

MEMO# 26051

April 17, 2012

ICI Letter to Korea Regarding Form that U.S. Funds Should Use to Claim Treaty Relief

[26051]

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TO: INTERNATIONAL OPERATIONS ADVISORY COMMITTEE No. 9-12 RE: ICI LETTER TO KOREA REGARDING FORM THAT U.S. FUNDS SHOULD USE TO CLAIM TREATY RELIEF

The ICI sent the attached letter (and supplementary attachment) to the Korean Ministry of Finance (“MOF”) requesting guidance clarifying that U.S. funds should claim at-source treaty relief by filing the form (No. 72-2) used by other foreign corporations. This letter follows up on one that ICI and ICI Global sent to the MOF in January requesting clarifications regarding new Korean requirements that funds must satisfy to be treated as qualifying offshore collective investment vehicles (“OCIVs”) for which beneficial owner “details” would not be required. [\[1\]](#)

The April ICI letter requests clarification because of conflicting advice regarding whether U.S. funds are permitted to file Form No. 72-2 (Application for Entitlement to Reduced Tax Rate on Domestic Sourced Income (for Foreign Corporation)). The other possible form – Form No. 29-13 (Report of Overseas Investment Vehicle) – requires detailed quarterly reporting of a fund’s investors (by country of investor residence). The April ICI letter requests guidance confirming that a U.S. fund, because it is entitled to treaty relief in its own right, should file Form No. 72-2.

Keith Lawson
Senior Counsel - Tax Law

[Attachment](#)

endnotes

[\[1\]](#) See ICI Memo No. [25837](#), dated January 26, 2012.

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