

Export License Information from WIBU-SYSTEMS USA, Inc.

Revised: 2009-Feb-09

Harmonized Code for all products of WIBU-SYSTEMS: **8473-3010-080**

ECCN for CodeMeter: **5A992** and **5A002**

ECCN for WibuKey: **5A992**

NAICS Code for all WIBU-SYSTEMS products: **334119**

By statute [please see §742.15(a)(2) of the EAR, found at <http://www.access.gpo.gov/bis>] certain products with the ECCN classification of 5A992 are “outside the scope of the EAR” and may be exported and re-exported to most destinations without a license.

For ECCN 5A002, we are relying specifically on the “exclusion from notification and review requirements” provisions of the EAR contained in §742.15(b)(3)(iii) as our basis for claiming no need for BIS notification or review. This paragraph refers to section §772.1 and an explicit exemption contained in the Nota Bene concerning anti-piracy products.

Some Background

The product that contains the 5A992 ECCN classification is only one part of the complete CodeMeter and WibuKey system for managing the digital rights of software applications and protect them against piracy, reverse-engineering and tampering. The system includes both a hardware device and an SDK. Software developers utilize the tools contained in our SDK to protect elements of their programs. Software developers then use additional tools to “marry” their protected software to a special hardware device (the CmStick, CmCard or WibuBox). The software developer then sends both a copy of his protected software program and our CodeMeter or WibuKey hardware device to the end user who purchases the protected program. End users must attach the hardware device to a computer in order to run the protected software program. Therefore the entire purpose of the hardware component is to “provide for execution of software which is protected against piracy, reverse engineering and tampering”.

As a result of this limited functionality, we are claiming exemption from notification and review because §742.15(b)(3)(iii) refers to §772.1, which calls out as an example of “ancillary cryptographic functionality” products that are “specially designed and limited to: piracy and theft prevention for software, music, etc.; games and gaming”.

Note to our Customers

If your software has not been classified and you have questions on if it should be or how to classify your software, refer to the BIS (Bureau of Industry & Security) Website at <http://www.bis.doc.gov>. Under the category of *Additional Resources* (at the left side) click on the *FAQs on Export Licensing* link.