

FAC No. [text deleted]

[text deleted]
[text deleted]
[text deleted]
[text deleted]
[text deleted]

Dear [text deleted]

This responds to your letter of [text deleted], on behalf of [First U.S Entity] and [Second U.S. Entity] to the Office of Foreign Assets Control (“OFAC”). [First U.S. Entity] and [Second U.S. Entity] request concurrence that no license is needed for [Second U.S. Entity] to enter into a license agreement with a publisher in Iran to publish and distribute certain works of [text deleted] in Iran. Pursuant to the proposed license agreement, the Iranian publisher would translate the works into Farsi, prepare text and artwork for printing, submit galley and page proofs together with all artwork, photographs and related captions to [Second U.S. Entity] for approval, print, publish, promote and sell the works. In the event that OFAC determines a license is necessary to perform the described transactions, [First U.S. Entity] and [Second U.S. Entity] request that such a license be granted.

The Iranian Transactions Regulations, 31 C.F.R. Part 560 (the “ITR”), prohibit the exportation, reexportation, sale or supply, directly or indirectly, from the United States or by a U.S. person, wherever located, of any goods, technology or services to Iran or the Government of Iran. ITR, § 560.204. The ITR also prohibit the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran. ITR, § 560.201. Section 560.206 of the ITR prohibits U.S. persons, wherever located, from engaging in any transaction or dealing in or related to goods or services of Iranian origin or owned or controlled by the Government of Iran, or goods, technology or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran.

As noted in your letter, 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 prohibitions and regulations of the ITR. ITR, § 560.210(c). However, 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. Transactions that are prohibited notwithstanding the exemption include payment of advances for materials not yet created and completed, and provision of services to market, produce or co-produce, create or assist in the creation of information and informational materials. ITR, § 560.210(c).

The engagement of a publisher in Iran to perform the services described in the license agreement, including but not limited to preparing artwork for publishing, and promoting the works in Iran,

would constitute substantive or artistic alteration or enhancement of the materials being exported and the provision of marketing services. Accordingly, the § 560.210(c) exemption does not extend to the transactions proposed in your letter. Instead, these transactions entail a prohibited importation of Iranian-origin services pursuant to ITR § 560.201, and a dealing in Iranian-origin services, pursuant to ITR § 560.206. It would be contrary to current licensing policy to authorize such transactions.

A handwritten signature in cursive script, appearing to read "Richard Newcomb".

R. Richard Newcomb
Director
Office of Foreign Assets Control