

## substantive sanctions for violation of Pre-sale building Act

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### *Abstract*

Pre-sale building Act is a specific Act that enacted for organizing Pre-sale building agreements and setting the relationship between parties of this agreements. the important effect of this Act is that it changes the Pre-sale building agreements into specified contract which was a unspecified one before approval of this Act. The Act includes matters and orders that it is so important to study their sanctions, such as the articles 1 and 2: being followed by all agreements signed in any format and any title, and also, determining and counting the people who can make a Pre-sale building agreements and also anticipating the compulsive arbitrary. this paper is seeking to provide solutions by surveying the substantive sanctions for violation of Pre-sale building Act

**Keywords:** Pre-sale building Act, specified agreement, Pre-sale building agreement, sanction.

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## Patent pool

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### *Abstract*

With globalization of economy and technological developments, using patents and technology transfer agreements have increased and the relationships between inventors have been widespread. Beside the contracts of "patent transfer" and "license", which are the most common technology transfer agreements, the above factors have led to the emergence of a new type of contract within the patent sphere known as "patent pool". In these contracts, the inventors join together in their inventions to produce or supply new technologies based on those inventions. In this article, besides reviewing the nature, characteristics, structure and specification of these contracts, the contractual relationship and how to end the contract will also be discussed.

**Keywords:** Patent pool, cross license, collective management, Intellectual Property, patent.

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## **Substantive and Procedural rules of Repentance in the Iranian penal legislation**

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### *Abstract*

The results of this dissertation show that, current Islamic penal code unlike the previous one, regulates the repentance and cites its rules in Hodud and Taazirat completely and accurately. Repentance is recognized in the majority of Had crimes. In Taazirat except for a few cases, Repentance does not Waive and remove the punishments, just mitigates them. Islamic penal code, has determined the procedural rules relating to repentance in some articles and hence, has made clear the task of the courts. making Unnecessary restrictions for accepting repentance in a few cases, is one of the criticism of new Islamic penal code. providing The clause of being Revealed and recognized the reformation and penance of perpetrator without determining a criterion is another criticisms of the code. After all as previously expected, new Islamic penal code has regulated the Repentance institution as a complete set, as well.

**Keywords:** Repentance, Had, Taazir, Reformation, Punishment.

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## Media court and procedural justice

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### *Abstract*

Establishment of a Special Court of Press and granting the guarantees provided for in Article 168 of the Constitution of the Islamic Republic of Iran to a wide range of press and media accused, has left Unjustified complications in the course of justice and providing basic rights of individuals, and has become an source of important damage from the legal view of point. some of these damages include of unjust inequalities in judicial investigations and violation of procedural justice proceedings without exception of press and media offences provided in principle 168 of constitution (being tried openly and in the presence of a jury). Provisions of the new Code of Criminal Procedure (2014) and recently passed political crime Act (2016) regarding to the Establishment of jury in accordance with principle 168 of constitution and following the courts to the principle of openness of trials and its exceptions, can be considered as starting point for evolution of defective procedure system of media offenses which will lead to a reduction of inequalities in press court.

**Keywords:** media court, media offence, procedural justice, political crime Act.

# **Rights Of The Accused In Under Supervision Stage In The Code of Criminal Procedure: A Comparative study With England Law**

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## *Abstract*

one of the most important authorities of judicial police officers is taking the accused under Supervision in Flagrant Offences. Certainly giving this authority to judicial police officers, which leads to deprivation of accused' freedom of movement in limited time, is based on the efforts in order to achieve principal interests as finding out the truth and reveal the fact in criminal cases as well obtaining evidences that make it possible to achieve this goal. Certainly necessities such as quickly gathering evidences and preventing of destruction, preventing accused from collusion with witnesses, Probable partners or assistants, especially in the early stages of the proceedings, justify the restrictions of accused rights. However, the necessity of protection of the rights of individual freedom and human dignity while maintaining social interest requires that defensive rights of accused to be recognized. Such a big matter was pale or ignored in the former codes of Criminal Procedure. According to the Code of Criminal Procedure of 2014, accused has enjoyed defensive rights such as the right to Silence, the right to have an attorney and the right to notice of charge in order to guarantee individual rights and freedom, and the Protection of human dignity. Such an approach is visible in the England law and especially the Police and Criminal Evidence act (1984) contains of Articles that prescribed numerous assignments for the police to ensure the accused' rights.

**Keywords:** under Supervision stage, Right to silence, Right to notice of charge, right to have an attorney, judicial Police officers, England Law.

# The jurisdicated courts of cross border Insolvency claims (Comparative study in the laws of Iran, USA and UNCITRAL model law (1997))

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## Abstract

Increasingly improvements in foreign commerce have promoted trading exchanges and merchants conclude different commercial contract in international level. However, they may fail in executing their financial commitment in such transactions and experience insolvency due to losses or happening different events. Therefore, international insolvency phenomenon especially a competent court to proceed with such kind of insolvency has become an important and radical issue for governments as well as legal and natural persons involved in commerce, since not only governments tend to pose their internal regulations but also there are two main systems in this regards worldwide: plurality system and unity system. Adopting and regulating identical laws on international insolvency would highly help to resolve legal problems on international commerce especially regarding the problems of insolvent creditors and settlement managers in taking a legal action and obtaining receivables from insolvent businessmen in other countries. Therefore, to establish a single procedure in international level, the United Nations Commission on International Trade Law (UNCITRAL) adopted a norm to which we address in present paper. Ultimately, one should say that to remove such challenge, global attitude should be toward synchronization of international insolvency regulations with UNCITRAL model laws. While the Model Law Principles don't have adaptation with the law of Iran and Iranian creditor law, It is necessary to avoid of absolute quotation of this law.

**Keywords:** cross-border Insolvency (International Bankruptcy ), jurisdicated courts, model law, businessman's domicile, Center of the Debtor's Main Interests.

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