

Copyright implications for the aggregation of audiovisual content in Greece

Aggregation of
audiovisual
content

Afrodite Malliari and Ilias Nitsos

*Department of Library, Archival and Information Studies,
International Hellenic University – Sindos Campus, Thessaloniki, Greece*

Sofia Zapounidou

*Central Library, Aristotle University of Thessaloniki,
Thessaloniki, Greece, and*

Stavros Doropoulos

DataScouting, Thessaloniki, Greece

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Abstract

Purpose – This paper aims to attempt to provide an overview of the copyright legal framework for audiovisual resources in Europe and Greece, how Audiovisual (AV) content is currently licensed by Greek providers and how licenses or copyright exceptions enable its reuse. The motivation for this work was the development of an aggregation service for audiovisual resources in Greece, the Open AudioVisual Archives (OAVA) platform.

Design/methodology/approach – Copyright licenses and exceptions in the European Union and in Greek Legislation have been thoroughly reviewed along with the reuse of content, based on the terms of Fair Use, Rights Statements and Creative Commons. Licensing issues for the most well-known aggregation services, such as Europeana, Digital Public Library of America, Trove, Digital New Zealand and the National Digital Library of India, have also been studied and considered. Audiovisual content providers in Greece have been recorded, and their licensing preferences have been analyzed. Pearson's chi-square test was applied to test the relationship between the provider's type, resources' genre and licenses used.

Findings – Despite the abundance of copyright legislation in the European Union and in Greece, audiovisual content providers in Greece seem to ignore it or find it difficult to choose the right license. More than half of them choose to publish their resources on popular audiovisual platforms using the default licensing option provided. Creative Commons licenses are preferred for audiovisual content that falls into the following categories: open courses (almost exclusively) and interviews and digital collection/research projects (about half of the content).

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Originality/value – This paper examines audiovisual content aggregation, in the EU and Greece, from a legal point of view. To the best of the authors' knowledge, it is the first attempt to record and analyze the licensing preferences of Greek AV content providers.

Keywords Audiovisual material, Content aggregators, Copyright issues, Licensing, Rights statements, Creative commons, Greece

Paper type Research paper

Introduction

Nowadays, the diversity and dispersion of online content are a fact, and audiovisual resources are no exception. The audiovisual material maintained online by public and private organizations and institutions is numerous and varies from videos and narrations regarding historical and everyday life events (e.g. wars and immigration/migration) to scientific, academic and cultural events. Websites, repositories and digital libraries hosting audiovisual material can be found all over the internet. However, due to poor structure, they may not be indexed properly even by established search engines, such as Google, Bing, Yahoo and Yandex. In addition, the metadata describing the resources is absent in many cases, and when it exists, it typically differs greatly among providers. As a result, despite the apparent availability of audiovisual resources, finding the right one is not as easy as one might think.

The aforementioned problem of dispersion of audiovisual resources and diversity of resource providers is largely solved by aggregation services. An aggregator “collects, formats and manages metadata from multiple data providers” (Europeana Pro, 2022a). Its aim is to offer a single point of access to end users and to set common standards and practices for data providers. However, the main issues that an aggregator has to address are the quality of metadata, as well as Copyright and licensing issues. With regard to Copyright, a recent European Commission working document acknowledges that one of the main difficulties for cultural heritage institutions in Europe is the “lack of expertise in copyright legislation” (European Commission, 2021a).

Metadata and licensing indeed were among the main challenges that had to be addressed during a research project carried out in Greece by the International Hellenic University and DataScouting, an software company. The open audiovisual archives (OAVA) research project is co-funded by the EU. It aims to gather audiovisual material (and their metadata) that is of Greek interest or contains speech in Greek and to provide a unified search mechanism. As the main and most crucial condition for an audiovisual resource to be aggregated in the OAVA platform was the license under which it is published, a thorough analysis of licensing was performed.

The purpose of this paper is twofold, on the one hand, to present the copyright law and exceptions in Europe and in Greece regarding the use of audiovisual resources, and on the other hand, to present the terms under which Greek audiovisual providers choose to publish their content. This review of copyright laws does not aim to study or present all the relevant EU regulations or how Greece has implemented them. Instead, it aims to provide an understanding of the standing legal framework for Copyright in the EU and in Greece, with a special focus on terms related to audiovisual resources, aggregation and public data.

Review of current legislation

Copyright exceptions in European and Greek law

Copyright laws protect the rights of creators over their work. Copyright exceptions provide an equilibrium mechanism between creators and users so that the latter may use creators'

works without seeking permission or being charged with a fee. Copyright exceptions most usually consider the nature of the copyrighted material (e.g. textual works and audiovisual works) and permit the personal use of copyrighted material. Special provisions may also be applied to enable the use of copyrighted material in educational and library settings or for the conversion of copyrighted material into accessible formats that people with disabilities use.

There are differences regarding the copyright exceptions permitted by each country's law. The main legal document about Copyright in the EU is the Copyright Directive 2001/29/EC (2001). In total, the "EU copyright law consists of 11 directives and 2 regulations, harmonizing the essential rights of authors, performers, producers and broadcasters" (European Commission, 2021b). All these documents regulate the internal market so that creators' works remain protected and the services of third parties can provide access on a noninfringing basis. Special directives have been published in accordance with the Marrakesh Treaty (2013) for the provision of copyrighted material to print-disabled people. According to Directive 2001/29/EC (2001), exceptions and limitations to the copyright regulations may be applied by the Member States. Most well-known exceptions involve reproduction for personal use or for the benefit of people with disabilities, illustration for teaching and quotation for supporting an argument. Audiovisual works are a distinct case of collective works where there are many people holding rights; directors are perceived as creators and other contributors, e.g. actors, performers, musicians, dancers, producers, etc., hold neighboring rights. Specialized exceptions regarding the use and broadcasting of audiovisual works are also in effect. Audiovisual works may be reproduced by official archives for preservation purposes, by the press for communication to the public, by hospitals and prisons for broadcasting (under the condition of rights holders' fair compensation) and by administrative, parliamentary or judicial bodies to support their activities. In general, exceptions adhere to three conditions (also known as the three-step test) that the Berne Convention set in the 1979 amendment (1979): reproductions may be "limited to special cases", they do not "conflict the normal exploitation of the work" and do not "unreasonably prejudice the legitimate interests of the author".

As technology evolves, new media types are created and new uses of the content are possible; there is an ongoing discussion between creators, publishers, libraries, educators and other stakeholders about the expansion of copyright exceptions (WIPO, 2004). Thus, the latest EU Directive 2019/790 (2019) regulates the internal market in the EU, taking into account the creators' rights, the rapid technological developments and the users' right to access information online. It introduces new exceptions to copyright law to cover text and data mining efforts in cultural and research institutions, the use of works in secured online teaching environments and the reproduction of works by cultural heritage institutions for preservation purposes. Even though the same exceptions apply to audiovisual works, broadcasting and audiovisual media services are still regulated (Directive 2010/13/EU, 2010; Directive (EU) 2019/789, 2019; Communication C/2020/4322, 2020). With regard to aggregation services, the EU currently focuses on news aggregation (Directive 2019/790, 2019).

Greece has harmonized its legal framework according to the EU copyright law. The main law in Greece about Copyright is Law 2121/1993 (1993). This law defines Copyright (moral and economic rights), authors and protected works, as well as exceptions and limitations to copyright protection. The director of an audiovisual work is considered as an author, whereas other contributors hold neighboring rights (Art. 46–53). Copyrighted works are protected for up to 70 years after the death of the author (Art. 29). After the period of 70 years, these copyrighted works enter into the Public Domain and may be used

commercially without Copyright or other charges, as inheritance rights do not exist after this period. It is worth mentioning that acknowledgment as a credit to the creator is formally required. Regarding audiovisual works involving different contributors, Article 31, Paragraph 3 provides that: “The period of protection for the audiovisual work shall end seventy (70) years after the death of the last survivor of the following persons: the main director, the screenwriter, the dialogue writer and the composer of the music that was written especially for use in the audiovisual work”. Authors may authorize collective management organizations to manage their rights in their protected works (Art. 54–63). Law 2121/1993 is further regulated through 41 subsequent law documents ([Hellenic Copyright Organization, 2019](#)).

With regard to exceptions, the Greek National Law applies the three conditions defined by the Berne Convention but does not adopt all exceptions defined in the Directive 2001/29/EC ([European Parliamentary Research Service, Comparative Law Library Unit, 2018](#); [Communia Association for the Public Domain, 2022](#)). Thus, Greece uses the territoriality principle and applies stricter regulations to Copyright with less exceptions. According to Law 2121/1993 (1993), free reproduction is permitted in a number of cases defined in Articles 18–28. Some of these cases are: personal use, as long the normal exploitation of the work is not conflicted (Art. 18); quotation of short excerpts (Art. 19); use in educational textbooks (Art. 20); illustration of excerpts for teaching purposes in an educational setting (Art. 21); preservation purposes by libraries (Art. 22); for the sake of people of disabilities including both blind and deaf people (Art. 28); and “temporary acts of reproduction which are transient or [...] essential part of a technological process and whose sole purpose is to enable [...] transmission [...] or a lawful use of a work [...] and which have no independent economic significance” (Art. 28B) [1]. In later adjustments of the copyright law in Greece, the reproduction exceptions have been further regulated. As an example, Law 4672/2020 (2020) adopts the Directive (EU) 2017/1564 (2017) defines the permitted use of copyright material for print-disabled people. The Greek National Copyright Law evolved to follow the related EU legislation and constant technological developments.

Another important exception to Copyright relates to open data. Law 4727/2020 (2020) regarding open data adopts several EU Directives, such as 2016/2102 (2016), 2018/1972 (2018) and 2019/1024 (2019), and stipulates that all data sets and documents created by public organizations in Greece, regardless of their format, may be further used freely for commercial or noncommercial purposes. Of course, relevant protection of national security information, personal data and anonymization are also regulated by this law.

In addition to EU and national copyright exceptions within EU countries, another typical exception example is the Fair Use exception (under US Law), which applies to content-sharing platforms having their headquarters in the USA territory. Terms of use and legal aspects of the reuse of material that affect creators and collection holders are considered in the following sections.

Reuse of material and legal aspects

As already mentioned, copyright exceptions offer an alternative way to allow the use of original works without the need for permission from the creators of the work, especially if no accompanying licenses are provided. Copyright licenses, on the other hand, provide a simple way for creators to describe copyrights that are passed on to other users who would like to use or rely on the original work. It is common for cultural institutions to use rights statements for the material in their collections to make it publicly available over the internet. These cases, as well as the Fair Use law and terms of content use by popular audiovisual material hosting services, are listed and briefly described below.

Creative Commons licenses have been in development since 2002 to facilitate the publication and posting of works on the internet. Creators can post their works online, defining how they can be used ([Creative Commons, 2022](#)).

The Rights Statements are used by cultural institutions, which have material from various creators in their collections. These statements enable them to make the material of their collections available on the internet by setting precise terms of use.

“The rights statements have been specifically developed for the needs of cultural heritage institutions and online cultural heritage aggregation platforms and are not intended to be used by individuals to license their own creations” ([RightsStatements.org, 2022](#)). There are three categories of Rights Statements: In Copyright, No Copyright and Other.

Fair Use is US law ([Center for Media and Social Impact, 2021](#)). The reference to Fair Use is important as a large amount of audiovisual material is available through providers located in the USA (e.g. YouTube and Vimeo), which operate under US law and, consequently, the Law on Fair Use. Thus, popular audiovisual material providers and the corresponding terms and conditions must be taken into consideration to have a thorough understanding of licenses and restrictions.

YouTube is a popular hosting service that operates in accordance with the law on Fair Use ([YouTube, 2022](#)). Special conditions apply to the region of Europe regarding the integration of content into websites and the use of data through APIs ([YouTube, 2021](#)). They are mainly about ensuring that the content and logos of the YouTube service will not be altered during the integration.

The Vimeo service, in its terms of use ([Vimeo, 2021a, 2021b](#)), focuses primarily on copyright respect by channel owners. It includes terms and conditions for legal entities and users who post material to ensure that Copyright is not infringed; and that no video is published with illegal, offensive or misleading content. Regarding reuse, it sets out general guidelines for respecting Copyright.

Soundcloud is a popular service that allows registered users to post audio content, e.g. music works, recordings, speeches, etc. This service prohibits any content conversion and any aggregation attempt ([SoundCloud, 2021](#)). Similar to the Soundcloud service is the Mixcloud service, which includes prohibitive terms for technical conversion and aggregation of its content.

As technology offers more opportunities for artistic creation, teaching and scientific research through mining texts, media and audiovisual materials, many memory organizations, associations, research centers and scholars study the evolution of media and copyright law and recommend improving copyright regulations, especially in relation to US Law and Fair Use ([Samuelson et al., 2010](#); [Merrill and Raduchel, 2013](#); [Hanssen, 2014](#); [Aufderheide and Jaszi, 2018](#)). Contrary to this view, [Samuelson \(2014\)](#) supports the idea of open-ended exceptions, like Fair Use, acknowledging that state laws need some time to adapt to new uses enabled by new technologies.

Aggregation services and licensing issues

Licensing has been a key issue for aggregation services to ensure that aggregated resources are legally shared and reused online. The main responsibility lies on content providers or cultural heritage institutions providing the resources from their collections to the aggregation services. Most well-known aggregation services are Europeana [2], Digital Public Library of America [3], Trove [4], Digital New Zealand [5] and National Digital Library of India [6]. Europeana informs, educates and provides “free, up-to-date and expert guidance” on copyright issues to content providers to help them select the proper license for their materials ([Europeana Pro, 2022b](#)). Europeana suggests that the proper “Rights

Statement” or “Creative Commons license” is selected for each resource. Content providers declare the proper statement/license in the metadata of each resource, and even though Europeana implements a “clean hands” approach (Škrinjar and Ciocoiu, 2021), each new submission prompts a manual review process before getting published on the Europeana website (Škrinjar and Ciocoiu, 2021). Regarding audiovisual resources, Europeana accepts properly licensed audio and video content, regardless of the streaming service where it may have been uploaded by the content provider (Scholz and Ciocoiu, 2022a, 2022b).

Similarly to Europeana, the Digital Public Library of America accepts resources that carry either a “Rights Statement” or a “Creative Commons license” (Digital Public Library of America, 2017), and holds the right to remove content after publication in case of copyright violation (Digital Public Library of America, 2016). The Trove aggregation service at the National Library of Australia requires content providers to submit content along with the respective rights in accordance with national law (National Library of Australia, 2019). In fact, content providers are encouraged to use Creative Commons and Rights Statements (National Library of Australia, 2022). The National Library of Zealand also accepts properly licensed material and provides copyright advisory services to content contributors (National Library of New Zealand, 2022). The National Library of India has published a Copyright Guide to help Indian content providers license their collections and submit them to the Digital National Library of India (Ganguli *et al.*, 2021). The National Library of India promotes the use of “Rights Statements” (Rights Statements, 2020) and has become a member of the Rights Statement Consortium, along with Europeana, Digital Public Library of America, Library and Archives Canada and Trove at the National Digital Library of Australia (Europeana Pro, 2022c).

The German National Library of Science and Technology (TIB) aggregates scientific audiovisual material to support its Competence Center in its effort to provide TIB researchers and partners with tools and content for text, multimedia or audiovisual analysis (Brehm, 2012). TIB encountered difficulties in aggregating audiovisual content due to the absence of a legal deposit scheme for audiovisual material, the inexistence of a clear legal framework about online usage rights and the complex EU regulatory framework that is mostly “directed at creating a single European market and at promoting the commercial film industry” (Brehm, 2012). TIB staff focused on aggregating audiovisual content under Creative Commons licenses (Brehm, 2012). They managed to identify the original copyright holders for most of the audiovisual material in the collections, and they were able to renegotiate with them for more open licensing of their scientific films (Brehm, 2016).

Analysis of the licensing preferences for Greek Audiovisual content providers

Under the EU co-financed research program OAVA an attempt was made to map the audiovisual content providers in Greece and to create a collection of resources that can be used in the context of open-access services. It should be noted that due to OAVA’s cultural and educational aim, the resources should only contain informative content (not literary or artistic) that is not intended for commercial exploitation by its creators. Content by news media companies is, therefore, *a priori* excluded. A study was conducted regarding the assessment criteria for determining the reliability and eventually selecting reliable Greek audiovisual content providers. A total of 500 Greek-language content providers of audiovisual material were reviewed, and 233 of them were found eligible according to specific criteria (The Authors, 2022). The results presented in The Authors (2022) reveal that half of the selected providers came from the public sector and universities, and the rest from private institutions, museums, libraries, NGOs, archival institutions, etc. The resources were categorized according to their genre, which could be “open courses”, “open educational

material”, “academic and/or scientific events”, “cultural events”, “Interviews”, “board meetings”, “Campaigns” and “archival material.”

Aggregation of audiovisual content

Results

One of the main research objectives was to identify the licensing preferences of Greek audiovisual content providers, as proper licensing is a prerequisite for resource aggregation. More than half of the reviewed and selected Greek audiovisual content providers choose to publish their resources in platforms that enable “Fair Use” of resources (66%), whereas 28% of the providers prefer to publish under “Creative Commons” licenses. The other 5% of providers use their own terms of use that do not match the existing licensing typology (Figure 1). It should be noted that providers tend to choose the same licensing method for all their resources.

Analyzing further, Pearson’s chi-square test was applied to compare and correlate the frequency distributions between categorical variables “provider’s type”, “genre” and “licenses” as we were interested in testing whether there is an association between the preferred license and the type of provider, as well as between the preferred license and the genre of the resource. The results indicated a statistically significant relationship between “provider’s type” and “licenses” ($p = 0.0000$) and between “genre” and “licenses” ($p = 0.0000$). Thus, the type of provider and the genre of the resource does have an effect on the license.

As shown in Figure 2, universities prefer to publish almost exclusively with Creative Commons licenses, whereas museums, NGOs and private and public sector organizations

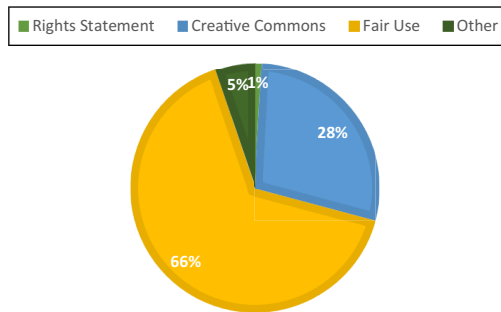


Figure 1.
Licensing preferred by Greek content providers

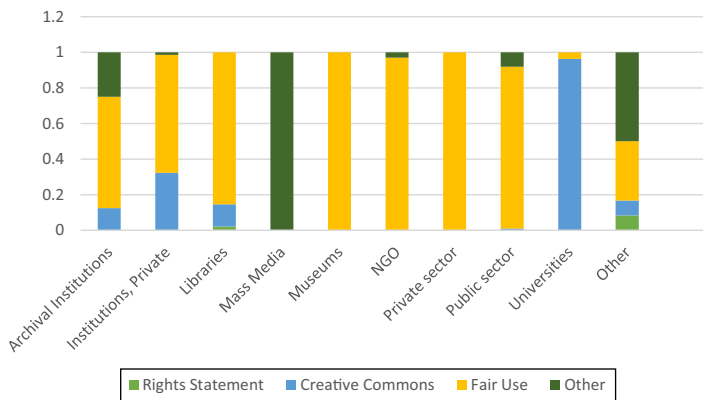


Figure 2.
Preferred licensing and provider's type

publish to US-based providers without specifying licensing terms, leaving their content suitable for reuse under the terms of “Fair Use”.

Regarding the relationship between the genre of the resources and the license used for publishing, “Fair Use” applies mainly for cultural events, campaigns, open educational materials and archival materials and, in total for board meetings. Creative Commons licenses are preferred for the publication of all open courses and for half of the interviews and digital collection/research projects (Figure 3).

Discussion

This study attempts to identify the copyright law framework in terms of legal documents, exceptions, licenses, etc., and to give an overview of how audiovisual content providers in Greece make use of the legal framework and its components. The motivation for this work was the development of an aggregation service for audiovisual resources in Greece, the OAVA platform.

As mentioned in the literature review, there is an abundance of laws and legal documents that need to be considered. The copyright legal framework of the European Union consists of 13 documents, while the main Greek national law is further regulated through 41 subsequent law documents (Hellenic Copyright Organization, 2019). This plethora of legal documents on Copyright may delay or even hinder the development of noncommercial aggregation services that rely on third-party content. This finding is consistent with that of other studies demonstrating that the current legal framework in both the EU and the US does not allow for maximizing technological opportunities to facilitate artistic creation, teaching or scientific research (Samuelson *et al.*, 2010; Brehm, 2012; Merrill and Raduchel, 2013; Hanssen, 2014; Brehm, 2016; Aufderheide and Jaszi, 2018).

For the development of OAVA, copyright laws, copyright exceptions and licensing terms have been thoroughly reviewed to ensure that the platform does not violate Copyright. Specific terms regarding the aggregation of cultural material are scarce. Even though a few EU and Greek Law documents refer to news aggregation services and to the streaming of films in the EU territory, their terms do not apply to the OAVA aggregation platform. Due to its cultural and educational aim, the OAVA-selected resources include content that is not intended for commercial exploitation by its creators (such as films and documentaries). Moreover, OAVA does not aggregate content by news media companies. The process of checking for possible copyright violations was labor-intensive and time-consuming during

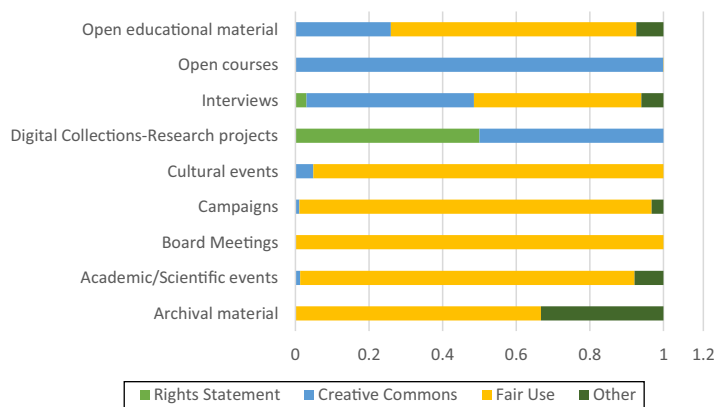


Figure 3.
Preferred licensing
per resources' genre

the development phases of the OAVA project. The experience from the OAVA project differs from Samuelson's view (2014) that an open-ended exception, like Fair Use, helps new uses of online content. The plethora of EU and Greek regulations and the vagueness of Fair Use brought uncertainty during the implementation of the project.

This labor-intensive process could be enhanced by either the inclusion of related exceptions in the copyright law, e.g. right to aggregate metadata for noncommercial purposes or by the extension of Creative Commons and Rights Statement licenses with terms for aggregation in a noncommercial context. Copyright exceptions or copyright terms are needed to clearly define if metadata and content can be aggregated by a third-party service and under which specific limitations. Taking into account that the online content increases, aggregation services will be needed to enable easier discovery. For an easier aggregation of resources, more clear terms are needed. Thus, the legal framework and licenses used over the internet must be extended to include terms that relate to the aggregation of metadata and content.

Besides the complex legal framework, audiovisual content providers in Greece seem to ignore copyright legislation or seem to have difficulties in selecting the proper license. Many of the public organizations selected as reliable audiovisual content providers publish content on their websites under "All rights reserved" license, a practice that is against the "Greek open data" law (Law 4727/2020, 2020) in effect. Other content providers embed in their website's audiovisual resources from their channel in a streaming service, e.g. YouTube, where there is a discrepancy between licenses; the website uses a different license (more closed or a more open one) than the typical license used by the streaming service. This finding confirms the "lack of expertise in copyright legislation" that has been reported in the (European Commission, 2021a) working document as a challenge to the aggregation of cultural heritage resources in Europe.

Based on the findings that Greek content providers seem to ignore copyright legislation, the OAVA platform will provide a mechanism for them to request the removal of their aggregated resources from the platform. It is common practice for digital organizations to receive removal requests. The General Data Protection Regulation in the European Union EU (Regulation 2016/679, 2016), with Article 17, in particular, offers data subjects the right to erasure ("right to be forgotten). Major search engines provide mechanisms for submitting removal requests to protect sensitive personal information [7][8]. On the other hand, when it comes to copyright issues, it is typical for audiovisual media providers to provide mechanisms for reporting infringement [9], [10]. In the digital era, aggregation services need to provide mechanisms for both users and organizations to request the removal of aggregation metadata and sources regarding personal information and protection against copyright violations.

To eliminate the misuse of copyright laws and exceptions and to protect both content creators, providers and (potential) users of resources, Webinars and training courses to public officers referring to existing copyright legislation and exceptions are needed. In Greece, public organizations, like the National Library of Greece, the National Documentation Centre and the National Centre of Audiovisual Media and Communication, could play an important role in training content creators and providers to create and publish material that is "aggregation-ready" in terms of metadata and licensing. Best practice guidelines should be launched for Greek GLAM institutions, and content creators wishing to share their collections and work on aggregation services in Greece or worldwide.

To ensure that aggregation-ready audiovisual material is published, streaming services and repositories must be encouraged (or even obliged by EU or National Law) to use standardized forms for uploading audiovisual resources. These standardized forms shall

include a set of open-access licenses using the same terminology. Thus, creators and content providers will easily select the proper license for their content. Licenses should also be made available in a machine-readable format that will enable automated license checking by aggregator engines. As a result, the existing legislation will be implemented in a friendlier and easier way for both human visitors and crawling services.

Conclusion

The development of the OAVA aggregation platform for the preservation of noncommercial audiovisual content has proven to be a challenging task and has brought to light issues related to audiovisual content licensing. There seems to be a plethora of copyright laws and exceptions, making it difficult to determine in which cases the use of copyright-protected audiovisual content does not lead to copyright infringement. Audiovisual content providers, on the other hand, seem to know little about content licensing. Proper licensing would make the selection process easier for aggregation services. Due to the ever-increasing number of online audiovisual resources, effective solutions are needed to facilitate the process of developing aggregation services. Training of creators and content providers on licensing, simplification of the process and “comprehensive – ready” licensing resources are the main prerequisites for the successful development of aggregation services and satisfied end users.

Notes

1. Translation of Article 28B copied from page 120 of the following report : [European Parliamentary Research Service, Comparative Law Library Unit. \(2018\). Copyright Law in the EU: Salient features of copyright law across the EU Member States. Report PE 625.126. Brussels : European Parliament.](#)
2. www.europeana.eu/
3. <https://dp.la/>
4. <https://trove.nla.gov.au/>
5. <https://digitalnz.org/>
6. <https://ndl.iitkgp.ac.in/>
7. www.google.com/webmasters/tools/legal-removal-request?complaint_type=rtbf&hl=en
8. www.bing.com/webmaster/tools/eu-privacy-request
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Corresponding author

Afrodite Malliari can be contacted at: afmalliari@gmail.com

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