

# Export Controls and International Research Activities

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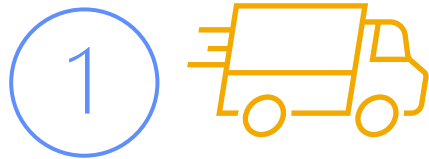
Export Control Office, Research Compliance and Regulatory  
Affairs



# In this presentation -

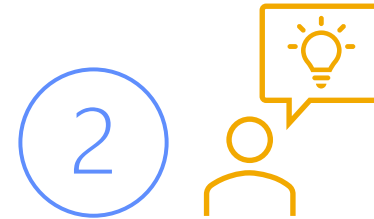
- Overview of regulations & activities impacted by the regulations
- Activities that are **not** subject to export control regulations - Fundamental Research
- Export controls in International research activities.

# What is an Export?



Transfer from US to foreign location

- Traditional Shipping
- Electronic transfer – e.g., email
- Hand-carry



Deemed Export

- Providing non-US person (whether in the US or abroad) with technology or software source code

# What are Export Controls

- Export Controls generally refer to U.S. federal regulations that control **export** of certain items (hardware, technology, software) outside the U.S. or to **foreign persons** in the U.S.
- The regulations are based on multilateral agreements/control regimes.



# Export Control Regulations

## Department of State

### International Traffic in Arms Regulations ITAR

- Defense hardware
- Technical data
- Software
- Defense services

## Department of Commerce

### Export Administration Regulations (EAR)

- Dual-use and civil
- commodities
  - software
  - technology

## Department of Treasury

### Trade and Economic Sanctions

- Import and export of goods, technology and services
- Comprehensive embargoes  
Iran, Cuba, Syria, N. Korea, Crimea region

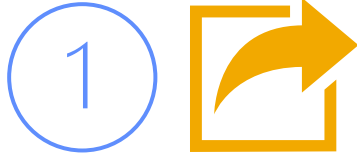


# Restricted or Parties

- Individuals and entities
- Domestic and foreign
- Restrictions or prohibitions on specified exports (including deemed exports), imports of goods and services



# Activities Impacted by Export Control Regulations



**Physical Exports** Example:  
shipping or hand carried  
equipment, biological samples,  
unpublished information/data



**Deemed exports –**  
Release of controlled  
technology or information  
or software source code



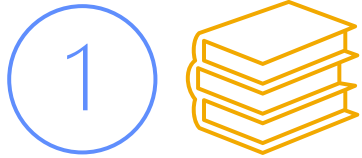
**Economic & trade embargoes**  
Exports, imports and other  
transactions involving sanctioned  
countries



**Restricted or prohibited parties.**  
Activities involving parties appearing  
on restricted or prohibited parties'  
lists.

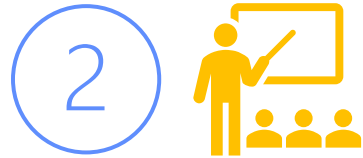


# NOT subject to Export Control Regulations



## Published Information

- Available to the public without restricting further dissemination



## Educational Information

- Released by instruction in a catalog course or associated teaching laboratory of an academic institution



## Open Conferences

- Conference, meeting, seminar, trade show, or exhibition, generally accessible to the interested public.



## Published Patents and Patent Applications

- Information in published patent documents is not export controlled.



## Results of Fundamental Research

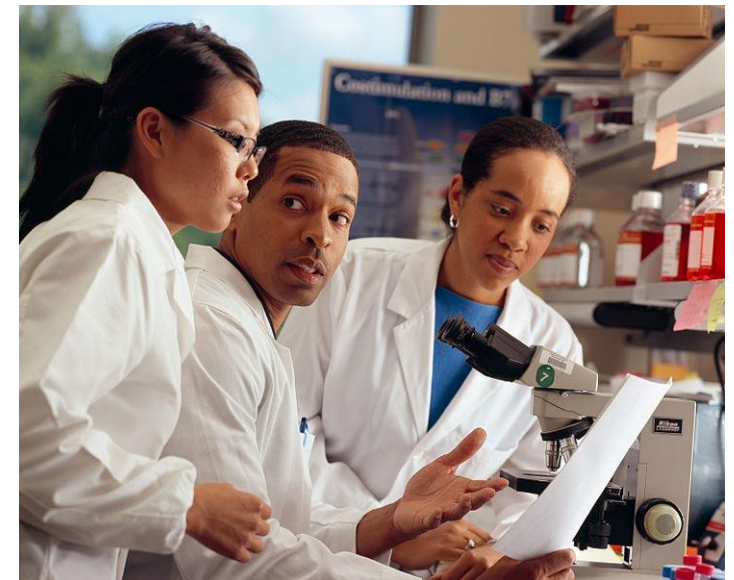
- Arising during, or resulting from, fundamental research and **is intended to be published**





# Fundamental Research Exclusion

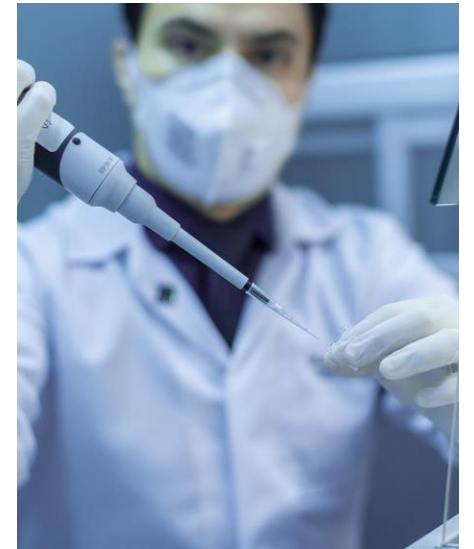
- Defined as research the results of which
  - **ordinarily are published** and shared broadly within research community, and
  - for which the **researchers have not accepted restrictions** for proprietary or national security reasons.
- Research can be basic or applied



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# Fundamental Research Exclusion

- Fundamental research exclusion applies to results. It does not apply to tangible commodities or items. e.g., A biological agent used in research remains controlled.
- Proprietary data, technology, software or information used in conduct of research is remains controlled.
- If researcher decides to maintain results as restricted or proprietary, it becomes subject to export control regulations



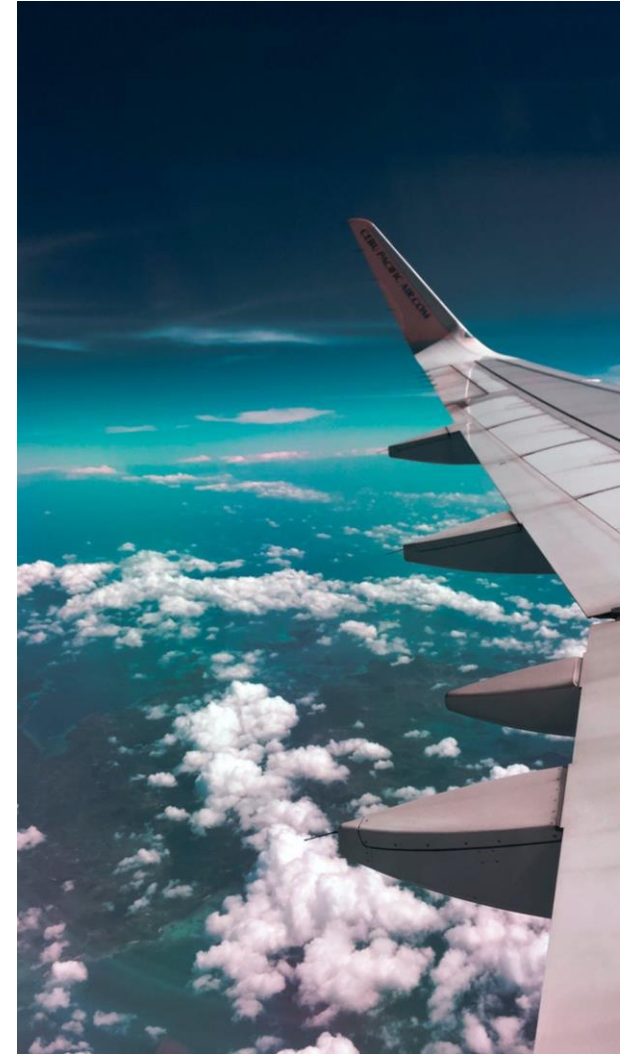
# Export Controls Considerations in International Activities

- International collaborations
  - Does the collaboration involve transfer of export of controlled information or technology?
  - Is collaboration in a sanctioned country?
  - Is the collaborating institute or individual on a restricted or prohibited list?



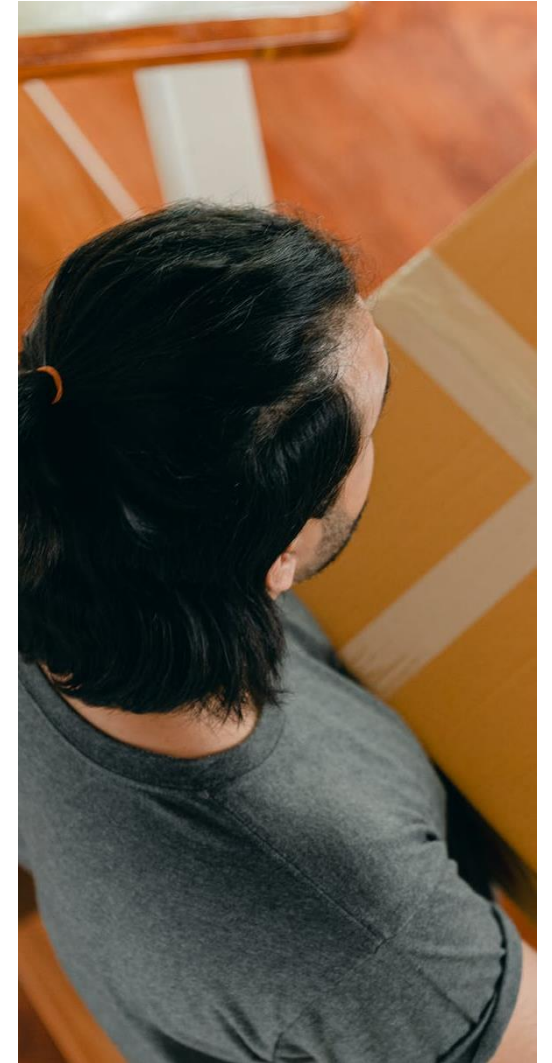
# Export Controls Considerations in International Activities

- International Travel
  - Traveling with equipment (including hand-carried), research material or technology/information that may be export controlled.
  - Travel with laptops with restricted data/information.
  - Travel sanctioned/embargoed destinations



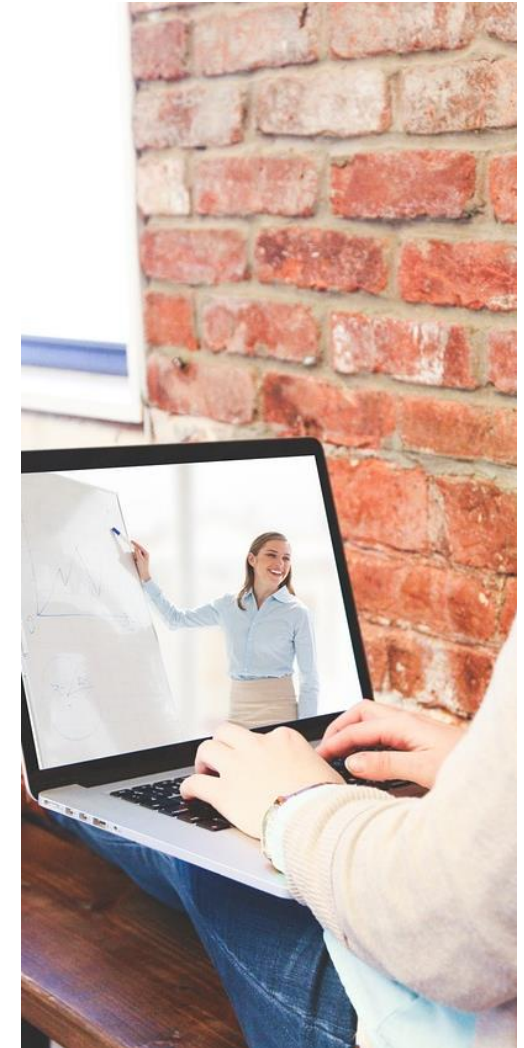
# Export Controls Considerations in International Activities

- International Shipping
  - Items shipped outside the US may require an **export license** (e.g., equipment, biological material or samples, etc.)
  - Items valued at \$2500+ - Electronic Export Information (EEI)
  - Is the recipient on a **restricted or prohibited** list?
  - What is the **end-use**?



# Export Controls Considerations in International Activities

- Online Learning
  - Educational information and published information is not subject to export control regulations, but
  - Offering such services to persons located in comprehensively embargoed countries may violate the regulations



# Export Control Compliance Program @ Emory

**Partnering** across the relevant units and departments is key

- Office of Sponsored Research
  - Proposal stage
  - Awards /grant terms and conditions
- Global Services
  - International activities
  - Shipments
- Office of Technology Transfer
  - Material transfer agreements /shipping
- Schools and departments
  - Hosting Visitors
  - Shipments
  - International collaborations



# You have questions? We are here to help!

Email us at [exportcontrol@emory.edu](mailto:exportcontrol@emory.edu)

See additional information on our website  
[www.or.emory.edu/export-control](http://www.or.emory.edu/export-control)

thank you!



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Research Compliance  
and Regulatory Affairs

