

Export Control Information for Princeton University Researchers

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, and the transfer of technology to foreign persons on our campus. In addition, activities conducted with sanctioned countries may require prior government authorization. Finally, it is important to recognize that overseas travel 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](#). The three primary sets of export control regulations are the Export Administration Regulations (EAR), administered by the U.S. Department of Commerce; the International Traffic in Arms Regulations (ITAR), administered by the U.S. Department of State; and the Office of Foreign Assets Control (OFAC) regulations, administered by the U.S. Department of the Treasury.

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 in order to determine if an export license is required. *

Exclusions from Export Control Regulations:

- 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
- 3) Information that arises during, or results from, [fundamental research](#)

Fundamental research is defined in the regulations 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.” Under the regulations, the results of a fundamental research project are considered to be in the public domain as they are being generated. This means that an export license is not required for foreign persons to participate in the generation of those research results. 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.

The Fundamental Research Exclusion to export control regulations 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 working on the project. Contact exports@princeton.edu 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](#), including hand-carrying equipment out of the U.S., 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.
- Releasing or transferring technology or source code to foreign persons in the United States is known as a "[deemed export](#)" because the transfer is "deemed" to be an export to the country where the person is a resident or a citizen. Situations on Princeton's campus that may involve a deemed export include sharing technical data related to export-controlled equipment or proprietary information, such as that provided by a research sponsor, with a foreign person.
- U.S. persons may be prohibited from engaging in activities with individuals that have been determined to be acting contrary to the interests of the U.S., also known as "[restricted parties](#)". These parties present a greater risk of diversion for weapons of mass destruction programs, terrorism, or other activities contrary to U.S. national security and/or foreign policy interests. Depending upon the terms of the debarment, there may be a strict prohibition on the export of controlled items/data or a requirement for an export license. Or, in some cases, the interactions may proceed after proper due diligence has been conducted.
- Not all universities adhere to the fundamental research exclusion. As a result, researchers should remain alert to export control issues in situations where Princeton University is a sub-contractor to, or a collaborator with, an organization (including another university) that accepts restrictions on publications or foreign persons.
- 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 these countries. Activities in or with these countries should always be reviewed by the Assistant Director of Export Controls prior to initiation.

Researcher Responsibilities

Researchers at Princeton, as the individuals best informed about the contemplated activity, 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. 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 [Assistant Director of Export Controls](#) if a vendor indicates an item is export controlled.
- Contact the [Assistant Director of Export Controls](#) for a review of items being shipped overseas, including items being hand-carried.
- Understand that an export license may be required before sharing technical information on export-controlled equipment with visitors 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 [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 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 Assistant Director of Export Controls (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.)

Last updated: October 3, 2018

