



# Space Technologies – Part 12 – Intangible transfer of technology

The terms “intangible transfer of technology” refer to:

- transmission, digitally or orally, of documents irrespective of the medium;
- management or remote maintenance of computer networks;
- monitoring of magisterial courses or training, in any form whatsoever;
- study or scientific research activities;
- transmission of knowledge, practical, technical or scientific knowledge and information in any form whatsoever.



This raises the question of the participation into conferences, presentations made over a conference call system, or the use of cloud servers for the exchange of technical documentation, for example.

Not covered is the transfer of technology through cross-border movement of natural persons.

The transfer takes place on the date on which the first act formalizes the entry into relation between the provider and the beneficiary of the know-how, the knowledge or the information transmitted.

The intangible transfer of technology related to dual-use items is subject to a prior Governmental authorization.

The same requirement is applicable where such a transfer contributes or is likely to contribute to proliferation.


No authorization is required where the intangible transfer of technology involves knowledge in the public domain, basis scientific research or the minimum necessary knowledge for patent applications.

Operation	Goods listed in Annex I	Goods listed in Annex IV	Goods not listed in Annex I or Annex IV
Intangible Transfer of Technology	Authorization	Authorization	Catch-all

#### For defence-related products

The intangible transfer of technology related to defence-related products is subject to a prior Governmental authorization. The same requirement is applicable where such a transfer contributes or is likely to contribute to proliferation.

As for dual-use items, no authorization is required where the intangible transfer of technology involves knowledge in the public domain, basis scientific research or the minimum necessary knowledge for patent applications.



Note: This contribution is based on the full provisional agreement reached on 9 November 2020 on a final compromise text to amend the EU Dual-Regulation 428/2009 of 5 May 2009. The entry into force of this text is still subject to an approval by the Council and the Parliament and a publication in the EU Official Journal.