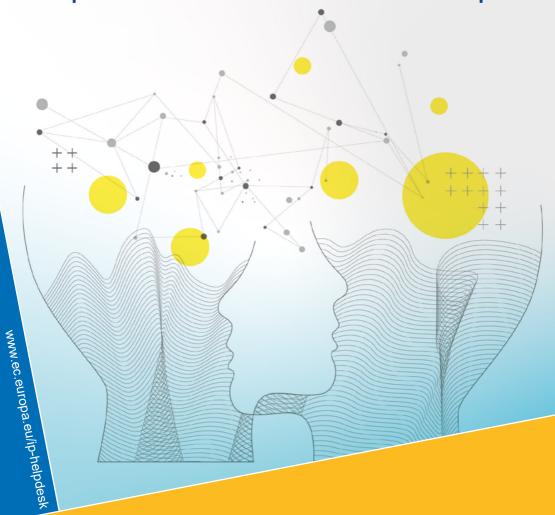
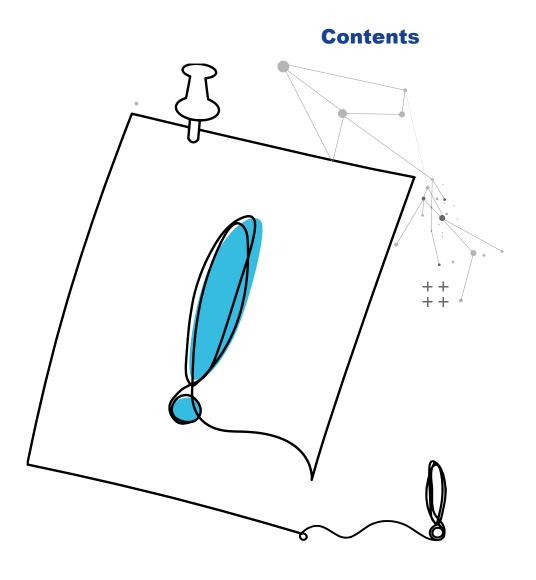


Your Guide to Open Science in Horizon Europe



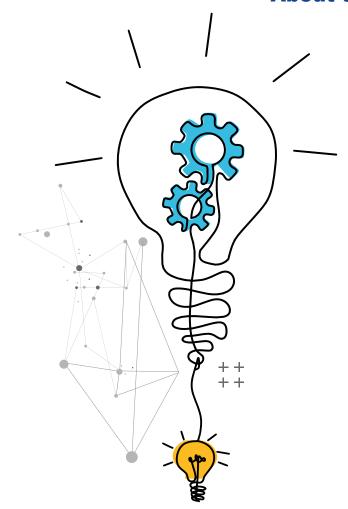


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The European IP Helpdesk

About this Guide

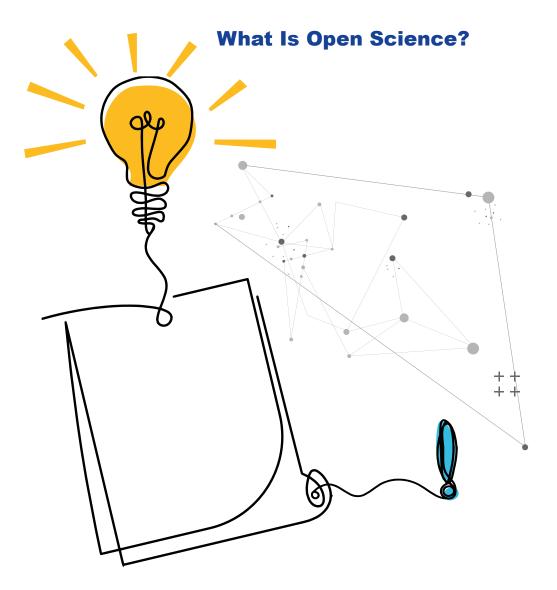
About this Guide



Open science is an approach aimed at making scientific research more transparent, accessible and collaborative. In the spirit of fostering collaborative research and innovation which are the core goals of Horizon Europe, the EU's key funding programme for research and innovation, open science now forms an integral part of the way in which projects funded through this framework programme are implemented.

This Guide therefore aims to help readers navigate this relatively new topic and provide the necessary explanations and guidelines for those who are preparing a Horizon Europe project proposal – or indeed already implementing a Horizon Europe project – to not only ensure compliance with all open science-related obligations, but also to make the optimum use of this new aspect of Horizon Europe in the implementation of their research projects and exploitation of their results.

The European IP Helpdesk What Is Open Science?



Rather than a single self-contained concept, open science can be understood as an umbrella term covering a set of principles which foster the exchange and sharing of information by removing barriers to access to information throughout all stages of the research and innovation process. In addition to (and through) fostering the sharing of knowledge, open science also endeavours to encourage the participation of all relevant knowledge actors, including citizens and society at large.

By ensuring that research results and data are available to all societal actors, including researchers, innovators, and the public, opportunities for reuse and adaptation according to specific needs are created. This fosters a culture of continued innovation, enabling the discovery of novel solutions and effectively addressing complex challenges. Open science further emphasises the importance of transparency in research outputs and strives to enhance their efficiency of use.

Open Science and Intellectual Property Rights

A common misconception held by many is that open science and intellectual property rights are mutually exclusive. In reality, this is not the case at all, quite the opposite: not only do intellectual property rights and open science not conflict, they actually complement each other.

IP rights perform two main functions in relation to innovation: by granting exclusive rights over research results they act as an incentive to innovation since they ensure the effort and skills invested into obtaining these research results can be properly compensated; furthermore, IP rights also serve the role as vehicle which facilitate structured arrangements such as licences and assignments of intellectual property, thereby enabling broader exploitation of knowledge while ensuring proper attribution and incentives for innovation. Open science does not stand in opposition to these functions of IP rights, but rather serves a different purpose: to ensure that information and knowledge are shared thereby generating a cumulative innovation ecosystem in which future research can more easily access knowledge generated by past projects to validate and build upon it.

Open science, on the other hand, promotes the sharing of information related to research results but it does not negate the exclusive rights that intellectual property rights grant over these research results. Rather, by combining the incentive nature of IP rights and the sharing culture supported by open science, the aim is to foster innovation, collaboration and the advancement of scientific knowledge for the benefit of society.

The European IP Helpdesk What Is Open Science?

In sum, it is important to understand that sharing information and knowledge under open science principles does not equate to a lack of intellectual property protection. For example, while a scientific publication may be shared according to open science principles under open licences it will still be protected by copyright, meaning that while the information contained within the article is now accessible to society, the text of the article is still protected and cannot be copied by third parties unless authorisation to do the same has been granted by the author or copyright owner. Similarly, a wide variety of open licences, such as Creative Commons, exist whereby a copyright-protected resource is freely shared under certain conditions which may vary. Open licences provide creators with a means to grant permissions for others to use, modify, and distribute their work while still retaining certain rights and control over their creation which originate in their ownership over the copyright which protects the work being licensed.

Furthermore, it should always be borne in mind that in order to make any research result or other original work available under open licences, it is necessary to hold the necessary rights to do it. In this sense, open licences are just like any other type of licence and are based on the existence of intellectual property rights which grant their proprietor the right to make use of their exclusive rights over the intangible asset and to dispose of them as they best see fit.

Open Science and Horizon Europe

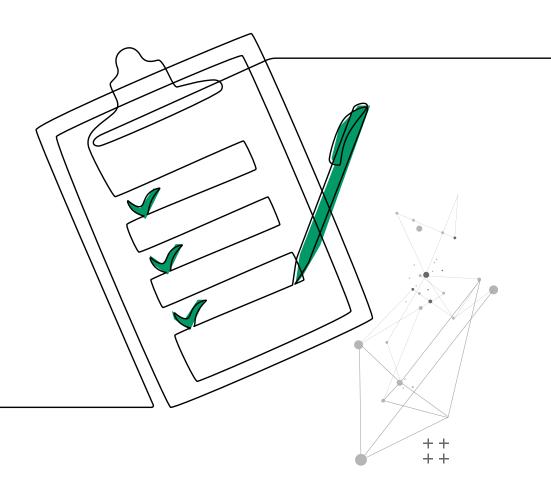
Open science has become one of the axes on which the European Commission builds its work on scientific research and innovation. While it has progressively been introduced into EU policies, open science is now built upon 8 "ambitions":

- Open Data: FAIR (Findable, Accessible, Interoperable, and Reusable data) and open data sharing should become the default for the results of EU-funded scientific research.
- <u>European Open Science Cloud (EOSC)</u>: a federated ecosystem
 of research data infrastructures allowing the scientific community
 to share and process publicly funded research results and data
 across borders and scientific domains.
- New Generation Metrics: New indicators developed to complement the conventional indicators for research quality and impact, so as to do justice to open science practices.

- Future of scholarly communication: all peer-reviewed scientific publications should be freely accessible, and the early sharing of different kinds of research outputs to be encouraged.
- **Rewards:** research career evaluation systems to fully acknowledge open science activities.
- Research integrity: all publicly funded research in the EU should adhere to commonly agreed standards of research integrity.
- Education and skills: all scientists in Europe should have the necessary skills and support to apply open science research routines and practices.
- Citizen science: the general public should be able to make significant contributions and be recognised as valid European science knowledge producers.

These ambitions, which were defined in 2016 have been gradually introduced in EU-funded research and innovation projects. In the context of Horizon 2020 - the predecessor of Horizon Europe which ran from 2014 to 2020 – open science was in large part limited to open access (in other words focusing on making certain scientific publications and data generated by EU-funded projects freely available without restrictions). Horizon Europe continues to build upon this and integrates a more complete approach to open science and each of these eight ambitions now sees itself reflected in the ways in which scientific research projects funded through this framework programme are implemented. It moves beyond open access to open science for which it features a comprehensive policy implemented from the proposal stage to project reporting. Where Horizon 2020 only included open access to research data as mandatory practice, Horizon Europe now also expects a comprehensive approach to research data management and additional open science practices implemented by project beneficiaries. These practices, and tenderers' experience and proven willingness to participate in open science (for example by making their scientific publications available in open access even when not mandated), now form one of the pillars on which project proposals are evaluated.

Open Science Practices in Horizon Europe



The open science provisions in Horizon Europe therefore contain a set of requirements and encouraged practices that cover some of the most important aspects of open science concerning research outputs such as scientific publications and research data. Two key concepts underpin the open science approach applicable to Horizon Europe projects: the FAIR principles and the idea that knowledge should be "as open as possible, as closed as necessary".

FAIR principles

The FAIR principles are a set of propositions coined by a team of investigators in 2016¹ constituting a framework for the broadest re-use of research data.

These good practices aim to ensure that the data is made as open as possible while respecting the foundations of sound science by giving an organised framework for the sharing of data. Furthermore, they require the use and efficient arrangement of metadata related to the data itself. Metadata is essentially data about data. It provides information about various aspects of a particular piece of data, such as its creation, format, content, and other attributes. I can be thought of as a set of descriptors that help organise, manage, and understand data more effectively. For example, metadata for a document includes details like the author's name, the date it was created, the file size, and keywords related to its content as well as a unique identifier through which it can be found (such as an ISBN for books, or DOI for documents filed in online databases). In the context of digital files, metadata also includes technical information like the file format, resolution (for images or videos), and any copyright or licensing information.

The four FAIR principles are that research data should be:

- **Findable:** it should be easy to find both for humans and automated search engines.
- Accessible: it can be accessed once found.
- Interoperable: it should be comparable and compatible with data from other sources.
- Reusable: it should be reusable for future research purposes.

¹ Wilkinson, M., Dumontier, M., Aalbersberg, I. et al. The FAIR Guiding Principles for scientific data management and stewardship. Sci Data 3, 160018 (2016). https://doi.org/10.1038/sdata.2016.18

Principle	Implications	Implementation
FINDABLE	The Data must be registered in a searchable resource and have a metadata which makes it easy to find and identify through: a unique persistent identifier such as a DOI or a unique internet URL link rich metadata providing information about context, quality, condition and characteristics of the data.	 Depositing research data into repositories which provide unique persistent identifiers such as DOIs When depositing your dataset into the repository, ensure to include comprehensive contextual information, also known as metadata, to enhance its accessibility and utility.
ACCESSIBLE	Data or metadata can be retrieved through their identifier using standardised communications protocol Related metadata must be accessible, even when the data is no longer available	Depositing data into a repository which uses standard communication protocols Ensure that the repository ensures access to metadata for a sustained period of time, even if the data has been removed
INTEROPERABLE	Data or metadata must use a formal, accessible, shared, and broadly applicable language for knowledge presentation (i.e. the programming language of the data set should be broadly used) Data or metadata must include qualified references to other datasets	Checking for the standards that apply when selecting the dataset programming language Ensure that the data repository you select supports the inclusion of links or references to other pertinent datasets for comprehensive data integration. Using open file formats for your data
REUSABLE	Data and metadata must be released with a clear and accessible data usage licence They should also be associated with details as to its origin and follow domain-relevant community standards	When depositing a dataset into a repository, include extensive contextual information in the metadata Share the data under an open licence (a specific type of licence which grants the user the permission to use, modify and share work freely with few or no restriction)

"As open as possible, as closed as necessary"

The other key concept to the open science aspect of Horizon Europe projects is that knowledge and data should be "as open as possible, but as closed as necessary". What this means that while beneficiaries are expected to do their utmost to ensure that their project will contribute to the EU's ambitions for open science, it recognises that there are certain cases in which making such information or data available in open access is not desirable – or indeed not legal. Consequently, in **certain circumstances**, it is acceptable for beneficiaries not to make their research outputs available in open access.

Legitimate interest of the beneficiary, including commercial exploitation

Where data cannot be shared by project beneficiaries as it would go against their own legitimate interest, there is no obligation to make the relevant data accessible under open science principles, because doing so would hurt their ability to adequately protect and exploit the project results.

Under the Horizon Europe Grant Agreement., Article 17 and complementary Annex V, project beneficiaries have a legal obligation to both adequately protect their results through intellectual property rights when protection is possible and justified, and to use their best efforts to exploit these project results. The two main cases where this obligation clashes with open science principles is when a specific project output is to be protected as a trade secret/confidential know-how (meaning that it should not be disclosed to the public) or will be the object of a patent application (meaning that the information must be kept confidential at least until the patent application has been filed as prior disclosure can lead to the patent application being rejected for lack of novelty). In such cases, Horizon Europe rules state that intellectual property protection comes before open science obligations when protection and exploitation of project results would be adversely affected by making project results and data available in open access.

Data protection, including personal data protection

In the course of the implementation of Horizon Europe projects, beneficiaries/researchers may gather personal data. As per Article 15 of the Horizon Europe Model Grant Agreement, this personal data must be treated per EU Data Privacy Regulations. In cases where the data cannot be sufficiently anonymised to protect the privacy of the people concerned, and unless they have given explicit written consent to their identifiable data being published, no open access to it can be given.

 Other constraints such as Union competitive interests, security rules or any other obligation under the Grant Agreement.

Obligations and expectations related to open science in Horizon Europe projects can be found in Annex V of the Grant Agreement in the section "Communication, Dissemination, Open Science, and Visibility". A distinction is to be made between the practices which are mandatory under the Grant Agreement – meaning that the beneficiaries are under the obligation to implement them – and those which are recommended which go beyond the mandatory ones but are encouraged, and specifically are taken into account at the time of evaluating a proposal.

Mandatory practices:

(within the limits of "as open as possible, as closed as necessary")

Open access to scientific publications under the conditions required by the grant agreement

Development and continuous update of a **Data Management Plan** (**DMP**) and responsible management of research data in line with the FAIR principles

Providing access to the data needed to validate the conclusions of scientific publications

Providing information about the research outputs needed to replicate and validate the conclusions of scientific publications or to validate or re-use research data.

Any other practice required by the specific work programme or call to which the project pertains such as immediate open access to all research outputs under open licences (or under fair and reasonable conditions depending on the call) if requested by the public authority in cases of public emergency or additional obligations regarding validation of scientific publications.

Additional practices:

(not mandatory but recommended and taken into account when assessing project proposals)

Early and open sharing of research outputs

Providing open access to research outputs beyond publications and raw research data such as software, algorithms or workflows.

Involving all relevant knowledge actors including citizens, civil society and end user in the co-creation of research and innovation agendas and contents

Participation in open peer-review

Open access to scientific publications

Whilst it is not mandatory to publish scientific articles, any scientific publication related to Horizon Europe projects must be made available in open access.

Horizon Europe project beneficiaries must ensure open access to all peer-reviewed scientific publications related to project results. In particular, they must ensure that:

- At the latest at the time of publication, a machine-readable electronic copy of the published version or the final peer-reviewed manuscript accepted for publication is deposited in a trusted repository for scientific publications;
- Immediate open access is provided to the deposited publication via the repository, under the latest available version of the Creative Commons Attribution International Public Licence (CC BY) or a licence with equivalent rights; for monographs and other long-text formats, the licence may exclude commercial uses and derivative works (e.g. CC BY-NC, CC BY-ND); and
- Information is given via the repository about any **research output** or any other tools and instruments needed to validate the **conclusions** of the scientific publication.

Note that this itself does not limit researchers' freedom to choose in which journal or venue their publications related to Horizon Europe research results are published. Three main publishing venues are commonly used by authors of scientific papers:

- Open access publishing venues include open access journals, books or publishing platforms the full content of which is published in open access.
- Hybrid publishing venues journals or books which provide part
 of their content in open access, while other articles or chapters are
 accessible only through subscription or payment.
- Subscription-based or closed access journals these are "classic" academic journals or reviews the content of which can only be accessed through subscription or payment.

Authors of scientific publications are free to choose the **publication venue of their liking, however, publication fees are only considered eligible costs in Horizon Europe and can therefore be reimbursed when publishing in full open access publishing venues, and not hybrid venues. You can find a list of scientific journals which comply with open access requirements by using the <u>Directory of Open Access Journals</u>, or the <u>Journal Checker Tool</u>.**

In addition to this, beneficiaries of Horizon Europe projects can publish their scientific publication free of charge on the <u>Open Research Europe</u> (<u>ORE</u>) <u>platform</u>, administered by the European Commission.

Licences for scientific publications

All scientific publications related to Horizon Europe project results must be licensed under the latest available version of a Creative Commons International Public Licence (<u>CC BY</u>) or an equivalent licence, under which others may copy, redistribute, modify or build upon the content, including for commercial purposes, as long as proper attribution to the author is given. For monographs, book chapters or longer publications, a more restrictive licence may be used, such as <u>CC-NC</u> (excluding use for commercial purposes), <u>CC-ND</u> (excluding the right to modify the work) or <u>CC-NC-ND</u> (excluding both use for commercial purposes and modifications).

Furthermore, all metadata of deposited publications must be made openly available under a machine-readable format under a Creative Common Public Domain Dedication (CCO) or equivalent, and provide information about the publication (author(s), title, date of publication, publication venue); relevant EU Funding such as grant project name, acronym and number; licensing terms; and persistent identifiers for the publication such as Digital Object Identifiers (DOI) for academic publications, or ISBNs for books.

The requirement that all scientific publications must be made available under Creative Commons licences (or equivalent) means that researchers:

- must ensure they retain the necessary IP rights over their articles (i.e. copyright) to be able to make them available;
- must refrain from publishing their scientific publications with a
 publishing company which does not accept that the articles or
 monograph will be made available elsewhere in open access
 (as can be the case with private publishing houses or closedaccess journals). In order to ensure this, researchers should notify
 publishers of their obligation related to open access at the time of
 submitting their manuscript for publication, and if the publishing
 company refuses these terms, they should look for another
 publishing venue.

Open data management

In addition, specific open access obligations are included relating to the research data generated throughout the research project.

Project beneficiaries must:

- Establish a data management plan (DMP), and regularly update it;
- As soon as possible and within the deadlines set out in the DMP, deposit the data in a trusted repository, if required in the call conditions, this repository must be federated in the EOSC in compliance with EOSC requirements;
- As soon as possible and within the deadlines set out in the DMP, ensure open access via the repository to the deposited data, under the latest available version of the Creative Commons Attribution International Public License (CC BY) or Creative Commons Public Domain Dedication (CC0) or licence with equivalent rights, following the principle "as open as possible as closed as necessary".

Project beneficiaries must manage all research data and related metadata in line with FAIR principles, ensuring open access to research data under the principle of "as open as possible, as closed as necessary", by depositing them with a trusted repository. This obligation only applies to data which has been generated during the research project, and not to pre-existing data which has been re-used, unless the re-used data has been processed or modified. Nevertheless, the Data Management Plan should still cover the treatment of re-used data.

Licences for research data

All research data must be licensed under a <u>CC BY</u> or equivalent, allowing other researchers to copy, redistribute, modify or build upon the dataset, including for commercial purposes, as long as proper attribution is given, or under a <u>CCO</u> which relinquishes any exclusive rights over the dataset and therefore puts it in the public domain. Research data cannot be made available under licences which are more restrictive than CC BY (by excluding, for example, commercial exploitation).

As is the case for metadata related to scientific publications, metadata of research data must always be shared under a CC0 licence, and should be machine-readable and follow a standardised format.

Data Management Plan

The Data Management Plan (DMP) is a mandatory project deliverable for all Horizon Europe projects, which must be submitted normally within 6 months from the signature of the Grant Agreement. This document outlines the main aspects related to how research outputs, especially data, will be treated throughout the project lifecycle according to the FAIR principles and open access requirements. The DMP should be considered a "living document", to be updated and modified, if necessary, as project implementation progresses and adaptations should be made according to the circumstances.

The DMP should cover the following aspects of the project implementation:

Data Summary

- o Identifying the type and format of data that the project is expected to generate or re-use
- o Expected size of the data
- o Origin of the data
- o To whom the data might be useful outside of the beneficiary or consortium directly involved in the project

Adherence to the FAIR principles:

- Findability of the data: specifying what persistent and unique identifiers and trusted repositories will be used, and evidence the repository satisfies all requirements regarding identifiers and open access
- Accessibility of the data: IPR considerations and if any data will
 not be made available (temporarily for the sake of IP protection
 or permanently in order to protect the beneficiaries' interests),
 reasoned justifications should be provided
- o **Interoperability of the data:** which data and metadata standards, formats and methodologies will be applied to make the data interoperable and allow its re-use
- o Re-use of the data: the licence under which the data will be made available

- Management of project outputs other than data (e.g. software, workflows, algorithms, etc.): if these are to be shared in open access, how this will be achieved.
- Allocation of resources and responsibilities within the consortium regarding data management.
- Restrictions to open data: where specific research data will not be shared under the "as open as possible, as closed necessary" principle, beneficiaries will have to justify keeping the data closed in the DMP, explaining under which exception they restrict access to some or all of their research data.

The European Commission developed a template DMP to help beneficiaries prepare their version of this new deliverable to be used in their own project. This template can be found on the <u>Funding and Tenders Portal Reference Documents page</u>, in the section "Project Reporting Templates".

Trusted repositories

Entering scientific publications and data generated during the implementation of a Horizon Europe project into a trusted repository is one of the cornerstones of the open science aspect of the framework programme. Regardless of where a scientific publication has been published, authors must deposit their publication in a machine-readable format in a trusted repository. Just publishing a scientific publication in an open access journal is not enough to meet open access requirements in Horizon Europe: a copy of the paper must also be made available in a trusted repository, along with all information needed to validate the findings reached in the publication. The scientific publication must be deposited in a trusted repository at the time of publication at the latest. Data generated and/or re-used in the course of a Horizon Europe project must also be deposited in trusted repositories.

What is a trusted repository and where can you find one? A repository is an online archive where researchers can deposit and openly share research publications and research data while ensuring the long-term preservation, accessibility and usability of the relevant data. Trusted repositories typically adhere to recognised standards and best practices related to data management, including data security, privacy protection, metadata standards and interoperability. Personal websites, databases or cloud storage services such as Dropbox or Google

Drive are not considered trusted repositories.

Rather, researchers should use either repositories which have received relevant certifications such as CoreTrustSeal, Nestor Seal DIN31644 or ISO16363 or disciplinary repositories commonly used by the research community in their particular field such as Europe PMC for life sciences, CALTERING TERISTANTICAL TERISTAN

Certain calls include conditions relating to the European Open Science Cloud (see above). In these cases, data must be deposited in trusted repositories which are federated with the EOSC.

Authors/beneficiaries must ensure that they publish their scientific publications and deposit them along with the relevant data in repositories which allow them to fulfil all their obligations related to open access under the Grant Agreement and share their outputs under open licences.

Information regarding outputs for validation of data or findings and conclusions of scientific publications

Information regarding any other project output tools or instruments needed to validate the conclusions of a scientific publication or to confirm and re-use the data shared under open access must be given via the repository in which it has been deposited. In this context, outputs can include auxiliary data, software, algorithms, code, protocols, models, workflows, electronic notebooks and others. Researchers must therefore provide a detailed description of the output, tool or instrument, how to access it, whether it relies on commercially available products, what versions of the tools can be used, etc.

Note that the obligation to provide information regarding these outputs is not an obligation to provide open access to these tools. Providing

open access to these tools is nevertheless one of the additional recommended practices recognised by the European Commission, and these tools and outputs should ideally be made available in open access unless legitimate interests or constraints apply (for example, the tool or software may be property of a third party, in which case the researcher/beneficiary does not have the rights to make it available in open access themselves).

Additional recommended practices

In addition to the mandatory open science practices described above, other practices are recommended by the European Commission – meaning that while they are not of an obligatory nature they will be positively evaluated by the funding authority, if and when relevant to the reality of any particular project. There is no closed list of recommended open science practices, but specific examples of such procedures include the following:

Early and open sharing of results

Making research methodology, findings and data available as early as possible to the public or scientific community can be achieved through specific practices such as **preregistration** which consists in registering and communicating the hypothesis, method and analysis of a scientific study before it has been conducted, or through depositing early nonpeer reviewed manuscripts of scientific publications in **preprint repositories**.

Providing open access to research outputs beyond scientific publications and research data

Mandatory open science obligations in Horizon Europe apply to scientific publications and research data. However, other outputs such as software, algorithms or methodologies may also be shared under these same principles. Doing so can contribute to making research results easier to verify and reproduce.

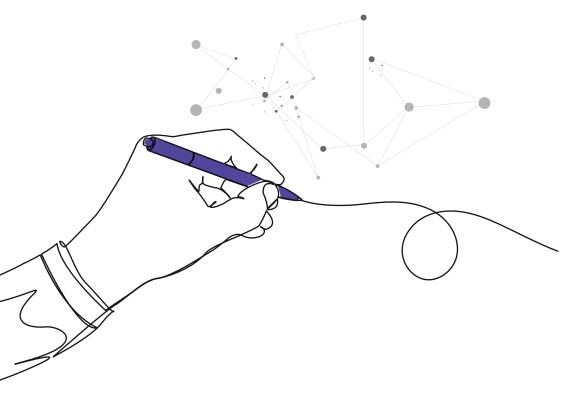
Participation in open-peer review

Open peer review consists in sharing the content of peer reviewers' reports on a scientific publication publicly available. Usually, the first version of a scientific article and the peer reviewers' reports remain confidential, and only the final article is published. Making all documents available increases transparency in the research process, helps contextualise research and gives readers the benefit of additional expert opinions.

Performing citizen science

Involving all relevant knowledge actors including citizens, civil society and end users in performing research at different stages of the process, from shaping research agendas and policies to gathering, processing and analysing data.

Addressing Open Science in Horizon Europe project proposals



Open science practices included in Horizon Europe project proposals are evaluated under the "Excellence" and the "Quality and efficiency of implementation" criteria. In addition to the evaluation of the proposed project as such, tenderers are asked to list up to five relevant publications, datasets or other achievements of consortium members as part of the Application Form (in Section A). Open access is expected for these publications, in particular journal articles, while datasets are expected to be FAIR and 'as open as possible, as closed as necessary'. If publications are not open access, proposers are strongly encouraged to deposit them retroactively in repositories and provide open access to them when possible.

Note that open science practices are not taken into account when assessing proposals to Horizon Europe projects funded through ERC.

Excellence

Tenderers must provide concrete information on how they plan to fulfil all mandatory open science obligations and explain which recommended open science practices they plan on adopting (these will vary depending on the nature of the project: not all practices are suited to certain projects). Specific mention and or should be made of plans related to early and open sharing of research outputs and use of open peer review (including the publishing venues considered), measures planned which aim to maximise reproducibility of research outputs and how citizens, civil society and end-user engagement will be implemented. Failure to do so will lead to lower evaluation scores and if open science is not applicable to the proposal, justifications must be provided.

In addition, a 1-page outline of the project's DMP must be presented, summarising the type of data/research output which will be treated, how the FAIR principles will be applied and who will be responsible for data management and quality assurance.

Quality and efficiency of implementation

Tenderers must also demonstrate the consortium's capacity to properly implement the action. Proposers should show how this includes expertise and/or track record in open science practices, relevant to what is planned for the project. If justification has been provided that open science practices are not relevant for their projects, it is not necessary to demonstrate track record and expertise.

The European IP Helpdesk Additional Resources

Additional Resources

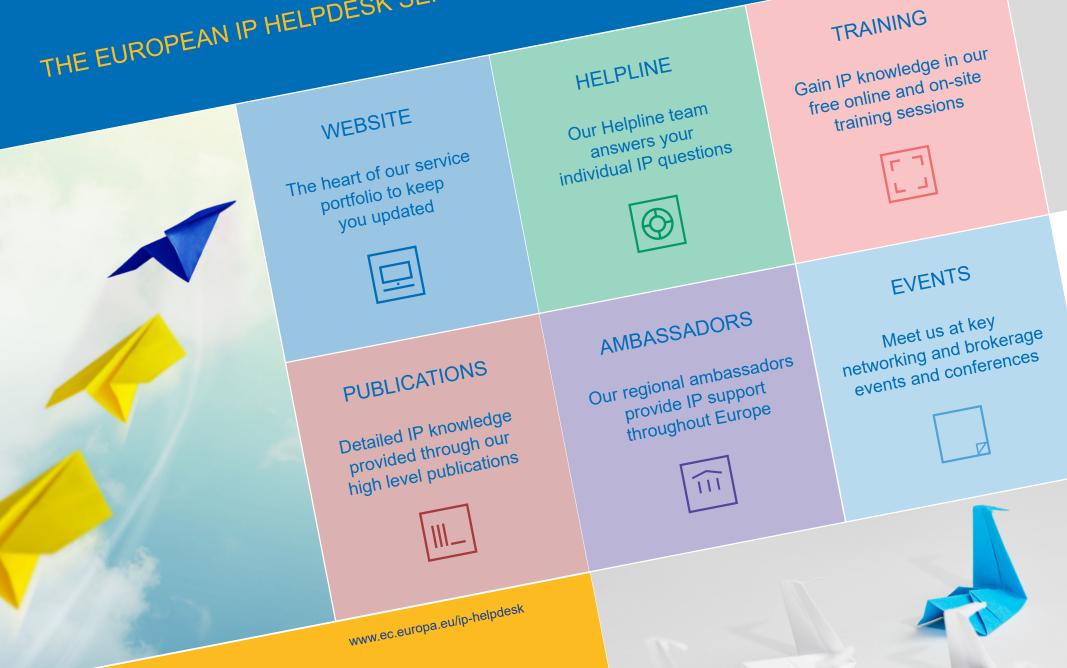
European IP Helpdesk resources:

- Infographic: "Different Concepts of "Openness" in Horizon Europe"
- Bulletin, December 2023: "Open Science"
- IP Special: "Open Science"
- "Your Guide to Intellectual Property Management in Horizon Europe"
- "Successful Valorisation of Knowledge and Research Results in Horizon Europe"

External Resources:

- Horizon Europe Annotated Model Grant Agreement
- Horizon Europe Work Programme Guide
- Horizon Europe Standard Application Form
- European Commission Recommendation EU 2023/499 on Code of Practice on the management of intellectual assets for knowledge valorisation in the European Research Area
- <u>European Research Executive Agency's Q&A page on Open Science in EU-funded projects</u>
- Open Research Europe
- European Open Science Cloud EU Node

THE EUROPEAN IP HELPDESK SERVICES





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