12. Licensed Software Programs

This section addresses the export control implications of licensing a software product that has been identified as “export controlled” by the software licensor or vendor.

Certain software products may be identified by the licensor or vendor as “export controlled.” In such cases and for purposes of understanding access implications for CUNY, it is necessary to determine whether the control notification is a general notification for purposes of alerting the user against exporting to OFAC-restricted countries, or whether a more specific control is applicable as may be the case with cryptographic functionality, or ITAR-governed software. The individual(s) purchasing the software shall work with the respective College’s Export Control Administrator to evaluate whether there is a general or specific control in place.

If the software is flagged for general purposes, it is no different than any other item that CUNY might, in turn, export; restrictions against exporting to the so-called “T4” countries apply under both OFAC and EAR regulations. If, on the other hand, the item is more specifically controlled (e.g. due to cryptographic functionality or as an ITAR defense article) CUNY is obligated to implement a TCP and evaluate the article for export licensing where outbound export is contemplated. In such instances, the researcher must inform the Export Control Administrator, who will work with the OVCR to ensure compliance and to obtain any necessary licenses.

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6 T4 countries include Iran, Cuba, Syria, and Sudan.