

The definitions below apply to terms used in JHU's I-129 export review "Questionnaire" and "Certification," as well as in USCIS Form I-129, *Petition for a Nonimmigrant Worker*.

Definitions have been taken from the *Export Administration Regulations* (The "EAR", created by the Bureau of Industry and Security, Department of Commerce) or the *International Traffic in Arms Regulations* (The "ITAR", created by the Directorate of Defense Trade Controls, Department of State). Paraphrasing has been used, where appropriate.

Technology: Is defined by the EAR as "information necessary for the development, production, or use of a product**." Please familiarize yourself with the different types of technology by reading the definitions below.

Development Technology: According to the EAR, is "related to all stages prior to serial production, such as: design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, and layouts."

Production Technology: According to the EAR, is related to "all production stages, such as: product engineering, manufacture, integration, assembly (mounting), inspection, testing, and quality assurance."

Use Technology: According to the EAR, is related to operation, installation, maintenance (checking), repair, overhaul and refurbishing. NOTE that Use Technology has not been released unless all six aspects have been communicated to another party.

****Product:** For the purposes of completing JHU's export review questions and forms, please think of a product as being any tangible article (organic or inorganic) or source code that may be used or developed by JHU personnel in the course of their work.

Technical Data: The EAR says that technology can be expressed as technical data found in "...blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories."

The ITAR has its own special definition of "technical data." It looks quite similar to the EAR's definition of technology, but such information applies only to the "defense articles" with which the ITAR concerns itself.

For the purposes of completing JHU's export review questions and forms, please think of technical data as it is used in the EAR, and the Export Control Office will determine whether any technical data that you might share with a foreign person falls under the more narrow ITAR definition.

Deemed Export: When information, such as technical data, is provided to a citizen of another country while they are in the United States, such information is *deemed* to have been exported to that individual's country, even though the information has not be sent or taken to that country.

Please note that technology and technical data can be released to others through technical assistance or services, such as such as through instruction, skills training and consulting services. Oral transmission is just as much an export as is the sharing of blueprints, plans, etc.