

September 10–11, 2020 (Pacific Daylight Time)  Virtual Conference


10<sup>th</sup> Annual Advanced Forum on

# GLOBAL ENCRYPTION, CLOUD & CYBER EXPORT CONTROLS

The Premier Event for the Global Trade Controls Professionals to Stay Compliant with the Changing Regulations

## Keynote Speakers:

 **Honorably Nazak Nikakhtar**  
Assistant Secretary for Industry and Analysis, International Trade Administration  
**U.S. Department of Commerce**

 **Deborah Curtis**  
Chief Counsel for Industry and Security  
**U.S. Department of Commerce**

## Benchmark with Senior Industry Leaders from:

- Cisco Systems
- Hitachi
- Spirent Communications
- Cyxtera
- McAfee
- Qualcomm
- Dell
- Microsoft
- Verizon
- Ericsson
- Oracle
- Google
- Siemens

## What's New for 2020:

- Navigating the **enforcement landscape** and increased use of the entity list
- Impact of **TikTok** and **We Chat** on Citizen Privacy
- **Military end use restrictions** on mass market encryption and software
- Discussing the impact of **new, emerging and foundational technologies regulations**
- Anticipating **Wassenaar** changes to overcome cybersecurity challenges
- How to manage your compliance program after **COVID-19**
- Assessing the impact of **human rights guidelines** to combat overuse of cyber-surveillance products and services

## Gain Country Specific Guidance:

- Latest developments in **CHINA's** encryption and cyber laws
- Focus on ASIA export controls – **INDIA, JAPAN, KOREA** and **HONG KONG**
- **EUROPEAN UNION** Dual-Use trade controls update
- Encryption requirements and export controls laws in **GERMANY**

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## The Only Conference that Focuses on Global Regulatory Developments in Encryption, Cloud Computing and Export Controls

The **10th Edition of Global Encryption, Cloud & Cyber Export Controls Virtual Conference** is an exclusive gathering for senior executives and trade compliance professionals to keep abreast of changing export control regimes across the globe. This is the only event that brings together industry and government experts from around the world to discuss the latest changes and developments in this dynamic environment.

### 5 Top Reasons to Attend

- **RECEIVE** comprehensive guidance from senior Government Officials
- **LEARN** practical compliance strategies from the experts and industry leaders
- **PARTICIPATE** in our intensive workshops and learn how to build and implement a robust and up-to-date internal compliance program
- **ENGAGE** in interactive discussions about key issues and emerging industry trends
- **NETWORK** among your colleagues, peers and prospective clients

**REGISTER** today to reserve your place to receive the most current guidance to help your organization navigate the latest regulatory guidelines. Please ask about our generous group discounts.

“Best conference for legal, technical, operational encryption, cybersecurity issues and best practices.”

Senior Manager, Global Export Trade, Cisco

“Appreciated the workshops and the depth of information along with the topics covered.”

Trade Control Specialist, The Boeing Company

“I found all the material to be relevant and it was covered in just about enough depth to keep the audience engaged.”

Global Trade Compliance Specialist, Hitachi Vantara

“The combination of topics and speakers resulted in a dynamic exchange of information and opinions.”

Trade Compliance Manager, Nutanix



Supported by:



# Pre-Conference Workshops • Wednesday, September 9, 2020 (Pacific Daylight Time)

## **A** 9:00-12:30 **Fundamentals of U.S. Encryption Rules: Update on Legal and Compliance Issues and the Key Components of an Effective Compliance Program**

**Jocelyn Brown**  
Senior Manager Global Export  
Cisco Systems  
(San Francisco, CA)

**Tammie Rostant**  
Global Trade Compliance  
Manager  
McAfee (Plano, TX)

**Marwa Hassoun**  
Partner  
Arent Fox (Los Angeles, CA)

This session is designed both for attendees new to encryption controls and for those who would like an in-depth refresher before the more advanced discussions of the main program. Take part in this practical and interactive working group as experts discuss the current state of U.S. Encryption Controls—with a focus on building and maintaining strong protocols to ensure compliance. Topics include:

- What is symmetrical and asymmetrical encryption?
- Technical details of the history and current state of encryption
- Nuances of U.S. Export Control laws for encryption technologies, cloud computing, and cyber export controls
  - » What is an encryption item and how does the EAR treat them differently?
  - » The *De Minimis Rule* for encryption items
  - » Publicly available encryption software and technology
- Summary of recent regulatory changes and impact on legacy classifications/controls
- Licensing and License Exceptions
  - » License Exception ENC
  - » When you need an encryption licensing arrangement (ELA) vs. an individual license?
- Strategies and best practices for developing and maintaining an effective export compliance program with respect to encryption items

## **B** 1:30-5:00 **Cloud Computing 101: A Comprehensive Guide to Export Controls, Compliance Issues and More**

**Dan Fisher-Owens**  
Partner  
Berliner Corcoran & Rowe  
(San Francisco, CA)

**Anne Marie Griffin**  
Director Regulatory Affairs  
Microsoft Worldwide Tax  
& Trade (Redmond, WA)

This working group provides a comprehensive review of export compliance obligations in the cloud. Experts will review the export controls and sanctions approach to cloud computing in the U.S. and several other countries. This workshop is ideal for export controls, engineering and technology professionals seeking clarity on how to dovetail export controls and the cloud. Topics include:

- A complete review of BIS, DDTC, and OFAC rules on cloud computing, including advisory opinions
- Impact and implications: DDTC's new update related to encrypted technical data and software
- How U.S. export control rules intersect with DoD cybersecurity rules
- Tailoring cloud computing policies to the needs of your specific technology and existing business processes
- Controlling cloud access, internally and externally: Third parties, affiliates, vendors and customers
- Cloud computing risk assessments: How to identify and mitigate weaknesses in your existing control plan

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The C5 Group, comprising American Conference Institute, The Canadian Institute and C5 in Europe, is a leading global events and business intelligence company.

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## Who Will You Meet?

### Vice Presidents, Directors and Managers of:

- Export/Import Compliance
- Export Administration
- Export/Import Controls
- Security
- Export Policy
- Export Licensing
- International Trade
- Compliance
- Government Affairs

### Corporate Counsel:

- Import/Export Compliance
- International Trade
- Counsel
- Trade and Regulatory
- Counsel

### Private practice attorneys and consultants practicing in:

- Export Controls
- International Trade
- Corporate Compliance & Governance
- E-Commerce

### Chief Technology Officers

- Engineers

# Main Conference Day 1

Thursday, September 10, 2020  
(Pacific Daylight Time)

9:00

## Co-Chairs' Opening Remarks

**Magnus Nordeus**  
Group Head of Trade Compliance  
**Ericsson (Sweden)**

**Roszel Thomsen**  
Partner  
**Thomsen & Burke (Baltimore, MD)**

9:15 **KEYNOTE ADDRESS**

## Export Control Reform Act Implementation: Emerging and Foundational Technologies



**Deborah Curtis**  
Chief Counsel for Industry  
and Security  
**U.S. Department of Commerce**

10:15

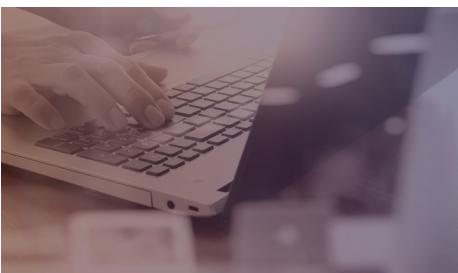
## Due Diligence Considerations for Supply Chain Security and New 5G Technology

**Bryan Schromsky**  
Director of Federal Government  
Mobile and Connected Solutions  
**Verizon**

**Bill Mahaeu**  
Senior Director of Strategic Development  
**Qualcomm Government Technologies**

- How the U.S. and the UK differ in their approaches to 5G supply chain security?
- Must we learn to live with "dirty" networks?
- Potential decoupling of Western and Chinese 5G networks and standards
- Status of U.S. efforts to convince other countries to prohibit the use of technology from Huawei and ZTE

10:45 Break



11:15

## Understanding the Enforcement Landscape: When Criminal Prosecutions, Civil and Administrative Proceedings, and Sanctions Intersect with Trade Negotiations, What Must You Do?

**Matt Bell**  
Senior Managing Director, Practice Leader  
Export Controls & Sanctions  
**FTI Consulting (Houston, TX)**

**Josephine Aiello LeBeau**  
Partner  
**Wilson Sonsini (Washington, DC)**

- Business risks of dealing with Huawei
- Why the Huawei entity listing is not 'ZTE Redux' from a U.S. perspective?
- How the arrest of Huawei's CFO in Canada changes the calculus and industry's response?
- What is the view of the entity list and unreliable supplier list from a Chinese perspective?
- Huawei's temporary general license – success or failure?
- Enforcement risks for non-US companies

12:00

## Decoding China's New Encryption and Cybersecurity Laws and Coping with Uncertainty

**Brian Falbo**  
Director, PG and Global Operations  
**Dell (Austin, TX)**

**Xiang Wang**  
Partner  
**Orrick Herington Sutcliffe (New York, NY)**

- 3-month update on China's encryption law, which became effective January 1, 2020
- The intersection of the new encryption law with China's Cybersecurity Law and Vulnerability Disclosure Requirements
- Results of the Phase 1 trade agreement with China and prospects for further agreement

12:45 Break

1:30

## Wassenaar Arrangement: Dramatic Expansion of Export Controls on Cyber Tools and Cyber Warfare

**Dave Aitel**  
Chief Security Technical Officer  
**Cyxtera (Miami, FL)**

- Assessment of existing controls on IMSI Catchers, Intrusion Software and IP Network Surveillance Systems
- Expansion of controls in 2020, including digital forensics, communications monitoring, and cyber warfare software and technology
- Overlap with controls on Encryption technology on the dual-use list – recommendations on license exceptions in the U.S. and general licenses in the EU

2:15



## Asia Focus: Hong Kong, Japan and India

**Jay Gullish**  
Senior Director, Digital Economy, Media, and Entertainment, U.S.-India Business Council,  
**U.S. Chamber of Commerce (Washington, DC)**

**Rohit Jain**  
Partner

## Economic Laws Practice (India)

- The relationship between METI, CISTEC and the export community in Japan
- Japanese parameter sheets – What are they, and why are they important?
- Japan's enhanced controls on exports of three semiconductor materials, including hydrogen fluoride, to South Korea and removal of South Korea from its list of trusted trade partners qualified for preferential treatment in export procedures – background and implications
- India's SCOMET regulations and new Intra-Company Transfer exemption – problems solved, and problems remaining

3:00

## Compliance Program Best Practices: How to Update Your Program in Accordance with Your Organization's Risk Profile

**Steve Bird**  
Manager, Global Trade Compliance  
**Veritas Technologies (San Francisco, CA)**

**Alan Levesque**  
Senior Managing Director  
**Ankura (Washington, DC)**  
Former CCO, Raytheon

**Alexis Farris Wetzler**  
Government and Regulatory Affairs  
Executive, Export Regulations Office  
**IBM (Washington, DC)**

**Melissa Duffy**  
Partner  
**Dechert (Washington, DC)**

- How to do military end user and military end use screening
- COVID-19 challenges – How to manage your compliance program with remote employees
- Critical components of an effective program
- Industry-specific challenges
- How to conduct a risk assessment as part of your compliance program?
- Lessons learned from Apple's OFAC settlement

4:00 End of Day One

# Main Conference Day 2

Friday, September 11, 2020  
(Pacific Daylight Time)

9:00

## Co-Chairs' Opening Remarks

9:10

### KEYNOTE ADDRESS

## How the U.S. Government is Assessing the Threat from China and Leading the Response?



**Honorable Nazak Nikakhtar**  
Assistant Secretary for Industry and Analysis, International Trade Administration  
U.S. Department of Commerce

10:00

## Dual-Use: Wassenaar Mandate to Reform The Encryption Controls

**Torbjörn Gustavsson**

*Crypto Mathematician*

**National Defence Radio Establishment (Sweden)**

- There is confusion relating to the dual-use list: will this have a bigger role in trade?
- Plenary mandate to revise category 5, part 2 of the dual-use list
- Product, marketing, functional decontrols and cryptographic "activation"
- Practical suggestions for clarity and consistency

10:45



## Focus on the European Union: New Regulations to be Aware of

**Kay Peter Höft**

*Attorney at Law*

**Kanzlei für Aussenwirtschaftsrecht (Germany)**

**Jasper Helder**

*Partner*

**Akin Gump Strauss Hauer & Feld (UK)**

**Mahmut Sen**

*Head of Rules & Regulations Legal & Compliance*

**Siemens Healthineers (Germany)**

- How does the EU dual use regulation control telecommunication goods, information security and "Cyber tools"?

- How do the German export control laws control these goods?
- EU dual use reform 2020 and Cyber surveillance?
- What is the practical perception on these rules in the telecom and intelligence industry?
- Cloud computing rules and GDPR data requirements

11:30 Break

12:00

## Implications of Emerging and Foundational Technology Controls for Industry and Academia

**Neil Martin**

*Senior Export Compliance Counsel*

**Google (Mountain View, CA)**

**Alexandra Haney**

*Counsel, Global Trade Compliance*

**Facebook (San Francisco, CA)**

**Shiva Aminian**

*Partner*

**Akin Gump Strauss Hauer & Feld LLP (San Francisco, CA)**

Every industry is being affected by advances in technology including artificial intelligence, robotics and the Internet of Things — and the export controls sectors are no exception. Join this think-tank of industry insiders as they discuss the latest progress, initiatives and developments with the use of emerging and foundational technologies. They will also focus on why there is a sudden increase in these technologies in export control. Gain valuable insights on which of the technologies will be forefront in the coming years

- Quantum computing, post quantum cryptography and artificial intelligence
- Foundational Technologies: definitional considerations, foreign availability and effectiveness of unilateral controls
- Fundamental research and emerging and foundational technology nexus: the challenge for university export control officers, and their government and industry partners

1:00

## U.S. Priorities for Safeguarding Citizens Privacy: TikTok, We Chat and More

**Ryan Speers**

**River Look Security**

- Addressing longstanding concerns about China
- How to protect citizens privacy and companies' most sensitive data
- 5 new effort of new Clean Network: Clean Carrier, Clean Store, Clean Apps, Clean Cloud and Clean Cable

1:45 Break

2:15

## Cloud-Based Export Controls: Compliance Considerations

**Anne Marie Griffin**

*Director Regulatory Affairs*

**Microsoft Worldwide Tax & Trade (Redmond, WA)**

**Winnie Luk**

*Senior Trade Compliance Manager*

**Oracle (San Francisco, CA)**

- COVID-19 and EAR/ITAR End to End encryption rule review: How will it impact compliance?
- Is there an export when using the cloud: applying Section 734.18 of the EAR?
- Compliance with export control requirements with cloud-based services
- Who is responsible for export controls: the cloud provider or user?

3:00

## Human Rights Considerations in Export Vetting: Interagency Views

**Jeffrey A Sizemore**

*Office of Security and Human Rights*

*Bureau of Democracy, Human Rights and Labor*

**U.S. Department of State (Washington, DC)**

- Human rights and export controls after the Export Control Reform Act of 2018
- What the new State Department guidelines mean for your due diligence
- Surreptitious Listing Controls – An Interagency Perspective

3:30

## Future Trends: What to Expect in 2020 and Beyond

**Roszel Thomsen**

*Partner*

**Thomsen & Burke (Baltimore, MD)**

- Priorities for governments to implement effective export controls
- Industry's new challenges navigating a multi-polar world
- Engaging with the academic community and civil society

4:00 Conference Adjourns



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At the same time, we also understand that collaboration is more vital than ever and for that, you can still rely on ACI to bring the industry together *but* in a different way. We are transforming quickly to ensure you can now connect virtually and continue to gain unparalleled access to market leading intelligence and to the facilitation of a global exchange of expertise. Our new virtual events continue to be guided by our unifying philosophy: we believe that growth and success occurs when the power of people and the power of information come together. We may not be able to gather in person, but nothing stops connection and innovation.



## Virtual Conference

Our virtual conferences are the same conferences you have come to expect in person but transformed to a virtual format. The new virtual conference delivers the same access to a community of industry leaders we have spent decades building and nurturing. We invite you to be part of this community.



Ask your questions directly to our expert faculty



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