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Federal State Autonomous Educational Institution of Higher Education
PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA
RUDN University

LAW INSTITUTE

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

COURSE SYLLABUS

PRIVATE INTERNATIONAL LAW

course title

Recommended by the Didactic Council for the Education Field of:

40.03.01 JURISPRUDENCE

field of studies / speciality code and title

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

BACHELOR OF LAWS (LLB)

higher education programme profile/specialisation title

1. COURSE GOAL(s)

The goals of the course are to:

- 1) form students' knowledge of the legal norms of Private International Law;
- 2) develop students' skills of practical application of conflict and substantive legal norms governing private legal relations of a transboundary nature;
- 3) form and develop knowledge of trends in the development of legislation in the field of Private International Law, Russian and foreign judicial and arbitration practice.

2. REQUIREMENTS FOR LEARNING OUTCOMES

Mastering the course (module) of Private International Law intends to train and guide students to achieve the development of following competences (competences in part):

Table 2.1. List of target competences (parts of competences)

| Code (GC, GPC, PC) | Competence | Competence indicators |
|---------------------------------------|--|--|
| GC-2 | GC-2. Can specify the range of tasks within the goal and choose the best ways to complete them based on the current legal norms, available resources and restrictions. | GC-2.3. Identifies the available resources, restrictions and the current legal norms based on the tasks given; |
| GPC-1 | GPC-1. Can analyze the main patterns of formation, implementation and development of law. | GPC-1.1. Knows the basics of the history of law, its nature and patterns; GPC-1.2. Uses legal methodology in order to analyze the main patterns of formation, implementation and development of law; GPC-1.3. Formulates and explains their position to complete professional tasks using relevant legal information |
| GPC-2 | GPC-2. Can apply the norms of substantive and procedural law to solve professional problems | GPC-2.1. Knows the system of branches, institutions and sources of law, understands the specifics of implementation and interaction of norms of substantive and procedural law; GPC-2.2. Identifies and analyzes facts of law, legally significant facts and circumstances to apply specific norms of substantive and procedural law; GPC-2.3. Makes legally relevant decisions and formalizes them in strict accordance with the norms of substantive and procedural law. |
| GPC-4 | GPC-4. Can interpret legal norms in a professional way. | GPC-4.1. Understands the nature and significance of legal norms and their interpretation in the legal profession; GPC-4.2. Has mastered the skills to apply various methods of interpreting laws, identify conflicts of laws and gaps in legal regulation; GPC-4.3. Masters the skills of presenting the results of legal interpretation and using them in implementation of law. |
| GPC-5 | GPC-5. Can use their speaking and writing skills in a cohesive, well-reasoned and logical way with a uniform and correct use of professional legal terminology. | GPC-5.3. Correctly uses legal terminology in professional communication. |

| Code (GC, GPC, PC) | Competence | Competence indicators |
|---------------------------------------|---|--|
| GPC-6 | GPC-6. Can participate in the process of drafting regulatory acts and other legal documents. | GPC-6.1. Identifies the necessity of drafting legal acts and other legal documents as well as their affiliated branch; GPC-6.2. Highlights and considers the features of various types of regulatory acts and other legal documents; GPC-6.3. Applies the legal techniques and rules to draft regulatory acts and other legal documents |
| GPC-8 | GPC-8. Can obtain relevant legal information in a purposeful and efficient way from various sources, including legal databases, to complete specific professional tasks using information technology and considering information security requirements. | GPC-8.1. Can obtain relevant legal information from various sources, including legal databases, processes and arranges it based on the goal; GPC-8.2. Uses information technology to complete specific professional tasks; GPC-8.3. Demonstrates the readiness to complete professional tasks while considering information security requirements. |
| PC-1 | PC-1. Can draft regulatory acts, formulate legal norms for various levels of rulemaking and areas of professional activity. | PC-1.1. Identifies the societal need for legal regulations of public relations in a particular area as well as gaps and conflicts in the current legislation and has the tools to overcome and eliminate them; |
| PC-2 | PC-2. Can apply legal norms in specific legal areas and use them in the way prescribed by law | PC-2.1. Demonstrates specific knowledge of the implementation of law, knows the procedure for carrying out the duties of jurisdictional bodies responsible for the implementation of law; PC-2.2. Has mastered the skills of analyzing the facts of the case, qualifying the facts of law and legal relations that arise due to them, identifies legally significant circumstances; PC-2.3. Carries out the correct choice of the legal norm to be applied and the method of its interpretation; PC-2.4. Has mastered the methods of searching for cases of implementation of law and monitoring it in order to complete professional tasks; PC-2.5. Develops options for legal actions in strict accordance with the legislation and makes decisions in the form prescribed by law. |

At the end of this course, students will:

Know

- methods and techniques of scientific research work, as well as methods of implementing the achieved results of research in the practical activities of government agencies, commercial organizations, international institutions;
- methods of legal monitoring of the functioning of the subjects of law in international economic activity;
- national legislation and international legal acts governing private international relations;
- current key issues in the field of contemporary Private International Law;

Be able to

- evaluate different theoretical approaches to the legal regulation of private international relations;
- analyze and evaluate the legal situation existing in international economic activity;
- to master the methods and techniques of scientific research work, as well as methods of implementing the achieved results of research in the practical activities of government agencies, commercial organizations, international institutions;
- use the methods of expert evaluation of normative legal acts of national and international character;
- use the conceptual apparatus of Private International Law;
- use the methods for applying the received legal knowledge in the process of law making and law enforcement activities;
- use the received legal knowledge for the decision of practical problems in the international economic activity with application of modern information technologies.

3.COURSE IN HIGHER EDUCATION PROGRAMME STRUCTURE

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

* - Underline whatever applicable.

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

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

| Competence code | Competence descriptor | Previous courses/modules* | Subsequent courses/modules* |
|------------------------|--|----------------------------------|------------------------------------|
| GC-2 | GC-2. Can specify the range of tasks within the goal and choose the best ways to complete them based on the current legal norms, available resources and restrictions. | | |
| GPC-1 | GPC-1. Can analyze the main patterns of formation, implementation and development of law. | | |
| GPC-2 | GPC-2. Can apply the norms of substantive and procedural law to solve professional problems | | |
| GPC-4 | GPC-4. Can interpret legal norms in a professional way. | | |
| GPC-5 | GPC-5. Can use their speaking and writing skills in a cohesive, well-reasoned and logical way with a uniform and correct use of professional legal terminology. | | |

| Competence code | Competence descriptor | Previous courses/modules* | Subsequent courses/modules* |
|-----------------|---|---------------------------|-----------------------------|
| GPC-6 | GPC-6. Can participate in the process of drafting regulatory acts and other legal documents. | | |
| GPC-8 | GPC-8. Can obtain relevant legal information in a purposeful and efficient way from various sources, including legal databases, to complete specific professional tasks using information technology and considering information security requirements. | | |
| PC-1 | PC-1. Can draft regulatory acts, formulate legal norms for various levels of rulemaking and areas of professional activity. | | |
| PC-2 | PC-2. Can apply legal norms in specific legal areas and use them in the way prescribed by law | | |

* To be filled in according to the competence matrix of the higher education programme.

4. COURSE WORKLOAD AND ACADEMIC ACTIVITIES

The total workload of the course is 4 credits (144 academic hours).

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

| Type of academic activities | Total academic hours | Semesters/training modules | | | |
|---|----------------------|----------------------------|-----------|-----------|------|
| | | 7/13 | 7/14 | 8/15 | 8/16 |
| <i>Classroom learning, academic hours</i> | 67 | 35 | 32 | | |
| including: | | | | | |
| Lectures (LC) | 31 | 15 | 16 | | |
| Lab work (LW) | | | | | |
| Seminars (workshops/tutorials) (S) | 36 | 20 | 16 | | |
| <i>Self-studies</i> | 71 | 34 | 37 | | |
| <i>Evaluation and assessment (exam/passing/failing grade)</i> | 6 | 3 | 3 | | |
| Course workload | academic hours | 144 | 72 | 72 | |
| | credits | 4 | 2 | 2 | |

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

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

* To be filled in regarding the higher education programme part-time training mode.

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

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

* To be filled in regarding the higher education programme correspondence training mode.

5. COURSE CONTENTS

Table 5.1. Course contents and academic activities types

| Course module title | Course module contents (topics) | Academic activities types |
|---|---|---------------------------|
| Section 1. Concept, subject matter and system of Private International Law. Collision of law. | The concept of Private International Law. Features of social relations, which are the subject of regulation of Private International Law. Criteria for the "foreign element" presence in private law relations. | LC S |

| Course module title | Course module contents (topics) | Academic activities types |
|--|--|----------------------------------|
| Collision and substantive law regulation methods | The place and role of Private International Law in the system of law. The correlation of Private International Law with other branches of private law. | |
| Section 2. Sources of Private International Law | The concept, system and features of sources of Private International Law. Correlation of international and national sources of Private International Law. International treaty as a source of Private International Law. Unification and harmonization of legal norms in the field of Private International Law. International legal customs and practices as a source of Private International Law. Domestic (national) state legislation as a source of Private International Law. Characteristics of Russian legislation in the aspect of Private International Law. The significance of judicial and arbitration practice and doctrine. | LC S |
| Section 3. Collision norm: concept, types, structure and peculiarities of application. Application of foreign law | Methods of legal regulation in Private International Law. Collision in Private International Law. Collision norms as ways of resolving legal conflicts. Notion of a collision norm. The structure of a collision norm. Types of collision norms. Basic formulas of attachment (collision bindings) and the scope of their application. Substantive regulation method in Private International Law. Qualification of legal concepts contained in collision norms. Application of the state law with a plurality of legal systems. The content of foreign law norms establishment. Legal consequences of the court's inability to establish the content of foreign law norms. The concept of "public policy" in legal doctrine and modern practice of the "public policy clause" implementation. The concept of a legal regime in Private International Law. Types of legal regimes. National regime. Most-favored-nation treatment. Ways of establishing various kinds of legal regimes. Reciprocity and retorsion. Concept and essence of reciprocity in Private International Law. Meaning and the content of terms "material" and "formal" | LC S |

| Course module title | Course module contents (topics) | Academic activities types |
|--|---|----------------------------------|
| | reciprocity. The concept and essence of retorsion in Private International Law. | |
| Section 4. Legal status of natural persons in Private International Law | Criteria for defining personal law for different categories of individuals. The meaning of the personal law definition for a natural person. National treatment: concept, scope. Exceptions to the principle of national treatment in the sphere of civil legal relations. The legal status of Russian citizens abroad. | LC S |
| Section 5. Legal status of legal persons in Private International Law | Legal persons as subjects of private international legal relations. Legal categories determining the legal status of legal persons: "nationality" and "personal statute" ("personal law") of a legal entity. Scope of application of personal law of a legal entity. Criteria for determining the personal law (personal statute) of a legal entity. Branches and representative offices of legal entities in foreign states. Personal law of a foreign organization that is not a legal entity under foreign law. | LC S |
| Section 6. The State as a subject of Private International Law | Characteristics of private international legal relations with the participation of the state. The state as a subject of foreign economic transactions. Immunity of the State and its property in Private International Law. Doctrines of "absolute" and "limited (functional)" immunity of a foreign State and its property. Elements of the "jurisdictional immunity of the State" category. | LC S |
| Section 7. Ownership in Private International Law | Peculiarities of regulation of property relations in Private International Law. The main collision bindings in the sphere of property legal relations. The legal regime of the objects of ownership rights of the Russian Federation located in foreign countries. Nationalization and its significance in Private International Law. The legal regime and protection of foreign investments. | LC S |
| Section 8. Intellectual Property in Private International Law | The concept and objects of intellectual property rights. The territorial nature of intellectual property and peculiarities of the named relationship regulation in Private International Law. The World Intellectual Property Organization (WIPO). The Stockholm | LC S |

| Course module title | Course module contents (topics) | Academic activities types |
|---|--|---------------------------|
| | <p>Convention on the World Intellectual Property Organization, 1967.</p> <p>Cross-border protection of copyright, related rights, protection of industrial property. License agreements in international civil turnover.</p> | |
| <p>Section 9. Obligations in Private International Law</p> | <p>The concept of a foreign economic transaction. The law to be applied to the form of the transaction. Determination of the law to be applied to obligations arising from unilateral transactions. Collision principles (bindings) applicable to contractual obligations with a "foreign element". The scope of the law to be applied to a contract.</p> <p>Unification of legal regulation in the sphere of international commercial contracts. Application of international trade customs (customs of business turnover) to contractual obligations in the sphere of entrepreneurial activity. International rules for the interpretation of trade terms (INCOTERMS). Principles of international commercial contracts.</p> <p>The doctrine of "lex mercatoria" in domestic and foreign legal sciences.</p> | <p>LC S</p> |
| <p>Section 10. International transportation of goods and passengers</p> | <p>The concept and types of international transportation. Transportation of goods and passengers.</p> <p>Classification of international transportation depending on the type of transport: sea, rail, air, road. Features of legal regulation.</p> <p>Liability of parties under international carriage contracts.</p> | <p>LC S</p> |
| <p>Section 11. International Credit and Settlement Relations in Private International Law</p> | <p>International settlement relations and currency operations.</p> <p>Peculiarities of the sources of legal regulation of international settlement relations.</p> <p>Forms of international settlements.</p> | <p>LC S</p> |
| <p>Section 12. Tort obligations in Private International Law</p> | <p>Grounds and conditions for the emergence of tort obligations in the Private International Law, the main collisional bindings.</p> <p>International legal regulation of relations from tort obligations.</p> | <p>LC S</p> |
| <p>Section 13. Matrimonial relations in Private International Law</p> | <p>The scope of application of collision bindings in the field of family relations complicated by a foreign element. International legal regulation in the considered area of relations.</p> <p>Problems of application of Russian Federation family legislation to family relations with the participation of foreign citizens and stateless persons. Conclusion of marriages of Russian</p> | <p>LC S</p> |

| Course module title | Course module contents (topics) | Academic activities types |
|---|--|---------------------------|
| | <p>citizens with foreign citizens in the Russian Federation, or abroad. "Limping marriages". Consular marriages. Recognition in Russia of marriages between foreigners concluded abroad. Dissolution of marriage. Invalidity of marriage. Personal non-property and property rights and obligations of spouses in Private International Law. Contract of marriage. Legal relations between parents and children. Legal regulation of "international" adoption, guardianship and custody.</p> <p>Determination of children nationality under Russian law. Rights and obligations of parents and children. Alimony obligations. The law applicable to the establishment and contestation of paternity (maternity).</p> | |
| <p>Section 14. Inheritance legal relations in Private International Law</p> | <p>Peculiarities of inheritance by law and by will in Private International Law. Collision issues of inheritance relations in Private International Law. International legal regulation of inheritance relations.</p> <p>Inheritance rights of foreigners in the Russian Federation. Inheritance rights of Russian citizens abroad. Functions of Russian consular representative for protection of inheritance rights of Russian citizens abroad. Form of testament. Peculiarities of inheritance of immovable property. Status of escheat property.</p> | <p>LC S</p> |
| <p>Section 15. Labor relations in Private International Law</p> | <p>Determination of the law applicable to labor relations complicated by a foreign element. Labor rights of foreigners and stateless persons. Labor rights of Russian citizens sent to work abroad. Labor rights of migrant workers during external labor migration. Legal regulation of labor rights of Russian citizens working for international organizations.</p> <p>Social security of foreign citizens in the Russian Federation and abroad.</p> | <p>LC S</p> |
| <p>Section 16. International civil procedure</p> | <p>The concept and peculiarities of international civil proceedings. International jurisdiction. "Conflict of jurisdictions" and its resolution.</p> <p>The procedure of consideration of disputes related to private international relations in courts of general jurisdiction and arbitration courts of the Russian Federation. Procedural capacity of foreign citizens and legal entities in Russian courts. Determining the content of foreign law.</p> | <p>LC S</p> |

| Course module title | Course module contents (topics) | Academic activities types |
|---|--|---------------------------|
| | International legal regulation of transmission and fulfillment of rogatory letters (service of documents, interrogation of witnesses, etc.). Legalization of official documents of another state in Russia and their recognition. Recognition and enforcement of decisions and other acts of foreign courts in Russia and other states. | |
| Section 17. International Commercial Arbitration | The concept and legal nature of International Commercial Arbitration. Types of International Commercial Arbitration. The legal basis for the activities of International Commercial Arbitration. The concept, types and form of arbitration agreements. Grounds for invalidity. The order of disputes consideration in International Commercial Arbitration. The main Russian and foreign arbitration centers. Arbitration court at the International Chamber of Commerce. Features of arbitration of investment disputes. CIS Economic Court. The annulment of the arbitration award. The order of recognition and execution of decisions of the International Commercial Arbitration. | LC S |

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

6. CLASSROOM EQUIPMENT AND TECHNOLOGY SUPPORT REQUIREMENTS

Table 6.1. Classroom equipment and technology support requirements

| Type of academic activities | Classroom equipment | Specialised educational / laboratory equipment, software, and materials for course study (if necessary) |
|-----------------------------|--|---|
| Lecture | Classroom for lectures, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |
| Lab | Classroom for lab work, group and individual consultations, evaluation and assessment, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |

| Type of academic activities | Classroom equipment | Specialised educational / laboratory equipment, software, and materials for course study (if necessary) |
|-----------------------------|---|---|
| Seminars | Classroom for seminars, group and individual consultations, evaluation and assessment, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |
| Computer classroom | Computer classroom for academic activity, group and individual consultations, evaluation and assessment, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, 30 personal computers, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |
| Self-studies Classroom | Classroom for Self-studies, equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |
| Courtroom | Classroom for court hearing simulation equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection. | Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome |

* It is necessary to specify a classroom for self-study of students

7. RESOURCES RECOMMENDED FOR COURSE STUDY

Main reading (sources):

1. Burman H. (2009). Private International Law. 43 (2), International Legal Developments in review: 2008;
2. Calster, G. (2016). European Private International Law. 2d ed.;
3. Davi', A. (2018). The Role of General Principles in EU Private International Law and the Perspectives of a Codification in the Field;
4. Kono, T. (2012). Intellectual Property and Private International Law: Comparative Perspectives.

Additional (optional) reading (sources):

1. Fuster, G., Brakel, R., Hert, P. (2022). Research Handbook on Privacy and Data Protection Law;
2. Garimella, S., Jolly, S. (2017). Private International Law: South Asian States' Practice;

3. Hull, J. (2015). Options, futures, and other derivatives / John C. Hull, University of Toronto. 9th ed.;
4. Jansen, N. (2021). The Structure of Tort Law: History, theory, and doctrine of non-contractual claims for compensation;
5. Micheler, E. (2021). Company Law: A Real Entity Theory;
6. Mills, A. (2018). Party Autonomy in Private International Law. Cambridge, United Kingdom: Cambridge University Press;
7. Paschalidis, P. (2012). Freedom of establishment and Private International Law for corporations;
8. Robb, J. (2019). Personhood and status of legal persons in Private International Law. *Journal of Private International Law*, 15(2);
9. Sutherland, S. (2022). Legal Data and Information in Practice: How Data and the Law Interact;
10. Tot, I. (2018). Financial Market Lex Mercatoria and Its Influence on the Financial Collateral Directive;
11. Tu, G. (2016). Private International Law in China;
12. Van Dam, C. (2013). *European Tort Law*. 2d ed.
13. Verhellen, J. (2019). Class actions in the current migration context in Europe: with or without Private International Law?

Internet-(based) sources:

1. Electronic libraries with access for RUDN students
 - RUDN Electronic library system <http://lib.rudn.ru/MegaPro/Web>
 - Electronic library system «University Library online» <http://www.biblioclub.ru>
 - Electronic Library «URAIT» <http://www.biblio-online.ru>
 - Electronic library system «Student. Consultant» www.studentlibrary.ru
 - Electronic library system «Lan» <http://e.lanbook.com/>
 - Electronic library system «Troitskyi most»

Internet-(based) sources (others):

1. Databases and search engines:
 - Electronic Legal and Regulatory Documentation Fund <http://docs.cntd.ru/>
 - Search system Yandex <https://www.yandex.ru/>
 - Search system Google <https://www.google.ru/>
 - SCOPUS <http://www.elsevierscience.ru/products/scopus/>
 - Google Scholar <https://scholar.google.com/>

*Training toolkit for self- studies to master the course *:*

* The training toolkit for self- studies to master the course is placed on the course page in the university telecommunication training and information system under the set procedure.

8. ASSESSMENT TOOLKIT AND GRADING SYSTEM* FOR EVALUATION OF STUDENTS' COMPETENCES LEVEL UPON COURSE COMPLETION

The assessment toolkit and the grading system* to evaluate the competences formation level (competences in part) upon the course study completion are specified in the Appendix to the course syllabus.

* The assessment toolkit and the grading system are formed on the basis of the requirements of the relevant local normative act of RUDN University (regulations / order).

DEVELOPERS:

Assistant of the Department of
Civil Law and Procedure and
Private International Law



Alisa M. Berman

Position, Name of the Department

Signature

Full name

HEAD OF EDUCATIONAL DEPARTMENT:

Head of the Department of
Civil Law and Procedure and
Private International Law,
Full Professor

Evgenia E. Frolova

Position, Name of the Department

Signature

Full name

**HEAD OF HIGHER
EDUCATION PROGRAM:**

Director of the Law Institute

Sergey B. Zinkovskiy

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