

**From "Right of Property" to "Property Rights":  
A Comparative Review of the Evolution of the Notion of Property Rights**

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**Abstract**

During the history, the notion of property rights has been changed in legal systems, and different perspectives towards it have been emerged that we can classify these perspectives towards property rights into common and new ones. In this paper, these two perspectives have been studied in order to present a clearer conceptualization of property rights and it has been tried to compare and discuss the current perspectives in statute and comparative law, and the strengths and shortcomings of these perspectives were clarified. Finally, based on the analytical discussion, conclusions were made. Also the perspective that seemed to be realistic and had a scientific and logical justification was introduced to the reader and strengthened.

**Key words:** Real Right, Personal Right, Legal Property Rights, Economic Property Rights, Property as Bundle of Rights.

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**National Regime for Enforcement of  
Foreign Arbitral Awards in Iran**

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**Abstract**

Enforcement of foreign arbitral awards is one of the most important debates in international arbitration, as the ultimate goal of the arbitration is issuance of an effective and enforceable arbitral award. Review of different legal systems demonstrate that foreign arbitral awards will be enforced based on an applicable international convention, if any, otherwise, i. e. when no convention is applicable or the applicable convention is silent to some aspects of enforcement proceeding, foreign arbitral awards will be enforced based on national regime for this purpose. The same is true if the applicable convention includes the most favorable right provision and entitles the beneficiary of the award to select between national regime for enforcement of foreign arbitral awards and enforcement regime provided in the relevant convention and the beneficiary chooses the former one. In this essay the author has tried to explain the national regime for enforcement of foreign arbitral awards in Iran and raised another ground for enforcement of foreign arbitral awards based on assimilation of the said awards to national/domestic awards vis-à-vis the grounds like assimilation of foreign arbitral awards to foreign judgments or treating foreign awards as foreign deeds or contractual obligations.

**Keywords:** foreign arbitral award, national/domestic arbitral award, enforcement, national enforcement regime, conventional enforcement regime, foreign judgments, foreign deeds/documents, contractual obligation

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## A Comparative Study of Price Reduction in CISG and the Law of Iran

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### **Abstract**

To deliver the goods is a contractual obligation. Therefore, the seller should deliver them in accordance with the contract. Article 50 of CISG provides if the goods which are delivered are not confirmed with the contract the buyer may reduce the price. Price reduction is a kind of remedy. The aim of this paper is to identify this rule and to compare with the law of Iran. To achieve this it is necessary to consider conditions of price reduction in CISG and other law systems.

As a result of the paper it is true to say that price reduction is recognized in most of the law systems but it is not in the same approach. For example in Iran the buyer can reduce the price only if the delivered goods are divisible and if he can not require the seller to deliver confirmed goods.

**Key words:** To deliver the goods, Price reduction, Conformity of the Goods, Failure to deliver, Lack of conformity.

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### Wife's Heritance from Immovable Properties

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#### **Abstract**

Equivalence between men and women in rights of succession is the text of quran. But in some cases we can see difrences that exist between them. For example husband's inheritance portion in the case of wife's death is double, in comparision with wife's, in the case of husband's death. Or, as most Imamhah's jurists state,if wife died and her only inheritor was her husband ,all of the property belongs to him but if husband died and his only inheritor was his wife, only 1/4 of property belongs to her, not more.

Subject of this article is one of these deprivation. As most Imamah's jurists state; wives are deprived from possessing immovable properties and some other objects in the case of husband's death. In the other hand, some jurists- that they are in minority- refute their proofs and state that this kind of deprivation has not any root in Islam and Quran. We are going to prove this view in this article.

**Keywords:** Succession – wife's deprivation – immovable property – deprivation from lands

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**Comparative Study on Competent Forum for Civil Disputes of Trade Secrets  
Infringements on Digital Environment**

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**Abstract:**

Trade secrets, as confidential information and containing commercial importance, cause the privilege of a merchant to the other competitors. However, because of the special nature of trade secrets, this protection is not powerful and efficient. In addition, the development of internet environment has increased the challenges of this protection because it has provided the possibility of right infringement by millions of users in electronic environment; furthermore, there is not efficient legal control in this environment. The further challenge of this issue is that the trade secret owner do not sometimes know competent forum for taking an action against infringer. In spite of trademark and patent, there is no regional uniform provision for jurisdiction on trade secret disputes at regional or international level. Therefore, This article constitutes the survey of these challenges and the analytic-comparative study on legal systems such as Iranian Law.

**Keywords:** Trade Secrets, Digital Environment, Brussels Convention, Hague Convention, WIPO, Private International Law, Competent Forum and Iranian Law.

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**Etude de la Situation de la Science du Droit en Iran de L'arrive de L'islam a  
L'avenement de la Revolution Islamique**

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**Abstract:**

On peut distinguer trois périodes dans l'histoire du droit iranien. La première, qui dure jusqu'à l'établissement de la monarchie constitutionnelle en Iran, commence avec l'avènement de l'Islam dans ce pays. En cette période, le droit n'est que le droit islamique (le fiqh). Pour connaître le droit de ce temps, il faut connaître l'évolution du fiqh et son enseignement dans les écoles religieuses (howzah elmiyah). Cet enseignement est marqué par certaines caractéristiques basées sur la morale, étude à plein temps, bénéfice des textes classiques, non limitation temporelle etc. Après l'adoption de la monarchie constitutionnelle, la deuxième période commence. Les lois modernes sont approuvées par le parlement et un vrai système de droit positif, comparable aux droits des pays civilisés, est constitué en Iran. A cette époque, une école supérieure de droit et puis une faculté de droit et des sciences politiques, qui fait partie de l'Université de Téhéran, sont fondées lesquelles sont multipliées ultérieurement, tandis que à côté de ces écoles modernes, les Ecoles religieuses sont aussi actives. Le système de l'enseignement de droit est calqué sur le système occidental et particulièrement sur le droit français (avec quelques modifications ultérieures inspirées du système américain). Le système n'étant pas complètement conforme à la culture et aux besoins de la société iranienne, présentait des inconvénients sérieux.

**Keywords:** enseignement du droit, fiqh, howzah, lecture des textes, sources du droit.

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**Consumer Protection Legislations:  
Their Application and Effective Factors**

**PART I**

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**Abstract**

These days most countries enact comprehensive statutes incorporating regulations for consumer protection together with special rights and liabilities. Many of consumer law texts, unfortunately, are dedicated to explanation and interpretation of these acts and few embark on the description and interpretation of the necessary and substantial concepts in consumer protection, while these concepts determine the scope and limitation of the protection offered to consumers.

Apart from economic factors, in legal aspect it can be said that the precise ambit of these acts depend on three elements and their interpretation, i. e., Consumer, Supplier and their Legal Relationship including Consent to Consumption. In this article, each of these elements will be considered with a comparative study. This study will help lawmakers for enacting a suitable and comprehensive act in the field of consumer protection. The present article is rendered in two parts: In the first part, in addition to the preface, the notion of Consumer and effective factors in it will be studied. In the second part, Supplier and consent to Consumption coupled with a brief conclusion will be presented.

**Keywords:** Consumer, Supplier, Consumption Consent, Consumer Protection, Rights, Iranian Law.

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