



Export Control Information for Princeton University Researchers and Staff

This document summarizes export control regulations as they apply to research conducted at Princeton University. While most activities at Princeton will not require a U.S. government export license, export control regulations apply:

- to the export of items or technical data overseas;
- the transfer of technology to foreign persons in the U.S.;
- activities conducted with sanctioned countries; and
- overseas travel as it increases the risk of an inadvertent export control violation.

Export Control Regulations

The term “export controls” includes the [laws and regulations](#) that govern the export of any [item or technology](#) from the U.S. to a foreign country or its [release to a foreign person](#).

There are three primary sets of export control regulations in the United States:

1. the Export Administration Regulations (EAR), administered by the U.S. Department of Commerce;
2. the International Traffic in Arms Regulations (ITAR), administered by the U.S. Department of State; and
3. the Office of Foreign Assets Control (OFAC) regulations, administered by the U.S. Department of the Treasury.

The EAR and ITAR contain lists of items that either have or could have a military use and includes lasers, space craft, pathogenic biologicals, integrated circuits and many other items used in research on campus.

OFAC administers sanctions and embargoes, which also apply to persons, organizations, companies, universities, in specific countries. These regulations can impact with whom and where research is done.

Export control laws apply to a wide range of equipment, technologies, and activities. A U.S. government-issued [export license](#) may be required to ship or otherwise transport a controlled item or technology to a foreign country or to provide foreign persons with controlled technology. Contact exports@princeton.edu to determine if an export license is required.

Exclusions from Export Control Regulations:

There are several exclusions in export regulations that may apply to research activities, including:

- 1) [Public domain information](#) or software that has been made available to the public without restriction upon its further dissemination, such as when it is made available at a library, provided with unlimited distribution at an open conference, or made available for public dissemination in any form including posting on the internet, submitted to a journal for publication, etc.;
- 2) Information released by instruction in an [academic catalog course](#) or associated teaching laboratory of an academic institution; or
- 3) Information that arises during, or results from, [fundamental research](#).

Fundamental research is defined as “research in science, engineering, or mathematics, the results of which ordinarily are published and shared broadly within the research community, and for which the researchers have not accepted restrictions for proprietary or national security reasons.” This exemption covers most research at Princeton University.

Under the regulations, the results of a fundamental research project are considered to be in the public domain as they are being generated. This exclusion permits foreign persons (e.g., students, faculty, and visitors) to participate in research projects without the need for the University to obtain an export license. Princeton University’s [policy of open access](#) and [publication of research results](#) provides protection under the fundamental research exclusion.

Please note that the fundamental research exclusion applies only to the release of the results of research projects, not to the export of physical items or the release of background information. In situations where background information, such as information provided by a research sponsor, or technical information related to laboratory equipment, is not in the public domain, an export license may be required before it can be released to a foreign person. Contact the [Export Control team](#) to determine if an export license is required.

Activities at Princeton University Affected by Export Control Regulations

Princeton University policy ensures that research projects remain in the safe harbor of the fundamental research exclusion. However, there are some situations in which export controls may still apply. Examples of such situations include:

- [Shipments of items or equipment overseas](#) may require an export license. The [fundamental research exclusion](#) applies only to research results, not physical items, even if those items were developed/created during the course of a fundamental research project;
- Hand-carrying items out of the U.S., including in checked or carry-on bags;
- Releasing or transferring technology or source code to foreign persons in the U.S.¹;
- Engaging in activities with individuals, companies, organizations, and universities that have been determined to be acting contrary to the interests of the U.S., also known as **[“restricted parties”](#)**²;

¹ This is known as **[“deemed export”](#)** because the transfer is “deemed” to be an export to the country where the person is a resident or a citizen. Deemed exports include sharing technical data related to export-controlled equipment or proprietary information, such as that provided by a research sponsor, with a foreign person.

² Depending upon the type of restriction that applies, U.S. persons can have either no or very limited interactions with these parties as they present a greater risk for activities contrary to U.S. national security and/or foreign policy interests.

- Where Princeton University is a sub-contractor to, or a collaborator with, an organization (including another university) that accepts restrictions on publications or foreign persons³;
- Foreign collaborations may present unique situations in which additional concerns need to be addressed to minimize potential issues; or
- U.S. government [sanctions regulations](#) may impose additional limits on imports from, exports to, financial transactions with, travel to, or sharing of technical data with individuals from sanctioned countries. Activities in or with these countries should always be reviewed by the [Export Control team](#) prior to initiation.

Researcher Responsibilities

Researchers at Princeton are the individuals most knowledgeable about their proposed activities and should have an understanding of export controls as they apply to their research activities and equipment.

Much of the equipment, software, and technology used in research at Princeton is subject to export control laws, even if the research in which it is being used falls under the fundamental research exclusion. In addition, it is possible that a researcher may need to export controlled equipment or technology overseas while performing research. It is also possible that a researcher may need to share export-controlled technical information or technical data with foreign persons on the researcher's team or with visitors. If a researcher does so without fully understanding the constraints of the applicable laws and regulations, there could be serious consequences for both the researcher and the University.

Tips for Ensuring Compliance

- Ensure members of the research team, particularly new members, are aware of export controls and receive [training](#).
- Contact the [Export Control team](#) if a vendor indicates an item is export controlled.
- Contact the [Export Control team](#) for a review of items being shipped overseas.
- Refrain from hand-carrying Princeton University equipment and items overseas in luggage as this increases the risk of an inadvertent violation. Please contact the Export Control team if it is essential to hand-carry items ahead of travel for a risk assessment.
- Understand that an export license may be required before sharing technical information on export-controlled equipment with persons from overseas.
- Ensure that only public domain information or the results of fundamental research projects are shared during meetings or conferences.
- Remain cognizant of export control regulations when traveling overseas, including following IT security [recommendations issued by the Office of Information Security at Princeton](#).
- Know the individual or entity with whom you are dealing. Even though public domain information and the results of fundamental research projects may be shared freely, it may not be prudent to establish relationships with [Restricted Parties](#), including some overseas universities and research institutions.
- Activities in or with [sanctioned countries](#) may require prior U.S. government authorization, including activities normally allowed with non-sanctioned countries. For example, sending or receiving items, participating in conferences, entering into financial

³ Not all universities adhere to the fundamental research exclusion in all circumstances.

transactions, and many other activities with sanctioned countries may require government approval.

- Contact exports@princeton.edu in order to determine if an export license is required.

Additional Information

It is important to note that any export from the U.S. is also an import to another country. In addition to complying with U.S. laws and regulations, it is the responsibility of the individual exporter to identify and comply with the applicable import laws and regulations of foreign countries when exporting on behalf of the University.

Additional resources and information regarding Princeton University's export control compliance procedures may be found at: <https://orpa.princeton.edu/export-controls>

Please contact Princeton's Export Control team (exports@princeton.edu) with any questions related to export control compliance.

In order to determine if an export license is required for the international shipment of an item, or the transfer of technical data to a non-U.S. person, please send the following information to exports@princeton.edu:

- A detailed description of the item to be exported, or the technical data to be shared with the non-U.S. person;
- The contact information for the recipient or the nationality of the non-U.S. person;
- The justification for the export of the item/technical data (e.g., how the recipient will use the item/technical data.)

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