



TaxNewsFlash

United States

No. 2024-398
October 9, 2024

Final regulations: Section 367(d) rules for certain repatriations of intangible property

The U.S. Treasury Department and IRS today released [final regulations](#) (T.D. 9994) that terminate the continued application of section 367(d) arising from a previous transfer of intangible property (IP) to a foreign corporation when the IP is repatriated to certain United States persons.

The final regulations also make certain modifications to the regulations under section 904(d)(1)(B) relating to the application of section 367(d) in determining the separate foreign tax credit limitation with respect to foreign branch income.

The regulations finalize [proposed regulations](#) issued in May 2023 with only minor modifications. Consistent with the applicability date in the proposed regulations, the final regulations apply only to repatriations of IP occurring on or after October 10, 2024.

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