



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

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Philippe M. Bruno, Esq.
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Dear Mr. Bruno:

This responds to your letters of December 11, 2002, June 13, 2003, and July 3, 2003, on behalf of the Institute of Electrical and Electronics Engineers, Incorporated (the "U.S. Entity"), to the Office of Foreign Assets Control ("OFAC"), concerning certain publishing activities that involve manuscripts from authors in Iran. We understand from your letter that the U.S. Entity receives a small number of manuscripts each year from authors in Iran for possible acceptance and publication. It is a condition of publication by the U.S. Entity that an author must transfer the copyright of a paper to the U.S. Entity before the U.S. Entity will publish it. The U.S. Entity requests concurrence that no license is needed for its member volunteers to ask questions or provide comments to authors in Iran concerning the manuscripts submitted to the U.S. Entity, and for its member volunteers to prepare the manuscript for publication, including translation, reordering of paragraphs or sentences, correction of syntax, grammar, spelling and punctuation, replacement of inappropriate words, and preparing the text for printing. In the event that OFAC determines a license is necessary to perform such transactions, the U.S. Entity requests that such a license be granted.

As you know, the importation from any country and the exportation to any country of information and informational materials, whether commercial or otherwise, regardless of format or medium of transmission, are exempt from the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the ITR). ITR, § 560.210(c). The term *information and informational materials* includes publications, films, posters, phonographs, microfilms, microfiche, tapes, compact disks, CD ROMS, artworks, and wire feeds. § 560.315(a)(1). This exemption does not encompass transactions related to information and informational materials not fully created and in existence at the date of the transactions, any substantive or artistic alteration or enhancement of informational materials, or the

provision of marketing and business consulting services. ITR, § 560.210(c).

No license is required for IEEE to submit the manuscript to selected member volunteers, for its member volunteers to communicate with Iranian authors any questions or comments pertaining to the manuscripts, or for IEEE to facilitate such communications between its member volunteers and the Iranian authors. Such activities fall within the scope of the information and informational materials exemption. However, U.S. persons may not provide the Iranian author substantive or artistic alterations or enhancements of the manuscript and IEEE may not facilitate the provision of such alterations or enhancements.

Other activities described in your letter would also be permitted. The U.S. Entity would not be prohibited from accepting camera-ready copies of manuscripts from persons in Iran for publication in its journal. The transfer of the copyright from an Iranian national to a U.S. person, which you identify as a condition of publication, is considered incidental to the importation and necessary to give effect thereto, provided that it is standard practice in your field. In addition, although the provision of marketing or business consulting services is generally not permitted as incidental to the importation and exportation of informational materials, in the context of publication of an article in an established academic journal, efforts by the U.S. Entity to market its academic journal would be permitted as incidental to the importation and exportation of the information and informational materials contained therein where such marketing services are not provided to or on behalf of individual contributors and are independent of the individual submissions such as that at issue here.

Nevertheless, certain activities described in your letter would fall outside of the information and informational materials exemption. The collaboration on and editing of manuscripts submitted by persons in Iran, including activities such as the reordering of paragraphs or sentences, correction of syntax, grammar, and replacement of inappropriate words by U.S. persons, prior to publication, may result in a substantively altered or enhanced product, and is therefore prohibited under ITR § 560.204 unless specifically licensed. Such activity would constitute the provision of prohibited services to Iran, regardless of the fact that such transactions are part of the U.S. Entity's normal publishing activities. Similarly, while the U.S. Entity may select members to review Iranian manuscripts and to communicate with

