

Case No. [text deleted]
FAC No. [text deleted]

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

Dear [text deleted]:

This responds to your letter of [text deleted], in which you provide additional information regarding the proposed entry of [text deleted] (the "U.S. Company"), a U.S. provider of Internet-based listings of companies in the field of [text deleted], into a Licensing Agreement with [text deleted], based in [text deleted], to provide certain information for posting on the U.S. Company's website regarding companies in Iran.

Background

You argue that the addition of data elements to the U.S. Company's unpaid regular listings for Enhanced Listing subscribers consists of previously existing information, including [text deleted] and thus should be considered information and informational materials that are exempt from the prohibitions of the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the "ITR"). For subscribers at the [text deleted], a prominent [text deleted] listing that includes a company's [text deleted] is added, as well as priority listing for the subscriber in search results, which we understand from the website [text deleted] to mean that a search result will display a [text deleted] subscriber's listing above non-Enhanced Listings if the subscriber's company meets the search criteria.

In addition to the services provided to subscribers at the [text deleted], [text deleted] subscribers obtain a [text deleted] on top of the search results pages, [text deleted] and reduced rates for additional listings and [text deleted]. Each category will have only one [text deleted] subscriber, which will be prominently displayed on the top of the company listings page in the specific category, along with its [text deleted].

You provide us with the URL of an Internet-based directory operated by [text deleted], a U.S. company you describe as providing services similar to those of the U.S. Company and listing many companies from Iran. [text deleted], is among the basic listings that appear on that web-page. You also clarify that customer support is provided to users of the Company's website rather than [text deleted] and [text deleted] subscribers of the Company.

Analysis

The listing of basic information on a website in a uniform format for companies around the world, including Iran, by a U.S. person, is not prohibited by the ITR. The provision of marketing services to persons in Iran or the Government of Iran, above and beyond the mere dissemination of information in-being, however, is prohibited under the ITR.

You note in your letter that the information being added to the enhanced listings displayed on your website is based on pre-existing information supplied by customers wishing to purchase enhanced advertising from the U.S. Company. The posting of this alternative layout of information on your website regarding companies in Iran, including additional data elements of identifying information, would not be prohibited, as long as the U.S. Company does not provide any marketing services to customers in Iran or substantively enhance information provided by Iranian customers.

With regard to [text deleted], the U.S. Company would not be prohibited from accepting previously existing, camera-ready brochures and pictures, fully created and in existence, from Iran for placement on its website. A U.S. person may not, however, rework or otherwise enhance such images. OFAC views the publishing of online pre-existing [text deleted] as analogous to the activities of U.S. persons who accept information and informational materials from sanctioned countries in connection with the running of an advertisement in a newspaper. Such activity does not fall within the scope of OFAC's regulations.

With respect to your clarification concerning the nature of your online support to searchers of your database (as opposed to entities listed in your database), OFAC can confirm that such customer support would not be prohibited by the ITR, unless the support were provided to persons in Iran.

With respect to the direct e-mail service that, according to your website, you provide as part of your enhanced listing

service, the ITR do not prohibit you from enabling users of your database to e-mail a form inquiry to any of your Iranian entity subscribers, provided that you provide no services to the Iranian entity in developing or customizing the inquiry form.

Sincerely,

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

R. Richard Newcomb
Director
Office of Foreign Assets Control