



MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY

STRATEGIC TRADE ACT (STA) 2010

INTANGIBLE TECHNOLOGY TRANSFER

INTERNAL COMPLIANCE PROGRAMME (ICP)	30 OCTOBER 2019
ENHANCEMENT OUTREACH	WEDNESDAY



MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY

STA 2010 – *INTANGIBLE TECHNOLOGY TRANSFER*

BACKGROUND

ITT IN STA 2010 PERSPECTIVE

2019 ITT GUIDELINE

RECOMMENDATION / CONCLUSIONS



MITI
MALAYSIA





ITT IN STA 2010 PERSPECTIVE

What is ITT?

Two variations of ITT risks relating to WMD Proliferation

- Intangible transfer of knowledge
- Transfer of controlled technology by intangible means

Why do we need to control ITT?

- Proliferators require technology for them to establish their delivery systems
- Proliferators need to acquire new, advanced knowledge



STA 2010 – **INTANGIBLE TECHNOLOGY TRANSFER**

ITT IN STA 2010 PERSPECTIVE

Types of Strategic Technology

Technical Data

- Blueprints
- Plans
- Diagrams and Models
- Formulae and Tables
- Engineering designs and specifications
- Manuals and instructions in print or electronics format

Technical Assistance

- Instructions
- Skills
- Training
- Working knowledge and consulting services
- The transfer of technical data

** if the technical data or technical assistance is for the items which has been granted STA export permit, it is covered under the existing permit.*

Section 10 (STA 2010) : Provision of Technical Assistance

(1) No person shall provide any technical assistance within or outside Malaysia if such technical assistance is intended for use in connection with **a restricted activity**.



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ITT IN STA 2010 PERSPECTIVE

Section 2, STA 2010 – Interpretation

“Export” – to transmit technology by any means to a destination **outside Malaysia**, and includes any **oral or visual transmission** of technology by a communication devices where the technology is contained in a document the **relevant part of which is read out**, described or otherwise displayed over the communications device in such a way as to achieve a similar result.

“Software” – means a collection of programmes or microprogrammes recorded, stored or embodies in any device.

“Transmit” – in relation to strategic technology, means – to transmit the technology in Malaysia by electronic means, or to make the technology available in Malaysia on a device.

“items”
includes
goods and
technology

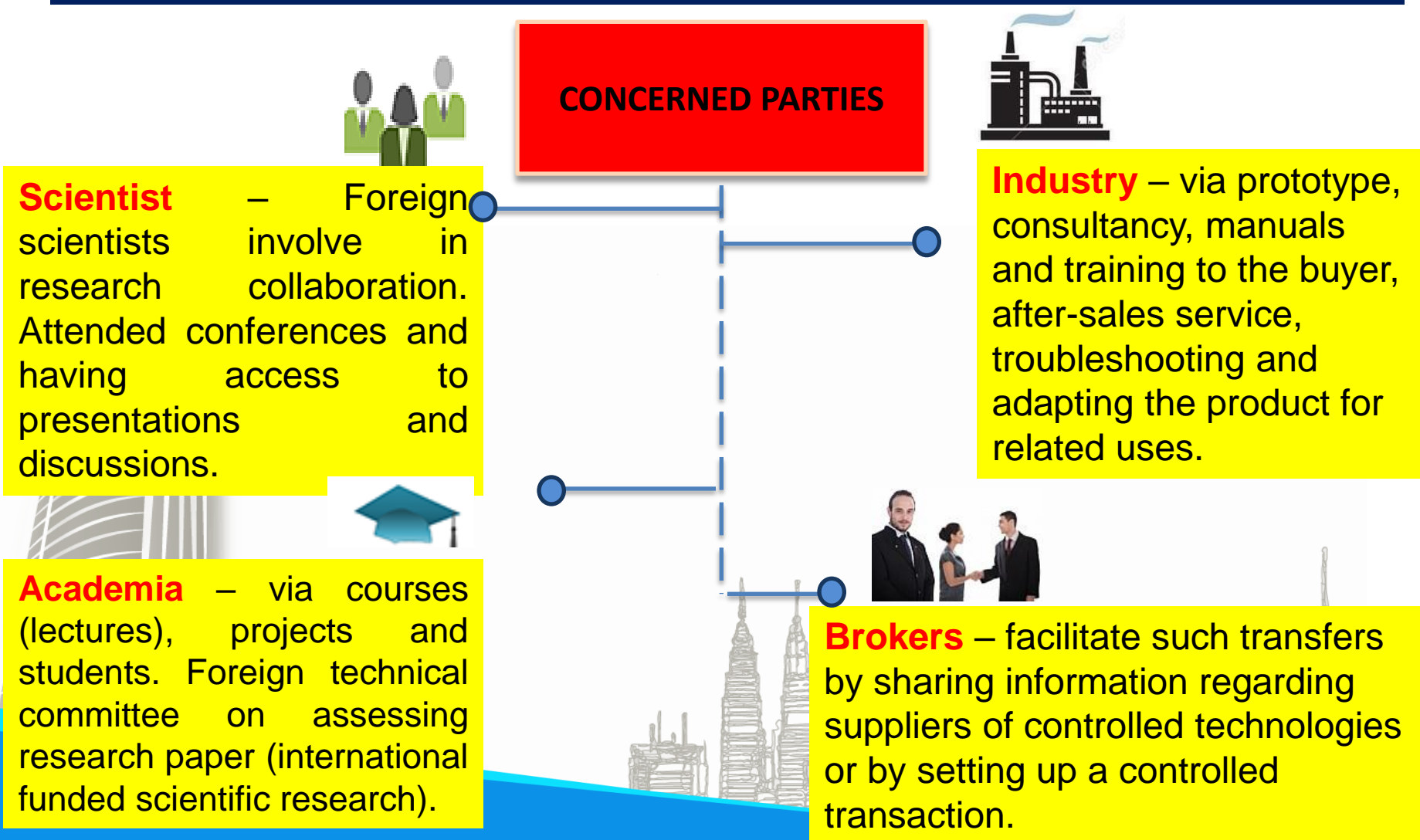
“Strategic technology” – means **technology prescribe as a strategic items** under Section 7 (Strategic Items) such as electronics, computers, telecommunications & information security.





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ITT IN STA 2010 PERSPECTIVE





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ITT IN STA 2010 PERSPECTIVE

WHY RESEARCH INSTITUTIONS/INDUSTRIES NEED TO EXERCISE CAUTIOUS?

Proliferators increasingly seek to acquire knowledge and training for their programs

Proliferators require intangible technology to establish engineering, design, and manufacturing capabilities

Trend corresponds with increasing focus on indigenous production of biological/chemical weapons, missiles, WMD, and military equipment

Acquiring information and technology via intangible means can provide an attractive way to support programs of concern



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2019 INTANGIBLE TANGIBLE TRANSFER GUIDELINE

- ❑ STS has conducted a few series of meeting and workshop with partner agencies and other government agencies; objectively to ensure SOP and guidelines are amended, improved and usable.
- ❑ As the custodian of the STA 2010, STS to ensure the STA are implemented effectively by formulating a set of guidelines and SOP as an administrative tool that may assist PIA and OGA to perform their respective roles.





2019 INTANGIBLE TANGIBLE TRANSFER GUIDELINE

The screenshot shows the MITI website with the URL <https://www.miti.gov.my/index.php/pages/view/sta2010?mid=105>. The navigation bar includes links for ABOUT MITI, PROMOTING TRADE, TRANSFORMING INDUSTRY, EVENTS, and OUR SERVICES. The left sidebar contains links for NON-PREFERENTIAL CERTIFICATE OF ORIGIN (NPCO), STRATEGIC TRADE ACT 2010, BUMIPUTERA, KIMBERLEY PROCESS CERTIFICATION SCHEME (KPCS), GUIDELINES, LOCAL MANUFACTURER/SUPPLIER, and E-PARTICIPATION. The main content area features a list of links: Announcements, Events, FAQ, Strategic Items List, Prohibited & Restricted End User List, Forms, and Useful Links. Below this, there is a section titled 'Announcements' with a sub-header 'ANNOUNCEMENT : 2019 INTANGIBLE TECHNOLOGY TRANSFERS (ITT) GUIDELINE'. The text states that Research Institution, Academia and Relevant Industries may view the revised 2019 Intangible Technology Transfer (ITT) Guideline via the Resources link. Additional and enhance contents are as follows:

- Brief introduction note
- Elaboration on ITT
- Internal Compliance Programme for ITT
- Additional FAQ
- Pre-screening tool

 Webpage ITT Guidelines 2019.pdf



2019 INTANGIBLE TANGIBLE TRANSFER GUIDELINE

SALIENT FEATURES

STRATEGIC TRADE ACT 2010 INTANGIBLE TECHNOLOGY TRANSFER (ITT) GUIDELINE

2016

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Introduction note to briefly explain on ITT

Incorporating ICP for ITT

Additional FAQ

Pre-Screening Sheet as a tool to identify the ITT

STRATEGIC TRADE ACT 2010 (STA) INTANGIBLE TECHNOLOGY TRANSFER (ITT) GUIDELINE

2019

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2019 INTANGIBLE TANGIBLE TRANSFER GUIDELINE

BEST PRACTICE

Screening Process



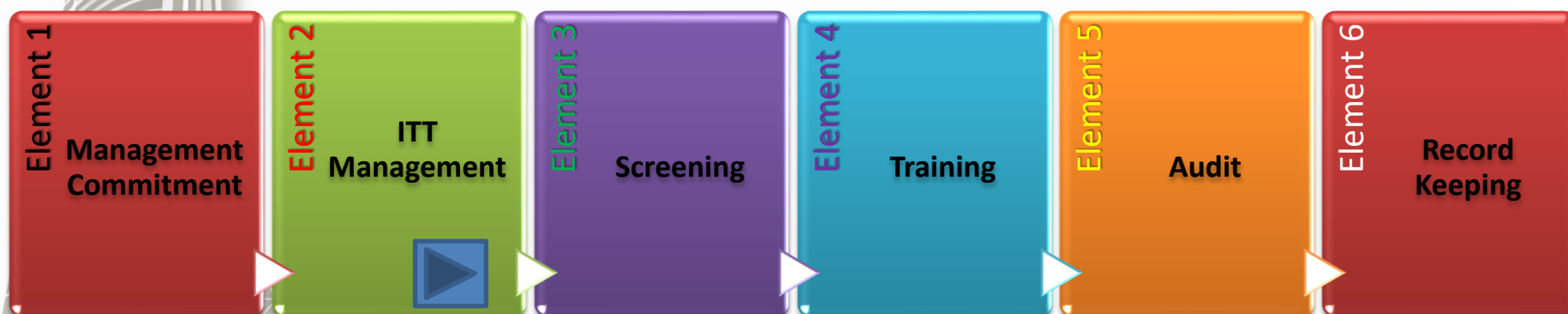
- If activity is controlled and it does not falls under ITT exemption -> **PERMIT REQUIRED**



2019 INTANGIBLE TANGIBLE TRANSFER GUIDELINE

BEST PRACTICE

Internal Compliance Programme for ITT





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RECOMMENDATION / CONCLUSIONS

❑ STA 2010 does not aim to over regulate or restrict the freedom of legitimate research, but the need to balance it with export control regulations.

❑ Assist relevant industries/ genuine researchers to understand the risks (and penalties) associated with proliferation of WMD in carrying out sensitive data/ research projects.

❑ The implementation of ITT in the institutions/ entities (through self-declaration) will be based on the 6 elements of Internal Compliance Programme (ICP).

❑ The ITT guideline will be used as a guide for any persons/entity dealing with ITT



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Thank You

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