

Wang, Hartmann, Gibbs & Cauley, P.L.C.

The Justice Department indicts an American scientist after he discusses sensitive technical information at an international convention. A company wants to sell infrared surveillance technology overseas, but does not know if it can do so legally. A Chinese manufacturer plans to use semiconductor technology developed by its U.S. partner but is worried about potential legal consequences.

Increasingly, executives, scientists and academics face fines and even prison time for sharing the wrong kind of information outside the U.S., no matter how harmless their subjective intentions. Export control laws (ECLs), designed to protect U.S. national security interests, have long been on the books. But only recently has the government stepped up enforcement of these highly complex regulations through the little-known Office of Export Enforcement.

"If you are trying to sell technology to a foreign entity or individual, you have to obtain approval," says John van Loben Sels, a partner in the California law firm of Wang, Hartmann, Gibbs & Cauley (WHGC). "Products or technology that you would not think impact national security can be affected."

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With offices in Orange County and the Bay Area—as well as Beijing, China and Taipei, Taiwan—WHGC is one of the few intellectual property firms in California specializing in export control laws, particularly when dealing with Pacific Rim nations. Clients include leading technology firms, small start-ups and, sometimes, individuals. WHGC helps clients file the appropriate documentation with the U.S. government and

obtain permission, or understand what restrictions apply, when hiring foreign employees or providing sensitive information or products to business associates and customers overseas.

"The rules change all the time," says Jeffrey C.P. Wang, managing partner and founder of WHGC. "The government wants to know where the technology is being drop-shipped, who is receiving it, and how it is being used."

Surprisingly, the stepped-up enforcement of U.S. export control laws is beginning to have a chilling effect on the U.S. job market, warns Wang and his colleagues. Many companies are moving technology jobs overseas, to avoid unintentional violations. In some cases, export control laws can even cause difficulties for American universities,



Managing Partner and Founder Jeffrey C. P. Wang says excessive enforcement of U.S. export control laws has a negative impact on the economy by discouraging international investment and preventing the entry of talented engineers and scientists into the U.S.

where foreign students are pursuing advanced degrees in scientific disciplines. With that in mind, WHGC is increasingly involved on the immigration front, advising foreign engineers and students regarding how their exposure to new technologies in the U.S. can affect their visa status and related issues.

"The government is taking a very broad view of what constitutes a threat to national security," says Wang. "The government's aggressive approach is necessitated by the increased speed of technological development and the increased ease with which parties can transfer technical files online or by using a portable memory device. A lot of emerging technology companies do not think about this. We can help them."



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