



August 2, 2012
Company No.: 182612
Ref. Id: 678756-9

Fax No.: 415-449-5168

Electric Genesis Consulting & Research
96 Haileybury Drive
Toronto, Ontario
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Canada

Dear Derek Seabrooke,

This letter is in response to the Electric Genesis Consulting & Research request for Advisory Opinion (Ref Id: 678756-9) regarding whether an export permit is required in accordance with the *Export and Import Permits Act* (EIPA) before exporting the Puffman Version 1.0 computer program source code.

In your application you indicated that the subject item:

- is a computer program in Java that will be distributed as source code for demonstration purposes;
- is designed only as an example of work by Electric Genesis Consulting & Research in the Java language;
- is a symmetric cryptographic algorithm that can use any key length;
- is not specially designed for military, space or nuclear use; and
- was developed in Canada.

Accordingly, based on the information you submitted, the Puffman Version 1.0 computer program source code described above is enumerated under Items **1-5.D.2 and 1-5.E.2** of the *Export Control List* (ECL) as largely delineated in “A Guide to Canada’s Export Controls” dated June 2010. Pursuant to the EIPA, an exporter must be in possession of a valid export permit issued by Foreign Affairs and International Trade Canada prior to exporting the subject items to any destination except the United States.

You should be aware that other legislated authorizations may be required for exports to destinations subject to Canadian Economic Sanctions enacted through the *United Nations Act* or the *Special Economic Measures Act*. Information related to these sanctions can be obtained from <http://www.dfait-maeci.gc.ca/trade/sanctions-en.asp> or by contacting the United Nations, Human Rights, and Economic Law Division (JLH) of the Department of Foreign Affairs and International Trade at (613) 995-1108.

The Puffman Version 1.0 computer program source code described above is not controlled under ECL Group 2, ECL Group 6 or ECL Item 5504. The Controlled Goods Program (CGP) is administered by the Controlled Goods Directorate (CGD) of Public Works and Government Services Canada (PWGSC) and you should contact the CGD to verify whether you need to register under the CGP. Information on the CGP, such as registration requirements and clarification of the terms examine, possess and transfer, may be found at the CGP website: <http://ssi-iss.tpsgc-pwgsc.gc.ca/dmc-cgd/index-eng.html>.

If you have any questions regarding this technical assessment, please do not hesitate to contact me. If you have any questions on how to apply for an export permit, the types of export permits available, the likelihood of receiving an export permit for a particular destination or the status of any of your export permit applications, please contact Export Controls Division at (613) 996-2387, provide your Company Number (located in the upper right hand corner of the first page of this letter) to the receptionist and ask to speak with the Permit Officer to whom your company is assigned.

This letter is provided as general advice based on the information submitted. The views expressed here are not based on the kinds of data verification and internal government consultation which normally occur during the export permit application process. Consequently, we are unable to comment on the prospect of the Minister issuing an export permit.

Furthermore, this letter does not bind the Minister's discretion under the *Export and Import Permits Act* and regulations. In response to an actual export permit application, the Minister may issue or refuse to issue a permit, or the Minister may return the export permit application with an indication that a permit is not required. If you require a binding decision, please submit an export permit application for processing by Foreign Affairs and International Trade Canada.

I trust this information will be of assistance to you.

Sincerely,

Ben Schonfeld

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