

**MINISTRY OF SCIENCE AND HIGHER EDUCATION OF THE RUSSIAN FEDERATION
FEDERAL STATE AUTONOMOUS EDUCATIONAL INSTITUTION OF HIGHER
EDUCATION «KUTAFIN MOSCOW STATE LAW UNIVERSITY (MSAL)»**

Department of Private International Law

ACADEMIC DISCIPLINE (MODULE) PROGRAMME

**EDUCATIONAL PRACTICE: RESEARCH WORK (OBTAINING
PRIMARY SKILLS OF RESEARCH WORK). RESEARCH
SEMINAR NO. 1**

B2.O.02(N)

Starting year – 2025

Field of study:	40.04.01 Jurisprudence
Level of higher education:	master's degree
Direction of training or specialty of educational programme:	Master of International Business Law
Study mode:	full-time
Qualification:	Master

Moscow – 2025

The program was approved at the meeting of the Department of Private International Law, Protocol No. 10 of 20 March 2025.

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I. GENERAL PROVISIONS

1.1. Goals and objectives of completing the professional discipline (module)

The academic research seminar is the primary form of organizing research work for students in the master's program, including the preparation of a master's thesis

The goal of completing the academic discipline (module) «Educational Practice: Research work (obtaining primary skills of research work). Research Seminar No. 1» is to understand the essence of key legal constructs and doctrinal principles of private international law in Russia and foreign states, acquire skills in interpreting legal norms, familiarize students with contemporary theoretical and practical challenges in private international law, and strengthen analytical and methodological research skills.

Objectives of the discipline (module):

- Develop independent skills in judicial practice research.
- Cultivate the ability to analyze and present research findings in finalized formats (research reports, academic articles, conference abstracts, master's theses).
- Build competencies in empirical data collection.
- Explore the historical evolution, current state, and future prospects of private international law as a distinct legal science, interconnected with historical, theoretical, and other legal disciplines.
- Foster respect for the scholarly contributions of Russian and foreign legal scholars in private international law and related fields.

1.2. Place of the discipline (module) in the structure of the higher education program

The discipline «Educational Practice: Research work (obtaining primary skills of research work). Research Seminar No. 1» pertains to Section **B2.O "Practice"** of the main professional educational program.

Completing this discipline expands and deepens knowledge acquired in prior studies, develops skills aligned with the program's content, and forms competencies essential for professional success. Students learn to identify interdisciplinary connections with courses such as:

- *International Commercial Arbitration and ADR*
- *International Civil Procedure*
- *International Commercial Contracts*
- *English Contract Law*

1.3. Formed competencies and indicators of their achievement (planned results of mastering the discipline (module))

Upon completing the module, students will demonstrate the following competencies under the Federal State Educational Standard (FSSES):

Universal Competencies (UC):

- **UC-1:** Critically analyze complex situations using a systemic approach and devise action strategies.
- **UC-4:** Apply modern communication technologies, including foreign languages, for academic and professional interaction.
- **UC-6:** Prioritize personal tasks and refine performance through self-assessment.

General Professional Competencies (GPC):

- **GPC-1:** Analyze non-standard legal scenarios and propose optimal solutions.
- **GPC-4:** Advocate legal positions orally and in writing, including in adversarial proceedings.
- **GPC-5:** Draft legal documents and develop normative (or individual) legal acts.
- **GPC-6:** Uphold legal ethics principles, prevent corruption, and address violations.
- **GPC-7:** Utilize IT tools and legal databases for professional tasks, ensuring information security.

Professional Competencies (PC):

- **PC-5:** Plan and conduct legal research, contribute to scholarly projects, and design independent research initiatives.

Sections (topics) of the discipline (module)	Codes and names of the competencies to be acquired	Indicator of the competencies acquisition (planned result of completing a discipline (module))
Contemporary private international law as a subject of academic research	UC-1 Able to carry out a critical analysis of problematic situations based on a systematic approach, develop a relevant strategy	IUC 1.1 Analyzes a problem situation as a system, identifying its components and the connections between them IUC 1.2 Identifies gaps in information needed to solve a problem situation and designs processes to address them IUC 1.3 Critically evaluates the reliability of information sources, works with conflicting information from different sources IUC 1.4 Develops and substantively argues a strategy for solving a problem situation based on a systemic and interdisciplinary approach IUC 1.5 Uses logical and methodological

		tools for critical evaluation of modern concepts of a philosophical and social nature in his subject area
Academic research on issues of private international law	<p>UC-4 Able to use modern communication technologies, including in a foreign language, for academic and professional interaction</p> <p>GPC-1 is capable of analyzing non-standard situations and offering optimal solutions</p>	<p>IUC 4.1 Establishes and develops professional contacts in accordance with the needs of joint activities, including the exchange of information and the development of a unified interaction strategy</p> <p>IUC 4.2 Compiles, translates and edits various academic texts (abstracts, essays, reviews, articles, etc.)</p> <p>IUC 4.3 Presents the results of academic and professional activities at various public events, including international ones, choosing the most appropriate format</p> <p>IUC 4.4 Reasonably and constructively defends his/her positions and ideas in academic and professional discussions in the state language of the Russian Federation and a foreign language</p> <p>IGPC 1.1 Knows the basic and special concepts and patterns of formation, functioning and development of law</p> <p>IGPC 1.2 Able to independently analyze non-standard situations of law enforcement practice, identify, and assess</p> <p>IGPC 1.3 Formulates optimal ways to resolve non-standard situations in law enforcement practice</p> <p>IGPC 1.4 Possesses decision-making skills in non-standard situations of law enforcement practice, taking into account ethical principles, norms and rules</p>
Academic research on the legal status of persons in private international law	UC-6 Able to define and implement priorities of one's own activities and ways of improving them based on self-assessment	<p>IUC 6.1 Assesses his/her resources and their limits (personal, situational, time), uses them optimally to successfully complete the assigned task</p> <p>IUC 6.2 Defines priorities for professional growth and ways to improve one's own activities based on self-assessment according to selected criteria</p> <p>IUC 6.3 Builds a flexible professional trajectory using continuous education tools, taking into account accumulated professional experience and dynamically changing labor market requirements</p>
Academic research in the field of cross-border contractual obligations	GPC-5 Able to independently draft legal documents and develop draft regulatory (individual) legal acts	<p>IGPC 5.1 Knows the basic and specific rules for drafting legal documents, types of regulatory legal acts, types of lawmaking</p> <p>IGPC 5.2 Possesses the skills of drafting legal documents and developing draft</p>

	<p>GPC-7 Capable of applying information technologies and using legal databases to solve problems of professional activity taking into account information security requirements</p>	<p>regulatory (individual) legal acts in accordance with the profile of his professional activity</p> <p>IGPC 7.1 Understands the principles of operation of modern information technologies</p> <p>IGPC 7.2 Able to select modern information technologies necessary for solving specific problems of professional activity</p> <p>IGPC 7.3 Possesses the skills to use modern information technologies necessary to solve specific problems of professional activity</p> <p>IGPC 7.4 Demonstrates readiness to solve problems of professional activity taking into account information security requirements</p>
Academic research in the field of cross-border non-contractual obligations	<p>PC-5 Able to plan and organize academic research, participate in research work on legal issues; able to develop his own academic project</p>	<p>IPC 5.1 Demonstrates the ability to analyze and summarize the results of research work using modern achievements of academic knowledge, advanced domestic and foreign experience</p> <p>IPC 5.2 Demonstrates the ability to participate in research activities, collection and primary processing of empirical information based on the use of modern methods and technologies for data processing, computing and communications equipment, the use of academic research results for the preparation of analytical notes, reviews, reports and recommendations</p> <p>IPC 5.3 Demonstrates the ability to define and structure a research problem in the field of professional activity, to argue an independent choice, to substantiate the object, subject, goals, objectives and methods of research on current issues in the professional field and to organizationally ensure their implementation</p>
Academic research in the field of cross-border marital and family relations		
Academic research in the field of cross-border hereditary relations		
Academic research in the field of international civil procedure	<p>GPC-4 Able to argue a legal position in a case in writing and orally, including in adversarial proceedings</p> <p>GPC-6 Capable of ensuring compliance with the principles of lawyer ethics, including taking measures to prevent corruption and suppress corruption (other) offenses</p>	<p>IGPC 4.1 Constructs oral and written speech logically and competently, presents facts and circumstances, expresses a legal position</p> <p>IGPC 4.2 Correctly applies legal vocabulary in professional communication</p> <p>IGPC 6.1 Demonstrates a willingness to honestly and conscientiously perform professional duties based on the principles of legality, impartiality and fairness, respect for the dignity, rights and freedoms of people</p> <p>IGPC 6.2 Possesses a high level of personal</p>

		and legal culture, maintains qualifications and professional knowledge at a high level IGPC 6.3 Identifies corruption risks, assesses and prevents corrupt behavior, develops and implements measures to identify and eliminate conflicts of interest
Academic research in the field of arbitration and conciliation	GPC-6 Capable of ensuring compliance with the principles of lawyer ethics, including taking measures to prevent corruption and suppress corruption (other) offenses	IGPC 6.1 Demonstrates a willingness to honestly and conscientiously perform professional duties based on the principles of legality, impartiality and fairness, respect for the dignity, rights and freedoms of people IGPC 6.2 Possesses a high level of personal and legal culture, maintains qualifications and professional knowledge at a high level IGPC 6.3 Identifies corruption risks, assesses and prevents corrupt behavior, develops and implements measures to identify and eliminate conflicts of interest

As a result of completing the discipline (module), the student must:

a) know:

- modern problems and trends in the development of the science of private international law;
- general philosophical and academic methods of cognition; types of research;
- stages of organizing and conducting academic research; forms of presenting research results and methods of their implementation;

b) to be able to:

- plan research, collect and process information, record and summarize results;
- substantiate hypotheses, develop research programs and methodological frameworks (theoretical, empirical);
- present research findings in publications and reports;

c) possess:

- methodological principles and techniques of scholarly activity, methods of academic research, knowledge of academic theories in the subject area;
- the ability to present information about completed work orally and in writing.

II. STRUCTURE AND CONTENT OF THE DISCIPLINE (MODULE)

The volume of the discipline (module) «Educational Practice: Research work (obtaining primary skills of research work). Research Seminar No. 1» is **7 credit units, 252 academic hours**. The form of interim certification is a credit with grade.

2.1. Thematic plans

2.1.1. Thematic plan for full-time (in-person) study

№	Section of academic discipline (module)	Semester	Types of educational activities, including independent work of students and labor intensity (in academic hours)				Educational technologies	Forms of current control
			Lecture	Seminars	Laboratory workshop	Individual work		
1	Contemporary private international law as a subject of academic research	1		2		26	Guided discussion	Interview. Checking homework and written work. Essay
2	Academic research on issues of private international law	1		4		40	Guided discussion	Interview. Checking homework and written work. Essay
	Total			6		66		
3	Academic research on the legal status of persons in private international law	2		4		24	Guided discussion	Interview. Checking homework and written work. Essay
4	Academic research in the field of cross-border contractual obligations	2		4		40	Guided discussion	Interview. Checking homework and written work. Essay
	Total			8		64		
5	Academic research in the field of cross-border non-contractual obligations	3		2		20	Guided discussion	Interview. Checking homework and written work. Essay

6	Academic research in the field of cross-border marital and family relations	3		2		20	Guided discussion	<i>Interview. Checking homework and written work. Essay</i>
7	Academic research in the field of cross-border hereditary relations	3		2		18	Guided discussion	<i>Interview. Checking homework and written work. Essay</i>
8	Academic research in the field of international civil procedure	3		4		18	Guided discussion	<i>Interview. Checking homework and written work. Essay</i>
9	Academic research in the field of arbitration and conciliation	3		4		18	Guided discussion	<i>Interview. Checking homework and written work. Essay</i>
	Total			14		94		
	Total			28		224		Credit with grade

Content of the discipline (module)

Topic 1. Contemporary private international law as a subject of academic research

1. Academic debate around the concept and subject matter of Private International Law (PIL)
2. The concept of foreign element in PIL.
3. The place of PIL within the legal system.
4. The normative composition of PIL: civil law, international legal, and poly-systemic approaches.
5. The relationship and interplay between PIL and public international law.
6. Contemporary PIL and branches of public law governing relations involving a foreign element (such as tax, criminal, and antitrust law): correlation and interdisciplinary connections.
7. Substantive, unilateral, and multilateral approaches.
8. Major international organizations in the field of PIL: Hague Conference on Private International Law (HCCH), International Institute for the Unification of Private Law (UNIDROIT), United Nations Commission on International Trade Law (UNCITRAL), Organization for the Harmonization of Business Law in the

Caribbean (OHADAC), Inter-American Conference on Private International Law (CIDIP), International Chamber of Commerce (ICC).

9. Human rights and PIL. Draft Resolution on Human Rights and Private International Law (IDI Draft Resolution).

Topic 2. Academic research on issues of private international law

1. Renvoi (remission) and reference to the law of a third country (transmission): concept, doctrinal approaches, solutions, national legislation of the Russian Federation and foreign countries. Arguments for and against accepting renvoi. Types of renvoi and references to the law of a third country: affirmative renvoi, exceptive renvoi, negative renvoi, limitative renvoi.

2. Conflict of characterization: concept and solutions. Characterization by the law of the forum (*lex fori*): arguments for and against. Characterization by the foreign law that has the closest connection with the issue (*de lege causae*): arguments for and against. Autonomous characterization. Characterization as applied by national courts and in international commercial arbitration.

3. Preliminary question: concept and solutions.

4. Adaptation of conflict rules.

5. Fraud upon the law (*fraude à la loi*).

6. Ascertaining the content of foreign law.

7. Application and interpretation of foreign law. Application of the law of a country with multiple legal systems: interterritorial and interpersonal conflicts. Limping (inconsistently recognized) relationships. Reciprocity in conflict of laws and substantive law governing relationships involving a foreign element, international civil procedure. Retorsion.

8. Limits on the application of foreign law. 8.1. Public policy (*ordre public*): concept, types (positive and negative), forms (national, international, and transnational public policy), correlation with overriding mandatory provisions. 8.2. Overriding mandatory provisions (“superimperative rules”): concept and features. Distinguishing between overriding mandatory provisions and public law norms. Application of overriding mandatory provisions to specific types of cross-border private law relationships (cross-border contractual obligations, cross-border matrimonial, family, and inheritance relations, non-contractual obligations, relations in the protection of adults, intellectual property rights, personal data protection, securities, etc.). Specifics of applying overriding mandatory provisions of the forum (*lex fori*), applicable law (*lex causae*), and third countries. Impact of overriding mandatory provisions on the validity and enforceability of arbitration and choice-of-court agreements. Violation of overriding mandatory provisions as grounds for refusing recognition and enforcement of foreign judgments and arbitral awards.

Topic 3. Academic research on the legal status of persons in private international law

1. Specific features of the legal status of natural persons in private

international law. The concept of personal law and natural person in Private International Law. Criteria for determining the personal law of natural persons: the law of domicile (*lex domicilii*), the law of nationality (*lex patriae*), and mixed systems. The scope of application of personal law. Legal capacity and capacity to act. The correlation between personal and territorial law regarding a person's ability to enter into transactions and delictual capacity. Marital and family status. National treatment. Trends in the evolution of Private International Law regarding the personal law of natural persons.

2. Specific features of the legal status of legal persons in Private International Law. Theories regarding the legal nature of a legal person. The nationality of a legal person: concept, scope, and role in diplomatic protection and investment disputes. Residence as a form of connection between a legal person and a state. The relationship between the personal law and nationality of a legal person. The doctrine of incorporation, the real seat doctrine, the theory of exploitation control, and the theory of control. Modified theories for determining the personal law of legal persons. The reservation theory. The superposition theory. The differentiation theory. Wiedemann's grouping theory. The combination theory. The limited incorporation theory. The OHADAC Model Law on Commercial Companies. The Legal High Committee for Financial Markets of Paris: Report on the Applicable Law to Companies. The Draft Regulation on the Law Applicable to Companies. Modern trends in regulating the legal status of legal persons. The CJEU precedents on matters related to the exercise of legal entities' freedom to conduct a business (freedom to provide services).. Harmonization of the legal status of legal persons within the EU. The fate of European companies following the United Kingdom's withdrawal from the EU.

3. International companies as a special type of legal entity: specifics of legal status. Redomiciliation.

4. Offshore companies.

5. State as a unique entity in Private International Law. State immunity: concept, legal nature, scope, and trends in the development of the doctrine of foreign state immunity.

Topic 4. Academic research in the field of cross-border contractual obligations

1. The principle of party autonomy: concept, theories of legal nature, and their significance 1.1. Limitations on the choice of applicable law within conflict-of-law regulation of contractual obligations in the Russian Federation and foreign countries: territorial, temporal, and other restrictions. Mandatory (imperative) conflict rules, mandatory and overriding mandatory substantive rules, public policy, contracts lacking a foreign element. Limitations on party autonomy aimed at protecting the interests of the "weaker" party to the contract. Restrictions on party autonomy in contracts involving "active" and "passive" consumers. Restrictions on party

autonomy in adhesion contracts (contracts with standard terms). The issue of parties choosing a law under which the contract is deemed null and void.

1.2. Factors to be considered when choosing the applicable law.

1.3. The relationship between “law” and “legislation” and the implications for determining the applicability of international treaties governing specific cross-border commercial contracts. Methods for parties to exclude the application of the CISG (United Nations Convention on Contracts for the International Sale of Goods).

1.4. The impact of the dispute resolution method on the choice of applicable law. The relationship between the concepts of “law” and “rules of law.” Selection of “a-national” (non-state) regulating acts (*lex mercatoria*).

1.5. Floating choice-of-law clauses. Alternative choice-of-law clauses. Negative choice of law agreements.

1.6. Party autonomy in subjecting different parts of a contract to different national laws

1.7. Types of choice-of-law agreements: express and implied agreements.

1.8. Choice-of-law “freezing” (or “cementing”) clauses.

2. Determination of the applicable law for cross-border (international) contracts by national courts in the absence of an agreement on the choice of law. Place of contracting as a connecting element. Place of performance as a connecting element. The principle of “scission” (*dépeçage*/splitting of applicable law). Other connecting elements. The hypothetical will of the parties theory. The characteristic performance doctrine as the primary approach for determining the objective contractual statute: concept, main elements, advantages, and disadvantages. Limitations on the application of the characteristic performance doctrine: protection of the “weaker” party, interests of commerce and legal order, and material factors. The closest connection principle as a manifestation of the modern trend towards flexible conflict regulation. Determination of the applicable law for cross-border consumer contracts. The work of the Hague Conference on Private International Law in the field of tourist protection (Tourists and Visitors (ODR) Project).

3. Determination of the applicable law for cross-border (international) contracts by international commercial arbitration tribunals

3.1. Party autonomy in determining the applicable substantive law in international arbitration.

3.2. Selection of the applicable law for contracts involving consumers in international arbitration.

3.3. The consequences of arbitrators violating the parties’ agreement on the choice of applicable law.

3.4. Determination of the applicable law by international commercial arbitration tribunals: indirect and direct approaches. Non-compliance with the rules governing determination of the applicable law in international commercial arbitration: legal effects.

3.5. Application of overriding mandatory provisions and public policy clauses in international arbitration. The concept of transnational (truly international) public policy. Interpretation and application of uniform instruments dedicated to cross-border (international) commercial contracts. Legal Guide to Uniform Instruments in the Area of International Commercial Contracts, with a Focus on Sales. Guide on the Law Applicable to International Commercial Contracts in the Americas (2019).

4. Sources of a-national (non-state) regulation (lex mercatoria): concept and substance. Selection of lex mercatoria as the law applicable to cross-border (international) commercial contracts. Application of lex mercatoria by national courts and international commercial arbitration tribunals. Enforceability of awards grounded in lex mercatoria.

Topic 5. Academic research in the field of cross-border non-contractual obligations

1. Concept and types of cross-border non-contractual obligations.
2. The problem of characterization of cross-border non-contractual obligations.
3. International legal unification of conflict rules and substantive rules applicable to tort obligations.
4. Fundamental principles for determining the statute of tort obligations in private international law. Emergence and evolution of key connecting elements in the field of tort obligations. Party autonomy in choosing the statute of a tort obligation. Reference to the law of the place where the tort was committed in Russian and foreign doctrine and judicial practice. Determining the place where the tort was committed. Simple and complex torts. The place where the tort was committed and the problem of characterization. Separate application of the law of the place where the tort was committed and the law of the place where the damage occurred. Cumulative application of the law of the place where the tort was committed and the law of the place where the damage occurred. Conflict dimension of tort obligations involving a foreign element in the cyberspace.
5. Trends in conflict regulation of cross-border non-contractual obligations.

Topic 6. Academic research in the field of cross-border marital and family relations

1. Concept, content, and specifics of cross-border marriage and family relations. The foreign element as a determiner of the international nature of marriage and family relations.
2. The interplay between private and public regulation of cross-border marriage and family relations.
3. Conflict regulation of cross-border marriage and family relations

3.1. Conflict regulation of the conclusion and dissolution of cross-border marriages. Impediments to marriage. Limping (inconsistently recognized) marriages. Public policy.

3.2. Conflict regulation of personal and property relations between spouses. Marriage contracts: concept and content.

3.3. Overriding mandatory provisions in the regulation of cross-border marriage and family relations.

3.4. International adoption in private international law.

3.5. Regulation of the guardianship for children deprived of parental care.

3.6. The child's right to maintain contact with parents residing in different countries.

3.7. Protection of children's rights in international family law. International conventions on the protection of children's rights.

4. The principle of the most favorable law and the principle of the closest connection in cross-border marriage and family relations.

5. Application of the principle of party autonomy in cross-border marriage and family relations.

6. Research by the Hague Conference on Private International Law in the field of cross-border family law

6.1. The work of the Hague Conference on Private International Law in the area of cohabitation outside marriage, including registered partnerships.

6.2. Family agreements involving children. Overview of the expert group's findings on cross-border recognition and enforcement of family agreements involving children. Practical Guide on Family Agreements under the Hague Conventions.

6.3. The Hague Convention on the Civil Aspects of International Child Abduction (1980). Tools for the effective application of the convention during the COVID-19 pandemic.

6.4. The Malta Process and the working group on cross-border family mediation.

6.4. The work of the Special Commission on the Practical Application of the 2007 Hague Maintenance Convention.

6.5. The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993).

6.6. The work of the Hague Conference on Private International Law in the area of surrogacy.

Topic 7. Academic research in the field of cross-border hereditary relations

1. The concept and essence of cross-border inheritance.

2. Characterization of assets constituting the estate: inheritance of the most valuable part of movable property, inheritance of immovable property for the

purpose of disposing of the statutory portion, changes in the composition of assets in cases of share splitting and dividend distribution, assets under residual disposition, inheritance of specific items, and the right to one-fourth of the total estate.

3. Inheritance advance: concept and regulation.

4. The concept and scope of application of the inheritance statute: transfer of the decedent's assets and liabilities, the rights of heirs and creditors to dispose of property.

5. Conflict regulation of inheritance relations.

6. Application of dépeçage to the inheritance statute: variety of statutes for inheritance of the statutory portion and contributions to share capital. Preliminary questions in cross-border inheritance relations.

7. Conflicts between the legal regimes of matrimonial property in terms of the inheritance statute. General and special rules applicable to cross-border inheritance.

8. Limits of the application of the inheritance statute. The role of judicial injunctions.

9. Universal succession.

10. Testamentary and intestate inheritance.

11. Initiation of inheritance proceedings: place and time

Topic 8. Academic research in the field of international civil procedure

1. The concept and subject matter of international civil procedure. The concept of foreign element in civil procedure. The debate on the content of international civil procedure.

2. The interplay between international civil procedure and private international law.

2.1. International civil procedure as a component of civil procedural law.

2.2. International civil procedure as a component of civil procedural and arbitrazh (commercial) procedural law as a branch of law and as a component of private international law as a legal discipline.

2.3. International civil procedure as an independent branch of law.

2.4. International civil procedure as a cross-system regulatory framework.

2.5. International civil procedure as a component of private international law.

3. Judicial jurisdiction over cross-border private law disputes. Main frameworks for determining judicial jurisdiction: Romano-Germanic, Latin, Anglo-American. The concept of forum non conveniens. The "minimum contacts" rule. The Calder test, the Zippo test.

4. The work of the Hague Conference in the field of international civil procedure:

4.1. Issues of jurisdiction (Jurisdictional Project).

4.2. The work of the Hague Conference on Private International Law in the field of recognition and enforcement of foreign civil protection orders (Recognition and Enforcement of Foreign Civil Protection Orders).

4.3. The e-APP Project.

5. Recognition and enforcement of foreign judgments. Reciprocity and international comity as grounds for recognition and enforcement of foreign judgments. The Hague Convention on the Recognition and Enforcement of Foreign Judgments: prospects and challenges. Asian Principles for the Recognition and Enforcement of Foreign Judgments. ALI Principles of Effective Enforcement. Principles of Transnational Civil Procedure.

Topic 9. Academic research in the field of arbitration and conciliation

1. The work of the UNCITRAL Commission on International Trade Law in the field of arbitration and conciliation:

Draft provisions on expedited arbitration;
Guide to the adoption and application of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation;
Draft UNCITRAL Mediation Rules and draft UNCITRAL Mediation Notes.

2. The work of the International Council for Commercial Arbitration (ICCA):

Third-party funding in international arbitration;
Damages in international arbitration;
Cybersecurity in international arbitration;
Standards of practice in international arbitration;
Data protection in international arbitration;
Gender diversity in arbitral appointments and proceedings;
The right to a physical hearing in international arbitration.

3. The work of the International Bar Association in the field of international arbitration:

Rules on Taking of Evidence in International Arbitration 2010 & 2020;
Guidelines on Conflict of Interest in International Arbitration 2014;
Guidelines on Party Representation in International Arbitration 2013;
Guidelines for Drafting International Arbitration Clauses 2010;
Investor-State Mediation Rules 2012.

4. New dispute resolution tools: SCC Express and others.

5. Arbitration in the context of the pandemic: challenges, opportunities, and development prospects.

6. Human rights arbitration.

7. Arbitration and climate change.

8. Research on digitalization of arbitration and mediation.

9. Prospects for the future of investment arbitration. The work of UNCITRAL in the field of investment arbitration. The work plan for reforming the Investor-State Dispute Settlement (ISDS) system and resource requirements. Draft code of conduct. Appellate mechanism and enforcement issues. Selection and appointment

of ISDS tribunal members. Prevention of disputes and conciliation. Interpretation of investment treaties by the parties. Cost coverage and frivolous claims. Multiple proceedings and counterclaims. Multilateral instrument on ISDS reform.

2.3. Practical sessions

Practical session 1. Contemporary private international law as a subject of academic research

1. Academic debate around the concept and subject matter of private international law (PIL)/
2. The concept of foreign element in PIL.
3. The place of PIL within the legal system.
4. The normative composition of PIL: civil law, international legal, and poly-systemic approaches.
5. The relationship and interplay between PIL and public international law.
6. Contemporary PIL and branches of public law governing relations involving a foreign element (such as tax, criminal, and antitrust law): correlation and interdisciplinary connections.
7. Substantive, unilateral, and multilateral approaches.
8. Major international organizations in the field of PIL: Hague Conference on Private International Law (HCCH), International Institute for the Unification of Private Law (UNIDROIT), United Nations Commission on International Trade Law (UNCITRAL), Organization for the Harmonization of Business Law in the Caribbean (OHADAC), Inter-American Conference on Private International Law (CIDIP), International Chamber of Commerce (ICC).
9. Human rights and PIL. Draft Resolution on Human Rights and Private International Law (IDI Draft Resolution).

Preparation tasks:

1. Identify the issues with the term “Private International Law”. Explain the doctrinal claims of it being neither “international,” nor “private,” nor “law”. Alternative terms suggested in the doctrine.
2. Compare approaches to defining the subject matter of private international law across different countries.
3. Identify the issues with the concept of foreign element in private international law. Why does it fail to account for the edge cases? What alternatives to the concept of foreign element have been proposed?
4. Compare the main approaches to determining the place of private international law in the legal system. Identify the most compelling approach.
5. Modern doctrinal attitudes toward including in PIL:
 - National substantive rules;
 - National substantive rules specifically targeting relationships involving a foreign element;
 - Public law rules;

Rules of international civil procedure law;

Rules of international commercial arbitration.

6. How does private international law relate to public law?
7. What commonalities exist between conflict rules of private international law and public law rules in terms of their territorial application?
8. How do the concepts of “resident” in the Russian Tax Code, the Federal Law “On Currency Regulation and Currency Control,” and “personal law of a natural person” in Section VI of Part Three of the Russian Civil Code compare?
9. Would it be valid to regard part 2 of Article 3 of the Federal Law “On Protection of Competition” as a conflict rule?
10. Establish the correlation between Article 1222 of the Russian Civil Code and Article 3 of the Federal Law “On Protection of Competition.”
11. What are the problems of international private currency law?
12. Explore the official websites of the main international organizations in the field of private international law:
 - Hague Conference on Private International Law (HCCH);
 - International Institute for the Unification of Private Law (UNIDROIT);
 - United Nations Commission on International Trade Law (UNCITRAL);
 - Organization for the Harmonization of Business Law in the Caribbean (OHADAC);
 - Inter-American Specialized Conferences on Private International Law (CIDIP);
 - International Chamber of Commerce (ICC).What projects are they currently working on?
13. Based on task 12, choose the most promising project currently being developed by an international organization in the field of private international law and prepare a brief presentation on it.
14. Study the IDI Draft Resolution on Human Rights and private international law. What are the main provisions and objectives of this document? Prepare a brief presentation.

Practical session 2. Academic research on issues of private international law

1. Renvoi (remission) and reference to the law of a third country (transmission): concept, doctrinal approaches, solutions, national legislation of the Russian Federation and foreign countries. Arguments for and against accepting renvoi. Types of renvoi and references to the law of a third country: affirmative renvoi, exceptive renvoi, negative renvoi, limitative renvoi.
2. Conflict of characterization: concept and solutions. Characterization by the law of the forum (lex fori): arguments for and against. Characterization by the foreign law that has the closest connection with the issue (de lege causae): arguments for and against. Autonomous characterization. Characterization as applied by national courts and in international commercial arbitration.
3. Preliminary question: concept and solutions.

4. Adaptation of conflict rules.
5. Fraud upon the law (fraude à la loi).
6. Ascertaining the content of foreign law.
7. Application and interpretation of foreign law. Application of the law of a country with multiple legal systems: interterritorial and interpersonal conflicts. Limping (inconsistently recognized) relationships. Reciprocity in conflict of laws and substantive law governing relationships involving a foreign element, international civil procedure. Retorsion.
8. Limits on the application of foreign law. 8.1. Public policy (ordre public): concept, types (positive and negative), forms (national, international, and transnational public policy), correlation with overriding mandatory provisions. 8.2. Overriding mandatory provisions (“superimperative rules”): concept and features. Distinguishing between overriding mandatory provisions and public law norms. Application of overriding mandatory provisions to specific types of cross-border private law relationships (cross-border contractual obligations, cross-border matrimonial, family, and inheritance relations, non-contractual obligations, relations in the protection of adults, intellectual property rights, personal data protection, securities, etc.). Specifics of applying overriding mandatory provisions of the forum (lex fori), applicable law (lex causae), and third countries. Impact of overriding mandatory provisions on the validity and enforceability of arbitration and choice-of-court agreements. Violation of overriding mandatory provisions as grounds for refusing recognition and enforcement of foreign judgments and arbitral awards.

Preparation tasks:

1. Based on your analysis of Russian and foreign doctrine, compile a table presenting the main arguments for and against accepting renvoi. Which position holds more weight?
2. Review the positions of Russian and foreign scholars on fraud upon the law. Should norms prohibiting fraud upon the law be included in Section VI of Part Three of the Russian Civil Code?
3. Study doctrinal positions on the concept of public policy.
4. Prepare for a discussion on the correlation between public policy and overriding mandatory provisions.
5. Based on Russian and foreign doctrine, identify the conditions for applying various types of overriding mandatory provisions:
 - a) Overriding mandatory provisions of the forum (lex fori);
 - b) Overriding mandatory provisions of the applicable law (lex causae);
 - c) Overriding mandatory provisions of third countries.
6. Study the following work: Lalive P. Transnational (or Truly International) Public Policy and International Arbitration ([https://www.lalive.law/data/publications/58_-Transnational\(or_Truly_International\)_Public_Policy_and_International_Arbitration](https://www.lalive.law/data/publications/58_-Transnational(or_Truly_International)_Public_Policy_and_International_Arbitration))

on_in_Comparative_Arbitration_Practice_and_Public_Policy_in_Arbitration_1986.pdf). The definition of transnational public policy

7. Study the following work: Overriding Mandatory Provisions in Private International Law and Arbitration (https://eltelawjournal.hu/wp-content/uploads/2020/12/ELJ-2020-1_WEB.pdf). What specific features of overriding mandatory provisions are highlighted by the authors? What examples of overriding mandatory provisions are provided? Do you agree with the authors' conclusions? Compare the approach to applying various types of overriding mandatory provisions by national courts and international commercial arbitration.

Practical session 3. Academic research on the legal status of persons in private international law

1. Specific features of the legal status of natural persons in private international law. The concept of personal law and natural person in private international law. Criteria for determining the personal law of natural persons: the law of domicile (*lex domicilii*), the law of nationality (*lex patriae*), and mixed systems. The scope of application of personal law. Legal capacity and capacity to act. The correlation between personal and territorial law regarding a person's ability to enter into transactions and delictual capacity. Marital and family status. National treatment. Trends in the evolution of Private International Law regarding the personal law of natural persons.

2. Specific features of the legal status of legal persons in Private International Law. Theories regarding the legal nature of a legal person. The nationality of a legal person: concept, scope, and role in diplomatic protection and investment disputes. Residence as a form of connection between a legal person and a state. The relationship between the personal law and nationality of a legal person. The doctrine of incorporation, the real seat doctrine, the theory of exploitation control, and the theory of control. Modified theories for determining the personal law of legal persons. The reservation theory. The superposition theory. The differentiation theory. Wiedemann's grouping theory. The combination theory. The limited incorporation theory. The OHADAC Model Law on Commercial Companies. The Legal High Committee for Financial Markets of Paris: Report on the Applicable Law to Companies. The Draft Regulation on the Law Applicable to Companies. Modern trends in regulating the legal status of legal persons. The CJEU precedents on matters related to the exercise of legal entities' freedom to conduct a business (freedom to provide services).. Harmonization of the legal status of legal persons within the EU. The fate of European companies following the United Kingdom's withdrawal from the EU.

3. International companies as a special type of legal entity: specifics of legal status. Redomiciliation.

4. Offshore companies.

5. State as a unique entity in Private International Law. State immunity: concept, legal nature, scope, and trends in the development of the doctrine of foreign

state immunity.

Preparation tasks:

1. How do personal and territorial laws relate to the determination of a person's capacity to enter into transactions and tort liability?
2. Analyze the Russian and foreign legal doctrines on the legal status of legal entities in private international law. Identify the main positions regarding the relationship between the personal law and the nationality of a legal entity.
3. Based on Russian and foreign legal doctrines, identify the main and modified theories for determining the personal law of a legal entity. Present your findings as a table.
4. Analyze the following documents:
Draft OHADAC Model Law on Commercial Companies;
The Legal High Committee for Financial Markets of Paris: Report on the Applicable Law to Companies;
Draft Regulation on the Law Applicable to Companies.
5. Based on Russian and foreign legal doctrines, establish the main trends in the evolution of the sovereign immunity of foreign countries.
6. Review the claims filed against China in connection with the COVID-19 by citizens of certain U.S. states (Florida, Nevada, and Missouri). How do these claims fit with the concept of absolute immunity in China? The claims can be accessed via the following links:
<https://images.law.com/contrib/content/uploads/documents/392/85094/Coronavirus-China-class-action.pdf>;
<https://www.egletlaw.com/wp-content/uploads/2020/03/Complaint-Bella-Vista-LLC-et-al-v.-The-Peoples-Republic-of-China-et-al-FILED.pdf>;
<https://ago.mo.gov/home/news/2020/04/21/missouri-attorney-general-schmitt-files-lawsuit-against-chinese-government>.

The positions of Chinese officials, representatives, and scholars can be reviewed via the following links: <http://en.people.cn/n3/2020/0503/c90000-9686646.html>; http://www.xinhuanet.com/english/2020-04/30/c_139021210.htm.

Practical session 4. Academic research in the field of cross-border contractual obligations

1. The principle of party autonomy: concept, theories of legal nature, and their significance 1.1. Limitations on the choice of applicable law within conflict-of-law regulation of contractual obligations in the Russian Federation and foreign countries: territorial, temporal, and other restrictions. Mandatory (imperative) conflict rules, mandatory and overriding mandatory substantive rules, public policy,

contracts lacking a foreign element. Limitations on party autonomy aimed at protecting the interests of the “weaker” party to the contract. Restrictions on party autonomy in contracts involving “active” and “passive” consumers. Restrictions on party autonomy in adhesion contracts (contracts with standard terms). The issue of parties choosing a law under which the contract is deemed null and void.

1.2. Factors to be considered when choosing the applicable law.

1.3. The relationship between “law” and “legislation” and the implications for determining the applicability of international treaties governing specific cross-border commercial contracts. Methods for parties to exclude the application of the CISG (United Nations Convention on Contracts for the International Sale of Goods).

1.4. The impact of the dispute resolution method on the choice of applicable law. The relationship between the concepts of “law” and “rules of law.” Selection of “a-national” (non-state) regulating acts (*lex mercatoria*).

1.5. Floating choice-of-law clauses. Alternative choice-of-law clauses. Negative choice of law agreements.

1.6. Party autonomy in subjecting different parts of a contract to different national laws

1.7. Types of choice-of-law agreements: express and implied agreements.

1.8. Choice-of-law “freezing” (or “cementing”) clauses.

2. Determination of the applicable law for cross-border (international) contracts by national courts in the absence of an agreement on the choice of law. Place of contracting as a connecting element. Place of performance as a connecting element. The principle of “scission” (*dépeçage*/splitting of applicable law). Other connecting elements. The hypothetical will of the parties theory. The characteristic performance doctrine as the primary approach for determining the objective contractual statute: concept, main elements, advantages, and disadvantages. Limitations on the application of the characteristic performance doctrine: protection of the “weaker” party, interests of commerce and legal order, and material factors. The closest connection principle as a manifestation of the modern trend towards flexible conflict regulation. Determination of the applicable law for cross-border consumer contracts. The work of the Hague Conference on Private International Law in the field of tourist protection (Tourists and Visitors (ODR) Project).

3. Determination of the applicable law for cross-border (international) contracts by international commercial arbitration tribunals

3.1. Party autonomy in determining the applicable substantive law in international arbitration.

3.2. Selection of the applicable law for contracts involving consumers in international arbitration.

3.3. Consequences of arbitrators violating the parties’ agreement on the choice of applicable law.

3.4. Determination of the applicable law by international commercial arbitration tribunals: indirect and direct approaches. Non-compliance with the rules

governing determination of the applicable law in international commercial arbitration: legal effects.

3.5. Application of overriding mandatory provisions and public policy clauses in international arbitration. The concept of transnational (truly international) public policy. Interpretation and application of uniform instruments dedicated to cross-border (international) commercial contracts. Legal Guide to Uniform Instruments in the Area of International Commercial Contracts, with a Focus on Sales. Guide on the Law Applicable to International Commercial Contracts in the Americas (2019).

4. Sources of a-national (non-state) regulation (lex mercatoria): concept and substance. Selection of lex mercatoria as the law applicable to cross-border (international) commercial contracts. Application of lex mercatoria by national courts and international commercial arbitration tribunals. Enforceability of awards grounded in lex mercatoria.

Preparation tasks:

1. Name the main theories on the legal nature of party autonomy.
2. Identify the main features of determining the law applicable to contracts involving “active” and “passive” consumers.
3. The consequences of arbitrators violating the choice-of-law agreement?
4. Review the following documents:

Legal Guide to Uniform Instruments in the Area of International Commercial Contracts, with a Focus on Sales.

Guide on the Law Applicable to International Commercial Contracts in the Americas 2019.

What trends in the regulation of cross-border contractual obligations can be observed in those documents? The authors’ attitude toward selecting lex mercatoria as the applicable law.

5. Study Russian and foreign judicial and arbitral practice in the field of cross-border contractual obligations. How do national courts and international commercial arbitrations:

Treat the parties’ agreements selecting lex mercatoria (UNIDROIT Principles, Lando Principles, etc.) as the applicable law;

Determine the applicable law in the absence of a choice of law by the parties;

View application of lex mercatoria to a contract in the absence of an express reference by the parties;

View subjecting different parts of a contract to different national laws;

Apply lex mercatoria to contracts.

6. Study Russian and foreign doctrines and judicial practice on the recognition and enforcement of foreign arbitral awards rendered solely based on lex mercatoria.

Practical session 5. Academic research in the field of cross-border non-contractual obligations

1. Concept and types of cross-border non-contractual obligations.
2. The problem of characterization in cross-border non-contractual obligations.
3. International legal unification of conflict rules and substantive rules applicable to tort obligations.
4. Fundamental principles for determining the statute of tort obligations in private international law. Emergence and evolution of key connecting elements in the field of tort obligations. Party autonomy in choosing the statute of a tort obligation. Reference to the law of the place where the tort was committed in Russian and foreign doctrine and judicial practice. Determining the place where the tort was committed. Simple and complex torts. The place where the tort was committed and the problem of characterization. Separate application of the law of the place where the tort was committed and the law of the place where the damage occurred. Cumulative application of the law of the place where the tort was committed and the law of the place where the damage occurred. Conflict dimension of tort obligations involving a foreign element in the cyberspace.
5. Trends in conflict regulation of cross-border non-contractual obligations.

Preparation tasks:

1. Based on Russian and foreign doctrine, judicial practice, and legislation, identify the specifics of selecting the law applicable to cross-border:
 - Tort obligations;
 - Product liability obligations (harm caused by defects in goods, works, or services);
 - Environmental liability obligations (harm caused to the environment);
 - Intellectual property infringement obligations;
 - Unjust enrichment obligations;
 - Restrictions/distortion of competition;
 - Unfair competition;
 - Obligations arising from bad faith negotiations (*culpa in contrahendo*).
2. Study Russian and foreign judicial practice in the field of cross-border non-contractual obligations. Identify problems related to determining the place of tort (*locus delicti*).
3. Study Russian and foreign judicial practice in the field of cross-border non-contractual obligations. Why have some countries abandoned *lex loci delicti commissi* (law of the place where the tort occurred) as the primary conflict rule?

Practical session 6. Academic research in the field of cross-border marital and family relations

1. Concept, content, and specifics of cross-border marriage and family relations. The foreign element as a determiner of the international nature of marriage and family relations.
2. The interplay between private and public regulation of cross-border marriage and family relations.
3. Conflict regulation of cross-border marriage and family relations
 - 3.1. Conflict regulation of the conclusion and dissolution of cross-border marriages. Impediments to marriage. Limping (inconsistently recognized) marriages. Public policy.
 - 3.2. Conflict regulation of personal and property relations between spouses. Marriage contracts: concept and content.
 - 3.3. Overriding mandatory provisions in the regulation of cross-border marriage and family relations.
 - 3.4. International adoption in private international law.
 - 3.5. Regulation of the guardianship for children deprived of parental care.
 - 3.6. The child's right to maintain contact with parents residing in different countries.
 - 3.7. Protection of children's rights in international family law. International conventions on the protection of children's rights.
4. The principle of the most favorable law and the principle of the closest connection in cross-border marriage and family relations.
5. Application of the principle of party autonomy in cross-border marriage and family relations.
6. Research by the Hague Conference on Private International Law in the field of cross-border family law
 - 6.1. The work of the Hague Conference on Private International Law in the area of cohabitation outside marriage, including registered partnerships.
 - 6.2. Family agreements involving children. Overview of the expert group's findings on cross-border recognition and enforcement of family agreements involving children. Practical Guide on Family Agreements under the Hague Conventions.
 - 6.3. The Hague Convention on the Civil Aspects of International Child Abduction (1980). Tools for the effective application of the convention during the COVID-19 pandemic.
 - 6.4. The Malta Process and the working group on cross-border family mediation.
 - 6.4. The work of the Special Commission on the Practical Application of the 2007 Hague Maintenance Convention.
 - 6.5. The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993).

6.6. The work of the Hague Conference on Private International Law in the area of surrogacy.

Preparation tasks:

1. Based on Russian and foreign doctrine and judicial practice, identify the specifics of applying the following concepts to cross-border matrimonial and family relations:

Overriding mandatory provisions;

Public policy exception.

2. Based on Russian and foreign doctrine and judicial practice, define the concept and establish the content of marriage contracts in Russia and foreign countries. Role of overriding mandatory provisions in determining the terms of marriage contracts.

3. Review the Toolkit for the 1980 Child Abduction Convention in Times of COVID-19 (available at: <https://assets.hcch.net/docs/2aee3e82-8524-4450-8c9a-97b250b00749.pdf>). What recommendations are outlined in the document?

4. Review the 1980 Child Abduction Convention: Guide to Good Practice. Part VI. Article 13(1)(b) (available at: <https://assets.hcch.net/docs/225b44d3-5c6b-4a14-8f5b-57cb370c497f.pdf>). State the conditions for applying Article 13 of the Hague Convention.

5. Examine the ECtHR case law on surrogate motherhood:

Valdís Fjölnisdóttir and Others v. Iceland (Application no. 72552/17, available at: [link](#));

Mennesson v. France (Application no. 65192/11, available at: [link](#));

Paradiso and Campanelli v. Italy (available at: [link](#)).

What conclusions did the Court reach in these cases? What are the implications of the Valdís Fjölnisdóttir and Others v. Iceland judgment for regulating transnational surrogate motherhood?

6. Can one validly invoke Article 13 of the Hague Convention on the Civil Aspects of International Child Abduction if a parent, who took the child on vacation to another country, refuses to return the child to the other parent (with whom the child habitually resides) due to the COVID-19 pandemic?

7. Study foreign court judgments on the return of a child abducted by one parent to the other parent before and after the COVID-19 pandemic. The evolution of the approach.

Practical session 7. Academic research in the field of cross-border hereditary relations

1. The concept and essence of cross-border inheritance.

2. Characterization of assets constituting the estate: inheritance of the most valuable part of movable property, inheritance of immovable property for the

purpose of disposing of the statutory portion, changes in the composition of assets in cases of share splitting and dividend distribution, assets under residual disposition, inheritance of specific items, and the right to one-fourth of the total estate.

3. Inheritance advance: concept and regulation.

4. The concept and scope of application of the inheritance statute: transfer of the decedent's assets and liabilities, the rights of heirs and creditors to dispose of property.

5. Conflict regulation of inheritance relations.

6. Application of dépeçage to the inheritance statute: variety of statutes for inheritance of the statutory portion and contributions to share capital. Preliminary questions in cross-border inheritance relations.

7. Conflicts between the legal regimes of matrimonial property in terms of the inheritance statute. General and special rules applicable to cross-border inheritance.

8. Limits of the application of the inheritance statute. The role of judicial injunctions.

9. Universal succession.

10. Testamentary and intestate inheritance.

11. Initiation of inheritance proceedings: place and time

Preparation tasks:

1. Based on the analysis of Russian and foreign legislation and doctrine, identify the specifics of drafting a will.

2. Based on the analysis of Russian and foreign legislation and doctrine, identify the specifics of determining the law applicable to the inheritance of specific types of property.

Practical session 8. Academic research in the field of international civil procedure

1. The concept and subject matter of international civil procedure. The construction of the foreign element. The debate on the content of international civil procedure.

2. The interplay between international civil procedure and private international law.

2.1. International civil procedure as a component of civil procedural law.

2.2. International civil procedure as a component of civil procedural and arbitrazh (commercial) procedural law as a branch of law and as a component of private international law as a legal discipline.

2.3. International civil procedure as an independent branch of law.

2.4. International civil procedure as a cross-system regulatory framework.

2.5. International civil procedure as a component of private international law.

3. Judicial jurisdiction over cross-border private law disputes. Main systems for determining judicial jurisdiction: Romano-Germanic, Latin, Anglo-American

system. The concept of forum non conveniens. The "minimum contacts" rule. The Calder test, the Zippo test.

4. The work of the Hague Conference in the field of international civil procedure:

4.1. Issues of jurisdiction (Jurisdictional project).

4.2. The work of the Hague Conference on Private International Law in the field of recognition and enforcement of foreign civil protection orders (Recognition and Enforcement of Foreign Civil Protection Orders).

4.3. The e-APP Project.

5. Recognition and enforcement of foreign judgments. Reciprocity and international comity as grounds for recognition and enforcement of foreign judgments. The Hague Convention on the Recognition and Enforcement of Foreign Judgments: prospects and challenges. Asian Principles for the Recognition and Enforcement of Foreign Judgments. ALI Principles of Effective Enforcement. Principles of Transnational Civil Procedure.

Preparation tasks:

1. Describe the role of the Hague Conference on Private International Law in the advancement of international civil procedure.

2. Describe the main provisions of the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. Can the document be reasonably expected to enter into force?

3. Prepare for a discussion on the relationship between private international law and international civil procedural law.

4. Write an essay on one of the following topics:

- The main frameworks for determining judicial jurisdiction;
- The main frameworks for the recognition and enforcement of foreign judgments.

5. Prepare a brief presentation on one of the projects in the field of international civil procedure being developed by the Hague Conference on Private International Law.

6. What role do the principles of reciprocity and comity play in the recognition and enforcement of foreign judgments? Cite some examples from the judicial practice of the Russian Federation and foreign countries.

Practical session 9. Academic research in the field of arbitration and conciliation

1. The work of the UNCITRAL Commission on International Trade Law in the field of arbitration and conciliation:

Draft provisions on expedited arbitration;

Guide to the adoption and application of the UNCITRAL Model Law on International Commercial Mediation and International Settlement Agreements Resulting from Mediation;
Draft UNCITRAL Mediation Rules and draft UNCITRAL Mediation Notes.

2. The work of the International Council for Commercial Arbitration (ICCA):
Third-party funding in international arbitration;
Damages in international arbitration;
Cybersecurity in international arbitration;
Standards of practice in international arbitration;
Data protection in international arbitration;
Gender diversity in arbitral appointments and proceedings;
The right to a physical hearing in international arbitration.
3. The work of the International Bar Association in the field of international arbitration:
Rules on Taking of Evidence in International Arbitration 2010 & 2020;
Guidelines on Conflict of Interest in International Arbitration 2014;
Guidelines on Party Representation in International Arbitration 2013;
Guidelines for Drafting International Arbitration Clauses 2010;
Investor-State Mediation Rules 2012.
4. New dispute resolution tools: SCC Express and others.
5. Arbitration in the context of the pandemic: challenges, opportunities, and prospects.
6. Human rights arbitration.
7. Arbitration and climate change.
8. Research on digitalization of arbitration and mediation.
9. Prospects for the future of investment arbitration. The work of UNCITRAL in the field of investment arbitration. The work plan for reforming the Investor-State Dispute Settlement (ISDS) system and resource requirements. Draft code of conduct. Appellate mechanism and enforcement issues. Selection and appointment of ISDS tribunal members. Prevention of disputes and conciliation. Interpretation of investment treaties by the parties. Cost coverage and frivolous claims. Multiple proceedings and counterclaims. Multilateral instrument on ISDS reform.

Preparation tasks:

Prepare a brief essay on the topic:

“International arbitration in the 21st century: issues, trends, and prospects for the future.”

2. Prepare a presentation on one of the projects developed by one of the following organizations:

International Council for Commercial Arbitration (ICCA);
International Bar Association (IBA);
International Chamber of Commerce (ICC) etc.

2.4. Independent work

Students perform the following types of independent work:

Analysis of current legal and regulatory acts;

Writing essays and research papers;

Preparing reports;

Developing projects;

Case study;

Conducting information searches;

Multimedia presentations.

When performing independent work, students should first review the available academic and monographic literature as well as legal materials. The list of necessary sources is can be accessed in the literature and legal materials sections of this syllabus (Section IV "Educational and Methodological Support").

The selected topics may be discussed during practical sessions via debates, colloquia, and business games.

Note that most sources are available exclusively in English, requiring students to possess the appropriate knowledge and skills.

Tasks for independent work (all study modes)

Topic No. 1

Task 1. Prepare a presentation on one of the following topics:

The subject matter of private international law;

The concept of foreign element in private international law.

The legal framework of private international law;

The interplay between private international law and public law

Private international law and branches of public law.

Task 2. Prepare a presentation on the work of one of the organizations in the field of private international law.

Topic No. 2

Task 1. Prepare a presentation on one of the following topics:

Renvoi (remission) and reference to the law of a third country (transmission);

Conflict of characterizations;

Preliminary question;

Adaptation of conflict rules;

Evasion of law;

Determination of the content of foreign law.

Task 2. Review the procedure for drafting an opinion on the content of foreign law. Prepare a draft opinion on the content of the legal system specified by your professor on the matter indicated by your professor.

Topic No. 3

Task 1. Prepare a presentation on the topic:

The legal status of foreign natural persons in private international law;
The legal status of foreign legal entities in private international law;
Modified theories for determining the personal law of legal entities;
Trends in the regulation of the legal status of legal entities;
Harmonization of the legal regulation of the status of legal entities in the EU;
The fate of European companies following the UK's exit from the EU;
Trends in the evolution of state immunity.

Topic No. 4

Task 1. Prepare a presentation on the topic:

The legal nature of the principle of party autonomy;
Restrictions on the choice and application of foreign law;
The issue of parties choosing a law under which the contract is deemed null and void.;
The concept and content of lex mercatoria.

Topic No. 5

Task 1. Prepare a presentation on the topic:

The evolution of conflict regulation of cross-border tort obligations;
Party autonomy in choosing the governing law for tort obligations;
Trends in conflict regulation of cross-border non-contractual obligations.

Topic No. 6

Task 1. Prepare a presentation on the topic:

Surrogacy across the world: specifics of legal regulation;
Protection of children's rights during the COVID-19 pandemic;
The work of the Hague Conference on Private International Law in the field of cross-border marital and family relations.

Topic No. 7

Task 1. Prepare a presentation on the topic:

Specific features of inheritance of shares/participation interests;
Characterization of property included in the estate;
Conflict regulation of inheritance relations;
Estate planning in Russia and foreign countries.

Topic No. 8

Task 1. Prepare a presentation on the topic:

The interaction between private international law and international civil procedural law;

The content of international civil procedure;

The work of the Hague Conference on Private International Law in the field of international civil procedure.

Topic No. 9**Task 1. Prepare a presentation on the topic:**

Theories on the legal nature of international commercial arbitration;

The theory of delocalization of international commercial arbitration.

III.ASSESSMENT OF DISCIPLINE (MODULE) ACQUISITION**Essay and Research Paper Topics:**

1. Private International Law: concept and subject matter.
2. The concept of foreign element in private international law.
3. The place of private international law within the legal system.
4. The normative composition of private international law.
5. The relationship and interplay between PIL and public international law
6. Key international organizations in the field of private international law.
7. Human rights and private international law.
8. Renvoi (remission) and reference to the law of a third country (transmission).
9. Conflict of characterizations.
10. Preliminary question.
11. Adaptation of conflict rules.
12. Evasion of law.
13. Determining the content of foreign law.
14. Public policy exception.
15. Overriding mandatory provisions.
16. Criteria for determining the personal law of a natural person.
17. Nationality and personal law of a legal entity.
18. Control criterion.
19. Residency as a type of connection between a legal entity and a state.
20. Modified theories of determining the personal law of a legal entity.
21. Legal nature of state immunity.
22. Theories on the legal nature of party autonomy.
23. Restrictions on the choice of applicable law.
24. Specifics of choosing applicable law for consumer contracts.
25. Determining applicable law by international commercial arbitration in the absence of party agreement.
26. Trends in conflict regulation of cross-border non-contractual obligations.

27. Overriding mandatory provisions in the regulation of cross-border marital and family relations.
28. The principles of the most favorable law and the closest connection in cross-border marital and family relations.
29. Trends in conflict regulation of cross-border inheritance.
30. The work of the Hague Conference on Private International Law in the field of international civil procedure.
31. Trends in the evolution of international commercial arbitration.
32. Theories on the legal nature of international commercial arbitration.
33. The delocalization theory of international commercial arbitration.

Colloquium topics:

1. The concept of foreign element in private international law.
2. The place of private international law within the legal system.
3. The normative composition of private international law.
4. The relationship and interplay between PIL and public international law
5. Human rights and private international law.
6. Renvoi (remission) and reference to the law of a third country (transmission).
7. Conflict of characterizations.
8. Preliminary question.
9. Adaptation of conflict rules.
10. Evasion of law.
11. Determining the content of foreign law.
12. Public policy exception.
13. Overriding mandatory provisions.
14. Criteria for determining the personal law of a natural person.
15. Nationality and personal law of a legal entity.
16. Control criterion.
17. Residency as a type of connection between a legal entity and a state.
18. Modified theories of determining the personal law of a legal entity.
19. The CJEU precedents on matters related to the exercise of legal entities' freedom to conduct a business (freedom to provide services)..
20. Harmonization of the legal status of legal entities within the EU.
21. The fate of European companies in following the UK's withdrawal from the EU.
22. Legal nature of state immunity.
23. Theories on the legal nature of party autonomy.
24. Restrictions on the choice of applicable law.
25. Specifics of choosing applicable law for consumer contracts.
26. The work of the Hague Conference on Private International Law in the field of tourist protection.

27. Determining applicable law by international commercial arbitration in the absence of party agreement.
28. Trends in conflict regulation of cross-border non-contractual obligations.
29. Overriding mandatory provisions in the regulation of cross-border marital and family relations.
30. The principles of the most favorable law and the closest connection in cross-border marital and family relations.
31. The work of the Hague Conference on Private International Law in the area of cohabitation outside marriage, including registered partnerships.
32. The work of the Hague Conference on Private International Law in the field of child protection.
33. The work of the Hague Conference on Private International Law in the field of surrogacy.
34. Trends in conflict regulation of cross-border inheritance relations.
35. The work of the Hague Conference on Private International Law in the field of international civil procedure.
36. Trends in the evolution of international commercial arbitration.
37. Theories on the legal nature of international commercial arbitration.
38. The delocalization theory of international commercial arbitration.
39. The Legal Guide to Uniform Instruments in the Area of International Commercial Contracts by the Hague Conference on Private International Law (HCCH), UNIDROIT, and UNCITRAL, with a focus on sales.
40. Application of lex mercatoria by national courts and international commercial arbitration tribunals.
41. Enforceability of awards grounded in lex mercatoria.

Test questions:

1. According to the prevailing approach, Private International Law (PIL) is considered:

- a) an independent branch of national law;
- b) a special part of civil law;
- c) a part of international law;
- d) a multisystemic entity.

2. The general method of PIL is:

- a) imperative;
- b) dispositive;
- c) conflict of laws approach;
- d) resolution of conflicts.

3. The primary method for regulating cross-border private law relations is:

- a) conflict of laws approach;
- b) substantive approach.

4. *According to the Russian legal doctrine, the normative framework of PIL includes:*

- a) national conflict rules;
- b) national substantive rules;
- c) unified conflict rules;
- d) unified substantive rules;
- e) norms of international civil procedure;
- f) norms of international commercial arbitration;
- g) all of the above.

5. *The substantive approach is implemented through:*

- a) the Constitution of the Russian Federation;
- b) Chapter VI of Part Three of the Civil Code of the Russian Federation;
- c) rules of foreign law;
- d) international treaties;
- e) all of the above.

6. *In Russia, conflict rules are found in:*

- a) Civil Code;
- b) Family Code;
- c) Arbitrazh (commercial) procedure code;
- d) Civil Procedure Code;
- e) Commercial Maritime Code;
- f) all of the above.

7. *The essence of a conflict-of-laws issue is that:*

- a) the judge resolves a conflict between a national rule and an international one;
- b) the judge resolves a conflict between the laws of different states, each claiming to govern the relationship at issue;
- c) the judge must characterize the relationship.

8. *Limping (inconsistently recognized) relationships refer to relationships:*

- a) that cannot be protected in court;
- b) where one party acts in bad faith;
- c) that are recognized and protected in one state but not in another.

9. *Application of dépeçage to (splitting of) the contractual statute refers to:*

- a) the concurrent application of several conflict rules to a single relationship;
- b) the concurrent application of several legal acts to a single relationship;
- c) party autonomy in subjecting different parts of a contract to different national laws

10. Primary characterization refers to:

- a) the characterization of the concepts comprising a conflict rule;
- b) the characterization of foreign law concepts;
- c) the characterization of legal relationships in private international law.

11. The issue of primary characterization in Russian law is primarily resolved through:

- a) characterization by the law of the forum (lex fori);
- b) characterization by the applicable law (lex causae);
- c) autonomous characterization.

12. Evasion of law in private international law refers to:

- a) the violation of mandatory rules of domestic law;
- b) the deliberate misinterpretation of rules of law by one party to secure a favorable judgment;
- c) the parties' attempt to engineer a factual situation that leads to the application of a more favorable law.

13. Renvoi refers to:

- a) a situation where a domestic conflict rule refers to a foreign law, and that foreign law does not accept the referral;
- b) a reference to an international treaty incorporated into a parties' agreement;
- c) a reference to foreign substantive law.

14. Russian courts:

- a) accept renvoi;
- b) do not accept renvoi;
- c) accept renvoi only in matters concerning the legal status of natural persons.

15. Under Russian legislation, the duty to ascertain the content of foreign law lies with:

- a) the court;
- b) the parties;
- c) the Ministry of Justice of the Russian Federation;
- d) the Ministry of Foreign Affairs of the Russian Federation;
- e) generally, the court, but for claims related to entrepreneurial activity, the parties.

16. Retorsions are restrictive measures taken against:

- a) foreign individuals;
- b) foreign legal entities;
- c) foreign states.

17. To resolve the issue of applying the law of a country with multiple legal systems, Russian law refers to:

- a) the agreement of the parties;
- b) domestic conflict rules;
- c) foreign conflict rules.

18. Foreign law is applied by a Russian court as:

- a) law;
- b) fact;
- c) evidence.

19. The subjects of private international law are:

- a) natural persons;
- b) legal entities;
- c) the state;
- d) all of the above.

20. Under Russian law, the personal law of a legal entity is determined by:

- a) the place of incorporation;
- b) the place where its principal activity is carried out;
- c) the location of its management body;
- d) the law of the country of citizenship of its founders and shareholders.

21. The conflict principle of lex fori applies to:

- a) the choice of applicable substantive law;
- b) procedural matters;
- c) both.

22. The conflict-of-laws principle of lex loci damni means:

- a) the law of the place where the tort was committed;
- b) the law of the place where the damage occurred;
- c) the law chosen by the parties.

23. The conflict principle of lex benenitatis means:

- a) the law of the closest connection;
- b) the law most favorable to a party;
- c) the law of the place of marriage;
- d) the law of the place of performance of obligations.

24. The principle of party autonomy in PIL refers to:

- a) the right of the parties to choose the applicable law;
- b) the independence of the parties' will from third parties;
- c) the right of parties to a private legal relationship involving a foreign element to independently determine the content of their contract.

Knowledge assessment criteria:

91-100% correct answers – Excellent

81-90% – Good

71-80% – Satisfactory

70% or less – Unsatisfactory

Questions for the credit:

1. Academic debate around the concept and subject matter of private international law.
2. The concept of foreign element in PIL.
3. The place of PIL within the legal system.
4. The normative composition of PIL
5. The relationship and interplay between PIL and public international law.
6. PIL and branches of public law
7. Substantive, unilateral, and multilateral approaches.
8. Human rights and PIL
9. Renvoi (remission) and reference to the law of a third country (transmission).
10. Conflict of characterizations: doctrinal views
11. Preliminary question
12. Adaptation of conflict rules.
13. Fraud upon the law (fraude à la loi).
14. Public policy exception
15. Overriding mandatory provisions (“superimperative rules”) in Russian and foreign doctrine
16. Application of specific types of overriding mandatory provisions
17. Overriding mandatory provisions and public policy
18. Trends in the evolution of private international law regarding the personal law of natural persons.
19. Theories regarding the legal nature of a legal person.
20. The personal law and nationality of legal persons.
21. The nationality of a legal person: concept, scope, and role in diplomatic protection and investment disputes
22. Residence as a type of connection between a legal person and a state.
23. The relationship between the personal law and nationality of a legal person.
24. The doctrine of incorporation, the real seat doctrine, the theory of exploitation control, and the theory of control.
25. Modified theories for determining the personal law of legal persons.
26. Modern trends in regulating the legal status of legal persons.

27. The CJEU precedents on matters related to the exercise of legal entities' freedom to conduct a business (freedom to provide services).
28. Harmonization of the legal status of legal persons within the EU.
29. The fate of European companies following the United Kingdom's withdrawal from the EU.
30. State immunity: concept, legal nature, scope.
31. Trends in the development of the doctrine of foreign state immunity.
32. The principle of party autonomy: concept, theories, and their implications
33. Limitations on the choice of the applicable law in terms of regulation of contractual obligations in the Russian Federation and foreign countries: territorial, temporal, and other restrictions.
34. Mandatory (imperative) conflict rules, mandatory substantive rules, overriding mandatory substantive rules, public policy, contracts lacking a foreign element.
35. Limitations on party autonomy aimed at protecting the interests of the "weaker" party to the contract.
36. Floating choice-of-law clauses. Alternative choice-of-law clauses. Negative choice of law agreements.
37. Party autonomy in subjecting different parts of a contract to different national laws
38. Types of choice-of-law agreements: express and implied agreements.
39. Determination of the applicable law for cross-border (international) contracts by national courts in the absence of an agreement on the choice of law. The hypothetical will of the parties theory.
40. The characteristic performance doctrine as the primary approach for determining the objective contractual statute: concept, main elements, advantages, and disadvantages. Limitations on the application of the characteristic performance doctrine: protection of the "weaker" party, interests of commerce and legal order, and material factors.
41. The closest connection principle as a manifestation of the modern trend towards flexible conflict regulation.
42. Determination of the applicable law for cross-border (international) contracts by international commercial arbitration tribunals. The consequences of arbitrators violating the parties' agreement on the choice of applicable law.
43. Application of overriding mandatory provisions and public policy clauses in international arbitration. The concept of transnational (truly international) public policy.
44. Sources of a-national (non-state) regulation (lex mercatoria): concept and substance. Selection of lex mercatoria as the law applicable to cross-border (international) commercial contracts.
45. Application of lex mercatoria by national courts and international commercial arbitration tribunals. Enforceability of awards grounded in lex mercatoria.
46. Emergence and evolution of key connecting elements in the tort obligations.
47. Trends in conflict regulation of cross-border non-contractual obligations.

48. The interplay between private and public regulation of cross-border marriage and family relations.

49. Overriding mandatory provisions in the regulation of cross-border marriage and family relations

50. The child's right to maintain contact with parents residing in different countries.

51. The principle of the most favorable law and the principle of the closest connection in cross-border marriage and family relations.

52. The work of the Hague Conference on Private International Law in the area of cohabitation outside marriage, including registered partnerships

53. Family agreements involving children. Overview of the expert group's findings on cross-border recognition and enforcement of family agreements involving children. Practical Guide on Family Agreements under the Hague Conventions.

54. The Hague Convention on the Civil Aspects of International Child Abduction (1980). Tools for the effective application of the convention during the COVID-19 pandemic.

55. The work of the Hague Conference on Private International Law in the area of surrogacy.

56. Characterization of assets constituting the estate: inheritance of the most valuable part of movable property, inheritance of immovable property for the purpose of disposing of the statutory portion, changes in the composition of assets in cases of share splitting and dividend distribution, assets under residual disposition, inheritance of specific items, and the right to one-fourth of the total estate.

57. Inheritance advance: concept and regulation.

58. The concept and scope of application of the inheritance statute: transfer of the decedent's assets and liabilities, the rights of heirs and creditors to dispose of property.

59. Application of *dépeçage* to the inheritance statute: variety of statutes for inheritance of the statutory portion and contributions to share capital. Preliminary questions in cross-border inheritance relations.

60. Conflicts between the legal regimes of matrimonial property in terms of the inheritance statute. General and special rules applicable to cross-border inheritance

61. The concept and subject matter of international civil procedure. The concept of foreign element in civil procedure. The debate on the content of international civil procedure.

62. Judicial jurisdiction over cross-border private law disputes. Main frameworks for determining judicial jurisdiction

63. The work of the Hague Conference in the field of international civil procedure (Jurisdictional Project).

64. The work of the Hague Conference on Private International Law in the field of recognition and enforcement of foreign civil protection orders (Recognition and Enforcement of Foreign Civil Protection Orders).

65. The e-APP Project.

66. Recognition and enforcement of foreign judgments. Reciprocity and international comity as grounds for recognition and enforcement of foreign judgments.

67. The Hague Convention on the Recognition and Enforcement of Foreign Judgments: prospects and challenges.

68. Asian Principles for the Recognition and Enforcement of Foreign Judgments.

69. ALI Principles of Effective Enforcement. Principles of Transnational Civil Procedure.

70. The work of the UNCITRAL Commission on International Trade Law in the field of arbitration and conciliation

71. Third-party funding in international arbitration.

72. Damages in international arbitration.

73. Cybersecurity in international arbitration,

74. Standards of practice in international arbitration.

75. Data protection in international arbitration.

76. Gender diversity in arbitral appointments and proceedings.

77. The right to a physical hearing in international arbitration.

78. The work of the International Bar Association in the field of international arbitration:

79. Arbitration and climate change.

80. Research on digitalization of arbitration and mediation

81. Prospects for the future of investment arbitration.

82. The work of UNCITRAL in the field of investment arbitration. The work plan for reforming the Investor-State Dispute Settlement (ISDS) system and resource requirements. Draft code of conduct.

IV. EDUCATIONAL AND METHODOLOGICAL SUPPORT

1. Normative Legal Acts:

1. Civil Code of the Russian Federation (Part One), dated 30.11.1994, No. 51-FZ (as amended on 25.02.2022) // ConsultantPlus Legal Reference System.

2. Civil Code of the Russian Federation (Part Two), dated 26.01.1996, No. 14-FZ (as amended on 01.07.2021, with amendments as of 08.07.2021) (with amendments and additions effective from 01.01.2022) // ConsultantPlus Legal Reference System.

3. Civil Code of the Russian Federation (Part Three), dated 26.11.2001, No. 146-FZ (as amended on 01.07.2021) // ConsultantPlus Legal Reference System.

4. Civil Code of the Russian Federation (Part Four), dated 18.12.2006, No. 230-FZ (as amended on 11.06.2021) (with amendments and additions effective from 01.01.2022) // ConsultantPlus Legal Reference System.

5. Federal Law No. 290-FZ, dated 03.08.2018, "On International Companies and International Funds" (as amended on 26.03.2022) (with amendments and

additions effective from 26.04.2022) // Collection of Legislation of the Russian Federation, 06.08.2018, No. 32 (Part I), Art. 5083.

6. Arbitrazh (Commercial) Procedure Code of the Russian Federation, dated 24.07.2002, No. 95-FZ (as amended on 30.12.2021) (with amendments and additions effective from 10.01.2022) // Collection of Legislation of the Russian Federation, 29.07.2002, No. 30, Art. 3012.

7. Federal Law No. 382-FZ, dated 29.12.2015, "On Arbitration (Arbitral Proceedings) in the Russian Federation" (as amended on 27.12.2018) // Collection of Legislation of the Russian Federation, 04.01.2016, No. 1 (Part I), Art. 2.

8. Law of the Russian Federation No. 5338-1, dated 07.07.1993, "On International Commercial Arbitration" (together with the "Regulation on the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation" and the "Regulation on the Maritime Arbitration Commission at the Chamber of Commerce and Industry of the Russian Federation") // Rossiyskaya Gazeta, No. 156, 14.08.1993.

9. Decree of the President of the Russian Federation No. 592, dated 22.10.2018, "On the Application of Special Economic Measures in Response to Hostile Actions by Ukraine Against Citizens and Legal Entities of the Russian Federation" // Collection of Legislation of the Russian Federation, 29.10.2018, No. 44, Art. 6706.

2. Judicial Practice:

1. Resolution of the Supreme Court's Plenum No. 24, dated 09.07.2019, "On the Application of International Private Law Rules by the Courts of the Russian Federation" // Bulletin of the Supreme Court of the Russian Federation, No. 10, October 2019.

2. Resolution of the Supreme Court's Plenum No. 46, dated 23.12.2021, "On the Application of the Arbitration Procedure Code of the Russian Federation in the First Instance Court" // Bulletin of the Supreme Court of the Russian Federation, No. 3, March 2022.

3. Resolution of the Supreme Court's Plenum No. 18, dated 22.06.2021, "On Certain Issues of Pretrial Dispute Resolution in Civil and Arbitration Court Proceedings" // Rossiyskaya Gazeta, No. 144, 02.07.2021.

4. Resolution of the Supreme Court's Plenum No. 53, dated 10.12.2019, "On the Functions of Assistance and Control by Courts of the Russian Federation Regarding Arbitral Proceedings and International Commercial Arbitration" // Bulletin of the Supreme Court of the Russian Federation, No. 3, March 2020.

5. Note of the Presidium of the Arbitration Court of the Russian Federation No. 29, dated 16 February 1998, "Overview of Judicial and Arbitration Practice on Disputes Involving Foreign Parties" // ConsultantPlus Legal Reference System.

6. Note of the Presidium of the Arbitration Court of the Russian Federation No. 156, dated 26 February 2013, "Overview of Practice in Arbitration Courts Regarding the Application of Public Policy Clauses as Grounds for Refusing

Recognition and Enforcement of Foreign Judgments and Arbitral Awards" // ConsultantPlus Legal Reference System.

7. Note of the Presidium of the Arbitration Court of the Russian Federation No. 158, dated 09 July 2013, "Overview of Practice in Arbitration Courts Involving Foreign Parties" (together with an Overview of Judicial Practice on Certain Issues Related to Cases Involving Foreign Parties) // ConsultantPlus Legal Reference System.

3. Main literature:

1. Born G. International commercial arbitration: commentary and materials. – 2nd ed. – Transnational Publishers, Kluwer Law International, 2001. – 1149 p. – Режим доступа: <http://web.a.ebscohost.com/ehost/detail/detail?vid=6&sid=79a7b5c4-21ba-480a-a626-cdd9327cc277%40sdc-v-sessmgr03&bdata=Jmxhbm9cnU%3d#AN=69078957&db=lgs>

2. Moses M. The principles and practice of international commercial arbitration. – Cambridge University Press, 2008. – 340 p. – Режим доступа: <http://web.a.ebscohost.com/ehost/detail/detail?vid=5&sid=79a7b5c4-21ba-480a-a626-cdd9327cc277%40sdc-v-sessmgr03&bdata=Jmxhbm9cnU%3d#AN=69347254&db=lgs>

4. Additional literature:

1. Zasemkova O.F. The Impact of the COVID-19 Coronavirus Pandemic on Cross-Border Commercial Contracts // Legal Regulation of Contractual Relations in Russia: Problems and Development Prospects: Collective Monograph. – Publ.: Asterion Center for Academic and Production Technologies, 2021. – Pp. 39-54. – Available at: <https://www.elibrary.ru/item.asp?id=48037697>

2. Zasemkova O.F. Civil Law Aspects of International Child Abduction: Issues Raised by the COVID-19 Pandemic // Bulletin of O.E. Kutafin University (MSAL). – 2022. – No. 1(89). – Pp. 57-66. – Available at: <https://www.elibrary.ru/item.asp?id=48213891>

3. Zasemkova O.F. On the Law Applicable to Stolen and Illegally Removed Cultural Property // Development and Application of International Law and Private International Law, 2021. – Pp. 82-90. – Available at: <https://www.elibrary.ru/item.asp?id=46275263>

4. Kanashevsky V.A. Issues of Public Policy and Characterization in Regulating Family Relations Involving Foreign Elements // Journal of Russian Law. – 2018. – No. 5. – Pp. 56-62. – Available at: \consultant\Consultant\cons.exe, MSAL local network.

5. Kanashevsky V.A. Conflict of Laws Issues in the Division of Marital Property Located Abroad // Law. – 2020. – No. 2. – Pp. 178-185. – Available at: \consultant\Consultant\cons.exe, MSAL local network.

6. Kanashevsky V.A. International Company as a Special Type of Legal Entity in Russia // Journal of Foreign Legislation and Comparative Law. – 2018. –

No. 6. – Pp. 104-108. – Available at: \consultant\Consultant\cons.exe, MSAL local network.

7. Kanashevsky V.A. The Problem of Characterization in Private International Law // Journal of Russian Law. – 2021. – No. 9. – Pp. 33-46. – Available at: \consultant\Consultant\cons.exe, MSAL local network.

8. Terentyeva L.V. Arbitration Clauses in Consumer Agreements // Law. Journal of the Higher School of Economics. – 2020. – No. 2. – Pp. 28-44. – Available at: \consultant\Consultant\cons.exe, MSAL local network.

9. Terentyeva L.V. The Criterion of Professional Party's Activities Directed at the Consumer's Country of Residence as a Condition for Special Conflict-of-Laws Regulation of Consumer Relations // Current Issues of Russian Law. – 2020. – No. 4. – Pp. 142-154. – Available at: \consultant\Consultant\cons.exe, MSAL local network.

10. Terentyeva L.V. The Principle of Close Connection in Determining Jurisdiction over Cross-Border Private Law Disputes // Bulletin of Arbitration Practice. – 2021. – No. 3. – Pp. 65-75. – Available at: \consultant\Consultant\cons.exe, MSAL local network.

11. A brief overview of the articles in the January 2018 issue of Business Law International. Business Law International [Internet]. 2018 Jan [cited 2021 Mar 17];19(1):1–3. Available from: <http://search.ebscohost.com/login.aspx?direct=true&db=lgs&AN=128653081&lang=ru>

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14. Beckman G. Teaching the International Aspects of Business Law. American Business Law Journal [Internet]. 1977 Spring [cited 2021 Mar 17];15(1):31. Available from: <http://search.ebscohost.com/login.aspx?direct=true&db=lgs&AN=7386600&lang=ru>

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16. Cuniberti G. The Laws of Asian International Business Transactions. Washington International Law Journal [Internet]. 2016 Jan [cited 2021 Mar 17];25(1):35–86. Available from: <http://search.ebscohost.com/login.aspx?direct=true&db=lgs&AN=112384620&lang=ru>

17. De Miguel Asensio P.A. Recognition and Enforcement of Judgements in Intellectual Property Litigation: the CLIP Principles. - <https://eprints.ucm.es/id/eprint/15214/1/Recognition-Tokyo-PDeMiguel.pdf>

18. *Dowie S.* Private International Law (Choice of Law in Tort) Bill: Member's Bill 181-2. - <http://www.legislation.govt.nz/bill/member/2016/0181/latest/whole.html>
19. *Droit des Societes: Avis et Rapports a Telecharger.* - Режим доступа: <https://hcjp.fr/droit-des-societes>
20. *Enriques L.* EC Company Law Directives and Regulations: How Trivial are They? - Режим доступа: <https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1188&context=jil>
21. *Feasibility Study on the Choice of Law in International Contracts: Special Focus on International Arbitration.* 2007. - <https://assets.hcch.net/docs/cc410cd1-252c-4b38-8acf-198f26c2f0b0.pdf>
22. *Final report: Study on the law applicable to companies.* - Режим доступа: <https://op.europa.eu/en/publication-detail/-/publication/259a1dae-1a8c-11e7-808e-01aa75ed71a1>
23. *Garcimartin F.* The Law Applicable to Companies in the European Union: A Proposal by the European Group for Private International Law. - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2857077
24. *Gerner-Beuerle C., Mucciarelli F., Schuster E., Siems M.* Making the Case for a Rome V Regulation on the Law Applicable to Companies // European Corporate Governance Institute – Law Working Paper. 2020. – No. 549. – Режим доступа: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3720574
25. *Guide on the Law Applicable to International Commercial Contracts in the Americas* 2019. - Режим доступа: http://www.oas.org/en/sla/dil/publications_Guide_Law_Applicable_International_Commercial_Contracts_Americas_2019.asp
26. *Günther L.* German Federal Labour Court of Foreign Mandatory Rules and the Principle of Cooperation Among EU Member States. - <http://conflictoflaws.net/2015/german-federal-labour-court-on-foreign-mandatory-rules-and-the-principle-of-cooperation-among-eu-member-states>
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28. *Mandatory Rules and Public Policy: Project is co-financed by the European Union.* - https://www.era-comm.eu/Visegrad/kiosk/pdf/speakers_contributions/116DT35Grajdura_mandatory.pdf
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31. Overriding 'mandatory Provisions in Private International Law and Arbitration. - Режим доступа: https://eltelawjournal.hu/wp-content/uploads/2020/12/ELJ-2020-1_WEB.pdf
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40. Wenger J. ASIL Guide to Electronic Resources for International Law: International Economic Law. - <http://www.asil.org/iel1.cfm>
41. Walter U. Kommentar zum IPR-Gesetz. - <https://www.jusline.at/gesetzeskommentare/456456888>
42. Weiss K. Switzerland: Treatment of Trusts in Switzerland. - <http://www.mondaq.com/x/202962/Trusts/Treatment+of+Trusts+in+Switzerland>

V. LOGISTICS AND SOFTWARE SUPPORT FOR THE DISCIPLINE (MODULE)

5.1. Provision of the educational process with other library and information resources and means of ensuring the educational process

Students are provided with access (remote access) to modern professional databases and information reference systems. The full-text work program of the academic discipline (module) is posted on the Digital scientific, educational and

social Network of the University (hereinafter - CNOSS), in the system of which the "Electronic personal cabinets of the student and scientific and pedagogical worker" function. Access to the materials is possible by entering an individual password. CNOSS is designed to create a personality-oriented information and communication environment that ensures information interaction between all participants in the educational process of O.E. Kutafin University (MSAL), including providing them with publicly available and personalized reference, scientific, educational, and social information through services based on applied information systems of O.E. Kutafin University (MSAL).

Throughout the entire period of study, each student is provided with individual unrestricted access to electronic library systems (e-libraries) and to the electronic information and educational environment of the O.E. Kutafin University (MSAL). In addition to the electronic libraries of the Kutafin University (MSAL), it is provided with individual unrestricted access to all remote electronic library systems, databases and legal reference systems connected at the O.E. University. Kutafina (MSAL) on the basis of licensing agreements, and having adapted versions of websites for students with disabilities.

The electronic library system (e-library) and the electronic information and educational environment provide simultaneous access for 100 percent of students from anywhere with access to the Internet information and telecommunications network, both on the territory of the O.E. Kutafin University (MSAL) and outside it.

The Library's electronic resource collection includes the following legal reference systems, databases, and electronic library systems:

5.1.1. Reference and legal systems:

1.	IS "Continent"	Third party	http://continent-online.com	LLC " legal integration agency "continent", contract: - № 20040220 dated 02.03.2020 from 20.03.2020 by 19.03.2021; - №21021512 dated 16.03.2021 from 20.03.2021 by 19.03.2022; - № 22021712 dated 09.03.2022 from 20.03 2022 by 19.03.2023; - № 23020811 dated 06.03.2023 from 20.03.2023 by 19.03.2024; - № 240020711 dated 14.03.2024 from 20.03.2024 by 19.03.2025; - № 25021313 dated 11.03.2025 from 20.03.2025 by 19.03.2026
2.	West Law Academics	Third party	https://uk.westlaw.com	Branch of Joint Stock Company Thomson Reuters (Markets) Europe SA, agreements: - №RU03358/19 dated 11.12.2019, from 01.01.2020 to 31.12.2020;

				<ul style="list-style-type: none"> - № EB-6/2021 dated 06.11.2020 from 01.01.2021 to 31.12.2021; - № ER-5/2022 dated 27.10.2021, access period from 01.01.2022 to 31.12.2022; - № 32211783551 dated 16.11.2022 from 01.01.2023 to 31.12.2023; - № ER-4/2023 dated 30.11.2023 from 01.01.2024 to 31.12.2024; - № ER-3/2025 dated 29.10.2024 from 01.01.2025 to 31.12.2025
3.	Consultant-Plus	Third party	http://www.consultant.ru	Open license for educational organizations
4.	Garant	Third party	https://www.garant.ru	Open license for educational organizations

5.1.2. Professional data bases:

1.	Collections of full-text e-books of the EBSCOhost information resource eBook Collection database	Third party	http://web.a.ebscohost.com	TSNI NEICON LLC, contract No. 03731110819000006 dated 06/18/2019 for an indefinite period
2.	National Electronic Library (NEB)	Third party	https://rusneb.ru	Federal State Budgetary Institution "Russian State Library", agreement No. 101/NEB/4615 dated 08/01/2018 from 08/01/2018 to 07/31/2023. (gratuitous)
3.	B.N. Yeltsin Presidential Library	Third party	https://www.prilib.ru	Federal State Budgetary Institution "Presidential Library named after B. N. Yeltsin, Agreement on Cooperation No. 23 dated 12/24/2010, indefinitely
4.	NEB eLIBRARY.RU	Third party	http://elibrary.ru	LLC "RUNEB", contract: <ul style="list-style-type: none"> - № ER-1/2020 dated 17.04.2020 from 17.04.2020 to 16.04.202; - № ER-2/2021 dated 25.03.2021 from 25.2021 to 24.03.2022; - № ER-3/2022 dated 04.03.2022 from 09.03.2022 to 09.03.2023; - № SU-1494/2023 dated 22.03.2023 from 27.03.2023 to 26.03.2024;

				- № SU-1494/2024 dated 28.03.2024 from 03.04.2024 to 02.04.2025; - № ER-1/2025 dated 21.03.2025 from 03.04.2025 to 02.04.2026.
5.	LitRes: Library	Third party	http://biblio.litres.ru	LLC "litres", contract: - 290120 / B-1-76 from 12.03.2020 since 12.03.2020 on 11.03.2021; - ++160221 / V-1-157 from 12.03.2021 since 12.03.2021 on 11.03.2022; - Extravr-6/2022 from 18.03.2022 since 18.03.2022 on 17.03.2023; - ++130223 / B-1-136 from 02.03.2023 since 18.03.2023 on 17.03.2024; - 210224/it-B-181 from 05.03.2024 since 18.03.2024 on 17.03.2025 - № 180225/ it-B -178 dated 24.02.2025 from 18.03.2025 to 17.03.2026.

5.1.3. Electronic library systems:

1.	ELS ZNANIUM.COM	Third party	http://znanium.com	Scientific Publishing Center ZNANIUM LLC, contracts: - No. 3489 bs dated 14.12.2018 from 01.01.2019 to 31.12.2019; - No. 3/2019ebs dated 29.11.2019 from 01.01.2020 to 31.12.2020; - No. 3/2021 ebs dated 02.11.2020 from 01.01.2021 to 31.12.2021; - No. 1/2022эбс dated 01.10.2021 from 01.01.2022 to 31.12.2022; - No. 32211747575эбс dated 07.10.2022 from 01.01.2023 to 31.12.2023. - № ER-3/2023 dated 11/30/2023 from 01.01.2024 to 12/31/2024 № ER-2/2025 dated 23.10.2024 from 01.01.2025 to 31.12.2025
2.	ELS Book.ru	third party	http://book.ru	LLC "KnoRus Media", agreements: - No. 18494735 dated 12/17/2018

				<p>from 01/01/2019 to 12/31/2019;</p> <ul style="list-style-type: none"> - No. EB-2/2019 dated 11/29/2019 from 01/01/2020 to 12/31/2020 - No. EB-4/2021 dated 11/02/2020 from 01/01/2021 to 12/31/2021; - No. ER-4/2022 dated 01.10.2021 from 01.01.2022 to 31.12.2022; - No. 32211783653 dated 21.10.2022 from 01.01.2023 to 31.12.2023. - № ER-2/2023 dated 11/30/2023 from 01.01.2024 to 12/31/2024. - № ER-1/2025 dated 14.10.2024 from 01.01.2025 to 31.12.2025
3.	VChZ RSL (Virtual reading room of the Russian State Library)	Third party	https://search.rsl.ru/	<p>Federal State Budgetary Institution "Russian State Library", agreement No. 32312116538 dated 02/14/2023 from 03/02/2023 to 03/01/2024.</p> <ul style="list-style-type: none"> - № 095/04/0025 dated 02/26/2024 from 03/02/2024 to 03/01/2025. - № 095/04/0019 dated 24.02.2025 from 02.03.2025 to 01.03.2026
4.	ELS Yurait	Third party	http://www.biblio-online.ru	<p>Yurait Electronic Publishing House LLC, agreements:</p> <ul style="list-style-type: none"> -No. EB-1/2019 dated 01.04.2019 from 01.04.2019 to 31.03.2020; - No. EB-1/2020 dated 01.04.2020 from 01.04.2020 to 31.03.2021 - No. ER-1/2021 dated 23.03.2021 from 03.04.2021 to 02.04.2022; - No. ER-7/2022 dated 03/09/2022 from 04/03/2022 to 04/02/2023; - No. 32312233331 dated 03/29/2023 from 04/03/2023 to 04/02/2024.

				- №ER-1/2024 dated 03/25/2024 from 04/03/2024 to 04/02/2025
5.	ELS "Justitsinform"	Third party	https://elknigi.ru/	LLC "Legal House "Yustitsinform", agreement No. ER-1/2023 dated 03/30/2023 from 04/05/2023 to 04/04/2024. - № ER-2/2024 dated 03/29/2024 from 04/05/2024 to 04/04/2025.
6.	ELSProspect	third party	http://ebs.prospekt.org	OOO Prospect, contracts: -№ EB-1/2019 dated 03.07.2019 from 03.07.2019 to 02.07.2020; -№ EB-2/2020 dated 03.07.2020 from 03.07.2020 to 02.03.2021; -№ ER-3/2021 dated 21.06.2021 from 03.07.2021 to 02.07.2022; - 32211498857 dated 24.06.2022 from 03.07.2022 to 02.07.2023. -- №32312506505 from 27.06.2023 to 03.07.2023 by 02.07.2024 - Extravr-3/2024 from 13.06.2024 since 04.07.2024 by 03.07.2025

O.E. Kutafin University (MSAL) is provided with the necessary set of licensed software, which is subject to annual updates.

5.2. The list of software installed on computers involved in the educational process in the academic discipline (module)

All classrooms involved in the educational process of implementing the academic discipline (module) are equipped with the following software:

№	Software Description	Software name, software environment, DBMS	Type of licensing
Software installed on the workstation			
1.	The operating system	Windows 7	License
		Windows 10	License
		Under contract: ++ 32009118468 from 01.06.2020 ++ 31907826970 from 27.05.2019 ++ 31806485253 from 20.06.2018 ++ 31705236597 from 28.07.2017 ++ 31604279221 from 12.12.2016	
2.	Antivirus protection	Kaspersky Workspace Security	License

		Under contract: ++ 31907848213 from 03.06.2019 ++ 31806590686 from 14.06.2018 ++ 31705098445 from 30.05.2017 ++ 31603346516 from 21.03.2016	
3.	Office packages	Microsoft Office	License
		Under contract: ++ 32009118468 from 01.06.2020 ++ 31907826970 from 27.05. 2019 ++ 31806485253 from 21.06.2018 ++ 31705236597 from 28.07.2017 ++ 31604279221 from 12.12.2016	
4.	Archivers	7-Zip	An open license
		WinRar	An open license
5.	Internet Browser	Google Chrome	An open license
6.	A program for viewing PDF files	Adobe Acrobat reader	An open license
		Foxit Reader	An open license
7.	A program for viewing DJVU files	DjVu viewer	An open license
8.	Codec Package	K-Lite Codec Pack	An open license
9.	Video Player	Windows Media Player	Bundled with the OS
		vlc pleer	An open license
		flashpleer	An open license
10.	Audio Player	Winamp	An open license
12.	Legal Reference Systems (SPS)	Consultant plus	An open license
		Garant	An open license

O.E. Kutafin University (MSAL) has a material and technical base that complies with current fire safety rules and regulations, and provides for all types of disciplinary and interdisciplinary training, practical and research work for students provided for in the curriculum. The implementation of the discipline (module) involves classrooms for lecture-type classes, seminar-type classes, group and individual consultations, ongoing monitoring and intermediate certification, as well as rooms for independent work and rooms for storage and preventive maintenance of educational equipment. For conducting lecture-type classes, students are offered sets of demonstration equipment and educational and visual aids that provide thematic illustrations that are stored on electronic media.

5.3. Premises for independent work of students

Facilities for independent work of students:

1. The Library's territory at 9 Sadovaya-Kudrinskaya St., Moscow, building 1, is equipped with computer equipment with the ability to connect to the Internet and provide access to the University's EIOS and includes:

1) Electronic reading room with 110 seats: student double table – 42 pcs., student triple table – 7 pcs., chair for individual work – 5 pcs., chair – 79 pcs., student computer – 76 pcs., Epson EB-1880 motorized lift projector – 1 pc., Projecta screen with electronic drive – 1 pc. The electronic reading room is located on the ground floor, designed for the disabled and people with disabilities, the workplaces in the

reading room are equipped with modern ergonomic monoblocks with high-quality screens, as well as audio headsets. Set of tools: workplace with increased space – 2 pcs., "overhead" type headphones – 1 set, manual magnifier for reading 90mmx13.5mm – 1 pc., Fresnel lens in a vinyl frame 300*190 – 1 pcs.

2) Reading rooms with 65 seats: student double table – 24 pcs., student triple table – 5 pcs., chair for individual work – 2 pcs., chair – 54 pcs., student computer – 12 pcs.

3) Scientific literature subscription for 4 seats: student single table – 4 pcs., student computer – 4 pcs., chair – 4 pcs.

2. The Library territory at 72 Shitova Embankment, bldg. 3, Moscow, is equipped with computer equipment with the ability to connect to the Internet and provide access to the University's EIOS and includes: Reading room with 62 seats: student double table – 31 pcs., chair – 25 pcs., student computer – 16 pcs.

3. The territory of the Library at 13 Bakuninskaya St., Moscow, includes: A reading room with 30 seats: a double student table – 12 pcs., a chair – 30 pcs., a laptop (with the ability to connect to the Internet and provide access to the University's EIOS) – 7 pcs.