



MINISTRY OF INTERNATIONAL TRADE AND INDUSTRY

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

STRATEGIC TRADE SECRETARIAT
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STRATEGIC TRADE ACT 2010 (STA)

INTANGIBLE TECHNOLOGY TRANSFER (ITT) GUIDELINE

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1. Introduction

The Strategic Trade Act (STA) 2010 [Act 708], is the legislation that controls the export, transshipment, transit and brokering of strategic items and **technology**, including arms and related materials, as well as activities that will or may facilitate the design, development, production of weapons of mass destruction and their delivery systems. This Act is consistent with Malaysia's obligation under UNSCR 1540. Export control is not only about fulfilling international obligation but most importantly it protects national security and combats the proliferation of weapons of mass destruction (chemical, biological, radiological and nuclear).

The STA regulates strategic items and technology as specified in Part 1 (military items); Part 2 (dual use items) of the schedule under the Strategic Trade (Strategic Items) Order 2010 (Amendment 2018).

In principal, a transfer of technology (intangible export) occurs when a person in Malaysia supplies or provides strategic technology in the form of technical knowledge or data and technical assistance e.g. via electronic means by email, fax, telephone, video conferencing, or providing access to electronic files.

2. Objective

Ensuring that control is exercised over ITT for both dual-use and weapons technology and promotes Internal Compliance Programme (ICP) to be adopted by institution/entity as guidance.

3. Target

Any person dealings with ITT including academic & research institutions, universities, business entities and etc.

4. Determination of what constitutes an ITT export

▪ **“export”** means:

- to take or cause to be taken out of Malaysia any items by land, sea or air, or to place any items in a conveyance for the purpose of such items being taken out of Malaysia by land, sea or air; or
- to transmit technology by any means to a destination outside Malaysia, and includes any oral or visual transmission of technology by a communications device 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.

- **“items”** includes goods and technology.
- **“software”** means a collection of one or more programmes or microprogrammes recorded, stored or embodied in any device.
- **“strategic items”** means any items prescribed as strategic items under Section 7.
- **“strategic technology”** means technology prescribed as a strategic item under Section 7 .
- **“technical assistance”** includes instructions, skills, training, the provision of working knowledge and consulting services and may involve the transfer of technical data.
- **“technical data”** includes blueprints, plans, diagrams, models, formulae, tables, engineering designs and specifications, manuals and instructions in print or electronic format.
- **“technology”** means information and data in any form for the design, development, production or use of another item and includes technical data, technical assistance and software.

5. Relevant provision in STA

Strategic items

Section 7 (1) The Minister may, by order published in the Gazette, prescribe any items as strategic items for the purposes of this Act.

(2) If any question arises as to whether any items is or is not included in a class of items appearing in an order made under subsection (1), such question shall be decided by the **Controller***.

Controller means the **Strategic Trade Controller of the Ministry of International Trade and Industry, (MITI)*

6. Exemptions for Technology Transfer

- i. **Section 9 (7)** stated that its provision shall not apply to the export of any document in which any strategic technology is recorded, stored, or embodied, or to the transmission of such strategic technology, to the extent that the export or transmission is necessary to facilitate the installation, operation, maintenance or repair of any items which have been exported, an application for a patent and a research in such strategic technology, the results of which have no practical application.
- ii. The Strategic Trade (Strategic Items) Order 2010 provides exemption from ITT controls based on **technology** or **software** that is in the **public domain** or to **basic scientific research**:

a. Military Item List

Definition

1. "Basic scientific research"

Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective.

2. "In the public domain"

This means "technology" or "software" which has been made available without restrictions upon its further dissemination.

<i>Scenario</i>	<i>Permit exemption</i>
<i>Public Domain</i>	<i>Yes</i>
<i>Public Domain with copyright</i>	<i>Yes</i>
<i>Copyright but not in public domain</i>	<i>No</i>

3. “Technology”;

- that is the minimum necessary for the installation, operation, maintenance (checking) and repair, of those items which are not controlled or whose export has been authorised;
- that is “in the public domain”, “basic scientific research” or the minimum necessary information for patent applications;
- for magnetic induction for continuous propulsion of civil transport devices.

b. Dual-Use Items (Category 0-9 under Strategic Items (Strategic Trade Items Order 2010 (Amendment 2018)*)

Definition

1. **“Basic scientific research”** means experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective.

Note : encompassing general technology (Section E of category 1-9) and nuclear technology (Section E of category 0*)*

2. **“In the public domain”** as it applies herein means **“technology”** or **“software”** which has been made available without restrictions upon its further dissemination.

Note :

- encompassing general technology, nuclear technology and software
- does not release software specified in the category 5 – part 2 (“Information Security”)*

Scenario	Permit exemption
Public Domain	Yes
Public Domain with copyright	Yes
Copyright but not in public domain	No

*Link : http://www.federalgazette.agc.gov.my/output/pua_20181015_PUA263.pdf

iii. Examples of ITT exemption include the following scenarios:

- a. Transactions to transfer technologies in the public domain or to transfer such technologies to make technologies publicly known;
- b. Technologies already disclosed to the general public via newspapers, books, magazines, brochures or files in an electrical communication network;



- c. Technologies accessible to the general public through academic journals, public patent information or minutes of open symposiums;
- d. Technologies accessible or audible to the general public through factory tours, lecture presentations or exhibitions;
- e. Open source programmes to provide public access or view through sending academic presentation manuscripts or distributed materials at exhibitions or contributing to magazines;
- f. Publication as articles or academic presentations to provide public access or view;
- g. Publishing on a website for free public view;
- h. Online seminars targeted at the general public or containing technologies disclosed to the general public;
- i. Lecture or practical work using open information i.e commercially available textbooks;
- j. Content of the questions and answers within the scope of the technologies presented at i.e. an academic conference, to make it publicly known;
- k. Transactions to transfer a minimum set of technologies required for submission or registration of industrial property rights;
- l. Transactions that provide the buyers, consignees or end-users of the goods with technologies for use of the goods;
- m. Transactions to transfer technologies for the use of the goods, which is a minimum set of such technologies for installation or repair, accompanied with the export of the computer programs; and
- n. Transactions of commercially available computer programs for design, manufacture or use of computers of communications-related goods.
- o. Software which generally available to the public by being:
 - Sold from stock at retail selling points, without restriction, by means of:
 - i. Over-the-counter transactions;
 - ii. Mail order transactions;
 - iii. Electronic transactions; or
 - iv. Telephone order transactions; and

- Designed for installation by the user without further substantial support by the supplier.

7. ITT Control Mechanisms

There are two ways for Academic and research institution, university and business entity to control the ITT in their respective organisation:

i. Screening of Strategic Technology under STA 2010

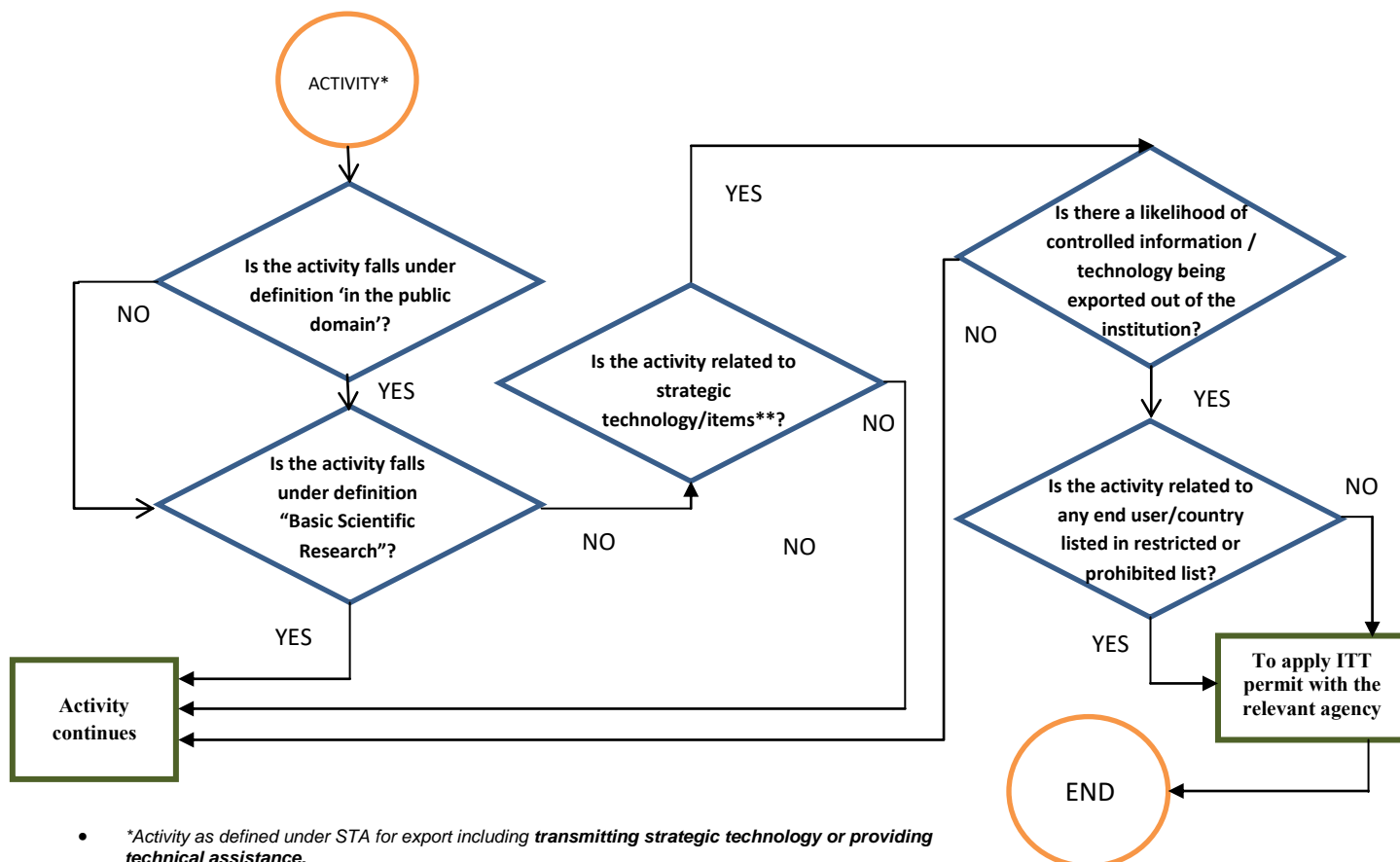
- a. Screening will be done on a manual basis using relevant form as per **Appendix 1**.

Note : The strategic technology is as prescribed in the Strategic Items (Strategic Trade Items Order 2010 (Amendment 2018) - http://www.federalgazette.agc.gov.my/outputp/pua_20181015_PUA263.pdf

- b. The application for export permit (if applicable) may be done online or manual basis using **Form 1** as in **Appendix 2** with pre-screening sheet as supporting document. Completed document must be submitted to the relevant permit issuing agency.
- c. Single permit will be issued with 6 months validity period.
- d. The application process flow is as per Flowchart 1.

FLOWCHART 1

Flowchart on Application of Permit for Exports of Strategic Technology under STA



- **Activity as defined under STA for export including transmitting strategic technology or providing technical assistance.*
- ***Strategic Trade (Strategic Items) Order 2010 (Amendment 2018).*
- http://www.federalgazette.agc.gov.my/output/pua_20181015_PUA263.pdf

ii. Internal Compliance Program (ICP) for ITT.

The implementation of ITT in the Academic and research institution, university and business entity will be based on the 6 elements of ICP.

a. Management Commitment

- Research Management Centre (RMC) for universities or any equivalent divisions in other Academic and research institution, university and business entity may be appointed as the focal point for matters under STA.
- Academic and research institution, university and business entity is expected to establish a policy statement which states its commitment to the obligations under STA.

b. ITT Management

- Academic and research institution, university and business entity is expected to embed the requirement of ITT control in the following documents:
 - i. Letter of Award
 - ii. Non-disclosure Agreement
 - iii. Contract
 - iv. Ethics Research Form
 - v. Research Collaboration and Consultation

c. Screening

- Academic and research institution, university and business entity is recommended to utilise the existing compliance committee/peer review committee to identify research activities related to strategic technology.
- RMC/focal point should be able to identify courses/materials which are considered as strategic under STA.
- Screening may be done using the screening sheet as per **Appendix 1**.

d. Training

- Periodical training on STA 2010 are conducted within the organisation.
- The Strategic Trade Secretariat (STS) may provide outreach or training on STA to Academic and research institution, university and business entity based on RMC's/focal point's coordination. RMC/focal point may conduct own training programmes utilising other local or international experts in ITT based on STA's requirements.

e. Audit

- Academic and research institution, university and business entity is expected to conduct periodical internal audit compliance.
- STS and its partner agencies may conduct an evaluation exercise:
 - to the permit holder(s) in the academic and research institution, university and business entity to check on their compliance under STA including record keeping of the relevant documents.
 - to institution/entity and assess the overall commitments under STA based on their ICP.

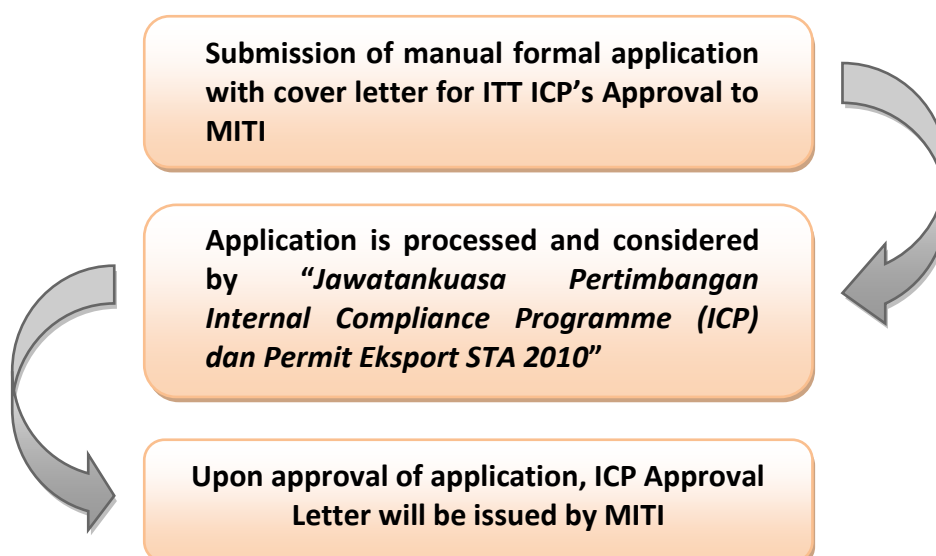
f. Record Keeping

- All transactions of intangible technology transfer/technical assistance (hardcopy/softcopy) must be properly documented and kept for a period of at least 6 years as required under the STA.

8. STANDARD OPERATING PROCEDURE FOR INTERNAL COMPLIANCE PROGRAMME APPROVAL FOR INTANGIBLE TECHNOLOGY TRANSFER (ITT)

- i. An Internal Compliance Program (ICP) is an internal procedure for Academic and research institution, university and business entity to govern intangible technology transfer in the universities or research institutions.
- ii. The ICP must contain the main elements as indicated in the checklist prepared by the Strategic Trade Secretariat (STS) and supported by written documents.
- iii. All application must be submitted manually to STS. STS official may call the applicants for a discussion upon reviewing the first draft of ICP submitted. Upon receiving a complete submission, STS will process within five (5) working days.
- iv. The application will be evaluated through the “***Jawatankuasa Pertimbangan Internal Compliance Programme (ICP) dan Permit Eksport STA 2010***” which will be chaired by the Strategic Trade Controller (STC). The chair person can also be replaced by the Deputy Strategic Trade Controller (DSTC) and Principal Assistant Director.
- v. The committee will review the relevant documents submitted by the applicants and present to the Chairman with recommendation. The Strategic Trade Controller (STC) will make the decision.

A. STEPS FOR APPLYING ICP APPLICATION





B. CHECKLIST

No.	Item	Remarks
1.	Cover letter	<ul style="list-style-type: none"> Application letter on Academic and research institution, university and business entity letter head, together with ICP checklist. A written statement of intent on application of ICP for academic and research institutions, universities and business entities. (The cover letter must state that the submission is purposely to get an approval letter for ICP).
2.	Management Commitment	<ul style="list-style-type: none"> Clear intangible technology transfer and technical assistance policy and procedures, endorsed by top management.
3.	Person-In-Charge: Export Control Officer/ Authorized Applicant from Research Management Centre or Focal Point	<ul style="list-style-type: none"> Written appointment by CEO/ MD/Dean. Export Control Officer and Authorized Applicant can be the same personnel. Letter appointing personnel who will be in-charge of export control compliance and intangible technology transfer. Letter should be addressed to the appointee and should contain name and designation of nominated person. Nominated person should be at managerial level to oversee the implementation of the ICP. Letter should also state roles/responsibilities of appointee(s). There will be no limitation period for the appointee(s) to be the person in-charge of export control compliance.
4.	Intangible Technology Transfer (ITT) Management	<ul style="list-style-type: none"> Academic and research institution, university and business entity is expected to embed the requirement of ITT control in the following documents: <ul style="list-style-type: none"> Letter of Award Non-disclosure Agreement Contract



INTANGIBLE TECHNOLOGY TRANSFER GUIDELINES

No.	Item	Remarks
		<ul style="list-style-type: none"> ○ Ethics Research Form ○ Research Collaboration and Consultation <ul style="list-style-type: none"> • Samples of the documents must be attached during the application.
5.	Screening Process <ul style="list-style-type: none"> • Screening of technology/technical assistance • Screening of end user • Screening of end-use • Screening of destination • Red flag indicators 	<ul style="list-style-type: none"> • Description written procedure and process flow of the screening process (electronic/manual) which include alert mechanism. • Elaboration on early warning and screening of all enquiries and applications. • If electronic, brief description. • Description of how company/university/research institution acquires information of the end-user and the end-use of the intangible technology exported or technical assistance provided. • Descriptions on red-flags indicators according to the company/university/research institution. • The list of controlled technology for the company/ university/ research institution including classification of technology/ restricted end-users/prohibited end-users.
6.	Training <ol style="list-style-type: none"> i. Plan ii. Type iii. Frequency 	<ul style="list-style-type: none"> • Plan and conduct continuous training within the organisation on export control and its implication on the business/community (at least once in 12 months). • Document the following records: <ul style="list-style-type: none"> ○ training records of personnel involved in technology transfer/technical assistance. ○ type of training and list of trainers.
7.	Statutory requirement for record keeping: <ul style="list-style-type: none"> • End Use Statement • Agreements 	<ul style="list-style-type: none"> • Proper documentation (hardcopy/softcopy) of all transactions of intangible technology transfer/technical assistance to be kept for a period of at least 6 years as required under the STA.



INTANGIBLE TECHNOLOGY TRANSFER GUIDELINES

No.	Item	Remarks	
	<ul style="list-style-type: none">ContractDelivery Verification Statement		
8.	Audit i. Documentation Audit	<ul style="list-style-type: none">Establish audit (internal/external) framework programme.Conduct audit (internal/external) on procedures for compliance, at least once every 12 months.Incorporate elements 1-7 in audit programme corrective steps, if any.	<input type="text"/> <input type="text"/> <input type="text"/>

9. Frequently Asked Questions (FAQ) on ITT

i. What is the Strategic Act 2010?

*The Strategic Trade Act (STA) 2010 [Act 708], is the legislation that controls the export, transshipment, transit and brokering of strategic items and **technology**, including arms and related material, as well as activities that will or may facilitate the design, development, production and delivery of weapons of mass destruction. This Act is consistent with Malaysia's international obligations on national security.*

ii. Does STA cover the transfer of technology to any person outside Malaysia?

Yes, the transfer of technology to any person abroad is considered as an export even if the email transaction uses local server.

iii. Does STA provide control over publication of research containing strategic technology?

No, STA does not provide control over publication of research containing strategic technology including open access journal (public domain), restricted access journal (local server), restricted access journal (foreign server) and access journal (local server) from abroad. Research publication which is in the public domain is not controlled as they are exempted under STA.

iv. Does STA provide control over any person going abroad for sharing of strategic technology via seminars or face-to-face discussion?

Yes, according to Section 2 of STA, transmitting technology by any means to a destination outside Malaysia which 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 is considered as an export.

v. In a situation where a person carrying along any device containing strategic technology even for the personal use and has no intention to share it with anyone, is it controlled under STA?

Yes, it is controlled under STA as the activity of bringing the device outside Malaysia is considered as an export; even if the person has no intention to transmit the technology to any other party.



- vi. **Is a person allowed to provide technical assistance to a prohibited end user but with no intention related to WMD/restricted activity?**
No, providing technical assistance to the prohibited end user listed under STA is not allowed.
- vii. **Does STA provide control over foreign students coming into Malaysia?**
No, STA does not provide control over the movement of foreign including student vetting prior to coming into Malaysia.
- viii. **What are exemptions for ITT under STA?**
Section 9 (7) stated that the section shall not apply to the export of any document in which any strategic technology is recorded, stored, or embodied, or to the transmission of such strategic technology, to the extent that the export or transmission is necessary to facilitate the installation, operation, maintenance or repair of any items which have been exported, an application for a patent and a research in such strategic technology, the results of which have no practical application.
- ix. **Does the unlisted technology which may be used in a restricted activity being transferred to any destination outside of Malaysia controlled under STA?**
Yes, similar to unlisted tangible items, STA also covers the unlisted technology (intangible items).
- x. **Who should determine whether the transfer of technology falls under the exemptions of STA?**
Academic & research institution, university, business entity must identify a focal point to manage the implementation of ITT control under STA including the establishment of ICP, may appoint a Committee or a person to determine whether the transfer of technology falls under the exemptions of STA, in which, it is a self-regulated mechanism.
- xi. **Does STS/Authority issue a letter to exempt?**
No letter will be issued as it is based on self- declaration by academic and research institutions, universities and business entities.



xii. **Do we need to establish a Committee to screen transactions/publications by the academics/researchers?**

Academic and research institution, university and business entity may utilise the existing compliance committee/peer review committee to identify research that relates to strategic technology and may conduct internal vetting based on STA Strategic Items List and Restricted and Prohibited End User List. Academic and research institution, university and business entity may refer to the Strategic Trade Secretariat, MITI if necessary.

xiii. **Is broker registration required for ITT?**

No.

xiv. **Does Academic and research institution, university and business entity required to apply ITT permit if transfer is undertaken to their subsidiaries?**

No, however institution/entity is required to put in place sufficient security measures in the transfer process.

xv. **What are other written laws related to STA 2010?**

The written laws related to STA 2010 are:

1. *Animals Act 1953 (Act 647)*
2. *Atomic Energy Licensing Act 1984 (Act 304)*
3. *Chemical Weapons Convention Act 2005 (Act 641)*
4. *Customs Act 1967 (Act 235)*
5. *Pesticides Act 1974 (Act 149)*
6. *Plant Quarantine Act 1976 (Act 167)*
7. *Prevention and Control of Infectious Diseases Act 1988 (Act 342)*
8. *Protection of New Plant Varieties Act 2004 (Act 634)*
9. *Poisons Act 1952 [Act 366]*
10. *Malaysian Communications and Multimedia Commission Act 1998 [Act 589]*
11. *Anti-Money Laundering Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 [Act 613]*
12. *Capital Markets and Services Act 2007 [Act 671]*
13. *Central Bank of Malaysia Act 2009 [Act 701]*
14. *Development Financial Institutions Act 2002 [Act 618]*



15. *Financial Services Act 2013 [Act 758]*
16. *Islamic Financial Services Act 2013 [Act 759]*
17. *Labuan Companies Act 1990 [Act 441]*
18. *Labuan Financial Services and Securities Act 2010 [Act 704]*
19. *Labuan Financial Services Authority Act 1996 [Act 545]*
20. *Labuan Foundations Act 2010 [Act 706]*
21. *Labuan Islamic Financial Services and Securities Act 2010 [Act 705]*
22. *Labuan Limited Partnerships and Limited Liability Partnerships Act 2010 [Act 707]*
23. *Labuan Trust Act 1996 [Act 554]*
24. *Money Services Business Act 2011 [Act 731]*
25. *Securities Commission Malaysia Act 1993 [Act 498]*
26. *Securities Industry (Central Depositories) Act 1991 [Act 453]*

Please also take note that in the event of any conflict or inconsistency between the provision of this Act and those of any written laws (in relation to the prevention of the proliferation of WMD and its delivery system), including the related laws, the provision of this Act shall prevail and the conflicting or inconsistent provisions of the other written laws shall, to the extent of the conflict or inconsistency, be deemed to be superseded.

xvi. How can I know more about the Strategic Trade Act and its implementation?

For any query or clarifications pertaining to STA 2010, please contact Strategic Trade Secretariat, Ministry of International Trade and Industry, Level 4, MITI Tower, No.7, Jalan Sultan Haji Ahmad Shah, 50622 Kuala Lumpur; e-mail: admin.sts@miti.gov.my or our hotline number: 03-8000 8000.

Appendix 1

Example :

PRE-SCREENING SHEET (FOR TRANSFER OF TECHNOLOGIES AND EXPORT OF GOODS)

**Note: Filling and submitting this sheet is required prior to your transfer of technologies.*

Note: Submission of pre-screening sheet minimum of **XX days [to be set forth by each company/research institution/university's control procedure] prior to the transfer/export of technologies to the officer responsible.*

A. Applicant's Detail

Date	:	
Applicant Name	:	
Department/Faculty/Company	:	
Email	:	
Contact No.	:	
Fax No.	:	

B. Transaction Classification/Type

i. Transaction Classification

	Joint Research
	Contracted Research
	Transfer of research results/information
	Academic Exchange Agreement
	Attending conferences abroad
	Others : (please describe)

Please tick (✓) where applicable

ii. Transaction Type – Method of Transferring the Technologies

	Presentation
	Dialog Session/Conferences
	Email transmission
	File exchange on shared database
	Physical transfer ie. thumbdrive/technical assistance
	Others : (please describe)

Please tick (✓) where applicable

C. End-User/Counterpart Information

End User	Name (Organization & Contact Person/Individual):
	Address:
	Contact No:
	Fax No:
	Website:
Transaction descriptions	
Date of transaction	DD /MM /YY

D. Information of the technologies

Research Division/Department/Laboratory	:	
The person conducting the transfer/export of technologies or information	:	
Name and specification of the technologies to be exported	:	
Intended end use of the items	:	

E. Judgement for applying the exemptions

The transaction is transfer of technologies in the public domain.	Yes / No
The technologies will be transferred as a part of the research activities in the field of basic scientific research.	Yes / No

Please circle where applicable

If any one of the answer in Part E is “Yes”, please complete Part F

F. Information about the concerns of the end-user/counterpart

The end-user/counterpart is listed in the Restricted End-Users List as per Strategic Trade (Restricted End-Users And Prohibited End-Users) (Amendment) Order 2010	Yes / No
From the information obtained and such public domain information as published in the website, <u>the end-user</u> and the technology is suspected to have been involved in the development of WMD or conventional weapons or development of technologically advanced materials/parts/products for use therein	Yes / No

Please circle where applicable

Upon reviewing of the pre-screening above, the transaction has been determined to be as follows:

☐ Transaction permitted (without permit) ☐ Transaction requires permit under STA 2010

Reviewed by:

Signature : _____

Name : _____

Designation : _____

Department : _____

Contact No. : _____

E-mail : _____

Date : DD / MM / YYYY _____

Appendix 2

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FIRST SCHEDULE

[Regulation 4]

FORMS

FORM 1

[Subregulations 10(3), 11(2), 12(3) and 16(1)]

APPLICATION FOR PERMIT/RENEWAL OF PERMIT* FOR EXPORT/TRANSIT/
TRANSHIPMENT+ UNDER SECTION 14 OF THE STRATEGIC TRADE ACT 2010

This form may take you 15 minutes to fill in.
 You will need the following to fill in the form:

- Particulars of your company
- Information on the items you will be exporting, transshipping or bringing in transit
- End-user's information and the intended end-use of the items

Important Notes:

1. "+" indicates delete whichever is not applicable.
2. "*" indicates compulsory fields. Please enter "NA" if the field is not applicable.
3. Tick (✓) where applicable.
4. This application must be signed:
 - (a) If an individual, by the person directly interested or one of his employees authorized by him in writing;
 - (b) If a partnership, by one of the partners or an employee of the firm duly authorized in writing by one of the partners; or
 - (c) If a body corporate, by a director, the secretary or an employee duly authorized in writing by a director or the secretary of the body corporate.
5. Any person who contravenes subsection 9(1) of the Strategic Trade Act 2010 commits an offence and shall, on conviction—
 - (a) in relation to strategic items which are arms or related material—
 - (i) where the act is done with the intent to unlawfully export, transship or bring in transit such strategic items without a permit or with knowledge that the export, transshipment or bringing in transit of such strategic items without a permit is unlawful—
 - (A) where death is the result of the act, be punished with death or imprisonment for natural life, and in the case of a body corporate, be punished with a minimum fine of thirty million ringgit; or
 - (B) in any other case, be punished with imprisonment for a term of not less than ten years or with a fine of not less than ten million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of twenty million ringgit; or
 - (ii) where the act is done without the intent to unlawfully export, transship or bring in transit such strategic items without a permit or without knowledge that the export, transshipment or bringing in transit of such strategic items without a permit is unlawful, be punished with imprisonment for a term of not less than five years or with a fine of not less than five million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of ten million ringgit; and



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(b) in relation to strategic items other than arms or related material—

- (i) where the act is done with the intent to unlawfully export, tranship or bring in transit such strategic items without a permit or with knowledge that the export, transshipment or bringing in transit of such strategic items without a permit is unlawful, be punished with imprisonment for a term of not less than ten years or with a fine of not less than ten million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of twenty million ringgit; or
 - (ii) where the act is done without the intent to unlawfully export, tranship or bring in transit such strategic items without a permit or without knowledge that the export, transshipment or bringing in transit of such strategic items without a permit is unlawful, be punished with imprisonment for a term of not less than five years or with a fine of not less than five million ringgit or with both, and in the case of a body corporate, be punished with a minimum fine of ten million ringgit.
6. Please complete the application form and submit it together with the relevant supporting documents (via e-mail, fax or post) to the relevant Authority.

Application No.:
(For official use)

Section A: Application Purpose		
<p>*1. (a) <input type="checkbox"/> New Application <input type="checkbox"/> Renewal of Permit <input type="checkbox"/> Updating of Record <input type="checkbox"/> Addition of Item(s)</p> <p>If the purpose is for the renewal of permit or updating of record, please fill in the current application number and sections B, F, H and K.</p> <p>If the purpose is for the addition of item(s), please fill in the current application number and sections G, H and K.</p>		
<p>(b) Application type:</p> <p><input type="checkbox"/> Export <input type="checkbox"/> Transit <input type="checkbox"/> Transshipment</p>		
<p>(c) Permit type:</p> <p><input type="checkbox"/> Single-use <input type="checkbox"/> Bulk <input type="checkbox"/> Multiple-use</p>		
<p>Current Application No.: (if applicable)</p>		
<p>Previous Permit No.: (if applicable)</p>	<p>Issuance Date:</p>	<p>Expiry Date:</p>

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Section B: Applicant's Information	
*2. Application Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	
*3. Name:	*4. Address:
*5. Contact No.:	*6. Fax No.:
*7. E-mail:	
8. Company Registration No./NRIC No./Passport No.:	9. Contact Person's Name and Designation: (For organization only)
10. Website Address: (For organization only)	11. Date of Incorporation: (dd/mm/yyyy)
12. Principal Business Activities:	
Section C: Recipient's Information	
*13. Recipient Type: <input type="checkbox"/> Organization <input type="checkbox"/> Server Posted/Hosted On <input type="checkbox"/> Individual	



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*14. Recipient's Name:	*15. Recipient's Address:
16. Contact Person's Name and Designation: (For organization only)	
*17. Contact No.:	*18. Fax No.:
19. Website Address: (For organization only)	*20. E-mail:
Section D: Consignee's Information (Please attach additional sheet(s) if necessary)	
21. Consignee Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	
22. Consignee's Name:	23. Consignee's Address:
24. Contact Person's Name and Designation: (For organization only)	



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25. Contact No.:	26. Fax. No.:
27. Website Address: (For organization only)	28. E-mail:
Section E: End-User's Information (Please fill in Section E only if end-user is different from recipient)	
29. End-User Type: <input type="checkbox"/> Organization <input type="checkbox"/> Individual	
30. End-User's Name:	31. End-User's Address:
32. Contact Person's Name and Designation: (For organization only)	
33. Contact No.:	34. Fax. No.:
35. Website Address: (For organization only)	36. E-mail:
Section F: Export, Transit or Transshipment Details	
37. Mode of Export/Transit/Transshipment*:	



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38. Export/Transit/Transshipment* Date/Period:				
Section G: Items to be Exported/Brought in Transit/Transhipped* (Please attach additional sheet(s) if necessary)				
	*39. Description and Product Code of Items to be Exported/ Brought in Transit/ Transhipped (Please attach a copy of the contract, if applicable)	*40. Is an Export Licence required from the Country of Origin in order for the items to be exported to Malaysia? (If yes, please attach copy. If unable to attach copy, please explain why)	*41. Is a Re-export Approval required from the Country of Origin in order for the items to be exported from Malaysia to the destination country? (If yes, please attach copy. If unable to attach copy, please explain why)	*42. Purpose/Usage of the items WMD = Weapons of Mass Destruction
(i)	Product Code: Description: Quantity: Currency and Value:	Country of Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD <input type="checkbox"/> Military <input type="checkbox"/> Non Military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use Description:
(ii)	Product Code: Description: Quantity: Currency and Value:	Country of Origin: <input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> Yes <input type="checkbox"/> No Reason:	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD <input type="checkbox"/> Military <input type="checkbox"/> Non Military <input type="checkbox"/> Government <input type="checkbox"/> Non-Government End-use Description:



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(iii)	Product Code:	Country of Origin:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD
	Description:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Reason:	<input type="checkbox"/> Military <input type="checkbox"/> Non Military
	Quantity:	Reason:		<input type="checkbox"/> Government
	Currency and Value:			<input type="checkbox"/> Non-Government
				End-use Description:
(iv)	Product Code:	Country of Origin:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD
	Description:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Reason:	<input type="checkbox"/> Military <input type="checkbox"/> Non Military
	Quantity:	Reason:		<input type="checkbox"/> Government
	Currency and Value:			<input type="checkbox"/> Non-Government
				End-use Description:
(v)	Product Code:	Country of Origin:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> WMD <input type="checkbox"/> Non-WMD
	Description:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Reason:	<input type="checkbox"/> Military <input type="checkbox"/> Non Military
	Quantity:	Reason:		<input type="checkbox"/> Government
	Currency and Value:			<input type="checkbox"/> Non-Government
				End-use Description:

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<p>*Section H: Submission of Supporting Documents</p> <p>43. Please submit relevant supporting documents to the relevant Authority together with this application form. All supporting documents have to be numbered and the total number of pages indicated at the top right-hand corner of every page.</p> <p>44. Supporting documents submitted:</p>
<p>Section I: Remarks (if any):</p>
<p>Section J: Conditions</p> <p>45. The approval of this export/transit/transshipment* permit is subject to your company's compliance with the following conditions and other requirements of the Strategic Trade Act 2010 and Strategic Trade Regulations 2010:</p> <ul style="list-style-type: none"> (a) the permit holder shall not export, transfer in the course of transshipment or bring in transit any strategic items or unlisted items in respect of which the permit is granted to a country or person, or which is destined for a country or person to a country or person — <ul style="list-style-type: none"> (i) other than the country or person specified in the permit; or (ii) which or who he knows or would, by making reasonable inquiries, have known is subject to any sanction imposed pursuant to a decision of the United Nations Security Council; (b) the permit holder shall not, in the case of a bulk or multiple-use permit, export or transship the strategic items in respect of which a permit is granted if he knows or would, by making reasonable inquiries as to the use or the proposed use of the strategic items, have known that the strategic items are intended or likely to be used, wholly or in part, for or in connection with a restricted activity; (c) the permit holder shall not export, transship or bring in transit any strategic items or unlisted items — <ul style="list-style-type: none"> (i) other than that specified in the permit; or (ii) of a quantity exceeding that specified in the permit; (d) the permit holder shall not transfer or assign the permit to any other person; (e) such other conditions as the relevant Authority may determine.

46. Under Regulation 30 of the Strategic Trade Regulations 2010, the following records and particulars shall be maintained for a period of at least 6 years from the end of the calendar year in which the act authorized by the permit is carried out:

- Permit granted to the permit holder.
- Where the strategic items or unlisted items are brought into Malaysia from an exporting country and the export of the items from that country or its acquisition or disposal is regulated by that country, the document issued by the relevant authority of that country authorizing such export, acquisition or disposal, as the case may be.
- Document issued by the relevant authority of the country into which the strategic items or unlisted items are to be imported or transmitted authorizing the import or transmission of such strategic items or unlisted items.
- End-use statement.
- Invoice issued in respect of the sale of the strategic items or unlisted items.
- Shipping documentation including bill of lading, airway bill and shipper's declaration.
- Technical specifications for the strategic items or unlisted items.
- Purchase orders.
- Delivery Verification Statement(s).
- Completed permit application and supporting documentation.
- Contract for the acquisition or disposal of the strategic items or unlisted items to which the permit relates and correspondence relating thereto.
- Notes, invitations to bid, requests for quotations.
- Declaration(s) made under the Strategic Trade Regulations 2010 in connection with all export, transshipment or transit transactions, as the case may be, that require a permit regardless of value, item or destination.

47. In addition, if the software or technology is intended for export, the exportation must fulfil the following conditions:

- (i) The software/technology accompanies a person departing from Malaysia by land, sea or air;
- (ii) The software/technology can only be carried by the applicant for an Individual Type application, or by an authorized personnel for an Organization Type application; and
- (iii) The software/technology must remain in the possession of the applicant/authorized personnel until it is delivered to the End-User.

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48. The relevant Authority may at any time require the records to be audited and verified by an authorized officer.
49. Every permit holder shall allow the records to be inspected and copied or extract taken by any authorized officer.
50. Where any document or record is not legible, the permit holder who is required to maintain the document or record shall at the request of the authorized officer reproduce the document or record in a legible manner.
51. Where after an application for a permit or renewal of a permit has been made or has been granted, there is any change in any information or particulars submitted at the time of the application for a permit or renewal for the permit, the applicant or the permit holder shall, within 14 days of such change, apply to the relevant Authority to make the relevant amendment to the application or permit, as the case may be.
52. Please note that your company should inform the relevant Authority if it: <ul style="list-style-type: none"> (i) knows; or (ii) has reasonable grounds to suspect that the end-user is intending or is likely to use, wholly or in part, the strategic items or unlisted items in the development, production, maintenance or storage of nuclear, chemical or biological weapons or missiles which are capable of delivering any of these weapons.
53. The relevant Authority has the right to revoke your permit should you fail to comply with the Strategic Trade Act 2010 and the Strategic Trade Regulations 2010, any other applicable or related domestic laws or any condition of this permit.
Section K: Declaration and Undertaking
<i>For renewal of permit or updating of record:</i>
54. Information provided on (date of original permit application in dd/mm/yyyy) is still valid.
55. A new application is required if there is any change in the information provided in this form.

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56. I/We have read and understood the conditions under Section J of the application form. I/We declare that all the information provided above is true and correct, to the best of my/our knowledge.	
*57. Name of Authorized Personnel:	*58. NRIC/Passport No.:
*59. Designation: (for organization only)	*60. Contact No.:
*61. Fax No.:	*62. E-mail:
*63. Date: (dd/mm/yyyy)	
*64. Signature:	65. Company's Stamp: (for organization only)



Prepared by

**Strategic Trade Secretariat (STS),
Ministry of International Trade and Industry (MITI)
2019**