



# Quarterly IP Newsletter

March 2025

**Stren & Blan Partners**

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# Regulatory Updates

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**The Nigerian Trademarks Registry introduced a serial numbering system for trademark applications starting January 1, 2025, enhancing efficiency, transparency, and application tracking.**

However, full implementation remains in progress, with real-time tracking now available through the Industrial Property Administration System (IPAS).

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# Federal Ministry of Industry, Trade, and Investment

## Update from the Trademarks Registry (TMR):

Effective 1st January 2025, the Nigerian Trademarks Registry announced the implementation of a serial numbering system for all trademark applications. This initiative aims to improve processing applications efficiency, transparency, and traceability. Each application, including new filings, renewals, amendments, oppositions, and assignments, will be assigned a unique serial number upon submission. This is to ensure a first-come, first-served processing order and allow applicants track their applications in real-time through the Registry's updated Industrial Property Administration System (IPAS). While no further step seems to have been taken regarding administering the serial numbers, the IPAS has been updated with a key feature allowing applicants to track their applications in real time. This has enhanced the transparency of the application filing process.

## Trademarks Registry and WIPO Address IPAS Technical Issues

In response to widespread complaints regarding technical issues associated with the current IPAS, the Trademarks Registry convened a meeting on the 18th of February 2025 between trademark agents and representatives from the World Intellectual Property Organization (WIPO) to address the ongoing challenges. The Registrar of Trademarks acknowledged the persistent technical issues affecting the platform and assured stakeholders that efforts were being made to resolve them. The WIPO team reaffirmed their commitment to improving and upgrading the IPAS and highlighted ongoing investments in the system, along with measures to enhance its reliability. In conclusion, the Registrar urged trademark agents to document and submit all issues encountered with IPAS to his office for further action.

# World Intellectual Property Organization (WIPO) Nigeria Office Updates

## WIPO Nigeria Office Marks 5th Anniversary with Inaugural National IP Stakeholders Forum

The World Intellectual Property Organization (WIPO) Nigeria Office commemorated its 5th anniversary on the 5th of February 2025, with its inaugural National Intellectual Property Stakeholders Forum. This landmark event gathered policymakers, experts, entrepreneurs, and key stakeholders to discuss the evolving role of intellectual property (IP) in driving Nigeria's economic development. In his keynote address, former Vice President of Nigeria, Professor Yemi Osinbajo, emphasized the transformative power of innovation and IP protection in fostering economic diversification, job creation, and the development of homegrown solutions. He called for greater public-private collaboration to strengthen Nigeria's IP ecosystem and support creatives and entrepreneurs.

The forum featured opening remarks from WIPO Deputy Director General, Mr. Hasan Kleib, and United Nations Resident Coordinator in Nigeria, Mr. Malick Fall, as well as insights from government officials, including representatives of the Ministers of Foreign Affairs, Innovation, Justice, and Youth Development. Senior officials from key IP agencies such as the Trademarks, Copyright, and Patents and Designs Registries also contributed valuable perspectives on enhancing Nigeria's IP framework.

A key highlight of the event was an engaging panel discussion on "Future Perspectives on IP and Development in Nigeria," where industry leaders and legal experts explored emerging trends, challenges, and opportunities in IP protection across various sectors, including technology, entertainment, and agriculture. Panellists stressed the need for continuous legal adaptation, increased IP awareness, and stronger enforcement mechanisms to protect Nigerian innovators. The forum concluded with a renewed commitment to advancing IP education, enforcement, and innovation. Participants left with a deeper appreciation of IP's critical role in shaping Nigeria's economic future and a shared vision for strengthening the country's IP landscape.

## WIPO Announces Upgrade to IPAS 4.0 for Nigeria's IP Registries

Following the meeting between trademark agents and representatives from WIPO convened by the Trademarks Registrar on 18 February 2025, and the announcement on the upgrade from IPAS 3.0 to 4.0, the WIPO Nigeria Office recently hosted a webinar on the business benefits and impact of the Industrial Property Administration System (IPAS) - Cloud Native Edition (Version 4.0). Led by Mr. Hisham Adel Fayed, Senior Manager & Head of IPO Support at WIPO, the session provided insights into the enhanced functionalities of IPAS 4.0 and its anticipated benefits for Nigeria's intellectual property registries and stakeholders. Addressing concerns regarding system efficiency and reliability, Mr. Fayed explained that IPAS 4.0 introduces an improved operational workflow, enabling simultaneous processing of multiple applications. The system also enhances security through two-factor authentication and HTTPS connectivity while leveraging cloud storage to ensure data reliability and an uptime of 99.9999%. In response to inquiries about the implementation timeline, WIPO confirmed that the IPAS 4.0 upgrade is projected to go live between 7-10 March 2025, with the Trademarks Registry being the first to transition, followed by the Patent Registry.

Clarifying whether IPAS 4.0 would alter the existing filing process, WIPO stated that the filing mode remains unchanged; however, applicants will now be able to submit documents in digital format for expedited processing. To ensure a seamless transition, WIPO has completed a two-week training for registry officers and will provide additional technical support to address operational challenges. On stakeholder access, WIPO noted that login credentials would be issued once the Nigerian government approves the activation of online filing. Additionally, all applications filed under IPAS 3.0 will be migrated to IPAS 4.0 upon activation. WIPO also addressed concerns regarding customer support and payment verification, assuring stakeholders that customer service assistance would continue as with IPAS 3.0, and payment verification procedures would remain unchanged.

With these advancements, IPAS 4.0 is set to streamline Nigeria's intellectual property registration process, enhance efficiency, and strengthen data security, underscoring WIPO's commitment to modernizing IP administration in Nigeria.

## Nigerian Copyright Commission Intensifies Anti-Piracy Efforts

As part of its enforcement strategies, the Nigerian Copyright Commission (NCC) recently launched a series of anti-piracy raids targeting schools, bookshops, and warehouses involved in the distribution of suspected pirated materials.

In Enugu State, the NCC raided a school following a complaint by an author, leading to the confiscation of 106 pirated books worth over N1.1 million and the arrest of the school principal. Similarly, in Lagos State, the Commission conducted multiple enforcement operations across bookshops and schools, seizing suspected pirated books worth N22.5 million and arresting several individuals.

Beyond enforcement, the NCC has partnered with the National Board for Technical Education (NBTE) to develop a comprehensive Intellectual Property (IP) policy for polytechnics and technical institutions in Nigeria. This initiative aims to strengthen copyright education and foster IP awareness among students and educators.

These actions reaffirm the NCC's commitment to protecting intellectual property rights, safeguarding the interests of authors and creators, and promoting a culture of compliance with copyright laws across Nigeria.

## NAFDAC Releases 2025 Strategy to Combat Counterfeiting and Protect Brand Integrity

The National Agency for Food and Drug Administration and Control (NAFDAC) has released a press statement outlining its strategic plans for 2025, reaffirming its commitment to strengthening supply chain monitoring, combating counterfeiting, and ensuring product integrity across Nigeria.

Building on its past initiatives, NAFDAC will expand its GS1-driven track-and-trace technology to monitor Maternal, Newborn, Child Health & Nutrition (MNCH&N) products, further protecting them from diversion and infiltration by substandard goods. This follows its successful implementation of supply chain monitoring for vaccines, antimalarials, antiretrovirals, and narcotics in collaboration with GS1-trained solution providers.

The agency also announced ongoing discussions to extend track-and-trace technology to high-risk food products, reinforcing its commitment to protecting public health and maintaining the integrity of regulated brands in Nigeria. Through these efforts, NAFDAC aims to foster consumer trust, prevent the infiltration of counterfeit goods into the market, and uphold the reputation of legitimate brands.

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# Legislation Updates

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## **Nigeria's accession to UPOV strengthens its plant variety protection framework,**

providing breeders with a 12-month priority right and aligning national laws with international standards.

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# Nigeria Accedes to the 1991 Act of the UPOV Convention

Nigeria has officially become the 80th member of the International Union for the Protection of New Varieties of Plants (UPOV), following the signing of its instrument of accession to the 1991 Act by President Bola Ahmed Tinubu. This accession, effective from March 27, 2025, aligns Nigeria with international best practices in Plant Variety Protection (PVP). The move is expected to enhance agricultural productivity, encourage investment in plant breeding, and ensure farmers have access to high-quality, high-yielding, and climate-resilient crop varieties.

The UPOV 1991 Act provides a comprehensive framework for plant variety protection. To qualify for protection, a plant variety must be new, distinct, uniform, and stable. The breeder's rights last for a minimum of 20 years for most crops and 25 years for trees and vines.

Nigeria's Plant Variety Protection Act (PVPA) 2021 mirrors key provisions of the UPOV 1991 framework. It mandates that protected plant varieties must be new, distinct, uniform, and stable and grants 20 years of protection for crops and 25 years for trees and vines, aligning with UPOV standards. Registration for breeders' rights can be applied for at the Plant Variety Protection Office.

One of the major benefits of Nigeria's accession to UPOV is the 12-month priority right available to breeders' filing applications in Nigeria. This means that breeders who have first filed for plant variety protection in any of UPOV's 79 other member states or any international organisation dealing with plant breeders' right matters to which Nigeria is a party can claim priority when filing in Nigeria. This provision strengthens Nigeria's intellectual property framework for plant breeding, fosters innovation, investment, and agricultural sustainability, and ensures legal certainty for breeders.

# Nigeria Advances Intellectual Property Protection with Geographical Indications Bill

Nigeria has taken a major step in strengthening its intellectual property framework with the submission of a first draft of the Geographical Indications (GI) Bill to the Minister of Industry Trade and Investment. This achievement follows years of efforts by the Nigerian Technical Working Group on Geographical Indications. A Geographical Indication (GI) is a sign identifying goods as originating from a specific locality, whereby a given quality, reputation or other characteristics are essentially attributable to the specific locality or region. GIs are generally used for wine and spirit drinks, arts and crafts, agricultural products, foodstuffs, and industrial products.

Despite being a signatory to the Paris Convention and the TRIPS Agreement, Nigeria has lacked a legal framework for geographical indications, leaving local producers vulnerable to imitation and unfair competition.

The GI Bill aims to address this gap by granting legal recognition to products with distinct geographical origins, ensuring they benefit from market differentiation, premium pricing, and greater export potential.

Geographical indications protection has proven to boost economic development globally by enhancing the reputation of indigenous products. With a wealth of unique agricultural and cultural assets, Nigeria stands to gain significantly from this legislation. This marks a transformative moment for Nigeria's intellectual property landscape, unlocking new economic opportunities while preserving its cultural heritage.

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# Updates from Other Jurisdictions

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# ARIPO: Increase in Official Fees and Amendments to Harare Protocol

The Harare Protocol, administered by the African Regional Intellectual Property Organization (ARIPO), governs the filing and administration of patents, utility models, and industrial design applications across its member states. The protocol provides an efficient mechanism for obtaining IP protection in multiple jurisdictions through a single application. Despite recent declines likely due to the global economic downturn impacting foreign patent filings in Africa, the Harare Protocol remains a vital mechanism for ensuring effective patent and design protection

across the continent. Recent amendments aim to enhance administrative efficiency, streamline processes, and address challenges faced by applicants in securing protection across multiple jurisdictions. Additionally, ARIPO has announced significant increases in official fees for some services, alongside the introduction of new fee categories. These changes, set to take effect from 1 March 2025, reflect ARIPO's broader efforts to improve operations and align with international best practices.

## Key Amendments to the Harare Protocol

### A. General Administrative Improvements

- i. Adjustments to time limits for responding to ARIPO notifications.
- ii. Introduction of the ability for patents to proceed to grant with different claim sets for different member states, facilitating flexibility for applicants.
- iii. Ongoing revisions to protocol documentation to enhance procedural efficiencies and administrative effectiveness.

### B. Patent-Related Amendments

- i. Expanded Designation Before Publication: Applicants can add designated countries to an ARIPO application before publication (excluding PCT regional phase applications).

#### ii. Revised Deadlines:

- Response time for a Search and Substantive Examination Report (Form 18) reduced from 6 months to 4 months.
- Payment deadline for grant and publication fees changed to 4 months.
- Time limit for a designated state to object to an ARIPO patent's validity in its territory changed to 4 months.

- iii. Decision to Grant Patents: If a designated state rejects a granted ARIPO patent but does not respond to an applicant's appeal within 2 months, the application is deemed refused for that state.

- iv. Amendments to Granted Patents:
  - Voluntary amendments post-grant require re-examination fees.
  - Approved post-grant amendments necessitate re-publication fees.
  - Applicants can convert a refused ARIPO patent into a national patent application within the rejecting designated state.
  - If a designated state objects to part of a patent specification, the applicant can exclude that section from protection in that state.

### C. Design-Related Amendments

- i. Statement of Novelty Requirement: Now mandatory for ARIPO design applications and must be submitted within 2 months from the filing date.

- ii. Substantive Examination by Member States: ARIPO will transmit compliant design applications to designated states for optional substantive examination. Some states, such as Kenya, conduct substantive examination within 4 months of receiving ARIPO's transmittal.

### D. Official Fee Increases

- i. Significant increases in fees for filing, substantive examination, grant and publication, voluntary and post-grant amendments, restoration applications, and late renewal payments.
- ii. Patent renewal fees remain unchanged, but late payment surcharges have shifted from a fixed fee to a percentage-based structure:
  - 40% surcharge for late patent renewals.
  - 30% surcharge for late design renewals.

## OAPI Implements Key Changes to Patent and Utility Model Regulations

The African Intellectual Property Organization (OAPI) has announced amendments to the Bangui Agreement, specifically affecting patents and utility models under Annexes I and II. These updates, effective January 1, 2025, introduce significant procedural and substantive changes aimed at modernizing OAPI's intellectual property framework.

## Key Changes

- i. Substantive Examination: All patent and utility model applications will now undergo automatic substantive examination, with examiners expected to reference PCT International Search Reports and International Preliminary Examination Reports for regional phase applications.
- ii. Divisional Applications: Applicants may file voluntary divisional applications up to the grant notification stage or in response to office actions issued during substantive examination.
- iii. Opposition Proceedings: Applications will be published for opposition, allowing interested parties to challenge them within three months of publication.
- iv. Pharmaceutical Exclusion: Least Developed Countries (LDCs) within OAPI will remain exempt from patent provisions for pharmaceutical products until January 1, 2033, in line with the World Trade Organisation Agreement on Trade-Related Aspects of Intellectual Property (WTO TRIPS) extensions.
- v. Official Fees: New official fees for patents and utility models will be introduced.

These changes only apply to applications filed on or after January 1, 2025; applications filed before this date will continue to be processed under the existing provisions. The reforms aim to enhance efficiency, transparency, and compliance with international standards.

## Impact of OAPI Patent and Utility Model Changes

The updated Bangui Agreement introduces stricter examination, opposition proceedings, and revised fee structures, impacting applicants in several ways:

- i. Stronger Patent Scrutiny: Automatic substantive examination increases the likelihood of refusals for weak applications, requiring higher-quality filings.
- ii. Strategic Filing Adjustments: The ability to file divisional applications offers flexibility but may lead to additional costs and complexity.
- iii. Increased Litigation Risks: The opposition period introduces the potential for disputes, requiring applicants to closely monitor

publications and defend their filings.

- iv. Limited Pharmaceutical Protections: LDCs in OAPI remain exempt from pharmaceutical patents until 2033, affecting exclusivity strategies in these markets.
- v. Uncertain Cost Implications: Pending details on new official fees, applicants should anticipate potential higher costs for filing and renewals.

Overall, these changes align OAPI with certain global IP standards which remains a commendable development.

# Ghana Becomes 4th Member to Ratify the Arusha Protocol

The Arusha Protocol for the Protection of New Varieties of Plants was adopted by the Diplomatic Conference of the African Regional Intellectual Property Organization (ARIPO) in Arusha, Tanzania, on 6 July 2015. Ghana became the fourth ARIPO Member State to ratify the Arusha Protocol and the Arusha Protocol came into force on 24 November 2024. The ARIPO Member States that have ratified the Protocol are Cape Verde, Ghana, Rwanda, and São Tomé e Príncipe. With the Protocol now in force, plant breeders can apply for plant breeders' rights at ARIPO, which is empowered to grant breeders' rights on behalf of the ARIPO Contracting States. However, presently, only Plant Breeders' Rights (PBR) in Ghana and Rwanda may

be protected via the Arusha Protocol as Cape Verde and São Tomé e Príncipe have no PBR legislation. Plant breeders' rights have uniform effect within the territories of the designated ARIPO Contracting States where the breeders' rights have been granted. The duration of protection for plant varieties is:

- 25 years for trees and vines
- 20 years for all other plant varieties

As more ARIPO Member States accede to the Arusha Protocol, it will become a cost-effective option to protect new varieties of plants in the ARIPO member states that have PBR legislation.

# Kenya: Strengthens Collaboration in Counterfeit Prosecution and Major Enforcement Actions

The Anti-Counterfeit Authority (ACA) and the Office of the Director of Public Prosecutions (ODPP) have reinforced their partnership to enhance the prosecution of counterfeit-related crimes in Kenya. This collaboration is crucial for protecting brands, safeguarding consumers, and maintaining market integrity. The strengthened cooperation aims to streamline case handling, improve investigative and prosecutorial coordination, and enhance capacity building for law enforcement officials. Through this initiative, ACA and ODPP seek to increase successful convictions and deter counterfeit trade.

In recent enforcement actions, ACA

has reported significant seizures of counterfeit goods, highlighting the importance of proactive measures in brand protection:

## **i. Counterfeit Mobile Phone Accessories Worth 30,912 US Dollar Seized:**

ACA inspectors intercepted a shipment of over 3,000 counterfeit mobile phone accessories at Mombasa Port. The seized items included fake packaging materials and accessories branded under leading trademarks. The seizure was facilitated by ACA's Intellectual Property Rights (IPR) Recordation and Import Licensing System, which enhances early detection of counterfeit goods.

## ii. Raid in Nairobi Yields 190,000 Counterfeit Fertilizer Packaging Bags

ACA, in collaboration with other agencies, confiscated a large consignment of fake fertilizer packaging bags in Kariokor, Nairobi. The counterfeit bags, intended for illegal repackaging and distribution, posed a serious risk to farmers and food security. Investigations are underway to prosecute those involved in the illicit trade. These enforcement

efforts, backed by technological advancements and inter-agency cooperation, demonstrate Kenya's commitment to combating counterfeiting, protecting consumers, and ensuring market authenticity. ACA continues to urge businesses and the public to report counterfeit activities to prevent further economic and health risks and protect intellectual property rights by promoting brand integrity within the country.

# South Africa: Law Enforcement Cracks Down on Counterfeit Trade with Major Seizures and Arrests

Police recorded a significant breakthrough in the fight against counterfeit trade, seizing illicit goods worth over R5 million during a raid at a shopping mall in Musina's central business district on 12 January. Acting under a search-and-seizure warrant, officers confiscated more than 2,000 counterfeit and illicit items, including sneakers, clothing, cell phone accessories, perfumes, and consumables. Three suspects, two Eritrean nationals and one Bangladeshi national, all asylum seekers were

arrested for dealing in counterfeit goods. Additionally, the Bangladeshi national faces a bribery charge for attempting to pay officers to avoid arrest. Law enforcement agencies have reaffirmed their commitment to combating the counterfeit trade, emphasizing its detrimental impact on public safety, economic stability, and legitimate businesses. The recent crackdown underscores ongoing efforts to disrupt illicit networks and uphold intellectual property rights.

# Libya: Libyan Trademark Office Annuls Applications Filed During Suspension Period

The Libyan Trademark Office suspended operations in November 2022, preventing rights holders from filing applications. Although operations have since resumed, Ministerial Decision No. 2 of 2025 has annulled all trademark applications filed between 2nd April and 2nd September 2024. This revocation is due to the suspension of operations at the Trademarks Office during that timeframe. As a result, affected

businesses must refile their applications without retaining priority rights. However, applicants may appeal rejections based on conflicts with trademarks filed during the annulled period. Given these changes, trademark owners are strongly advised to review their portfolios and seek legal guidance to ensure compliance with Libya's evolving trademark regulations.

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# News About the Firm

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- A. STREN & BLAN PARTNERS has been nominated as FIRM OF THE YEAR for the prestigious MANAGING IP Awards 2025. This nomination mirrors the firm not only for its commitment to excellence but also goes on to show the Firm's dedication and its recognition as a pacesetter within the industry.
- B. STREN & BLAN PARTNERS has been recognised in the 2025 Chambers Global Guide for excellence in Intellectual Property and TMT (Technology, Media & Telecommunications).
- C. STREN & BLAN PARTNERS has been featured in The Patent Lawyer Magazine Law Firm Rankings 2025 as one of the Top 10 Patent Firms and IP Practices in Nigeria. The firm has also been honoured with the prestigious title of "Award-Winning Law Firm 2025", reaffirming its excellence and leadership in intellectual property law.
- D. STREN & BLAN PARTNERS has been nominated in multiple categories at the prestigious IFLR Africa Awards 2025, including the Digital Finance Award (Regional) and the Net-Zero Transition Award, among others. The IFLR Africa Awards celebrate law firms leading transformative legal work across the continent.
- E. The firm's Founding Partner, Amala Umeike, and its Managing Partner, Christian Aniukwu, have been recognized as leading individuals in the 2025 edition of the World Trademark Review (WTR) 1000. This recognition is a reflection of their dedication and excellence within the industry, and their significant strides in the overall protection of intellectual property rights, including, navigating complex trademark disputes, innovative IP advisory, portfolio management, and offering strategic counsel that addresses the unique needs of clients across industries.
- F. Our Founding Partner, Amala Umeike, has equally been nominated by the MANAGING IP Awards 2025 as PRACTITIONER OF THE YEAR. This nomination serves as a recommendation for his ardent contributions to the practice.
- G. Our Founding Partner, Amala Umeike, spoke at the International Bar Association 2nd Annual Asset Recovery Conference in Madrid, discussing legal challenges in asset recovery. His panel explored defences used to obstruct enforcement, strategies to counter restructuring tactics, and legal approaches to piercing the corporate veil and managing third-party interference.
- H. Our Founding Partner, Amala Umeike, attended the 13th Institute for Transnational Arbitration (ITA), Institute for Energy Law (IEL), and International Chamber of Commerce (ICC) Joint Conference on International Energy Arbitration, which took place on 16th and 17th January 2025 in Houston, Texas, USA.
- I. Our Founding Partner, Amala Umeike, was appointed Co-Chair of the Nigerian Bar Association Regulatory Agencies Committee.
- J. Stren & Blan Partners hosted a webinar following Data Privacy Week, themed "Data Privacy Equation: Balancing Regulation, Innovation, and Trust." The session featured industry experts discussing the legal complexities of emerging technologies concerning data privacy, and compliance strategies for businesses navigating evolving privacy regulations while promoting innovation and securing consumer trust.

# About Stren & Blan Partners

Stren and Blan Partners is a world-class ingenious law firm with a beautiful blend of the brightest minds and well-rounded individuals championed with sole responsibilities of providing solutions to business problems and equally finding answers to the questions of our clients. We are a team always guided by our professional ethics. Also, honesty and transparency have been our

watchwords in practice.

Stren & Blan Partners is a full-service commercial Law Firm that provides legal services to diverse local and multinational corporations. We have developed a clear vision for anticipating our clients' business needs and surpassing their expectations, and we do this with an uncompromising commitment to Client service and legal excellence.

## Market Recognition

Our pride in ensuring the satisfaction of our clients leads to the continuous reassessment of our objectives in other to align with our client's needs. This continuous need for growth has led to our firm being nominated by the MANAGING IP Awards 2025 as FIRM OF THE YEAR, The Patent Lawyer Magazine Law Firm Rankings 2025 as AWARD WINNING LAW FIRM 2025 and 2025 Chambers Global Guide for excellence in Intellectual Property and TMT (Technology, Media & Telecommunications). This and other nominations and awards remain a testament of our excellent service to all.

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