Did you know? Exports of technology can occur without leaving your campus lab!

What is a deemed export?

The term “deemed export” is used in the Export Administration Regulations (“EAR”), and is defined in EAR 734.13(a)(2) as “releasing or otherwise transferring “technology” or source code... to a foreign person in the United States”. A release can occur through general conversation, email, demonstration, and many other forms of transfer.

What is “technology” under the EAR?

“Technology” is defined under EAR 772.1 as the “information necessary for the “development”, “production”, “use”, operation, maintenance, repair, overhaul, or refurbishing... of an item”. In addition, specific items may have expanded definitions of technology that relate to that item.

“Technology” includes “technical data” as well as “technical assistance”:

**Technical Data Includes:**

*but is not limited to*

- Blueprints
- Plans
- Diagrams
- Models
- Formulae
- Tables
- Engineering designs and specifications
- Non-public Manuals and instructions

**Technical Assistance Includes:**

*but is not limited to*

- Instructions
- Skill training
- Working knowledge
- Consulting services
- The transfer of technical data

**EXCEPTIONS:**

**Fundamental Research:** Technology that results from fundamental research AND is intended to be published is not subject to the EAR. ([EAR 734.8](#)) Thus, transfer of that technology to a foreign person is not a deemed export. Note that this does not apply to technology that is released by another party to facilitate the research.

**Public Information:** Technology that has been made available to the public without restrictions on its dissemination is “published” and is not subject to the EAR. ([EAR 734.7](#)). Transfer of published technology to a foreign person is not a deemed export.

**CONCLUSIONS:**

Access to items/materials/equipment does not constitute a deemed-export under the EAR. However, access to “information”, “technical data”, “technical assistance” or “source code” constitutes a “deemed export” and may require an export license.

**Questions?** Please contact exportcontrol@unc.edu

*Note: This information applies only to items and technology controlled under the EAR. The International Traffic in Arms Regulations (“ITAR”) has a similar concept, but the rules are much more stringent and accessing or (in some cases) even visually observing ITAR controlled items may require an export license.*