



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

**Case No. IA-2015-318205-1**

Mark Wasden  
King & Spalding LLP  
1700 Pennsylvania Ave, NW  
Suite 200  
Washington, DC 20006-4707

Dear Mr. Wasden:

This is in reply to your correspondence dated January 16, 2015 (the “Application”) on behalf of your clients, the American National Standards Institute (ANSI) and the U.S. Technical Advisory Groups (TAGs) (the “Applicants”), seeking a specific license for the Applicants to engage in standards development activities at the International Organization for Standardization (ISO) and the International Electrotechnical Committee (IEC) involving Iran.<sup>1</sup> The Application requests confirmation as to whether ANSI’s members, including the U.S. government, may fully participate in ISO standards development activities in ISO and IEC. It also refers to OFAC’s August 14, 2012 guidance (“2012 Guidance Letter”), wherein OFAC stated that all U.S. person engagement in ANSI’s standard-setting activities appeared to involve either (1) exempt exportation of informational material described in section 560.210(c) of the Iranian Transactions and Sanctions Regulations, 31 C.F.R. Part 560 (ITSR), or (2) licensed collaboration on the creation and enhancement of written publications – in this instance, international standards – with representatives of an Iranian research institution, as authorized by the general license in section 560.538 of the ITSR. The 2012 Guidance Letter stated that any request to authorize U.S. persons to engage in transactions beyond those within the exemption of section 560.210(c) and what is generally licensed under section 560.538 of the ITSR would not be consistent with OFAC licensing policy and would therefore be denied.

We understand from your request that the Applicants seek further clarification regarding a 2014 Guidance Letter issued to the American Petroleum Institute (API). The API requested guidance on whether it could license pre-existing technical standards to the ISO with the understanding that ISO’s membership may adopt, exploit, reprint, translate, or redraft the ISO standards licensed by API. Furthermore, API requested guidance on the participation of U.S. persons in standards development committees and other closed working groups that may include participants from sanctioned countries.

As you are aware, the ITSR generally 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. ITSR, § 560.204. Additionally, the ITSR generally prohibit U.S. persons, wherever located, from engaging in any transaction or dealing in or related to goods or services of Iranian origin or owned or controlled by the

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<sup>1</sup> This letter constitutes OFAC’s response with respect to activities involving Iran. OFAC is responding separately to your requests with respect to activities involving Cuba, North Korea, and Sudan.

Government of Iran; or goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran. ITSR, § 560.206(a).

As you know, section 560.210(c)(1) of the ITSR exempts from the prohibitions of the ITSR transactions related to the importation from any country and the exportation to any country of information or informational materials, as defined section 560.315 of the ITSR, whether commercial or otherwise, regardless of format or medium of transmission. ITSR, § 560.210(c)(1). The term *information or informational materials* includes, but is not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. ITSR, § 560.315. Section 560.210(c)(2) of the ITSR clarifies that this exemption does not extend to information or 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” and that, among other transactions, the “provision of services to market, produce or co-produce, create, or assist in the creation of information or informational materials” remain prohibited. ITSR, § 560.210(c)(2).

Furthermore, as you are also aware, section 560.538(a) of the ITSR authorizes transactions necessary and ordinarily incident to publishing and marketing of manuscripts, books, journals, and newspapers in paper or electronic format. This general license does not apply if the parties to the transactions include the Government of Iran, unless the relevant Government of Iran parties are academic or research institutions. ITSR § 560.538(a).

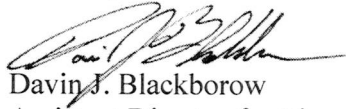
The exemption for informational materials under section 560.210(c) of the ITSR and the general license authorizing transactions necessary and ordinarily incident to publishing under section 560.538 of the ITSR exempt and/or authorize the continuation of activities by U.S. persons as outlined in the Application, including: development of international standards and national adoptions, new work proposals, participation in technical committees and subcommittees, participation in working groups, participation in public review, and adoption of international standards processes. The Application states that the Institute of Standards & Industrial Research of Iran (ISIRI) does not consider itself to be a government organization, and that it qualifies as a research institution. Please note that the general license does not authorize U.S. persons to transact with persons who have been designated pursuant to programs outside of the ITSR such as the Weapons of Mass Destruction Proliferators Sanctions Regulations (31 C.F.R. Part 544) or the Global Terrorism Sanctions Regulations (31 C.F.R. Part 594). Accordingly, any interaction by U.S. persons with such persons would require additional authorization from OFAC.

As stated in our 2014 Guidance Letter, neither the exemption for informational materials nor the general license authorizing transactions necessary and incident to publishing would permit an industry group to privately *license* their standards to a sanctioned country. However, the Applicants may engage in transactions related to licensing of written materials and publications to the ISO by U.S. TAGs for future reexportation to Iran to be adopted, modified, and exploited nationally, and further transmitted through the ISO review process’ technical committees, subcommittees, and working groups, in the interest of deriving new international standards.

The Applicants may proceed with those activities in support of the development of international standards without further authorization from OFAC.

If you have any additional questions, you may refer to the OFAC website at [www.treasury.gov/ofac](http://www.treasury.gov/ofac) or call our office at (202) 622-2480.

Sincerely,



Davin J. Blackborow  
Assistant Director for Licensing  
Office of Foreign Assets Control

July 18, 2016