

To: Our Clients and Friends

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U.S. Authorizes Internet-Related Exports to Iran, Sudan and Cuba

The U.S. Treasury Department's Office of Foreign Assets Control ("OFAC") has issued new regulations authorizing the export to Iran, Sudan and Cuba of services "incident to the exchange of personal communications over the Internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing and blogging" so long as such services are "publicly available at no cost to the user."

OFAC is also authorizing in the new regulations exports to Iran and Sudan but not Cuba of software "necessary to enable" the services described above provided such software is (i) not subject to the U.S. Commerce Department's Export Administration Regulations, (ii) classified as EAR99 under the Export Administration Regulations or (iii) classified as "mass market software" under ECCN 5D992 of the Export Administration Regulations. The software must also be publicly available at no cost to the user.

Software for Cuba is excluded from this new authorization because exports of software to Cuba are governed by the U.S. Commerce Department, not OFAC.

Also excluded from this authorization are exports intended for the governments of Iran, Sudan or Cuba or specified members of the Cuban communist party.

These changes are being made says OFAC because "personal Internet-based communications are a vital tool for change" and, according to the State Department, will "foster and support the free flow of information to individual ... citizens."

The new regulations will appear in the March 10th Federal Register.

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