# Publishing vs. Patenting With the participation of European IP Helpdesk

27th September 2019, 11.30 (CET)



This project has received funding from the European Union's Horizon 2020 Future and Emerging Technologies programme under grant agreement No 824753.

# Webinar Objectives

- □ The webinar will examine the two different routes related to dissemination and exploitation of project results, with a specific focus to FET funded projects.
- □ It will provide advice on how to prevent others from making, using, or selling the IP, when to choose a defensive approach related to the publications and the open access model, as well as how seeking a patent without preclude a publication.
- ☐ The different needs and objectives of research organisations/universities (ROs) and small and medium sized enterprises/industry will be identified.



# **AGENDA**

The FETFX project, Marta Calderaro, APRE

Publishing v. patenting, Michele Dubbini, EU IP Helpdesk

- Traditional distinction
- Publishing and Patenting approaches
- Alternative dissemination routs
  - Defensive publication
  - Open access model
  - Secrecy

**Q&As** 

Access2EIC project introduction, Alessia Rotolo, APRE



# The FETFX project Marta Calderaro, APRE



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# **About FETFX**

# FET-Open Coordination and Support Action on FET communication and outreach

From 01/01/2019 to 30/06/2021











# **FETFX Objectives**

## Communicate FET & EIC

Enhance visibility and impact of FET research among a variety of actors - researchers, policy makers, investors, the general public - via public communication and a mix of tools and media

## Engage with FET & EIC

Stimulate debate and collaboration among multiple stakeholders through dedicated community building and engagement activities - workshops for policy makers, major events and initiatives such as Journalist in the Lab, FET Start Cup, webinars and furthermore...

# Free of charge



# EFFECT Project Baseline

Online engagement: more than 250,000 people reached and more than 23,000 online users engaged

Offline engagement: More than 200 individuals participating in EFFECT events

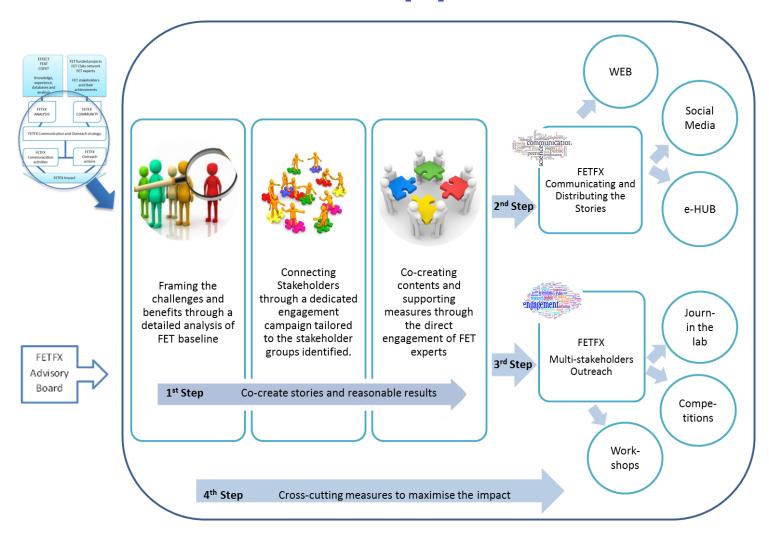
FET R&I community: EFFECT reached 86 FET funded projects







# FETFX Approach



www.fetfx.eu



# The FETFX communication hub





02/10/20

# The FETFX communication hub

# // Today's featured stories



FET People

How can visionary science bring innovation into society?

**CULTURE & SOCIETY** 

Nine Future and Emerging Technologies experts from the academia, the industry and the government answer the big question raised during the Innovative Enterprise Week Bucharest.

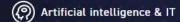


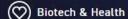
# **FET PROJECTS**

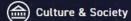
Hi-tech and high-risk, FET research goes beyond what we know. Breaking down boundaries and developing fresh-thinking, to revolutionise the way we live our lives. Europe's passionate about it and supports brilliant researchers with the resources they need.

# // Browse funded research projects

#### **FILTER BY THEME**



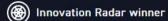




Energy & Environment



#### **FILTER BY RESULT**



Registered patents

Prototyping phase

(A) Start-up/spin-off launched

#### **ABIOMATER**

Building the next class of metamaterials that will address the present issues in our medical devices and implants

**NANOTECH & MATERIALS** 

#### **AMECRYS**

Cutting time and operation costs of biopharmaceuticals by revolutionising their manufacturing process

**BIOTECH & HEALTH** 

#### **ASSISIbf**

Finding new ways to protect endangered species and the environment by integrating artificial intelligencebased robotic animals

ARTIFICIAL INTELLIGENCE & IT

#### **AMADEUS**

Creating a new set of hybrid photovoltaic devices which are able to meet the ultra-high temperature capacity operated in latent heat thermal storage (LHTES)

NANOTECH & MATERIALS

#### ARTIMATTER

Creating thin layers of graphene as building blocks for new types of materials

**NANOTECH & MATERIALS** 

#### **Brain Bow**

Restoring neuronal connections of patients that suffered brain damage due to accidents or strokes

**BIOTECH & HEALTH** 

# FET KNOWLEDGE HUB

Gain access to every piece of information regarding FET as you browse through our collection of resources produced, collected and curated by FETFX.

# // Browse all FET resources

#### **FILTER BY TYPE**

( ) Reports

) Guides

) Event proceedings

Dissemination materials

Data sets



#### 100 Radical Innovation Breakthroughs for the future

How do we see European innovation in the near future? This report gives you a broad idea on what to expect via 100 radical innovation breakthroughs.

REPORTS // Researchers, Innovators/investors, Policy makers // August, 6th 2019



#### Governing Missions: Governing Missions in the European Union

Mariana Mazzucato lists down 17 recommendations the European Commission must embrace to ensure the success of Horizon Europe's research missions.

GUIDES // Researchers, Innovators/investors, Policy makers // July, 15th 2019



( ) Researchers

nnovators/investors

Policy makers



# Mission-oriented research and innovation policy – A RISE perspective

In this report, RISE, or the independent Research Innovation and Science Expert high-level group, wrote how mission-oriented Research and Innovation policy can work at a European level.

GUIDES // Researchers, Policy makers // June, 28th 2019

# The FETFX support...



FETFX is now accepting regarding FET projects' the market and news rela

bimonthly publication

info@fetfx.eu

YOUR NEWS in our e-Magazine

Please fill in the below form and send it with if possible a PICTURE and/or a LOGO to illustrate the article. Before drafting it, please have a look on our editorial lines below.

#### FOR A NEWS - A STORY / KEY INFORMATION NEEDED

| News title                              | Please fill in: |
|---|-----------------|
| four Text: (MAX +/- 200 to )            | 300 words)      |
|   |                 |
| Website link(s):                        | Please fill in: |
|   |                 |
| If no link the source(s) of the         | Please fill in: |
| If no link the source(s) of the<br>news | Please fill in: |

| Event title:                                   | Please fill in: |
|--|-----------------|
| Event start/end date/period:                   | Please fill in: |
| Where? Venue                                   | Please fill in: |
|  | •               |
|  |                 |
| Organised by:                                  | Please fill in: |
| Co-organised/supported by:                     | Please fill in: |
| Co-organised/supported by:<br>Website link(s): |                 |
|  | Please fill in: |

Before the event: what would be interesting to know is details of the objectives and the topics that will be covered.

After the event: details of the topics raised and if relevant, the possible outcomes resulting to this event.

#### **EDITORIAL LINE**

The text should be NON-COMMERCIAL information about cooperation, events, FET stories, case studies etc. The text should follow a "journalistic" style and avoid using terms such as "we/our" but use "the organization/their"

- FET funded projects related news European Innovation Council related news
- Covering the following topics:
  - Policy (non-controversial, no position paper).
  - Business cooperation Technology transfer cooperation

#### Research collaboration

- Below listed are some examples of news that would be relevant for the newsletter:

  Cooperation (business, R&D-innovation or interdisciplinary research) raising from a FET funded project.
  - Information about the FET funded project that would be of interest to EU readers (e.g. relevant result, event) Support for European FET funded projects

Support for transparent 1: Introduct projects
 Information about high level publishmen (e.g., Nature, Science) or Prize
 For case or success solvice: what would be interesting to insow one details of the personal/intringy followed by the FET project in
 manifest to some the market or solve or societific disultange. The main insourchindrings found by the FET project inchandings, the lang
 wision belieful; it is intrinstitutionary confidence as well as the staff involved (e.g., young researchers and High Tech SMEs)
 could be at the load of your article.





**YOUR NEWS** in our e-Magazine

Call for texts: The FETFX project is open to publish the news sent by its network of potential contributors

FETFX project has received funding from the European Linion's Harizon 2020 research and Innovation gapga under grant agreement No 804753.

- . Deadline: the last day for the contributors to send the material (texts and pictures) will be 15 days prior the bimonthly publication (e.g. 15th May, 15th July, 15th Sept. and 15th November
- bsues: The e-Magazine will be published on a bi-monthly basis. Four editions are essinged in 2019 (June August, October and December).
- Document online on: http://www.fetfx.eu/out-of-the-lab-resources/

For any additional queries, feel free to contact us.

Many thanks for your cooperation and best regards

FETEX Project Coordinator: Marta Calderaro TEL +39 6 4893 9993 / info@fetfs.eu

# CSAs supporting FET R&I community



Establishing a FET Observatory for early trends, project building and social responsibility

www.prefet.eu



Supporting FET Projects to increase their influence and impact among society

www.fetfx.eu



Identifying FET innovation opportunities and accessing respective markets

www.fetbriefing.eu



# Proposers' available services

Your NCP for Small Medium-sized Enterprises - SMEs and Access to risk finance

www.access4smes.eu



EIC FET Open data hub

https://fetopen.easme-web.eu/#



Access 4 SMFs

# Follow us...



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# Publishing vs. Patenting Michele Dubbini, European IP Helpdesk

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## **European IP Helpdesk**

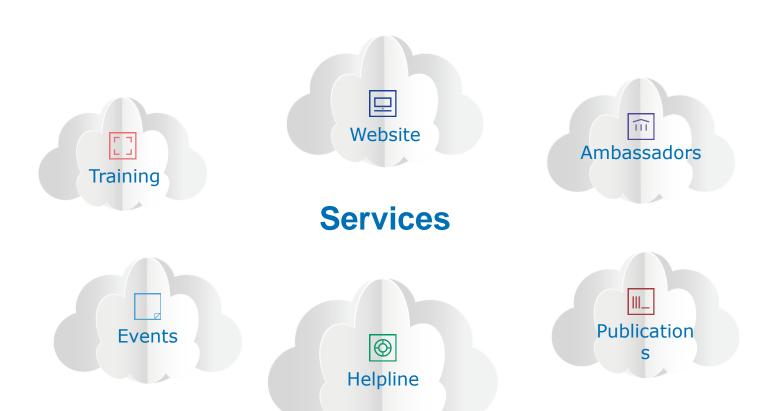
- Service initiative of the European Commission providing free-of-charge first-line support on IP-related issues
- Helping current and potential beneficiaries of EU-funded projects, researchers and EU SMEs engaged in cross-border business manage their intangible assets

www.iprhelpdesk.eu











## **Upcoming Webinars**

11 Sep: Introduction to IP

18 Sep: IP Commercialization

09 Oct: Geographical Indications

23 Oct: IP in EU-funded Projects

30 Oct: Technology Transfer

06 Nov: Freedom to Operate in

H2020

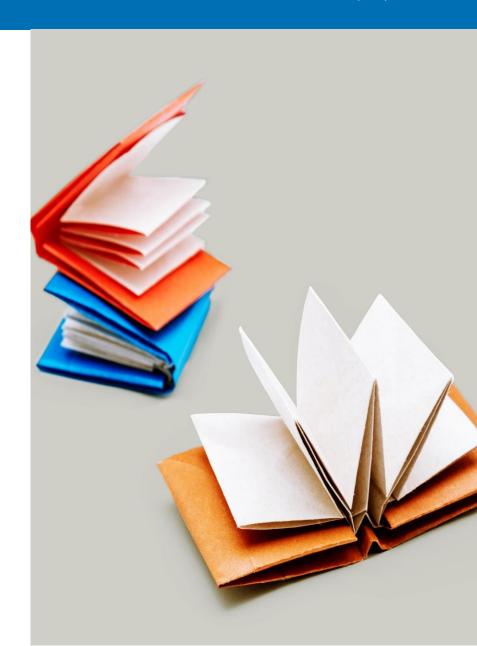
13 Nov: Consortium Agreements





#### **Publications**

- Online library: fact sheets, case studies, IP guides and charts, infographics, templates, FAQs
- IP Specials: information packages on "hot" IP & innovation topics
- **Bulletin**: thematic online magazine published twice a year
- Newsletter: Sent via email bi-weekly





# Fact Sheet: Open Access to scientific publications and research data in Horizon 2020: Frequently Asked Questions (FAQs)

http://www.iprhelpdesk.eu/sites/default/file s/newsdocuments/Fact-Sheet-Open-Access-to-Publications-and-Data-in-H2020-FAQ.pdf



www.iprhelpdesk.eu

#### European IPR Helpdesk

#### **Fact Sheet**

Open Access to scientific publications and research data in Horizon 2020:

Frequently Asked Questions (FAQs)

#### July 2015<sup>1</sup>

|     | General Questions  |
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| 1.3 | Do Open Access models have an impact on intellectual property rights? 3  |
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#### Introduction

All research builds on former work and depends on the possibilities for scientists to access and share scientific information. The Internet has fundamentally changed the world and we have also witnessed its impact on the scientific system, which is currently undergoing significant changes ("Science 2.0"/"Digital Science"). In particular, fuller and wider access to scientific publications and research data can help to:

- · Accelerate innovation (faster to market = faster growth);
- · Foster collaboration and avoid duplication of efforts (greater efficiency);
- · Build on previous research results (improved quality of results);
- Involve citizens and society (improved transparency of the scientific process).

<sup>&</sup>lt;sup>1</sup> This fact sheet was first published in May 2014 and updated in July 2015



# Fact Sheet: Publishing vs Patenting

http://www.iprhelpdesk.eu/sites/default/file s/newsdocuments/Fact-Sheet-Publishingv-Patenting.pdf



www.iprhelpdesk.eu

#### European IPR Helpdesk

### Fact Sheet Publishing v. patenting

#### October 20151

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#### Introduction

Usually, the two main means to bring technical and scientific knowledge to the public are patent applications and journal publications. In the Internet era two alternative means are available: the defensive publications and the open access model.

This fact sheet examines the different aspects of these knowledge dissemination routs, also taking into account the different needs and objectives of Research Organisations (ROs)/universities and Small and Medium-sized Enterprises (SMEs). It is important to note that there are not rules when choosing one of these routs as they all serve different purposes and can also be used simultaneously. Yet, one needs to ensure that the choice will be in line with the overall organisation strategy.

<sup>&</sup>lt;sup>1</sup> This fact sheet was initially published in July 2013 and updated in October 2015.



# **International IPR SME Helpdesks**





# Roadmap

- Intellectual Property & Intellectual Property Rights
- Patenting
  - Novelty and patent protection
- Soft IP
- Publishing
  - Copyright and publishing
  - Defensive Publications
  - Open Source





# **Intellectual Property**



## **Intellectual Property**



Results of creative efforts from the human intellect

Such creations have an intangible nature

Intellectual Property



Protect

- IP Rights
- Soft IP

Publish

- Defensive Publication
- Open source



# **Protecting (Patent Protection)**





# **IP Rights**



# **Intellectual Property vs. Intellectual Property Rights**

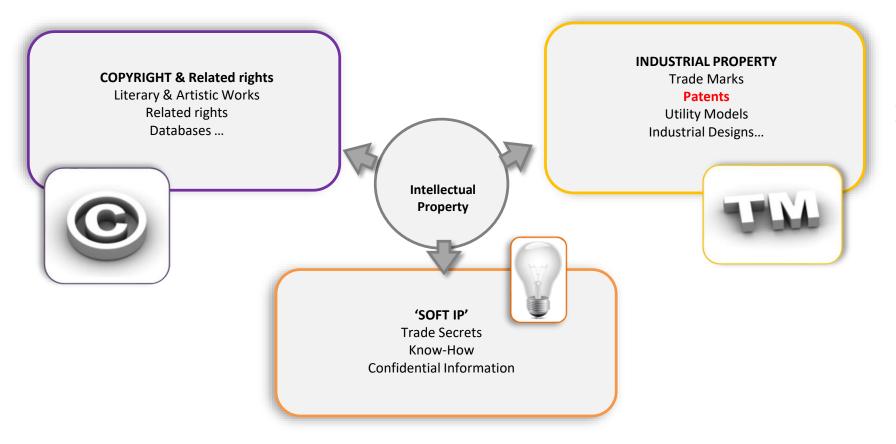


VS.





# **Intellectual Property Rights**





#### **Patents**

- The inventor agrees to disclose his invention to the public in return for a limited monopoly on the invention itself.
- This means the inventor may decide (license out):
  - Who
  - When
  - For how long
  - At which conditions
  - In which territory

...may use his invention.





#### What is a patent?

• It is a title providing the *inventor* and/or the *applicant* with the exclusive right to prevent others from possessing, using, selling, manufacturing and importing the patented invention or offering to do any of these things within a territory.

#### What can be patented?

- Patents maybe granted for any invention concerned with the functional and technical aspects of products and processes. To qualify for patent protection the invention must fulfil the so-called conditions of patentability:
  - Patentable subject matter
  - Novelty
  - Inventive step (non-obviousness)
  - Industrial Applicability (utility)

**European Patent Convention** 



## **Novelty**

#### Art. 54: European Patent Convention:

- An invention shall be considered to be new if it does not form part of the state of the art.
- State of the art: Everything made available to the public by means of a written or oral description, by use, or in any other way, before the date of filing of the European patent application.
- → Evaluate any potential disclosure or dissemination activity carefully!



#### Obligation to disseminate Vs. Obligation to protect

Make sure you comply with the obligation to protect...

Sometime early disclosures (dissemination or communication of results) may undermine potential future exploitation activities.

THEN!

...comply with the obligation to disseminate







### Soft IP

Unlike for patents the inventor does not agree to disclose his invention to the public.
 He has already a monopoly given by the fact that nobody can use his invention as long as it is kept secret

- Problems:
  - Leak of information
  - Reverse engineering

As soon as the information is public domain, the invertor loses his strategic advantage.





### **Confidential Business Information**

### There is no specific definition

- The terms "Soft IP" can be used to describe the intellectual assets which are not included in industrial property or in literary and artistic works, but have an important value for organisations. Usually, this refers to know-how, trade secrets, confidential information.
- Protection of "Soft IP"
  - Is not achieved by registration
  - Falls under the category of intangible rights associated with other IPR
  - Free of charge
  - Does not involve long or complex registration processes, BUT requires appropriate internal management



# **Publishing**



### Scientific publications and copyright protection





### Copyright

- Does not protect the ideas themselves but only the concrete form of expression of ideas
- The creativity protected is the originality of the authored work!
- No formal registration process is required
- Copyright protection arises automatically upon creation of the work, provided that it is original
- → Generally, protection lasts for 70 years after the death of the creator.





### Copyright

### What are copyright and related rights?

Copyright protects literary and artistic works, such as poems, novels, music and paintings, but also cinematographic works, architectural works and many others. Related rights are related to the protection of works of authorship under copyright. Their purpose is to protect the legal interests of certain persons and legal entities who contribute to making works available to the public such as performing artists, producers of phonograms, broadcasters, etc.

### What are the rights granted?

- Copyright owners can prohibit or authorise that their works be:
  - copied or reproduced (e.g. printed publications or sound recordings)
  - · distributed to the public
  - · performed in public
  - · translated into other languages
  - · adapted, such as novel into screenplay...



### **Defensive publications**

 By publishing all information regarding Intellectual Property Produced, the inventor ensures that neither he nor anybody else may be granted a patent on the subject or in connected fields to the information published



**Objective: Ensure technology is part of the state of the art:** 

NO NOVELTY = NO PATENT(s)



### Open Access to scientific publications (Art 29.2 GA)

Each beneficiary must ensure open access (free of charge online access for any user) to all peer-reviewed scientific publications relating to its results.

In particular, it must:

- (a) as soon as possible and at the latest on publication, deposit a machine-readable electronic copy of the published version or final peer-reviewed manuscript accepted for publication in a repository for scientific publications; Moreover, the beneficiary must aim to deposit at the same time the research data needed to validate the results presented in the deposited scientific publications.
- (b) ensure open access to the deposited publication via the repository at the latest:
  - (i) on publication, if an electronic version is available for free via the publisher, or
  - (ii) within six months of publication (twelve months for publications in the social sciences and humanities) in any other case.
- ensure open access via the repository to the bibliographic metadata that identify the deposited publication.





### **Open Access Vs Copyright**

Copyright and Open Access may co-exist.

Only, by applying the Open Access scheme the copyright owner waives his economic rights, namely:

- copied or reproduced (e.g. printed publications or sound recordings)
- distributed to the public
- performed in public
- translated into other languages
- adapted, such as novel into screenplay...



### **Open Source:**

Regarding the digital research data generated in the action ('data'), the beneficiaries

- (a) deposit in a research data repository and take measures to make it possible for third parties to access, mine, exploit, reproduce and disseminate — free of charge for any user — the following:
  - (i) the data, including associated metadata, needed to validate the results presented in scientific publications as soon as possible;
  - (ii) other data, including associated metadata, as specified and within the deadlines laid down in the 'data management plan' (see Annex 1);
- (b) provide information via the repository about tools and instruments at the disposal of the beneficiaries and necessary for validating the results (and — where possible — provide the tools and instruments themselves).



### **Open Source**

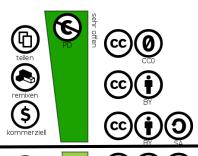
- Copyrights rights are existing but the author manages them in a "Open" way.
- So called: Copyleft
- Example: Creative Commons License schemes



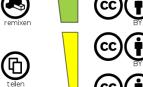


### Creative Commons Licenses: https://creativecommons.org/

• Open license



Certain rights are reserved





All rights are reserved









| Comparison            | Patenting                              | Publishing  |
|-----------------------|--|---|
| APPLICABILITY         | For commercially exploitable purposes  | For knowledge sharing purposes  |
| RIGHTS GRANTED        | Exclusive rights                       | Exclusive rights (Economical and morla Copyright)                                     |
| REGISTRATION PROCESS  | Necessary                              | Not necessary   |
| COSTS                 | High                                   | Medium-High   |
| USE OF TECHNOLOGY     | Only the patent onwer, unless licensed | Everyone  |
| TECHNOLOGY PROTECTION | Yesm patent claims                     | No, Copyright protects only the way informatio is express not the information itself) |
| FINANCIAL GAIN        | Yes                                    | Likely, but only from publication   |
| TECHNOLOGY DISCLOSURE | After 18 months                        | Immediately   |



| ALTERNATIVE TOOLS      | Pros   | Cons   |
|------------------------|--|--|
| DEFENSIVE PUBLICATIONS | <ul> <li>Cheap</li> <li>Locks competitors out</li> <li>Free disseminations of<br/>knowledge</li> <li>Freedom to operate</li> </ul> | <ul> <li>Discloses inventions to competitors</li> <li>No exclusivity</li> <li>Less market impact</li> </ul>                |
| OPEN ACCESS            | <ul> <li>Freely accessible users</li> <li>Free dissemination of<br/>knowledge</li> <li>No managemeth required</li> </ul>           | Less market impact   |
| SECRECY                | <ul> <li>Cheap</li> <li>No invention disclosure</li> <li>Damages relief in case of fraudolent disclosure</li> </ul>                | <ul> <li>High level management</li> <li>No protection against reverse-<br/>engineering</li> <li>No infringement</li> </ul> |



### Extra: Results Management and use for new proposals

- Proposals must build on results from an ongoing or finished project, funded as a result of call in any FET topic under Horizon 2020 and clearly identified in the proposal.
- Proposals must include a declaration by the coordinator of the necessary rights and ownership of results to be exploited, as described in the proposal. Applicants that are not the owner of the result to be further developed in the proposal must provide a letter from the relevant beneficiary or beneficiaries of the previous FET project that own(s) the result that confirms the existence of the necessary agreements with the coordinator of the current proposal, including on IPR.



### **Questions:**

- What is Sideground?
- At which conditions may be Sideground used in new proposals?
- When is an applicant owner of its results?
- When does an applicant have to provide a letter from ald beneficiaries that states that there are no obstacles for the use of results in the new project framework?



### **Contact:**

- www.iprhelpdesk.eu
- training@iprhelpdesk.eu
- Twitter @iprhelpdesk
- LinkedIn /european-ipr-helpdesk





### **Thank You!**

### DISCLAIMER

The European IP Helpdesk provides free-of-charge first-line support on IP-related issues aiming to help current and potential beneficiaries of EU-funded projects, as well as EU SMEs, manage their Intellectual Property assets.

The European IP Helpdesk is managed by the European Commission's Executive Agency for Small and Medium-sized Enterprises (EASME), with policy guidance provided by the European Commission's Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG Grow).

The information provided by the European Union IP Helpdesk is not of a legal or advisory nature and no responsibility is accepted for the results of any actions made on its basis. Moreover, it cannot be considered as the official position of EASME or the European Commission. Neither EASME nor the European Commission nor any person acting on behalf of EASME or of the European Commission is responsible for the use which might be made of this information.

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# The Access2EIC project Alessia Rotolo, APRE



This project has received funding from the European Union's Horizon 2020 Future and Emerging Technologies programme under grant agreement No 824753.

### Access2EIC

Capacity-building and transnational cooperation for National Contact Points (NCPs) for the EIC and Access to Risk Finance

Horizon 2020 Work-Programme 2018-2020

Towards the next Framework Programme for Research and Innovation:

Enhanced European Innovation Council (EIC) pilot





### **A2EIC** main objectives

- Developing an improved, more consistent and professionalised NCP service across Europe, thereby helping simplify access to EIC Pilot calls, and lowering the entry barriers for newcomers
- Identifying and sharing good practices and raising the general standard of support to EIC and ARF programme applicants, taking into account the novelties of this transition period and the diversity of actors that make up their constituency.





### **A2EIC Consortium**

| Business Name                        | Legal Name   |  |
|--------------------------------------|--|--|
| APRE                                 | AGENZIA PER LA PROMOZIONE DELLA RICERCA EUROPEA                    |  |
| CDTI                                 | CENTRO PARA EL DESARROLLO TECNOLOGICO INDUSTRIAL.                  |  |
| FFG                                  | OESTERREICHISCHE FORSCHUNGSFOERDERUNGSGESELLSCHAFT<br>MBH          |  |
| IPPT PAN                             | INSTYTUT PODSTAWOWYCH PROBLEMOW TECHNIKI POLSKIEJ<br>AKADEMII NAUK |  |
| IIA - ISRAEL INNOVATION<br>AUTHORITY | NATIONAL AUTHORITY OF TECHNOLOGICAL INNOVATION                     |  |
| DLR                                  | DEUTSCHES ZENTRUM FUER LUFT - UND RAUMFAHRT EV                     |  |
| IN                                   | INNOVASJON NORGE   |  |
| BPIFRANCE FINANCEMENT SA             | BPIFRANCE FINANCEMENT SA   |  |
| FORTH                                | FOUNDATION FOR RESEARCH AND TECHNOLOGY HELLAS                      |  |
| ENTERPRISE IRELAND                   | ENTERPRISE IRELAND   |  |
| ΔΝΙ                                  | AGÊNCIA NACIONAL DE INOVAÇÃO                                       |  |

# ANI AGÊNCIA NACIONAL DE INOVAÇÃO GIS-TRANSFERCENTER GIS-TRANSFERCENTER FOUNDATION FOUNDATION CVTISR CENTRUM VEDECKO TECHNICKYCH INFORMACII SLOVENSKEJ REPUBLIKY NKFIH NEMZETI KUTATASI FEJLESZTESI ES INNOVACIOS HIVATAL TC CZ TECHNOLOGICKE CENTRUM AKADEMIE VED CESKE REPUBLIKY

### **15 PARTNERS**

+

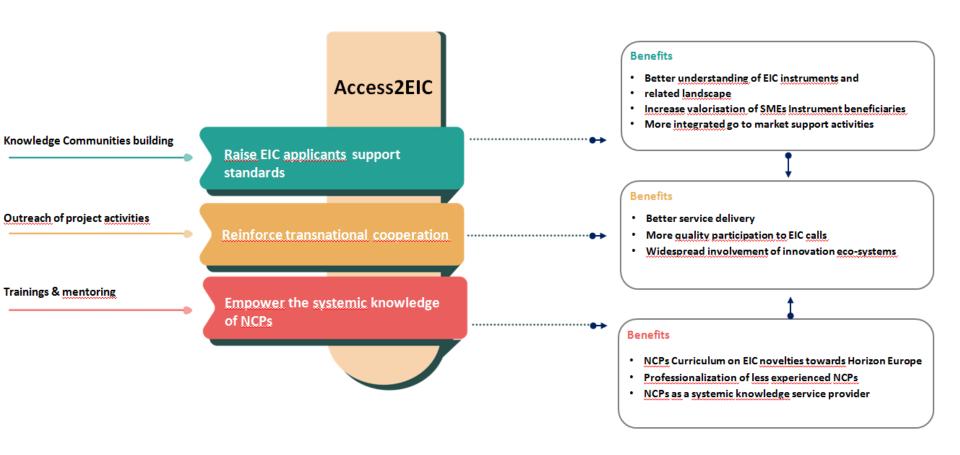
# ASSOCIATED PARTNERS (all FET, SME & ARF NCPs)







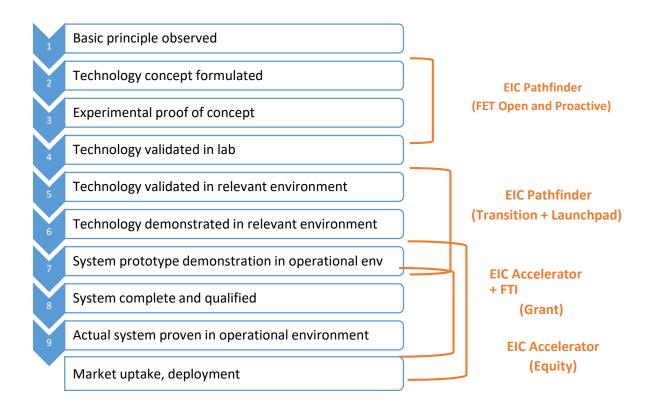
### **A2EIC** main areas of intervention







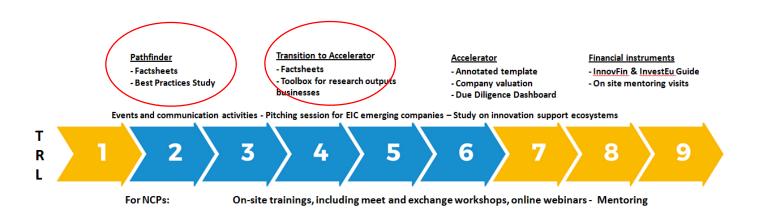
## Facilitate the transition from a R&D result to a business definition







### **A2EIC products and services Vs EIC Pilot calls**



Special attention will be devoted to the new "bridge" actions aimed to facilitate the passage from basic research stages to close to market activities





Facilitate the transition from a R&D result to a business definition

A fact sheet with relevant information for successful Pathfinder participation





**A2EIC Toolbox** 

Three dimensions will be covered:

the business the market the company





### Contacts



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# Thank you for your attention



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