CISG EXCLUSION AND LEGAL EFFICIENCY

Lisa Spagnolo

Cisg Exclusion And Legal Efficiency Global Trade Law

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Cisg Exclusion And Legal Efficiency Global Trade Law:

CISG Exclusion and Legal Efficiency Lisa Spagnolo, 2014 The rationale behind the Vienna Convention on Contracts for the International Sale of Goods CISG is that a uniform sales law will lead to improved efficiency of cross border sales and promote international trade However although it continues to attract new Member States and now applies to more than 80% of global trade commercial parties often exclude the CISG questioning it as a desirable choice of law Law Larry A. DiMatteo, 2014-02-17 This book brings together the top international sales law scholars from twenty three countries to review the Convention on Contracts for International Sale of Goods CISG and its role in the unification of global sales law It reviews the substance of CISG rules and analyzes alternative interpretations A comparative analysis is given of how countries have accepted interpreted and applied the CISG Theoretical insights are offered into the problems of uniform laws the CISG's role in bridging the gap between the common and civil legal traditions and the debate over good faith in CISG jurisprudence The book reviews case law relating to the interpretation and application of the provisions of the CISG analyzes how it has been recognized and implemented by national courts and arbitral tribunals offers insights into problems of uniformity of application of an international sales convention compares the CISG with the English Sale of Goods Act and places it in the context of other texts of UNCITRAL and analyzes the CISG from the practitioner's perspective New CISG Leandro Tripodi, 2015-11-24 In Towards a New CISG Leandro Tripodi discusses the aging and need for renovation of the 1980 Vienna Sales Convention Changes in global political circumstances and to the economy of international sales of goods have rendered the 1980 CISG a dated legal instrument Its recognized flexibility is not sufficient to cope with past and especially with future changes brought about by the introduction of new technologies affecting all kinds of goods subject to trade In light of the challenges posed by 21st century commerce Dr Tripodi proposes the adoption of a Convention on the International Sale of Goods and Services CISGS The idea of a new convention is based on the following facts 1 goods and services are no longer as distinguishable as they were in 1980 2 sales of goods and sales i e the provision of services are not as easy to apportion as the CISG supposes and can hardly continue to be treated separately by the legal sources of international trade Routledge Handbook on Transnational Commercial Law Bruno Zeller, Camilla Baasch Andersen, 2025-02-21 This handbook edited by Zeller and Andersen is an indispensable contribution to the field of transnational commercial law With an introduction by Sir Roy Goode this book presents perspectives on legal issues of international sales transactions as perceived by world leading experts exposing pragmatic and modern aspects of everything from drafting to uniform laws to dispute resolution The book divides itself between fundamental knowledge of transnational commercial law e g chapters on forum shopping CISG Cape Town Convention etc and current and topical developments e g chapters on blockchain smart contracts metaverse digital assets etc International or transnational trade during the past twenty years has become more and more important outstripping domestic trade as a hallmark of economic success Model

laws developed by the United Nations and other international bodies are now being transplanted or ratified by countries so a translational element must always be considered as part of any choice of law Addressing a global audience as the instruments dealt with herein apply to many states in different regions this handbook aims not only at an undergraduate and graduate student audience but also will interest professional lawyers Research Handbook on International and Comparative Sale of Goods Law Djakhongir Saidov, 2019 This thorough and detailed Research Handbook explores the complexity of governance of sales contracts in the modern world It examines many topical aspects of sales law and practice with considerable emphasis being placed on the diversity of commercial and transactional contexts in which sales contracts are made and performed including digital technologies long term contracts and global supply chains and sources governing such contracts particularly those emanating from commercial players such as standard form contracts trade usages and trade terms Written by leading experts from an international and comparative perspective the Research Handbook is relevant to anyone with an interest in commercial sales and contract law **Selected Chinese Cases on the UN Sales** Convention (CISG) Vol. 4 Peng Guo, Haicong Zuo, Shu Zhang, 2025-05-02 This book focuses on Chinese cases on the CISG decided by Chinese courts of all levels focusing on those decided from 2013 to 2016 During this period the number of cases grew fast compared to 2010 to 2012 covered in volume 3 The growth in the total number reflects that parties might become more familiar with the CISG and therefore decided not to opt out of it in addition the case collection and report systems in China at that time were developing very fast rendering many cases easily accessible This book provides a comprehensive and detailed analysis of selected cases The analysis of those cases will be on a case by case basis For each case an English summary of the judgment will be provided In the comment the People's Courts approach to the interpretation and application of the CISG will be discussed Comments of the individual case will be written either by scholars or judges or lawyers from international and comparative perspectives to discuss the successes and pitfalls of the interpretation and application of the CISG in China These selected cases reflect how People's Court of all levels started to deal with various issues arising from the CISG and will help understand whether and how the People's Courts change their approaches to the interpretation and application of the CISG in the future The Elgar Companion to UNIDROIT Thomas John, Rishi Gulati, Ben Köhler, 2024-04-12 This comprehensive Companion provides a unique overview of UNIDROIT the primary independent organisation coordinating the practice of international private law across its 65 member states As the third in the suite of titles covering the three sisters of uniform private law and private international law it considers UNIDROIT s role in the creation of existing uniform law as well as posing questions about its future in the sector Contract Termination in International and Domestic Trade Bashayer Al-Mukhaizeem, 2024-09-25 This book highlights the right to terminate a contract yielding invaluable insights to enable policymakers and legal practitioners to facilitate international trade In the modern landscape of globalised trade the imperative of a harmonised legal framework of contract law capable of fostering stability

and trust in cross border trade has never been more pronounced This is represented in the United Nations Convention on Contracts for the International Sale of Goods CISG providing rules that can be known understood and abided by globally This book focuses on the termination of contracts one of the harshest remedies when a sale of goods contract is breached by the seller Breaches by the seller dealt in this book are confined to breaches of contractual description delivery time and quality of goods which are the most common violations of sale of goods contracts This book scrutinises the methods adopted for challenging or facilitating contractual termination by CISG as a transnational law as well as the Sale of Goods Act 1979 SGA and Kuwaiti law KLaw both of which are national laws of non contracting states of CISG This study also draws attention to lacunae and practical issues focusing on critical analyses of law and cases and recognises the adopted themes underlying each law to find the degree of their legal clarity and the threshold upon which termination can be granted This comprehensive analysis also provides inspiration for beneficial changes by weighing the pros and cons of each system The book will be of interest to practitioners students and scholars in the fields of contract law trade law commercial law and Uniform Rules for European Contract Law? Francisco de Elizalde, 2018-06-28 Over the last 30 years the international law evolution of acquis communautaire in consumer law and harmonising soft law proposals have utterly transformed the landscape of European contract law The initial enthusiasm and approval for the EU programme has waned and post Brexit it currently faces increasing criticism over its effectiveness In this collection leading academics assess the project and ask if such judgements are fair and suggest how harmonisation in the field might be better achieved This book looks at the uniform rules in the context of the internal market national legislators and courts bridging the gap between common and civil law and finally their influence on non member states Critical and rigorous it provides a timely and unflinching critique of one of the most important fields of harmonisation in the European Union Handbook on Product Standards and International Trade James J. Nedumpara, Satwik Shekhar, Akshaya Venkataraman, 2021-11-05 Global Trade Law Series Volume 55 India one of the world's foremost trading nations exhibits a particularly complex regulatory landscape with a variety of standard setting bodies regulators accreditation and certification bodies inspection agencies as well as several state level regulators This is the first book to extensively describe the nature of standard setting processes in India and the key agencies involved with this task greatly clarifying the scope of market opportunities in the country Lucid contributions from experienced practitioners and regulators with first hand experience in formulating and advising on standards related issues in international trade help disentangle the web of laws regulations operations and functions of India's standard setters in governmental non governmental and industry contexts The chapters describe how standards apply to such crucial trade aspects as the following conformity assessment practice and procedure environmental ethical social and safety issues import bans and import licensing certification and labelling measures mutual recognition agreements food safety and standardisation of the digital economy The book is drafted throughout in an easy to read style with numerous tables

flowcharts and figures illustrating step by step compliance procedures Informative annexes guide the reader to relevant agencies and identify their roles and responsibilities This book provides a clear and concise guide to the operations functions and compliance and documentation requirements of India's standard setting and regulatory bodies across all sectors and products and thus will serve as an unmatched guide for manufacturers traders and exporters operating in the Indian market or seeking to export to India It will also serve as a useful Handbook to policymakers academics and researchers interested in understanding the role of standard setting bodies in the field of international trade Practical Aspects of WTO Litigation Marco Tulio Molina Tejeda, 2020-07-08 Global Trade Law Series Volume 54 The World Trade Organization WTO Dispute Settlement Understanding DSU entered into force in 1995 Since then it has spawned an extensive body of jurisprudence making it a highly complex system to navigate This book provides the first in depth practical guide to resolving a dispute at the WTO edited by an international lawyer who has on hands experience in WTO litigation Contributors of individual chapters include government officials responsible for WTO dispute settlement from developing and developed countries WTO Secretariat officials a former member of the Appellate Body academics specializing in international trade and related fields and lawyers from major law firms specializing in WTO law Contributors explain in a detailed manner the numerous procedural steps and practices developed over the past twenty five years on preparing for WTO litigation recognizing the importance of WTO consultations presenting a case before a panel panel requests and panels terms of reference the role and assistance of the WTO Secretariat the panel process rules of evidence confidentiality and transparency additional working procedures for the treatment of confidential information legal remedies to redeem a violation general considerations for appeal determining the reasonable period of time for compliance retaliation proceedings and use of non WTO international law Each contributor identifies the best practices and some of them also suggest potential areas for improvement of the dispute settlement mechanism from their respective points of view Lawyers and advisors working on WTO law and stakeholders from the private sector civil society and academia interested in WTO litigation will find in one source a deeply informed description of existing dispute resolution practices some of them previously undocumented including the most recent jurisprudence clarifying the scope of many procedural rules With its real life account of WTO dispute settlement procedures and its key insights and advice from WTO insiders this book constitutes an expert assessment of a cornerstone of the rules based multilateral trading system and will prove of enormous value to all stakeholders in The Relationship of WTO Law and Regional Trade Agreements in Dispute Settlement: From international trade **Fragmentation to Coherence** Malebakeng Agnes Forere, 2015-10-12 It is becoming increasingly evident that traditional sovereignty is simply out of date Instead what we might call cooperative sovereignty which focuses on communication and interaction is more responsive to the realities of interdependent economies in the twenty first century Nowhere is this more salient than in the area of dispute resolution especially as labour intellectual property and the environment can no longer be

evaded in trade negotiations This ground breaking book suggests that it is this shift in perspective that has given rise to the proliferation of Regional Trade Agreements RTAs and the inevitable overlaps and tensions between their provisions and those of the World Trade Organization WTO The author examines this phenomenon in great detail and offers viable recommendations to restore coherence in the global trading system without upsetting the rights and obligations of WTO Member States Because the WTO and RTAs must be viewed as layers of one system and must therefore have a relationship that extends to dispute settlement such principles of subsidiarity as autonomy mutual assistance and flexibility are key to a successful institutional relationship between the WTO and RTAs From this theoretical springboard the author proceeds to analyse the following issues and more the relationship between WTO and RTAs based on Article XXIV of GATT the extent to which WTO panels can apply RTA law the extent to which the WTO panels can hear RTA claims opportunity for RTA Members to secure preliminary rulings and advisory opinions from the WTO recognition by WTO panels of the results of litigation or arbitration that took place at the RTA level opportunity for RTA Members to appeal RTA dispute settlement decisions to the WTO and clarification of WTO rules designed to enable RTA activities or intervene if necessary Major cases decided at the WTO and RTA levels that manifest conflict between RTAs and the WTO are fully analysed Confronting directly the stagnation in negotiating and concluding new trade agreements at the multilateral level and the fragmentation of the international trade law system this important book shows clearly how the institutional relationship between the WTO and RTAs can be restructured with a view to establishing mutual recognition of the judgments of both In a nutshell the book calls for reconfiguration of WTO Dispute Settlement Body to perform functions of World Trade Court that is capable of hearing disputes arising between WTO Members RTA Members and Non WTO Members It will prove invaluable to all involved in the negotiation and implementation of trade agreements at every level **Uniformity in the Application of the CISG** Boris Praštalo, 2020-04-06 More than ninety countries are now parties to the United Nations Convention on Contracts for the International Sale of Goods CISG recognised as the pre eminent legislative achievement aimed at harmonising commercial law on a global scale but uniformity in the treaty s application remains unsettled and controversial This book in addition to offering a detailed assessment of tools designed to promote such uniformity draws on issues raised during over thirty years of case law from all over the world and from other CISG related materials to clearly delineate a path to more uniform application The practical implications to be found in this book emerge from deeply informed discussion of such issues and topics as the following causes of non uniformity whether based on overall scope or on particular CISG provisions detrimental effect of non uniformity on both the legal and economic benefits provided by the CISG effectiveness of implemented tools to combat non uniform application problems arising from trading imbalances between developed and developing countries and proposed efforts to promote uniform application Drawing on its many sources the analysis concludes with recommendations and observations about how to improve the organisation and mode of operation of existing and proposed tools Legal

practitioners judges and arbitrators called upon to argue under or apply the CISG as well as all those with an interest in international commercial law will greatly appreciate the book s incisive guidance in navigating the issue of uniformity in the application of the treaty By extension as a comparative analysis the book will be of informative value for jurists and policymakers interested in what can be done to heighten the level of uniformity in the application of any international convention Export Control Law and Regulations Handbook Yann Aubin, Arnaud Idiart, 2016-05-15 The importance of export control laws and regulations in international trade continues to grow not only because of the increase in world trade and technology dispersion but also due to concerns surrounding national and regional stability and the risk of terrorism Accordingly familiarity with export control laws and regulations around the world has become extremely important for those involved in the international trade of dual use or military goods technology and services In this preeminent handbook now in its third edition two experienced professionals have gathered contributions from expert practitioners and academics The third edition adds three new country chapters Brazil Israel and Sweden and a new separate chapter on sanctions and embargoes In addition to chapters on the international regime in general the book provides a practical overview of the export import control regimes covering defence and dual use goods and services in fourteen key jurisdictions Country reports each follow the same structure for easy comparison Issues and topics covered include the following and much more import export legal and regulatory requirements for controlled goods and services sanctions for breach of such requirements civil administrative or criminal licence application processes arms dual use and other products embargo including chemical and biological materials and technology and enforcement measures The Handbook also makes available through an online application all important standard export control related forms templates and other related documents all of which readers can use to draft their own documents The Handbook is invaluable to any professional such as lawyers compliance key players procurement logistics finance and customs practitioners working in relation to an organisation with a need to know the specific requirements to be followed for the efficient and legally compliant import or export of controlled military or dual use The Customs Valuation Agreement Mark K. Neville, 2023-03-09 Global Trade Law goods technologies or services Series Volume 58 Customs valuation is a key element in the corpus of international trade law Despite the facts that the WTO Valuation Agreement 1994 remains unchanged in all material respects and that it has been adopted by virtually every trading nation on the planet there are fissures in the system preventing consensus on many contentious questions This extremely knowledgeable analysis by a world renowned specialist lawyer in the field by concentrating on diverging views on the nature of the central feature of the Agreement the definition of the price actually paid or payable PAPP provides the most extensive study available of the origins and architecture of the Valuation Agreement and its intersection with transfer pricing norms Among much else the author fully explains differing views on such questions as the following criteria governing royalties and license fees acceptability of the First Sale for Export doctrine role of transport charges in valuing dutiable assists status of

interest payments on deferred payments valuation of carrier media bearing software for data processing equipment inclusion or exclusion of transport charges in the PAPP status of the WTO s moratorium on electronic transmissions status of payments of money for tools and other materials used in producing the imported goods and status of international instruments of traffic The author expertly assesses interpretations of the Valuation Agreement as presented in the instruments of the World Customs Organization and in the administrative and judicial fora of the United States Canada and the European Union This matchless book takes a giant step toward real world consensus on the daunting questions of custom valuation Customs and international tax professionals as well as academic scholars will come away from its in depth coverage with an enhanced ability to discern the logic inherent in the Valuation Agreement a greater awareness of current trends and their origins in authoritative customs valuation bodies and improved confidence when approaching customs valuation guestions Trade and Environment Governance at the World Trade Organization Committee on Trade and Environment Manuel Teehankee, 2020-06-11 In the opinion of many the most crucial issue confronting the world today lies in achieving a sustainable nexus among global trade economic development and the environment This book written by a prominent diplomat with extensive direct experience in this field presents a much needed critical perspective on the conflict of norms among the three policy regimes focusing on the dilemma of reconciling approaches regarding harmonized global governance and a more diverse community based approach It is the first and only in depth treatment to systematically study a series of deliberations in the World Trade Organization's Committee on Trade and Environment CTE highlighting perspectives taken by both developed and developing economies The book demonstrates that the CTE s contributions to the evolving trade and environment policy framework have been contrary to popular perception both substantial and relevant In his review of how the particular characteristics of twenty key work outputs of the CTE impact current practice in trade and environment policy discussions the author discusses such key issues and topics as the following a singular harmonized global governance framework versus the centrifugal force of community based localized or regional solutions that emphasize diversity and multifaceted institution building drawbacks and continuing relevance of the CTE Work Agenda issues related to carbon intellectual property rights and services market access for environmental goods requirements for environmental purposes relating to products including standards and technical regulations packaging labeling and recycling and ways forward for combining global regimes with local solutions in an environmental context Given the urgent need for making economic policies more coherent with sustainability and environmental goals and for overcoming the ongoing stalemate between developed and developing countries on this matter this book is sure to be warmly welcomed by policy makers and negotiators in the areas of both trade and environment as well as by academics theorists and experts in the field of global governance interested in formulating practical approaches to trade and environment governance and minimizing potential policy conflicts Globalization and Animal Law Thomas G. Kelch, 2017-05-01 The rise of the globalized economy has rendered an even

more profound change in the relationship between humans and other animals than the ancient progression from huntergatherer to agricultural society In today s global markets multinational corporations exploit the economic value of animals throughout the world on an unprecedented scale The philosophical and legal notions that animals are mere unfeeling machines or pieces of property although more or less taken for granted for centuries has been challenged if not burst asunder in recent decades in law moral philosophy and cognitive and other sciences and regulation of the treatment of animals in agriculture experimentation entertainment and other areas has begun to make substantial inroads in national and international law This book provides a detailed analysis of international and comparative animal law focusing on the impact of today's globalized economy on animal law Describing a wide range of domestic and international laws relating to the treatment of animals the author explicates the sorts of legal rules which affect the global animal marketplace Representative norms in existing animal protection laws are analyzed and critiqued illustrating the diverse approaches taken by different countries and by the international community in regulating uses of animals Among the issues covered are the following contemporary philosophical thought on the relationship between humans and animals recent scientific research relating to cognitive and other abilities of animals legal issues relating to factory farming and animal slaughter legal protection of animals during transport regulatory schemes on animal experimentation laws on the use of animals in entertainment laws on protection of companion animals regulation of trade in endangered species international trade issues relating to animals including consideration of the provisions of GATT and the seminal WTO GATT decisions in the Tuna Dolphin Shrimp Turtle Tuna Labeling and EU Seal Products cases constitutional protection for the interests of animals intellectual property law issues relating to animals efforts to have the legal personhood of certain animals judicially recognized and what the future may hold for animal law in the global economy To ensure the consideration of a full range of legal approaches the laws analyzed come from a wide variety of countries and jurisdictions including Australia Austria Brazil Canada the EU Germany India Ireland New Zealand Switzerland the UK and state and federal laws of the US Numerous international treaties and conventions relevant to animal treatment and animal law are also covered including the Berne Convention for the Protection of Literary and Artistic Works the CITES Convention the European Convention for the Protection of Animals Kept for Farming Purposes the European Patent Convention the GATT Treaty the TRIPS Agreement and the Universal Copyright Convention It is not difficult to grasp given the continuing increases in production consumption and use of animals and animal products worldwide that legal initiatives in this often emotional and acrimonious area of law are frequently contentious and hard fought But this is really just the dawn of animal law which has only recently become recognized as an important cutting edge topic and this area of the law promises to develop rapidly in the future This book is enormously valuable in contributing to the continuing development and understanding of this law clearly laying out the contours and boundaries of existing animal laws in our global economy and allowing legal educators concerned lawyers and policymakers

to teach formulate proposals argue cases and defenses and secure a firm purchase on future trends and developments in animal law <u>Customs Law in the European Union</u> José Rijo, 2021-11-25 The regulation of imports and exports by customs authorities profoundly affects the activity of economic operators in international trade This is one of the first book s in English to critically assess the legal instruments of the European Union's trade and customs policy namely the Union Customs Code and its regulatory instruments taking account of doctrinal contributions and the jurisprudential acquis of the Court of Justice of the European Union With unparalleled guidance for the adoption of the best customs solutions for international trade operations the book covers such crucial elements of relevant law and procedure as the following submission of goods to customs types of customs declaration the EU s harmonized commodity description and coding system setting of import and export duties evaluation of the customs value of goods determination of tariff quotas or suspensions collection and payment of duties proof of origin of goods preferential arrangements FTAs and GSP customs debt and quarantees issues raised by under evaluation and under invoicing of goods and false certifications of the origin of goods effect of unfair competition practices dumping and trade defense right to appeal customs authority decisions storage and taxation The complexity of customs requirements and procedures imposes on businesses the necessity to become familiar with the intricate mechanisms deriving from customs law This book will prove an indispensable tool for all companies involved with import export to and from Europe It will be welcomed worldwide by in house counsel purchasing and supply chain departments customs brokers logistic and forwarding operators customs officers and interested academics both in and outside the European Union The Elgar Companion to UNCITRAL Rishi Gulati, Thomas John, Ben Köhler, 2023-11-03 As one of the most important international organisations in the sphere of international trade law UNCITRAL aims to help develop and promote uniform private law internationally This comprehensive Companion delineates the range of issues considered at UNCITRAL as well as assessing the potential for future work and reforms **Comparative Civil Law and** Common Law Systems Legal Traditions and Reforms Dr. Gunawan Widjaja, Hotmaria Hertawaty Sijabat, Dr. Manjula Rani Mallepalli ,2025-05-31 This book explores the foundational principles structures and evolving dynamics of civil law and common law systems It examines their historical roots key differences and modern reforms offering comparative insights into global legal traditions and their convergence in contemporary legal practice and international legal harmonization

The Top Books of the Year Cisq Exclusion And Legal Efficiency Global Trade Law The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous captivating novels captivating the hearts of readers worldwide. Lets delve into the realm of popular books, exploring the captivating narratives that have enthralled audiences this year. The Must-Read: Colleen Hoovers "It Ends with Us" This poignant tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover masterfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can triumph. Uncover the Best: Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This spellbinding historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids captivating storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Cisq Exclusion And Legal Efficiency Global Trade Law: Delia Owens "Where the Crawdads Sing" This mesmerizing coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens crafts a tale of resilience, survival, and the transformative power of nature, entrancing readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and suspenseful novel that will keep you speculating until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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