This guidance discusses some important export control considerations that can arise when technology is transferred from USC to entities or individuals outside the United States, or when export restricted technical data is shared with foreign nationals in the United States. For general guidance on the rules applicable to technology transfer, please consult with the USC Stevens Center for Innovation (USC Stevens).

Technology Transfer

What is technology transfer, and what kinds of technology/information might be controlled under U.S. export control regulations?

Technology transfer refers to the transfer of technology, technical data, or software source code from the organization that owns or holds it to a third party, and often occurs in the context of technology commercialization. Technology transfer can occur via a material transfer agreement (MTA), data transfer agreement (DTA), non-disclosure agreement (NDA), Confidential Disclosure Agreement (CDA), or through discussions or correspondence for which there is no governing agreement at all (e.g., email, phone calls, or discussions at a conference).

When technology is transferred from USC to a third party in a foreign country, export control regulations apply and must be considered prior to the transfer. In some cases, USC must request an export license to transfer technology. Whether a license is required depends on how the technology or items are classified under the export regulations, the destination country, and their intended end use. Please consult with OCEC if you think a technology transfer may entail a transfer to a foreign recipient.

How are technology transfer requests submitted at USC?

Technology transfer requests are submitted to USC Stevens Center for Innovation. These requests are filed online via “Sophia”, a secure online portal. An authorized member of USC Stevens Center for Innovation must sign each agreement. Please consult USC Stevens for additional detail.

In instances where the technology transfer is to a foreign recipient, USC Stevens engages with the USC Office of Culture, Ethics and Compliance (OCEC) to evaluate USC’s obligations under applicable export regulations.

I will be receiving third-party proprietary data under an NDA to use in my fundamental research. Could there be export control considerations?

Possibly. There may still be export control considerations that arise during fundamental research if non-U.S. Persons will be receiving “technology” about a controlled item as defined under the EAR or “technical data” about a defense article as defined under the ITAR. Please consult with OCEC for guidance if you intend to receive third-party proprietary data in connection with your research.

I’d like to learn more about technology transfer and export controls. Where can I find additional information?

For additional information about technology transfer, or to request an MTA/DTA/CDA, consult USC Stevens or email info@stevens.usc.edu. For questions about export control compliance and technology transfer, consult the Office of Culture, Ethics and Compliance or email Emily Pender, Manager of Export Controls, at epender@usc.edu.