

**Internal Revenue Service, Treasury**

**§ 1.41-2**

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    - (4) Effective date.

[T.D. 8930, 65 FR 287, Jan. 3, 2001]

**§ 1.41-1 Credit for increasing research activities.**

- (a) *Amount of credit.* The amount of a taxpayer's credit is determined under section 41(a). For taxable years beginning after June 30, 1996, and at the election of the taxpayer, the portion of the credit determined under section 41(a)(1) may be calculated using the alternative incremental credit set forth in section 41(c)(4).
- (b) *Introduction to regulations under section 41.* (1) Sections 1.41-2 through 1.41-8 and 1.41-3A through 1.41-5A address only certain provisions of section 41. The following table identifies the

provisions of section 41 that are addressed, and lists each provision with the section of the regulations in which it is covered.

| Section of the regulation | Section of the Internal Revenue Code                    |
|---------------------------|---|
| § 1.41-2 .....            | 41(b).  |
| § 1.41-3 .....            | 41(c).  |
| § 1.41-4 .....            | 41(d).  |
| § 1.41-5 .....            | 41(e).  |
| § 1.41-6 .....            | 41(f).  |
| § 1.41-7 .....            | 41(f).  |
|                           | 41(g).  |
| § 1.41-8 .....            | 41(c).  |
| § 1.41-3A .....           | 41(c) (taxable years beginning before January 1, 1990). |
| § 1.41-4A .....           | 41(d) (taxable years beginning before January 1, 1986). |
| § 1.41-5A .....           | 41(e) (taxable years beginning before January 1, 1987). |

(2) Section 1.41-3A also addresses the special rule in section 221(d)(2) of the Economic Recovery Tax Act of 1981 relating to taxable years overlapping the effective dates of section 41. Section 41 was formerly designated as sections 30 and 44F. Sections 1.41-0 through 1.41-8 and 1.41-0A through 1.41-5A refer to these sections as section 41 for conformity purposes. Whether section 41, former section 30, or former section 44F applies to a particular expenditure depends upon when the expenditure was paid or incurred.

[T.D. 8930, 65 FR 288, Jan. 3, 2001]

**§ 1.41-2 Qualified Research Expenses.**

- (a) *Trade or business requirement—(1) In general.* An in-house research expense of the taxpayer or a contract research expense of the taxpayer is a qualified research expense only if the expense is paid or incurred by the taxpayer in carrying on a trade or business of the taxpayer. The phrase “in carrying on a trade or business” has the same meaning for purposes of section 41(b)(1) as it has for purposes of section 162; thus, expenses paid or incurred in connection with a trade or business within the meaning of section 174(a) (relating to the deduction for research and experimental expenses) are not necessarily paid or incurred in carrying on a trade or business for purposes of section 41. A research expense must relate to a particular trade or