

6 KEY TAKEAWAYS

What You Don't Know About Export Controls as an Attorney Can Hurt You

[Kilpatrick Townsend's Gunjan Talati](#) and [Patrick Njeim](#) recently presented the ACC Colorado webinar "What You Don't Know About Export Controls as an Attorney Can Hurt You." While the regulatory world of export controls may seem far removed from the typical practice of law, attorneys must know the basics of export controls – especially as export control laws are evolving to catch up with advancing technologies. Local, state, and federal governments are increasingly concerned about these emerging and foundational technologies falling into the wrong hands. This presentation provided the facts on what attorneys need to know in order to advise clients about export controls and this area's rapidly changing landscape.

Six key takeaways from the presentation, include:

1

Information that is technical and not in the public domain, such as an invention disclosure or an unfiled patent application, can be subject to export controls.

Export controls can apply independent of U.S.P.T.O. foreign filing license requirements for the technology at hand.

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An export may occur when the information crosses the U.S. borders.

An export may occur when the information stays within the U.S. and is provided to a foreign person.

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When considering an export of a defense article, it may be necessary to obtain an export license under the International Traffic in Arms Regulations (ITAR) from the Department of State.

Even if not controlled by ITAR, exporters should check whether an export license is required under the Export Administration Regulations (EAR), administered by the Department of Commerce.

6

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