

Contact: Marsha Longshore
732 562 6824
908 217 3594 (cell)
m.longshore@ieee.org

IEEE SCORES FIRST AMENDMENT VICTORY FOR SCHOLARLY PUBLISHING

Updated OFAC Ruling Removes Government Restrictions on Papers from Authors in Embargoed Countries

Piscataway, N.J., 5 April 2004 – IEEE scored a victory for freedom of the press and the scholarly publishing community with the ruling it received Friday from the U.S. Department of Treasury Office of Foreign Assets Control (OFAC). The ruling exempts peer review, editing and publication of scholarly manuscripts submitted to IEEE by authors living in countries that are under U.S. trade embargoes, such as Iran and Cuba. OFAC determined that IEEE's publications process is "not constrained by OFAC's regulatory programs."

The government's decision confirms the position IEEE has argued for over a year that its entire publishing process falls outside the scope of OFAC's regulations because of the Berman Amendment to the trade sanctions law that excludes the free exchange of information from OFAC's economic embargoes.

IEEE had earlier obtained a September 30, 2003 ruling from OFAC that exempted a large part of its editorial process but left uncertain whether it had to publish such papers "as is" or could edit such papers prior to final publication. This latest April 2 ruling clarifies IEEE's full freedom to engage in scholarly peer review and style and copy editing of papers, all without OFAC regulation or licensing. The earlier September 30 ruling had also been limited to Iran, while the new ruling covers authors in Cuba, Libya and Sudan as well as in Iran

"Effective immediately, IEEE is returning to its normal publishing process for all authors, which has always been IEEE's goal," said IEEE President Arthur Winston. "Since last September's ruling, IEEE had been only publishing articles from authors in embargoed countries that met its scholarly publishing standards 'as is' without editing."

"The ruling eliminates potentially disturbing U.S. government intrusions on our scholarly publishing process and reaffirms the position IEEE has taken from the beginning that these publishing activities are protected by the First Amendment and exempt from the OFAC regulations," Winston said, who added, "This issue has been very difficult for IEEE members worldwide and of great concern to all the engineering, science and publishing communities, and we believe OFAC's new ruling will be a relief for nearly everyone." IEEE communicated intensively with key OFAC officials, particularly during

the past six months, to achieve these results, including several further written submissions and two meetings. Winston explained, “IEEE invited the scholarly publishing industry and OFAC to an open meeting in February, and then OFAC met again with IEEE in March.” In an official acknowledgement of IEEE’s persistent advocacy on these issues, Richard Newcomb, director of OFAC, wrote in the April 2 ruling, “We very much appreciate the approach taken by [IEEE] to comply with federal law in this matter, and to work with us in good faith to arrive at a resolution of these issues.”

In addition to confirming IEEE’s broad right to engage in the full range of normal and customary peer review, style and copy editing for scholarly publications, the new ruling also confirms IEEE’s rights to publish in both print and non-print media, to deliver its peer review comments or questions in any format, and to make both verbatim and idiomatic translations.

The full text of the OFAC ruling is available at www.ieee.org/ofac.

#

The IEEE is the world's largest technical professional society with approximately 360,000 members in 170 countries. Through its members, the IEEE is a leading authority on areas ranging from aerospace, computers and telecommunications to biomedicine, electric power and consumer electronics. The IEEE produces 30 percent of the world's literature in the electrical and electronics engineering and computer science fields, and has developed more than 900 active industry standards. The organization also sponsors or cosponsors more than 300 international technical conferences each year. Additional information is available at www.ieee.org.