Bridging Non-Profit and For-Profit Film:
What Lies Between?

by

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Table of Contents

Introduction:

As the film industry exists currently, two main business structures are dominantly operating. These structures are the Non-Profit Film Organizations and the For-Profit Film Organizations. Historically, both models have grown in their quantity and in their methods of operation. Within these developments, the dichotomy between the two has grown within the collective conscious. Often overlooked however, is that with great inherit differences between, both business models do prove to have overlapping themes with regards to their advantages and disadvantages in the industry and in modern society.

The For-Profit model will be researched through the lens of Hollywood as it currently presents an extremely large concentration of film organizations operating under this title and is colloquially the Entertainment epicenter of our capitalistic society in the United States of America.

Furthermore, the differences in film types being supported by the two forms of organizations discussed will be established by the following: For-Profit Film Organizations will be seen in support of the creation and distribution of Big Studio films while Non-Profit Film Organizations will be seen in support of the creation and distribution of Independent films. Big Studio films will be defined as films created with a budget of at least 100 million US Dollars, by a major name studio, that will achieve mainstream distribution as well as advertisement. Independent films will be defined as films created, distributed, and advertised outside the major studio system by independent entertainment organizations, with an average budget of 750,000 US Dollars (Renée 1).

The proceeding research will examine the two models, analyze the advantages and disadvantages of both, and finally discuss the possibility and/or need for a middle ground to

address these effects. The concepts of competition between organizations and commercialization, or the "organization of something in a way to make profit," will be used as the frameworks to compare and contrast the advantages and disadvantages, mutual and exclusive, to the two business models (dictionary.cambridge.org).

Hollywood History:

Massive film studios have dominated the industry since the early twentieth century. It was during this time that the movie studios that would come to make up "Hollywood," were founded. These studios include Universal Pictures, Metro Goldwyn Mayer, RKO, Paramount Pictures, Walt Disney Pictures, Warner Brothers Pictures, Columbia Pictures, and Twentieth Century Fox Pictures (hollywoodlexicon.com).

The basic business model for studios such as these currently works something like this: A studio, alongside their production team, pays for the rights to a screenplay, pays to produce this screenplay, distributes the final product, and then those who are lucky enough to be credited with production in some way reap the profits from the project. Successful feature films coming out of Hollywood can profit hundreds of millions of dollars. However, many of these feature films cost hundreds of millions to make and are not as profitable as desired, if at all. This lends itself to the argument that large Hollywood studios need to accumulate large amounts of capital to enable them to create feature films with some inevitably not making it out of the red.

The business system summarized above has been active for decades and although similar to the original Hollywood Studio Business Model, it differs in one major way. The Big Five as they are known in this time period: Paramount, MGM, Warner Brothers, Twentieth Century Fox, and RKO, were the first five Hollywood studios to operate business under a "studio system," that

included ownership of their distribution chains. In other words, in the early part of the century when these five studios began creating, the distribution of projects was done, simply to theaters that the studios themselves owned or had under contract to show large quantities of their pieces in a practice called: block booking.

Consequently, for years, theaters would only show films created by the studios that owned and/or controlled them. This gave way to the first forms of monopolistic threats in the industry. In the year 1945, 17% of theaters accounting for 45% of domestic film rentals were owned, at least in part by the Big Five, with much of the remaining owned by other studios (hollywoodlexicon.com). These few studios controlled the consumption of film during this time until things came to a head in the year 1948 with one of the most influential legal decisions surrounding the industry thus far in the U.S. v Paramount Pictures case.

On May third, 1948, the Supreme court ruled that all films would now be sold on an individual basis and required the seven studios being charged to relinquish their ownership of their theater chains. This monumental decision attempted to deconstruct the present monopolistic threats and open up the industry for independent producers and smaller studios to step onto the scene. Articles continue to be released suggesting that this historic ruling was a complete end to the Hollywood Studio system. Scott Bomboy of constitutioncenter.org declares that the 1948 ruling "effectively dismantled the Hollywood studio system," in his article appropriately titled, "The day the Supreme Court Killed Hollywood's Studio System." While some studios like RKO, did dissolve, realizing that they were fighting a losing battle and selling their theatres and archives, many of the studios named in the case are still active today. Furthermore, many of these studios are still dominating the business. This begs the question as to if United States v

Paramount in 1948 did "effectively dismantle" the Hollywood studio system's monopolistic tendencies, or did it just loosen their grip on the industry for a brief moment?

Hollywood Profit (Where Does It Come from and Where Does it Go?):

Hollywood's operation as a business has been an emerging discussion in arts-activist communities. Specifically, the nature of Hollywood's astronomical profits and where they are going continue to boggle the minds of those in the arts industry. Conceptually, profits from an artistic work comes directly from the distribution of the art itself. In the case of film, this suggests that film profit comes from ticket sales and/or box office sales. However, today's corporate world and the profit sums of the Hollywood films being distributed, suggest that these box office profits are not painting the entire picture.

Box office sales remain a large source of revenue for feature films being released from power-house studios. Large Hollywood films readily bring in hundreds of millions of dollars at the box office upon release. As a general rule however, only around half of the box office gross goes to the studios, with the other half going to the theaters. This suggests that for the Hollywood films, with production costing hundreds of millions of dollars, more profit is planned to come beyond the box office.

One of the most overlooked forms of profit generation regarding feature films is merchandising. A 2015 CNBC article written by Alexandra Gibbs, "Minions Shows How 'Merch' Makes Money for Movies," reveals that for films like that of the Despicable Me franchise mentioned in the article, "even if there is no Academy Award, a motion picture with memorable characters will win over the hearts – and wallets – of people everywhere." Mega franchises like Star Wars, Marvel, Frozen, etc. rake in millions with merchandising for each

feature. These millions are necessary to compensate investors and expenses made to fund the expensive projects.

The revelation of merchandising's profit potential has now reached those in the cast or crew of the film. For example, many leading actors in film franchises are opting into a percentage of merchandising profits as part of their compensation for a film. This practice brings about the concept of Producer Points. Producer Points are a regularly used method of compensation to provide a return on investment or payment for producers and/or high profile actors/industry professionals. Specifically, each point translates to 1% of a film's net proceeds (Edwarddslaw.CA). With project merchandising accounting for such a large percentage of revenue for the Hollywood films referenced, this method of compensation proves profitable and appealing.

The distribution of the large profit sums discussed are yet another facet of the Hollywood industry that sets its films and other major studio works apart from independent films. Simply put, the investors, producers, and other high profile actors/industry professionals are all encompassing of 'those who are lucky enough to be credited with production in some way;' Points are usually split 50% to producers, of which include the actors and industry professionals receiving this kind of compensation, usually in return for a lower up-front rate, and 50% for investors. It is important to make the distinction between net profits and gross profits. The films net profits i.e. the profits being distributed in the practices mentioned are the gross profits minus the films expenses. These expenses can include, but are not limited to:

- Repaying lenders in full for their production financing loans plus interest and fees;
- Box office bonuses to features actors when box office revenues hit certain milestone (Sometimes used to entice an A-list actor to come on board the film);

- Union residuals (for example WGA, DGA, and SAG, if applicable);
- Specific costs not included in the production budget (marketing audit fees, etc.);
- In some cases, repaying investors in full for their investments plus their predetermined premiums

(Edwardslaw.CA).

Non-Profit/Independent Film History:

Alongside the development of corporate film organizations has been that of non-profit film organizations. Long a part of the artistic world, non-profit arts organizations have dominated the visual arts sector of the industry, with museums largely operating under this business model. However, as the Independent Film industry has grown its support through non-profit film organizations, the number of these organizations has increased exponentially.

Cornell's Legal Information Institute defines the Non-Profit title as referring to, "group[s] organized for purposes other than generating profit" (Law.Cornell.edu). Specifically, these other 'purposes' are readily referred to as the mission of the organization; With regards to the non-profit arts organizations discussed, these missions commonly concern supporting independent artists, arts education, aiding communities through the use of art, and/or using art as a voice for change. The largest non-profit film Organization on the East Coast of the United States, *The Jacob Burns Film Center*, in Pleasantville NY, articulates its mission as being, "to present the best of independent, documentary, and world cinema, promote 21st century literacy, and make film a vibrant part of our community."

While museums and/or society-driven art, that could be seen as the earliest forms on non-profit arts organizations, have been around for much of human history, we see the proliferation

of non-profit arts organizations into the collective conscious following World War II. It was during this time (the mid 1900s) that federal and local governments began to aid in these artistic efforts through funding; The creation of organizations such as the National Endowment for the Arts in 1965, the National Endowment for the Humanities in 1965, and the New York State Council on the Arts in 1960, fueled the rise of this form of artistic creation and distribution, especially with regards to film.

This new-found support for the independent film industry allowed it to start growing and prospering against the corporate film industries discussed above that were simultaneously experiencing exponential growth. As the industry grew, the non-profit organizations aimed at supporting it grew. While historic, public-owned, or independent visual art may have been more readily supported before this groundbreaking government intervention, the films created under this new-found artistic structure were not; this cracked the door for independent film makers and the non-profit organizations supporting them in a time it was barricaded shut by the studio system monopoly.

Prior to this support for independent film at the government level, organizations like the Society of Independent Motion Picture Producers, founded in 1941, fought for the representation and rights of these film makers during these times. Organizations such as this started this proliferation of independent film before it was furthered by the government interventions mentioned. As these first popularized independent films began to compete in the slightest with those of the Studio System, some even becoming commercial, the Motion Picture Association of America (MPAA) Rating System was enacted, again hampering the independent film industry by cutting them off from their youth audience.

*While many of the Non-Profit Film Organizations support Independent Films, this does not mean that all Independent films are created under the support of a Non-Profit organization. This means that just because a film was independently created does not mean that it can't end up commercial, or purposed for financial gain.

As support for independent art as a whole has been consistently attacked, most recently with the threat of defunding the NEA by the Trump Administration, the large numbers of non-profit arts organizations supporting them has been responsible for their continued growth in the twenty-first century. According to *Americans for the Arts*, "the total number of Non Profit Arts organizations increased from about 75,000 in 1999 to 113,000 in 2010" (americansforthearts.org).

Non-Profit Film Profit (What Is It and Where Does It Go?):

Analyzing the very thing that can be assumed to be absent in this form of organization can seem counterintuitive; it is easy to assume that a non-profit organization does not earn profit. However, in order for an organization to run in society, money needs to be coming in to enable it to carry out its services. As per the definition referenced above it is accepted that non-profit organizations are "organized for purposes *other than* generating profit," and are rather concerned with supporting a mission (dictionary.cambridge.org). To suggest that this means that no money is being made by the organization is not the same thing.

A complicated discussion, however very important, is that of what constitutes the concept of profit with regards to the arts. The for-profit systems operating in the industry suggest that the idea of profit goes far beyond the idea of money made from a project(s). Rather, a comparison

between the non-profit and for-profit structure in the industry incites the idea that profit from art deals not with revenue, but distribution of revenue; the second part of the non-profit definition referenced above reads that, “no part of the organization's income is distributed to its members, directors, or officers” (dictionary.cambridge.org). By way of explanation, this means that the concept of profit adheres to that of individualized, financial gain from exposure to and/or involvement in a project that a has return higher than its expenses.

It is because of the way that these organizations use and collect revenue that they are readily exempt from paying taxes while the for-profit sector is not. The IRS declares organizations that are considered “charitable”, as most non-profits are, tax exempt under Internal Revenue Code c501(c)(3). These organizations are defined by the IRS as, “Organizations organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, educational, or other specified purposes and that meet certain other requirements” (IRS.gov)

With respects to the revenue that these organizations do make in the film atmosphere, ticket sales and merchandising all bring in revenue just as they do in the for-profit realm. The differences between the revenue earned in the two models is that in the non-profit sector, distribution is not exclusively the main focus. Often times, while distribution of independent films do bring revenue to non-profit film organizations, many focus on revenue from programs often offered for education and the support of independent artists’ creative processes as a result of furthering their mission. A large portion of this revenue also comes via contributed income from those who are in support of this mission. Contributed income readily comes in the form of individual donations, which are incentivized by tax write-offs for supporting the mission of organizations that meet the 501(c)(3) criteria, grants from other organizations, and/or funding

from government organizations such as the NEA. Most of these government funding organizations prioritize non-profit organizations with regards to funding as they are most vulnerable.

Analysis:

With the divide between the two industry models set, the next questions beg to understand the advantages and disadvantages of for-profit film organizations as they contrast with those of non-profit film organizations. These advantages and disadvantages can be explored through the relationship that each form of organization has with the idea of commercialization as well as an organizations' relationship with competition in the industry.

Simply put, commercialization is defined as, "the organization of something in a way intended to make profit" (dictionary.cambridge.org). As it is now understood through analysis of the preceding research, while both forms of organizations are aiming to increase net revenue, only those organizations (for-profit organizations) distributing the revenue for individualized financial gain will be from here on considered as "making profit."

This evaluation now brings about the idea of motive, or "reason for doing something" (dictionary.cambridge.org). In this scenario two motives can be seen, the motive to profit from art created and the motive to create art for some greater benefit of society or a people. The argument concerning the validity and/or ethics of art created for-profit has been a growing one within artistic communities. In a recent New York Times Article, Carl Richards says, that some "People in the artistic community sometimes see money as somehow dirty. The art should be its own reward..." (Richards 1). As the modern world continues to mass produce and profit from

artistic projects like Hollywood feature films, more and more people are beginning to support this ideal that art is fundamentally opposed to profit.

Art, as we have always understood it, is made to better society, to provide outlets of expression for those in need, to bridge unfamiliar peoples, to evoke emotions or discussion, and to give people a voice. We know, however, that art is also created for the monetary gain of those making a living from their work. The question becomes can mass art like Hollywood effectively claim ethical motives while distributing its masses of revenue the way it does? Furthermore, what does society feel *are* the acceptable parameters to profit from art and who in the production process are entitled to the profit/to what extent? In the following paragraphs, the main concerns associated with producing art for profit will be detailed.

By way of the preceding research, it is assumed that for-profit film organizations will be receiving the advantages and disadvantages from commercialization of art, while non-profit film organizations will be at a loss for these advantages, yet dodge the disadvantages.

Commercialization Disadvantages:

- **Standardization and Disruption of Creative Labor:**

Creativity has always been amongst human's greatest abilities. As our working world progresses into an increasingly liberal era, we have seen the rise of those in creative careers. Conservatively, the work place and creativity do not interact with one another; work is a mandatory set of the same mechanical tasks, for the same period of time each day, and creativity is reserved for entertainment purposes and/or to escape this very idea of *work.* Consequently, it stands to reason that the idea of "creative labor" continues to sound like an oxymoron to many in today's society. One of the first results to a Google search for an accepted definition of creative

labor simply reads, “The Difference Between Work and Creative Labor.” Yet, for many, creative labor is their work.

Specifically, “creative labor,” as it will be defined in the context of this paper, is defined as, an individual’s paid work in which he/she/they have the ability, or encouragement, to readily bring ideas that are original, imaginative, unique and/or expressive to this work. This form of work, or “labor,” by definition, is in association with the idea of freedom in the workplace. Creativity is an essential form of expression amongst humans and the ability to bring this form of expression into one’s place of work also brings with it a certain level of freedom. In its simplest terms, creative labor requires an employer to leave more up to the employee. For example, factory workers are not told to make a product look the way they feel it should, rather they are told to mass produce and make each product exactly of the same presentation and quality; a Hollywood screenwriter is told to *create* a story, sometimes from an existing idea, sometimes from thin air...and while there are often parameters given for the creation of this story, much of the original product is expected to be left up to the employee’s or creative potential.

Screenwriters in Hollywood present a glimpse of work in, perhaps, the industry with the largest concentration of creative labor in society today: Entertainment. At its core, entertainment, is about providing humans with material that results in joy, happiness, and/or a similar sense of fulfilment. These feelings have long been associated with the consumption of creative materials. Thus, the entertainment industry, of which Hollywood sits on top, is about creativity. Today, however, Hollywood is arguably known more for its profits and less for its creativity bringing about concerns of where creatives in the industry able to execute the freedoms associated with the idea of creative labor.

Standardization is defined in its simplest form as "the process of making something conform to a standard" (dictionary.com). As standards in Hollywood continue to be set in place to perpetuate maximum profit from each project, a screenwriter's work is inevitably becoming standardized in the industry. For example, screenwriters in Hollywood today may begin to avoid a studio's manipulation to their stories by sacrificing their creative vision to meet ever-developing standards. Furthermore, those screenwriters who continue to create unapologetically, standard-free material are at risk to lose work to those in the industry who are willing to create what Hollywood wants. Creativity, at its core, is about deviation from standards and striving to be unique, epitomizing the threat that Hollywood's standardization of stories poses to the creative art of screenwriting.

Ronny Regev, assistant professor of history at the Hebrew University of Jerusalem, explores the career of director William Wyler (*Roman Holiday*) in her book, "Working in Hollywood: How the Studio System Turned Creativity into Labor," in an effort to strengthen her claims that the standardization of artistic jobs in the industry has meshed artistry/creativity with capitalistic efficiency: "...standardizing creative professions such as acting and directing during the 1920s and 1930s [made] the Hollywood studio system responsible for turning creativity into a modern form of labor."

American Law Professor, Larry E. Libstien, in his research article, "Wall Street and Vine: Hollywood's View of Business," from *Managerial and Decision Economics vol. 33,* analyzed filmmakers' attitudes towards business and makes the argument that it is, "not business that filmmakers dislike, but rather the control of firms by profit-maximizing capitalists."

- **Lacking Representation:**

Many times, the standards that are being set in Hollywood concern a story's characters. Often altered and/or disputed in Hollywood are aspects of characters concerning diversity including areas of race, sexuality, gender, class, etc. This epitomizes well-known themes of restricted freedom for marginalized groups, in this case with regards to creative expression.

A study done by the UCLA College of Social Sciences in 2017 found that people of color were underrepresented in the industry at a rate of 2:1 among film leads (19.8%), 3:1 among film directors (12.6%), and 5 to 1 among film writers (7.8%) (UCLA Social Sciences 3).

Screenwriter and producer, Janis Astor del Valle revealed representation struggles emphasizing these statistics in her interaction with a potential producer to bring to life her story about a Puerto Rican lesbian. Astor divulges that the first thing discussed with the potential producer concerned changing the very things that defined the character Astor created: her heritage and her sexuality.

In political climates that many argue threaten to erase the identities of marginalized individuals, representation is essential. Moreover, art has long been a medium used to promote representation in societies all over the world. Silencing and/or standardizing artists that are writing about marginalized peoples takes power away from art and threatens it at a core level; Artists refusing to sacrifice representation in their art, are at risk for losing their livelihood.

Commercialization Advantages:

- **Exposure/Rate and Scale of Production:**

One of the greatest struggles of artists throughout history is finding a platform to expose audiences to the art they create. As discussed, the social services that art has to offer are only

seen when the art in question is created and distributed to those it needs to effect. Arguably one of the strongest advantages of the commercialization of film is the sheer level of exposure and rate/scale of production that these films are able to achieve.

It is clear that the Marvel Franchise films racking up billions of views around the world will have greater exposure than the low-budget, independent film being screened by the local non-profit theater. And while a lower level of exposure is not grounds to assess art as better or worse than its larger opponents, it can be argued for some artistic projects that impact is directly related to level of audience exposure.

The Motion Picture Association of America declares the average number of Hollywood films produced each year to be 600. With each of these films bringing in views amounting millions and billions, it is clear that even though the number of independent films being created is much higher, the exposure of these works come nowhere near those of their mass-produced, corporate opponents. In 2017, American Film Market revealed that 40% of independent films made did not receive any kind of theatrical release, meaning that they were never released for customers' paid consumption.

The incomparable scale of production on a large commercial film like those coming out of Hollywood and other for-profit entities also prove an essential advantage to the industry by providing employment to the masses. A discussion on Stephen Follows, *Film Data and Education Blog* revealed that the films with the largest crews from 1994 to 2013 saw a minimum crew size of 2,235 (*His Dark Materials, The Golden Compass*) and a maximum crew size of 3,310 (*Iron Man 3*). These masses of jobs are essential if there are to be opportunities for entry into this industry for the large number of those artistically inclined and driven to work in it.

Providing paying jobs to this many people, creating levels of mass exposure, and consequently seeing the profit potential for commercialized art disrupts the inferiority complex that has long loomed over the arts industry as a whole. This form of artistic production allows art to be seen alongside other major industries of the world with regards to economic potential and societal power under which it has often fallen beneath.

Non-Profit Competition Vs For-Profit Competition:

As in all industries, competition drives the market. For the arts industry and for the film industry specifically, the competition between the two business models being analyzed *and* the competition within the two models are both relevant. Each model proves to have certain advantages and disadvantages with regards to their stability against competition.

It is accepted that monopolistic tendencies in the for-profit sector of the film industry make it hard for emerging for-profit studios to enter and/or survive the market. Even with reforms made to the Studio Model of production, society still is readily only familiar with between three and five massive for-profit film studios. It is understood that this market as a whole faces the disadvantages of imperfect competition, while those who make it to the top reap the profit and stability the others strived for. However, it can also be seen that these strong organizations have greater stability against competition levels because of the capital power they are backed up by i.e., investors.

Not as obvious, may be the intense competition within the non-profit film community. The caveat within competition amongst non-profit film organizations is that they are not backed by the capital that their for-profit opponents are. This consequence of non-profit status dramatically reduces stability for these organizations against the levels of competition they face. In other

words, while there may be more room/opportunity for non-profit film organizations to open, they pose great levels of volatility. As of 2019, the National Center on Charitable Statistics revealed that around 30% of Non-Profits fail to function for more than 10 years.

> "It is difficult to overestimate the intensity with which many performing arts organizations view themselves to be in competition with other companies, for audiences and, more fiercely, for contributed income...Under [the difficult financial circumstances they face] most groups perceive a frustrating dynamic in which the gains by one organization in grants or audiences must come at the expense of the others" (Seaman 169).

Along with this intense competition, the monopolistic actors that exist in all industries, coupled with funding difficulties "potentially [justify] government support of additional supply to correct this market failure" (Seaman 168). Simply, the competition and conditions in the non-profit film sector may be responsible for the government support they receive, which could be seen as an advantage.

Is There a Middle Ground and is it Necessary?

Both non-profit film organizations and for-profit film organizations have their strengths and their weakness; both models of business support artists, art, and the industry overall in some areas and fall short in others. It is revealed that for-profit entities may provide more job opportunities and greater exposure for a finished film, but standardize the art-form alongside conflicting motives for creation. Within non-profit entities we can see artists (screenwriters, directors, costumers, etc.) granted more freedom to create their art for greater social change, but notice low rates of survival in the market and lower rates of exposure, which for some (not all)

projects can be detrimental. This begs the question: is there a middle ground between the two and should it be the default business model for film organizations?

The most apparent middle ground as it stands currently would be the operation of a film organization as a B-Corporation. This form of incorporation started in 2006 in an attempt to bridge the two business worlds discussed as they operate in all industries. Specifically, B corporations are defined on www.bcorporation.net as, "a new kind of business that balances purpose and profit. They are legally required to consider the impact of their decision on their workers, customers, suppliers, community, and the environment. This is a community of leaders, driving a global movement of people using business as a force for good."

While it is clearly not the normal business model for film organizations currently, organizations like Participant Media have seen great success with this best-of-both worlds approach. Incorporated as a B-Corp in 2017, Participant Media has managed to create films for all sizes of audiences as well as garner critical acclaim and Academy Award nominations for films like: *An Inconvenient Truth*, *Food Inc*, and *He Named me Malala*.

Operating as a B-Corporation presents the potential to stabilize film organizations lacking capital, provide greater distribution opportunities where they may be scarce, free artists, and check/balance profit motives; it is an option that deserves to be explored in the industry much more than it is currently. However, it can be argued that while this business structure may minimize disadvantages of its competing structures, it may also be minimizing their advantages.

Non-profit and for-profit film organizations may both have their place in our society. If the disadvantages of these two models are addressed and the advantages are secured, it is reasonable to establish continued freedom in the way that those choose to operate their organizations. Greater support for non-profits through federal funding, contributed income, and

exposure could strengthen the model and prove more beneficial to the independent films being supported than a B-Corporation. Conversely, while art naturally resists the evils of Capitalism and will always be expression in its final form, checks and balances on profit motives may allow for-profit organizations to create mass entertainment more efficiently than a B-Corporation, while minimizing disadvantages.

Support for all three of these structures can be argued and each deserve to be explored and operate in society. As people continue to navigate, address, discuss, and fight against the disadvantages and corruption of non-profits, for-profits, and B-Corps (which will inevitably have their disadvantages), film organizations can hope to grow and function in ways that prove the power that film has and the equality it deserves amongst other industries.

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