

Identification of U.S. Persons as Potential Sub-licensees - Revised

This notice serves as a revision to the DTC Web-Notice regarding the Identification of U.S. Persons as Potential Sub-licensees dated December 10, 2008. Section 3.2.c.(3) of the Guidelines for Preparing Agreements dated June 25, 2008 will be revised to reflect this change.

DTCL has removed restrictions pertaining to the identification of U.S. Persons as potential Sub-licensees to a foreign party. Sub-licensing to a U.S. Person by a foreign licensee may be identified in an agreement application to DTCL; however, the identification and subsequent approval of U.S. Sub-licensees does not serve as an export (§120.17) or temporary import (§120.18) authorization for the U.S. Person (U.S. Sub-Licensee). Any resulting exports or temporary imports by the U.S. Sub-licensee must be conducted as part of a separate authorization (TAA, MLA, or DSP license) initiated by the U.S. Person (U.S. Sub-licensee).

The applicant is not required to specifically identify potential U.S. Sub-licensees in the agreement application. However, in order to ensure compliance with §123.9, the applicant must clearly state as part of §124.7(4) that **“This agreement authorizes sub-licensing to U.S. Persons.”**

Specific modification to Section 3.2.c.(3) of the **Guidelines for Preparing Agreements** will be included to reflect this change as part of the next revision.