



August 18, 1994

FISR Letter No. 164

To: U.S. Customs Service Headquarters, U.S. Customs District Offices, Department of Commerce District Offices, Freight Forwarders, Exporters, Exporting Carriers, and Others concerned.

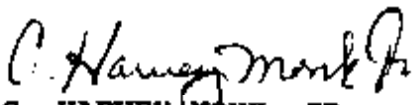
From: Bureau of the Census

Subject: Valuation of Technical Data (Software)

This letter is directed to companies involved in the export of software written or recorded on media devices such as diskettes, tape and compact discs (CD-ROM). It is intended to clarify the Foreign Trade Statistics Regulations, Sections 30.1-General statement of requirement for Shipper's Export Declarations (SEDs) and 30.7, Information required on SEDs regarding the valuation of exported commodities.

The term software is intended to cover both "general use" and "customized" software. The term "general use" covers software products for general sales that are publicly available to any user over the counter, by mail order or by telephone. These products are designed for installation by the user and require minimal support from the vendor. "General Use" software is to be treated as a commodity and the value reported on the SED should represent the full selling price of the software.

We are maintaining the SED requirements for customized technical data (software that does not conform to the general use definition outlined above) based on the value of the media, the destination, and/or requirements of the Export Administration Regulations (EAR-15 CFR, Parts 768-799) and the International Traffic in Arms Regulations (ITAR-22 CFR, Parts 121-130.)


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