

Redfern And Hunter On International Arbitration Student Version 0

Redfern and Hunter on International Arbitration Oxford University Press, USA

International Arbitration and the COVID-19 Revolution Edited by Maxi Scherer, Niuscha Bassiri & Mohamed S. Abdel Wahab The impact of the COVID-19 pandemic on all major economic sectors and industries has triggered profound and systemic changes in international arbitration. Moreover, the fact that entire proceedings are now being conducted remotely constitutes so significant a deviation from the norm as to warrant the designation 'revolution'. This timely book is the first to describe and analyse how the COVID-19 crisis has redefined arbitral practice, with critical appraisal from well-known practitioners of the pandemic's effects on substantive and procedural aspects from the commencement of proceedings until the enforcement of the award. With practical guidance from a variety of perspectives – legal, practical, and sector-specific – on the conduct of international arbitration during the COVID-19 pandemic and beyond, the chapters present leading practitioners' insights into the unprecedented and multifaceted issues that arise. They provide expert tips and challenges in such practical matters as the following: preventing and resolving disputes of particular types – construction, energy, aviation, technology, media and telecommunication, finance and insurance; arbitrator appointments; issues of planning, preparation and sample procedural orders; witness preparation and cross-examination; e-signature of arbitral awards; setting aside and enforcement proceedings; and third-party funding. Also included are an empirical survey of users' views and an overview of how the COVID-19 revolution has affected the arbitration rules of leading arbitral seats. With this timely and practical book, arbitration practitioners and scholars will gain up-to-date knowledge of sector-specific challenges brought about by the COVID-19 pandemic and approach arbitration proceedings with an understanding of the most important legal and practical considerations during the crisis and beyond.

International Commercial Arbitration in New York focuses on the distinctive aspects of international arbitration in New York. Serving as an essential strategic guide, this book allows practitioners to represent clients more effectively in cases where New York is implicated as either the place of arbitration or evidence or assets are located in New York. Each chapter elucidates a vital topic, including the existing New York legal landscape, drafting considerations for clauses designating New York as the place of arbitration, and material and advice on selecting arbitrators. The book also covers a series of topics at the intersection of arbitral process and the New York courts, including jurisdiction, enforcing arbitration agreements, and obtaining preliminary relief and discovery. Class action arbitration, challenging and enforcing arbitral awards, and biographical materials on New York-based international arbitrators is also included, making this a comprehensive, valuable resource for practitioners.

International Arbitration: Law and Practice (Third Edition) provides comprehensive and authoritative coverage of the basic principles and legal doctrines, and the practice, of international arbitration. The book contains a systematic, but concise, treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. The Third Edition guides both students and practitioners through the entire arbitral process, beginning with drafting, enforcing and interpreting international arbitration agreements, to selecting arbitrators and conducting arbitral proceedings, to recognizing, enforcing and seeking to annul arbitral awards. The book is written in clear, accessible language, suited for both law students and non-specialist practitioners, as well as more experienced readers. This highly regarded work addresses both international commercial arbitration and the related fields of investment and state-to-state

arbitration and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field. The Third Edition has been comprehensively updated to include recent legislative amendments, judicial decisions and arbitral awards. Among other things, the book provides detailed treatment of the New York Convention, the UNCITRAL Model Law on International Commercial Arbitration, all leading institutional arbitration rules (including ICC, SIAC, LCIA, AAA and others), the ICSID Convention and ICSID Arbitration Rules, and judicial decisions from leading jurisdictions. The Third Edition is integrated with the author's classic *International Commercial Arbitration* and with the online *Born International Arbitration Lectures*, enabling students, teachers and practitioners to explore particular topics in more detail. About the Author: Gary B. Born is the world's leading authority on international arbitration and litigation. He has practiced extensively in both fields in Europe, the United States, Asia and elsewhere. He is the author of *International Commercial Arbitration* (Kluwer Law International 3rd ed. 2021), *International Arbitration and Forum Selection Agreements: Drafting and Enforcing* (Kluwer Law International 6th ed. 2021), *International Commercial Arbitration: Cases and Materials* (Aspen 3rd ed. 2021) and *International Civil Litigation in United States Courts* (Aspen 6th ed. 2018).

This book provides a clear understanding of the nuts and bolts of valuation approaches for business investments, including market, income and asset-based methods. It reviews tools that arbitrators may employ to reach their final compensation assessment on a principled basis. The book and its many practical recommendations explore the decision making processes entailed in three central aspects of the arbitrator's role: and• advance planning to enhance understanding of expert valuation evidence; and• identification of and "apples-to-oranges" and "miscomparisons; and and• recognition of the true comparability between the business at issue and other examples offered in the expert evidence. The presentation focuses not only on the legal standards applicable to the valuation (full or adequate compensation, reparations, restitution, actual loss, fair market value, fair or reasonably equivalent value, lost profits, etc.), but also on the informed judgment and reasonableness that must enter into the process of weighing the facts of each case and determining its aggregate significance. The book considers common valuation methods like discounted cash flows, adjusted present values, capitalized cash flows, adjusted book values and comparable sales and transactions. Additionally, it addresses means for arbitrators to assess expert valuation evidence in complex business investment disputes. andquot;Best book 2008 of the OGEMID awards!andquot; In *Legal Practice in Eighteenth-Century Scotland* John Finlay offers a comprehensive account of lawyers and their world in Enlightenment Scotland set within the wider European context. Providing a theoretical examination of the concept of arbitration, this book explores the place of arbitration in the legal process and examines the ethical challenges to arbitral authority and its moral hazards.

Investor-State Arbitration describes the increasing importance of international investment and the necessary development of a new field of international law that defines the obligations of host states and creates procedures for resolving disputes. The authors examine the international treaties that allow investors to proceed with the arbitration of their claims, describe the most-commonly employed arbitration rules, and set forth the most important elements of investor-State arbitration procedure - including tribunal composition, jurisdiction, evidence, award, and challenge of annulment. The authors trace the evolution and rapid development of the field of international investment, including the formation of the International Center for the Settlement of Investment Disputes (ICSID), and the more than 2,000 bilateral investment treaties, most of which were entered into in

the last twenty years. The authors explain how this development has led to far greater certainty for foreign investors in dealing with their host countries, as well as how it has incentivized growth in international trade and commerce.

International investment law and arbitration is a rapidly evolving field, and can be difficult for students to acquire a firm understanding of, given the considerable number of published awards and legal writings. The first edition of this text, cited by courts in Singapore and Colombia, overcame this challenge by interweaving extracts from these arbitral decisions, treaties and scholarly works with concise, up-to-date and reliable commentary. Now fully updated and with a new chapter on arbitrators, the second edition retains this practical structure along with the carefully curated end-of-chapter questions and readings. The authors consider the new chapter an essential revision to the text, and a discussion which is indispensable to understanding the present calls for reform of investment arbitration. The coverage of the book has also been expanded, with the inclusion of over sixty new awards and judicial decisions, comprising both recent and well-established jurisprudence. This textbook will appeal to graduates studying international investment law and international arbitration, as well as being of interest to practitioners in this area.

This leading commentary on international commercial arbitration, now in its sixth edition, is an essential guide for arbitrators, lawyers, and students. Based on the authors' extensive experience as counsel and arbitrators, it provides an updated explanation of all elements of the law and practice of arbitration. This text provides an authoritative guide to the international arbitral process, from the drafting of the arbitration agreement to the enforcement of arbitral awards. The sixth edition has been updated to incorporate reference to the latest significant developments in the field such as the new LCIA, ICC and UNCITRAL Rules and new IBA Guidelines. There will also be an increased reference to international arbitral authority and practice from beyond Europe (China, India, and the US). Following the chronology of an arbitration, the book covers applicable laws, arbitration agreements, the establishment and powers of a tribunal, the conduct of proceedings and the role of domestic courts. In addition, it provides an in-depth examination of the award itself, and comments on the special considerations applying to arbitrations brought under investment treaties. It draws on examples of the rules and practice of arbitration at the International Chamber of Commerce, the London Court of International Arbitration, the American Arbitration Association, the International Centre for Settlement of Investment Disputes and the United Nations Commission on International Trade Law. New to this edition Updated to incorporate reference to all of the latest significant developments in the field Contains substantive coverage of the new LCIA, ICC and UNCITRAL Rules and new IBA Guidelines Provides increased reference to international arbitral authority and practice from beyond Europe including China, India and the US

Mediation Ethics is a groundbreaking text that offers conflict resolution

professionals a much-needed resource for traversing the often disorienting landscape of ethical decision making. Edited by mediation expert Ellen Waldman, the book is filled with illustrative case studies and authoritative commentaries by mediation specialists that offer insight for handling ethical challenges with clarity and deliberateness. Waldman begins with an introductory discussion on mediation's underlying values, its regulatory codes, and emerging models of practice. Subsequent chapters treat ethical dilemmas known to vex even the most experienced practitioner: power imbalance, conflicts of interest, confidentiality, attorney misconduct, cross-cultural conflict, and more. In each chapter, Waldman analyzes the competing values at stake and introduces a challenging case, which is followed by commentaries by leading mediation scholars who discuss how they would handle the case and why. Waldman concludes each chapter with a synthesis that interprets the commentators' points of agreement and explains how different operating premises lead to different visions of what an ethical mediator should do in a given case setting. Evaluative, facilitative, narrative, and transformative mediators are all represented. Together, the commentaries showcase the vast diversity that characterizes the field today and reveal the link between mediator philosophy, method, and process of ethical deliberation. Commentaries by Harold Abramson Phyllis Bernard John Bickerman Melissa Brodrick Dorothy J. Della Noce Dan Dozier Bill Eddy Susan Nauss Exon Gregory Firestone Dwight Golann Art Hinshaw Jeremy Lack Carol B. Liebman Lela P. Love Julie Macfarlane Carrie Menkel-Meadow Bruce E. Meyerson Michael Moffitt Forrest S. Mosten Jacqueline Nolan-Haley Bruce Pardy Charles Pou Mary Radford R. Wayne Thorpe John Winslade Roger Wolf Susan M. Yates

International Arbitration: Law and Practice (Second Edition) provides a comprehensive coverage of the basic principles and legal doctrines, and the practice, of international arbitration. It contains a systematic and concise treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. The book addresses both international commercial arbitration and the related fields of investment and state-to-state arbitration, and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field. Accolades for Gary B. Bornand's International Commercial Arbitration (2009 and 2nd ed. 2014), recipient of the American Society of International Lawand's 2010 Certificate of Merit: and "An unparalleled book on the law, practice and theory of international commercial arbitration and... indispensable for both practitioners and academics.and" Professor Jack L. Goldsmith III, Harvard Law School and "Stunningly comprehensive, accessible, and bristling with insights: the definitive text on international arbitration.and" Professor Harold Hongju Koh, Yale Law School and "A monumental work of legal scholarship.and" Professor Campbell McLachlan, Victoria University of Wellington and "An extraordinary combination of both practical experience and

academic analysis.and” Professor Dr. Daniel Girsberger, University of Lucerne "Arbitration and mediation in international business was first published in 1996 and was one of the first comprehensive studies on the practice of international business dispute resolution, covering both international commercial arbitration and the so-called ?alternative? techniques such as mediation. The book also provided an empirical analysis of how both arbitration and mediation are conducted in a crossborder context, along with a normative guide to the relative costs and benefits of these two methods. This second edition is not just an updated version of the first edition but a new book in itself: Benefitting from the contributions of two co-authors, the work has been enhanced by discussions of innovative tools for making settlement negotiations more effective, and by the in-depth analysis of practical techniques to integrate mediation and arbitration in international business. Also, a comprehensive new empirical survey was conducted in order to capture new trends in this rapidly developing field. The result is a ?must have? resource for anyone having to deal with potential conflict in international business relationships."--Publisher's website.

Reviewing the legal context within which international commercial arbitration operates, this text has been updated to reflect recent developments in international law.

The Leading Arbitrators' Guide to International Arbitration Third Edition offers thoughtful advice and insights into the world of international arbitration from some of the most prominent and experienced international arbitrators in the world. The contributors are arbitrators from Australia, Belgium, Canada, Chile, Denmark, England, France, Germany, Italy, The Netherlands, Italy, Spain, Sweden, Switzerland and the USA. The contributors offer insights and advice on the way in which international arbitrations are carried out from the point of view of arbitrators reading pleadings and memorials and listening to witnesses and hearing arguments. The authors' discussions are intended to be thoughtful, insightful and useful - and perhaps, occasionally, iconoclastic. As a result, there may be instances in which the authors disagree with one another on certain points. This is to be expected for there are often many routes that can be taken to achieve a result. The book will be useful not only to persons who may serve as arbitrators in international arbitral proceedings but also to those who may, in their position as advocates, wish to persuade persons -- including, perhaps, the authors.

A Practical Approach to Alternative Dispute Resolution will appeal to law students and practitioners looking for a book that deals with the full range of ADR processes. This comprehensive book covers the core topics on the dispute resolution module for the BPTC. Its practical focus highlights the key processes and procedures for each topic.

The arbitral tribunal's responsibilities and tasks often do not end when it has rendered its award. Tribunals may be called to interpret their awards or correct clerical errors, the award may be sent back to them for amendments; arbitrators may have to comment on their awards or may be called as witnesses; they may be invited to continue even though all pending disputes have been decided; their fees may be challenged or they may have to claim tax reimbursements. These and other issues that arbitrators, parties and institutions have to face once the award has been rendered are examined by leading authorities.

V.3: " ... provides a detailed discussion of the issues arising from international arbitration awards. It includes chapters covering the form and contents of awards; the correction, interpretation and supplementation of awards; the annulment and confirmation of awards; the recognition and enforcement of arbitral awards; and issues of preclusion, lis pendens and

staredecisis."--Descripción del editor.

Arbitration is the normal and preferred mode for resolving international commercial disputes. It presents an essential advantage over national courts by offering neutrality of adjudication, but is currently only available where both parties have consented to it. This innovative book proposes a fundamental rethink of this assumption and argues that arbitration should become the default mode of resolution in international commercial disputes.

Law and Practice of International Commercial Arbitration.

This title provides the reader with immediate access to understanding the world of international arbitration. Arbitration has become the dispute resolution method of choice in international transactions. This book explains how and why arbitration works. It provides the legal and regulatory framework for international arbitration, as well as practical strategies to follow and pitfalls to avoid. It is short and readable, but comprehensive in its coverage of the basic requirements, including changes in arbitration laws, rules, and guidelines. In the book, the author includes insights from numerous international arbitrators and counsel, who tell firsthand about their own experiences of arbitration and their views of the best arbitration practices. Throughout the book, the principles of arbitration are supported and explained by the practice, providing a concrete approach to an important means of resolving disputes.

This classic work provides students with a clear and authoritative explanation of the law and practice of international arbitration. Now in its fifth edition, this is an invaluable resource providing practical insight and guidance based on the authors' extensive experience as counsel and arbitrators.

To download your digital pack, please visit: www.oup.com/redfernhunter For any queries, please contact: lawreaderqueries@oup.com Redfern and Hunter on International Arbitration is a leading commentary on international commercial arbitration. The sixth edition remains an essential guide for arbitrators, lawyers, and students. Based on the authors' extensive experience as counsel and arbitrators, it provides an updated explanation of all elements of the law and practice of arbitration. This digital pack includes the hardback and a digital ebook available on PC, Mac, Android devices, iPad or iPhone, equipped with full searchability and annotation capabilities. This text provides an authoritative guide to the international arbitral process, from the drafting of the arbitration agreement to the enforcement of arbitral awards. The sixth edition has been updated to incorporate reference to the latest significant developments in the field such as the new LCIA, ICC and UNCITRAL Rules and new IBA Guidelines. There will also be an increased reference to international arbitral authority and practice from beyond Europe (China, India, and the US).

Following the chronology of an arbitration, the book covers applicable laws, arbitration agreements, the establishment and powers of a tribunal, the conduct of proceedings and the role of domestic courts. In addition, it provides an in-depth examination of the award itself, and comments on the special considerations applying to arbitrations brought under investment treaties. It draws on examples of the rules and practice of arbitration at the International Chamber of Commerce, the London Court of International Arbitration, the American Arbitration Association, the International Centre for Settlement of Investment Disputes and the United Nations Commission on International Trade Law.

The best-selling legal skills textbook in the market, Legal Skills is the essential guide for law students, encompassing all the academic and practical skills in one manageable volume.

Academic Paper from the year 2018 in the subject Law - Miscellaneous, grade: A, , course: MASTER OF LAWS IN OIL AND GAS, language: English, abstract: Generally, in simple terms, it is agreed that disputes subjected to neutral parties for determination must come to an end. It is also the position of the law that a dispute between parties, once determined by a competent neutral party, shall not resurface before another neutral party between the same disputing parties and on the same issues or cause of action as the case may be except where an appeal or application to the same court level or higher court is allowed by law. The law calls this *res judicata*. In International Arbitration the principle is not any different except that it is developed to fit the transnational nature of disputes.

Provides a review of the process of international commercial arbitration from beginning to end - from the drafting of the arbitration agreement to the enforcement of the arbitral tribunal's award. The book demonstrates how the flexibility of international commercial arbitration can be used efficiently and how such arbitrations should be conducted in order to be cost effective. It advises on suitable places of arbitration, review developments in international trade law and analyzes the achievements and opportunities of the UNCITRAL Model Law.

International Arbitration in the United States is a comprehensive analysis of international arbitration law and practice in the United States (U.S.). Choosing an arbitration seat in the U.S. is a common choice among parties to international commercial agreements or treaties. However, the complexities of arbitrating in a federal system, and the continuing development of U.S. arbitration law and practice, can be daunting to even experienced arbitrators. This book, the first of its kind, provides parties opting for "private justice" with vital judicial reassurance on U.S. courts' highly supportive posture in enforcing awards and its pronounced reluctance to intervene in the arbitral process. With a nationwide treatment describing both the default forum under federal arbitration law and the array of options to which parties may agree in state courts under state international arbitration statutes, this book covers aspects of U.S. arbitration law and practice as the following: .institutions and institutional rules that practitioners typically use; .ethical considerations; .costs and fees; .provisional measures; and .confidentiality. There are also chapters on arbitration in specialized areas such as class actions, securities, construction, insurance, and intellectual property.

Text of the treatise *Law and Practice of International Commercial Arbitration*, Fifth Edition, by Nigel Blackaby, Constantine Partasides, Alan Redfern and Martin Hunter, which covers the process of international commercial arbitration from the drafting of the arbitration agreement to the enforcement of the arbitration tribunal award, including a review of developments in international trade law and the effect of the Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law (UNCITRAL). Westlaw UK Help - About Books.

It often seems today that no dispute is barred from resolution by arbitration. Even the fundamental question of whether a dispute falls under the exclusive jurisdiction of a judicial body may itself be arbitrable. Arbitrability is thus an elusive concept; yet a systematic study of it, as this book shows, yields innumerable guidelines and insights that are of substantial value to arbitral practice. Although the book takes the form of a collection of essays, it is designed

as a comprehensive commentary on practical issues that emerge from the idea of arbitrability. Fifteen leading academics and practitioners from Europe and the United States each explore different facets of arbitrability always with a perspective open to international developments and comparative evaluation of standards. The presentation falls into two parts: in the first the focus is on the general features of arbitrability, its rationale and the laws applicable to it. In the second, arbitrability is specifically examined in the context of administrative, criminal, corporate, IP, financial, commercial, and criminal law. This book has its origins in an International Conference on Arbitrability held at Athens in September 2005. Seven papers presented there are here reviewed and updated, and nine others are added. The subject of the book and— arbitrability and— is one that is much talked about, but seldom if ever given the in-depth treatment presented here. Arbitrators and other practitioners in the field will welcome the way the analysis moves logically from theory to practice regarding every issue, and academics will recognize a definitive treatment of arbitrability as understood and applied in the settlement of disputes today.

Arbitration is the most common mechanism for disputes' settlement in developing countries. Following the move to free market economies, arbitration will play an increasingly fundamental role in order to protect foreign investors in the Middle East and North African Region (MENA). This book examines the pulse and dynamics of international investment arbitration and the new era of mediation in state contracts in the region. The author explores the harmonization of international arbitration and the sensitive issue of *le Contrat Administratif* in Middle East civil law countries. The volume also discusses the pivotal role of international organizations such as UNCTAD and ICSID in codifying fair and prompt mechanisms for dispute settlement. Using Latin American countries as a prime example of how international legislative instruments serve international investment law principles and comparing Latin American experiences where appropriate, the book demonstrates how lessons can be learned in respect of alternative dispute resolution, international commercial arbitration and investor-states arbitration. It provides suggestions and recommendations for the future and includes useful appendices detailing recent worldwide trends, regional and international instruments in the arbitration world.

Procedural issues are an area of increasing complexity and concern in modern investment arbitration, and one in which very little guidance currently exists. Indeed, there are a number of important points of departure from the procedural rules commonly adopted in the context of international commercial arbitration. *Procedural Issues in International Investment Arbitration* is the first text of its kind to address this gap, examining the most prevalent and controversial procedural issues that arise in investment arbitrations conducted under the ICSID, UNCITRAL, and other arbitral rules. Written by international arbitration experts, the book takes the reader through an investment arbitration in chronological order, identifying each key procedural issue in turn and providing details of the

relevant precedents. It charts the process of an arbitration from applicable law and first sessions right through to post-hearing applications and costs. Fully cross-referenced and tabled, *Procedural Issues in International Investment Arbitration* is an invaluable and practical guide to issues of increasing importance and relevance in ICSID and other arbitrations today.

This volume provides a detailed review of the process of international commercial arbitration, from the drafting of the arbitration agreement to the enforcement of the arbitral tribunal's award. It has been revised to include appendices which describe the arbitration rules of various countries.

Previous edition, 1st, published in 2004.

The 1958 New York Convention has been called the most effective instance of international legislation in the entire history of commercial law. However, the succinct text of the Convention leaves open a host of significant and complex questions, which may be, and have been, answered in a variety of ways; as difficult cases arise and demand solutions, they generate inconsistent outcomes. For all its remarkable success, the Convention has on occasion proved itself to be unreliable and unpredictable. This book simultaneously exposes the difficulties of the Convention and explores potential solutions. It examines each substantive article of the New York Convention in accordance with the following outline: • the text and its issues; • original intent; • the prism of the rules of interpretation of the Vienna Convention; • judicial outcomes; and • appraisal. By drawing on the Convention's drafting history in great detail, the book presents a coherent account of how the most frequently recurring interrogations about the text are reflected (or not) in judicial practice. The author studied more than 1,700 decisions rendered under the Convention since its inception in 1958 in order to provide a succinct selection of landmark cases per article. With its intense investigation of the complex reality underlying contracting States' commitment in principle and judicial application in fact, the author's judicial understanding of the Convention provides a clear conceptual framework that will help avoid outcomes at odds with the purposes of this important instrument. Lawyers and judges will rely on this book not only to situate the Convention in the national legal orders where it is intended to produce its effects, but also discover practical ways to respond to distinct questions of application.

There is probably no area of activity more in need of reliable dispute resolution procedures than construction projects, especially if more than one jurisdiction is involved. The second edition of this eminently practical guide greatly facilitates the process for all parties concerned. The text, now updated to include the latest edition of arbitral rules, considers the full range of available dispute resolution methods, including mediation, conciliation, and (increasingly common in international construction disputes) determination by dispute review boards or expert panels, before focusing specifically on arbitration. The book then looks in detail at all aspects of arbitration, from commencement of proceedings, through preparation and collection of the evidence necessary in complex construction

cases, to common procedural issues, the conduct of the hearing, the effect of the award, challenges to it and its enforcement. Specific valuable features include the following: guidance on drafting of dispute resolution provisions designed to minimise disputes and facilitate their swift resolution; flowcharts to illustrate the stages in dispute procedures and arbitration; a comparison between common law and civil law approaches to key concepts; details of the key features of a construction contract and common standard forms; expert guidance on effective contract administration; step-by-step advice on the conduct of a construction arbitration; and coverage of particular issues thrown up by complex construction disputes which differentiate them from other commercial disputes, with guidelines on how to approach such issues in the presentation before a tribunal. As an easy-to-use resource for both general counsel and the lawyers in private practice, this book has no peers. It has proved to be of particular value to commercial contract negotiators and corporate counsel who may have many years of experience but have not had to live through a construction dispute or manage a construction contract during the life of a project. Lawyers in private practice embarking on a construction dispute for the first time will also find this book of value, as will students of dispute resolution.

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