



## Guidance on Publication or Presentation of Export-Controlled Information

General Principle: Technical data regarding controlled technologies may not be disclosed to foreign nationals without an export license. Disclosure may occur in many ways, including through presentations or publications.

What is *Technical Data*?

- “Information...required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of defense articles” (22 CFR 120.10). Note that “defense articles” includes essentially all space-based research.
- It does NOT include information concerning “general scientific, mathematical or engineering principles”
- It does NOT include information already in the public domain, such as that available through unrestricted publications, unlimited distribution at conferences, or libraries (22 CFR 120.11)
- It does NOT include fundamental research “where the resulting information is ordinarily published and shared broadly in the scientific community.” (22 CFR 120.11)

Questions to ask:

### 1) Will the information being presented or published be accessible to foreign persons?

It is hard to imagine many situations in which one could be certain that no non-US citizens would have access to information in a presentation, much less a publication. However, if one could be confident of this, export control regulations would not apply.

### 2) Does the information pertain to a controlled technology?

Controlled technologies include both those that have military applications (including nearly all space research) and dual-use technologies that may have military as well as civilian applications. If the information being presented does not pertain to a controlled technology, export control regulations would not apply.

Table 1 Dual Use Technologies (click for more detail, go to Part 744 Commerce Control List)

<a href="#">Nuclear Materials, Equipment and Miscellaneous</a>	<a href="#">Materials, Chemicals, “Microorganisms” and Toxins</a>	<a href="#">Telecommunications and Information Security</a>	<a href="#">Propulsion Systems, Space Vehicles, and Related Equipment</a>
<a href="#">Electronics</a>	<a href="#">Computers, Software</a>	<a href="#">Lasers and Sensors</a>	<a href="#">Material Processing</a>
<a href="#">Navigation and Avionics</a>	<a href="#">Marine</a>		

Licenses from the Department of State may be required for foreign nationals who are working on projects that involve technologies that have potential military or space applications. These

technologies fall into the broad categories shown in Table 2. Does the intended work of the visa applicant fall into any of these categories? List all that apply.

Table 2 - ITAR Categories (click for more detail)

<a href="#">Spacecraft Systems and Associated Equipment</a>	<a href="#">Aircraft and Associated Equipment</a>	<a href="#">Toxicological Agents and Equipment and Radiological Equipment</a>
<a href="#">Artillery Projectors</a>	<a href="#">Military Electronics</a>	<a href="#">Firearms</a>
<a href="#">Vessels of War and Special Naval Equipment</a>	<a href="#">Protective Personnel Equipment</a>	<a href="#">Nuclear Weapons Design and Related Equipment</a>
<a href="#">Explosives, Propellants, Incendiary Agents and Their Constituents</a>	<a href="#">Military Training Equipment</a>	<a href="#">Classified Articles, Technical Data and Defense Services Not Otherwise Enumerated</a>
<a href="#">Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs and Mines</a>	<a href="#">Fire Control, Range Finder, Optical and Guidance and Control Equipment</a>	<a href="#">Submersible Vessels, Oceanographic and Associated Equipment</a>
<a href="#">Tanks and Military Vehicles</a>	<a href="#">Auxiliary Military Equipment</a>	<a href="#">Ammunition</a>

**3) Is the information being presented or published already in the public domain?**

If the information is already broadly available, it does not constitute technical data and may be disclosed freely. Public domain includes information that has already been presented or published in venues that are generally available, information that is generally available through libraries, or information that is commonly taught in high school, college, or university courses that are open to all students. The public domain exception does not apply to “defense services” (22 CFR 124.1(a)). Conveying information that pertains to the design, manufacture, or maintenance of the equipment itself may be considered as providing “defense services.” “Defense services” includes both formal training in the use of the technology and more informal sharing of technical data with foreign persons.

**4) Does the presentation involve only general scientific principles, or does it also involve information that is directly related to the design, manufacture and operational use of the technology (see above definition of “technical data.”)** Description of general scientific principles is allowed under the “Fundamental Research Exclusion” *as long as* the research is being conducted at an accredited US university, there are no contractual restrictions on its publication and dissemination, and the information presentation does not constitute a “defense service” (see question 3 for a definition of defense services).

**5) Was the technical information being presented generated by the research team, or was it provided to the research team by another source (e.g., an industrial partner)?**

“University-generated” information is generally protected by the Fundamental Research Exclusion, as long as there are no restrictions on its publication and dissemination. However, this exclusion may not apply to information that is provided to university researchers by another party, such as a sponsor or industrial partner. This information should have been marked as “export-controlled” by the third party, and should not be included in presentations or publications.

If you have questions, feel free to contact the Office of Regulatory Compliance at 303-724-1010 or [reg.compliance@ucdenver.edu](mailto:reg.compliance@ucdenver.edu).