

## Commerce Zooms in on AI Software for Geospatial Imagery Analysis

January 6, 2020

On Monday, January 6, 2020, the US Department of Commerce's Bureau of Industry and Security published an interim rule that places additional export control restrictions under the Export Administration Regulations on certain automated geospatial imagery analysis software.

The specific software that is subject to the interim rule is defined as follows:

Geospatial imagery software specially designed for training a Deep Convolutional Neural Network to automate the analysis of geospatial imagery and point clouds, and having all of the following:

1. Provides a graphical user interface that enables the user to identify objects (e.g., vehicles, houses, etc.) from within geospatial imagery and point clouds in order to extract positive and negative samples of an object of interest
2. Reduces pixel variation by performing scale, color and rotational normalization on the positive samples
3. Trains a Deep Convolutional Neural Network to detect the object of interest from the positive and negative samples
4. Identifies objects in geospatial imagery using the trained Deep Convolutional Neural Network by matching the rotational pattern from the positive samples with the rotational pattern of objects in the geospatial imagery

Technical Note: A point cloud is a collection of data points defined by a given coordinate system. A point cloud is also known as a digital surface model.

Notably, to be caught by the rule, the subject software must be specially designed for training a Deep Convolutional Neural Network and satisfy all four of the listed criteria. The term "specially designed" is broadly defined and can in some cases capture software capable merely of use in or with Deep Convolutional Neural Networks. The determination of whether software is specially designed ultimately requires a fact-specific analysis, including a review of other intended uses of the software.

Under the interim rule, an export license will be required from BIS to export such software subject to the interim rule to every country except Canada. There is a 60-day comment period, ending March 6, 2020, during which interested parties may submit comments regarding the new export controls for BIS to consider in its final implementation of the rule.

Please contact us if you have any questions regarding the latest rule, or if you would like to discuss the potential application of this rule to specific products.

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