

## **Checklist for License Exception - Baggage**

[May be used regarding personally owned devices or equipment]

**I. A license exception** to U.S. export control regulations will apply to the equipment and its operating software if the software or technology comes within the **BAGGAGE EXCEPTION** because:

- A.** \_\_\_ The software does not contain **source code** for 64-bit or higher encryption software or mass market encryption products (see <http://www.bis.doc.gov/Encryption/Default.htm> ), AND
- B.** \_\_\_ The equipment, software and technology is not on the United States Munitions List (“USML”) under the International Traffic in Arms Regulations (“ITAR”) (See <http://www.fas.org/spp/starwars/offdocs/itar/p121.htm> for a list of items on the USML – please carefully review Category XV if you are exporting GPS equipment.), AND
- C.** \_\_\_ The equipment, software and technology will not be put to a military use OR used in outer space, AND
- D.** \_\_\_ There is no reason to believe that your research could be used in the development of weapons of mass destruction, AND
- E.** \_\_\_ Transfer of your laptop, GPS and its operating software to a foreign country or person falls under the **BAGGAGE EXCEPTION** because:
  - 1.** \_\_\_ You are leaving the United States temporarily (i.e., traveling) or longer-term (i.e., moving), AND
  - 2.** \_\_\_ You, or a member of your immediate family, will use the item for personal use, AND
  - 3.** \_\_\_ You plan to return to the United States with the item, AND
  - 4.** \_\_\_ The item is a usual and reasonable kind and quantity of tool, instrument, or equipment for use in your trade, occupation, employment or vocation, AND
  - 5.** \_\_\_ You own the item.

**Items A. through D. plus all items in E. must be checked in order for the BAGGAGE EXCEPTION to apply.**

## **Checklist for License Exception –Temporary Export of Tools of the Trade**

[For use regarding Emory-owned devices, equipment, etc.]

I. A **license exception** to U.S. export control regulations will apply to the laptop, PDA, Digital Storage Device and/or GPS equipment and its operating software if the software or technology comes within the **TEMPORARY EXPORT EXCEPTION** because:

A. \_\_\_ The software does not contain source code for 64-bit or higher encryption software or mass market encryption products (see <http://www.bis.doc.gov/Encryption/Default.htm> ), AND

B. \_\_\_ The device, equipment, software and/or technology is not on the United States Munitions List (“USML”) under the International Traffic in Arms Regulations (“ITAR”)  
(See <http://www.fas.org/spp/starwars/offdocs/itar/p121.htm> for a list of items on the USML – please carefully review Category XV if you are exporting GPS equipment.), AND

C. \_\_\_ The device, equipment, software and/or technology will not be put to a military use OR used in outer space, AND

D. \_\_\_ There is no reason to believe that your research could be used in the development of weapons of mass destruction, AND

E. \_\_\_ Transfer of your laptop, PDA, Digital Storage Device, or GPS and its operating software to a foreign country falls under the **TEMPORARY EXPORT EXCEPTION - TOOLS OF THE TRADE** because:

1. \_\_\_ The item(s) will be returned to the U.S. within one year of the export date, AND

2. \_\_\_ The item(s) is a “tool of the trade” because it is a usual and reasonable type of tool of trade for use in lawful research, AND

3. \_\_\_ You will retain effective control over the equipment while abroad by retaining physical possession of the item or securing the item in an environment such as a hotel safe, AND

4. \_\_\_ You will accompany the item abroad, or it will be shipped within one month before your departure, or at any time after your departure, AND

5. \_\_\_ You are not exporting the item to Cuba, Iran, North Korea, Syria or Sudan, AND

6.\_\_\_\_ You are not and will not be using this item in relation to any type of nuclear research.

**Items A. through D. plus all items in E (1.) through (6.) MUST be checked in order for the TEMPORARY EXPORT EXCEPTION – TOOLS OF THE TRADE to apply.**

## **PUBLIC DOMAIN EXCLUSION CHECKLIST**

### **Laptops, PDA's, Digital Storage Devices, GPS and Associated Software**

I. An **exclusion** from U.S. export control regulations will apply to the equipment and its operating software if the software or technology comes within the **PUBLIC DOMAIN EXCLUSION** because:

A. \_\_\_ It does not contain source code for 64-bit or higher encryption software or mass market encryption products (see <http://www.bis.doc.gov/Encryption/Default.htm> ), AND

B. \_\_\_ There is no reason to believe that the software or technology will be used in the development of a weapon of mass destruction, AND

C. \_\_\_ The underlying source code for the software or the schematics of the technology is already published via one or more of the following:

- Books, print, electronic or other media available for general distribution to any member of public;
- Libraries open to the public, unrestricted subscriptions, news-stands or book stores;
- Published patents;
- Conferences, meetings, seminars or trade shows in the U.S. that are generally accessible to the public (even for a fee) and where attendees may take notes;
- Websites available to the public free of charge or at a cost that does not exceed the cost of reproduction and distribution; AND/OR
- General science, math or engineering courses commonly taught at a university and offered in course catalogues.

**Items A., B., and C. MUST each be checked in order for the PUBLIC DOMAIN EXCLUSION to apply.**