

# Practical Guide to U.S. Transfer Pricing, Third Edition from LexisNexis®

Robert T. Cole, Editor and Principal Author

## Where can you turn for the most authoritative analysis of U.S. transfer pricing rules and procedures?

Written by experts from some of the most prestigious law, accounting, and economics firms, this third edition of *Practical Guide to U.S. Transfer Pricing* is an essential resource for tax professionals in and working with multinational corporations based in the United States or overseas. It explains in depth the U.S. transfer pricing rules, and compares them with the OECD Transfer Pricing Guidelines.

Highlights of the new U.S. developments in the 2009 update include:

- The issuance of temporary cost sharing regulations effective January 5, 2009, which not only set a new paradigm for cost sharing, but reflect the manner in which the IRS is now analyzing all cross-border transfers of intangibles.
- The finalization of the services regulations, which include rules for identifying the services which must be charged for, parameters for the service cost method, rules for contingent services, rules for identifying the tax owner of intangibles, and new examples showing how conduct can result in rights akin to intangibles.
- Proposals by the current Administration to prevent "the inappropriate shifting of income outside the United States" through the transfer of intangibles.
- The entry into force, but not yet the utilization, of the arbitration provisions in the United States income tax treaties with Belgium, Canada and Germany, and in pending protocols under the income tax treaties with France and Switzerland.
- Issuance by the OECD of a report on business restructurings which is designed to balance overly aggressive reactions by tax authorities of the countries in which the business functions, assets and/or risks have been reduced.
- Further evidence that transfer pricing has an important effect on the earnings of multinationals as revealed in FIN 48 disclosures.

### About the Editor and Principal Author

**Robert T. Cole** is a member of Alston & Bird's International Tax Group of which he served as the chair from 1997 through 2000. He concentrates his practice on transfer pricing, tax treaties and other international tax issues for U.S. business operations abroad and foreign business operations in the United State. Mr. Cole served in the U.S. Treasury from 1967 to 1973 and was appointed as the first International Tax Counsel in 1971. He received his LL.B in 1956 from Harvard Law School and his B.S. in 1953 from the Wharton School of Finance, University of Pennsylvania, and an academic postgraduate diploma in law in 1959 from the London School of Economics. He is a member of the Council of the USA branch of the International Fiscal Association; a past vice-chair of the Tax Committee of the National Foreign Trade Council and a member of the Tax Section of the American Bar Association.



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