

## Short Briefing for Academic and Research Personnel on Export Compliance<sup>1</sup>

### PROPERTY/TANGIBLE ITEMS

- Do not ship or transport any equipment out of the U.S. without first consulting the UCSD Shipping Coordinator [[UCSD Blink: Shipping](#)] to determine if a license is required.

Export regulations govern any transfer of physical objects - be it equipment, compounds, materials, prototypes, specimens, or components - outside the U.S. Taking equipment on a ship to use in an experiment is considered an export, even though the equipment is never transferred to a foreign party. There are many exports that do not require a license, depending on what and where the item is being sent, as well as many exceptions. When a license is required, UC has generally been able to obtain one. Simply check first to assure that you do not violate the export laws.

- Researchers frequently need to take university equipment temporarily outside of the United States for use in university research. Often, but not always, the “tools-of-trade license exception” applies.<sup>2</sup> Some equipment (e.g., global positioning systems (GPS), thermal imaging cameras, inertial measurement units, and specialty software) is highly restricted and may require an export license for you to take it, even if you hand carry it. If you are taking university equipment other than your laptop computer, PDA, cell phone, and data storage devices, contact the campus office [[UCSD Blink: Shipping](#)] to determine if an export license or other government approval is required prior to your taking the equipment out of the country.

Export License Exception Link:

<http://www.access.gpo.gov/bis/ear/pdf/740.pdf>

### WRITTEN MATERIALS

- Publish regularly and share openly all technical data (blueprints, designs, drawings, scientific results).

Export regulations control transfers to foreign citizens inside the U.S., in addition to sending the technical data overseas via email or oral disclosure (deemed export). However, there is an exception for educational activities and any results of research that are intended to be broadly shared in the scientific community. Maintaining open sharing of research with your foreign students and colleagues, both within the U.S. and abroad, is an essential ingredient to avoid violating the export regulations.

- Do not enter into secrecy agreements or otherwise agree to withhold or delay publication and dissemination of research results. Do not accept proprietary data that is marked “export controlled”. Contact the Office of Contract and Grant Administration or Research Affairs if any program officer asks that you limit or restrict disclosure of results or participation of foreign persons.

### RESEARCH IN CERTAIN COUNTRIES

- Contact the Office of Contract and Grant Administration if research is to be conducted in Cuba, Iran, North Korea, Sudan and Syria for a license from the Office of Foreign Assets Control.

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<sup>1</sup> See <http://www.ucop.edu/research/compliance/exportctrls/faq.html> and [http:// ocga.ucsd.edu/Research/-Export\\_Control/Overview.htm](http://ocga.ucsd.edu/Research/-Export_Control/Overview.htm) for more information on export control.

<sup>2</sup> *Tools of Trade Definition: Usual and reasonable kinds and quantities of commodities and software for use by the exporter or employees of the exporter in a lawful enterprise or undertaking of the exporter.*

## PENALTIES FOR EXPORT-CONTROL VIOLATIONS

Violations of export control laws are subject to both criminal and administrative penalties. The penalties vary depending on the circumstances (including, whether it was a “willful” violation), and the penalties for violations can include jail time and/or fines. Please note that export control violations and penalties can apply to the individual, the university, or both. If you violate export control laws, you, as an individual, could face fines and/or jail time. See, for instance:

<http://research.utk.edu/exportcontrol/penalties.shtml>

<http://www.bis.doc.gov/complianceand enforcement/othereetopics.htm#penalties>

<http://export.stanford.edu/penalty.html>

### **Taking Your Lap Top Abroad The Temporary/Tools of Trade License Exception<sup>3</sup>**

Academic and scientific staff may take their laptops with them overseas without needing a license as long as all of the following conditions are met:

- Laptop is used for activities related to your university work of teaching and research
- Laptop must remain in your physical possession and may not be lent to or used by foreign persons
- Encryption commodities and software must be pre-loaded on the laptop
- The laptop may accompany you or be shipped no more than one month in advance of your departure and must be returned as soon as possible but no later than one year after export
- This exception to a license requirement may not be used for travel to Cuba or Sudan

Export Control Links:

UCOP- <http://www.ucop.edu/research/compliance/exportctrls/faq.html>

UCSD- [http:// ocga.ucsd.edu/Research/Export\\_Control/Overview.htm](http://ocga.ucsd.edu/Research/Export_Control/Overview.htm)

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<sup>3</sup> This exception can also cover other types of equipment used to support university sponsored research or educational activities conducted abroad and is not limited to laptops. If you are traveling abroad to conduct research and need equipment shipped from the U.S. to the foreign country, consult with the campus office [[UCSD Blink: Shipping](#)] responsible for export compliance because the exception may extend to all the equipment and supplies that will be used in the research.