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Alan Dignam & John Lowry, Company Law (9th ed., OUP 2016), 190

Alan Dignam & John Lowry, Company Law para. 3.10 (9th ed., OUP 2016), 102

Alan Dignam, Hicks & Goo's Cases and Materials on Company Law 424, 425 (7th ed., OUP 2011), 190

Alba J. Mayss, Principles of Conflict of Laws (3d ed., Cavendish Publishing Ltd. 1996), 123

Alison Jones & Brenda Sufrin, EU Competition Law 2 (4th ed., Oxford University Press 2008), 216

Anthony J. VanDuzer, The Law of Partnerships & Corporations 429 (3d ed., Toronto: Irwin Law Inc., 2009), 12

Armin Schwienbacher & Benjamin Larralde, Crowdfunding of Small Entrepreneurial Ventures, The Oxford Handbook of Entrepreneurial Finance 369, 371–372 (Douglas Cumming ed. 2012), 168

B. Obermayer & F. Obermayer, The Panama Papers: Breaking the Story of How the Rich and Powerful Hide Their Money (London: One World Publications 2016), 34

Brenda Hannigan, Company Law, (4th ed., OUP 2016), 191

David Kershaw, Company Law in Context (2d ed., OUP 2012); Companies Act 2006, 103

David McClean & Kisch Beevers, The Conflict of Laws 4 (7th ed., London: Sweet and Maxwell 2009), 120

Derek French et al., Mayson, French & Ryan on Company Law (33d ed., OUP 2016), 103

Dick Frase & Peter Astleford, Hedge Funds and the Law (2d ed., Thomson Reuters 2016), 72

Dirk A. Zetzsche & David Eckner, Appointment, Authorization and Organization of the AIFM, in The Alternative Investment Fund Managers Directive (Dirk A. Zetzsche ed., 2d ed., Wolters Kluwer 2015), 76

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Commercial Law 153 (3d ed., Oxford University Press 2000)

Ernest Vinter, *A Treatise on the History and Law of Fiduciary Relationship and Resulting Trusts* 1 (3d ed., Cambridge 1955), 20

Evan Mckendrick & Roy Goode, *Goode on Commercial Law* 1192 (4th ed., Penguin Group 2010), 121

Friedman, *Law of Agency* 75 (7th ed., 1996), 6

Gabriel Moss, Ian Fletcher & Stuart Isaacs, Moss, Fletcher and Isaacs on the EU Regulation on Insolvency Proceedings (3d ed., OUP 2016), 89

Geert van Calster, *European Private International Law* (2d ed., Hart Publishing 2016), 92

Gower & Davies, *Principles of Modern Company Law* 365 Sweet and Maxwell (8th ed., 2008), 199

J. Fry, S. Greenberg & F. Mazza, *The Secretariat's Guide to ICC Arbitration* 93 (ICC publication, 2012), 211

J. G. Collier, *Conflict of Laws* 5 (3d ed., UK: Cambridge University Press 2001), 120

Jaffey, *Conflict of Laws* 134 (2d ed. 1997), 123

K. I. Igweike, *Nigerian Commercial Law: Sale of Goods* 151 (3d ed., Nigeria: Malthouse Ltd Lagos 2015), 45

M. Dabrowski, *The Global Financial Crisis: Lessons for European integration*, CASE Network Studies & Analyses No. 384/2009 (2009), 133

M. Riley, A. Ladkin & E. Szivas, *Tourism Employment: Analysis and Planning*, (Clevedon: Channel View Publications 2002), 111

Morris, *Conflict of Laws* 66 (7th ed., London: Sweet & Maxwell 2009), 121

P. S. Atiyah, *The Sale of Goods* 411–412 (12th ed., London: Pearson 2010), 51

P. Wood, *Principles of International Insolvency* 710–711 (2d ed., Sweet & Maxwell 2007), 92

Patricia McCann-Smith, Tamra Alexander & Victoria Barney, *Corporate Law and Procedure* 89 (Toronto: Edmond Montgomery Publications Ltd. 2016), 12

Paul Dobson & Rob Stokes, *Commercial Law* 430 (7th ed., Britain: Sweet and Maxwell 2008), 2

Paul L. Davies & Sarah Worthington, *Gower's Principles of Modern Company Law* (10th ed., Sweet and Maxwell 2016), 190

Paul L. Davies & Sarah Worthington, *Principles of Modern Company Law* para. 8–1 (10th ed., Sweet and Maxwell 2016), 102

Peter Murphy, *Murphy on Evidence* 196 (7th ed. 2000), 80

Ratanlal & Dhirajlal, *The Law of Evidence* 193 (23d ed. 2014), 80

Richard Thomas, *The Impact of the PPI Mis-selling on the Financial Ombudsman Service*, *Financial Ombudsman Service* (2016), 153

Sarah Worthington, Sealy & Worthington's Text, *Cases & Materials in Company Law* (11th ed., OUP 2016), 103

Smith, *Conflict of Laws* 7 (2d ed., Cavendish Publishing Ltd 1999), 121

Trietel, *The Law Of Contract* (12th ed., Sweet & Maxwell 2007), 216

White Paper: *Applications of Blockchain Technology to Banking and Financial Sector in India*, *Institute of Development of Research in Banking Technology* 79

Woodroffe & Amir Ali, *Law of Evidence* 718 (19th ed. 2013), 80

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