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КОММЕРЧЕСКАЯ КОНЦЕССИЯ КАК ОДНО ИЗ НАПРАВЛЕНИЙ ВНЕШНЕЭКОНОМИЧЕСКОЙ ДЕЯТЕЛЬНОСТИ В РОССИИ

Данная статья рассматривает такое экономическое явление, как коммерческая концессия (франшиза). Франшиза является одним из главных направлений внешнеэкономической деятельности и одной из форм эффективного развития международного предпринимательства в условиях интеграции экономики России в международном экономическом пространстве. Автор проводит анализ проблем и перспектив развития данного вида экономической деятельности в России.

Ключевые слова: коммерческая концессия (франшиза), тенденции, современное общество, внешнеэкономическая деятельность, перспективы развития

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COMMERCIAL CONCESSION AS ONE OF THE DIRECTIONS OF FOREIGN ECONOMIC ACTIVITY IN RUSSIA

This article considers such an economic phenomenon as a commercial concession (franchise). The franchise is one of the main directions of foreign economic activity and one of the forms of effective development of international entrepreneurship in the context of the integration of the Russian economy in the international economic space. The author analyzes the problems and tendencies of development of this type of economic activity in Russia.

Keywords: commercial concession (franchise), trends, modern society, foreign economic activity, development

Nowadays, the phenomenon of globalization has affected all areas of the world economy. Globalization affects the performance of participants in economic relations in Russia. The relevance of this topic is due to the fact that commercial concession is one of the main directions in foreign economic activity and one of the forms of effective development of international entrepreneurship in the context of the integration of the Russian economy in the international economic space.

In accordance with paragraph 1, Art. 1024, Ch. 54 of the Civil Code of the Russian Federation under a contract of commercial concession, one party (right holder) undertakes to grant the other party (user) for a fee, for a period of time or without a term, the right to use in the user's business activity a complex of exclusive rights belonging to the right holder, including the right to a trademark, as well as rights to other, stipulated by the agreement, objects of exclusive rights, in particular, to a commercial designation, know-how [1].

It should be noted that, by its legal nature, a contract of commercial concession is consensual, paid, bilateral, fixed-term or unlimited [2]. In international practice, the term franchise is used for commercial concession. Consequently, the right holder is called the franchisor, and the user is called the franchisee. One of the key concepts in the franchise relationship system is a franchise (franchise package). It refers to the complete business system, including work manuals, software, documentation and other materials that the franchisor transfers to the franchisee. The variety of granted rights resulted in four main types of commercial concessions: product (the right to sell goods under the trademark of the right holder), production (the buyer's right to independently produce and sell the goods), service (the right to use the patented rights of the franchisor to carry out activities under the trademark of the rights holder) and entrepreneurial (the right to use the business model, as well as awareness of the competitive advantages of the company).

Currently, the largest foreign representative of the franchise network is a fast food restaurant Subway. On April 13, 2015, the Subway chain has 43,787 restaurants in 109 countries, ahead of McDonald's [3].

The main problem of this type of foreign economic activity is the legal framework. In international practice, commercial concession is called franchising. The difference between a franchise agreement and a commercial concession agreement is that in franchising the range of services and rights transferred under the agreement is wider. The set of intellectual property rights includes the use of protected commercial information, as well as organizational, technical and commercial assistance in business activities. Moreover, the franchisee does not have the right to include their business preferences in the contract. While the right holder and the user may specify the terms of the contract in accordance with their interests. This problem is very significant for the foreign economic activity of the Russian Federation, since the differences in legal bases limit the development of this market. It is believed that in the future the contract of commercial concession will be replaced by a franchise agreement applied worldwide. Russia recently opened a new direction in foreign economic activity – a commercial concession. At the moment, it is developing mainly in large cities. Moreover, it is the direction in which to invest money. Prospects for the development of commercial concession in Russia are great. The financial crisis most easily survived the franchise business. By 2020, the share of franchising in our country can reach up to 5% of GDP. Rated by Forbes magazine in 2017, where the 25 most popular franchises of the world were presented and created in Russia [6]. There is also growth potential in domestic franchised businesses. They occupy 40% of the market for all functioning franchise networks, according to the Russian Franchise Association.

Nowadays, globalization is increasingly affecting various areas of our lives. «Globalization is characterized by many different phenomena, such as the spread of information technologies and communication tools, the interdependence of financial markets and the unification of their participants, migration, the formation of a universal culture, and so on» [4, p. 20]. The impact of globalization on small business

is manifested in the growth of foreign economic activity, the widespread use of global information technologies, the unification of forms and business standards of entrepreneurial activity. The extent of the impact of globalization and the involvement of small enterprises in the country, which are an integral part of a market economy [5], largely depends on national characteristics, state policy in the field of foreign economic activity of small business, readiness and ability to counter the challenges of globalization based on national competitive advantages and using the best practices of small firms in foreign countries. The strengths and weaknesses of small businesses in Russia have been defined and studied in details. However, the external economic components of the activities of such type of organizations have not been subjected to in-depth and detailed analysis. The main reason is the national specificity of small business and the lack of the necessary resources to run the business abroad. Russian businesspersons doing business abroad have a number of problems related to the need to win tenders, difficulties in lending and export insurance, countervailing duties on subsidized goods, blocking price competition with anti-dumping legislation, poor quality products, and quantitative restrictions that apply in the EU.

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