Export Compliance Guidelines for Datasets, Models, and Software

Under U.S. export control regulations, publicly available information is not subject to export controls.

Information (e.g., software, datasets, models, etc.) is generally considered to be publicly available when disseminated without restrictions in the following ways:

- By subscription (free or paid)
- Through libraries (in print or electronic format)
- Unlimited distribution at a conference, meeting, seminar, trade show, or exhibition
- Posting on the internet
- Intending to publish or make publicly available

Having a registration process to gather user information and metrics about a software/dataset/model user is not considered a dissemination restriction. As such, it is not necessary for UCAR to screen all identified users through Visual Compliance.

Open source software is considered public domain from an export controls perspective, which means that it is not subject to export controls, however, open source software is not considered public domain from an intellectual property perspective because it is typically provided under license granting a range of rights and obligations for the user.

Helpdesk support intended to improve understanding of the datasets, models, or software can be provided to anyone anywhere. However, support cannot be provided if you know or have any reason to believe that the information or software will support a defense or military function, or the design, development, production, stockpiling or use of a nuclear explosive device, chemical or biological weapons, or missiles. Help Desk personnel should be sensitive to inquiries about adapting or modifying our datasets, models or software for defense purposes, and remain likewise sensitive to inquiries from self-identified defense organizations, entities, foreign governments, or representatives thereof.

Please note that encryption software classified under ECCN 5D002 of the Commerce Control List has additional requirements before it can be considered published, including in some cases official notification to the Department of Commerce. See §742.15(b) and §740.17(b).

For additional guidance, please contact the Export Compliance Program Manager at x8898, export@ucar.edu.