

040719-FACRL-GN-01  
July 19, 2004

**Case No. [ text deleted ]**

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

Dear [ text deleted ]:

This responds to your letter of April 16, 2004, on behalf of [ text deleted ], requesting clarification of the rules that are applied to certain publishing activities as described in letter rulings issued by the Office of Foreign Assets Control on September 30, 2003 and April 2, 2004. These rulings deal extensively with the peer review and editorial processes for scholarly papers submitted by authors from Cuba, Iran, Libya<sup>1</sup> and Sudan (the “Sanctioned Countries”) to scientific journals. You explain that the newspaper industry and its editors must decide whether and how to publish articles and commentary, often in the form of “op-eds” authored by persons in the Sanctioned Countries. You express concern that the April 2 letter is narrowly tailored to scientific works with regard to style and copy editing, and does not address the editorial process followed by newspapers.

As you know, the prohibitions contained the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the “CACR”), the Iranian Transactions Regulations, 31 C.F.R. Part 560 (the “ITR”) and the Sudanese Sanctions Regulations, 31 C.F.R. Part 538 (the “SSR”) do not apply to the exportation to or importation from any country of information and informational materials. *See* CACR § 515.206(a), ITR, § 560.210(c) and SSR § 538.211(c). The informational materials exemption does not, however, 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. The informational materials exemption also does not apply to transactions with respect to information and informational materials restricted under regulations administered by other federal agencies.

You ask for guidance as to whether certain specific transactions performed by U.S. newspapers involving their editorial process would be prohibited under the CACR, the ITR and the SSR (collectively, the “Regulations”). It is our understanding that the goal of the editorial activities described in your letter is to add clarity to the work to be published in the newspapers, [ text deleted ].

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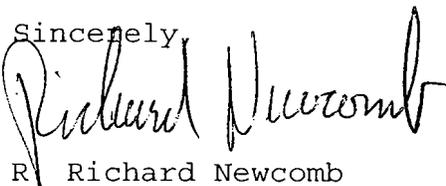
<sup>1</sup> Effective April 29, 2004, § 550.575 of the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the “LSR”), authorizes U.S. persons to engage in most transactions previously prohibited by the LSR, including the provision of services by U.S. persons to Libya or the Government of Libya.

First, you ask if it would be prohibited for a U.S. newspaper to translate a work in its entirety, into English, from a writer or publication in one of the Sanctioned Countries [ in another language ]. The translation into English by a U.S. person of an article or commentary from an individual or publication in one of the Sanctioned Countries for dissemination in a U.S. newspaper would be exempt from the Regulations.

Second, you ask if it would be prohibited for a U.S. newspaper, presented with a work from a writer or publication in one of the Sanctioned Countries, to edit the work for space by deleting what it considers to be superfluous text while offering no substantive changes, additions or rearranging of text. You enclose a copy of a series of articles recently published in [ text deleted ], including an editorial by the Iran News that had been edited for space to clarify its message. The deletion by a U.S. newspaper of unnecessary text, such as words, sentences or paragraphs, from an article or commentary from a writer or publication located in one of the Sanctioned Countries for publication in that newspaper would not constitute substantive or artistic alteration or enhancement of that work and thus is covered by the information and informational materials exemption described above.

Third, you ask if a U.S. newspaper would be prohibited from editing the work from a writer or publication in one of the Sanctioned Countries solely to correct grammar, syntax or spelling errors. As was the case with the previous question, such editing activity by a U.S. newspaper to prepare an article or commentary from a writer or publication in one of the Sanctioned Countries for publication in that newspaper would not constitute substantive or artistic alteration or enhancement of that work and is exempt from the Regulations.

Finally, you ask if a U.S. newspaper presented with a work from a writer or publication in one of the Sanctioned Countries would be prohibited from offering substantive edits to the work's content to make the work more cohesive, efficient, argumentative or effective, in the same manner that it would for one of its own writers. The editing of an article or commentary from a writer or publication in one of the Sanctioned Countries by a U.S. newspaper for publication in that newspaper to make the work more understandable to the newspaper's readers and to make the work conform to the newspaper's editorial standards would not constitute substantive or artistic alteration or enhancement of the article or commentary. Accordingly, we do not consider these or any of the editorial activities performed by U.S. newspapers that are described in your letter to be prohibited by the Regulations.

Sincerely,  


R. Richard Newcomb  
Director  
Office of Foreign Assets Control