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## **RESEARCH IN MOTION (“RIM”)**

### **PERSONAL USE EXCEPTIONS FOR ROAMING WITH BLACKBERRY EQUIPMENT**

The guide below sets out findings regarding personal use exceptions for roaming with “BlackBerry Equipment”, which includes the following items:

- a BlackBerry Wireless Handheld running BlackBerry Wireless Handheld Software;
- A mobile device running BlackBerry Connect Software or BlackBerry Built-In Software;
- a laptop running BlackBerry Desktop Software; and
- a BlackBerry Smart Card Reader.

Please note that the guide below is intended to cover import and export law as it applies to encryption hardware and software like the BlackBerry Equipment. The guide does not cover other areas of law, including but not limited to type approval, communications interception for law enforcement, or generally-applicable customs / immigration procedures.

Please also note that the guide is not an exhaustive guide on personal use exceptions for roaming with BlackBerry Equipment. That is, there may be additional countries that have a personal use exception for roaming with BlackBerry Equipment that are not in the guide.

In most countries, either a personal use exception is available or there is no specific regulation of encryption. Countries that do not have a personal use exception available include France, Russia, and possibly China. The use of certain terms is important in interpreting the guide:

**“BlackBerry Roaming”** refers to travel both to and from a country by an individual carrying the BlackBerry Equipment. The term (and the guide) do not cover restrictions on general commercial imports or exports of encryption products, or provision to the public of an encryption-based service.

**“Personal Use”** refers to personal use by a traveller, including in connection with business activities. For a personal use exception to apply, the BlackBerry Equipment must remain under the traveller’s control – e.g. the exception would often not apply if the equipment were transferred from one traveller to another, or shipped or sent by mail. The exception also would often not apply in the following circumstances:

1. where an individual is travelling with more than one BlackBerry Wireless Handheld or more than one laptop loaded with BlackBerry software (such use may be viewed as an attempt to avoid the encryption licensing obligations imposed under the relevant law);
2. where an individual is travelling with BlackBerry Equipment and such equipment is intended for commercial demonstration or sale purposes (including demonstration or sale of the hardware itself or of software loaded on it); or

3. where the software or the BlackBerry Equipment is intended to be transferred to another user or loaded on another computer or device (including a user or computer affiliated with the traveller).

Where encryption is regulated and there is no applicable personal use exception, travellers may be legally required to obtain authorisation for temporary imports/exports of BlackBerry Equipment. We have provided some information below, where relevant, on authorisation requirements.

The information below has been gathered as appropriate from a network of electronic commerce lawyers; regulators and other government contacts in these countries; the U.S. Commercial Service; local embassies; contacts at the OECD, UNCITRAL and other international organisations; publications; and other materials and sources.

Country	Personal Use Exception Applies to BlackBerry Roaming	Comments / Additional Information
Abu Dhabi	Yes	
Argentina	Yes	
Australia	Yes	
Austria	Yes	
Bahrain	Yes	
Belgium	Yes	
Brazil	Yes	
Canada	Yes	
Chile	Yes	
Columbia	Yes	
Croatia	Yes	
Czech Republic	Yes	
Denmark	Yes	
Ecuador	Yes	
Egypt	Yes	
El Salvador	Yes	
Finland	Yes	
France	Yes (most versions)	<p>DCSSI, the French encryption regulator, has approved the following products for import and distribution in France, and has found that these products benefit from the mass market exception to French and EU export restrictions:</p> <ul style="list-style-type: none"> <li>• a BlackBerry Wireless Handheld running BlackBerry Wireless Handheld Software version 4.2 but not subsequent versions;</li> <li>• a laptop running BlackBerry Desktop Software version 4.2 but not subsequent versions; and</li> <li>• a BlackBerry Smart Card Reader with BlackBerry Smart Card Reader Software version 1.5 but not subsequent versions</li> </ul>

Country	Personal Use Exception Applies to BlackBerry Roaming	Comments / Additional Information
Germany	Yes	
Greece	Yes	
Guatemala	Yes	
Hong Kong	Yes	
Hungary	Yes	
Iceland	Yes	
India	Yes	
Indonesia	Yes	
Ireland	Yes	
Israel	Yes, but No in the West Bank and Gaza Strip	
Italy	Yes	
Japan	Yes	
Kuwait	Yes	
Luxembourg	Yes	
Macao	Yes	
Malaysia	Yes	
Mexico	Yes	
Morocco	Yes	
Netherlands	Yes	
New Zealand	Yes	
Nicaragua	Yes	
Norway	Yes	
Pakistan	Yes	
Panama	Yes	
Peru	Yes	
Philippines	Yes	
Poland	Yes	
Portugal	Yes	
Romania	Yes	
Saudi Arabia	Yes	
Singapore	Yes	
Slovakia	Yes	
Slovenia	Yes	
South Africa	Yes	

Country	Personal Use Exception Applies to BlackBerry Roaming	Comments / Additional Information
South Korea (Republic of Korea)	Yes	
Spain	Yes	
Sri Lanka	Yes	
Sweden	Yes	
Switzerland	Yes	
Taiwan (Republic of China)	Yes	
Thailand	Yes	
Turkey	Yes	
Ukraine	Yes	
United Kingdom	Yes	
United States	Yes	License Exception BAG
Uruguay	Yes	
Venezuela	Yes	