Clarification Regarding the TMP Exception Certification for Travel with Laptops, Software and Data

The temporary export (TMP) exception is available for items on the Commerce Control List in the EAR. The certification is simply to prove that the traveler understands the requirements and is eligible to use it. You only need it the exception if your laptop, software or data is licensable to the country you're traveling to. In other words, you don't need an exception to a license unless you need license.

The following provides some clarification. **Please remember that all three (h/w, s/w and data) need to be considered separately**.

Laptops: Assuming we are talking about standard UA-owned Dell or Mac laptops, then those are classified as 4A994, which is controlled for AT 1. That means that a license is only required for countries like Sudan, Syria, Iran, North Korea and Cuba.

Note: The TMP exception may not be available for all five of these countries. Contact the Export Control Officer for specific guidance if traveling to one of them.

Software: Assuming we are talking about standard off-the-shelf software with low level encryption (64 bit or lower), then there is no license required to MOST countries. If the country you're traveling to doesn't require a license for that software, no exception certificate would be needed.

Note: Microsoft has a webpage devoted to licensing requirements (see http://www.microsoft.com/exporting/termsmx.htm) for their software products and we can always call the s/w company if we don't know.

Data: Assuming all technical data on the laptop or in your possession is truly fundamental research and there is no export-controlled information on the laptop or that you will be carrying with you than no exception certification is needed.

So, for example, if you are traveling with a UA-owned laptop with only standard MS Office products installed, only fundamental research data and no export-controlled data, then you don't need to fill out the exception form.