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The television commercial is a great resource for ESL teachers and students. Authentic content, short episodes, and the combination of words and visual images make commercials the ideal source for innovative, fun, and meaningful classroom activities.

#### **References:**

1. Smith, A. & Rawley, L. A. (1997). Using TV Commercials to Teach Listening and Critical Thinking / A. Smith & L. A. Rawley // *The Journal of the Imagination in Language Learning and Teaching*. Vol.4. Retrieved from the web March 13, 2019. <http://www.njcu.edu/cill/vol4/smith-rawley.html>

## **THE COMMERCIAL CONCESSION AGREEMENT (FRANCHISING)**

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Even if the term "franchising" is unfamiliar to most consumers, they are familiar with the results of franchising. The most widely known results of franchising appear to be fast-food restaurants such as McDONALD'S or cosmetics retail shops such as YVES ROCHER.

So, what should we understand under this definition? Why has franchising become so popular in recent years? What is the greatest advantage of franchising agreement? I will try to give answers to these questions.

Although different definitions could be proposed, franchising may be described as an arrangement whereby one person (the franchisor), who has developed a system for conducting a particular business, allows another person (the franchisee) to use that system in accordance with the prescriptions of the franchisor.

To give the gist of it, such an example can be given: you have a restaurant, which has become popular among people due to the different factors, such as: methods of preparing food that produce a product of consistent quality, good siting of the restaurant, the design of employees' uniforms, the design of the buildings and billboards, etc. So, being so successful, you can impart your knowledge to franchisees to assist them in developing a new business in exchange for a financial benefit.

Business transactions can take a variety of forms; franchising arrangements are only one of them. In order to understand what a franchising arrangement is, it may be useful to compare it with some familiar agreements, such as retail sales agreements and standard licence arrangements.

**Retail sales arrangements** are governed by the traditional principles of civil and commercial law, such as contract law. The manufacturer or distributor makes a profit by selling his products to the retailer at a sufficiently high price.

**The standard licence arrangement** is one under which one person (the licensor), who is the owner of a right to prevent other persons from commercially exploiting or using certain intellectual creations (e.g., inventions, designs) or distinctive signs (e.g., marks, trade names), agrees not to exercise that right against a given person (the licensee) in exchange for a fee, and perhaps also subject to the licensor's control of such commercial exploitation or use.

Analyzing these, we come up to the conclusion that there are some distinguishing features among them: in a retail sales arrangement, the manufacturer and the distributor are usually independent of each other. In a standard licencing arrangement and in a franchising arrangement, the parties are independent but have a close working relationship defined by the terms of the licence agreement and franchise agreement, respectively. The income of each party is dependent on the combined efforts of both parties. The more successful the licensee's or franchisee's business becomes, the greater is the income for both parties.

In a retail sales arrangement, the seller does not exercise control over the manner in which the goods are sold by the buyer to the end user. In a licence arrangement that gives the licensee consent to use the licensor's mark, the owner of the mark will normally exercise some sort of control. Specifically with respect to a franchise arrangement, the franchisor will supervise not only the manner in which specific rights are used by the franchisee, but also prescribe the manner in which the fundamental aspects of the franchised system are managed.

In order to perceive more clearly the potential of franchising, a brief description of certain basic types of franchises is useful. Categorizing franchises on the basis of their function yields three principal types: processing franchises, distribution franchises and service franchises.

**Processing Franchises:** In a processing franchise, sometimes called a "manufacturing" franchise, the franchisor supplies an essential ingredient or technical knowledge to a processor or manufacturer. The franchisor will grant the franchisee authorization to manufacture and sell products under the marks of the franchisor.

**Service Franchises:** in a service franchise, the franchisor develops a certain service which is to be rendered by the franchisee, under the terms of the franchise agreement, to his customers. An example of a service franchise would be one involving the provision of automobile tuning or repair services, or the provision of credit card services.

**Distribution Franchises:** in a distribution franchise, the franchisor (or someone else on his behalf) manufactures the product and sells it to the franchisees. The franchisees then sell the products to customers, under the franchisor's trademark, in their own geographical areas. For example, the distribution of automobile fuel, cosmetics or consumer electronics can be carried out under franchises.

Once, the sides decided to enter into a contract, they should prescribe accurately provisions of it in order to prevent themselves from breaching of contract by another party. The typical provisions in a franchise agreement include: the rights and obligations of franchisor/ franchisee, miscellaneous provisions which deals with the possibility of the agreement being breached or terminated as well as its term and the means of renewal.

So, all in all, franchising agreement is profitable to both parties: for franchisee it is a chance of operating a successful business, even with no previous experience of running it, whilst for a franchisor it is a good way to get a financial benefit.

#### **References:**

1. Антошкіна В. К. Проблеми правового регулювання договору франчайзингу / В. К. Антошкіна, Г. В. Ключко // Вісник донецького національного університету, сер. В : економіка і право. – Вип. 2. – Т. 2. – 2010. – С. 549–553.
2. Паніна Ю. С. Правове регулювання договору франчайзингу в Європейському Союзі та Україні: дис. ... канд. юрид. наук / Ю. С. Паніна. – Ужгород, 2017. – 264 с.
3. Сидоров Я. О. Становлення інституту комерційної концесії в Україні (цивільно-правовий аспект): дис... канд. юрид. наук: 12.00.03 / Сидоров Я. О. – Національний ун-т внутрішніх справ. – Харків, 2004.
4. Українсько-англійський словник правничої термінології / [уклад. Л. В. Мисик]. – Київ, 1999. – 523 с.

## **CONCEPT, SIGNS AND MEANINGS OF THE MENTAL ELEMENT IN CRIME**

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When committing a crime in the mind of the criminal, certain psychological processes occur – the person evaluates his or her actions, in one way or another, anticipates its consequences, is guided by certain motives, tries to reach the corresponding goal. It is named a mental element. The purpose of the research is to investigate the topic and to explain the main features of subjective aspect in Ukraine.

The mental element in crime creates a psychological, that is, the subjective content of the crime, therefore, is its internal, in comparison with the objective, side. The subjective aspect of the crime is the internal aspect of the crime, that is, the psychic activity of the person, reflecting the attitude of his consciousness and will to the socially dangerous act that she is committing, and to its consequences. The meaning of the mental element is that, due to its correct definition: a) the proper qualification of the act is carried out and its separation from other crimes;