

# Transfer Pricing and the Arm's Length Principle in International Tax Law

---

Series  
on International  
Taxation

35

**KLUWER LAW INTERNATIONAL**

**Transfer Pricing and the Arm's Length Principle  
in International Tax Law**

**Jens Wittendorff**



**Wolters Kluwer**

Law & Business

AUSTIN

BOSTON

CHICAGO

NEW YORK

THE NETHERLANDS

*Published by:*

Kluwer Law International  
PO Box 316  
2400 AH Alphen aan den Rijn  
The Netherlands  
Website: [www.kluwerlaw.com](http://www.kluwerlaw.com)

*Sold and distributed in North, Central and South America by:*

Aspen Publishers, Inc.  
7201 McKinney Circle  
Frederick, MD 21704  
United States of America  
Email: [customer.service@aspublishers.com](mailto:customer.service@aspublishers.com)

*Sold and distributed in all other countries by:*

Turpin Distribution Services Ltd.  
Stratton Business Park  
Pegasus Drive, Biggleswade  
Bedfordshire SG18 8TQ  
United Kingdom  
Email: [kluwerlaw@turpin-distribution.com](mailto:kluwerlaw@turpin-distribution.com)

*Printed on acid-free paper.*

ISBN 978-90-411-3270-3

© 2010 Kluwer Law International BV, The Netherlands

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without written permission from the publisher.

Permission to use this content must be obtained from the copyright owner. Please apply to: Permissions Department, Wolters Kluwer Legal, 76 Ninth Avenue, 7th Floor, New York, NY 10011-5201, USA.  
Email: [permissions@kluwerlaw.com](mailto:permissions@kluwerlaw.com)

Printed in Great Britain.

## Preface and Acknowledgement

The subject of the book is the arm's length principle in international tax law. The book is based on my dissertation *Armslængdeprincippet i dansk og international skatteret* submitted to the University of Aarhus (Denmark), Faculty of Social Sciences, on 4 September 2008 in fulfilment of the requirement for the higher doctoral degree in Law (*dr jur.*). The degree was awarded on 9 October 2009 following an oral defence held on 25 September 2009.

The dissertation was written between January 2005 and September 2008 concurrently with my work as an international tax partner with Deloitte. My interest in transfer pricing was stimulated by my work in the area of international tax law and multinational corporations since the beginning of the 1990s. The interaction with my work has been conducive to the theoretical analysis of the arm's length principle and transfer pricing.

There are two main differences between this book and the dissertation. First, a comprehensive chapter on the legal basis for the arm's length principle in domestic Danish tax law has been omitted from the book. Second, the book has been updated to reflect changes that have taken place from September 2008 to May 2010.

The book has been translated from Danish to English in co-operation with Steven Harris, with whom I have had an excellent working relationship and to whom I owe many thanks. I would also like to thank the Deloitte Fonden for financing the translation of the dissertation. Last but not least, I owe very special thanks to my wife Charlotte Pind Rosenquist, and our children Amalie and William, for their love and support.

Jens Wittendorff  
Copenhagen, Denmark  
May 2010

## Abbreviations

AERR	Actually Experienced Return Ratio
APA	Advance Pricing Agreement
AOA	Authorised OECD Approach
AStG	Außensteuergesetz
BALRM	Basic Arm's Length Return Method
BFHE	Entscheidung des Bundesfinanzhofs
BIAC	The Business and Industry Advisory Committee to the OECD
Bittker/Eustice	B. Bittker & J.S. Eustice, <i>Federal Income Taxation of Corporations and Shareholders</i> (New York: 7th ed., loose-leaf)
BNB	Beslissingen in Belastingzaken
BStBl	Bundessteuerblatt
CAPM	Capital Asset Pricing Model
CATM	Comparable Adjustable Transaction Method
CB	Cumulative Bulletin
CCA	Cost Contribution Arrangement
CCCTB	Common Consolidated Corporate Tax Base
CIAT	Inter-American Center of Tax Administrations
COGS	Cost of Goods Sold
CPI	Comparable Profit Interval
CPM	Comparable Profits Method
CSA	Cost Sharing Arrangement
CST	Cost Sharing Transaction
CUP	Comparable Uncontrolled Price Method
CUT	Comparable Uncontrolled Transaction Method

## Abbreviations

CWI	Commensurate with Income
Debatin/Wassermeyer	H. Debatin & F Wassermeyer, <i>Doppelbesteuerung: DBA</i> , Band 1, (Munich: loose-leaf, 109th release, October 2009)
DCF	Discounted Cash Flow
EBIT	Earnings Before Interest and Taxes
EFG	Entscheidungen der Finanzgerichte
Fed. Cir.	Court of Appeals for the Federal Circuit
Flick/Wassermeyer/ Baumhoff	H. Flick, F. Wassermeyer & H. Baumhoff, <i>Außensteuerrecht</i> (Cologne: loose-leaf, 64th release, August 2009)
Flick/Wassermeyer/ Kempermann	H. Flick, F. Wassermeyer & M. Kempermann, <i>Doppelbesteuerungsabkommen Deutschland-Schweiz</i> (Cologne: 32nd release, December 2009)
FSA	Field Service Advice
GAAP	Generally Accepted Accounting Principles
GAO	The U.S. Government Accountability Office
GCM	General Counsel Memoranda
Gosch/Kroppen/ Grotherr	D. Gosch, H-K. Kroppen & S. Grotherr, <i>DBA-Kommentar Internationales Steuerrecht</i> (Herne/Berlin: loose-leaf, 22nd release, November 2009)
HTS	Home State Taxation
IAS	International Accounting Standards
ICC	International Chamber of Commerce
IDA	Intangible Development Activity
IFRS	International Financial Reporting Standards
IRB	Internal Revenue Bulletin
IRS	Internal Revenue Service
IStR	Internationales Steuerrecht
JTPF	Joint Transfer Pricing Forum
KHO	Korkein Hallinto – Oikeus
MAP	Mutual Agreement Procedure
MTM	Matching Transaction Method
NAFTA	North American Free Trade Agreement
Not.	Notismål
NSFS	Nordiska skattevetenskapliga forskningsrådets skriftserie
OECD	Organization for Economic Cooperation and Development
OECD Guidelines	OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations (Paris: OECD, 2009)
OEEC	Organisation for European Economic Co-operation

OM	Operating Margin
PATA	Pacific Association of Tax Administrators
PCT	Platform Contribution Transaction
PLI	Profit Level Indicator
Prop. reg.	Proposed Regulations
PRRR	Periodic Return Ratio Range
PSM	Profit Split Method
PVTP	Present Value of Total Profits
RAB share	Reasonably Anticipated Benefit share
Ref.	Referatmål
RJF	Revue de Jurisprudence Fiscale
RGBI	Reichsgesetzblatt
RPM	Resale Price Method
RPSM	Residual Profit Split Method
RStBl	Reichsteuerblatt
Rt	Norsk Retstidende
RA	Regeringsrättens årsbok
SCM	Services Cost Method
SG&A	Sales, General and Administrative
SSA	Shared Services Arrangement
TAM	Technical Advice Memoranda
TD	Treasury Decision
Temp. reg.	Temporary Regulations
TFEU	Treaty on the Functioning of the European Union
TfS	Tidsskrift for Skatter og Afgifter
TNMM	Transactional Net Margin Method
Treas. reg.	Treasury Regulations
TUAC	Trade Union Advisory Committee to the OECD
U	Ugeskrift for Retsvæsen
UN	United Nations
Utv	Utvalget: Dommer og uttalelser m.v. i skattesaker
VCTL	The Vienna Convention on the Law of Treaties
VN	Vakstudie Nieuws
Vogel/Lehner	K. Vogel & M. Lehner, <i>Doppelbesteuerungsabkommen</i> (Munich: 5th ed., 2008)
Vögele/Borstell/Engler	A. Vögele, T. Borstell & G. Engler, <i>Handbuch der Verrechnungspreise</i> (Munich: 2nd ed., 2004)
WACC	Weighted Average Cost of Capital
Warner/McCawley	J.P. Warner & H.B. McCawley, <i>Transfer Pricing: The Code and the Regulations</i> (Washington D.C.: 887 Tax Management, Foreign Income Portfolio, 2004)

## *Abbreviations*

White Paper	Department of the Treasury and Internal Revenue Service: A study of intercompany pricing under section 482 of the Code, 18 October 1988, Notice 88-123, 1988-2 C.B. 485
1979 OECD Report	Report on Transfer Pricing and Multinational Enterprises (Paris: OECD, 1979)
1992 OECD Task Force Report	Tax Aspects of Transfer Pricing within Multinational Enterprises – the United States Proposed Regulations (Paris: OECD, 1992)
1993 OECD Task Force Report	OECD Task Force report on intercompany transfer pricing regulations under US section 482 temporary and proposed regulations (Paris: OECD, 1993)



# Table of Contents

<b>Preface and Acknowledgement</b>	<b>xix</b>
<b>Abbreviations</b>	<b>xxi</b>
<b>Part I</b>	
<b>Introduction</b>	<b>1</b>
<b>Chapter 1</b>	
<b>The Subject, Definitions, Methodology, and Plan for the Book</b>	<b>3</b>
1.1. The Subject	3
1.1.1. Transfer Pricing	3
1.1.2. The Arm's Length Principle	6
1.1.3. Scope of the Subject	11
1.2. The Methodology and Material	13
1.3. Definitions and Terminology	16
1.3.1. General	16
1.3.2. Adjustments	16
1.3.2.1. Transfer Pricing Adjustment	16
1.3.2.2. Attribution of Income Adjustment	17
1.3.2.3. Transactional Adjustment	17
1.3.3. Transfer Pricing Adjustments	17
1.3.4. The Arm's Length Test	18
1.3.5. Economies of Integration	19
1.4. The Plan for the Book	20

*Table of Contents*

<b>Part II</b>		
<b>The Legal Basis for the Arm's Length Principle</b>		<b>21</b>
<b>Chapter 2</b>		
<b>U.S. Tax Law</b>		<b>23</b>
2.1.	The Sources of Law in U.S. Tax Law	23
2.1.1.	General	23
2.1.2.	Legislation	24
2.1.3.	Administrative Regulations	26
2.1.3.1.	General	26
2.1.3.2.	Regulations	26
2.1.3.3.	Other Administrative Rules	28
2.1.4.	The Court System	30
2.2.	Historical Development	31
2.2.1.	1917–1960 Domestic Transactions	31
2.2.2.	1960–1968 Section 482 Regulations	33
2.2.3.	1966 Internationalization of the Section 482 Regulations	37
2.2.4.	1960–1986 Outbound Transactions	39
2.2.5.	1986 CWI Standard	42
2.2.6.	1988 White Paper	43
2.2.7.	1992–1994 Section 482 Regulations	44
2.2.8.	1982–2005 Inbound Transactions	46
2.2.9.	2000–2009 Outbound Transactions	51
2.3.	Section 482	54
2.3.1.	General	54
2.3.2.	The Purpose of Section 482	54
2.3.3.	Application of Section 482	55
2.3.3.1.	Law	55
2.3.3.2.	Facts	56
2.3.3.2.1.	Information	56
2.3.3.2.2.	Burden of Proof	57
2.3.3.3.	Subsumption	61
2.3.4.	Legal Conditions of Section 482	63
2.3.4.1.	Taxpayers	63
2.3.4.2.	Control	65
2.3.4.3.	Transactions	67
2.3.4.4.	Allocation norm	68
2.3.4.5.	Causality	70
2.3.5.	Legal Consequences of Section 482	70
2.3.5.1.	Primary Adjustment	70
2.3.5.2.	Corresponding Adjustment	72
2.3.5.3.	Secondary Adjustment	72
2.4.	Tax Treaties	73
2.4.1.	General	73
2.4.2.	Historical Development	75

2.4.3.	U.S. Model Tax Convention	79
2.4.3.1.	General	79
2.4.3.2.	Article 9	80
 <b>Chapter 3</b>		
<b>The OECD</b>		<b>83</b>
3.1.	Introduction to the OECD	83
3.2.	Historical Development	84
3.2.1.	The League of Nations	84
3.2.1.1.	Introduction	85
3.2.1.2.	1921–1927, 1927 Draft Model	85
3.2.1.3.	1928–1929, 1928 Model	87
3.2.1.4.	1930–1933, The Carroll Report	89
3.2.1.5.	1933–1939, 1933 and 1935 Models	92
3.2.1.6.	1939–1946, 1943 and 1946 Models	94
3.2.2.	OECD	95
3.2.2.1.	1956–1963, 1963 Model	96
3.2.2.2.	1963–1976, 1976 Guidelines for Multinational Enterprises	98
3.2.2.3.	1977, 1977 Model	99
3.2.2.4.	1974–1979, 1979 OECD Report	100
3.2.2.5.	1980–1984, 1984 OECD Report	101
3.2.2.6.	1984–1986, Unitary Taxation	102
3.2.2.7.	1987, 1987 OECD Thin Capitalization	103
3.2.2.8.	1992, 1992 Model	103
3.2.2.9.	1992–1993, The Task Force Reports	104
3.2.2.10.	1992–1997, OECD Transfer Pricing Guidelines	105
3.2.2.11.	1997–2009	109
3.3.	Article 9 of the OECD Model	111
3.3.1.	General	111
3.3.2.	Interpretation of Article 9	112
3.3.2.1.	General	112
3.3.2.2.	The Vienna Convention on the Law of Treaties	113
3.3.2.2.1.	General	113
3.3.2.2.2.	Primary Means of Interpretation	115
3.3.2.2.3.	Supplementary Means of Interpretation	119
3.3.2.2.4.	Multilingual Treaties	121
3.3.2.3.	The OECD Commentaries	122
3.3.2.3.1.	General	122
3.3.2.3.2.	Legal Status	123
3.3.2.3.3.	Static or Dynamic Interpretation	128
3.3.2.4.	Domestic Legislation	131
3.3.2.4.1.	General	131

## Table of Contents

	3.3.2.4.2	Autonomous or Domestic Law Interpretation	132
	3.3.2.4.3.	Domestic Law of the Source State or of the State Applying the Treaty	137
	3.3.2.4.4.	Domestic Tax Law or Other Law	141
	3.3.2.4.5	Static or Dynamic Interpretation	141
	3.3.2.5.	Foreign Court Decisions	143
3.3.3.		The Purpose of Article 9	145
	3.3.3.1.	General	146
	3.3.3.2.	Economic Double Taxation	148
	3.3.3.3.	Transfer Pricing Adjustments	149
	3.3.3.4.	Attribution of Income Adjustments	151
	3.3.3.5.	Transactional Adjustments	151
	3.3.3.5.1.	General	152
	3.3.3.5.2.	Thin Capitalization	161
	3.3.3.5.3.	CWI Standards	166
	3.3.3.5.4.	Business Restructurings	169
3.3.4.		Relationship between Article 9 and other Articles of the OECD Model	177
	3.3.4.1.	General	177
	3.3.4.2.	Article 10 and Article 21	183
	3.3.4.3.	Article 11(6) and Article 12(4)	184
3.3.5.		Relationship between Article 9(1) and Domestic Tax Law	190
	3.3.5.1.	Does Article 9(1) Broaden the Right to Tax under Domestic Law?	190
	3.3.5.2.	Does Article 9(1) Restrict the Right to Tax under Domestic Law?	193
	3.3.5.2.1.	General	193
	3.3.5.2.2.	Allocation Norm	195
	3.3.5.2.3.	Personal Scope	199
3.3.6.		Legal Conditions of Article 9(1)	203
	3.3.6.1.	Subjective Scope	203
	3.3.6.1.1.	General	203
	3.3.6.1.2.	Enterprise	203
	3.3.6.1.3.	Resident	205
	3.3.6.2.	Control	213
	3.3.6.2.1.	General	213
	3.3.6.2.2.	Autonomous or Domestic Law Interpretation	213
	3.3.6.2.3.	Control Requirement	215
	3.3.6.2.4.	Concept of Control	216
	3.3.6.2.5.	Direct/Indirect and Vertical/Horizontal Relations	221

*Table of Contents*

3.3.6.3.	Objective Scope	222
3.3.6.3.1.	General	222
3.3.6.3.2.	Unilateral and Bilateral Transactions	226
3.3.6.3.3.	Formal Requirements	227
3.3.6.3.4.	Acts and Omissions	230
3.3.6.3.5.	Direct/Indirect	233
3.3.6.4.	Conditions	235
3.3.6.5.	Allocation Norm	236
3.3.6.6.	Income Reduction	237
3.3.6.7.	Causality	239
3.3.7.	Legal Consequences of Article 9	240
3.3.7.1.	Primary Adjustment	240
3.3.7.2.	Corresponding Adjustment	241
3.3.7.3.	Secondary Adjustment	244
3.4.	The OECD Transfer Pricing Guidelines	246

**Chapter 4**

<b>Other International Law</b>	<b>249</b>	
4.1.	United Nations	250
4.2.	European Union	252
4.2.1.	Primary Legislation	253
4.2.1.1.	General	253
4.2.1.2.	Fundamental Freedoms	253
4.2.1.2.1.	General	253
4.2.1.2.2.	Primary Adjustment	257
4.2.1.2.3.	Corresponding Adjustment	272
4.2.1.2.4.	Secondary Adjustment	275
4.2.1.3.	State Aid	275
4.2.2.	Secondary Legislation	276
4.2.3.	Joint Transfer Pricing Forum	282
4.3.	World Trade Organization	284
4.3.1.	General	284
4.3.2.	Arm's Length Principle	284
4.4.	Customary International Law	287
4.4.1.	General	287
4.4.2.	Arm's Length Principle	288

**Part III**

<b>The Concept of the Arm's Length Principle</b>	<b>291</b>
--	------------

**Chapter 5**

<b>Introduction</b>	<b>293</b>
---------------------	------------

*Table of Contents*

<b>Chapter 6</b>	
<b>U.S. Tax Law</b>	<b>295</b>
6.1. General	295
6.2. Controlled Transaction	297
6.3. Reference Transaction	298
6.4. Valuation	302
<b>Chapter 7</b>	
<b>Discourse: German Tax Law</b>	<b>303</b>
7.1. General	303
7.2. Controlled Transactions	307
7.3. Reference Transactions	307
7.4. Valuation	311
<b>Chapter 8</b>	
<b>Article 9(1) of the OECD Model</b>	<b>313</b>
8.1. General	313
8.2. Controlled Transactions	313
8.3. Reference Transactions	314
8.4. Valuation	316
<b>Part IV</b>	
<b>General Arm's Length Rules</b>	<b>319</b>
<b>Chapter 9</b>	
<b>Recognition of Controlled Transactions</b>	<b>321</b>
9.1. U.S. Tax Law	321
9.1.1. General	321
9.1.2. Economies of Integration	326
9.1.3. Realistic Alternatives	329
9.2. The OECD Guidelines	332
9.2.1. General	332
9.2.2. Economies of Integration	334
9.2.3. Realistic Alternatives	341
<b>Chapter 10</b>	
<b>Aggregated and Separate Arm's Length Tests</b>	<b>343</b>
10.1. Aggregated Arm's Length Tests	343
10.1.1. U.S. Tax Law	343
10.1.2. The OECD Guidelines	348
10.1.3. Discourse: German Tax Law	354
10.2. Separate Arm's Length Tests	357
10.2.1. U.S. Tax Law	357
10.2.2. The OECD Guidelines	360

<b>Chapter 11</b>	<b>365</b>
<b>Set-Off</b>	<b>365</b>
11.1. U.S. Tax Law	366
11.2. The OECD Guidelines	367
<b>Chapter 12</b>	<b>375</b>
<b>Multiple Year Analyses</b>	<b>375</b>
12.1. U.S. Tax Law	375
12.1.1. General	375
12.1.2. Losses	377
12.1.3. Dynamic or Static Arm's Length Tests	378
12.1.4. Prospective or Retrospective Arm's Length Tests	379
12.2. The OECD Guidelines	379
12.2.1. General	379
12.2.2. Losses	382
12.2.3. Dynamic or Static Arm's Length Tests	384
12.2.4. Prospective or Retrospective Arm's Length Tests	388
<b>Chapter 13</b>	<b>393</b>
<b>The Comparability Requirement</b>	<b>393</b>
13.1. The Comparability Standard	393
13.1.1. U.S. Tax Law	393
13.1.2. The OECD Guidelines	396
13.2. Internal and External Reference Transactions	397
13.3. Comparability Factors	397
13.3.1. The Property or Services	398
13.3.2. The Functional Analysis	399
13.3.3. The Functions	400
13.3.4. Risks	403
13.3.4.1. General	403
13.3.4.2. Risk Allocation	407
13.3.4.2.1. U.S. Tax Law	407
13.3.4.2.2. The OECD Guidelines	411
13.3.5. Assets	417
13.3.6. Contractual Terms	418
13.3.6.1. General	418
13.3.6.2. Recognition of Contractual Terms	419
13.3.6.2.1. U.S. Tax Law	419
13.3.6.2.2. The OECD Guidelines	421
13.3.6.3. Volume	423
13.3.6.4. Long-term Contracts	426
13.3.7. Economic Circumstances	428
13.3.7.1. General	428
13.3.7.2. Geographic Market Differences	428
13.3.7.3. Location Savings	434

## Table of Contents

13.3.7.4.	Market Form	438
13.3.7.5.	Bargaining Position	440
13.3.8.	Business Strategies	442
13.4.	Irregular Transactions	446
<b>Chapter 14</b>		<b>449</b>
<b>Legislative Restrictions</b>		<b>449</b>
14.1.	U.S. Tax Law	449
14.2.	The OECD Guidelines	454
<b>Chapter 15</b>		<b>459</b>
<b>Arm's Length Range</b>		<b>459</b>
15.1.	U.S. Tax Law	459
15.2.	Discourse: German Tax Law	462
15.3.	The OECD Guidelines	472
<b>Part V</b>		<b>475</b>
<b>The Special Arm's Length Rules</b>		<b>475</b>
<b>Chapter 16</b>		<b>477</b>
<b>Services</b>		<b>477</b>
16.1.	General	477
16.2.	The Definition of Services	478
16.2.1.	General	478
16.2.1.1.	U.S. Tax Law	478
16.2.1.2.	The OECD Guidelines	479
16.2.2.	The Activity Test	480
16.2.2.1.	U.S. Tax Law	480
16.2.2.2.	The OECD Guidelines	481
16.2.3.	The Benefit Test	484
16.2.3.1.	General	485
16.2.3.1.1.	U.S. Tax Law	485
16.2.3.1.2.	The OECD Guidelines	487
16.2.3.2.	Shareholder Activities	488
16.2.3.2.1.	U.S. Tax Law	488
16.2.3.2.2.	The OECD Guidelines	495
16.2.3.3.	Duplicative Activities	499
16.2.3.3.1.	U.S. Tax Law	499
16.2.3.3.2.	The OECD Guidelines	500
16.2.3.4.	Indirect Benefit	501
16.2.3.4.1.	U.S. Tax Law	501
16.2.3.4.2.	The OECD Guidelines	502
16.2.3.5.	Passive Association	503
16.2.3.5.1.	U.S. Tax Law	503
16.2.3.5.2.	The OECD Guidelines	506



16.3.	Payment Form	509
16.3.1.	U.S. Tax Law	509
	16.3.1.1. Direct/Indirect Payment	509
	16.3.1.2. Contingent Payment	512
16.3.2.	The OECD Guidelines	514
	16.3.2.1. Direct/Indirect Payment	514
	16.3.2.2. Contingent Payment	521
16.4.	Valuation	521
16.4.1.	U.S. Tax Law	521
	16.4.1.1. General	521
	16.4.1.2. Arm's Length Price or Cost-Only Price	524
16.4.2.	The OECD Guidelines	527
	16.4.2.1. General	527
	16.4.2.2. Arm's Length Price or Cost-Only Price	529
<b>Chapter 17</b>		
<b>Cost Sharing</b>		<b>537</b>
17.1.	General	537
17.2.	The Relationship between the General Arm's Length Rules and the Cost Sharing Rules	540
	17.2.1. U.S. Tax Law	540
	17.2.2. The OECD Guidelines	541
17.3.	The Definition of Cost Sharing	542
	17.3.1. U.S. Tax Law	542
	17.3.2. The OECD Guidelines	545
17.4.	The Participants	546
	17.4.1. U.S. Tax Law	546
	17.4.2. The OECD Guidelines	547
17.5.	Cost Contributions	548
	17.5.1. U.S. Tax Law	548
	17.5.1.1. General	548
	17.5.1.2. Costs	548
	17.5.1.3. Methodology	551
	17.5.2. The OECD Guidelines	552
	17.5.2.1. General	552
	17.5.2.2. Costs	552
	17.5.2.3. Methodology	554
17.6.	Buy-In Payments	555
	17.6.1. U.S. Tax Law	555
	17.6.1.1. General	555
	17.6.1.2. PCT	557
	17.6.1.2.1. General	557
	17.6.1.2.2. Platform Contributions	558
	17.6.1.2.3. Terms of a PCT	564