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Export Control and Compliance

The British government publishes a list of 'controlled' military and dual-use items which require a licence to export from the UK to countries outside the EU as a consolidated list available on gov.uk¹.

The document is relevant to the Westgate Cyber Security Limited's secure networking product Enclave. Specifically category 5, part 2 (telecommunications and information security) copied verbatim below for reference:

Note 1: Not used.

Note 2: Category 5 – Part 2 does not control products when accompanying their user for the user's personal use.

Note 3: Cryptography Note; 5A002, 5D002.a.1, 5D002.b. and 5D002.c.1. do not control items as follows:

- a. Items that meet all of the following:
 1. Generally available to the public by being sold, without restriction, from stock at retail selling points by means of any of the following: a. Over-the-counter transactions; b. Mail order transactions; c. Electronic transactions; or d. Telephone call transactions;
 2. The cryptographic functionality cannot easily be changed by the user;
 3. Designed for installation by the user without further substantial support by the supplier; and
 4. When necessary, details of the goods are accessible and will be provided, upon request, to the competent authorities of the Member State in which the exporter is established in order to ascertain compliance with conditions described in paragraphs 1 to 3 above;

¹ <https://www.gov.uk/government/publications/uk-strategic-export-control-lists-the-consolidated-list-of-strategic-military-and-dual-use-items-that-require-export-authorisation>

b. Hardware components or 'executable software', of existing items described in paragraph A of this Note, that have been designed for these existing items, meeting all of the following:

1. "Information security" is not the primary function or set of functions of the component or 'executable software';
2. The component or 'executable software' does not change any cryptographic functionality of the existing items, or add new cryptographic functionality to the existing items;
3. The feature set of the component or 'executable software' is fixed and is not designed or modified to customer specification; and
4. When necessary as determined by the competent authorities of the Member State in which the exporter is established, details of the component or 'executable software' and details of relevant end-items are accessible and will be provided to the competent authority upon request, in order to ascertain compliance with conditions described above.

Technical Note: For the purpose of the Cryptography Note, 'executable software' means "software" in executable form, from an existing hardware component excluded from 5A002 by the Cryptography Note.

Note: 'Executable software' does not include complete binary images of the "software" running on an end-item.

Note to the Cryptography Note:

1. To meet paragraph a. of Note 3, all of the following must apply:
 - a. The item is of potential interest to a wide range of individuals and businesses;
and
 - b. The price and information about the main functionality of the item are available before purchase without the need to consult the vendor or supplier. A simple price enquiry is not considered to be a consultation.
2. In determining eligibility of paragraph a. of Note 3, competent authorities may take into account relevant factors such as quantity, price, required technical skill, existing sales channels, typical customers, typical use or any exclusionary practices of the supplier.

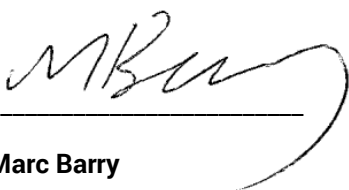
Statement of Compliance

The following statement of compliance describes how Westgate Cyber Security aligns to the license exemptions described in Note 3.

- a. All products and services are:
 1. Sold either as stand-alone products, or SaaS backed services. Distribution of software to end-users is compiled, version controlled, digitally signed and generally available to the public without restriction and by means of electronic transactions.
 2. Distributed as compiled software with cryptographic capabilities which cannot be easily changed by the end user. Further, modification to the functionality of distributed software constitutes breach of EULA and violation of the product's terms of service.
 3. Delivered to the end user with a software installer designed to make installation simple, or delivered as an online SaaS platform. Neither distribution method requires substantial support be provided to the user.
 4. Made available on the understanding that Westgate Cyber Security will, at all times, both fully and proactively engage with and support any and all requests made by the British law enforcement agencies and their intelligence community counterparts.
- b. Enclave is neither designed, manufactured nor exported with specific hardware requirements. Our products and services target generic CPU architectures and platforms (e.g. x86 and x64).

Further:

- Our products and services are deemed to be of potential interest to a wide range of individuals.
- Details of product functionality and pricing information shall always be readily available to potential customers and never withheld pending a protracted consultation.
- We are fully committed to meeting our national and international legal obligations. Westgate Cyber Security will never export to countries subject to sanctions or trade embargo² imposed by the British Government or European Union as detailed in Appendix A of this document.



Marc Barry
Director and CTO

² <https://www.gov.uk/guidance/uk-sanctions>

APPENDIX A

International trade and sanctions

Westgate Cyber Security will exercise both commercial and technical efforts to ensure that we neither export, nor do business with any entity registered, or domiciled in any of the following locations:

- **Afghanistan** (trade sanctions including an arms embargo, and transit control)
- **Argentina** (trade restrictions and transit control)
- **Armenia** (trade sanctions including an arms embargo, and transit control)
- **Azerbaijan** (trade sanctions including an arms embargo, and transit control)
- **Belarus** (trade sanctions including an arms embargo, and transit control)
- **Burma** (Myanmar) (trade sanctions including an arms embargo, and transit control)
- **Central African Republic** (trade sanctions including an arms embargo, and transit control)
- **Democratic People's Republic of Korea** (trade sanctions including an arms embargo, and transit control)
- **Democratic Republic of the Congo** (trade sanctions including an arms embargo, and transit control)
- **Iran** (trade sanctions including an arms embargo, and transit control)
- **Iraq** (trade sanctions including an arms embargo, and transit control)
- **Lebanon** (trade sanctions including an arms embargo, and transit control)
- **Libya** (trade sanctions including an arms embargo, and transit control)
- **Russia** (trade sanctions including an arms embargo, and transit control)
- **Somalia** (trade sanctions including an arms embargo, and transit control)
- **South Sudan** (trade sanctions including an arms embargo, and transit control)
- **Sudan** (trade sanctions including an arms embargo, and transit control)
- **Syria** (trade sanctions including an arms embargo, and transit control)
- **Ukraine** (trade sanctions and transit control)
- **Venezuela** (trade sanctions including an arms embargo, and transit control)
- **Yemen** (trade sanctions including an arms embargo, and transit control)
- **Zimbabwe** (trade sanctions including an arms embargo, and transit control)