

institutions and the development of the institute of protection of intellectual property rights.

All in all, protection of intellectual property plays a vital role in civilian purposes, business development and ensuring the rights of others to receive high-quality products, as well as in protecting property from infringement by the other parties involved. Not protecting IP can lead to loss of income, reputation, moreover, IP can be stolen – so, to prevent these negative consequences it is needed to issue ownership of the intellectual property competently and in accordance with the law.

## **FRAUD**

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Fraud is an intentional perversion of truth in order to induce another to part with something of value or to surrender a legal right. It is sometimes described as a deliberate misrepresentation of fact for the purpose of depriving someone of a valuable possession or legal right. It is recognized as one of the most commonly committed torts of our times. As a legal construct, fraud is both a civil wrong and a criminal wrong.

If looked closely, every fraud is merely a scheme. There is an infinite number of various ways to trick people into submission of their own goods and rights to the fraudster. The most common ways of deceit include:

1) forgery – faking a check, making others believe, that there is a sufficient amount of money on your account.

2) imposing – giving yourself for another man, i.e. faking your identity.

3) creating financial schemes (also known as financial pyramids).

4) mail and wire fraud – using phone or mail to deceive other people.

It is vital to fight fraud, as companies all around the world are losing 5 to 10% of their income due to fraud and other similar criminal activity (resulting in losing 160 000 \$ annually). The most effective method to fight fraud is analytics. Every money loss could be detected through careful analytics and income/outcome analysis. Another method is staying awake and being on your toes, keeping your attention on strange people, pleas and so on. If you happen to find out any information about a real fraud you should contact the police as soon as possible.

One of the most notable examples of fraudster in history is Frank Abagnale, who was known as one the most successful imposter and check forger in history. He escaped from police custody twice. He impersonated airline pilots, teaching assistants, doctor and even attorney. After five years spent in a prison,

he was released by government on a condition that he help the federal authorities to investigate fraud crimes.

Another notorious fraudster is Sergei Mavrodi, a founder of MMM, a series of financial pyramids. The company started attracting money from private investors, promising annual returns of up to 1000%. Soon his company started aggressive TV ad campaign in order to attract new investors among citizens and other companies. It was so successful, that they started to count money in roomfuls! He was later arrested and sentenced for tax evasion and fraud.

In conclusion, it is to be said that fraud is undoubtedly dangerous crime, putting at risk not only financial condition of a victim, but also victim's life. But it is not only fraudsters to blame for this injustice. If you don't keep an eye out for strange offers you will end up tricked and left with no money or even your own personality.

#### **Literature**

1. Basic legal concepts: <http://www.journalofaccountancy.com/>
2. Green, Stuart P. Lying, Cheating, and Stealing: A Moral Theory of White Collar Crime. OUP, 2006
3. Cohen F. Frauds, Spies, and Lies – and How to Defeat Them. ASP Press, 2006

## **THE FEATURES OF CRIMINAL PROCEDURE IN ENGLISH-SPEAKING COUNTRIES**

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Criminal procedure involves a set of rules through which a government enforces criminal laws. American criminal procedure as English one provides for two processual orders:

- 1) jurisdiction which demands to file an information (an Information in Criminal Law – a document which must be filed with the court to start a proceeding) or an indictment;
- 2) summary jurisdiction.

The first order is used for felonies – a category of serious crimes that are punished by death or imprisonment over one year. If a punishment equals exactly one year or less, a crime is classified as a misdemeanor (a crime that is not very serious) - in that case the second order of criminal prosecution is applied. Nevertheless an accused has a right to be judged by a jury if he is charged with crime, which is punished deprivation of liberty over six months. That is the reason why a part of the misdemeanors under the concrete circumstances may be proceed in the same order that the felonies do. Nowadays many common law countries, including England, have abolished the traditional felony/misdemeanor distinction as archaic, although in the United States such division is still widely