KILPATRICK TOWNSEND

5 KEY TAKEAWAYS
IP Export Controls

Kilpatrick Townsend partner Patrick Njeim recently presented "IP Export Controls" at the firm's three-day CLE & Ski Series, KT Intellectual Property Seminar (KTIPS), in Colorado.

Here are some key takeaways.

1. Preparing a patent application can result in non-public information that is subject to export controls. The information can include disclosure materials, foreign filing license materials, draft patent applications.

2. International traffic in arms regulations (ITAR) and export administration regulations (EAR) export controls can apply independently of obtaining a USPTO foreign filing license for the technology at hand.

3. When this non-public information is shared with an entity (e.g., a foreign associate, a search company, a draftsperson, etc.), an export occurs when the entity is outside of the U.S., and can occur when information does not cross the U.S. borders and stays within the U.S. depending on the status of the entity (e.g., a non-U.S. citizen or non-U.S. permanent resident)

4. When the information relates to a defense article, an ITAR license may be required from the Department of State. Otherwise, the information may be classified according to the EAR of the Department of Commerce.

5. EAR99 classification may not require an export license.

For more information, please contact:
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Patent Partner Patrick Njeim provided an update on IP export controls and explained how export controls can apply to information resulting from activities related to preparing a patent application.

Related People

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