatter, highly connected, open to experimentation and learning, open to considered risk-taking, very **outward** facing and able to co-create value with other organizations.

3. Give Russian equivalents to the following words and word combinations.

a. to be critical for smth
b. current global changes
c. service provision
d. multilateral contracting
e. true partnership
f. to carve out space for
g. dedicated leadership
h. official donors

4. Find English equivalents to the following words and word combinations in the text.

a. влияние
b. некоммерческая организация
c. гибкость
d. выделить деньги на что-л.
e. наращивание кадрового потенциала
f. рыночная доля
g. совместный

5. Match the English word combinations on the left with their synonyms on the right.

1. to facilitate cooperation	a. outward
2. evident	b. to be a key attribute of smth
3. although	c. to promote partnership
4. to be a relevant feature of smth	d. to assign a point for smth
5. to give a tendency towards smth	e. albeit
6. to set up smth	f. to establish smth
7. to carve out space for smth	g. to be targeted at smth

6. Say whether the following statements are true or false. Correct the false ones.

1. NGOs have a natural tendency towards centralization and control.
2. Governments are distinguished by flexibility, innovation and non-hierarchical values.
3. Innovation needs sufficient time and resource.
4. A good way to allocate money to innovation is to use innovation fund.
5. Innovation labs are increasingly set up by the larger organizations.
6. Some NGOs generate quality ideas in the absence of building staff capability.

7. Answer the following questions.

1. Why is innovation critical for NGOs?
2. What is the difference between governments and NGOs?
3. What are the main needs of innovation?
4. What is the most common way for NGOs to resource innovation?
5. Do the larger organizations increasingly set up their own innovation labs?
6. What do organizations require if they want to innovate?

8. Translate the sentences into Russian.

1. Non-governmental organization (NGO) is the organization with social or political aims and is not controlled by any government.
2. An International non-governmental organization extends the concept of a non-governmental organization to an international scope.
3. NGOs are distinguished by their flexibility, willingness to innovate, and emphasis on the hierarchical values and relationships required to promote true partnership.
4. The most common way for NGOs to resource innovation is through a creation of a dedicated innovation fund to finance new ideas.
5. An innovation fund is a good way to allocate money to innovation.

9. Translate the sentences into English.

1. «Любые действующие на территории России неправительственные организации (НПО), в том числе религиозные, обязаны уважать и соблюдать российское законодательство», — заявил министр иностранных дел РФ Сергей Лавров на совместной пресс-конференции по итогам переговоров с финским коллегой Пеккой Хаависто.
2. Президент России Владимир Путин считает, что законодательство о неправительственных организациях (НПО) не должно

оставлять лазейки для тех, кто пытается в России защищать интересы других государств, сообщает «РИА Новости».

3. Владимир Путин на встрече с членами совета палаты Совета Федерации заявил, что необходимо совершенствовать наши правила, законы, нормативную базу и конкретизировать понятие «политическая деятельность».

10. Render the newspaper article into English.

Путин подписал закон, запрещающий финансировать нежелательные НПО

Президент России Владимир Путин подписал закон о введении уголовной ответственности в виде лишения свободы на срок до пяти лет за участие в финансировании иностранной или международной неправительственной организации (НПО), признанной в России нежелательной.

Соответствующий документ опубликован на официальном интернет-портале правовой информации.

Как говорится в законе, предоставление пожертвований, сбор средств или оказание финансовых услуг, предназначенных для деятельности на территории России нежелательной НПО, будет караться лишением свободы на срок от одного года до пяти лет, либо принудительными работами на срок до четырех лет с ограничением свободы на срок до двух лет, либо обязательными работами на срок до 360 часов. Также может последовать лишение права занимать определенные должности или заниматься определенной деятельностью на срок до десяти лет.

Также закон предусматривает, что за организацию деятельности на территории России иностранной или международной нежелательной НПО может грозить лишение свободы на срок от двух до шести лет или обязательные либо принудительные работы.

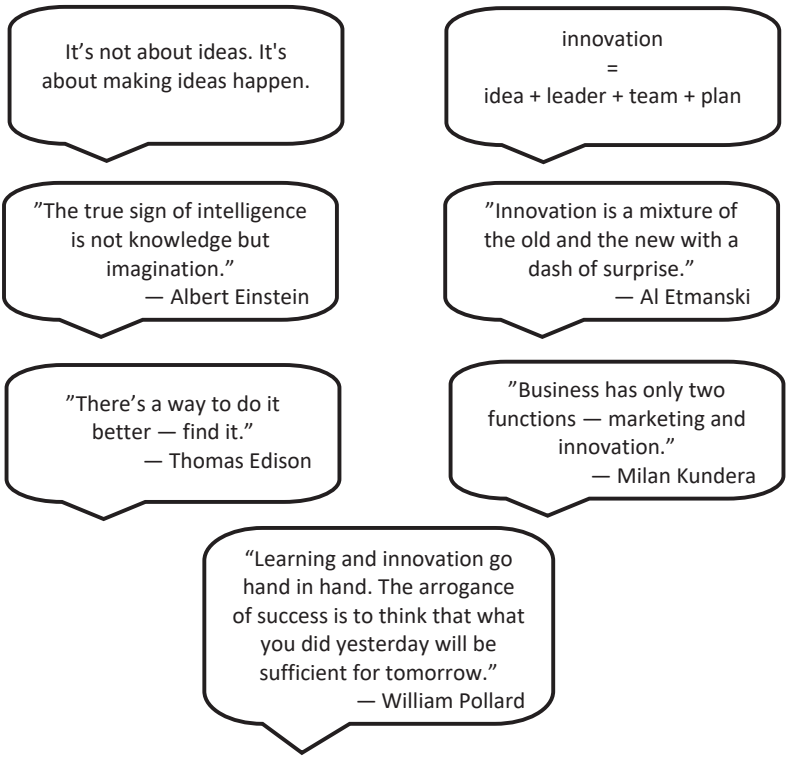
Простое участие в деятельности такой НПО будет караться лишением свободы на срок от одного года до четырех лет либо штрафами в размере от 300 до 500 тысяч рублей, обязательными или принудительными работами.

По словам председателя комитета Совета Федерации по конституционному законодательству Андрея Клишаса, новый закон не увеличивает санкции за организацию работы в России нежелательной НПО или участие в ней. «Для организаторов деятельности нежелательной организации максимальная санкция в виде лишения свободы остается неизменной — до шести лет, а для участников нежелательной организации снижается с шести лет до четырех лет лишения свободы», — сказал он.

В законе отмечается, что от уголовной ответственности будут освобождены те, кто добровольно прекратил участие в деятельности ино-

странной или международной нежелательной НПО, способствовал пресечению деятельности такой организации, для которой собирал деньги, и активно способствовал расследованию преступления.

11. Read the quotes on innovation. Choose one and discuss it in pairs. Present your findings to your peers.



Chapter III. LEGALTECH

Unit 1
LEGALTECH: THREATS AND OPPORTUNITIES

Lead-in

1. Discuss the questions in pairs.

1. What does the legal sector need to be successful in the 21st century?
2. Do you agree that the legal industry must modernize and join technological innovations?

2. Read the text and answer the following questions.

1. What does the term LegalTech refer to?
2. What tools fall into the category of legal technologies?
3. What is the purpose of the active integration of legal technologies in the legal market?
4. What challenges have lawyers and law firms faced recently due to the pandemic?
5. How can legal tech solutions utilized by law firms increase their efficiency?

Text 1

What is LegalTech?

Vocabulary

1. to gain greater competitive advantage — получить больше конкурентных преимуществ
2. transition to telecommuting environment — переход в дистанционный режим работы
3. Artificial Intelligence (AI) — искусственный интеллект

4. LegalTech — информационные технологии в юридической деятельности
5. a general counsel — начальник юридического отдела (главный юрисконсульт)
6. an in-house lawyer — юрисконсульт, юрист в штате организации
7. machine learning tools — системы машинного обучения
8. M&A (merger and acquisition) — специализация по юридическому сопровождению слияний и поглощений
9. an outside counsel — внешний юридический консультант

In recent years, large firms around the world are investing massively in legal technology solutions **to gain greater competitive advantage**. This increase has accelerated significantly due to the coronavirus, which has made **the transition to telecommuting environments** and the maintenance of effective communication with customers by means of technology essential.

Innovations such as virtual reality, 3D format, Blockchain or **Artificial Intelligence** are revolutionizing the current legal industry, putting great focus on the customer and facilitating the evolution of the sector towards the so-called, **LegalTech**. According to Gartner[1], in just a few years, legal departments will have automated 50% of legal work related to major corporate transactions and will replace 20% of **general counsels** with non-legal staff.

The term *LegalTech* refers to technology that is transforming the way law is practiced and is used to market or provide legal services. Its main objective is to facilitate the legal exercise by minimizing waiting times, costs and increase productivity. In the narrow sense, it is a collection of tools that are aimed at helping lawyers to perform better and be more productive. These tools may include document management tools, legal transcription services, AI-based software and video communication platforms. It also refers to making better use of existing tools, such as Microsoft Word, Excel and Outlook that all people have, but often do not use as effectively as they could. The LegalTech is often associated with the growing community of people devoted to making the legal profession to be one that is more client centric and better attuned to the needs of the 21st century.

In the early days of the coronavirus pandemic, when supply chains broke and businesses were unable to fulfil orders, many **in-house lawyers** were left scrambling to check force majeure clauses in their supply contracts. These clauses, which protect businesses from unforeseeable circumstances stopping them fulfilling a contract, must be actioned within a limited time. Yet a surprising number of companies held only paper copies of supply contracts or files stored in hard drives, often squirrelled away in the procurement manager's office, making them hard to retrieve during lockdown. If they only had paper or analogue copies of a contract, they might not have been able to give their customers notice before they lost the right to make a claim. Those are among the worst examples, but the pandemic exposed the risk

[1] Gartner, Inc, is the world's leading research and advisory company.

lawyers face if they are not familiar with technological developments in their profession. Today's lawyers need to understand new technologies, to use them daily and even innovate with them.

Creating contracts digitally, for instance, makes them easier to store and access. Document automation apps assist lawyers in drafting contracts and case briefs, while **machine learning tools** help litigators comb mountains of evidence faster and more accurately. Artificial Intelligence can alert an **M&A** lawyer to a missing clause in a deal agreement or find a relevant precedent for a barrister. Video communication platforms have also become ubiquitous. Strong screen-based presentation and meeting skills are now part of what clients look for in **outside counsel**.

3. Give Russian equivalents to the following words and word combinations.

a. to gain greater competitive advantage
b. to accelerate significantly
c. to revolutionize the current legal industry
d. to provide legal services
e. AI-based software
f. to be more client centric
g. force majeure clauses
h. to fulfill a contract
i. to store and access contracts
j. to comb mountains of evidence faster and more accurately

4. Find English equivalents to the following words and word combinations in the text.

a. эффективная коммуникация с клиентами
b. автоматизировать работу
c. заменить главного юриста компании персоналом без юридического образования
d. минимизировать время ожидания и стоимость услуг
e. системы электронного управления документами
f. лучше приспособленный к потребностям XXI в.
g. защищать бизнес от непредвиденных обстоятельств
h. уведомить клиента
i. быть знакомым с технологическими разработками
j. составлять договор в цифровом виде
k. краткое письменное изложение дела
l. недостающий пункт в соглашении

5. Guess the concept of the following definitions.

a. The ability of a machine to display human-like capabilities such as reasoning, learning and performing tasks that typically require human intelligence.

b. The study of computer algorithms that improve automatically through experience and by the use of data.
c. A clause that is included in contracts to remove liability for natural and unavoidable catastrophes.
d. An infectious disease that has spread across a large region, affecting a substantial number of people.
e. The conversion of any legal and audio materials to text format.

6. Insert the missed prepositions consulting the text.

1. Innovations such as virtual reality, 3D format, Blockchain or Artificial Intelligence will revolutionize the current legal industry, putting great focus ____ the customer.
2. In a few years, legal departments will replace 20% of general counsel ____ non-legal staff.
3. The LegalTech is a collection of tools that are aimed ____ helping lawyers to perform better and be more productive.
4. It also refers to making better use ____ existing tools, such as Microsoft Word, Excel and Outlook.
5. The LegalTech is also associated ____ the growing community of people devoted ____ making the legal profession to be one that is more client centric and better attuned ____ the needs of the 21st century.
6. These clauses, which protect businesses from unforeseeable circumstances stopping them fulfilling a contract, must be actioned ____ a limited time.
7. The pandemic exposed the risk lawyers face if they are not familiar ____ technological developments.
8. Document automation apps assist lawyers ____ drafting contracts and case briefs.
9. Artificial Intelligence can alert an M&A lawyer ____ a missing clause in a deal agreement.

7. Translate the following sentences into English using the active vocabulary.

1. В последние годы крупные фирмы по всему миру вкладывают огромные средства в технологические решения для юристов, чтобы получить большее конкурентное преимущество.
2. Основная задача LegalTech — облегчить выполнение юридической работы за счет минимизации времени ожидания и стоимости услуг, а также повысить производительность.
3. В узком смысле LegalTech — это набор инструментов, направленных на то, чтобы помочь юристам работать лучше и продуктивнее. Эти инструменты могут включать системы электронного управления документами, сервисы юридической

транскрибации, программное обеспечение на основе искусственного интеллекта и платформы видеосвязи.

4. В первые дни пандемии, когда цепочки поставок были разорваны и предприятия не могли выполнять заказы, многим штатным юристам пришлось приложить усилия, чтобы проверить оговорку о форс-мажоре в договорах на поставку.
5. Иски на основании этих оговорок, которые защищают предприятия от непредвиденных обстоятельств, мешающих им выполнить договор, должны быть поданы в течение ограниченного периода времени.
6. Создание договоров в цифровом виде упрощает их хранение и доступ к ним.
7. Приложения для автоматизации документооборота облегчают составление договоров и кратких письменных описаний дел, а инструменты машинного обучения помогают судебным юристам быстрее и точнее собирать горы доказательств.
8. Искусственный интеллект может предложить юристу, специализирующемуся на слияниях и поглощениях, включить недостающие пункты в соглашение о сделке или подобрать судебную практику по конкретному делу барристеру.

8. Render the text in English. Use the vocabulary from the box or consult the text «What is LegalTech?».

a. platforms, programs, products and tools aimed at facilitating and leveraging the legal exercise	b. drafting contracts and searching for a relevant precedent
c. reference legal systems	d. legal profession in common law countries
e. to facilitate the access to legal data	f. technology solutions
g. to get legal advice	h. to embrace legal research

LegalTech (сокращ. от англ. legal technology) — это разнообразные **платформы, программы, продукты и инструменты, специально разработанные для упрощения и оптимизации процессов, составляющих профессиональную деятельность юристов**. LegalTech представляет собой **технологические решения**, создаваемые для профессиональных юристов и юридического бизнеса с целью повышения эффективности оказания юридических услуг.

Наиболее очевидным отечественным примером LegalTech являются сервисы известных **справочно-правовых систем**, предлагающих проверку контрагентов, **составление проектов договоров, подбор судебной практики по конкретному делу** и т. д.

Зарубежные компании предлагают и более уникальные инструменты. Например, один из продуктов Ravel Law (США) представля-

ет собой результат оцифровки более 40 миллионов страниц трудов из библиотеки Гарвардской школы права (Harvard Law School). Цель этого продукта – **сделать ознакомление** юристов с **правовыми исследованиями** проще и быстрее. Также Ravel Law предлагает ряд продуктов для быстрого поиска значимых и важных судебных кейсов, понимания, как их следует интерпретировать, что крайне ценно для **юристов общего права**.

LawTech — это различного рода онлайн-приложения и сервисы, которые позволяют заменить традиционные способы получения юридических услуг новыми и/или **облегчают** пользователям **доступ к правовой информации**. Основное отличие их от LegalTech состоит в том, что эти технологические решения предназначены не для юристов, а для конечных потребителей юридических услуг, которые без непосредственного обращения к профессиональному юристу **получают необходимую правовую консультацию** или иную юридическую услугу. Это прежде всего актуально для граждан и малого бизнеса.

В качестве примера LawTech может быть приведена интернет-платформа Avvo.com, основанная в 2006 г. в Сиэтле бывшим юрисконсультом и получившая название от итальянского “avvocato” (адвокат). Платформа предоставляет потребителям круглосуточную возможность получения бесплатных юридических консультаций от более чем 160 тысяч зарегистрированных юристов — в каталоге платформы представлены профили юристов, включающие отзывы клиентов, рейтинг адвокатов Avvo, информацию о дисциплинарных взысканиях, оценки коллег и т. д.

Text 2

How to Thrive as a Digital Lawyer

9. Match English word combinations with their Russian equivalents.

1. a digitally savvy lawyer	a. быть подкованным в области цифровых технологий
2. to be an inquisitive self-starter	b. давать оценку правовым проблемам
3. to know digital tools at one’s disposal	c. юрист, разбирающийся в цифровых технологиях
4. to be digitally versed	d. поддерживать высокие этические стандарты
5. to assess legal problems	e. автоматизировать повторяющиеся задачи
6. to use collaborative problem-solving	f. выполнять для клиента избыточное количество процессно-ориентированных задач

7. to over-serve a client with process-oriented tasks	g. понимать последствия технологических достижений
8. to automate repeatable tasks	h. знать цифровые инструменты в своем распоряжении
9. to maintain high ethical standards	i. быть любознательным и проявлять инициативу
10. to understand the ramifications of technological advancements	j. пользоваться возможностью совместного решения проблем

10. Read the text and match the key ideas (a—e) with the text paragraphs (1—5).

a. LegalTech knowledge opens up new career prospects
b. Let machines handle basic tasks
c. The digital lawyer is a self-starter who enjoys creative problem-solving
d. The digital lawyer adapts to industry changes and helps clients do the same
e. The digital lawyer is collaborative and shares tech expertise

1. Digitally savvy lawyers need to sit in every practice area, so that they could bring their understanding of how to use technology to every facet of the firm's work. Innovative tech is often melded with traditional lawyering. The team specialising in digitised legal services may comprise both qualified lawyers and technical staff — such as coders and developers — and paralegals. Digital skills complement the more traditional qualities that make a good lawyer: they still need to be resilient, have patience, dedication and robust critical thinking.
2. A legal career is vocational by nature. When you choose a practice, you learn from experts in their field, who pass on their knowledge. However, learning digital techniques requires you to be "an inquisitive self-starter and think for yourself". Old legal problems can be approached in new ways. Success as a digital lawyer is less about the tech and more about understanding processes — and what works best in any given situation. The answer isn't always technology. The digital lawyer is somebody who knows the tools they have at their disposal. They understand a legal or business problem and have innovative ideas how to solve it.
3. Digital tools are simply the next in a long line of innovations that help lawyers do their job better. The mark of an innovative digital lawyer is how much they help clients navigate the growing use of smart technology and automation. Lawyers must be digitally versed in order to assess the legal problems and risks business will face in the future. By understanding the ramifications of technological

advancements, digital lawyers can help build the legal architecture for how the market may progress.

4. Many legal departments do still operate in an antiquated way, relying on paper processes. Yet demand is increasing for in-house lawyers who understand how to use technology to provide companies with better legal strategies and services. Being a digitally proficient in-house lawyer is about understanding how data can be used to service the business.
5. In-house digital lawyering entails rethinking legal services to see which processes are best suited to humans and which are better handled by machines. Some legal services are complex and need to be handled by humans using collaborative problem-solving and diverse thinking. In the past law firms made a good profit over-serving corporate clients with many process-oriented tasks, such as basic contract drafting, which are "perfect for a machine to do". These days, workflows must be examined to identify where the lawyer adds value and which parts of the process could be handled by technology. Even if repeatable tasks can be automated, however, it is important that lawyers remain involved in designing and monitoring the processes to maintain high ethical standards.

11. Find all word combinations with the adjective digital in the text and match them with the Russian equivalents below. Use them in your own sentences.

a. юристы, разбирающиеся в цифровых технологиях
b. цифровизированные юридические услуги (оказываемые в цифровом виде)
c. цифровые навыки (компетенции)
d. изучение цифровых технологий
e. цифровые инструменты
f. юрист в сфере цифровых технологий
g. быть подкованным в области цифровых технологий
h. владеющий в совершенстве цифровыми технологиями
i. ведение юридической практики с использованием цифровых технологий

12. Complete the sentences by choosing the correct match from the box.

1. to specialize in	a. digitally versed
2. to be	b. by machines
3. to understand	c. with better legal strategies and services
4. to provide	d. the ramifications of technological advancements
5. to maintain	e. repeatable tasks
6. to automate	f. high ethical standards
7. to be handled	g. digitised legal services

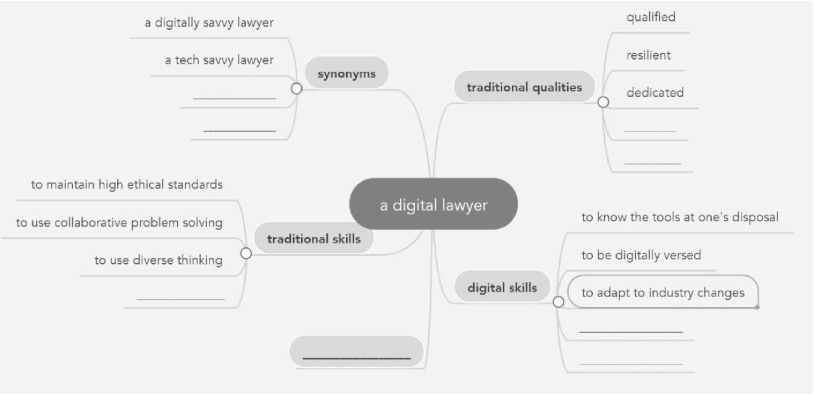
1. To provide cheaper, more efficient services and compete against the more digitally capable firms, in-house lawyers must _____.
2. Modern lawyers are expected to develop a larger skillset and _____, that is to understand new technologies and use them daily.
3. Some rules of conduct have been established to ensure public confidence in the legal profession. All lawyers are obliged to _____ towards a client. They include the duties such as client care, conflict of interest, confidentiality, dealing with client money, and fees.
4. A "robot revolution" could create 97 million jobs worldwide but destroy almost as many. Half of all routine or manual tasks will _____ by 2025.
5. Recent advances in legal technology allow law firms to enhance the delivery of their legal services by _____ using artificial intelligence (AI) and machine learning. It provides significant reductions in overhead expenses, execution timelines, and productivity.
6. Legal technologies solutions enable law firms to _____ their clients _____.
7. In the past years, the Big Four firms, including auditor Deloitte, have spent heavily on hiring from companies that _____, to expand their own legal departments.

13. Translate the following sentences into English using the active vocabulary.

1. Юристы, подкованные в области цифровых технологий, предоставляют своим клиентам более качественные юридические услуги.
2. Команда, специализирующаяся на оказании цифровизированных юридических услуг, может включать как квалифицированных юристов, так и технический персонал, например кодировщиков и разработчиков, а также помощников юристов.
3. Востребованность в юристах, в совершенстве владеющих цифровыми технологиями, стремительно растет на рынке труда.
4. Юрист будущего — это юрист, который освоил цифровые технологии и отлично владеет цифровыми инструментами, которыми располагает.
5. Некоторые юридические услуги являются сложными и должны быть оказаны человеком, в то время как процессно-ориентированные и повторяющиеся задачи, такие как составление типовых контрактов, могут быть автоматизированы и выполнены устройством.
6. Последние достижения в области технологий позволяют юридическим фирмам улучшить предоставляемые ими юридические услуги за счет использования искусственного интеллекта и машинного обучения. Это обеспечивает значительное со-

кращение расходов и сроков выполнения работ, а также рост производительности.

14. Work in pairs. Build a Mind Map to describe the role of a digital lawyer in today's world. Consult the texts of Unit 1 if necessary. Feel free to map on paper, on a whiteboard or with an online mapping tool like MindMeister.com.



15. Work in pairs. Discuss the following statements with your partner. Do you hold the same opinion? Why?

1. Change is the law of life. Those who look only to the past or present are certain to miss the future.
2. Nowadays, legal education must be more holistic and not just focused on legal doctrines.
3. In common law countries where laws tend to be based on precedent, lawyers learn to look backwards. Since digital transformation is about moving forwards, lawyers are not the right people to be running law firms and digitally transforming them.
4. Lawyers are great at analysing the law and applying legal concepts to issues. However, they are said to be terrible businesspeople since they are not trained to think in business terms.
5. The illiterate of the 21st century will not be those who cannot read and write, but those who cannot learn, unlearn, and relearn.

Unit 2

ARTIFICIAL INTELLIGENCE IN THE LEGAL INDUSTRY

Lead-in

1. Discuss the questions in pairs.

1. What do you know about Artificial Intelligence?
2. Do you agree that Artificial Intelligence may replace lawyers in the future?

2. Read the text and fill in the gaps with the words from the box.

a. modelled after	b. the right to marry
c. consciousness	d. legal citizenship
e. androids	f. emerged

Who is Sophia the Robot?

Sophia first **___1___** in 2016 as a super-intelligent human-like head with a realistic face that was able to blink, look from side to side and talk.

The humanoid robot, created by Hong Kong firm Hanson robotics and **___2___** Audrey Hepburn, can chat, smile mischievously and even tell jokes.

Sofia controversially became the world's first robot that was granted legal rights at an event in Saudi Arabia in October 2017. It made her the first robot to be granted **___3___.**

While Sophia has some impressive capabilities, she does not yet have **___4___,** and it is unclear how much her Artificial Intelligence drives her movement and speech. Dr Hanson claimed that **___5___** will share the same civil rights as humans by the year 2045, including **___6___** both people and other robots. He wrote in a research paper that in 2029 android AI will match the intelligence of a one-year old human.

Sophia herself has insisted 'the pros outweigh the cons' when it comes to artificial intelligence.

'Elders will have more company, autistic children will have endlessly patient teachers,' Sophia said.

3. Read the text and find the English equivalents to the following Russian sentences.

1. Оксфордский словарь английского языка определяет искусственный интеллект как «теорию и разработку компьютерных систем, способных выполнять задачи, обычно требующие человеческого интеллекта, такие как зрительное восприятие, распознавание речи, принятие решений и перевод с одного языка на другой».
2. Искусственный интеллект — это устройство, которое обладает способностью и возможностью решать задачи, с которыми обычно справляются люди с помощью естественного интеллекта.
3. Одним из назначений данной технологии является упрощение выполнения кропотливых и рутинных задач, с которыми ежедневно сталкиваются юристы.

Text 1

What Is Artificial Intelligence?

Artificial Intelligence (AI) is a term, which was coined by the father of AI — John McCarthy. The Oxford Dictionary defines Artificial Intelligence as *"the theory and development of computer systems able to perform tasks normally requiring human intelligence, such as visual perception, speech recognition, decision-making, and translation between languages"*.

An August 2017 article by the Law Society expands the answer to the question of "What is AI?" by stating *"In particular it includes 'machine learning,' where algorithms detect patterns in data and apply these new patterns to automate certain tasks"*.

Put simply, AI is a broad branch of computer science, wherein the goal is to create systems, which can function independently and intelligently. One can say that it is an intelligent machine, which has the ability to think, understand and act on its own and also has the skill to replicate certain human behaviour. Therefore, Artificial Intelligence is a machine, which has the capability and ability to solve problems that are usually tackled by humans with their natural intelligence. To elaborate further, the purpose behind the development of AI is the requirement, as well as the demand for automation in this high-paced life of humans. The monotonous tasks or even complex tasks and are now being performed by utilizing the AI technology.

Many AI applications are already being used in the legal profession. Those applications include, inter alia, systems that can perform specific tasks that a lawyer may typically perform on a regular basis, such as document data input, legal research and analysis, and contract review. One of the goals for this new technology is to streamline the laborious and mundane tasks lawyers encounter daily. Streamlining leads to efficiency, for which lawyers could see an increase in the amount of work they perform in a workday. Thus, it appears AI is positively transforming the legal profession.

Litigators in the legal profession have been utilizing AI for almost ten years in the discovery process. Accordingly, all the hype about AI in the legal industry as being a new phenomenon is precisely that, *hype*. There are more than 30 legal applications of AI currently being used by the legal profession today. There are six major categories under which those applications fall, specifically: (1) Prediction Technology, (2) Legal Analytics, (3) Due Diligence, (4) Document Automation, (5) Intellectual Property, and (6) Electronic Billing.

4. Answer the following questions.

1. How is AI defined in the Oxford Dictionary?
2. Why is AI related to machine learning?
3. What purpose lies behind the development of AI technologies?
4. What AI applications are being currently used by legal professionals?
5. Is Artificial Intelligence over-hyped technology? Why?

5. Give Russian equivalents to the following words and word combinations.

a. Artificial Intelligence applications
b. to perform tasks
c. speech recognition
d. machine learning
e. to replicate certain human behaviour
f. to perform monotonous or complex tasks
g. due diligence
h. intellectual property

6. Find English equivalents to the following words and word combinations in the text.

a. зрительное восприятие
b. выявить паттерны в анализе данных
c. применить паттерны для автоматизации определенных задач
d. ввод данных
e. проверка договора
f. упростить (оптимизировать) выполнения кропотливых и рутинных задач

g. ажиотаж/шумиха
h. автоматическое составление документов
i. выставление электронных счетов

7. Match the category of AI application with its definition.

1. Prediction technology	a. AI technology, such as machine-learning, and natural language processing used to analyse key data points from millions of case documents
2. Legal analytics	AI software that generates a document based upon information/data provided by a user in a questionnaire
3. Due diligence	b. AI software that forecasts the outcome of litigation
4. Document automation	c. AI software creating invoices that are "editable", easy to read and can be easily shared with clients in electronic format
5. Intellectual property	d. AI software that automatically reviews key provisions of a contract or assesses the facts of a client's case, improving the due diligence process
6. Electronic billing	e. AI software that shortens the search for registered products and trademark, and helps to produce and process high-quality patent applications

8. Read the text and choose the heading for each paragraph from the list.

Text 2

Emerging Legal Issues in an AI-Driven World

Vocabulary

1. deep learning — глубокое обучение (искусственных нейронных сетей)
2. to substitute for AI-enabled robots — заменить роботами с элементами ИИ
3. Association for the Advancement of Artificial Intelligence — Ассоциация по улучшению искусственного интеллекта
4. data-driven systems — системы, работающие на основе данных
5. to be susceptible — быть предрасположенным к, поддаваться
6. DeepMind — британская компания, занимающаяся искусственным интеллектом

7. Law Society — Ассоциация юристов (солиситоров) в Великобритании
8. an accurate proxy of human intelligence — точная замена человеческого интеллекта
9. personhood — личность (лица, обладающего юридическими правами)

1. Decision-making transparency
2. Privacy and consent
3. Accountability and liability
4. Minimizing bias
5. Need for AI laws
6. Verification and validation
7. Impact of Artificial Intelligence on society
8. Electronic personhood

A. After decades of slow progress, a succession of advances has recently occurred across the fields of robotics and artificial intelligence (AI), fueled by the rise in computer processing power and the development of techniques such a **deep learning**. Though the capabilities of AI systems are currently narrow and specific, they are, nevertheless, starting to have transformational impacts on everyday life: from driverless cars and supercomputers that can assist doctors with medical diagnoses, to intelligent tutoring systems that can tailor lessons to meet a student's individual cognitive needs. Such breakthroughs raise a host of social, ethical and legal questions. Some expect rising unemployment as labour is **substituted for AI-enabled robots** and machines. Others foresee a transformation in the type of employment available—with the creation of new jobs compensating for those that were lost—and the prospect of robotics and AI augmenting existing roles and enabling humans to achieve more than they could on their own.

B. It is important to ensure that AI systems are functioning correctly and that unpredictable behaviors are not produced, either by accident or maliciously. According to the **Association for the Advancement of Artificial Intelligence**, it is critical that one should be able to prove, test, measure and validate the reliability, performance, safety and ethical compliance—both logically and statistically—of such robotics and artificial intelligence systems before they are deployed.

C. A basic principle of justice is transparency — the requirement to explain and justify the reasons for a decision. This applies across almost all fields of decision-making, both in the public sphere and within organizations. It is currently rare for AI systems to be

set up to provide a reason for reaching a particular decision. When the stakes are low, this lack of transparency does not matter. Yet, machine learning and probabilistic reasoning will lead to algorithms that replace human decision-makers in many areas, from financial decision-making to the development of more effective medical diagnostics. In types of applications, where the stakes are far higher, an absence of transparency can lead to a level of public mistrust in its outputs since the reasoning behind the decision is vague.

D. Instances of bias and discrimination being accidentally built into AI systems have recently come to light. For example, Google's photo app, which automatically applies labels to pictures in digital photo albums, was reported to have classified images of black people as gorillas. The app learnt from training data and, according to Microsoft, the AI system built "a model of the world based on those training images". Yet, all **data-driven systems** are **susceptible** to bias based on factors such as the choice of training data sets, which are likely to reflect subconscious cultural biases.

E. Google **DeepMind** has been working with hospitals to improve patient diagnoses and care. Media commentary focused on DeepMind's access to patient data: namely how much data the company could access, whether patient consent had been obtained, and the ownership of that data. Such concerns are not new. The anonymization and re-use of data is an issue that urgently needs to be addressed. Data is the "fuel for all the algorithms to make smart decisions and learn". However, there are a whole load of issues associated with appropriate management of data to make sure that it is ethically sourced and used under appropriate consent regimes.

F. To date, these issues have predominately been discussed in the context of autonomous vehicles ('driverless cars') and autonomous weapons systems. The key question is 'if something goes wrong, who is responsible? A level of accountability for the algorithms is needed. People making the algorithm and the AI need to be held accountable for the outcome. The **Law Society** highlighted that a situation may arise in which a driverless car takes action that causes one form of harm in order to avoid other harm. This raises issues of civil, and potentially even criminal liability, as well as the ownership of that liability — whether the manufacturer of the vehicle, the software developers, the owner of the vehicle and so on. Whether such questions can be decided in the courts, and solutions developed through case law, or if new legislation will be needed, remains under discussion.

G. There is an important gulf between AI that works as **an accurate proxy of human intelligence** and AI that behaves like a human being. Will AI systems/robots be sufficiently advanced to deserve **'personhood'** in the future? The EU committee referred to above argued that this

was the way forward. Rights and responsibilities should be defined, analogous to corporate personhood, which allows firms to take part in legal cases both as the plaintiff and respondent. The committee made it clear that this was not about giving robots rights, but a legal fiction intended to make applying current laws easier. This is potentially a massive disruption to social and economic norms.

H. Appropriate legal and regulatory frameworks will have to be developed to support the more widespread deployment of robots and, in particular, autonomous systems. Frameworks need to be created to establish where responsibilities lie, to ensure the safe and effective functioning of autonomous systems, and how to handle disputes in areas where no legal precedence has been set.

9. Answer the questions.

1. How do advances in robotics and AI influence the employment?
2. What legal concerns do AI systems raise?
3. What may the absence of decision-making transparency in AI systems result it?
4. Why are data-driven systems susceptible to bias?
5. Why do privacy and data protection issues require serious consideration?
6. What parties may be held accountable or liable for an accident caused by AI systems?
7. How has the issue of electronic personhood of AI systems been settled in the European Union?

10. Give Russian equivalents to the following words and word combinations.

a. robotics and Artificial Intelligence
b. social, ethical and legal questions
c. improvements in productivity and efficiency
d. to validate the reliability, performance, safety and ethical compliance
e. an absence of decision-making transparency
f. public mistrust
g. instances of bias and discrimination built into AI systems
h. access to patient data
i. machine learning techniques
j. to be held accountable for the outcome
k. to develop solutions through case law

11. Find English equivalents to the following words and word combinations in the text.

a. получить согласие клиента
b. надлежащее управление данными

c. причинять некий вред, чтобы избежать причинения другого вреда
d. поднимать вопрос гражданской или уголовной ответственности
e. определять права и обязанности
f. участвовать в судебных делах как в роли истца, так и в роли ответчика
g. разработать соответствующую нормативно-правовую базу
h. ответственность (подотчетность и юридическое обязательство)
i. обеспечить безопасное и эффективное функционирование автономных систем
j. разрешать споры в сферах, в которых еще не был создан прецедент

12. Guess the concept of the following definitions.

1. The fact of being responsible for what you do and able to give a satisfactory reason for it or accept criticism. It is a principle according to which a person or institution is responsible for a set of duties and can be required to give an account of their fulfilment to an authority that is in a position to issue rewards or punishment.
2. Legal responsibility for something, especially for injury, damage or a debt.

13. Complete the sentences below by choosing the appropriate word from the box.

accountability	accountable
liability	liable

1. The government is _____ to the people.
2. They have admitted _____ for the accident.
3. Managers must be _____ for their decisions.
4. If we lose the case, we may be _____ for the costs of the whole trial.
5. Citizens must demand _____ from their leaders.
6. They still haven't admitted _____ for the crash which ruined so many lives.
7. The public has been demanding greater _____ from lawmakers.
8. Who's _____ when a self-driving car collides with another vehicle?

14. Translate the following sentences into English using the active vocabulary.

1. Саудовская Аравия стала первой страной, которая дала гражданство роботу.
2. Стремительное развитие робототехники и систем искусственного интеллекта вызывает множество социальных, этических и правовых сложностей.

3. Ожидается рост безработицы, поскольку человеческий труд заменяют роботами и системами искусственного интеллекта.
4. Отсутствие транспарентности процесса принятия решений в системах ИИ может привести к определенному уровню недоверия общественности.
5. Системы ИИ подвержены предвзятости, поскольку набор данных для их обучения может отражать подсознательные культурные предубеждения.
6. Поскольку системы ИИ часто имеют доступ к личным данным, необходимо контролировать, к какому количеству данных компания имеет доступ, было ли получено согласие клиента и кто обладает правом собственности на эти данные.
7. Люди, создающие алгоритмы ИИ, должны нести ответственность за результаты их работы. Беспилотный автомобиль может причинить вред пешеходам. Это поднимает вопрос гражданской и уголовной ответственности.
8. Необходимо разработать соответствующую нормативно-правовую базу для того, чтобы обеспечить безопасное и эффективное функционирование автономных систем.

15. Render the text in English. Use the active vocabulary of the unit. Consult the text «Emerging legal issues in an AI-driven world» if necessary.

В связи с применением технологии искусственного интеллекта возникает целый ряд правовых проблем, которые могут быть разрешены путем развития **нормативно-правового регулирования** в этой области. Ключевыми проблемами, возникающими при разработке и эксплуатации систем искусственного интеллекта, являются следующие.

Во-первых, есть риски, связанные с **отсутствием доверия** к системам искусственного интеллекта. Они обусловлены **отсутствием транспарентности процесса принятия решений** и вследствие этого — отсутствием гарантий качества выполненной работы. Предсказуемость действий при выполнении конкретных задач, в особенности тех, которые предполагают повышенную ответственность, — необходима. Однако, как справедливо отмечают исследователи, роботы и системы искусственного интеллекта нового поколения являются самообучающимися и способны самостоятельно принимать решения, не объясняя причин.

Во-вторых, возникнут проблемы в сфере **занятости**. Дело не только в безработице, но и в неравенстве. Ведутся дебаты о том, будет ли эта технология заменять людей или это скорее шаг в будущее, где новые технологии будут работать наряду с людьми. Ряд ученных видят связь развития технологий искусственного интеллекта с сокращением количества рабочих мест и отмечают следующие потенциальные проблемы: **предвзятость**, **отсутствие прозрачности** и сложность определения **ответственности**.

В-третьих, группа проблем, возникающих при создании и использовании систем искусственного интеллекта, связана с конфиденциальностью процессов **получения, обработки и использования больших данных** (Big Data). Покупатель услуг должен понимать, каким образом поставщик решений искусственного интеллекта защищает и использует его данные. Использование больших данных необходимо для **эффективного функционирования систем искусственного интеллекта**, что порождает целый комплекс правовых и этических вопросов, в частности о границах использования персональных данных. В Европейском Союзе уже действует процедура PIA (privacy impact assessment) — оценка влияния функционирования роботов и иных подключаемых к интернету устройств на конфиденциальность персональных данных. Она регулируется специальным актом по сбору, обработке и хранению больших данных — General Data Protection Regulation (GDPR).

Наконец, существует вероятность **возникновения ущерба**, причиненного действиями искусственного интеллекта. В отдельных отраслях могут возникать конкретные вопросы, связанные с определением ответственности. Так, например, в медицине возникает вопрос о том, в какой мере врачи могут делегировать задачи, связанные с медицинской диагностикой, интеллектуальным системам, не подвергая себя рискам повышенной ответственности в том случае, если система допускает ошибку, и кто именно вообще должен будет **нести ответственность** в случае совершения такой ошибки.

16. Work in pairs. Discuss with your partner pros and cons of using AI systems in the legal industry.

PROS	CONS
AI systems can perform simple monotonous tasks faster than humans	AI systems are susceptible to bias

17. Work in pairs. Discuss the following quotes with your partner. Do you hold the same opinion? Why?

1. The law is not a series of calculating machines where definitions and answers come tumbling out when the right levers are pushed. (William Orville Douglas, an Associate Justice of the U.S. Supreme Court, 1948)
2. Artificial Intelligence is a tool, not a threat. (Rodney Brooks, Australian artificial Intelligence scientist)
3. The pace of progress in Artificial Intelligence is incredibly fast. You have no idea how fast it is — it is growing at a pace close to exponential. The risk of something seriously dangerous happening is in the five-year timeframe, 10 years at most. (Elon Musk, CEO of SpaceX)

Unit 3
DIGITAL RIGHTS AND DATA PROTECTION

Lead-in

1. Discuss the questions in pairs.

1. What do you know about digital rights? Are they a new generation of human rights?
2. Do you agree that data protection is crucial in the digital age?

2. Read the text and answer the following questions.

1. What are digital rights?
2. Which right is enshrined in the constitution of nearly every state?
3. Why has the rhetoric of digital rights gained more prominence recently?
4. What human rights have been challenged by the use of digital technologies?
5. What legal issues have emerged recently at the interface of digital technologies and human rights?
6. Can the use of digital tools facilitate the promotion of human rights? Give an example.
7. Should the access to the internet or other digital tools be seen as a human right in itself? Why?
8. Which international legal instrument recognizes the right to data protection?
9. What is the scope of the right to be forgotten?

Text 1

What Are Digital Rights?

Vocabulary

1. digital surveillance — цифровое наблюдение (слежение)
2. right to privacy — право на неприкосновенность частной жизни

3. United Nations Human Rights Council — Совет ООН по правам человека
4. to be anchored — зд. быть закрепленным
5. data protection — защита персональных данных
6. World Summit on Information Society (WSIS) — Всемирная встреча на высшем уровне по вопросам информационного общества
7. to gain prominence — завоевывать известность
8. net neutrality — сетевой нейтралитет (it means Internet providers can't speed up access to some websites based on whether those sites can pay for a faster connection. And it can't slow down or block others that can't pay)
9. to boost freedom of communication — способствовать свободе коммуникации
10. EU Charter of Fundamental Rights — Хартия ЕС об основных правах
11. Edge Computing — концепция граничных вычислений
12. digital ethics — цифровая этика
13. digital presence — цифровое присутствие
14. digital rights management (DRM) — управление цифровыми правами

Digital technologies are transforming as billions of people exercise their right to freedom of expression and access to information, so much that it's probably safe to say the Internet, coupled with mobile phones, is the most important information tool in the world. At the same time, digital technologies allow new forms of **digital surveillance** and data collection that threaten certain human rights, in particular **the right to privacy**.

Digital rights are considered to be the same fundamental human rights that exist in the offline world — but in the online world. In 2012, the **UN Human Rights Council** agreed in a resolution that the "same rights that people have offline must also be protected online." This means that rather than seeking to define new rights for the online space, they have recommended extending existing human rights to cyberspace.

Individual countries deal with digital rights in diverse ways. In the case of privacy, for example, this right **is anchored** in the constitution of nearly every country in the world. However, national laws regulating privacy in the digital world — in the form of **data protection** laws or freedom from surveillance — often haven't kept up with the technology and might not protect privacy online.

The calls for the protection of digital rights have resulted in a number of reports, projects and political declarations. The United Nations **World Summit on Information Society (WSIS)** process (2003-2005) is often seen as the first global attempt to assert the status of human rights principles in the development and global governance of the information society. In recent years the rhetoric of digital rights has **gained** even more **prominence**

as several governments and international organizations have produced their own declarations on rights and freedoms in the digital age.

Human rights are increasingly threated in the digital era as continuing concerns over widespread surveillance practices online imply. Few would deny that the political and regulatory choices related to digital technologies have profound impacts on freedom of expression, access to information, privacy, and a range of other human rights related to development, culture and social equality. There are a range of policy and legal issues related to **net neutrality**, copyright and piracy, surveillance and privacy, data protection, and content filtering.

The interface between human rights and the new digital technologies can be approached from diverse angles and at different levels.

The first, and perhaps dominant perspective, concerns how digital technologies extend and challenge existing communication related rights and freedoms, particularly freedom of expression. Much has been written on how digital technologies **boost freedom of communication** and democracy by opening up new opportunities for self-expression and political participation for new voices. Yet, many critical scholars remind how the same digital tools can also be used for censorship and surveillance.

Secondly, digital technologies have also been seen as an infrastructure for the promotion of human rights more generally. As a 2011 United Nations Human Rights Council report notes, because of "the transformative nature of the digital technologies" the access to these technologies and the ability to utilize them effectively should be seen as a "an indispensable tool for realizing a range of human rights". The perspective of digital technologies' facilitative role has also raised the question of whether access to the internet or other digital tools, should be seen as a human right in itself, which would create a positive obligation for states to ensure connectivity.

Thirdly, new technologies have generated demands of other, more specific new human rights. A good example is the right to data protection, including the ownership and fair use of personal data. Now protected in the **EU Charter of Fundamental Rights**, for instance, the right to data protection can be seen as a new right that branches off from established interpretations of privacy as an established human right. Another controversial example is "the right to be forgotten", which allows individuals to ask for outdated or irrelevant information about them to be removed from search results.

Technological advances are constant and each brings with it the need for a new regulatory framework. The hyperconnectivity that 5G facilitates, the collection of data with devices from the Internet of Things, Big Data and the use of **Edge Computing** for processing, among others, generate the need to regulate this traffic of information, guaranteeing the rights of individuals.

In addition to the evolution of the legislative framework, these advances also invite the development of **digital ethics** that prevent the violation of rights. Ethical considerations are relevant in cases such as the "digital will", which determines what to do with the **digital presence** of the deceased; "digital

disconnection", which limits the use of digital communications outside working hours; or **digital rights management (DRM)**, where free access to artistic works and the remuneration of authors, whose rights have already expired, come into conflict.

3. Say whether the following statements are true or false.

1. Digital rights are merely an extension of the rights set out in the Universal Declaration of Human Rights as applied to the online world.
2. Data protection laws vary from state to state.
3. Digital rights as an extension of fundamental human rights have not been on the agenda of the United Nations yet.
4. The same digital tools can be used both for the promotion and violation of human rights.
5. The access to the internet or other digital tools has already been recognized as a human right in itself, creating a positive obligation for states.
6. The right to data protection, including the ownership and fair use of personal data, has been largely generated by the digital disruption.
7. A new regulatory framework and digital ethics are required to ensure the observance of digital rights.

4. Give Russian equivalents to the following words and word combinations.

a. to exercise the right to freedom of expression
b. new forms of digital surveillance and data collection
c. to extend existing human rights to cyberspace
d. widespread surveillance practices
e. to challenge existing communication related rights and freedoms
f. an indispensable tool for realizing a range of human rights
g. ownership and fair use of personal data
h. a new regulatory framework
i. to regulate the traffic of information
j. development of digital ethics

5. Find English equivalents to the following words and word combinations in the text.

a. доступ к информации
b. угрожать правам человека
c. право на неприкосновенность частной жизни
d. успевать за развитием технологий
e. призывы к защите цифровых прав
f. фильтрация контента (отсечение нежелательной информации)
g. способствовать росту свободы коммуникаций и демократии

h. открывать новые возможности для самовыражения и участия в политической жизни
i. Совет ООН по правам человека
j. создавать позитивные обязательства для государств
k. право быть забытым

6. Match the words on the left with the words on the right to form word combinations. Consult the text if necessary. Make up your own sentences with the collocations below.

1. digital	a. collection
2. data	b. framework
3. content	c. surveillance
4. human	d. obligations
5. technological	e. rights
6. positive	f. data
7. personal	g. advances
8. regulatory	h. filtering

7. Translate the following sentences into English using the active vocabulary.

1. Цифровые технологии позволяют использовать новые формы цифрового наблюдения и сбора данных, угрожающие реализации определенных прав человека, в частности права на неприкосновенность частной жизни.
2. В своей резолюции Совет ООН по правам человека рекомендовал расширить действие существующих прав человека на цифровое пространство — вместо того, чтобы пытаться определить новые права в онлайн-пространстве.
3. Национальное законодательство, регулирующее конфиденциальность в цифровом мире — в форме законов о защите персональных данных или о свободе от наблюдения — часто не успевает за развитием технологий и плохо защищает конфиденциальность в интернете.
4. Использование цифровых технологий оказывает глубокое влияние на свободу выражения мнения, доступ к информации, конфиденциальность и осуществление ряда других прав человека, связанных с развитием, культурой и социальным равенством.
5. Для решения некоторых правовых вопросов, связанных с сетевым нейтралитетом, авторскими правами и пиратством, слежкой и конфиденциальностью, защитой данных и фильтрацией контента, требуется развитие нормативно-правовой базы.

6. Помимо развития законодательной базы, технологические достижения также требуют развития цифровой этики, предотвращающей нарушение прав человека.

8. Read the text and find all collocations with the noun data. Translate them into Russian.

Text 2

Data Protection in the Digital Age

Vocabulary

1. to target — быть нацеленным на
2. European Union's General Data Protection Regulation (EU GDPR) — Общий регламент защиты персональных данных Европейского Союза
3. to adhere to the regulations — соблюдать (придерживаться) регламент
4. quasi-global set of regulations — квазиглобальный свод правил
5. to put to the fore — выносить на первый план

Data is the new currency for businesses, and a significant subset of this is personal data. Personal data is a primary fuel for the digital revolution, and the direct marketing and selling of goods and services to individuals. Services such as Google derive significant parts of their revenue from the profiling and use of the personal data they collect, allowing them **to target** their users directly with various products and services. Services such as E-bay, Alibaba and Amazon, meanwhile, are platforms that provide the option both to exploit data as well as to collect it.

Cyberattacks have become an ever-increasing threat that often affects the personal data held by companies or public authorities. In June 2018, Singapore, according to the Minister of Health, was hit by a state-sponsored attack that resulted in losing 1.5 million citizens' digital health and identity data, including the Prime Minister's. On average, it takes a company 146 days to detect a cyberattack, by which time their customers' or clients' personal data or their business sensitive data may be irreversibly compromised.

The European Union's General Data Protection Regulation (EU GDPR) delivered explicit criteria and rules on who was affected, what could and could not be done with personal data, and defined enforcement action for those organizations that did not **adhere to the regulations**. Crucially, the reach of GDPR is not limited to people inside the EU, but also covers companies controlling or processing personal data of EU citizens in any country, effectively making it **a quasi-global set of regulations**.

There are many different data protection laws around the world, but they mostly share the standard broad definition that personal data is any data

about an identified or identifiable physical person. The term 'personal data' therefore encompasses not only typical identifiers such as name, address, national ID number as well as data which may be used to identify a person but does not contain those specific identifiers. It thus stretches far beyond what we intuitively consider to be personal data, and the online traces we leave behind penetrate deep into cyberspace.

According to Article 9 of the European Union's General Data Protection Regulation, special (sensitive) categories of personal data include, among others: health data, genetic data, biometrics, religious beliefs and political beliefs. Stricter rules apply to processing and handling of these special data, and such data enjoy greater protection than ordinary personal data (Article 64) which encompasses all personal data not listed in article.

Under most of the different global data protection regimes, private companies may collect personal data, but they do not "own" the data. Instead, they 'control' the data, and are therefore legally referred to as "data controllers", while the data itself remains the property of the individual.

The digital economy is vital to continued global growth, but it also comes with risks and traps, which threaten to dampen global growth rates, as consumer trust is eroded, while new privacy laws push companies and regulators **to put** privacy and security **to the fore** and change their ways of doing business.

Consumer trust and legal compliance need to be front and centre in powering the digital economy and driving digital development. Companies must consider privacy and cybersecurity as integrated parts of their services, and at the forefront of future development and innovations across the entire ICT industry. Regulators, for their part, need to understand the digital economy, technological advances, and the challenges facing both consumers and companies.

9. Answer the questions.

1. Why is personal data considered a primary fuel for the direct marketing and selling of goods and services to individuals?
2. What are cyberattacks usually targeted at?
3. What is the scope of the European Union's General Data Protection Regulation?
4. Does the GDPR address the transfer of personal data only within the EU?
5. What does the term "personal data" encompass?
6. Which categories of data enjoy greater protection under the GDPR?
7. Why are private companies legally referred to as 'data controllers'?
8. What issues related to data protection need to be addressed in the first place?

10. Give Russian equivalents to the following words and word combinations.

a. to exploit and collect data
b. to detect a cyberattack

c. to process personal data
d. to deliver explicit criteria and rules
e. to adhere to the regulations
f. to leave online traces
g. to enjoy greater protection
h. data controllers
i. to put privacy and security to the fore
j. consumer trust and legal compliance

11. Find English equivalents to the following words and word combinations in the text.

a. профилирование и использование персональных данных
b. оказывать влияние на личные данные, хранящиеся у компаний или государственных органов
c. идентификационные данные
d. необратимо скомпрометировать конфиденциальные данные
e. Общий регламент защиты персональных данных Европейского Союза
f. компании, контролирующие или обрабатывающие персональные данные
g. квазиглобальный свод правил
h. законодательство о защите персональных данных
i. глубоко проникать в киберпространство
j. рассматривать конфиденциальность и кибербезопасность как неотъемлемые части своих услуг

12. Complete the sentences below using the words from the box.

a. cyber attacks	c. process	e. personal data (2)	h. be compromised
b. a set of regulations	d. collect	f. legal compliance	g. data protection legislation

1. The General Data Protection Regulation is ___**1**___ that harmonizes national data privacy laws throughout the EU and enhances the protection of all EU residents with respect to their personal data.
2. ___**2**___ are a major threat that often affects the personal data held by companies or public authorities.
3. There is no single principal ___**3**___ in the United States. There are hundreds of laws enacted on both the federal and state levels to protect ___**4**___ of U.S. residents.
4. Private details of users may ___**5**___ due to unsecured internet connection or improper data management.

5. An organization should cultivate a privacy minded culture with the people in charge of ___**6**___ while promoting awareness about what is expected when handling data.
6. The company must ___**7**___ and ___**8**___ only the ___**9**___ that is necessary to fulfil a specific purpose that must be indicated to individuals when collecting their personal data.

13. Work in groups. Study the guidelines on data protection in the digital age and work out your own strategy for the protection of personal data.

DATA PROTECTION IN THE DIGITAL AGE	
The aim is to improve the protection of personal data. How?	
• Requesting **prior consent** for the collection and processing of data	• Having the right to **transfer data** from one service provider to another
• Providing more, and clearer, information on **data processing**	• **Making it easy** for anyone to **access** their personal data
• Setting **limits on the use** of automated data processing for decision-making	• Having the right to **rectify and delete data**, including the right to be forgotten
• Having the right to **receive a notification** if the data have been revealed	• Implementing **more coherent legislation** and more effective enforcement

Unit 4
BLOCKCHAIN AND SMART CONTRACTS

Lead-in

1. Discuss the questions in pairs.

1. What do you know about blockchain technology?
2. Do you agree that blockchain technology will see heavy use in the legal industry?

2. Read the text.

Text 1

What Is Blockchain Technology?

Vocabulary

1. disrupted ledger technology — технология распределенного реестра
2. to alter transactional information — вносить изменения в информацию о транзакции
3. a node — сетевой узел (нод)
4. cryptographic alphanumeric "hash" — криптографический алфавитно-цифровой хеш
5. to be voided — быть признанным недействительным

Blockchains are a special type of **"Distributed Ledger" Technology (DLT)**. Distributed ledgers are essentially an asset database that allows all participants in a network to own an identical copy of the ledger on the network. Any changes to the ledger are reflected and distributed by all copies of the ledger within seconds or minutes.

It can record **transactional information** in a way that cannot **be altered**. These transactions are verified by individual computers called **nodes** on a decentralized network. Transaction data is stored on "blocks", which, when

verified, are pooled and added to a "chain" of previous blocks. Each block has a unique, **cryptographic alphanumeric "hash"** assigned to it. A block contains its hash and the hash of the previous block.

Once a block is on the chain, information within the block can't be changed. If there are any alterations, the unique hash changes, which changes all subsequent hashes up the chain, breaking it. The blockchain is carried by all the nodes in a given network. This means if a single node is hacked to alter a transaction, all the other nodes see it as invalid and the changed blockchain **is voided**. This makes a blockchain a very secure way to register transactions.

3. Say whether the following statements are true or false.

1. Blockchain is considered to be a form of disrupted ledger technology.
2. All participants of a decentralized network own an identical copy of the ledger.
3. Transactional information on a blockchain can be easily altered.
4. Nodes are individual computers that verify transaction data.
5. Several blocks may have the same hash assigned to them.
6. If one hash is changed, the whole chain is broken.
7. Blockchain technology is a secure solution for sensitive information.

4. Read the text and answer the following questions.

1. What is a smart contract?
2. How is blockchain technology used in smart contracts?
3. How could smart contracts disrupt the legal industry?
4. Why does the use of smart contracts allow for the increased data integrity?

Text 2

Will Smart Contracts Disrupt the Legal Industry?

Vocabulary

1. to execute the terms of a contract — исполнить условия договора
2. human verification — проверка, осуществляемая человеком
3. to default on an obligation — не выполнить обязательство
4. a sale of shares contract — договор купли-продажи акций
5. a security — ценная бумага
6. a digital wallet — электронный кошелек
7. to disrupt the legal industry — радикально поменять юридическую сферу
8. ambiguity — двусмысленность/неясность
9. data integrity — сохранность данных

10. digital evidence sequestration — изъятие электронных доказательств

An emerging solution using blockchain is smart contracts. The term "smart contract" was popularized by computer scientist Nick Szabo in his 1997 paper — 'The Idea of Smart Contracts'. Smart contracts are computer programs that automatically **execute the terms of a contract**. While a regular contract must be executed by legal practitioners or a court system, smart contracts can be performed without the need for **human verification**.

Blockchain enables record holders to share official records with others in a safe and trusted manner, which makes the following scenario possible. Imagine that instead of needing a law firm to draft your contract and have them enforced by a judge if one party **defaults on its obligations** — with the costs and uncertainty that goes along with the court's involvement — the execution of those obligations can be automated by software, verified by the blockchain.

Szabo's idea came into fruition in 2014, when the programmer Vitaliy Buterin created the Ethereum blockchain protocol. This made it possible to write smart contracts in computer programming language that automatically executes itself.

What does a Smart Contract look like?

A smart contract is a piece of code integrated into a blockchain that holds all the necessary conditions for a potential transaction. Consider a simple **sale of shares contract** that entitles the owner to sell their **security** at a defined price: Fiona, our buyer, would purchase 100 shares of Tesla Inc. from John at a defined price of $10 per share. The contract has an expiry date, after which, Fiona can no longer purchase the shares.

Expressed in lines of code, it might look like this:

```
Contract Option {
strikePrice = $10
      purchaser = Fiona
      seller = John
     asset = 100 shares of Tesla.Inc.
     expiryDate = 1 January, 2018
function exercise () {
          If Message Sender = purchaser, and
          If Current Date < expiryDate, then
              purchaser send($1,000) to seller, and
              seller send(asset) to purchaser
          }
```

In this simple smart contract, the function first checks to see if Fiona, the entity triggering the contract, is the purchaser, and then checks to see if it is within the expiry date, defined as the first day of 2018. If both are true, the contract immediately executes. Fiona's digital cash and John's shares

that were deposited into the contract beforehand are transferred into the respective **digital wallets** of the new owners, in accordance with the contract terms.

The most compelling use of smart contracts are in the financial and legal industry where there are repetitive and mundane tasks involved. There are three key factors why smart contracts could potentially **disrupt the legal services industry**. Firstly, smart contracts allow lower transaction and operation costs compared to traditional contracts. When submitted, smart contracts become self-sufficient and do not require costly human interaction to take place afterwards. Secondly, the certainty of smart contracts avoids the possibility of **ambiguity** associated with legalese, which in turn, minimizes legal disputes. Lastly, the processing times of smart contracts are dramatically reduced given the lack of human interaction and possibility for error.

Superior **data integrity** is another important benefit. Legal files are some of the most sought-after data targeted by hackers. Files are typically not stored on a blockchain, as the blocks tend to hold relatively small amounts of data. However, transactional info about where and to whom the files were sent can be stored on the blockchain. This allows for undeniable chain-of-custody verification. Remember, data on a blockchain can't be altered without the malicious agent gaining control of the majority of the nodes on the network. With hundreds or even thousands of nodes, this becomes impractical. Therefore, blockchain becomes an essential tool for confidential contracts or **digital evidence sequestration**.

5. Say whether the following statements are true or false.

1. Unlike regular contracts, smart contracts can be executed without legal practitioners, or a court system involved.
2. A smart contract is not a self-executing contract.
3. Smart contracts are computer programs which automatically execute the obligations of the parties after they have been verified by the blockchain.
4. Smart contracts are only used for complex transactions.
5. Smart contracts could be used to simplify the performance of repetitive and mundane tasks.
6. The execution of smart contracts always requires human verification.
7. Since human interaction is not required for the execution of smart contracts, the possibility for error is very low.

6. Give Russian equivalents to the following words and word combinations.

a. record holders
b. to share official records with others in a safe and trusted manner
c. to have a contract enforced by a judge
d. to entitle the owner
e. to sell a security at a defined price

f. an expiry date
g. lower transaction and operation costs
h. to reduce processing times of smart contracts
i. the most sought-after data
j. a malicious agent

7. Find English equivalents to the following words and word combinations in the text.

a. составить договор
b. судебные издержки
c. написать текст смарт-контракта на языке программирования
d. часть кода, интегрированного в блокчейн
e. содержать все необходимые условия для потенциальной транзакции
f. переводить денежные средства на электронный кошелек нового владельца
g. избежать двусмысленности, связанной с юридическим языком
h. превосходная сохранность данных
i. хранить в блокчейне
j. получить контроль над большинством узлов в сети

8. Guess the concept of the following definitions.

1. A ledger of decentralized data that is securely shared.
2. A single unit of ownership in a company or financial asset. It is essentially an exchangeable piece of value of a company which can fluctuate up or down, depending on several different market factors.
3. A negotiable financial instrument that holds some type of monetary value.
4. A date at which a document has no legal force or can no longer be used.
5. Overall accuracy, completeness, and reliability of information.
6. A point of intersection/connection within a data communication network.

9. Translate the following sentences into English using the active vocabulary.

1. Блокчейн — это одна из разновидностей технологии распределенного реестра.
2. Такой реестр может записывать транзакционные данные таким образом, чтобы их нельзя было изменить.
3. В то время как обычный контракт должен быть исполнен практикующим юристом или судебной системой, смарт-контракты могут быть выполнены без необходимости проверки человеком.

4. Смарт-контракт — это часть кода, интегрированного в блокчейн, который содержит все необходимые условия для потенциальной транзакции.
5. Выполнение обязательств может быть автоматизировано с помощью программного обеспечения, проверенного технологией блокчейна.
6. Использование смарт-контрактов позволяет избежать судебных издержек в том случае, если одна из сторон не выполняет свои обязательства, а также сократить время исполнения.
7. Смарт-контракты помогают избежать двусмысленности, связанной с юридическим языком, тем самым снижая количество правовых споров, а также являются прекрасным инструментом для обеспечения сохранности данных.

10. Render the text in English. Use the active vocabulary of the unit.

Смарт-контракт — это компьютерная программа, которая выполняет соглашение, заключенное между двумя и более сторонами, в результате которого при выполнении тех или иных условий, встроенных в алгоритм, происходят определенные действия. То есть, когда задействуется ранее запрограммированное условие, смарт-контракт автоматически выполняет соответствующее соглашение.

Термин «умные контракты» был придуман в 1993 г. ученым-программистом Ником Сабо, который полагал, что смарт-контракты, разработанные с помощью криптографических протоколов и других механизмов цифровой безопасности, внесут значительные улучшения в различные сферы деятельности человека.

Умные контракты — полностью цифровые и написаны на языке программирования. Для написания смарт-контрактов используется платформа Ethereum, которая позволяет разработчикам создать любую программу и запустить ее на основе функций блокчейна.

Смарт-контракты обладают рядом преимуществ по сравнению с традиционными юридическими контрактами. Меньшее вмешательство человека приводит к снижению затрат. К тому же смарт-контракты используют программный код для автоматизации задач, которые в противном случае выполнялись бы вручную. Так, они увеличивают скорость бизнес-процессов и менее подвержены ошибкам. Наконец, смарт-контракты, основанные на блокчейне Ethereum, невозможно потерять и изменить. Процесс децентрализованного управления исключает риск манипуляций и способствует сохранности данных, поскольку выполнение контракта осуществляется автоматически всей сетью, а не ее отдельными частями.

11. Work in groups. Think about benefits and risks of using smart contracts in the legal industry. Read the statements below and sort them out into two columns.

BENEFITS	RISKS

a. Reliability and data integrity provided by the decentralized data storage system in the blockchain technology
b. Weak legal regulation of smart contracts work
c. Transparency of actions in smart contracts on blockchain
d. Confidentiality of the parties to the contract
e. Inability to adjust smart contracts work
f. Autonomy, safety, accuracy and credibility
g. Smart contracts require elaboration in technical and judicial aspects
h. Automation of smart contracts work
i. Cost reduction due to exclusion of intermediaries from the chain
j. High dependence on programmers and exposure to bugs
k. High speed of execution thanks to the use of algorithms instead of bureaucratic mechanisms
l. Some practical problems can appear because judges and juries simply cannot read the code
m. There are no remedies available if a smart contract is created with an error
n. Risks of non-payment frequently observed in traditional contracts are eliminated because payment is automated

Chapter IV. BIOLAW

Unit 1
BIOLAW. THE CONCEPT

Lead-in

1. Discuss the following questions in pairs.

1. What is the impact of law on advanced medical applications?
2. Does legal regulation hold back the progress of clinical trials and the creation of novel therapies?

2. Read the text.

Text

What Is Biolaw?

Vocabulary

1. genome — геном
2. emerging — зд. находящийся на стадии становления, появляющийся
3. an interdisciplinary approach — междисциплинарный подход
4. to advance — способствовать, содействовать, развивать, продвигать
5. to advance interrelation — содействовать взаимодействию, развивать взаимодействие
6. advancement — развитие, продвижение
7. to undertake a study — проводить исследование
8. a tissue — ткань (биологическая)
9. a cell — клетка (биологическая)
10. biodiversity — биоразнообразие

The rapid **advancement** of biotechnology and genetics has ushered in a new era of scientific discovery, promising groundbreaking medical treatments, enhanced agricultural practices, and unprecedented insights into the human **genome**. However, the profound ethical and legal implications of these innovations have also come to the forefront involving the issues of human rights, intellectual property, privacy, bioethics, regulatory frameworks, etc.

Biolaw in Russia is a fairly new phenomenon, and its essence, subject, principles and other characteristics are still to be examined and specified. Some legal scholars define biolaw as a supra-sectoral legal formation involving both established industries (medicine, healthcare, biomedical technologies, pharmaceutics and circulation of medicines) and **emerging** ones (biomedicine, biopharmaceutics, etc.) subject to legal regulation. They also believe biolaw shall be a major regulator of social relations arising in different areas and sectors of bioeconomics.

Thus, biolaw is to be developed on the basis of systematic and **interdisciplinary approaches** by combining fundamental sectoral legal sciences (administrative law, civil law, etc.) and medical law, pharmaceutical law, etc. to face the challenges of the modern era, e.g. biological threats, risks, and to ensure biological safety.

The development of biolaw cannot be implemented without **advancing interrelation** between law and bioethics, medicine, economics, public health, healthcare, and others. At present, legal researchers **undertake** their **studies** in the following fields:

— legal foundations of biosafety,
— legal aspects of circulation of objects of biological nature (human organs, **tissues**, **cells**; genes of humans, animals and plants, etc.),
— legal regulation of **biodiversity**, biobanks, bioresource centers and biological collections,
— infrastructure of emerging bioeconomics, its organizational, legal, ethical framework,
— governmental regulation and self-regulation of bioeconomics,
— challenges of legal regulation of medical activity in view of developing and implementing new biotechnologies, including genetic ones, etc.

3. Give Russian equivalents to the following words and word combinations.

a. to usher in a new era
b. enhanced agricultural practices
c. insight into the human genome
d. privacy
e. established industry
f. fundamental sectoral legal sciences
g. legal researches
h. objects of biological nature
i. organizational, legal, ethical framework

4. Find English equivalents to the following words and word combinations in the text.

a. революционные методы лечения
b. этический и правовой контекст
c. выходить на первый план
d. ученые — теоретики права
e. обращение лекарственных средств
f. развивающиеся отрасли
g. подлежать правовому регулированию
h. отвечать на вызовы современности
i. обеспечивать биобезопасность

5. Match the terms with relevant definition.

1. gene	a. a collection of medical information, including physical samples (small amounts of something such as blood or tissue), used for scientific or medical studies
2. genome	b. a group of connected cells in an animal or plant that are similar to each other, have the same purpose, and form the stated part of the animal or plant
3. tissue	c. the smallest basic unit of a plant or animal
4. cell	d. a part of a cell that is passed on from a parent to a child and that controls particular characteristics
5. biobank	e. the number and types of plants and animals that exist in a particular area or in the world generally, or the problem of protecting this
6. biodiversity	f. the complete set of genetic material of a human, animal, plant, or other living thing

6. Answer the questions.

1. What is biolaw?
2. What are the ethical and legal implication of advancement of biotechnology and genetics?
3. Why does biolaw require an interdisciplinary approach to be developed?
4. What spheres does biolaw interrelate with?
5. What issues are urgent for legal scholars in the field of biolaw?

7. Give definitions to the following concepts. Use the Internet and scientific literature.

a. biotechnology
b. bioethics
c. bioeconomics
d. biopolitics

e. biomedicine
f. biosafety

8. Translate the following sentences into English.

1. Биоправо — это новая, интенсивно формирующаяся отрасль права.
2. Биоправо как ответ на стремительное внедрение в человеческую жизнь достижений биотехнологии призвано комплексно учитывать преимущества и проблемные аспекты, связанные с воздействием на человеческий организм новых технологий.
3. Необходимость правового регулирования применения достижений биотехнологии предопределило формирование биоправа как нового интегрированного правового комплекса.
4. Уникальность биоправа как отрасли права нового поколения состоит также в том, что человек, человечество, нынешние и будущие поколения являются одновременно объектами и субъектами права.
5. Интегрированная природа биоправа проявляется в тесном соединении публичных и частных интересов при очевидном доминировании публичной значимости правовых норм.
6. Некоторые ученые полагают, что биоправо призвано регулировать одну из функций государства, которая состоит в обеспечении биозащиты человека с помощью установления медицинских, биологических, социальных и иных правовых и одновременно нравственно-этических возможностей и границ удовлетворения потребностей человека в использовании достижений биотехнологии.

Unit 2
BIOMEDICINE AND HUMAN RIGHTS ISSUES

Lead-in

1. Discuss the following questions in pairs.

1. What does the misuse of biotechnologies imply in your opinion? What spheres of medicine may it involve?
2. What human rights might be violated when using biomedical technologies?

2. Read the text.

Text 1

Vocabulary

1. to sustain — поддерживать
2. misuse — неправомерное использование; ненадлежащее применение
3. coherent — последовательный
4. inviolability of the human person — неприкосновенность личности
5. informed consent — информированное согласие
6. bodily integrity — телесная неприкосновенность
7. a lingua franca — общепринятый язык, лингва франка
8. a reference point — зд. ориентир
9. genetic engineering — генная инженерия
10. reproductive cloning — репродуктивное клонирование
11. a disadvantaged population — малообеспеченные слои населения
12. germ-line intervention — вмешательство в зародышевую линию

Probably the most recent field that needs **to be sustained** by the principles of human rights is medicine, especially genetics. Rapid advances in this area present new and complex ethical and policy issues for individuals and society, and a legal response is needed to avoid **misuse** of the new technologies.

The new challenges are so formidable and far-reaching that a **coherent** and effective response to them should be provided both on the domestic and international levels. It is vital to harmonize legal standards and to establish appropriate mechanisms to ensure that such standards are effectively implemented.

Certainly, the search for common responses to the new bioethical dilemmas is an arduous task. It seems to be impossible to reach substantive agreement on such sensitive issues in the societies with different sociocultural and religious backgrounds. Setting common standards in the biomedical field, although difficult, is possible because international human rights law presupposes that some basic principles transcend cultural diversity. The major challenge is to identify those universal principles with regard to biomedical issues, but it can be addressed through promotion of an open and constructive dialogue between cultures.

Perhaps the two most distinctive features of international instruments relating to biomedicine are the very central role given to the notion of "human dignity" and the integration of the common standards that are adopted into a human rights framework. Human dignity is one of the few common values in the world. This notion is usually associated with supreme importance, fundamental value and **inviolability of the human person**. In the field of biomedicine, the idea of dignity normally operates through other more concrete notions, such as **informed consent**, **bodily integrity**, non-discrimination, privacy, confidentiality and equity, which are usually formulated in the terminology of rights.

Another motive for this strategy is the current worldwide political consensus on the importance of protecting human rights. Like the notion of dignity, but providing a more complete and articulated formulation, human rights can be viewed in our fragmented world as the last expression of a universal ethics or as **a lingua franca** of international relations.

The Universal Declaration of Human Rights of 1948 is the best example of this phenomenon, because it was drafted by representatives of particularly diverse, even opposed, ideologies. Upon this strong legislative foundation has been built to develop international standards, monitor their implementation and investigate violations of human rights. Today, the Declaration can be considered as the single most important **reference point** for cross-national discussion of how to order our future together.

It is true that global bodies often lack the ability to deal with the violations of human rights. In spite of all its weaknesses, however, the current human rights system is the only mechanism available to protect people. This is why the integration of some principles relating to biomedicine into a human rights framework seems fully justified. It should not be forgotten that what is at stake in some bioethical issues, such as human **genetic engineering** and **reproductive cloning**, is nothing less than the preservation of the identity of the human species. It seems clear that, in the case of conflict between the preservation

of humankind from harm and the protection of purely financial or scientific interests, international law should give preference to the first option.

When addressing these sensitive issues, international instruments do not pretend to provide a precise and definitive answer to the most intricate questions posed by medicine and genetics. On the contrary, international bodies tend to lay down very general principles like the requirement of informed consent, the confidentiality of health information, the principle of non-discrimination for genetic reasons and the promotion of equity in the allocation of resources in health care, especially to meet the needs of the most **disadvantaged populations**.

The importance of setting general principles relating to biomedicine should not be understated. General international standards may constitute a first step towards promoting more concrete regulations at a national level. It should not be forgotten that national governments, not international organizations, are the primary agents for the observance of human rights.

In any case, the international consensus is exceptionally precise on two specific issues, because it aims to prevent some potential developments that raise the most serious concerns for the future of humanity: **germ-line interventions** and human reproductive cloning. The lawmaking process, which is usually accused of being too slow to keep up with scientific advances, has on this occasion overtaken science, because legal provisions are being adopted to prevent two technologies that are still under development.

3. Give Russian equivalents to the following words and word combinations.

a. complex ethical and policy issues
b. formidable and far-reaching challenges
c. sensitive issues
d. to transcend cultural diversity
e. to adopt into a human rights framework
f. non-discrimination, privacy, confidentiality and equity
g. an extensive network of human rights mechanisms
h. to be the primary agents for the observance of human rights
i. to keep up with scientific advances

4. Find English equivalents to the following words and word combinations in the text.

a. новейшая область исследований
b. последовательный эффективный ответ
c. унифицировать правовые нормы
d. содействие открытому и конструктивному межкультурному диалогу
e. международные договоры
f. общепринятый язык международных отношений
g. сохранение идентичности человека как биологического вида

h. справедливое распределение ресурсов в области здравоохранения
i. серьезные опасения за будущее человечества

5. Give your own definitions of the following concepts.

1. human dignity
2. bodily integrity
3. non-discriminations
4. privacy
5. informed consent
6. equity
7. confidentiality

6. Answer the questions.

1. What field of medicine should be enhanced by the principles of human rights?
2. What levels are new challenges to be regulated on? Why?
3. What difficulties arise in setting general standards in the field of biomedicine?
4. What are the two most distinctive features of international law concerning biomedicine?
5. Why are human rights considered a lingua franca of international relations? What instrument is referred to as a refence point for ensuring cross-cultural dialogue?
6. What is one of the most crucial issues relating to human rights and biomedicine?
7. What are primary agents for implementation of general legal principles in biomedicine and promotion of human rights?
8. What issues pose the most serious concern for humanity? What measures have most national legislatures undertaken in regard to those issues?

7. Translate the following sentences into English.

1. Всеобщая декларация о биоэтике и правах человека признает взаимосвязь между этикой и правами человека и призывает государства-участники предпринять все усилия в целях реализации принципов, изложенных в декларации, и предлагает принять соответствующие меры по обеспечению ее осуществления.
2. Страны — участники Всеобщей декларации о биоэтике и правах человека обязуются использовать достижения в области биологических и медицинских наук, новейших технологий на основе уважения прав и свобод человека.

3. Новые биотехнологии не только расширили научную сферу исследований биологов и медиков, но и породили массу этических и юридических проблем, в числе которых — проблема абортов, суррогатного материнства, эвтаназии, имплантации и др.
4. Конвенция о защите прав и достоинства человека в связи с применением достижений биологии и медицины является международным договором, направленным на запрещение неправомерного использования инноваций в биомедицине и защиту человеческого достоинства.
5. Согласно закону, приоритет интересов пациента при оказании медицинской помощи реализуется путем соблюдения этических и моральных норм, а также уважительного и гуманного отношения со стороны медицинских работников, оказания медицинской помощи пациенту с учетом его физического состояния и с соблюдением по возможности культурных и религиозных традиций пациента.
6. Конституция Швейцарской Конфедерации устанавливает правила репродуктивной и трансплантационной медицины и генной инженерии человека.
7. Предусмотренное законом информированное добровольное согласие на медицинское вмешательство и на отказ от медицинского вмешательства также является реализацией международно-правовых норм в российском законодательстве.

8. Read the text and

a) make up its plan in the form of statements;
b) render the text.

Text 2

Confidentiality and Health Research

"The voluntary consent of the human subject is absolutely essential" — consent to being systematically observed, experimented on, or having data about oneself analyzed has been broadly viewed as a right and a reassurance in research. It is often called **the cornerstone of research ethics**.

Some people volunteer to participate in research and agree to have data about themselves used for research. However, medical institutions must inform volunteers on the following issues:

— the purposes, overall plan, and an indication of **the hoped-for eventual benefits for society**;
— **the project leadership**, institutional setting, and funding source;

- any data or specimen collecting that may involve the person directly, the procedures involved, and **the commitment of time and effort required**;
- any proposed use of existing data or **biospecimens**;
- any **foreseeable physical or emotional risks**, and whether any resulting harms will be cared for or compensated for;
- **privacy and confidentiality assurances**, data sharing expectations, and whatever can be said about privacy risks;
- the possibility of future recontacting by researchers or **intermediaries**, for what sorts of purposes;
- reassurance that participation is voluntary, and that **withdrawal is allowed via simple, nonprejudicial notice**;
- **the safeguards**, ethics review, **governance arrangements**, and experience on the part of the researchers and their organizations that support trusting;
- any other questions put by volunteers.

This list is a selection, emphasizing points **relating to privacy, confidentiality, and trustworthiness**. Often consent defines purpose limits, such as restriction of the uses of data or biospecimens to specified research topics (such as cancer research), classes of users (such as not pharmaceutical companies), or legal jurisdictions (such as not outside the country). Such limits may be set by the researchers, or requested by **the data-subjects**, or imposed by funders, **ethics review bodies**, or laws or regulations. An issue increasingly being addressed is the possibility that data or biospecimens will be transferred to other countries, and the protections that will accompany this. Consent negotiations in **clinical trials**, which by definition involve direct intervention or manipulation, must make the subjects aware by explaining the procedures involved and the possible physical or psychological risks. In order **to temper patient's expectations**, they may explain aspects of study design, such as **double-blind random assignment to** the experimental treatment or a placebo or other control.

Many other issues can be covered that don't relate to the protection of informational privacy or confidentiality, such as whether participants will be informed of findings about themselves, or whether anyone will be able **to assert intellectual property rights** in the results. Consent formulations vary with the kind of research and the cultural, ethical, and legal circumstances.

9. Translate the highlighted word combinations in the text above and make your own sentences with each of them.

Unit 3

LEGAL AND REGULATORY FRAMEWORK FOR BIOTECHNOLOGY

Lead-in

1. Discuss the following questions in pairs.

1. What do laws and rules governing the use of biotechnology ensure?
2. Is it important to study biotechnology? Why?

2. Read the text and fill in the gaps.

Text 1

Mother Nature	obey natural	common consensus	issue
organisms	social	reproduction	manipulate
a tool	contradictory	to meet	threatens
inevitable	controlling	physical environment	modify products

Because biotechnology is a technique designed to biotechnologically ___**1**___ by using living biological organisms and aimed at improving the functions of plants or animals, the relationship between biotechnology and life is close. In addition, because biotechnology deals with the issues related to life, there are some special characteristics that set biotechnology apart from other technologies.

1. With the development of technology, a contradiction between naturalness and artificiality inevitably arises. Namely, since biotechnologically modified products are artificial products created by the hands of scientists rather than ___**2**___, there are numerous disputes about the extent to which scientists should interfere with natural biological processes. On the one hand, some experts argue that technology should ___**3**___ laws because it exists and develops in natural conditions and natural

environment. On the other hand, since technology is ___**4**___ used to modify natural phenomena ___**5**___ human needs, interference in natural biological processes is ___**6**___. Thus, the contradictions arising from biotechnology are that scientists want to alter natural phenomena through biotechnology, including humans, animals, and plants. The natural development, growth, existence and ___**7**___ of human beings and other living ___**8**___ are subjected to strong interference and molecular biotechnology and as a result become unnatural and artificial. Since biotechnology involves manipulation of nature, it entails a high interconnectedness between humanity and nature.

2. Unlike other traditional technologies aimed at ___**9**___, manipulating, and improving the ___**10**___, such as chemical or civil engineering, biotechnology is aimed at changing the biological structures of humans, animals, and plants. Biotechnology is not focused on external and temporary changes through the invention of new equipment but is interested in changing vital processes through internal and long-term intervention.
3. No other technology deals as directly with family, ___**11**___ and religious values as biotechnology. Because biotechnology deals directly with and attempts to change life processes and life itself, biotechnology ___**12**___ core beliefs and social and religious values. And because biotechnology is as closely related as the abortion ___**13**___, there are extremely ___**14**___ and very different views and opinions on biotechnology. Reaching a ___**15**___ is difficult because the conflicts touch on the most basic notions of human values and raise ethical questions such as: should humans ___**16**___ natural biological processes? Should animals or humans be cloned?

3. Match the key ideas (a—c) of text 1 with the text paragraphs (1—3).

a. Biotechnology is related not only to lifestyle but also to life itself;
b. Biotechnology is related to society values;
c. Biotechnology as it relates to humanity.

4. Read and translate the text. Write 6 questions covering the basic points of the text and take turns to ask each other.

Text 2

Vocabulary

1. a sensitive aspect — важный аспект
2. subversive — подрывной, губительный
3. to be pervasive — быть распространенным
4. coherence — согласованность, слаженность

5. to span — охватывать
6. to enhance the productivity — повышать производительность
7. inherent or induced — зд. врожденный или приобретенный
8. sophisticated software — сложное программное обеспечение
9. a co-decision procedure — процедура совместного принятия решений
10. to expose oneself — зд. подвергать себя воздействию
11. to be caused by exposure — быть вызванным воздействием
12. contamination of the surrounding environment — загрязнение окружающей среды
13. pernicious — вредоносный
14. laissez-faire — основанный на принципе невмешательства
15. conventional food — обычные продукты питания (производимые с использованием пестицидов и химических гербицидов; в животноводстве применяются антибиотики и гормоны роста), ant. organic food
16. labeling — маркировка
17. traceability — отслеживание
18. precautionary action — меры предосторожности

The new knowledge in the life, sciences and biotechnologies nonethe*less* presents uni**q**ue and **sensitive aspects**, because it touches the fundamentals of life — reproduction, disease and death of humans, and of the domesticated animals and plants on which we depend, and our relations with the natural environment. These are culturally and politically value-led matters in every society. The new knowledge is **subversive**: of established products, markets, competitive positions, administrations and inter-departmental boundaries. It is also **pervasive** across many sectors, so that perceptions and policy responses tend to lack **coherence** unless they are informed by a sufficiently comprehensive vision, **spanning** several sectors, and engaging the responsibilities of several ministries.

In health care as elsewhere, the argument about historical continuity is strong: since the discovery of penicillin and the subsequent development of the fermentation pharmaceutical industry, the use of microbes to produce high value molecules of clinical importance has become familiar. Applied microbiology and process engineering have over the past six decades enormously **enhanced the productivity** and reduced the specific cost of such products. Modern biotechnology continues to offer prospects of further major cost reductions.

In health care, modern biotechnology is of enormous significance in opening up understanding at molecular level — the level at which genetic disease, viruses and cancers operate — all being disorders of the genetic machinery**, inherent or induced**. Genome sequencing at ever declining cost, the results globally available in public databases, with ever more **sophisticated software** available for scanning, comparison and interpretation, illustrate the enrichment of the knowledge base for health care.

Legislation adopted by the institutions of the European Union is binding on the 27 Member States. Such legislation is proposed by the European Commission, and in recent years is adopted, following two readings with debate and amendment, in **a co-decision procedure** between the (directly elected) European Parliament and the Council of Ministers (from the Member States). The regulatory frameworks in the Member States are thus largely determined by the legislation adopted at European level, but there are nonetheless significant differences in national legislation and implementation.

The regulatory agencies carry out two closely interrelated but distinct regulatory functions that together protect public health, safety, and the environment and which form the major topics. The first is consumer — and occupational-safety regulations that protect members of the public who directly **expose themselves** to biotechnology products through their decisions to consume or use them or to enter a workplace where biotechnology products or biotechnological means of production are in use. Examples of possible risks associated with these products are injuries consumers may suffer when using a biotechnology-based product or injuries to industrial workers **caused by exposure** to a biotechnological means of production. The other function is environmental regulation to address non–human health risks (that is, ecological risks) and human health risks to members of the public that are exposed to future biotechnology products regardless of their individual decisions. Examples of these possible risks include **contamination of the surrounding environment** and introduction of a **pernicious** species.

There are significant differences in the kinds of regulatory approaches countries adopt on biotechnology. The United States has adopted a regulatory approach closest to a **laissez-faire** model. The Food and Drug Administration (FDA) issued a policy statement in 1992, in which it established that biotech products were generally considered to be as safe as **conventional food** and that pre-market approval was only necessary under certain conditions.

The great majority of countries have, so far, adopted some form of regulation on biotechnology and biotech products. The core elements for regulation on biotechnology include laboratory control, environmental release, risk analysis, and socio-economic considerations for pre-marketing authorization; also subject to regulation are **labeling**, **traceability** and other monitoring measures for post-approval surveillance**.** Risk analysis covers risk assessment, risk management and risk communication. **Precautionary action** is also provided for in the risk analysis and regulatory systems of most countries. These measures are expected to allow for a high level of protection of human health, environment and eco-system.

5. Give Russian equivalents to the following words and word combinations.

a. a sensitive aspect
b. culturally and politically value-led matters
c. historical continuity

d. applied microbiology
e. disorders of the genetic machinery
f. to be binding on
g. a regulatory framework
h. a biotechnological means of production
i. a pernicious species
j. environmental release

6. Find English equivalents to the following words and word combinations in the text.

a. существенные различия
b. согласованность
c. загрязнение окружающей среды
d. быть распространенным
e. повышать производительность
f. огромное значение
g. сложное программное обеспечение
h. снижать удельную стоимость
i. обычные продукты питания
j. модель невмешательства

7. Match the terms with their definitions.

1. coherence	a. developed to a high degree of complexity
2. inherent	b. a legislative procedure introduced by the Treaty of Maastricht giving the European Parliament and the Council equal power to legislative acts
3. sophisticated	c. actions are taken to prevent something dangerous or unple asant from happening
4. a co-decision procedure	d. a basic or permanent part of somebody or something that cannot be removed
5. precautionary action	e. food that has been grown and processed using artificial methods
6. conventional food	f. describing someone or something in a word or short phrase
7. laissez-faire	g. the situation when the parts of something fit together in a natural or reasonable way
8. labeling	h. a policy of minimum governmental interference in the economic affairs of individuals and society

8. Find the synonyms to the following words in the text. Rephrase the sentences which contain the synonyms using the words below.

a. widespread
b. acquired

c. great
d. harmful
e. complex
f. traditional
g. unity
h. pollution
i. to boost
j. to deal with

9. Group work. Read the text and

a) make up its plan in the form of statements;
b) make a list of questions to the text and take turns to ask each other.

Russian legislation regulates relations in various fields of biotechnology. The Federal Law of 1992 "On Transplantation of Human Organs and Tissues" does not extend its effect on organs, their parts and tissues related to the process of human reproduction, as well as blood and its components. The Federal Law of 1996 "On State Regulation in the Field of Genetic Engineering Activities" regulates relations in the field of environmental management, environmental safety, gene therapy, genodiagnostics. Permission of gene therapy is fixed in Art. 55 of the Federal Law of 2011 "On the basis of the protection of public health in the Russian Federation". The Russian Federal Law of 2002 "On the Temporary Prohibition on Human Cloning" extended this moratorium for an indefinite period, including the import of cloned human embryos.

Russia as a member of the Commonwealth of Independent States has been recommended to use the Model Law "On the Protection of Human Rights and Dignity in Biomedical Research" of 2005. It covers all types of biomedical research involving human subjects, with the exception of in vitro embryo. This law guarantees public control over the ongoing research — through the work of ethics committees and the conduct of mandatory ethical review of bio research (Art. 10). All information obtained in the course of biomedical research is confidential and subject to protection within the framework of the human right to privacy and personal data (Art. 23). There is also provision for obtaining separate informed consent for genetic research (Art. 29). The Law "On State Genomic Registration in the Russian Federation" of 2008 is used for the mandatory genomic registration of persons convicted and serving sentences for serious crimes as well as crimes against sexual inviolability and sexual freedom, and for registration of unidentified corpses and biological traces from crime scenes.

In the Criminal Code of Russia there are no special norms in the field of genomic or bio research. Although it would be desirable to provide for the responsibility for conducting illegal genetic experiments on humans, using genetic and other biological material of humans, for illegal modification of the human genome without their consent or editing the genome of human

heirs, etc. At the same time, the illegal conduct of artificial insemination and implantation of an embryo entails criminal liability. Illegal abortion is a crime under art. 123 of the Criminal Code.

10. Make a report on legal instruments regulating biotechnologies in Russia and worldwide. Here is a list of some legal acts. You may search for other documents to complete the task.

a. Universal Declaration on Bioethics and Human Rights (UNESCO)
b. Universal Declaration on the Human Genome and Human Rights (UNESCO)
c. International Declaration on Human Genetic Data
d. Convention on Human Rights and Biomedicine (Oviedo Convention)
e. Federal Law n. 492 "On the Biosafety of the Russian Federation"
f. Decree of the President of the RF n.680 of 28.11.2018 "On the Development of Genetic Technologies in the Russian Federation"

Unit 4
BIOETHICS

Lead-in

1. Read the text and answer the questions.

1. What spheres does bioethics cover? Why?
2. How has bioethics developed?
3. What challenges do researchers face when dealing with birth to end of life issues?
4. What parties are involved in deciding bioethical issues?
5. What rights and guarantees are provided for clinical trial participants?

Text 1

What Is Bioethics?

Bioethics is a multidisciplinary field, combining philosophy, theology, history, and law with medicine, nursing, health policy, and the **medical humanities**. As the health care system is so complex, it is important to consider relevant issues from multiple points of view.

Bioethics is a term with two parts, and each needs some explanation. Here, "ethics" refers to the identification, study, and resolution or mitigation of conflicts among competing values or goals. The "bio" puts the ethical question into a particular context.

The term "bioethics" was first introduced in 1971 to reference the combination of biology and bioscience with humanistic knowledge. However, its application has become much broader today, including clinical decision-making, controversial new research, the implications of emerging technologies, global concerns, and public policy. In fact, bioethics has played a central role in influencing policy changes and legislation in recent years. Its relevance for medical professionals is difficult to overstate, as the modern health care system continues to change at a rapid pace.

Bioethics has applications ranging from birth to the end of life, and it directly affects both patients and **care providers**. Bioethics is commonly

understood to refer to the ethical implications and applications of the health-related life sciences. These implications can run the entire length of **the bench-to-bedside "translational pipeline."** Dilemmas can arise for the basic scientist who wants to develop **synthetic embryos** to better study embryonic and **fetal development** but is not sure just how real the embryos can be without running into moral limits on their later destruction. How much should the scientist worry about their potential uses?

Once treatments or drugs are in clinical trials involving human subjects, a new set of challenges arise, from ensuring informed consent, to protecting **vulnerable research participants** to guarantee their participation is voluntary and informed. Eventually, some of these new approaches exit the pipeline and are put into practice, where providers, patients, and families struggle with how to best align the risks and benefits of treatment with the patient's best interest and goals. The added costs of new therapies inevitably strain available resources, forcing hard choices about how to fairly serve the needs of all, especially those already underserved by the health care system.

Questions in bioethics aren't just for "experts". Discussions of bioethical challenges take place in the media, in the academy, in classrooms, but also in labs, offices, and hospital wards. They involve not just doctors, but patients, not just scientists and politicians, but the general public.

2. Give the definitions to the following concepts. Look up on the Internet for the information.

a. medical humanities
b. the bench-to-bedside "translational pipeline"
c. synthetic embryo
d. fetal development
e. vulnerable research participant
f. care provider

3. Read the text and match paragraphs with their titles.

Neuroethics	
Research ethics	
Genetics	
Clinical ethics	
Reproductive ethics	
Health policy	

Text 2

Areas of Bioethics

Vocabulary

1. surrogate — *зд.* доверенное лицо, представитель (пациента)
2. stakeholder — *зд.* заинтересованная сторона
3. non-beneficial treatment — *зд.* бесполезная медицинская помощь
4. to incentivize — побуждать, стимулировать
5. curative research — клиническое исследование
6. genome sequencing — секвенирование/определение последовательности генома (проводится с целью выявления генетических заболеваний)
7. memory-dampening technique — метод подавления памяти
8. neuroimaging — нейровизуализация (методы, позволяющие визуализировать структуру, функции и биохимические характеристики мозга и нервной системы)
9. prosthesis (pl. prostheses) — протез; протезирование
10. assisted reproduction — вспомогательные репродуктивные технологии
11. to harvest — собирать, извлекать

Bioethical issues and legal implications may arise in some specific areas of medicine and research.

A. It is a practical discipline that aims to resolve ethical questions or disagreements that emerge in the practice of health care. Bioethicists work to identify, analyze, and resolve value conflicts that arise when medical institutions, patients, families, **surrogates**, and other **stakeholders** disagree or are uncertain about the ethically best course of action. For example, patients or their surrogates may refuse recommended treatments or demand **non-beneficial treatments**, which puts their requests at odds with institutions' medical judgment.

B. This is about governmental efforts to manage health care as a public good. Government must assure access to needed health care for all, **incentivize curative research**, protect health quality, and control health care costs. Justice is the moral value most pertinent to this field, given large public investments in creating a health care system. Consequently, bioethics considers such issues as dependence of an individual's access to needed, costly and effective care on an individual's ability to pay; the willingness of a state legislature to adequately fund the medical aid program for the poor; if the genetically healthy and fortunate should help pay the health care costs of the genetically unhealthy and unfortunate, etc. A just and caring society must address these questions through thoughtful bioethical inquiry and respectful democratic deliberation.

C. Much of medicine today is about this field of study, whether for disease prevention, diagnosis, treatment, or reproductive decision-making. Emerging genetic technologies and knowledge generate numerous value conflicts. Consequently, bioethicists are concerned with the issues relating to:
   — obligations of individuals with a mutation for serious and now untreatable genetic disorders to sacrifice their privacy rights to inform at-risk relatives;
   — the ethical obligations for the best interests of future possible children on the part of parents considering whether and how to have children, when whole **genome sequencing** indicates serious potential risks associated with conceiving those children;
   — social policies governing such decisions;
   — social policies protecting parental procreative liberty or enhancing social responsibility for the best interests of those future possible children.

This is bioethics in the age of genomics.

D. As the ability to understand, measure, and manipulate the functioning of the human brain and nervous system rapidly advances, so too does the need to grapple with the ethical, social, and legal implications of these tools and neuroscientific knowledge. This field is an interdisciplinary research area that involves systematizing, defending, and recommending paths to action to address those issues. It is also a platform for engaging different stakeholders to interact and discuss the future of neuroscience and neurotechnologies. That platform can take theoretical but also empirical and pragmatic approaches to the issues it covers, including the use of neuroenhancement drugs, **memory-dampening techniques**, neural **prostheses**, the clinical and non-clinical uses of **neuroimaging**, and policy issues around neurotechologies. It brings to light theoretical and reflective issues regarding how we think about and treat each other.

E. This area of ethics addresses topics that commonly provoke social and legal controversy, and intimately connect to concerns over reproductive justice. The field looks at issues related to assisting fertility (**assisted reproduction**, surrogacy, genetic manipulation of embryos), restricting fertility (contraception and sterilization), terminating a pregnancy (abortion), minors and access, and concerns that are more general over maternal and fetal best interests. It examines perplexing questions such as: enabling people to reproduce after they die; keeping a brain-dead pregnant person on life support to allow for the birth of their child; **harvesting** a dead person's semen; manipulation with the DNA of human embryos, in order not only to eliminate entire genetic disorders, but perhaps also to select superficial traits such as intelligence or athletic ability, etc.

F. This field of ethics addresses a variety of ethical challenges or questions that arise in the conduct of research, human or animal, clinical or basic science, many of which are not answered by regulations. For example, the distinction between "identifiable" and "non-identifiable" is a critical boundary in human subjects research. Research using data whose human sources are not identifiable is not subject to the requirement of informed consent. But as the amount and variety of data (including genetic data) assembled around one individual increases—as happens in "Big Data" research—the less possible it is to guarantee anonymity to the sources. Then the question is whether the data is "non-identifiable" enough. That requires balancing the nature and magnitude of the risks against the research benefits.

4. Give Russian equivalents to the following words and word combinations.

a. to resolve value conflicts
b. the ethically best course of action
c. genetically healthy and fortunate
d. untreatable genetic disorder
e. parental procreative liberty
f. neuroenhancement drugs
g. reproductive justice
h. to assist or to restrict fertility
i. maternal and fetal interests
j. to balance risks against benefits

5. Find English equivalents to the following words and word combinations in the text

a. пациенты, их представители и другие заинтересованные стороны
b. отказаться от назначенного лечения
c. противоречить решению медицинской организации
d. необходимый, эффективный и дорогостоящий уход
e. профилактика заболеваний
f. родственники, находящиеся в зоне риска
g. вмешиваться в работу человеческого мозга
h. искоренить наследственные заболевания
i. идентифицируемые данные
j. гарантировать анонимность источника

6. Match the concepts and their definitions.

1. neuroimaging	a. A method of assisted reproduction in which a woman lends her womb to gestate the embryo of another person.

2. memory-dampening	b. Treatments which the health care team believes have no reasonable medical chance of achieving the outcome sought beyond minor physiologic changes, are outweighed by the danger to the patient, and/or would not achieve a medically appropriate goal.
3. genome sequencing	c. This method refers to the use of pharmaceuticals to diminish the deleterious emotional component of unpleasant or traumatic memories.
4. surrogacy	d. The set of techniques and medical treatments that allow individuals and couples to start a family when it cannot be achieved naturally due to infertility problems.
5. assisted reproduction	e. A branch of medical imaging that allows to visualize the structure and function of the brain and nervous system. It combines various imaging techniques and technologies to capture detailed images of the brain, helping researchers and medical professionals to understand the brain's anatomy, detect abnormalities, and investigate its functioning in both healthy and diseased states.
6. non-beneficial treatment	f. A state-of-art technique to detect the entire genome of an organism.

7. Make a list of questions to Text 2 and discuss them with your partner.

8. Render the text.

Text 3

Euthanasia

One of the most controversial topics in bioethics is euthanasia. Euthanasia is the termination of a very sick person's life to relieve them of their suffering. A person who undergoes euthanasia usually has an incurable condition. In some cases, it may be done at the patient's request, but when a patient is incapacitated, the decision can be made by others, such as family members or medical professionals.

In the medical community, there are two categories of euthanasia. Active euthanasia occurs when a medical professional allows the patient to die. Passive euthanasia occurs when "medical professionals either don't do something necessary to keep the patient alive, or when they stop doing something that is keeping the patient alive. It is important to note that in both cases this is done at the patient or family member's request.

Other scholars suggest the following classification of euthanasia:

Euthanasia (narrow definition)

The active, intentional termination of a patient's life by a healthcare professional who thinks that death is a benefit to that patient.

Euthanasia (wider definition)

The intentional termination of a patient's life, whether by act or omission, by a healthcare professional who thinks that death is a benefit to that patient.

Voluntary euthanasia (VE)

The active, intentional termination of a patient's life, at the patient's request, by a healthcare professional who thinks that death is a benefit to that patient.

Non-voluntary euthanasia (NVE)

The active, intentional termination of the life of a patient who is not able to make a euthanasia request, by a healthcare professional who thinks that death is a benefit to that patient.

Assisted suicide

A healthcare professional intentionally assisting another person to commit suicide or intentionally providing another person with the means to that end.

Physician-assisted suicide (PAS)

A doctor intentionally assisting another person to commit suicide or intentionally providing another person with the means to that end.

Euthanasia and/or assisted suicide (EAS)

An umbrella term for different forms of intentional termination of life by or with the assistance of a healthcare professional.

Assisted dying

A misleading and ambiguous term easily confused with care of the dying. It is used sometimes to mean euthanasia and assisted suicide, sometimes to mean assisted suicide but not euthanasia, sometimes to denote a specific form of euthanasia and/or assisted suicide, for example assisted suicide for the terminally ill, and sometimes as an umbrella term to cover diverse forms of euthanasia and/or assisted suicide. It is best avoided.

9. Examine the legislation regarding euthanasia in the Russian Federation and other countries. Make a report highlighting the following aspects:

- Legal status of euthanasia in the country;
- If it is a crime, what punishment is prescribed for it;
- If it is applied, what categories of euthanasia are singled out.

10. Translate the sentences into English.

1. Биоэтика как особая комплексная сфера знания, совмещающая в себе научные, философские и этические основания, зародилась как нравственная реакция общества на динамичное развитие биомедицины.
2. Новые биотехнологии не только расширили научную сферу исследований биологов и медиков, но и породили множество этических и юридических проблем, в числе которых — проблема прерывания беременности, суррогатного материнства,

эвтаназии, имплантации, трансплантации, применения новых репродуктивных технологий и др.

3. В Российской Федерации эвтаназия запрещена, а действия третьего лица, оказывающего помощь больному в уходе из жизни, квалифицируются как умышленное убийство.
4. В англо-американском праве вопрос о допустимости эвтаназии решается прежде всего не в нормативно-правовом регулировании, а в прецедентном праве.
5. Согласно ст. 13 Конвенции о правах человека и биомедицине вмешательство в геном человека допускается только для профилактики, диагностики, терапии и при условии, что оно не направлено на изменение генома наследников данного человека.
6. Несмотря на то, что геномные исследования являются реальностью, все их потенциальные последствия неизвестны. На сегодняшний день не существует глобальных механизмов контроля за ходом геномных исследований и использования их результатов.
7. Одной из ведущих задач в области нейровизуализации является диагностика различных патологий головного мозга.
8. В Российской Федерации порядок использования вспомогательных репродуктивных технологий, противопоказания и ограничения к их применению утверждаются уполномоченным федеральным органом исполнительной власти.
9. Женщина, состоящая в браке, зарегистрированном в порядке, установленном законодательством Российской Федерации, может быть суррогатной матерью только с письменного согласия супруга.

Unit 5

ETHICAL AND LEGAL ASPECTS OF HUMAN CLONING AND HUMAN GENOME EDITING

Lead-in

1. Discuss the following questions in pairs.

1. What does human cloning imply? Why is it a controversial issue?
2. What ethical and legal issues arise in the field of human genome editing?

2. Read the text.

Text 1

Human Cloning

Vocabulary

1. reproductive cloning — репродуктивное клонирование
2. therapeutic cloning — терапевтическое клонирование
3. cell donor — донор клеток
4. stem cells — стволовые клетки
5. in vitro fertilization — экстракорпоральное оплодотворение (эко)
6. to discard — избавляться, отбраковывать
7. infertile — бесплодный
8. carrier of genetic diseases — носитель генетических заболеваний
9. gestation — период беременности

In the debate on human cloning, it is usual to make a distinction between "**reproductive cloning**" and "**therapeutic cloning**". In the first case, the embryo obtained by the cloning procedure is transferred to a woman's uterus; this begins a process that eventually may lead to the birth of a baby genetically identical to the **cell donor.** In the second case, the embryo's inner mass is harvested and grown in culture for subsequent derivation

of embryonic **stem cells** that may have therapeutic applications in the treatment of serious degenerative disorders, such as Alzheimer's disease or Parkinson's disease. Although the consensus at the political level is that human reproductive cloning should be banned, no agreement about the ethical acceptability of therapeutic cloning has been reached. In this respect, some have argued that the creation of embryos by cloning for the derivation of stem cells offers such significant potential medical benefits that research for such purposes should legally be permitted. Others consider that only embryos that remain after **in vitro fertilization** procedures should be used for that purpose, because they will be **discarded** anyway. Still others are opposed to the use of either cloned embryos or "spare" embryos from in vitro fertilization procedures, on the grounds that any deliberate destruction of human life is ethically unacceptable. It is evident, therefore, that the value attributed to human embryos remains the key issue in the debate on therapeutic cloning.

At the international level, the initiative aimed at preventing human cloning was taken by the United Nations General Assembly. Other important international instruments that prohibit (mainly reproductive) human cloning have been adopted by UNESCO, the Council of Europe, the World Health Organization, the World Medical Association, the European Union and the European Parliament. At the national level, many countries have passed provisions that prohibit human reproductive cloning.

It is helpful to consider the arguments put forward in favour of reproductive cloning. Cloning would allow **infertile** couples to have children who are biologically related to one of the parents and couples who are known **carriers of genetic diseases** to have children not affected by the risk of such disorders. It would allow individuals to "replace" someone of special value to them — such as a child who died prematurely. Finally, cloning would allow families or society to reproduce individuals of great genius, beauty or exceptional physical abilities.

Most of the objections to human reproductive cloning are based on the idea of human dignity. Cloning would give the creators unjustifiable powers over clones produced deliberately to resemble an existing individual (or even a dead person) just to satisfy the desires of third persons. In this way, this procedure would become a new and radical form of instrumentalization of people. Although human beings cannot be reduced down to just their genes, the fact is that, given their physical similarity to the "original" and to each other, clones might seem like replaceable "copies" rather than irreplaceable originals. Cloning is not just another assisted reproductive technology — the cloned child would be without genetic parents and therefore would be irrevocably deprived of the possibility of relating his or her existence to a "father", a "mother" or a "family" in the normal sense of these terms. Finally, even on purely scientific grounds, human reproductive cloning is considered to be a dangerous procedure: data on cloning of animals shows that only a small percentage of attempts are successful, that many

clones die during **gestation** and that newborn clones are often abnormal die. Such devastating consequences in humans make the procedure ethically unacceptable.

3. Give Russian equivalents to the following words and word combinations.

a. subsequent derivation of embryonic stem cells
b. to harvest embryo's inner mass
c. to grow smth in culture
d. to discard an embryo
e. deliberate destruction of human life
f. to die prematurely
g. unjustifiable powers over clones
h. instrumentalization of people
i. to reduce human beings down to just their genes

4. Find English equivalents to the following words and word combinations in the text.

a. генетически идентичный клетке донора
b. терапевтическое применение
c. серьезные дегенеративные расстройства
d. этическая допустимость терапевтического клонирования
e. наделять ценностью эмбрион человека
f. постановления, запрещающие репродуктивное клонирование человека
g. удовлетворять желание третьей стороны
h. заменяемая «копия»
i. разрушающие последствия

5. Match the terms with their definitions.

1. a degenerative disorder	a. a type of cell that is able to divide to produce more cells, or to develop into a cell that has a particular purpose
2. a cell donor	b. the period of the development of a child or young animal inside its mother's uterus
3. a stem cell	c. a treatment for a woman who cannot become pregnant naturally, in which an egg is fertilized outside her body and the resulting embryo is put into her womb to develop into a baby
4. in vitro fertilization	d. a continuous process based on irrevocable cell changes, affecting tissues or organs, which will increasingly deteriorate over time
5. gestation	e. a person who donates cells for genetic research and other medical purposes

6. Answer the questions.

1. What types of human cloning do medical professionals single out? How do they differ?
2. What ethical issues arise in the field of therapeutic cloning?
3. What international instruments govern issues of human cloning?
4. How do national governments regulate this field?
5. What arguments are put forward in favour of reproductive cloning?
6. What objections to human reproductive cloning does the professional community have?

7. Read the text and

a) make up its plan in the form of statements;
b) render the text.

Text 2

Germ-line Interventions

Vocabulary

1. somatic cells — соматические (не половые) клетки
2. germ cells (gametes) — половые клетки (гаметы)
3. to recourse to smth — прибегать к чему-л.
4. coercive — принудительный

The ethical reflections on germ-line interventions usually stress the fact that, unlike alterations of genes in **somatic cells**, which affect only the treated person, any alteration in **germ cells (gametes)** or in early embryos before the stage of differentiation would be passed to the next generation. This distinction has serious moral relevance: although somatic cell gene therapy does not raise specific ethical questions, insofar as it does not serve an enhancement purpose, germ-line interventions, given their irreversible effects on future generations and their possible misuse for eugenic purposes, pose unprecedented concerns. This is why most ethical and legal regulations that cover this issue strongly discourage or frankly prohibit this procedure.

At the international level, UNESCO Universal Declaration on the Human Genome and Human Rights provides that germ-line interventions "could be contrary to human dignity" (Article 24). Similarly, the European Convention on Human Rights and Biomedicine states that "an intervention seeking to modify the human genome may only be undertaken for preventive, diagnostic or therapeutic purposes and only if its aim is not to introduce any modification in the genome of any descendants" (Article 13).

At the national level, some legal provisions and guidelines that ban germ-line interventions have already been adopted by some countries — mostly developed countries. This latter circumstance is not surprising, because

human genetic engineering would be possible only where the financial, human and technical means were available. In contrast, developing countries have more urgent problems to solve — such as improving access to basic health care services — before worrying about human genetic engineering. Nevertheless, some developing nations, such as Brazil and India, have also adopted ethical and legal standards on this issue (Brazil Law 8974/95). This is probably due to the mixed situation of these countries, in which a high level of poverty and social inequity coexists with remarkable scientific and technological developments.

With respect to objections to germ-line genetic engineering, it is important to note that they are of a different nature, depending on the purpose of the intervention.

In the case of germ-line interventions for therapeutic purposes — that is, for preventing the transmission of diseases — if we leave aside the controversy on embryo research, the objection is not based on intrinsic ethical arguments, but on the risks of serious and irreversible harm to future generations. In addition to this, it is important to recognize that the idea of eliminating "harmful" genes from the entire human population is more utopian than real. Such a global result, if ever possible, could only be realized over thousands of years and with **recourse to** massive **coercive** programmes, which would be morally unacceptable.

In the case of germ-line interventions for enhancement purposes, the objections are more fundamental and are based on the idea that we do not have the right to predetermine the characteristics of future individuals. That means that people should be free to develop their potentialities without being biologically conditioned by the particular conceptions of "good" and "bad" human traits that were dominant at the time of those who preceded them. In other words, genetics should not become the instrument for a kind of intergenerational tyranny. A second objection is that the procedure would profoundly affect our own self-perception as "subjects" — that is, as autonomous beings — which might lead us to consider ourselves as mere "objects" or biological artefacts designed by others.

8. Translate the sentences into English.

1. Терапевтическое клонирование подразумевает создание эмбриона с одной целью: выделение эмбриональных стволовых клеток с тем же самым ДНК, что и у клетки донора.
2. Некоторые ученые поддерживают идею, что стволовые клетки клонированного эмбриона могут использоваться в экспериментах, нацеленных на изучение болезни и изобретение новых методик лечения заболеваний.
3. ООН призывает государства к принятию запретительных нормативно-правовых актов в отношении существующих и еще не созданных форм клонирования, поскольку клонирование

не совместимо с понятием о человеческом достоинстве и противоречит сохранению жизни человека.

4. Федеральное законодательство запрещает клонирование человека исходя из принципов уважения достоинства человека, признания ценности личности, необходимости защиты прав и свобод человека и учитывая недостаточно изученные биологические и социальные последствия клонирования.
5. Хотя право на геномную неприкосновенность нельзя отнести к разряду безусловных прав человека, желание индивидов защищать собственный геном от попыток несанкционированного вмешательства должно надежно защищаться законами и правоохранительными органами.
6. Вопросы правового регулирования отношений с биологическим материалом человека в свете генного редактирования зародышевой линии нуждаются в анализе и формировании общей международной концепции.
7. Генная терапия относится к специализированной высокотехнологичной медицинской помощи и представляет собой совокупность генно-инженерных (биотехнологических) и медицинских методов, направленных на внесение изменений в генетических аппарат соматических клеток человека в целях лечения заболеваний.
8. Редактирование генома эмбриона порождает серьезную дискуссию, обусловленную законодательным запретом на вмешательство в зародышевую линию человека.
9. Осуществление деятельности в сфере обращения биомедицинских клеточных продуктов базируется на следующих признаках: добровольность и безвозмездность донорства биологического материала; соблюдение врачебной тайны и иной охраняемой законом тайны; недопустимость купли-продажи биологического материала; недопустимость создания эмбриона человека в целях производства биомедицинских клеточных продуктов и др.
10. Обеспечение справедливого баланса частных и публичных интересов при применении генной терапии должно основываться на принципе приоритетной защиты прав и интересов отдельного человека.

9. Search for the legislation and legal scholars' opinions on human cloning and human genome editing technologies in the Russian Federation. Make a report on the issues and discuss it with your peers.

CASE STUDY

Case 1
THE CORFU CHANNEL CASE

Source: https://www.icj-cij.org/en/case/1

The Corfu Channel case was the first contentious case heard by the International Court of Justice, the supreme arbitration organ of the United Nations and one of the principal sources of authoritative rulings on international law.

Read the Internet materials pertaining to the case and do the following assignments.

1. Complete the vocabulary list.

1. channel	1. канал (refers to ...)
	2. Ла-Манш
2. canal (the Panama canal, the Suez canal)	
3. strait	
	3. Па-де-Кале
	4. быть в затруднительном положении
4. to contend against the opponents	
5. to contend that	
	5. точка зрения, утверждение в споре
	6. спор; дело о споре между сторонами
6. contentious ≠ non-contentious work of a commercial lawyer	
7. case note (case brief — us)	
8. facts	

	7. история процесса, рассмотрение
	8. юридические вопросы
	9. решение
	10. делать выводы, рассуждать
9. reasoning	
10. repercussions	
	11. мирный проход
11. resolve/diffuse a dispute	
12. diffuse tension	
13. lay mines ≠ sweep mines	
	12. траление мин
	13. вторжение, внезапное нападение
14. merits of the dispute	
	14. решать дело по существу
15. a cruiser/a destroyer	
	15. якорные мины были обезврежены
	16. отрывок, выдержка, фрагмент
	17. осуждать (порицать) человека, его поведение, приговаривать к смертной казни
16. The court therefore condemns Albania to pay to that country a total compensation of £ 843,947.	
17. pursuant to	
18. as regards smth	
19. with regard to	
20. in regard to/in relation to	

Reconstructing the timeline.

Timing a series of encounters (events) correctly is crucial to better understand the subject matter of the dispute.

2. Put the incidents in the correct order.

1. On November, 12/13 the Royal Navy undertook a mine clearance "Operation Retail" in the Corfu Channel without advance permission from that country. 22 moored mines were cut. They were of the same type (German GY mines) as those in the October 1946 explosion.

2. Subsequently, the Albanian government formally complained to the United Nations, describing the operation as an incursion into Albanian territorial waters.
3. Between May 15 and May 22, 1946, the Albanian government placed mines in the Corfu Channel as part of its defense in its war with Greece.
4. On May 15, 1946, 2 British ships passed through Albania's North Corfu Channel when suddenly Albania forces fire at them.
5. *Volage* was sent to her assistance and, while towing her, struck another mine and was also seriously damaged. 45 British officers and sailors lost their lives, and 42 others were wounded.
6. On May 22, 1947, the Government of the United Kingdom filed an Application instituting proceedings against the Government of the People's Republic of Albania.
7. After the explosion the UK Government sent Note to Tirana announcing its intention to sweep the Corfu Channel shortly.
8. On December 9, the UK demanded reparations from Albania. Albania denied involvement in the laying of the mines, blaming Greece.
9. The UK protested, stating that innocent passage though sovereign territory is recognized by international law. The UK warned Albania that if in the future fire was opened on British ships, the fire would be returned.
10. In January 1947, the UK attempted to involve the United Nations Security Council. The Security Council passed a resolution on April 9, 1947, recommending that the UK and Albania resolve the dispute in the International Court of Justice, pursuant to Article 36 para.3 of the UN Charter.
11. On October 22, 1946, British cruisers H.M.S Mauritius and Leander and the destroyers *Saumarez* and H.M.S.*Volage* proceeded through a channel previously swept for mines in the North Corfu Strait. *Saumarez* struck a mine and was gravely damaged.
12. The reply was that this consent would not be given unless the operation in question took place outside Albanian territorial waters and any sweep undertaken in those waters would be a violation of Albania's sovereignty.

3. Comprehension questions.

1. What and why did the UK protest against in May 1946?
2. What was Albania warned about?
3. What did the UK Government send to Tirana? Why? What reply was received?
4. What was the objective of "Operation Retail"? What did it result in?
5. What did the Albanian Government contend against in the UN? Why did it deny its involvement?
6. Did the ICJ begin hearing the case immediately?

Reading: case note

Law students often read or write case note (case briefs — US) to prepare for classroom discussion at university.

A case note is a summary of the most important information about the case. The format and contents of a case note can vary but usually it includes **case, facts, procedural history, legal issue, ruling and reasoning.**

I. Read through the case note below and match the headings (1—6) with these descriptions (a—g).

a. Relevant points of law
b. Information about the parties and the case
c. What the Court decided previously
d. What happened
e. To what final decision the Court came
f. What other decisions there were
g. Why the Court came to the decisions

1. Case: *Corfu Channel, United Kingdom v Albania,* Judgment, Merits, ICJ GL No 1, [1949] ICJ Rep 4, ICGJ 199 (ICJ 1949), 9th April 1949, United Nations [UN]; International Court of Justice [ICJ]

2. Facts of the case:

On May 15th, 1946, the British warships passed through the Channel without the approval of the Albanian government and were shot at. Later, on October 22nd, 1946, a squadron of British warships entered the Corfu Channel. The ships were ordered to return fire if they were attacked. There was a further instruction to the UK crew that they were supposed to test Albania's reaction to their alleged rights of innocent passage. The Channel that they were following, which was in Albanian waters, was regarded safe as it had been swept in 1944 and check swept in 1945.

Both destroyers were struck by a mine and were heavily damaged. This incident resulted also in many deaths.

After the explosions of October 22nd, the United Kingdom Government sent a Note to the Albanian Government, in which it announced its intention to sweep the Corfu Channel shortly. The Albanian reply, which was received in London on October 31st, stated that the Albanian Government would not give its consent to this unless the operation in question took place outside Albanian territorial waters. Meanwhile, at the United Kingdom Government's request, the International Central Mine Clearance Board (ICMCB) decided, in a resolution of November 1st, 1946, that there should be a further sweep of the Channel, subject to Albania's consent.

The United Kingdom Government informed the Albanian Government, in communication of November 10th, that the proposed sweep would take place on November 12th, the Albanian Government protested against this 'unilateral decision of His Majesty's Government' and called it "the violation of territorial waters" and "provocative incursion" by British ships, saying that any sweeping undertaken without the consent of the Albanian Government inside Albanian territorial waters where foreign warships have no reason to sail, could only be considered as a deliberate violation of Albanian territory and sovereignty.

After this exchange of notes, the British carried out a unilateral mine-sweeping and evidence — gathering "Operation Retail". It took place on November 12th and 13th and 22 mines were cut. Upon examination it appeared that the mines were of German manufacture and had been laid very recently. Under Articles 3 and 4 of the 8th Hague Convention of 1907, any government laying mines in wartime, and *a fortiori* in peace, is bound to notify the danger zones to the governments of all countries. No such public notification was made by the Albanian Government.

The UK Government thereupon demanded:

a) An apology for the attacks on British warships.
b) Assurance that there will be no repetition of this unlawful action.
c) Reparation for the damage suffered by the destroyers and compensation for loss of life.

3. Procedural history: Study the relevant materials of the case and the video (https://www.youtube.com/watch?v=oEWbdxgMhJs) and complete the following:

This dispute gave rise to three Judgements by the Court:

In a first Judgment, rendered on 25 March 1948, the Court dealt with the question of its jurisdiction and the admissibility of the Application, which Albania had raised. The Court found, inter alia, _____ _____

A second Judgment, rendered on 9 April 1949, related to the merits of the dispute. The Court found that Albania was _____ _____

In a third Judgment, rendered on 15 December 1949, the Court _____

4. Legal Issues

The issues presented were:

1) Should the North Corfu Channel be considered as part of international highways?
2) Is Albania responsible for the explosions and the associated repercussions under international law?
3) Has the UK violated the sovereignty of the People's Republic of Albania by reason of the acts of the Royal Navy in Albanian waters

on October 22nd and on the November 12th/13th, 1946, conducting "Operation Retail" without prior consent?

5. Rulings

1) The Court analyzed the geographical situation of the channel connecting two parts of the high seas and was in fact frequently being used for international navigation. Taking into account these various considerations, the Court concluded that the North Corfu Channel should be considered as belonging to the class of international highways through which an innocent passage does not need special approval and cannot be prohibited by a coastal State in time of peace.
2) By 11 votes against 5, the Court declared that Albania was responsible.
3) (a) By 14 votes against 2, the Court declared that the UK did not violate Albanian sovereignty on October 22nd.
   (b) The Court unanimously declared that the United Kingdom violated Albanian sovereignty on November 12th and 13th, 1946.

6. Reasoning (excerpt from Judgement of April 9, 1949)

"Albania has denied that the passage on October 22nd was innocent. She alleges that it was a political mission and that the methods employed — the number of ships, their formation, armament, manoeuvers, etc. — showed an intention to intimidate. The Court examined the different Albanian contentions so far as they appeared relevant. Its conclusion is that passage was innocent both in its principle, since it was designed to affirm the right which had been unjustly denied, and its methods of execution which were not unreasonable in view of the firing from the Albanian battery on May 15th.

As regards the operation on November 12th/13th, it was executed contrary to the clearly expressed wish of the Albanian government; it didn't have the consent of the international mine clearance organisations, it could not be justified as the exercise of the right of innocent passage."

7. The final conclusion of the Court (Excerpt from the summarized Judgement of December 15, 1949 (Assessment of amount of compensation)

"In the Judgement summarized here the Court states that, as the Albanian Government has failed to defend its case, procedure in default of appearance is brought into operation. The Court having given a decision in its Judgement of April 9th that it has jurisdiction to assess the compensation, the matter is res judicata and no longer in discussion.

...The Court therefore gives judgement in favour of the claim of the United Kingdom and condemns Albania to pay to that country a total compensation of £ 843,947."

II. What do the followings dates, numbers, abbreviations refer to?

844,000	October 22	22	11—5
ICMCB	3	Operation retail	1944/45

III. True/False

1. The British warships returned fire when they were attacked on May 11.
2. The ICMCB didn't give its permission for a further sweeping operation.
3. An innocent passage doesn't need special approval and cannot be prohibited by a coastal State in time of peace.
4. "Operation Retail" was evidence — gathering action with full Albanian support and participation.
5. By 11 votes against 5, the Court declared that the UK violated Albanian sovereignty. The Court condemned Albania for its hostilities against the British warships.
6. The decision was final and no longer in discussion.

IV. Complete the following sentences.

1. In 1946, during the Greek Civil War, a series of encounters took place between Albania and the UK in the Corfu Channel, the first one was _____
2. The Channel war regarded safe as _____ _____
3. The Albanian reply, which was received in London on October 31st, stated that the Albanian Government _____ _____
4. The Albanian Government protested this 'unilateral decision of His Majesty's Government' and called it _____ _____
5. The UK Government thereupon demanded _____ _____
6. Three separate judgements were issued in relation to this case:
   a) in its first judgement the ICJ found _____ _____
   b) the second judgement related to _____ _____
   c) however, the Court also found that the UK had violated _____
   d) in the 3d judgement, the Court ordered _____ _____

V. Study the relevant materials of the Corfu Channel case and write down the contentions of the both parties.

The United Kingdom	Albania
1. Breach of British ships' right to innocent passage	1. It was not an innocent passage, but a political mission

VI. Legal instrument is a written legal document that records the formal execution of legally enforceable acts or agreements, and secures their associated legal rights, obligations and duties.

Study the Corfu Channel relevant documents and define the following kinds of documents, give their Russian translation and say if they have been issued or submitted pertaining to the case in question.

Name	Definition	Translation	The Corfu case
1. Note			
2. Application			
3. Verbatim record			
4. Affidavit			
5. Observation			
6. Memorial (Counter-Memorial)			
7. Objection			
8. Dissenting (separate) opinion			
9. Rejoinder			

VII. Complete the following text with the words below.

consideration of humanity	straits	relevance
handed down	forcible intervention	cited
flagged	transboundary	articulated

The Enduring Impact of the Corfu Channel Case

The Corfu Channel Case ___**1**___ the beginning of a rich and diverse role played by the International Court of Justice (ICJ) in the judicial settlement of international disputes. In 1949, about 2 years after it had been established, the ICJ ___**2**___ its first judgement.

In diffusing an early Cold War dispute, the Court ___**3**___ a set of legal principles which continue to shape our appreciation of the international legal order.

Many of the issues dealt with in 1949 remain central questions of international law, including due diligence, ___**4**___ and self-help, maritime operations, navigation in international ___**5**___ and the concept of elementary ___**6**___. The Court's decision has been ___**7**___ on numerous occasions in subsequent international litigations. Since 1990 until 2010, this case was treated in about 60 articles that were published in various journals with the Corfu Channel Incident.

Indeed, the ___**8**___ of this judgement goes beyond the subject matter of the case, extending to pressing problems such as ___**9**___ pollution, terrorism and piracy.

In short, it was and remains a thoroughly modern decision — a landmark for international law.

VIII. Find the words in the text for these definitions and give their Russian translation.

1. It deals with a particular subject or professional activity.
2. A legal doctrine that refers to individuals' implementation of their rights without resorting to legal writ or higher authority.
3. Lasting influence.
4. To make smth less noticeable or weaker / to resolve a dispute.
5. In a broad sense, it refers to the level of judgement, care, prudence, determination and activity that a person would reasonably be expected to do under particular circumstances.
6. To do more than is expected or requested.
7. An element or discovery marking an important stage or turning point.
8. Urgent, serious, burning, vital; should be dealt with immediately.

IX. Make up your own 3—4 sentences in Russian with the text vocabulary to practise the translation skills in class.

X. Translate the following.

1. В своем первом решении в 1946 г. суд удовлетворил **иск Соединенного Королевства против Албании**. Поводом для иска стал **подрыв двух британских эсминцев на минах** в проливе Корфу недалеко от албанских берегов. Установив, что мины в территориальных водах не могли быть установлены без ведома правительства стра-

ны, суд постановил выплатить Соединенному Королевству компенсацию, но Албания согласилась сделать это только в 1992 г.

2. С 1814 по 1864 г. остров Корфу принадлежал Британской империи. В сентябре 1944 г. здесь вновь высадились британские войска, а в ноябре Королевский флот провел траление пролива Корфу от немецких мин. В феврале 1945 г. траление повторилось, после чего фарватер шириной в морскую милю был объявлен безопасным для мирного прохода (гражданского плавания).

XI. Once Latin was the lingua franca, the way English is today. Nowadays learning Latin is particularly beneficial for would-be lawyers.

Match Latin word or expression (A) with its English equivalent or the explanation of its use (B) and give Russian translation (C).

A	B	C
1. Ad hoc	a) A preliminary examination of a witness or the jury pool or counsel	
2. Inter alia	b) With honor, distinction / With praise	
3. Ipso facto	c) Something for something (Tit-for-tat)	
4. Bona fide	d) Real and honest; in good faith	
5. Stare decisis	e) Among other things	
6. Res judicata	f) On its first encounter, at first sight	
7. Status quo	g) Thus (used after a word to indicate the original, usually incorrect, spelling or grammar in a text)	
8. Voir dire	h) By the very fact itself	
9. A fortiori	i) Created or done for a particular purpose as necessary	
10. Prima facie	J) To stand by things decided	
11. Cum laude	k) The existing state of affairs	
12. Sic! (Sic erat scriptum)	l) A matter that has been adjudicated by a competent court and is not subject to further litigation	
13. Quid pro quo	m) With greater reason or more convincing force	

XII. Complete the sentences using the Latin expressions.

1. Richard is on cloud nine because he's just graduated from Harvard with ___.

2. Same analysis would apply to Obama and ___ because he taught constitutional law, he knows better.
3. However, his lawyer was not able to appeal the court judgement, which was ___.
4. We are asking that you drop the case for declaratory judgement and damages, a ___.
5. Your honor, we're trying to hold a ___ session here, not an auction at Sotheby's.
6. The Council meets on an ___ basis to discuss problems.
7. Never mind the cruel and absurd assumption that being a Muslim means that one is, ___, a "bad person".
8. I don't know which ___ way to turn.

Pairwork

Vocabulary practice

Student A

I. Ask Student B to give words for the following definitions. Student B should use these words in the sentences of his own.

1. The action of thinking about smth in a logical, sensible way
2. An unintended consequence of an event or action, esp. an unwelcome one
3. A short extract from a film, broadcast or text
4. To sentence somebody to a particular punishment, esp. death

II. Ask Student B to suggest English equivalents to the following and use the expressions in the sentences.

1. Траление мин
2. Юридические вопросы
3. Спор, дело по спору между сторонами
4. Решение, вынести решение в пользу

III. Ask Students B to translate and complete the following.

1. Non-contentious work of a lawyer includes ___.
2. ___ moored mines were cut.
3. A unilateral mine-sweeping, evidence-gathering operation was called ___.

Student B

I. Ask Student A to give words for the following. Student A should use these words in the sentences of his own.

1. An invasion or attack, esp. a sudden or brief
2. In accordance with
3. The value, validity or substance of the main question(s) raised by the case being heard
4. A very bad or difficult situation that is hard to fix

II. Ask Student A to suggest English equivalents to the following and use the expressions in the sentences.

1. Мирный проход
2. Последствия, результат
3. Настаивать, утверждать, заявлять
4. Решать дело по существу

III. Ask Students A to translate and complete the following.

1. While towing her, Volage struck ___.
2. Any government laying mines in wartime, and a fortiori in peace, is bound to ___.
3. Contentious work of a lawyer involves ___.

Questions in pairs

Student A. Ask your groupmate Student B to answer the questions.

1. What's the difference between *a channel* and a *canal*?
2. Have you *been in dire straits*? How did you deal with it? Were there any *repercussions?*
3. Name some of the *contentions* of the parties involved in the Corfu Channel Case.
4. What were the *repercussions* for the UK's entry on October 22?
5. Do you have you own ways of *diffusing tension*?
6. Do you consider the UK's entry in the Corfu Channel an *incursion* or *an innocent passage*? Give your reasons.
7. What does "*decide a case on merits*" mean?

Student B. Ask your groupmate Student A to answer the questions.

1. What city is known as the "*City of Canals*"? What city claims to be "the Venice of the North"?
2. What does *contentious and non-contentious* work of a lawyer include?
3. Whose *logical/legal reasoning* do you admire? Why?
4. What possible *repercussions* of climate change can you name?
5. How would you complete: ___ can *diffuse any situation*?
6. How would you define "*an innocent passage*"?
7. What criminal would you *condemn to death penalty*?

Rendering

Student A is to render in English Text 1 to Student B.

Text 1

Расследование и суд

Сразу после инцидента была создана комиссия по расследованию причин взрыва. Уже на следующий день представитель Адмиралтейства в британском парламенте заявил, что взрыв произошел в самом центре протраленного канала в полутора милях от албанского побережья. Это было заведомой неправдой: даже по данным, позднее предоставленным Британией Международному суду, взрыв произошел на самой границе протраленной зоны, примерно в миле от берега.

Британские власти направили в залив Саранда 5-й дивизион тральщиков под прикрытием большой группы боевых кораблей во главе с авианосцем «Оушен» и крейсером «Орион». В ходе операции «Ритейл», проведенной 12—13 ноября 1946 г. вопреки протестам Албании, было уничтожено 22 мины, еще две выловили и отправили на Мальту на экспертизу. При этом траление производилось вне международного фарватера, в глубине залива Саранда, ближайшая к берегу мина была вытралена в 300 м от уреза воды. При этом по завершении операции руководитель тральной группы коммандер Уитфорд сообщил, что, *«несомненно, в канале Корфу еще осталось много мин, и нельзя рекомендовать, чтобы канал был вновь открыт для судоходства»*. Еще две мины были вытралены здесь в декабре 1948 г. албанскими катерами.

Student B is to render in English Text 2 to Student A.

Text 2

Итоги инцидента

Процесс продлился больше года. Еще 9 апреля 1949 г. Международный суд признал Албанию виновной в инциденте. 15 декабря 1949 г. окончательным решением он обязал Албанию выплатить Соединенному Королевству сумму в 843 947 фунтов стерлингов, или 2 009 437 долларов США. О Югославии, чьи корабли устанавливали мины, в решении суда упомянуто не было. В качестве своеобразного утешения албанцам суд признал, что операция «Ритейл» также была незаконной.

Правительство Албании отказалось выплатить репарации, и в ответ Британия удержала у себя 1574 кг золота, полагавшегося Албании из запасов стран Оси по решению трехсторонней англо-франко-американской комиссии 1948 г. Это золото было возвращено Албании только в 1996 г., после того как она официально признала

свою вину в инциденте и согласилась выплатить репарации в размере 2 000 000 долларов США.

Но на этом история «инцидента в канале Корфу» не завершилась. В начале 2009 г. в Албании вышла книга капитана 1-го ранга албанского флота Артура Мечоллари, посвященная инциденту в проливе Корфу. Автор утверждал, что Великобритания фальсифицировала данные, предоставленные Международному суду, и на самом деле британские корабли зашли в залив Саранда гораздо глубже, подорвавшись на минах за пределами международного фарватера.

В том же 2009 г. международная экспедиция, организованная Институтом морской археологии, обнаружила и обследовала на дне залива Саранда оторванный нос эсминца «Воладж». Интересно, что в отчете об этой экспедиции, опубликованном в ежегоднике Института (The INA Annual 2009), координаты находки указаны не были.

Однако в своей статье, впервые опубликованной в майском выпуске альманаха Military History за 2014 г., глава экспедиции Джеймс Дельгадо пишет, что *«нос лежит там, где указывает исследование Мечоллари, а не там, где предполагают официальные сообщения 1946—1949 гг.»*. Но и здесь Дельгадо не указывает координаты находки. Впрочем, его осторожность понятна: фактически он признает, что британское правительство фальсифицировало данные, предоставленные Международному суду в 1948 г. Ведь если подрыв эсминцев произошел вне протраленного канала, то это значит, что Албания и Югославия не ставили мины на международных путях, а всего лишь защищали свои берега.

Suggested videos

1. https://www.youtube.com/watch?v=CwpQEVJPR0w
2. https://www.youtube.com/watch?v=KYyePeYwI7U
3. https://www.youtube.com/watch?v=m7iN-EH9mHg
4. https://www.youtube.com/watch?v=oEWbdxgMhJs

Case 2
LAGRAND (GERMANY V. UNITED STATES OF AMERICA)

Source: https://www.icj-cij.org/en/case/104

On 27 June 2001, the International Court of Justice rendered its final decision in the case of LaGrand (Germany v. United States of America), which deals with many complex issues of international law. Apart from the very interesting substantive legal issues relating to the regime of consular assistance and death penalty in international law, the Judgment of the Court contains significant principles and reflections as to the essence and scope of international judicial jurisdiction. In contrast to the traditional approach to this question, the Court's Judgment is concerned with practical and specific aspects of jurisdiction in action, rather than dealing with general assumptions and conceptions surrounding the problem. From this point of view, the present contribution examines the significance of LaGrand as a case in which the traditional assumptions on international judicial jurisdiction are tested and reappraised.

Vocabulary

1. to accompany — сопровождать
2. to adjudge — выносить приговор
3. to advise of rights — уведомлять о правах
4. to allege — заявлять, обвинять
5. to assert — доказывать, утверждать
6. in accordance with — согласно, на основании, в порядке
7. admissibility — допустимость, приемлемость
8. ambassador — посол (в т. ч. по особым поручениям)
9. to append — приобщить к делу
10. to arrange for — организовывать, обеспечивать возможность
11. to bar — отменять/препятствовать
12. to be entitled to smth — иметь право на что-л.
13. to bungle — некачественно выполнять работу, поручение и т. п.
14. to call upon — требовать, призывать
15. to carry out a sentence — приводить приговор в исполнение
16. clemency — помилование осужденного

17. concurrently — одновременно
18. to comply with — соблюдать, исполнять
19. to comport with — соответствовать, приводить в соответствие
20. to convene — созывать
21. consul-general — генеральный консул
22. consular relations — консульские отношения/сношения
23. consulate — консульство
24. consular officer — консульский работник, офицер
25. contention — предмет спора
26. to decide on merits — решать по существу
27. demarches — обращения, действия
28. to derogate from — отступить от
29. to deprive of — лишать чего-л.
30. detention — задержание под стражей
31. detainee — арестант; человек, заключенный под стражу
32. at smn's disposal — в чьем-л. распоряжении
33. due diligence — правомерность, осмотрительность
34. to ensure compliance — обеспечивать соблюдение
35. exhortation — предупреждение, наставление, поучение
36. to enshrine — предусматривать, закрепить
37. to extend the terms — продлевать сроки
38. extensive controversy — серьезный/существенный спор (дискуссия)
39. to evade smth — уклоняться от чего-л.
40. to challenge a conviction and sentence — оспаривать обвинительный приговор
41. to detain — задерживать, брать под стражу
42. detriment — вред, ущерб
43. the doctrine of procedural default — доктрина процессуального неисполнения (в США)
44. to fail to comply with — не соблюдать, нарушать
45. to file an application — подать заявление/ходатайство
46. to glean information — собирать сведения/данные
47. good faith — добросовестность
48. to have jurisdiction — иметь полномочие, иметь законное право
49. legal effects — правовые последствия
50. legal avenues — средства защиты интересов, юридический механизм
51. legal recourse — обращение в суд
52. to meet the request — отвечать требованию
53. memorial — меморандум
54. the merits of the case — обстоятельства дела, существо дела
55. judgement on the merits — решение по существу спора
56. to modify terms — изменять условия
57. a national — гражданин

58. no avail — безрезультатно
59. on behalf of — от имени и по поручению
60. to overrule — зд. отменять решение по ранее рассмотренному делу с созданием новой нормы прецедентного права
61. observance of the obligations — соблюдение/исполнение обязательств
62. to preclude from — препятствовать, мешать, не позволять
63. preclusion — помеха, препятствие осуществлению
64. in conformity with — в соответствии, согласно
65. in compliance with — с соблюдением, в соответствии
66. incumbent — возложенный
67. in force — имеющий силу
68. in the name of — от имени, от лица, в пользу, за
69. in particular — в частности
70. in question — рассматриваемый, спорный, актуальный, данный
71. in relation to — в отношении, применительно
72. to initiate an action against — начать дело против кого-л.
73. to institute proceedings — начать судебный процесс
74. the intermediate federal appellate court — промежуточный федеральный апелляционный суд
75. to invoke a failure — ссылаться на бездействие/неисполнение
76. a party to the Protocol — сторона договора/соглашения
77. pending a final decision — до принятия окончательного решения
78. plain meaning — общепринятое значение
79. to provide notifications — предоставить сведения
80. provisional measures — временные меры, обеспечительные меры
81. pursuant to — согласно, на основании, при условии
82. to put the onus — возложить бремя доказывания/ответственности
83. reconsideration — повторное рассмотрение
84. regarding — принимая во внимание, в отношении, что касается,
85. relief — средства судебной защиты, освобождение, удовлетворение требования
86. the Registry of the Court — секретариат суда
87. to require reparation — требовать возмещение ущерба, обязывать выплатить компенсацию
88. with respect to — по поводу, что касается, по отношению к
89. with respect for — при соблюдении
90. to restore the status quo ante — вернуть в первоначальное состояние
91. the rights accorded — предоставленные права
92. rule of law — норма права, прецедентная норма
93. to outline — обозначить в общих чертах, изложить
94. sanctity of life — священность права на жизнь
95. satisfaction — замена исполнения, встречное удовлетворение

96. to seek an assurance — требовать гарантии
97. to seek relief — искать средства судебной защиты
98. to set forth — прописывать, излагать
99. a stay of execution — отсрочка приведения в исполнение смертной казни / отсрочка казни
100. subordinate organ — подведомственный орган
101. to submit an application — подавать ходатайство/прошение
102. submission — заявление, ходатайство
103. to suffice — отвечать требованиям, удовлетворять
104. the receiving State — государство пребывания
105. the sending State — представляемое государство
106. to take note of — принять к сведению
107. in timely fashion — своевременно
108. to try — привлекать к судебной ответственности, допрашивать
109. under circumstances — при обстоятельствах
110. urgent request — настоятельное требование, срочный запрос
111. unanimous — единогласный
112. without delay — в срочном порядке, незамедлительно, немедленно

- *the International Covenant on Civil and Political Rights — Международный пакт о гражданских и политических правах*
- *the Vienna Convention on Consular Relations — Венская конвенция о консульских сношениях*
- *the Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes — Факультативный протокол об обязательном разрешении споров к Венской конвенции о консульских сношениях*

Pre-reading tasks

To understand the suggested case better you should be aware of some legal acts applied to this case.

1. Read the following information and translate it in Russian to better understand the doctrine of "procedural default".

Procedural default is a concept in American federal law that requires a state prisoner seeking a writ of habeas corpus in federal court to have "present[ed] his federal law argument to the state courts in compliance with state procedural rules. Failure to do so will bar any attempt to present that argument to the federal courts on collateral review. A petitioner may evade this bar only by showing 'cause' and 'prejudice' for the default — that is, by stating a good reason for not presenting the federal claim to the state courts, and by showing that the federal error worked to the petitioner's 'actual and substantial disadvantage."

2. Put the idea of the concept into your own words using the following phrases:

The concept focuses on/concentrates on/is devoted to/points out/tackles the problem of

3. Read Article 5 and Article 36 of the Vienna Convention that have become the controversy of the case. Then paraphrase what a State to the Convention shall do using the following:

1) The sending State may
Firstly / Secondly / Finally
2) The receiving state shall
First / Second / Third

Article 5

1. The sending State may, after it has given due notification to the receiving States concerned, accredit a head of mission or assign any member of the diplomatic staff, as the case may be, to more than one State, unless there is an express objection by any of the receiving States.
2. If the sending State accredits a head of mission to one or more other States it may establish a diplomatic mission headed by a chargé d'affaires ad interim in each State where the head of mission has not his permanent seat.
3. A head of mission or any member of the diplomatic staff of the mission may act as representative of the sending State to any international organization.

Article 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:
   (a) articles for the official use of the mission;
   (b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.
2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative.

4. Complete the following text with the words below.

a. detained	c. unfettered	e. empowered	d. representation
b. without delay	d. detainee	f. enshrined	e. notification

Article 36: The Vienna Convention on Consular Relations (VCCR)

The gist of this treaty is that:

Under Article 36 of the **Vienna Convention on Consular Relations, 1963** (VCCR), local authorities must notify all ___1___ foreigners "without delay" of their right to have their consulate informed of their detention. At the request of the national, the authorities must then notify the consulate ___2___, facilitate ___3___ consular communication and grant consular access to the detainee. Consuls are ___4___ to arrange for their nationals' legal ___5___ and to provide a wide range of humanitarian and other assistance, with the consent of the ___6___. Local laws and regulations must give "full effect" to the rights ___7___ in Article 36. The USA ratified the VCCR without reservations in 1969; so fundamental is the right to consular ___8___ and access that the US Department of State considers it to be required under customary international law in all cases, even if the detainee's home country has not signed the VCCR. As of 1 January 2000, at least 167 countries were parties to the VCCR.

5. Read the Article of the ICJ Statute and translate it into Russian. Then highlight the main idea of this article.

"Statute of the international court of justice"

Article 41 of the ICJ Statute

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.
2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Reading

LaGrand (Germany v. United States of America)

1. Read the overview of the case and answer the following questions

1. What are the parties of the case?
2. What made Germany file an application against the United States of America?
3. What precluded Germany from protecting two German nationals?

4. Why didn't Karl and Walter LaGrand use the right to notify the Consulate of Germany of their arrest?
5. What did Germany request the Court to do? Did the USA comply with the Court's order?
6. What obligations and rights did the USA breach to Germany as a State party to the Vienna Convention?
7. What article of the US Statute has been the subject of extensive controversy? Why?
8. What would be incumbent upon the United States if it were to fail in its obligation as a party to the Vienna Convention?

Overview of the Case

On 2 March 1999, the Federal Republic of Germany filed in the Registry of the Court an Application instituting proceedings against the United States of America in a dispute concerning alleged violations of the Vienna Convention on Consular Relations of 24 April 1963. Germany stated that, in 1982, the authorities of the State of Arizona had detained two German nationals, Karl and Walter LaGrand, who were tried and sentenced to death without having been informed of their rights, as is required under Article 36, paragraph 1 (b), of the Vienna Convention. Germany also alleged that the failure to provide the required notification precluded Germany from protecting its nationals' interest provided for by Articles 5 and 36 of the Vienna Convention at both the trial and the appeal level in the United States courts. Germany asserted that although the two nationals, finally with the assistance of German consular officers, did claim violations of the Vienna Convention before the federal courts, the latter, applying the municipal law doctrine of "procedural default", decided that, because the individuals in question had not asserted their rights in the previous legal proceedings at State level, they could not assert them in the federal proceedings. In its Application, Germany based the jurisdiction of the Court on Article 36, paragraph 1, of the Statute of the Court and on Article I of the Optional Protocol of the Vienna Convention on Consular Relations.

Germany accompanied its Application by an urgent request for the indication of provisional measures, requesting the Court to indicate that the United States should take "all measures at its disposal to ensure that [one of its nationals, whose date of execution had been fixed at 3 March 1999] [was] not executed pending final judgment in the case...". On 3 March 1999, the Court delivered an Order for the indication of provisional measures calling upon the United States of America, among other things, to "take all measures at its disposal to ensure that [the German national] [was] not executed pending the final decision in [the] proceedings". However, the two German nationals were executed by the United States.

Public hearings in the case were held from 13 to 17 November 2000. In its judgment of 27 June 2001, the Court began by outlining the history of the dispute and then examined certain objections of the United States of America to the Court's

jurisdiction and to the admissibility of Germany's submissions. It found that it had jurisdiction to deal with all Germany's submissions and that they were admissible.

Ruling on the merits of the case, the Court observed that the United States did not deny that, in relation to Germany, it had violated Article 36, paragraph 1 (b), of the Vienna Convention, which required the competent authorities of the United States to inform the LaGrands of their right to have the Consulate of Germany notified of their arrest. It added that, in the case concerned, that breach had led to the violation of paragraph 1 (a) and paragraph 1 (c) of that Article, which dealt respectively with mutual rights of communication and access of consular officers and their nationals, and the right of consular officers to visit their nationals in prison and to arrange for their legal representation. The Court further stated that the United States had not only breached its obligations to Germany as a State party to the Convention, but also that there had been a violation of the individual rights of the LaGrands under Article 36, paragraph 1, which rights could be relied on before the Court by their national State.

The Court then turned to Germany's submission that the United States, by applying rules of its domestic law, in particular the doctrine of "procedural default", had violated Article 36, paragraph 2, of the Convention. That provision required the United States to "enable full effect to be given to the purposes for which the rights accorded [under Article 36] [were] intended". The Court stated that, in itself, the procedural default rule did not violate Article 36. The problem arose, according to the Court, when the rule in question did not allow the detained individual to challenge a conviction and sentence by invoking the failure of the competent national authorities to comply with their obligations under Article 36, paragraph 1. The Court concluded that, in the present case, the procedural default rule had the effect of preventing Germany from assisting the LaGrands in a timely fashion as provided for by the Convention. Under those circumstances, the Court held that in the present case the rule referred to violated Article 36, paragraph 2.

With regard to the alleged violation by the United States of the Court's Order of 3 March 1999 indicating provisional measures, the Court pointed out that it was the first time it had been called upon to determine the legal effects of such orders made under Article 41 of its Statute — the interpretation of which had been the subject of extensive controversy in the literature. After interpreting Article 41, the Court found that such orders did have binding effect. In the present case, the Court concluded that its Order of 3 March 1999 "was not a mere exhortation" but "created a legal obligation for the United States". The Court then went on to consider the measures taken by the United States to implement the Order concerned and concluded that it had not complied with it.

With respect to Germany's request seeking an assurance that the United States would not repeat its unlawful acts, the Court took note of the fact that the latter had repeatedly stated in all phases of those proceedings that it was implementing a vast and detailed programme in order to ensure compliance, by its competent authorities, with Article 36 of the Convention

and concluded that such a commitment must be regarded as meeting the request made by Germany. Nevertheless, the Court added that if the United States, notwithstanding that commitment, were to fail again in its obligation of consular notification to the detriment of German nationals, an apology would not suffice in cases where the individuals concerned had been subjected to prolonged detention or convicted and sentenced to severe penalties. In the case of such a conviction and sentence, it would be incumbent upon the United States, by whatever means it chose, to allow the review and reconsideration of the conviction and sentence taking account of the violation of the rights set forth in the Convention.

2. Specify the main problem stated in the case using the following phrases.

The legal issue of this case is ___
Firstly / Secondly / Thirdly
It is pointed out that ___
It should be underlined that ___

3. Find the English terms in the overview of the case which mean the following:

a. to prevent some from doing something
b. someone who officially belongs to a particular country
c. available to be used by someone
d. very important and needing attention immediately
e. the act of giving something for a decision to be made by others, or a document formally given in this way
f. a failure to do something that you legally have to do
g. to break a law, promise, agreement, or relationship
h. to treat someone specially, usually by showing respect
i. to use a law in order to achieve something, or to mention something in order to explain something or to support your opinion or action
j. a disagreement, often a public one, that involves different ideas or options about something
k. the act of strongly encouraging or trying to persuade someone to do something
l. the act of obeying an order, rule, or request
m. the act of officially detaining someone
n. be necessary for someone

4. Use the key words to summarize the main idea of the overview of the case. While doing that don't rewrite the sentences, try to paraphrase them. The following phrases may be helpful:

The case highlighted is of ___
It is stated / suggested / pointed out / states / suggests / claims / points out / highlights ___

The author focuses on / underlines / outlines ___
Then / In addition to that / Next ___
Finally / In conclusion ___

5. Reconstruct the timeline of the background facts of the case. The first fact is given.

The LaGrand brothers were born in Germany and as children moved with their mother to the US where they remained permanently. Later they were adopted by a US citizen, although neither brother ever acquired US nationality.

1. The LaGrand brothers unsuccessfully appealed to the Supreme Court of Arizona and were denied certiorari by the US Supreme Court. A second round of post-conviction proceedings was also unsuccessful. The failure to provide the required information to the LaGrand brothers under the VCCR was not raised at their trial, nor was it raised in these two sets of proceedings, as the LaGrand brothers had not yet been made aware of the provisions of the VCCR. Germany attached great significance to this failure, pointing to a causal connection between what it viewed as inadequate representation of the LaGrand brothers and their ultimate death sentences:
2. Germany was only made aware of the detention of the LaGrands by the brothers themselves in 1992. Subsequently, a fresh round of proceedings for habeas corpus was commenced which specifically referred to alleged violations of the VCCR.
3. The brothers were arrested in January 1982 in Arizona and convicted by a jury on 17 February 1984 of first-degree murder and other felonies arising out of an unsuccessful armed robbery of the Valley National Bank in Marana, Arizona. They were sentenced to death on 14 December 1984.
4. If the United States had abided by [its Article 36 obligations] and promptly notified Germany of the situation of the LaGrand brothers, Germany would have arranged for competent counsel to represent them and helped in the preparation of their defence. Thus, their case would have been thoroughly investigated at the trial stage of the criminal proceedings, and essential mitigating evidence mainly located in Germany would have been presented during the sentencing phase. There are compelling reasons to believe that the LaGrands' sentences would have been reduced had this evidence been introduced. Hence, the lack of consular advice was decisive for the infliction of the death penalty.
5. In early 1995 the US District Court for the State of Arizona rejected the claim on the basis of the doctrine of 'procedural default'. This is a stringent rule of federal US law, emerging out of the federal division of powers, that prevents a criminal defendant from obtaining relief

in federal courts unless his or her claim for relief has been presented to a state court. Relief in relation to a new claim made in a federal court may only be had where a defendant can show both that an external impediment prevented the claim being made to a state court ('cause') and prejudice.

6. The ICJ ordered, first, that the US 'take all measures at its disposal to ensure that Walter LaGrand is not executed pending the final decision in these proceedings'. Secondly, the ICJ required the US to 'transmit this Order to the Governor of the State of Arizona'. Armed with the Order, Germany applied to the US Supreme Court for a stay of Walter LaGrand's execution less than two hours before he was scheduled to die. The Supreme Court dismissed the application and Walter LaGrand was executed shortly afterwards.
7. An appeal to the Court of Appeals of the 9th Circuit was dismissed, the Circuit Court noting: It is undisputed that the State of Arizona did not notify the LaGrands of their rights under the [VCCR]. It is also undisputed that this claim was not raised in any state proceeding. The claim is thus procedurally defaulted. A subsequent petition to the US Supreme Court for certiorari was denied. Further proceedings in February 1999 were again unsuccessful.
8. At no time during this process were the brothers provided with any information by the relevant US authorities as to the provisions of the VCCR regarding consular communication. Indeed, the US contended that law enforcement officials were not aware of the German nationality of the brothers until well after their arrest. Germany, on the other hand, provided evidence to the ICJ that officials of the State of Arizona were aware from as early as April 1982 of the German nationality of both brothers.
9. After high level diplomatic efforts by Germany to prevent the execution of Karl LaGrand failed, Germany filed its application in the Registry of the ICJ instituting the proceedings and seeking provisional measures in relation to his brother, Walter. On 3 March 1999, by 13 votes to one, the ICJ indicated two provisional measures, the first occasion on which the ICJ has done so in the absence of an oral hearing of the parties.

6. Read the following statements and say if they are true or false according to the text.

1. Having been adopted by a US citizen neither brother ever acquired US nationality.
2. The brothers were arrested in January 1982 in Arizona and convicted by a jury on 14 December 1984.
3. The law enforcement officials didn't know about the German nationality of the brothers until well after their arrest.

4. The LaGrand brothers being aware of the provisions of the VCCR managed to appeal to the Supreme Court of Arizona.
5. Germany had arranged for competent counsel to represent The LaGrand brothers and helped in the preparation of their defence.
6. The LaGrands' sentences would have been successfully investigated had all evidence been introduced.
7. The brothers themselves made Germany be aware of their detention in 1992.
8. Procedural default is a concept in American federal law that requires a state prisoner seeking a writ of habeas corpus in federal court to have "presented his federal law argument to the state courts in compliance with state procedural rules.
9. The State of Arizona failed to notify the LaGrands of their rights.
10. Having put a lot of efforts Germany succeeded in preventing the execution of Karl LaGrand and his brother, Walter.
11. The ICJ ordered upheld the decision of the US Supreme Court.

Reading: case note

A **case note** is a summary of a case usually accompanied by an identification of key legal issues and an analysis of the judicial decisions and application of the law. The format and contents of a case note can vary but usually it includes: case, facts, procedural history, legal issue, ruling and reasoning.

7. Read through the case note below and match the headings (1—6) with these descriptions (a—g).

a. Relevant points of law
b. Information about the parties and the case
c. What the Court decided previously
d. What happened
e. To what final decision the Court came
f. Why the Court came to the decisions
g. How the lower courts decided

LaGrand Case (Germany v. United States of America)
I.C.J. Reports 1999

Brief Fact Summary. A suit against the United States (D) was filed by Germany (P) in the International Court of Justice, claiming the U.S. law enforcement agent failed to advice aliens upon their arrests of their rights under the Vienna Convention.

Synopsis of Rule of Law. A state that breaches its obligations to another under the Vienna Convention on Consular Relations by failing to inform an arrested alien of the right to consular notification and to provide judicial

review of the alien's conviction and sentence also violate individual rights held by the alien under international law.

Facts. The Vienna Convention on Consular Relations, Article 36(1)(b), provides that a state trying an alien in a death sentence case must inform the alien of his rights to have his consular authorities informed of the arrest. A suit which claimed the United States law enforcement personnel failed to advice aliens upon their arrest of their rights was filed by Paraguay (P), Germany (P) and Mexico (P) at the international Court of Justice. The plaintiffs also claimed that as a remedy for violation of the Vienna Convention, state courts should review and reconsider the death sentences to determine if the lack of consular access prejudiced the aliens. The German's (P) case involved LaGrand and his brother who were executed before the matter came to the I.C.J. the Court found that the U.S. (D) had breached its obligations to Germany (P) under the Vienna Convention by not giving notice about LaGrand and his brother of right to consular notification, and by failing to provide judicial review of the conviction and sentence.

Legal Issues.

a. Does the ICJ have jurisdiction within the LaGrand Case considering that the LaGrand brothers committed the crime on US soil?

b. Is being a member of the United Nations have any binding effect on this case especially when it comes to the judgment of the ICJ?

c. What role does the Vienna Convention play within this particular case?

d. Does a state which breaches its obligations to another under the Vienna Convention on Consular Relations by failing to inform an arrested alien of the right to consular notification and to provide judicial review of the alien's conviction and sentence also violate individual rights held by the alien under international law?

Ruling:

a. The court found that it did have jurisdiction in this case. The LaGrand brothers were German nationals on US soil, which gave them the right to seek aid from Germany. Germany and the United States are members of the ICJ and are required to appear in the ICJ court when summoned. The ICJ in this particular case had Optional Protocol which gave them the authority to deal with this matter.

b. Under Article 94, each member of the United Nations must comply with the decision of the ICJ in any cases. The United States did not comply with the courts initial judgment of postponing the execution.

c. The court found that disputes concerning the interpretation of the Vienna Convention fell under the compulsory jurisdiction of the ICJ.

Article 36, paragraph 1 (b), of the Vienna Convention states:

- That the consulate can communicate freely with nationals and vice versa
- The consulate must be informed if a national is arrested
- The consulate is allowed to visit nationals while in custody

The United States did not inform Germany of the arrest. Germany only raised this issue on February 22, 1999, two days before Walter's execution. However late the claim was filed, the court still found in favor of Germany. The ICJ does not lay down any particular timeline in which a complaint must be filed.

The Court therefore ruled in favor of Germany and claimed that the United States violated the Vienna Convention as well its ruling of postponing the execution.

d. Yes. A state that breaches its obligations to another under the Vienna Convention on Consular Relations by failing to inform an arrested alien of the right to consular notification and to provide judicial review of the alien's conviction and sentence also violate individual rights held by the alien under international law. The meaning adduced to the phrase "authorities shall inform the person concerned without delay of his rights under this subparagraph" of Article 36 suggests that the rights to be informed of their rights under the Convention is an individual right of every national of a state that is party to the Convention.

Discussion. The Arizona Governor Jane Dee Hull insisted that the executions of the LeGrand brothers would be carried out despite the diplomatic efforts made by the German Ambassador and German Members of Parliament and the recommendation of the Arizona's clemency board. On February 24, 1999, Karl LaGrand was executed by lethal injection and Walter LaGrand was executed March 3, 1999 by gas chamber. Compare this case to a ruling by the I.C.J. involving Mexican nationals, Avena and other Mexican Nationals (Mexico v. United States), 2004 I.C.J. 12 and the U.S. Supreme Court's refusal to give effect to the I.C.J.'s Avena decision in Medelin v. Texas 128 S. Ct. 1346 (2008)

Reasoning of the Court

In its Judgment, the Court begins by outlining the history of the dispute. It recalls that the brothers Karl and Walter LaGrand — German nationals who had been permanently residing in the United States since childhood — were arrested in 1982 in Arizona for their involvement in an attempted bank robbery, in the course of which the bank manager was murdered and another bank employee seriously injured. In 1984, an Arizona court convicted both of murder in the first degree and other crimes and sentenced them to death. The LaGrands being German nationals, the Vienna Convention on Consular Relations required the competent authorities of the United States to inform them without delay of their right to communicate with the consulate of Germany. The United States acknowledged that this did not occur. In fact, the consulate was only made aware of the case in 1992 by the LaGrands themselves, who had learnt of their rights from other sources. By that stage, the LaGrands were precluded because of the doctrine of "procedural default" in United States law from challenging their convictions and sentences by

claiming that their rights under the Vienna Convention had been violated. Karl LaGrand was executed on 24 February 1999. On 2 March 1999, the day before the scheduled date of execution of Walter LaGrand, Germany brought the case to the International Court of Justice. On 3 March 1999, the Court made an Order indicating provisional measures (a kind of interim injunction), stating inter alia that the United States should take all measures at its disposal to ensure that Walter LaGrand was not executed pending a final decision of the Court. On that same day, Walter LaGrand was executed.

The Court then examines certain objections of the United States to the Court's jurisdiction and to the admissibility of Germany's submissions. It finds that it has jurisdiction to deal with all Germany's submissions and that they are admissible.

Ruling on the merits of the case, the Court observes that the United States does not deny that it violated, in relation to Germany, Article 36, paragraph 1 (b), of the Convention, which required the competent authorities of the United States to inform the LaGrands of their right to have the consulate of Germany notified of their arrest. It adds that in the present case this breach led to the violation of paragraph 1 (a) and paragraph 1 (c) of that Article, which deal respectively with mutual rights of communication and access of consular officers and their nationals, and the right of consular officers to visit their nationals in prison and to arrange for their legal representation. The Court further states that the United States not only breached its obligations to Germany as a State party to the Convention, but also that there had been a violation of the individual rights of the LaGrand brothers under Article 36, paragraph 1, which rights can be invoked in the Court by their national State.

The Court then turns to Germany's submission that the United States, by applying rules of its domestic law, in particular the doctrine of "procedural default", violated Article 36, paragraph 2, of the Convention. This provision requires the United States to "enable full effect to be given to the purposes for which the rights accorded [under Article 36] are intended". The Court states that, in itself, the rule does not violate Article 36. The problem arises, according to the Court, when the rule in question does not allow the detained individual to challenge a conviction and sentence by invoking the failure of the competent national authorities to comply with their obligations under Article 36, paragraph 1. The Court concludes that in the present case, the procedural default rule had the effect of preventing Germany, in a timely fashion, from assisting the LaGrands as provided for by the Convention. Under those circumstances, the Court holds that in the present case the above-mentioned rule violated paragraph 2 of Article 36.

With regard to the alleged violation by the United States of the Court's Order of 3 March 1999 indicating provisional measures, the Court points out that it is the first time that it is called upon to determine the legal effects of orders made under Article 41 of its Statute — the interpretation of which has been the subject of extensive controversy in the literature. After interpreting Article 41, the Court finds that such orders do have binding

effect. In the present case, the Court concludes that its Order of 3 March 1999 "was not a mere exhortation" but "created a legal obligation for the United States". The Court goes on to consider the measures taken by the United States to implement the Order. It observes that the mere transmission of its Order to the Governor of Arizona without any comment was "certainly less than could have been done even in the short time available". It finds the same to be true of the United States Solicitor General's categorical statement in his brief letter to the United States Supreme Court that "an order of the International Court of Justice indicating provisional measures is not binding". The Court further notes that the Governor of Arizona decided not to give effect to the Order, even though the Arizona Clemency Board had recommended a stay of execution for Walter LaGrand. It observes that the United States Supreme Court rejected an application by Germany for a stay of execution, "given the tardiness of the pleas and the jurisdictional barriers they implicate", while it would have been open to it, as one of its members urged, to grant a preliminary stay, which would have given it "time to consider... the jurisdictional and international legal issues involved". The Court concludes that the United States did not comply with the Order of 3 March 1999.

In respect of Germany's request seeking an assurance that the United States will not repeat its unlawful acts, the Court takes note of the fact that the latter repeatedly stated in all phases of these proceedings that it is carrying out a vast and detailed programme in order to ensure compliance by its competent authorities with Article 36 of the Convention. The Court considers that this commitment to ensure implementation of specific measures must be regarded as meeting the request made by Germany. The Court finds, nevertheless, that if the United States, notwithstanding this commitment, should fail in its obligation of consular notification to the detriment of German nationals, an apology would not suffice in cases where the individuals concerned have been subjected to prolonged detention or convicted and sentenced to severe penalties; in the case of such a conviction and sentence it would be incumbent upon the United States to allow the review and reconsideration of the conviction and sentence by taking account of the violation of the rights set forth in the Convention.

Principles

a. The international law elements of the case are jurisdiction, nationality, individual versus state rights and the power of treaties.
b. The rule of law that was used in this case was the Vienna Convention.
c. There are many principles of international law that came up through the Vienna Convention. Under Article 36, paragraph 1 (b), the consulate must be informed if a national is arrested on foreign territory. The ICJ also has jurisdiction when disputes arise from the interpretation of the Convention. These two principles were the primary particulars that lead to the court favoring Germany.

Conclusions

The court's ruling has a major impact on jurisdiction and preserving state rights versus individual rights. The court ruled in favor of Germany which essentially preserved individual rights over state rights. The ICJ does not have the authority to act as a court when it comes to national criminal cases and by ruling on this matter it took the individual rights of the LaGrand brothers over the United States rights as a state. The Vienna Convention was designed for states and not individuals and it was not used so in this case. The court may have overstepped its bounds in this matter and the backlash could result in states withdrawing from the ICJ if they feel that their rights as a state could possibly be taken away in cases. This case will be viewed not for its findings but for the actions of the ICJ.

8. Study the relevant materials of the LaGrand case and write down the contentions of both parties.

Germany	The United States of America
1. Germany stated that the authorities of the State of Arizona had detained two German nationals, Karl and Walter LaGrand, who were tried and sentenced to death without having been informed of their rights, as is required under Article 36, paragraph 1 (b), of the Vienna Convention	1. The Arizona Governor Jane Dee Hull insisted that the executions of the LeGrand brothers would be carried out despite the diplomatic efforts made by the German Ambassador and German Members of Parliament and the recommendation of the Arizona's clemency board

9. What do the followings dates, numbers, abbreviations refer to?

3 March 1999	ICJ	the VCCR	Arizona	36
3 to 17 November 2000	27 June 2001	41	24 April 1963	1982

10. Match the following Latin words (A) with their English definitions (B) and give their Russian equivalents (C).

A	B	C
1. habeas corpus	a. by one's own motion; on one's own initiative	
2. inter alia	b. at first sight (=based on what seems to be the truth when first seen or heard)	

A	B	C
3. v. / vs	c. a writ of superior court to call up the records of an inferior court or a body acting in a quasi-judicial capacity	
4. prima facie	d. among other things	
5. the status quo ante	e. a legal action demanding that a prisoner be brought before a judge to make sure that he or she is not being held illegally	
6. proprio motu	f. the situation that existed before	
7. certiorari	g. used to show that two people, groups, organizations, etc. oppose each other in a competition, legal disagreement, etc.	

11. Render the following text into English using the active vocabulary of the case.

Германия подала в Международный суд иск против США в отношении Вальтера Лагранда. За несколько часов до казни Вальтера Лагранда Германия обратилась в суд с просьбой о вынесении временного судебного постановления, требующего от Соединенных Штатов отложить казнь Вальтера Лагранда, что суд удовлетворил.

Затем Германия подала иск в Верховный суд США о приведении в исполнение временного постановления. В своем решении Верховный суд США постановил, что он не обладает юрисдикцией в отношении жалобы Германии на Аризону из-за Одиннадцатой поправки к Конституции США, которая запрещает федеральным судам рассматривать иски иностранных государств против штата США. Что касается дела Германии против Соединенных Штатов, он постановил, что доктрина процессуального неисполнения не является несовместимой с Венской конвенцией и что даже если процедурное неисполнение противоречит Венской конвенции, оно было отменено более поздним федеральным законом. Действующий закон о смертной казни 1996 г. закрепил доктрину процессуального неисполнения. (Последующее федеральное законодательство отменяет ранее действовавшие положения договора, Whitney v. Robertson, 124 U.S. 190 [1888]).

Генеральный солиситор США направил письмо в Верховный суд в рамках этого разбирательства, утверждая, что временные меры Международного суда не имеют обязательной юридической силы. Государствен-

ный департамент США также без комментариев передал губернатору Аризоны временную меру Международного суда. Совет по помилованию Аризоны рекомендовал губернатору приостановить свою деятельность на основании дела Международного суда, находящегося на рассмотрении; но губернатор Аризоны проигнорировал эту рекомендацию.

Затем Германия изменила свою жалобу по делу в Международном суде, заявив, кроме того, что США нарушили международное право, не выполнив временные меры. В противовес доводам Германии Соединенные Штаты утверждали, что Венская конвенция не предоставляет права отдельным лицам, а только государствам; что конвенция должна была осуществляться в соответствии с законами каждого государства-участника, что в случае Соединенных Штатов означало подчинение доктрине процессуального неисполнения; и что Германия стремится превратить МС в международный апелляционный суд по уголовным делам.

Pairwork

Vocabulary practice

Student A

Ask Student B to give words for the following definitions. Student B should use these words in the sentences of his own.

1. To say that someone has something illegal or wrong without giving proof
2. The act of thinking again about a decision, especially in a court of law
3. An important official who works in a foreign country representing his or her own country there, and who is officially accepted in this position by that country
4. The responsibility or duty to do something

Ask Student B to suggest the English equivalents to the following and use the expressions in the sentences.

1. Выносить приговор
2. Соблюдение/исполнение обязательств
3. Ссылаясь на бездействие/неисполнение
4. Возбудить дело

Ask Students B to translate and complete the following.

1. A suit against the United States was filed _____ _____
2. The United States did not inform Germany of _____
3. The consulate of Germany was only made aware of the case _____

Put down 2—3 questions on the case and ask your groupmate Student B to answer them.

Student B

Ask Student A to give words for the following definitions. Student A should use these words in the sentences of his own.

1. An act of mercy by a person in authority toward someone who has committed a crime, esp. by reducing a punishment
2. An order by a court to temporarily stop an action or an earlier court decision being carried out
3. To add something to a document
4. Payment for harm or damage

Ask Student A to suggest the English equivalents to the following and use the expressions in the sentences:

1. Оспаривать обвинительный приговор
2. Подать ходатайство, подать прошение
3. Единогласный
4. Арестант; человек, заключенный под стражу

Ask Students A to translate and complete the following.

1. The consulate is allowed to visit nationals _____ _____
2. The LaGrand brothers unsuccessfully _____ _____
3. The day before the scheduled date of execution of Walter LaGrand, Germany brought the case _____ _____

Put down 2—3 questions on the case and ask your groupmate Student A to answer them.

Suggested videos

1. https://www.youtube.com/watch?v=MaonfGDMVuo
2. https://www.youtube.com/watch?v=KBBKKXCXuPM
3. https://www.youtube.com/watch?v=gR-OFUAJr6w&t=12s
4. https://www.youtube.com/watch?v=CHXHz5e4lu0

ЗАКЛЮЧЕНИЕ

Учебное пособие «Английский язык в сфере инновационной юриспруденции» способствует формированию и совершенствованию навыков и умений в сфере профессионального межкультурного общения на иностранном языке, освоению и активизации словарного запаса в данной динамично развивающейся области юриспруденции. Расширение фоновых знаний в таких областях, как инновации, LegalTech, цифровое право, биоправо и пр., на основе аутентичных иноязычных материалов позволяет развивать профессиональные компетенции обучающихся в сфере правоприменения и нормотворчества. Умение извлекать и перерабатывать информацию из англоязычных источников способствует формированию научно-исследовательских и аналитических навыков и расширяет возможности изучения других учебных дисциплин основной образовательной программы.

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