

Case No. [text deleted]

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

Dear [text deleted]:

This responds to your letter of [text deleted], requesting guidance regarding the awarding of funding by the [U.S. person], to individuals for translation projects, in light of a February 28, 2004 article in *The New York Times* concerning editing by American publishers of manuscripts from persons in Iran. As described in your letter, the [U.S. person] [text deleted] provides funding to translate published literary material from any language into English only, to encourage translations of writers and of works which are insufficiently represented in English translation. [text deleted] grants are awarded for creative translations of published literary material into English, with priority given to projects that involve work that has not yet been translated into English. The work to be translated must be completed and published in its original language. An [text deleted] applicant must verify to the U.S. person that he or she has secured the rights to translate the work. No financial remuneration is provided to the copyright holder when the right to translate is secured by the applicant. You also explain that [text deleted] grants fund the translation of the work into English and do not fund the publishing or marketing of the work.

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. This prohibition also applies to the exportation, reexportation, sale or supply of goods, technology or services to a person in a third country undertaken with knowledge or reason to know that such goods, technology or services are intended specifically for supply, transshipment or reexportation, directly or indirectly, to Iran or the Government of Iran. ITR, § 560.204. Section 560.201 of the ITR prohibits the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran.

The prohibitions in ITR §§ 560.204 and 560.201 on exports to and from Iran or the Government of Iran do not apply to the exportation to any country of information and informational materials. ITR, § 560.210(c). The term *information and informational materials* is defined in ITR § 560.315 to include publications, films, posters, phonograph records, photographs, microfilm, microfiche, tapes, compact disks, CD ROMs, artworks,

and news wire feeds. The term information and informational materials does not include items that were, as of April 30, 1994, or that thereafter become controlled for export pursuant to § 5 of the Export Administration Act of 1979, 50 U.S.C. App. §§ 2401-2420 (the "EAA"), or by § 6 of the EAA to the extent that such controls promote the non-proliferation or antiterrorism policies of the United States.

In addition, § 560.210(c)(2) of the ITR provides that the informational materials exemption does not apply to transactions related to information and informational materials not fully created and in existence at the date of the transactions, or to the substantive or artistic alteration or enhancement of informational materials, or to the provision of marketing and business consulting services.

Attached please find a redacted copy of Interpretive Ruling 040405-FARCL-IA-15 issued by the Office of Foreign Assets Control ("OFAC") on April 2, 2004 that deals extensively with the peer review and editorial processes for scholarly papers submitted by authors from Cuba, Iran, Iraq, Libya and Sudan to scientific journals. The April Interpretive Ruling clarifies that transactions relating to informational materials that are reproduced, translated (including both literal and idiomatic translation) or dubbed by U.S. persons for dissemination within the United States are exempt transactions.

In your letter you describe the following three scenarios involving [U.S. person] funding for translations of: 1) the work of a [text deleted] with verification that the material to be translated is in the public domain; 2) the work of a [text deleted], with verification that the person who has the rights to the work has consented to the translation; and 3) the work of a [text deleted], also with verification that the person who has the rights to the work has consented to the translation. Please be advised that these activities would constitute exempt transactions pursuant to ITR 560.210(c). Accordingly, no further authorization from the OFAC is required for the [U.S. person] to fund the [text deleted] as described in your letter.

Sincerely,



R. Richard Newcomb
Director
Office of Foreign Assets Control

Enclosure