

## April – June 2021 New Titles Update

# **LAW**

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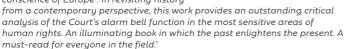


#### The European Court of Human **Rights**

#### Current Challenges in Historical Perspective

Edited by Helmut Philipp Aust, Freie Universität Berlin, Germany and ILA Study Group on 'The Role of Cities in International Law' and Esra Demir-Gürsel, Humboldt-Universität zu Berlin, Germany

'An original, unique and fundamental contribution to the widespread debate on the very idea of an international system for protecting human rights that directly affects the European Court of Human Rights, "the conscience of Europe". In revisiting history



- Françoise Tulkens, Former Vice-President of the European Court of Human



#### The European Restructuring **Directive**

Gerard McCormack, University of Leeds, UK and University of Vaasa, Finland

'In this excellent new book, Gerard McCormack adopts a contextual approach to the European Restructuring Directive, examining its implementation options against the choices which countries have made in the design of real-world restructuring tools. The book is both an invaluable guide to the principal features of the Directive, full of McCormack's trademark insights, and an invaluable reference on almost every aspect of restructuring law, from theory to the fundamental concepts which determine how a restructuring procedure is constructed.'



- Sarah Paterson, London School of Economics, UK

April 2021 c 336 pp Hardback 978 1 78990 880 0 £145.00 / \$230.00 eBook • Elgaronline

Elgar Corporate and Insolvency Law and Practice series

April 2021 c 296 pp Hardback 978 1 83910 833 4 £95.00 / / \$145.00 eBook · Elgaronline

#### **International Environmental Law**

Edited by Donald K. Anton, Australian National University and Griffith University, Australia

This two-volume set contains a representative selection of leading articles by outstanding scholars, practitioners, and policymakers in the field of international environmental law (IEL). Professor Anton has organized the contributions along three major lines; firstly, the papers explore the challenge of transnational environmental problems and the nature of IEL, including fundamental principles and concepts, actors, and compliance and enforcement. Secondly, the development and application of IEL in the context of specific  $regimes \ is \ explored, including \ atmosphere, oceans, and \ hazardous \ substances. \ Finally, the \ volumes \ examine \ how \ IEL \ interacts \ with \ other \ normal \ other \$ international legal regimes, including international trade and human rights. All the contributions reflect a broad diversity of views and cover the most important key areas currently debated in IEL.

Alongside an original introduction by the editor, this collection is a valuable tool for scholars, researchers, practitioners, and students with an interest in international environmental law.

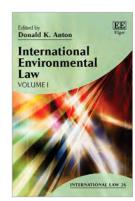
35 articles, dating from 1978 to 2014

Contributors include: D. Bodansky, J. Brunnée, D. Esty, S. McCaffrey, P.H. Sand, P. Sands, C. Stone, C. Tinker, E. Weiss

Series no. 26 Two volume set April 2021 (UK/Row) May 2021 (N/S America) c 1,592 pp Hardback 978 178347 670 1 £525.00 / \$845.00

International Law series

Digital version available exclusively on Elgaronline as a Research Literature Review

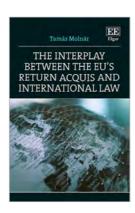


#### The Interplay between the EU's **Return Acquis and International**

Tamás Molnár, Corvinus University of Budapest, Hungary

'This book is not only an extremely interesting one on the return of irregular migrants that is a must read for migration specialists, but it is also an excellent essay about the complex subject of the autonomy of EU law and its relations with international law to recommend to all EU lawyers.'

- Philippe de Bruycker, Université Libre de Bruxelles, Belgium

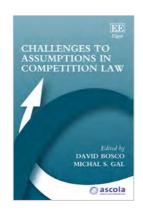


April 2021 c 272 pp Hardback 978 l 83910 522 7 £90.00 / \$130.00 eBook • Elgaronline

#### Challenges to Assumptions in **Competition Law**

Edited by David Bosco, Aix-Marseille Université, France and Michal S. Gal, University of Haifa, Israel

'This is an impressive book, featuring contributions from all over the world and organized around a critical, under-examined theme: What assumptions are relied on in competition law analysis, and are they fit for the purpose as applied to alobalized and digitalized markets? The reader will find some new voices and fresh thinking, as typically assembled and provoked by ASCOLA, the international academic society of competition law researchers."



- Eleanor Fox, New York University, US

April 2021 c 288 pp Hardback 978 1 83910 906 5 £95.00 / \$145.00 eBook · Elgaronline

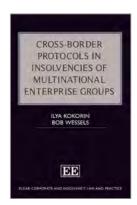
ASCOLA Competition Law series

#### **Cross-Border Protocols in** Insolvencies of Multinational **Enterprise Groups**

Ilya Kokorin and Bob Wessels, Leiden University, the Netherlands

'A long awaited and welcome analysis of insolvency protocols for over three decades, tracing their common foundations and developments, combining theoretical ambition and empirical depth, making this volume essential reading for practitioners, judges and scholars with an interest in solving complex cross-border insolvency problems.

- Richard A. Gitlin, former President of INSOL International and the American Bankruptcy Institute, US



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Elgar Corporate and Insolvency Law and Practice series

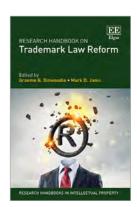
#### Research Handbook on **Trademark Law Reform**

Edited by Graeme B. Dinwoodie, Illinois Institute of Technology and Mark D. Janis, Indiana University Maurer School of Law,

'This book draws together many of the most influential trademark scholars in the world with a series of interesting recommendations for how we can make trademark law better. Well worth reading.

- Mark A. Lemley, Stanford Law School, US

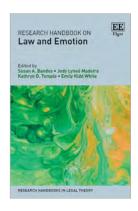
April 2021 c 496 pp Hardback 978 1 78536 620 8 £160.00 / \$240.00 eBook • Elgaronline Research Handbooks in Intellectual Property series



#### Research Handbook on Law and Emotion

Edited by Susan A. Bandes, DePaul University College of Law, Jody Lyneé Madeira, Indiana University, Kathryn D. Temple, Georgetown University, US and Emily Kidd White, York University, Canada

'It's high time that we appreciate the importance for law of emotions, like anger, disgust or empathy. Should law embrace emotion as inevitable, or discourage it for warping judgments and hampering fairness? The editors have gathered an impressive interdisciplinary range of perspectives on this flourishing field. Their superb collection of contributors reveal the importance of emotion



not only in criminal law, but in bankruptcy, evidence, international law and other arenas. The power of emotion matters not only for juries, but for judges, legal educators and legislators. The Research Handbook of Law and Emotion is an innovative and thoughtful contribution that brings order to a complex unruly field.'

- Elizabeth F. Loftus, University of California, Irvine, US

April 2021 c 648 pp Hardback 978 1 78811 907 8 £225.00 / \$325.00 eBook • Elgaronline

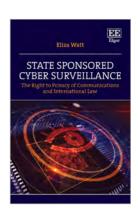
Research Handbooks in Legal Theory series

#### **State Sponsored Cyber** Surveillance

The Right to Privacy of Communications and International Law

Eliza Watt, Middlesex University, London, UK

'Dr Watt's monograph provides a timely and much-needed assessment of the role of international human rights law in regulating State-sponsored digital surveillance. In doing so, it offers a thorough, thoughtful and at times provocative analysis of whether and to what extent this legal framework can reconcile the competing interests of privacy and security in the Digital Age.'



- Russell Buchan, University of Sheffield, UK

April 2021 c 368 pp Hardback 978 1 78990 009 5 £105.00 / \$150.00 eBook • Elgaronline

#### Research Handbook on the Law and Politics of Migration

Edited by Catherine Dauvergne, Simon Fraser University and formerly University of British Columbia, Canada

'This Research Handbook is both timely and timeless – offering penetrating insight into contemporary developments in subjects as diverse as technology and migration, or the impact of the COVID-19 pandemic, while also offering fresh insights into persistent normative and conceptual debates in the field. It is bound to become a field-defining collection.

- Audrey Macklin, University of Toronto, Canada

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Research Handbooks in Law and Politics series



#### Research Handbook on Law, **Governance and Planetary Boundaries**

Edited by Duncan French, University of Lincoln, UK and Louis J. Kotzé, North-West University, South Africa

'The planetary boundaries concept provides an ideal framework for connecting science with law at the global level. This book explores this connection in great detail, from our undeniable need for limits and the fundamental concepts of ethics, justice and governance to the comprehensive assessment of the legal implications of each of the individual boundaries.



POVERTY AND

**HUMAN RIGHTS** 

- Will Steffen, The Australian National University, Australia

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Research Handbooks in Environmental Law series

#### **Poverty and Human Rights**

#### **Multidisciplinary Perspectives**

Edited by Suzanne Egan, University College Dublin, Ireland and Anna Chadwick, University of Glasgow, UK

'Suzanne Egan and Anna Chadwick have brought together a range of emergent and established voices in this collection on the tensions and contradictions inherent in the roles of human rights in combating poverty. Multidisciplinary contributions explore theoretical and practical perspectives, framing the challenges across economical, political and



- Rhona Smith, Newcastle University, UK

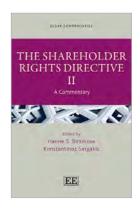
April 2021 c 224 pp Hardback 978 1 83910 210 3 £85.00 / \$130.00 eBook • Elgaronline

#### The Shareholder Rights **Directive II**

#### A Commentary

Edited by Hanne S. Birkmose, Aarhus University, Denmark and Konstantinos Sergakis, University of Glasgow, UK

'The Shareholder Rights Directive II has Europeanized important aspects of corporate governance, including reporting requirements of institutional investors, executive compensation, and related-party transactions This book provides the most comprehensive and detailed analysis of the Directive to date. It will serve well anyone interested in the policies underlying the Directive, its interpretation, and its historical genesis.'



- Martin Gelter, Fordham University, US

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Elgar Commentaries series

#### **Research Handbook on Design** Law

Edited by Henning Hartwig, Bardehle Pagenberg, Germany

'This book is a both practice-oriented and intellectually inspiring analysis of European, US and international design law. Its chapters, written by practitioners and academics who are leading in this field, cover fundamental issues of practical importance, of doctrine and of policy.

- Ansgar Ohly, Ludwig Maximilian University of Munich, Germany



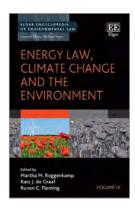
May 2021 c 592 pp Hardback 978 1 78195 587 1 c £215.00 / c \$310.00 eBook • Elgaronline

Research Handbooks in Intellectual Property series

#### **Energy Law, Climate Change** and the Environment

Edited by Martha M. Roggenkamp, Kars J. de Graaf and Ruven C. Fleming, University of Groningen, the Netherlands

'This impressive and ambitious volume could not be more timely. Climate change now firmly links energy and the environment, and the way in which energy law is structured will profoundly influence the effectiveness of policy responses. Written by leading experts from across the world, this is the most comprehensive examination of energy law to date that has been written with climate change and the environment in mind. As such it will be an essential reference work for lawyers and policy makers engaged in these issues.



- Richard Macrory, University College London, UK

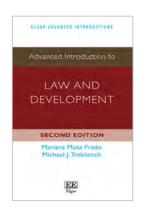
May 2021 c 720 pp Hardback 978 1 78811 967 2 c £150.00 / c \$240.00 eBook • Also available on Elgaronline as part of the 12 volume set Elgar Encyclopedia of Environmental Law series

#### **Advanced Introduction to Law** and Development

#### 2nd edition

Mariana Mota Prado and Michael J. Trebilcock, University of Toronto, Canada

'The Advanced Introduction to Law and Development is the most comprehensive and interdisciplinary textbook on the role of law in socioeconomic development. The authors cover an impressive range of topics, including a new chapter on health and education, and offer a clear synthesis of the main academic and policy debates for each. A must read not only for the novice to the field but for anybody needing an update on the major debates and a great teaching tool.'



- Katharina Pistor, Columbia Law School, US

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## Research Handbook on Big Data

Edited by Roland Vogl, Stanford Law School, US

'With insights across a spectrum of experts, this Handbook serves as a vital guide for thinking through some of the opportunities and challenges that arise with the use of big data in legal settings.

– Jonathan L. Zittrain, Harvard Law School, US

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Research Handbooks in Information Law series

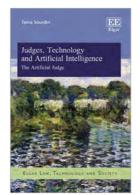
# Big Data Law

#### **Judges, Technology and Artificial** Intelligence

#### The Artificial Judge

Tania Sourdin, University of Newcastle, Australia

'This book focuses on how new information technologies can support judges and lawyers. It explores the extent to which technological developments might replace judges, in at least some aspects of their work. Human justice requires protection of ethical frameworks, litigant vulnerability and sensitivity to diversity. The author is aware of the limits of change. But no practitioner can be complacent about difficulties and costs of access to the law. The author challenges us to think creatively and questioningly about the status quo.



- The Honorable Michael Kirby AC CMG, Past Justice of the High Court of Australia

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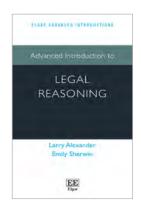
Elgar Law, Technology and Society series

#### **Advanced Introduction to Legal** Reasoning

Larry Alexander, University of San Diego and Emily Sherwin, Cornell University, US

'In an eminently lucid book, Alexander and Sherwin argue that legal reasoning is just not special or distinct. Whether or not one agrees with their claim, no one reading their wonderful and engaging book can escape the conclusion that their reasoning, and their book, is quite special. Perhaps their book could have been called "Advanced Introduction to Reasoning"."

- Saikrishna Bangalore Prakash, University of Virginia, US



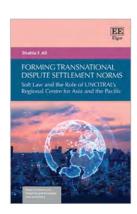
May 2021 c 224 pp Hardback 978 1 78990 314 0 c £85.00 / c \$120.00 Paperback 978 1 78990 316 4 c £15.95 / c \$24.95 eBook · Also available to subscribers of www.advancedintros.com Textbook - Pre-order your examination copy Flgar Advanced Introductions series

#### **Forming Transnational Dispute** Settlement Norms

Soft Law and the Role of UNCITRAL's Regional Centre for Asia and the **Pacific** 

Shahla F. Ali, University of Hong Kong

This thought-provoking book examines whether regional centres associated with global legal institutions facilitate expanded citizen engagement in global soft law making. Through an analysis of empirical research into the role of decentralized soft law making in the East Asian region, it investigates the influence of such regional centres in overcoming representational deficits in the design of cross-border dispute settlement norms.



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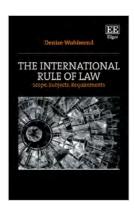
Asian Commercial, Financial and Economic Law and Policy series

#### The International Rule of Law

#### Scope, Subjects, Requirements

Denise Wohlwend, attorney-at-law, Zurich, Switzerland

Virtually everyone seems to agree that the rule of law is a good thing, but there is enormous variation in what it means domestically and, in particular, what it might mean internationally. In this important book Denise Wohlwend takes seriously the idea of an international rule of law that is more than just an extension of its domestic counterpart operating to the benefit of states. On the contrary, she argues, it should complement rather than compete with the political and legal aspirations of protecting individuals from unregulated power.



- Simon Chesterman, National University of Singapore

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#### The Future of Animal Law

David Favre, Michigan State University College of Law, US

'This impressive book brings together and adds to the unique, creative and thoughtful legal possibilities David Favre has posited for achieving meaningful improvements in the lives of animals. The book is highly readable, clearsighted, and ultimately optimistic about the prospects of legal change for the betterment of the animals with which we share our lives and the planet.

- Steven White, Griffith University, Australia

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#### **Regulating Online Behavioural Advertising Through Data Protection Law**

Jiahong Chen, University of Nottingham,

'A must read for anyone interested in Online Behavioural Advertising. Chen manages to shed light on the adequate protection of autonomous, economic and political interests against the intensive use of personal data by the OBA industru.'

> – Eleni Kosta, Tilburg University, the Netherlands

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Elgar Law, Technology and Society series

#### **Beyond Shareholder Value**

#### A Framework for Stakeholder Governance

P.M. Vasudev, University of Ottawa, Canada

'This new work by Professor P.M. Vasudev is a welcome addition to the largely economic literature on shareholder value. It considers the legal idea and its link with shareholder primacy and democratic legitimacy and compares it with stakeholder theory which the author favours. The book goes on to makes interesting comparisons between US and Canadian corporate laws.

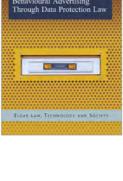
- John Farrar, Bond University, Australia

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Corporations, Globalisation and the Law series









#### **Brexit**

#### Legal and Economic Aspects of a Political Divorce

Edited by Jörn Axel Kämmerer and Hans-Bernd Schäfer, Bucerius Law School, Hamburg, Germany

'This is a remarkable book that provides an in-depth multidisciplinary insight into the legal and economic consequences of Brexit. It contains a careful analysis, supported with theoretical predictions and empirical data on the consequences of Brexit.'

> - Michael Faure, Erasmus School of Law Rotterdam, the Netherlands



May 2021 c 232 pp Hardback 978 1 80037 657 1 c £85.00 / c \$130.00 eBook · Elgaronline

#### The Future of Intellectual **Property**

Edited by Daniel J. Gervais, Vanderbilt University, US

'Professor Gervais is to be congratulated on having brought together an exciting group of scholars who set out a range of bold and imaginative visions for the future of IP.'

- Robert Burrell, University of Oxford, UK

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ATRIP Intellectual Property series

# EE The Future of Intellectual Property

#### **Animal Welfare and International Trade Law**

#### The Impact of the WTO Seal Case

Katie Sykes, Thompson Rivers University,

This book provides the broad and rich social, legal, cultural, and economic context needed to examine the growing presence of animal welfare as a concern of international law. The author has identified the Seal Case of the WTO as a tipping point for the realization of animal welfare as a legitimate topic within international law. In doing so the author provides a comprehensive scholarlu discussion into basic auestions such as what is international law and how does it arise?



- David Favre, Michigan State University, US

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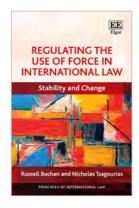
New Horizons in Environmental and Energy Law series

#### Regulating the Use of Force in **International Law**

#### Stability and Change

Russell Buchan and Nicholas Tsagourias, University of Sheffield, UK

'This is a lively, readable and concise account of the regulation of the use of force, bursting with contemporary examples. The use of force is perhaps the most contentious area of international law, its terms being loaded with presuppositions about law, politics and social relations. The authors present the material clearly for our assessment, while their present voice reminds us that there can be no finite answers to these difficult questions."



- Professor Pål Wrange, Stockholm University, Sweden

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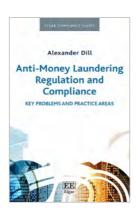
Principles of International Law series

#### **Anti-Money Laundering Regulation and Compliance**

#### Key Problems and Practice Areas

Alexander C. Dill, UCLA School of Law and Anderson School of Management and University of Chicago, US

'Alexander Dill's Anti-Money Laundering Regulation and Compliance provides a uniquely intelligent walk through the AML system that is so often reduced to a complex web of rules: the author approaches his topic from the most challenging end, trying to make sense of that enigmatic risk based approach. . . This book helps, like few others, those working within the financial services industry and outside observers alike to make sense of these heavily criticized AML standards.'



- Mark Pieth, University of Basel, Switzerland

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Elgar Compliance Guides

#### **Comparative Corporate** Governance

Edited by Afra Afsharipour, University of California, Davis, School of Law and Martin Gelter, Fordham University School of Law,

'Afra Afsharipour and Martin Gelter have assembled an outstanding and truly diverse team of corporate law scholars to give us a state-of-the-art snapshot of both new and old key topics in comparative corporate governance. Many of this book's chapters are destined to become a key reference for future scholarship in the field.'

- Luca Enriques, University of Oxford, UK



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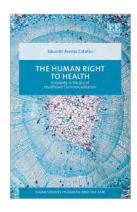
Research Handbooks in Comparative Law series

#### The Human Right to Health

#### Solidarity in the Era of Healthcare Commercialization

Eduardo Arenas Catalán, Open University, the Netherlands

'In this compelling study of the human right to health, Eduardo Arenas Catalán moves beyond a common focus on access to care enforced by judges, indicting failures to challenge commercialization of life itself in our time. The results convincingly situate extant doctrine and jurisprudence, whether from international law and national settings, within an ambitious agenda of making social rights more genuinely solidaristic.'



- Samuel Moyn, Yale University, US

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Elgar Studies in Health and the Law

#### The Revised European Social Charter

#### An Article by Article Commentary

Karin Lukas, Ludwig Boltzmann Institute of Human Rights, Austria and European Committee of Social Rights

'In recent years, the European Social Charter has become a living instrument of European constitutional law, thanks to the practice of its Committee of Social Rights. This book offers the most complete study to date of the developing law of the Social Charter. Its author, Karin Lukas, is both a recognized scholar of social rights and a member of the Committee during these crucial recent years. She was the right person to produce this study.'



- Bruno De Witte, Maastricht University, the Netherlands and European University Institute Florence, Italy

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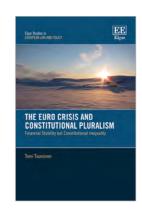
Elgar Commentaries series

#### The Euro Crisis and **Constitutional Pluralism**

#### Financial Stability but Constitutional Inequality

Tomi Tuominen, University of Lapland, Finland

'Through a painstaking, compelling analysis of case law and legislation, Tuominen rejects constitutional pluralism as a normative theory. To corroborate his claim, he points out that the asymmetrical structure of the Economic and Monetary Union, facilitating challenges against EU law by national courts, is unsustainable. Regardless of one's view on the matter, the book's arguments will have to



be taken into account seriously by EU constitutionalists and legal theorists engaged in the debate on the future of Europe.

- Massimo Fichera, University of Helsinki, Finland

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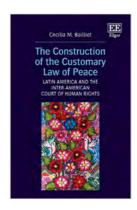
Elgar Studies in European Law and Policy

#### The Construction of the **Customary Law of Peace**

#### Latin America and the Inter-American Court of Human Rights

Cecilia M. Bailliet, University of Oslo, Norway

This thought-provoking book explores the emerging construction of a customary law of peace in Latin America and the developing jurisprudence of the Inter-American Court of Human Rights. It traces the evolution of peace as both an end and a means: from a negative form, i.e. the absence of violence, to a positive form that encompasses equality, non-discrimination and social justice, including gendered perspectives on peace.



June 2021 c 240 pp Hardback 978 1 80037 186 6 c £85.00 / c \$120.00 eBook · Elgaronline

#### **Contract Law**

#### A Comparative Introduction 3rd edition

Jan M. Smits, Maastricht University, the Netherlands

Reflecting the most recent changes in the law, the third edition of this popular textbook provides a fully updated, comparative introduction to the law of contract. Accessible and clear, it is perfectly pitched for international students and courses with a global outlook. Jan Smits' unique approach treats contract law as a discipline that can be studied on the basis of common principles and methods without being tied to a particular jurisdiction or legal culture.

Notable updates include the consequences of Brexit, the implementation of new European directives 1999/770 and 2019/771

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as well as coverage of the effect of COVID-19 on contracts.

Textbook - Pre-order your examination copy

#### The Law and Practice of Fine Art, **Jewellery and Specie Insurance**

David Scully, Mediator and Advisor, former Underwriting Manager with AXA Art and XL Insurance, and Member of the Chartered Institute of Arbitrators

This comprehensive book will be essential reading for all those involved with fine art, jewellery and specie insurance. David Scully analyses the history, structure and dynamics of the global marketplace for this type of insurance, illustrating key points with real life examples to provide a practical guide to the business.

July 2021 c 296 pp Hardback 978 1 80037 343 3 c £115.00 / c \$185.00 Paperback 978 1 80037 345 7 c £75.00 / c \$120.00 eBook · Elgaronline Elgar Practical Guides



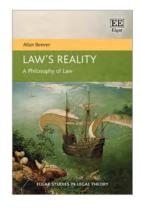
# EE CONTRACT LAW JAN M. SMITS

#### Law's Reality

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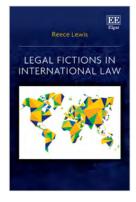
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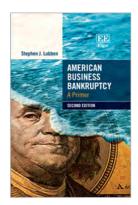
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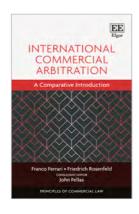
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