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Competition policy for the new era : insights from the BRICS countries

Bonakele, Tembinkosi [HerausgeberIn]; Fox, Eleanor M. [HerausgeberIn]; Mncube, Liberty [HerausgeberIn]

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Competition Policy for the New Era

Insights from the BRICS Countries

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European contract law and the creation of norms

Grundmann, Stefan [HerausgeberIn]; Grochowski, Mateusz [HerausgeberIn]

Cambridge : Antwerp : Chicago : Intersentia; 2021

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Notarrechtliches Zentrum Familienunternehmen, 8., 2019, Hamburg [VerfasserIn]; Röthel, Anne [HerausgeberIn]

1. Auflage.; Baden-Baden : Nomos; 2021

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Societas Iuris Publici Europaei, 13., 2018, Hamburg [VerfasserIn]; Kämmerer, Jörn Axel [HerausgeberIn]; Kotzur, Markus [HerausgeberIn]; Ziller, Jacques [HerausgeberIn]

1. Auflage.; Baden-Baden : Nomos : [Bern] : Stämpfli Verlag; 2019

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Cham : Palgrave Macmillan; 2020

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Brito, Miguel Nogueira de [HerausgeberIn]; Pereira Coutinho, Luís [HerausgeberIn]

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Competition law today : concepts, issues, and the law in practice

Dhall, Vinod [HerausgeberIn]

Second edition.; New Delhi : Oxford University Press; 2019

Die Herausforderungen der digitalen Kommunikation für den Staat und seine demokratische Staatsform - The Challenges of Digital Communication for the State and its Democratic State Form - Les défis de la communication numérique pour l'État et sa forme démocratique

Societas Iuris Publici Europaei, 14, 2019, Riga [VerfasserIn]; Levits, Egils [HerausgeberIn]; Potacs, Michael [HerausgeberIn]; Ziller, Jacques [HerausgeberIn]; Iliopoulos-Strangas, Julia [HerausgeberIn]

1. Auflage.; Baden-Baden : Nomos : Sakkoulas : Stämpfli Verlag; 2021

Competition law and intellectual property in China

Kokkoris, Ioannis [HerausgeberIn]; Maniatis, Spyros [HerausgeberIn]; Wang, Xiaoye [HerausgeberIn]; Volpin, Cristina [HerausgeberIn]

First edition.; Oxford : Oxford University Press; 2019

Criminal law-making : theory and practice

Becerra, José [HerausgeberIn]

Cham : Springer Nature Switzerland AG; 2021

Disinformation and digital media as a challenge for democracy

Terzis, Georgios [HerausgeberIn]; Kloza, Dariusz [HerausgeberIn]; Kużelewska, Elżbieta [HerausgeberIn]; Trottier, Danièle [HerausgeberIn]; Konstantinou, Ioulia [HerausgeberIn]

Cambridge [u.a.] : Intersentia Publ. Ltd; 2020

Handbook of the circular economy

Brandão, Miguel [HerausgeberIn]; Lazarevic, David [HerausgeberIn]; Finnveden, Göran [HerausgeberIn]
Cheltenham : Edward Elgar Publishing; 2020

Flexible multi-tier dispute resolution in international tax disputes

Pistone, Pasquale [HerausgeberIn]; Goede, Jan J.P. de [HerausgeberIn]

Amsterdam : IBFD; 2020

International arbitration and EU law

Mata Dona, José Rafael [HerausgeberIn]; Lavranos, Nikolaos [HerausgeberIn]

Cheltenham : Northampton, MA : Edward Elgar Publishing; 2021

Principled resistance to ECtHR judgments - a new paradigm?

Breuer, Marten [HerausgeberIn]

Berlin : Springer; 2020

Rechtsphilosophie im Spiegel der Zeit : Beiträge zum Rechtsdenken Gustav Radbruchs (1878-1949)

Neumann, Ulfrid [VerfasserIn]; Paulson, Stanley L. [HerausgeberIn]

1. Auflage.; Tübingen : Mohr Siebeck; 2021

Selbstreflexion der Rechtswissenschaft

Hilgendorf, Eric [HerausgeberIn]; Schulze-Fielitz, Helmuth [HerausgeberIn]

2. Auflage.; Tübingen : Mohr Siebeck; 202

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Philadelphia : University of Pennsylvania Press; 2015