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ФИО: Ястребов Олег Алексефска State Autonomous Educational Institution of Higher Education PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA Должность: Ректор

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named after Patrice Lumumba

#### LAW INSTITUTE

educational division (faculty/institute/academy) as higher education programme developer

#### **COURSE SYLLABUS**

#### INTERNATIONAL COMMERCIAL ARBITRATION AND OTHER ADR

course title

## Recommended by the Didactic Council for the Education Field of:

40.04.01 JURISPRUDENCE

field of studies / speciality code and title

The course instruction is implemented within the professional education programme of higher education:

## INTERNATIONAL PRIVATE LAW

higher education programme profile/specialisation title

## 1. COURSE GOAL(s)

The goal of the course «International Commercial Arbitration and Other ADR» is:

- 1) to acquaint students with the activities of international commercial arbitration of different countries,
- 2) to develop students' skills in practical application of norms of arbitration law which regulate the activities of International Commercial arbitration for resolving commercial disputes.
- 3) to form a student understanding of the legal regulation of the resolution of economic disputes by International Commercial arbitration and in accordance with ADR procedures;
- 4) to teach the student:
  - freely operate with the appropriate conceptual apparatus;
- analyze and apply the norms of the current International Commercial arbitration and ADR legislation of the Russian Federation;
- prepare necessary documents for work with International Commercial arbitration and ADR: statements of claim, petitions, complaints, draft judgments and decisions;
- analyze judicial practice in the field of International Commercial arbitration and ADR.

## 2. REQUIREMENTS FOR LEARNING OUTCOMES

Mastering the course (module) «International Commercial Arbitration and Other ADR» intends to train and guide students to achieve the development of following competences (competences in part):

*Table 2.1. List of competences that students acquire through the course study* 

Competence code	Competence descriptor	Competence formation indicators (within this course)
UC-7	UC-7. Able to: search for the necessary sources of information and data, perceive, analyze, memorize and transmit information using digital means, as well as using algorithms when working with data received from various sources in order to effectively use the information received to solve problems; evaluate information, its reliability, build logical conclusions based on incoming information and data	information and data, perceives, analyzes, memorizes and transmits information using digital means, as well as using algorithms when working with data received from various sources in order to effectively use the information received to solve problems; UC-7.2. Evaluates information, its reliability, builds logical conclusions based on incoming
GPC-1	GPC-1. Able to analyze non-standard situations of law enforcement practice and offer the best options for their solution	GPC-1.1. Possesses general and special knowledge to identify and resolve non-standard situations (situations in which uniform approaches to the application of the law have not been formed) in law enforcement practice; GPC-1.2. Analyzes non-standard situations in law enforcement practice, including identifying legal and other causes and/or conditions for their occurrence;

Competence code	Competence descriptor	Competence formation indicators (within this course)
		GPC-1.3. Develops optimal options for solving non-standard situations of law enforcement practice, taking into account possible legal consequences and draws up these decisions in the form prescribed by law.
GPC-3	GPC-3. Able to competently interpret legal acts, including in situations where there are gaps and conflicts of law	GPC-3.1. Knows the essence and specifics of the ways and methods of interpreting legal acts, ways to eliminate gaps and conflicts in law; GPC-3.2 Has the skills to interpret legal acts, including in situations where there are gaps and conflicts of law GPC-3.3 Gives qualified explanations on the content and application of the law
GPC-4	GPC-4. Able to argue in writing and orally the legal position on the case, including in adversarial processes	GPC-4.1. Knows the content of basic and specific legal concepts, terms and definitions, is able to use them to build an oral and written position on a specific legal problem; GPC-4.2. Able to argue in writing and orally the legal position on the case, including taking into account the principle of adversarial proceedings; GPC-4.3. Possesses the skills of drafting legal documents on the case and the skills of public speaking with the argumentation of the position for the professional conduct of polemics in the trial.
GPC-5	GPC-5. Able to independently draw up legal documents and develop drafts of normative (individual) legal acts	GPC-5.1. Possesses general and specific legal knowledge necessary for the preparation of legal documents for various purposes and the development of draft normative (individual) legal acts; GPC-5.2. Independently draws up legal documents and develops drafts of normative (individual) legal acts GPC-5.3. Possesses skills in drafting legal documents and drafting normative (individual) legal acts in accordance with the profile of his professional activity
GPC-6	GPC-6. Able to ensure compliance with the principles of ethics of a lawyer, including taking measures to prevent corruption and suppress corruption (other) offenses	GPC-6.1. Knows the specifics of ethical standards in professional legal activity; GPC-6.2. Ensures compliance with the principles of ethics in specific types of legal activities, including taking measures to prevent corruption and suppress corruption (other) offenses; GPC-6.3. Possesses systematic skills in ensuring compliance with the principles of ethics of a lawyer, including in taking measures to prevent corruption and suppress corruption (other) offenses.
GPC-7	GPC-7. Able to apply information technologies and use legal databases to solve problems of professional activity, taking into account the requirements of information security	GPC-7.1. Knows the basic information technologies and legal bases for solving problems in various areas of legal activity; GPC-7.2. Applies information technologies and uses legal databases to solve the problems of professional activity, taking into account the requirements of information security;

Competence	Competence descriptor	Competence formation indicators	
code	Competence descriptor	(within this course)	
		GPC-7.3. Owns the skills of information service	
		and data processing to solve the problems of	
		professional activity, taking into account the	
		requirements of information security.	
		PC-3.1. Knows the specifics of legal regulation	
		and law enforcement practice in specific areas of	
		legal activity;	
		PC-3.2. Correctly establishes legal facts, as well as	
		facts and circumstances of legal significance,	
		carries out their comprehensive analysis, taking	
		into account the specifics of the evidence process	
	PC-3. Able to skillfully apply the	in specific areas of legal activity;	
PC-3	norms of substantive and procedural	•	
	law in specific areas of legal activity	correctly and reasonably applies the norms of	
		substantive and procedural law in professional	
		activities;	
		PC-3.4. Takes a law enforcement decision in the	
		form prescribed by law in compliance with its	
		sectoral affiliation, requirements for the structure,	
		procedure for adoption and competence of the	
		subject of law enforcement.	
		PC-4.1. Knows the specifics and methodology of	
		consulting in specific areas of legal activity;	
PC-4	PC-4. Able to provide qualified legal	PC-4.2. Provides qualified advice in specific areas	
	advice in specific areas of legal activity	of legal activity;	
		PC-4.3. Possesses the skills of legal consulting in	
		specific areas of legal activity	

### 3.COURSE IN HIGHER EDUCATION PROGRAMME STRUCTURE

The course refers to the variable component of (B1) block of the higher educational programme curriculum.

Within the higher education programme students also master other (modules) and / or internships that contribute to the achievement of the expected learning outcomes as results of the course study.

Table 3.1. The list of the higher education programme components/disciplines that contribute to the achievement of the expected learning outcomes as the course study results

Compet	Competence descriptor	Previous	Subsequent courses/modules*		
ence		courses/modules*			
code					
	UC-7. Able to: search for the		Law Applicable to Cross-Border		
	necessary sources of information	Comparative Law	Contractual Obligations /		
	and data, perceive, analyze,	Research /	Cross-Border Transactions:		
	memorize and transmit	Current Issues of Private	Legal and Practical Aspect /		
	information using digital means,	International Law /	Private International Law Issues		
UC-7	as well as using algorithms when	Introduction to Private	in the Field of Protection of		
	working with data received from	International Law:	Intellectual Property Rights /		
	various sources in order to	Theoretical and Historical	Digital Methods of Disputes		
	effectively use the information	Aspect /	between Resolution in Russia		
	received to solve problems;		and Abroad /		
	evaluate information, its		World Trade Organisation Law /		

Compet	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
code		courses/modules	
	reliability, build logical conclusions based on incoming information and data		Civil Procedural Law and Private International Law In The European Union: Issues of Unification / Legal Regulation of Transactions with Foreign Assets / Law of International Trade / Art and Cultural Heritage Law / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Research Work / Educational Internship (Teaching) / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-1	GPC-1. Able to analyze non-standard situations of law enforcement practice and offer the best options for their solution	Philosophy of Law / History and Methodology of Legal Science / Comparative Law Research / Current Issues of Private International Law /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Private International Law Issues in the Field of Protection of Intellectual Property Rights / Digital Methods of Disputes between Resolution in Russia and Abroad / World Trade Organisation Law / Право Civil Procedural Law and Private International Law In The European Union: Issues of Unification / Legal Regulation of Transactions with Foreign Assets / Law of International Trade / Art and Cultural Heritage Law / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Private International Law Issues in the Field of Insurance Law / Research Work / Hayчно-исследовательская работа Educational Internship (Teaching) /Academic Practice and Legal Consulting and Scientific Research Internship /

Compet	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
GPC-3	GPC-3. Able to competently interpret legal acts, including in situations where there are gaps and conflicts of law	Philosophy of Law / Comparative Law Research / Current Issues of Private International Law /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Private International Law Issues in the Field of Protection of Intellectual Property Rights / Digital Methods of Disputes between Resolution in Russia and Abroad / World Trade Civil Procedural Law and Private International Law in The European Union: Issues of Unification / Legal Regulation of Transactions with Foreign Assets / Law of International Trade / Art and Cultural Heritage Law / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Private International Law Issues in the Field of Insurance Law / Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-4	GPC-4. Able to argue in writing and orally the legal position on the case, including in adversarial processes	Philosophy of Law / Current Issues of Private International Law / Introduction to Private International Law: Theoretical and Historical Aspect	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Private International Law Issues in the Field of Protection of Intellectual Property Rights / Digital Methods of Disputes between Resolution in Russia and Abroad / World Trade Organisation Law / Civil Procedural Law and Private International Law In The European Union: Issues of Unification / Legal Regulation of Transactions with Foreign Assets / Law of International Trade / Art and Cultural Heritage Law /

Compet	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
code			Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Notarial System / Private International Law Issues in the Field of Insurance Law / Educational Internship (Teaching) / Academic Practice and Legal Consulting and
GPC-5	GPC-5. Able to independently draw up legal documents and develop drafts of normative (individual) legal acts	Comparative Law Research / Current Issues of Private International Law / Introduction to Private International Law: Theoretical and Historical Aspect /	Scientific Research Internship / Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Private International Law Issues in the Field of Protection of Intellectual Property Rights / Digital Methods of Disputes between Resolution in Russia and Abroad / World Trade Organisation Law / Civil Procedural Law and Private International Law In The European Union: Issues of Unification / Legal Regulation of Transactions with Foreign Assets / Law of International Trade / Art and Cultural Heritage Law / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Notarial System / Private International Law Issues in the Field of Insurance Law / Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-6	GPC-6. Able to ensure compliance with the principles of ethics of a lawyer, including	Philosophy of Law /	Digital Methods of Disputes between Resolution in Russia and Abroad /

Compet ence	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
code	taking measures to prevent corruption and suppress corruption (other) offenses		Civil Procedural Law and Private International Law In The European Union: Issues of Unification / Notarial System / Variable Component / Educational Internship (Teaching) / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-7	GPC-7. Able to apply information technologies and use legal databases to solve problems of professional activity, taking into account the requirements of information security	History and Methodology of Legal Science / Comparative Law Research / Introduction to Private International Law: Theoretical and Historical Aspect /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Private International Law Issues in the Field of Protection of Intellectual Property Rights / Digital Methods of Disputes between Resolution in Russia and Abroad / World Trade Organisation Law / Civil Procedural Law and Private International Law In The European Union: Issues of Unification / B Ebponeŭckom союзе: вопросы унификации Legal Regulation of Transactions with Foreign Assets / Law of International Trade / Art and Cultural Heritage Law / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Notarial System / Private International Law Issues in the Field of Insurance Law / Research Work / Hayuho-исследовательская работа Educational Internship (Teaching) / Academic Practice and Legal Consulting and Scientific Research Internship /
PC-3	PC-3. Able to skillfully apply the norms of substantive and procedural law in specific areas of legal activity	Current Issues of Private International Law / Introduction to Private International Law: Theoretical and Historical Aspect /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect /

Compet	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
code			Private International Law Issues in the Field of Protection of Intellectual Property Rights / Digital Methods of Disputes between Resolution in Russia and Abroad / World Trade Organisation Law / Civil Procedural Law and Private International Law In The European Union: Issues of Unification / Legal Regulation of Transactions with Foreign Assets / Law of International Trade / Art and Cultural Heritage Law / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Notarial System / Private International Law Issues in the Field of Insurance Law / Academic Practice and Legal Consulting and Scientific
PC-4	PC-4. Able to provide qualified legal advice in specific areas of legal activity		Research Internship / Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Private International Law Issues in the Field of Protection of Intellectual Property Rights / Digital Methods of Disputes between Resolution in Russia and Abroad / World Trade Organisation Law / Civil Procedural Law and Private International Law In The European Union: Issues of Unification / Legal Regulation of Transactions with Foreign Assets / Law of International Trade / Art and Cultural Heritage Law / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions /

Compet	Competence descriptor	Previous	Subsequent courses/modules*		
ence		courses/modules*			
code					
			Cyberspace: Jurisdiction and		
			Dispute Resolution/		
			Private International Law Issues		
			in the Field of Transnational		
			Insolvency /		
			Notarial System /		
			Private International Law Issues		
			in the Field of Insurance Law /		
			Academic Practice and Legal		
			Consulting and Scientific		
			Research Internship /		

<sup>\*</sup> To be filled in according to the competence matrix of the higher education programme.

## 4. COURSE WORKLOAD AND ACADEMIC ACTIVITIES

The total workload of the course is 3 credits (108 academic hours)

Table 4.1. Types of academic activities during the periods of higher education programme mastering (<u>full-time training</u>) \*

Type of academic activities		Total academic	Semesters/training modules			
		hours	1/1	1/2	2/3	2/4
Contact academic hours		32		32		
including:						
Lectures (LC)						
Lab work (LW)						
Seminars (workshops/tutorials) (S)		32		32		
Self-studies		74		74		
Evaluation and assessment (exam/passing/failing grade)		2		2		
Course workload academic hours		108		108		
	credits	3		3		

Table 4.2. Types of academic activities during the periods of higher education programme mastering (part-time training) \*

Type of academic activities	Total academic	Semesters/training modules			
	hours	1/1	1/2	2/3	2/4
Contact academic hours					
including:					
Lectures (LC)					
Lab work (LW)					
Seminars (workshops/tutorials) (S)					
Self-studies					
Evaluation and assessment (exam/passing/failing grade)					

Type of academic activities		Total academic	Semesters/training modules		ing	
		hours	1/1	1/2	2/3	2/4
	academic					
Course workload	hours					
	credits					

<sup>\*</sup> To be filled in regarding the higher education programme part-time training mode.

Table 4.3. Types of academic activities during the periods of higher education programme mastering (correspondence training) \*

Type of academic activities		Total academic	Semesters/training modules		ing	
		hours	1/1	1/2	2/3	2/4
Contact academic hours						
including:						
Lectures (LC)						
Lab work (LW)						
Seminars (workshops/tutorials) (S)						
Self-studies						
Evaluation and assessment (exam/passing/failing						
grade)						
	academic					
Course workload hours						
credits		_				

<sup>\*</sup> To be filled in regarding the higher education programme correspondence training mode.

## **5. COURSE CONTENTS**

Table 5.1. Course contents and academic activities types

Course module title		Course module contents (topics)	Academic activities types
		1 Semester 2 module	
1.	resolving of the commercial disputes	Alternative methods of resolving commercial disputes in Europe, Asia, Africa and Latin America.  The term and concept of alternative ways of resolving commercial disputes. Alternative ways of resolving commercial disputes.  The principles of the international commercial arbitration.  The evolution of alternative methods of resolving disputes in Europe, Asia, Africa and Latin America	S
2.	Sources of legal regulation of international commercial arbitration.		S

(	Course module title	Course module contents (topics)	Academic activities types
		1 Semester 2 module	T
		Role of Lex Mercatoria for the International Commercial Arbitration.	
3.	Types of the international commercial arbitration institutions and theirs competence.	and theirs competence.  Institutional international commercial arbitration and adhoc	S
4.	General Provisions of international commercial arbitration.	General Provisions of international commercial arbitration. The competence-competence doctrine. Formation of the arbitration panel and its features. Arbitrabillity of the international disputes by the international commercial arbitration institutions. Features of determining the applicable law under the international arbitration procedures. Evidences and burden of evidences under the international arbitration procedures. Security measures in international commercial arbitration. An arbitration award and its structure. Arbitration fees.	S
5.	International commercial arbitration in Europe and Asia.	International commercial arbitration in Europe and Asia.  Mediation and reconciliation in European law. The major centers of international commercial arbitration in Europe and Asia. Nation sources of legal regulation of the international commercial arbitration.	S
6.	International commercial arbitration in Africa and Latin America.	The Procedure of International commercial arbitration in Africa and Latin America.	S
7.	Recognition and Enforcement of Arbitral Awards.	Recognition and Enforcement of Arbitral Awards. The procedure of the recognition and the enforcement of arbitral awards in accordance with the New York convention of 1958 on the Recognition and Enforcement of Foreign Arbitral Awards. The competence-competence doctrine and the enforcement of arbitral awards. Accession of Europe, Asian, African and Latin American countries to the New York Convention of 1958 On the Recognition and Enforcement of Foreign Arbitral Awards. The procedure for recognition of foreign arbitral awards. Enforcement of Foreign Arbitral Awards.	
8.	Challenging and overturning of awards in Europe, Asia, Africa and Latin America.	Challenging and overturning of awards in Europe, Asia,	S

Course module title		Course module contents (topics)	Academic activities types
		1 Semester 2 module	
9.	Introduction of information	Introduction of information technologies in international commercial arbitration.	S
	<u> </u>		
	international	Legal aid and access to justice in international relations.	
	commercial arbitration.		

<sup>\* -</sup> to be filled in only for full -time training: LC - lectures; LW - lab work; S - seminars.

# 6. CLASSROOM EQUIPMENT AND TECHNOLOGY SUPPORT REQUIREMENTS

Table 6.1. Classroom equipment and technology support requirements

Tyme		Specialised educational /		
Type of academic	Classroom equipment	laboratory equipment, software, and materials		
activities	Classicom equipment	for course study		
activities		(if necessary)		
		Multimedia projector,		
		laptop, projection screen,		
	A lecture hall for lecture-type classes,	stable wireless Internet		
Lecture	equipped with a set of specialised furniture;	connection.		
	board (screen) and technical means of multimedia presentations.	Software: Office 365 (MS		
	mutumedia presentations.	Office, MS Teams),		
		Chrome		
		Multimedia projector,		
	A classroom for laboratory work, individual	laptop, projection screen,		
Lab work	consultations, current and mid-term	stable wireless Internet connection.		
Lab work	assessment; equipped with a set of specialised	Software: Office 365 (MS)		
	furniture and machinery.	Office, MS Teams),		
		Chrome		
		Multimedia projector,		
	A classroom for conducting seminars, group	laptop, projection screen,		
	and individual consultations, current and	stable wireless Internet		
Seminars	mid-term assessment; equipped with a set of	connection.		
	specialised furniture and technical means for	Software: Office 365 (MS)		
	multimedia presentations.	Office, MS Teams), Chrome		
	A classroom for conducting classes, group	Multimedia projector,		
	and individual consultations, current and	laptop, projection screen,		
	mid-term assessment, equipped with personal	stable wireless Internet		
Computer Lab	computers (in the amount of 30 pcs), a board	connection.		
	(screen) and technical means of multimedia	Software: Office 365 (MS		
	presentations.	Office, MS Teams),		
		Chrome		
G 10 - 11	A classroom for independent work of	Multimedia projector,		
Self-studies	students (can be used for seminars and	laptop, projection screen,		
	consultations), equipped with a set of	stable wireless Internet		

Type of academic activities	Classroom equipment	Specialised educational / laboratory equipment, software, and materials for course study (if necessary)
	specialised furniture and computers with access to the electronic information and educational environment	connection. Software: Office 365 (MS Office, MS Teams), Chrome
Courtroom	A classroom for court hearing simulation equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection.	Multimedia projector, laptop, projection screen, stable wireless Internet connection.  Software: Office 365 (MS Office, MS Teams), Chrome

<sup>\*</sup> The premises for students' self-studies are subject to MANDATORY mention

#### 7. RESOURCES RECOMMENDED FOR COURSE STUDY

Main reading (sources):

- 1. Kurochkin S.A. Arbitration and international commercial arbitration. M.: Statute, 2017 (ConsultantPlus Database)
- 2. International commercial arbitration: a textbook / B. R. Karabelnikov. M.Infotopik Media, 2012 (Consultant Plus Database)

#### Additional (optional) reading (sources):

- 1. Anufrieva LP International private law: In 3 vols. Volume 3. Cross-border bankruptcy. International commercial arbitration. International Civil Procedure: Textbook.-M., 2001. (Consultant Plus Database)
- 2. Karabelnikov B.R. Enforcement and contestation of decisions of international commercial arbitration. Commentary on the 1958 New York Convention. and chapters 30 and 31 of the agro-industrial complex of the Russian Federation of 2002. M. Statut. 2008 (Consultant Plus Database)

#### Internet sources:

- 1. 1. Electronic libraries (EL) of RUDN University and other institutions, to which university students have access on the basis of concluded agreements:
  - RUDN Electronic Library System (RUDN ELS) http://lib.rudn.ru/MegaPro/Web
  - EL "University Library Online" http://www.biblioclub.ru
  - EL "Yurayt" http://www.biblio-online.ru
  - EL "Student Consultant" www.studentlibrary.ru
  - EL "Lan" http://e.lanbook.com/
  - EL "Trinity Bridge"
  - The European e-Justice Portal <a href="https://e-justice.europa.eu/home">https://e-justice.europa.eu/home</a>.

#### 2.Databases and search engines:

- electronic foundation of legal and normative-technical documentation <a href="http://docs.cntd.ru/">http://docs.cntd.ru/</a>

<ul><li>Google search engine </li></ul>
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- Yandex search engine https:// www .yandex.ru/