## THE

## RULES AND REGULATIONS

# OF THE <br> <br> 2022 WACO SCHOLASTIC CHESS CHAMPIONSHIP 

 <br> <br> 2022 WACO SCHOLASTIC CHESS CHAMPIONSHIP}

First Edition

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## PART A: INTRODUCTION

## ARTICLE I

## General

1.01. Authority. These rules and regulations shall govern the 2022 Waco Scholastic Chess Championship, including, but not limited to, its participants, the Tournament Hall and all officially-sanctioned tournament games. In these rules and regulations, Innovative Chess Solutions, LLC may be referred to as the Organizer (we, us, our) and every person who registers for the tournament (and where applicable, their parent and/or guardian) may be referred to as players or registrants (you and your). By registering in this tournament, you agree to faithfully observe these rules and regulations and to be bound thereby.
1.02. Official Rules. The United States Chess Federation's Official Rules of Chess, $7^{\text {th }}$ Edition, as amended, (the "Official Rules") shall apply to this tournament and shall be enforced with the same vigor, and in the same manner, as these rules and regulations. If there shall be any conflict between these rules and regulations and the Official Rules, the former shall prevail and the latter shall be void to the extent of inconsistency.
1.03. Reservation of Power. The Organizer reserves full power and authority to amend, alter or revoke these rules and regulations in such manner, and at such times, as the Organizer may prescribe in its sole discretion.
1.04. Contact. Should you need to contact us, please email us any time at: csbrown.entrepreneur@gmail.com

## ARTICLE II

## The Championship

2.01. Constitution. There shall be a scholastic chess tournament at the Waco Convention Center on September 17, 2022, which shall be known as the 2022 Waco Scholastic Chess Championship (the "tournament"). The President of the Organizer, Caleb S. Brown, shall have full power to exercise all the rights, privileges and powers of the Organizer with respect to the tournament, including the power reserved by $\S 1.03$ of these rules and regulations.
2.02. Rounds. The tournament shall have five rounds.
2.03. Sections. The tournament shall be composed of five sections, which shall be Championship, Amateur (U1200), Reserve (U800), Novice (U400) and Unrated.
2.04. Time Control. The time control of the tournament shall be Game 30 and no delay ( $\mathrm{G} / 30 ; \mathrm{d} 0$ )
2.05. Schedule. The schedule of the tournament shall be as follows: Round 1, 9:00am-10:00am; Round 2, 10:15am11:15am; Round 3, 11:30am-12:30pm; Lunch Break; Round 4, 1:30pm-2:30pm; and; Round 5, 2:45-pm-3:45pm. The awards ceremony shall commence at a convenient time at or around 4:00pm.
2.06. Side Events. There shall be no additional side events during the tournament.
2.07. Maximum Capacity. The maximum capacity of the tournament shall be eighty players.

## PART B: REGISTRANTS

## ARTICLE III

## Qualifications

3.01. General Rule. Every scholastic student who is a member of the United States of America Chess Federation in good standing on the day of the tournament shall be qualified to participate in the tournament, regardless of residence. For the purposes of these rules and regulations, a person is a scholastic student if he is a K-12 student, has not attained to seventeen years of age (regardless of educational status), or both.
3.03. Unrated Players. A player who has no regular rating on the September Supplement may play in any section.
3.04a. Rating Qualifications. Every registrant shall be assigned to the lowest section allowable due to their applicable rating unless such registrant designates a higher section. For the purposes of section qualification and pairing purposes, a player's USCF regular over-the-board rating as shown on the September Supplement shall be used, unless the Chief Tournament Director assigns another rating.
3.04b. Assignments. The Chief Tournament Director may, in such manner as he thinks proper, assign another rating to a player if:
(a) The player has a provisional rating on the September Supplement that is substantially different from their unofficial regular rating on uschess.org;
(b) Upon conversion to the USCF rating scale by any reasonable method, any foreign or FIDE rating of the player is substantially higher than the applicable USCF rating of the player; or
(c) Assigning a different rating is otherwise required by extraordinary circumstances.
3.04c. Notice. Every player who has a foreign and/or FIDE rating shall notify the Chief Tournament Director of such rating as soon as possible, but no later than the close of registration. Failure to comply with this rule shall incur such penalties as deemed warranted by the Organizer, which may include forfeiture of prize and expulsion from the event.
3.05. Disqualification. Any person may be disqualified from participating in the tournament if such person committed flagrant or insidious transgressions of the rules governing any of our previous events.

## ARTICLE IV

## Registration

4.01. Registration. Any qualified person may register for the tournament upon completion of the entry form and full payment of the entry fee. Entries shall be accepted through Eventbrite and in such other ways as may be determined by the Organizer. Registering through Eventbrite may incur fees charged by Eventbrite.
4.02. Deadline: The close of registration shall be $5: 00 \mathrm{pm}$ on September 16, 2022.
4.03. Entry Fee: The entry fee shall be $\$ 15$ until July $9, \$ 20$ until August $6, \$ 25$ until September 3 and $\$ 30$ thereafter.
4.04. Refundability: Registrations are fully refundable until the thirtieth day before the tournament. Eventbrite's fees are always nonrefundable.

## ARTICLE V

## Byes

5.01(a). Assigned Byes. In the event that, in any round, there is an odd number of players, one person shall receive a one-point bye. Such bye shall be assigned to the lowest-rated player in the lowest-score group who has not received or requested a bye and was not the recipient of a win due to nonappearance forfeiture. Nevertheless, an unrated player shall not be assigned a bye unless only unrated players remain.
5.01(b). Extra-Rated Game. If you have been assigned a bye, you must nevertheless appear for the round or risk a nonappearance forfeiture. When it has been confirmed that no one remains to whom you may be paired with for the round, you may have the opportunity to play an extra-rated game. In such case, you would retain your free point, but would have another rated game to add to your official record. Alternatively, you may elect not to play an extra rated game and rest for the next round. Byes and nonappearance forfeitures do not influence your rating.
5.02. Requested Byes. Registrants should, if they cannot participate in a round, request a bye. Each player is entitled to one $1 / 2$ bye if requested before the close of registration. All other requested byes will be for zero points. Requesting a bye is irrevocable for prize purposes.
5.03. Absence of Opponent. In the event that either player fails to appear at their board by the time a round begins, their opponent shall immediately start the clock, and if white, execute their first move. Should any player fail to appear before the expiration of their time, the game will be recorded as a nonappearance forfeiture and the appearing opponent will receive a win by forfeit. However, it is important that such opponent remains at the board until the entirety of such time has expired and the result reported to a director. Otherwise, he could be deemed to have abandoned the game and the result will be recorded as a double forfeiture.

## ARTICLE VI

## Equipment

6.01. Equipment. The Organizer shall provide all the chessboards and chess pieces, but players shall be responsible for providing their own chess clocks. Players are not disqualified from participating if they do not have a chess clock.
6.02. Choice of Clocks. Assuming that both players appear in a timely manner, black is entitled to choice of clocks, but in all cases, a digital clock shall be preferable to an analog clock. In the event that either or both players arrive late for the round, whosoever that appears first shall have the choice of clocks.
6.03. Clock Usage. Every game shall use a clock if either player possesses one. If both players lack a clock, they should discover if an unused clock can be borrowed from another player. In the event that no clock is procured, the game is to proceed at the appointed time without a clock.
6.04. Clock Sound. Clocks should be set so that no noise is emitted when there is a flag fall or at any other time.
6.05. Insufficiency. Claims of insufficient losing chances shall not be permitted in this tournament.

## ARTICLE VII

## Notation

7.01. Notation Mandate. Registrants in the Championship and U1200 sections shall notate their moves. Absent a physical impediment to notating, failure to notate when required to do so will result in having five minutes being deducted from your time. Although players in other sections are not required to notate, they are strongly encouraged to record their moves. In addition to empowering players to learn from their errors by enabling analysis, notation is a prerequisite to claiming a draw by triple occurrence of position and the 50 -move rule.
7.02. Scoresheets. Players may use their own scoresheets and notation-books as they see fit. They may also use our professional-grade scoresheets that will be provided, free of charge.
7.03. Notation Timing. Normally, players would be required to execute their move and then notate. However, this tournament is adopting Variation 15I, which enables participants, if using paper scoresheets, to notate first and then execute the move. If either player falls below five minutes on their clock, both players may cease notating.
7.04. Electronic Notation. The following systems of electronic notation, each of which are certified by the USCF, shall be allowable in this tournament: Monroi, PlyCount, ChessNoteR Nexus 6 and ChessNoteR Nexus 9. Registrants using electronic notation devices must keep them visible to their opponent at all times. Their opponent and tournament directors shall be entitled to inspect the device at any time.

## ARTICLE VIII

## Conclusion of the Game

8.01. Result Reporting. Whenever any game has concluded, both players shall immediately summon a tournament director, fill out the provided results slip and surrender the same to the director. A dully-executed results slip which has been signed by both players is unquestionably valid. Any result recorded thereon is absolutely final and cannot be impeached, regardless of any evidence to the contrary.

## ARTICLE IX

## Proscribed Behavior

9.01. General. Every registrant shall maintain good conduct during the tournament and adhere to the principles of good sportsmanship, integrity and fair play in all of their games. They shall abstain from engaging in conduct that is distracting or annoying to other participants.
9.02. Infractions. No registrant shall:
(1) Disturb the quietness of the Tournament Hall, so as to distract other participants;
(2) Consume food or beverages in the Tournament Hall (save water);
(3) Play on the escalators of the Convention Center;
(4) Make moves and click one's clock with different hands;
(5) Allow any communication device (including phones) to ring or otherwise emit noise in the Tournament Hall;
(6) Disrespect any player, tournament director or staff member in the Tournament Hall.
9.03. Transgressions. No registrant shall:
(1) Solicit or provide advice to any player (other than one's opponent), including concerning time management;
(2) Transcribe any form of written material or notes, other than notation, during any game;
(3) Manipulate the result of any game, including prearranging the result thereof or not playing one's best;
(4) Keep any phone or other electronic device (except essential medical devices and electronic notation devices) on one's person or chair during any game;
(5) Harass or repetitively disrespect any player, tournament director or staff member in the Tournament Hall;
(6) Contravene the USCF Code of Ethics or any law during the tournament.

## ARTICLE X

## Disciplinary Procedures

10.01. Reservation of Power. Notwithstanding anything else in this article, the Organizer reserves full power and authority to impose such sanctions for conduct prohibited by these rules and regulations, in such manner, and under such grounds, as the Organizer may think proper.
10.02. Proof. Disciplinary action shall not be taken upon mere suspicion, but only on compelling evidence and proof.
10.03. Jurisdiction. The Chief Tournament Director and Chief Assistant TD alone shall have jurisdiction to impose forfeiture of game, denial of prize and/or expulsion from the tournament. Lessor penalties may be imposed by any tournament director. If any tournament director does not have jurisdiction to impose the appropriate sanction, he may collect facts and refer the case to the Chief Tournament Director and Chief Assistant TD.
10.04. Appeal Rights. In the event that any player is dissatisfied by the ruling of a subordinate director, he may appeal the case to the subordinate tournament director of the next highest rank (if any) or the Chief Tournament Director. He must submit his appeal as soon as possible after the initial ruling or the right to appeal shall, unless otherwise provided by the Chief Tournament Director, be extinguished. Appeals to special referees and appeal committees are prohibited.
10.05. Sanctions. Generally, violations of infractions listed in $\S 9.02$ of these rules and regulations shall incur a formal warning (or time penalty) and violations of transgressions listed in $\S 9.03$ of these rules and regulations shall incur forfeiture of game. Nevertheless, repetitive offenses (as well as first transgressions of subsections (3) and (6) of §9.03) may incur graver penalties.
10.06. Administrative Actions. In the event that any player shall, without the consent of a tournament director, absent himself from the Tournament Hall for longer than ten minutes, he shall be presumed to have abandoned the game and be recorded as having lost the game. Also, if both players of any game shall fail to record the result in the manner set forth by article eight of these rules and regulations, the game shall be recorded as a double forfeiture.

## PART C: TOURNAMENT DIRECTORS

## ARTICLE XI

## Directorial Organization

11.01. Government. The tournament shall be governed by the tournament directors thereof, subject to these rules and regulations and the instructions of the Organizer. All other persons are obliged to follow the instructions of tournament directors, as far as their jurisdiction extends, while present in the Tournament Hall.
11.02. Chief TD. The Chief Tournament Director shall be Caleb S. Brown.
11.02. Subordinate TDs: In addition to the Chief Tournament Director, there shall be subordinate directors, including a Chief Assistant TD, who shall exercise their powers subject to the oversight of the Chief Tournament Director.
11.03. Jurisdiction. The Chief Tournament Director and the Chief Assistant TD shall have power to command in the entirety of the Tournament Hall. Section chiefs shall command only with respect to the sections assigned to them and all other tournament directors shall have no power to command.
11.04. Qualifications. No person shall be eligible to serve as a tournament director unless actively certified as such by the United States Chess Federation on the day of the tournament.

## ARTICLE XII

## Powers

12.01. Chief Tournament Director. The Chief Tournament Director shall have the general, absolute and unrestricted authority in and over the tournament, including the exercise of all powers vested in him by the Official Rules and the power to do all things necessary to ensure the peace, order and good government of the tournament. He shall also have power to appoint and dismiss all subordinate directors and staff members.
12.02. Chief Assistant TD: The Chief Assistant TD shall be the assistant of the Chief Tournament Director and shall have all powers necessary to fulfil his function as such. He shall have power to oversee the production and posting of pairings, collect results slips, resolve disputes, answer questions and command other tournament directors (except the Chief Tournament Director). In the event of the absence of the Chief Tournament Director from the Tournament Hall, or in the case of his incapacitation, the powers and duties of the Chief Tournament Director shall devolve upon the Chief Assistant TD until the absence or incapacitation has been extinguished.
12.03. Section Chiefs. Every section shall be governed by a tournament director known as a section chief. A section chief shall have power to collect results slips, resolve disputes and answer questions within the section to which such director has been assigned. A person may be assigned to more than one section. Section chiefs may command section assistants assigned to the same section as they have been assigned.
12.04. Section Assistants. Section assistants have the same powers as section chiefs, except that they have no power to command and exercise their powers subject to the oversight of the applicable section chief.
12.05. Pairing Chief. Subject to the oversight of the Chief Tournament Director and Chief Assistant TD, the pairing chief shall have power to administer the computers and printers of the tournament, produce pairings and direct the posting of pairings. The pairing chief and any section chief may, from time to time, swap duties if deemed appropriate by the Chief Tournament Director or Chief Assistant TD.

## ARTICLE XIII

## Director Conduct

13.01. Standard. Tournament directors must maintain absolute objectivity and unimpeachable impartiality at all times during the execution of their duties. They shall abstain from making any rulings that could compromise this standard.
13.02. Presence. Tournament directors shall remain present in the Tournament Hall during the duration of each round, except for brief absences. The Chief Tournament Director and Chief Assistant TD shall not be simultaneously absent.
13.03. Appeal Rights. Whenever any subordinate director shall resolve any dispute or render a ruling, he shall inform the players involved of their right to appeal, as provided by $\S 10.04$ of these rules and regulations. If a player requests an appeal, the tournament director shall immediately refer the case to his next ranking superior, or if demanded by the player, the Chief Tournament Director. A tournament director whose ruling is appealed may not deny the appeal.
13.04. Conflict of Interest. Tournament directors shall abstain from resolving any dispute arising from, or rendering any ruling concerning, any game where either, or both, players are related to the tournament director by blood. Should any tournament director be an organizer, administrator or officer of any team (or of a sponsoring organization thereof), he shall not consider any dispute concerning the members of such team.
13.05. Nonintervention. A tournament director shall not, except in extraordinary occasions, intervene in any game without being called upon by the players themselves, or either of them. Illegal moves and flag falls shall not be called out by a tournament director except to answer a question expressly concerning illegal moves or flag falls.
13.06. Extent. Whenever any player shall point out any violation of these rules and regulations or asks a question, the tournament director called upon shall consider and act upon the violation or question only. He shall not allude to any other violation or fact, including the presence of checkmate or draw.
13.07. Clocks. If both players in any game are without clocks, the players shall initially play the game without a clock. If the game has not completed by the twentieth minute of the round, a tournament director with jurisdiction over the game shall put a clock on the game with a time control of five minutes and no delay.
13.08. Results. When any tournament director has received a result slip for a completed game, he shall recite the result as recorded thereon and inquire if the result is correct. If correct, he shall endorse the slip with his initials, instruct the players to reset the board and deposit the slip with the pairing chief. As soon as possible, the pairing chief shall enter the result into the pairing software and retain the slip in an appropriate place for safekeeping.
13.09. Closure. All tournament directors have a responsibility to ensure that, during each round, persons without floor privileges do not enter the Tournament Hall, that the doors remained closed and that silence is maintained.
13.10. Reference. Upon the demand of any player affected by a ruling made by a tournament director, the tournament director shall present the text of these rules and regulations (or the USCF Rulebook) justifying the ruling.

## PART D: OTHER PARTIES

## ARTICLE XIV

## Staff

14.01. Membership. Any person may be appointed as a member of the tournament staff. Staff members do not have the powers of tournament directors and shall rank beneath tournament directors.
14.02. Chief of Staff. The Chief Tournament Director shall appoint a Chief of Staff. The Chief of Staff shall have the right to command all other staff members and oversee all clerical and support functions of the tournament.
14.03. Tournament Aides. The Chief Tournament Director, Chief Assistant TD and Chief of Staff shall have power to appoint and dismiss tournament aides to assist them in the performance of their duties.
14.04. Powers. Staff members may issue post pairings and other notices, answer questions (other than during a game), collect registrations, administer payments, maintain records and perform other clerical and support functions.
14.05. Chess Control. There shall be tables outside of the Tournament Hall for answering questions, collecting entries and distributing information, which shall be known as chess control. Except for the lunch intermission and the awards ceremony, at least one staff member shall be present at chess control at all times during the tournament.

## ARTICLE XV

## Spectators

15.01. Floor Privileges. A person shall have floor privileges if he is a registrant with an ongoing game, tournament director, staff member or member of the press.
15.02a. Spectators. Only persons with floor privileges may be present in the Tournament Hall during any round. All other persons are prohibited from being present in the Tournament Hall during rounds and shall be expelled whenever any tournament director becomes aware of their presence.
15.02b. Exception. Players whose games have completed may remain in the Tournament Hall for a brief period upon condition of silence. Such players forfeit the right to be present upon their departure from the Tournament Hall.
15.03. Limitations. Spectators shall not communicate with any player whose game has not completed. Any violations of these rules and regulations observed by a spectator shall be communicated to a tournament director in a manner not observable by the players involved.

## ARTICLE XVI

## Teams

16.01a. Eligibility. A team shall be composed of two or more players from the same school, homeschool cooperative or scholastic chess club. The existence of a team shall derive solely from the registration of the members thereof.
16.01b. Scholastic Chess Club. Any association or group shall be deemed a scholastic chess club if it: (1) Regularly meets as a chess club in-person at least monthly; (2) Is not a subsidiary of, or controlled by, any other entity; and; (3) Has six or more enrolled members and/or regular attendees, of whom at least half are scholastic players.
16.01c. Affiliation. Unless otherwise indicated upon registration, players shall be automatically designated as belonging to the team representing their school. Should such players desire to represent another team, they must notify the Organizer prior to the close of registration. The intentional designation of any team is irrevocable.
16.02. Captains. The members of every team are earnestly requested to elect one of their members to be team captain and to certify the result of such election to the Organizer. Team captains are the official representatives of their teams and shall be consulted exclusively by our tournament directors on all matters concerning their entire teams. Moreover, properly-elected team captains alone will be allowed the privilege, upon the request of a teammate and in the presence of a tournament director, to inform a player as to how accepting or declining a draw will affect team standings. They shall be responsible for ensuring that each of their teammates appear at the correct boards in a timely manner, for reporting errors in team standings (if any) and for ensuring that team prizes are properly distributed.
16.03. Pairings. Teammates shall not be paired with each other.

## PART E: MISCELLANEOUS PROVISIONS

## ARTICLE XVII

## Disclaimers and Disclosures

17.01. Sections. The Organizer reserves the right to change the sections of the tournament, by merger or otherwise, if deemed warranted in its sole discretion.
17.02. Photography. By participating in this tournament, you agree and acknowledge that our tournament directors and staff members may take photographs of you in the Tournament Hall and that such photographs may, without further notice or consent, be published in such places as the Organizer may determine.
17.03. Identification. Registrants may be identified by name in pairings, standings, press releases and in such other places as the Organizer may determine. Such identification may include the grade and team of the registrant.
17.04. General Disclaimer. THE ORGANIZER, ITS TOURNAMENT DIRECTORS, STAFF AND AGENTS, AND THEIR HEIRS, SUCCESSORS AND LEGAL REPRESENTATIVES, DO NOT ASSUME, AND HEREBY DISCLAIM, ALL LIABILITY AND WARRANTIES, including merchantability and fitness of purpose, THAT MAY LAWFULLY BE DISCLAIMED. By participating in this tournament, you agree and acknowledge that your participation in this event is at your risk. You assume full responsibility for any risk of bodily harm or property damage arising out of, or related to, this event.
17.05. Cancellation. In the event that the Organizer is unable to hold the tournament on the announced date, we will endeavor to reschedule the tournament for another date. In such case, you will be offered a limited period of time, to be determined by the Organizer, during which you may receive a refund. You agree and acknowledge that, in event of cancellation, you have no right to any damages or compensation other than a refund if claimed by the deadline.
17.06. Alternations. The Organizer reserves the right to make such alterations to the tournament as deemed warranted in its sole discretion. You agree and acknowledge that, unless the date of the tournament is altered, you have no right to refund, damages or other compensation in the event of any alteration. For the purposes of this section, "alteration" shall include an amendment to these rules and regulations.
17.07. Sanctions. You agree and acknowledge that only the Organizer, and persons appointed thereby, may determine whether these rules and regulations have been violated, whether sanctions should be applied in case of violation and the extent of such sanctions. Should any sanctions be imposed upon you, you have no right to receive any refund, even if the sanction involves expulsion from the tournament.
17.08. Objectionable Persons. The Organizer and the Waco Convention Center, and their agents, reserve the right to expel from the premises of the tournament any objectionable person whose behavior is deemed by either of them to jeopardize the life or property of our participants or the tranquility of the tournament. Should any expulsion occur, the Organizer shall not be obligated to refund any entry fee or pay any other compensation.

## ARTICLE XVIII

## Prizes

18.01. Individual Trophies. Twenty individual trophies shall be awarded in this tournament. Such trophies shall be equally divided among the sections unless the Organizer determines otherwise.
18.02. Medals. Every player who completes the final round shall receive a medal upon exiting the Tournament Hall.
18.03. Team Plaques. Five sets of team plaques (with four plaques in a set) shall be awarded to the highest-scoring teams, which shall be determined by counting the four highest scoring players in each team across all sections. Team plaques shall be awarded to the four members of each winning team who rank the highest in the individual standings.
18.04. Reduction. In the event that fewer than eighty players have registered by September 1, the number of individual trophies and team plaques may, in the discretion of the Organizer, be proportionally reduced.
18.05. Presentment. Registrants are responsible for collecting any trophies and plaques to which they are entitled at the awards ceremony. If a registrant does not personally collect his prize, it may be collected by another person who has been appointed by them as proxy to collect the prize. In the case of a team plaque, the plaque of an absent player may be collected by the team captain or a sponsor of the team. Should no provision have been made for collection by proxy, the prize of an absent player shall be mailed to the last known address of the registrant; provided that no prize shall be mailed until the cost of shipping has been paid by the registrant.
18.06. Responsibility. Upon presentment of a prize to a proxy designated by the registrant, a team captain or sponsor, or to a courier of packages, the Organizer ceases to be responsible for the safekeeping of such prize. After such time, the Organizer shall not be liable for replacing or repairing a prize if it is damaged in transit or fails to arrive.

## ARTICLE XIX

## Other Provisions

19.01. Withdrawal. If you are unable to participate in this tournament, please withdraw from the tournament as soon as possible to ensure that no one is unnecessarily left with an opponent in the first round.
19.02. Tiebreaks. In the event that two or more persons tie for any prize, the following tiebreaks, in the stated order, shall decide its recipient:-

1. Modified Median
2. Solkoff
3. Cumulative
4. Kashdan
5. Sonneborn-Berger
6. Cumulative of Opposition
7. Coin Flip
19.03. Headings. The headings in these rules and regulations are for informational purposes only and should not be construed to effect in any way the meaning of any provision.
19.04. Including. In these rules and regulations, "including" shall mean "including, but not limited to,".
19.05. Supremacy. These rules and regulations shall be the supreme ordinance of the tournament and shall supersede all other rules, orders and announcements concerning this tournament except applicable law and directives of the Chief Tournament Director expressly overriding these rules and regulations.
19.06. Effective Date. These rules and regulations shall become effective immediately upon the publication thereof.
