

TROY

840 West Long Lake Rd.
Suite 150
Troy, Michigan 48098
T: +1.248.267.3317
O: +1.248.879.2000
F: +1.248.879.2001

QATAR

Miller Canfield International PLLC -
QFC Branch, Licensed by the
Qatar Financial Centre Authority
(QFC No. 00746)
Al Fardan Towers, 9th Floor, Office
903
PO Box 31316
West Bay Area, Doha, Qatar
O: +974.4410.1583
F: +974.4410.1500

WASHINGTON, D.C.

2001 K Street, N.W.
Suite 1125 South Tower
Washington, D.C. 20006
O: +1.202.572.6150
F: +1.202.572.6151

gustavus@millercanfield.com

Services

Intellectual Property
Corporate and Transactions
 Corporate, Securities and
 Commercial Transactions
 Startups and Venture Capital
 Mergers and Acquisitions
International
 Customs and Import Compliance
 Doing Business in the United
 States
 Export Controls and Sanctions
 India
 International Sales and
 Commercial Transactions
 Qatar



Joseph D. Gustavus

Principal

Joe is a corporate attorney and leads the firm's Export Controls and Sanctions Practice Group, representing multinational clients and clients in the automotive, defense, aerospace, software and information technology sectors.

Joe serves as lead counsel on both domestic and international acquisitions and commercial transactions, corporate governance and with building, demonstrating, and protecting the value of their intellectual property rights.

His efforts at negotiating successful transactions for clients in these sectors and counseling them on International Traffic in Arms Regulations (ITAR), Export Administration Regulations (EAR), and other export control compliance issues have won praise and yielded longstanding client relationships for Miller Canfield. He has served as an attorney in Europe and speaks fluent German. He is also a Certified Public Accountant.

Legal Expertise

Export Control Compliance

As Leader of Miller Canfield's Export Controls Group, Joe represents multinational clients on export of defense and other national security technologies from the United States. He counsels clients on ITAR, EAR, and other export control compliance issues and assists clients with controlled asset identification and classification, commodity jurisdiction requests, implementation of export control compliance programs, export license applications, drafting of government-approved TAAs, MLAs, other export control-compliant collaboration agreements, performing export control audits and rendering benchmark reports, performing

Joseph D. Gustavus

Industries

Aerospace and Defense
Automotive
Higher Education
Next Generation Vehicles and
Mobility

Education

Wayne State University Law
School, J.D., 1996
Michigan State University, B.A.
1989

Bar Admissions

Michigan
District of Columbia

Court Admissions

United States District Court
• Eastern District of Michigan

Languages

German

export control due diligence on acquisition targets, drafting Export Control Manuals and Technology Control Plans, drafting voluntary disclosures on export control violations, and employment of foreign nationals subject to export controls.

Mergers, Acquisitions, and Divestitures

Joe conducts, negotiates, and consummates international acquisition and divestiture transactions throughout North America, Europe, Southeast Asia, and South America. He is distinguished for his representation of clients on foreign company acquisitions of U.S. companies possessing controlled technologies, whereby aspects of the acquisition may require approval by (1) the Directorate of Defense Trade Controls (DDTC) under ITAR export controls, (2) the Bureau of Industry and Security (BIS) under EAR export controls, (3) the Defense Counterintelligence and Security Agency (DCSA) for U.S. target facilities with U.S. security clearance under the Foreign Ownership, Control or Influence (FOCI) provisions of NISPOM, and (4) the Committee on Foreign Investment in the United States (CFIUS) under U.S. foreign investment laws (Exon-Florio, FINSIA). He is also known for his representation of venture capital and private equity funds in the acquisition and divestiture of portfolio companies possessing automotive, defense, aerospace, software, IT and other controlled technologies and/or having operations located abroad.

Industry Concentration

Representation of U.S., German, Japanese and Pan-European Multinational Companies; International Business Establishment

Joe represents and assists German, Japanese and other foreign clients with the establishment of a presence in the North American market and U.S., German, Japanese and other foreign clients with the establishment of a presence abroad through business acquisition, subsidiary formation, joint venture, technology licensure, distribution or sales agent relationships.

Automotive

As a Member of Miller Canfield's Automotive Group, Joe represents automotive supplier companies in mergers, acquisitions and divestitures and in the negotiation and drafting of component supply and technology development agreements with their automotive OEM and Tier 1 customers. Among other accomplishments, he has successfully facilitated repeated engagements with foreign and domestic automotive customers to supply automotive embedded software, Electronic

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Control Units (ECUs), development and system modeling software, production control and automatic conveying systems and powertrain, emissions and vehicle subsystem test equipment.

Software and IT

Represents software and IT companies, including the following matters:

- Mergers, acquisitions and divestitures;
- Export control compliance; and
- Drafting and negotiation of customer and developer agreements to facilitate development, implementation, licensure and maintenance of software technology.

His approach is to work with a client to tailor an optimized agreement structure and then assist with its successful deployment with individual customers. The existence of customer-required deviations from the standard is well recognized. He counsels on the risks posed by the customer-requested changes, enabling the client to quantify and weigh the risks against transactional benefits. The resultant goals are to:

- Match License Scope with Fee Models
- Acceptance through Predefined Objective Acceptance Criteria and Processes
- Safeguard and Preserve Intellectual Property Rights
- Define and Circumscribe Warranty Obligations
- Delineate Support and Maintenance Obligations
- Minimize Liability Exposure
- Promote and Accelerate Revenue Recognition under Statement of Position (SOP) 97-2 and Related Guidance

Defense and Aerospace

Represents defense and aerospace companies, including the following matters:

- Mergers, acquisitions and divestitures
- Complying with export controls
- Negotiating government contracts and construing and complying with Federal Acquisition Regulations (FARs), Defense Federal Acquisition Regulation System (DFARS), and other U.S. government procurement regulations
- Filing and pursuing government bid protests
- Asserting and preserving intellectual property rights against the government

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Representative Matters

Acquisition Clearance by CFIUS for Industrial Vacuum Equipment Supplier

Served as Buyer Co-Counsel in the acquisition of an industrial vacuum equipment supplier, handling compliance with various international and federal regulations, customs laws, and preparing necessary submissions to U.S. authorities, including CFIUS, to secure transaction clearance and ensure uninterrupted supply of specialized R&D equipment to U.S. national laboratories, the Department of Energy, and NASA.

Sale of Munitions Equipment Business

Served as lead counsel for the sale of a client's munitions production equipment business, handling the drafting and negotiation of the Asset Purchase Agreement and Ancillary Agreements, ensuring compliance with ITAR and EAR export controls, and structuring the transaction to be exempt from CFIUS Mandatory Declaration requirements.

Acquisition of Bankrupt Aerospace and Defense Supplier

Miller Canfield served as lead counsel in the acquisition of a bankrupt Aerospace and Defense supplier under Section 363 of the U.S. Bankruptcy Code, navigating the interplay between bankruptcy procedures and U.S. export controls, including ITAR, EAR, and CFIUS, to structure the transaction and negotiate exemptions from foreign investment approval, ensuring a timely closure.

Sale of Vehicle Dynamic Simulation Software Developer

Served as lead counsel for a client developing vehicle dynamic simulation software for ADAS and AV systems, overseeing: the auction and sale process to optimize sale price and mitigate post-closing risks; drafting of the proforma Stock Purchase Agreement (SPA) and Ancillary Agreements; negotiation and finalization of the SPA with the successful bidder, including the negotiation of intricate purchase price holdback release triggers for accomplishing successful Managing Seller transition to buyer chosen successor personnel; procurement of Representations and Warranty Insurance and incorporation of the same within the indemnification and other provisions of the SPA; and closing on the sale.

Multinational OEM Defense Article Transfer

Advised multinational OEM as to the Austrian/EU requirements for an engineering center involved with the intra-community transfer of defense articles classified under EU Directive 2009/43/EC.

Multinational OEM Russian Sanction Advice

Advised multinational OEM as to the impact of the Ukraine-Russia Related Sanctions applicable to its affiliated Chinese joint-venture doing business in Russia.

Canadian Manufacturer Robot Technology U.S. Export Controls Classification

Assisted a Canadian technology company with a U.S. subsidiary to classify its robot technology under U.S. export controls, including robot components, software and technology, along with accompanying cameras, sensors and lasers.

Multinational Manufacturer Component Classification for Use on the International Space Station

Advised a multinational manufacturer as to the item based restrictions for components manufactured for use on the International Space Station, considering the impact of both the Commerce Control List (CCL) and U.S. Munitions List (USML).

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Global Technology Company Reclassification for Interfaces now using Controlled Microprocessors

Assisted a global technology company with analyzing the export control classification impact of using a more strictly controlled microprocessors in its new network interface product designed to provide parallel access to multiple bus channels.

Tier 1 Auto Supplier Export Analysis of Technical Data through its IT System

Assisted a Tier 1 auto supplier in analyzing the data routes used by its Information Technology System, discussing the possible un-intended consequences of causing technical data exports from the United States based upon server location and data routing priorities.

Aerospace Company Export Control Reform Compliance

Classified the export controlled components of an aerospace company for items transferring from the United States Munitions List (USML) to the new 600 Series of the Commerce Control List (CCL).

Aerospace Company International Supply Chain Management

Developed an export compliance strategy for an aerospace company with a multi-stage international manufacturing process for Gas Turbine engine components.

Technology Company Encryption Software Classification for Sale of Company

Classified the proprietary export controlled software of a technology company prior to the acquisition of the technology company, including the documentation and analysis of the software's encryption functionality and classification on the Commerce Control List (CCL).

Multinational Manufacturer EAR End-use Restriction Compliance

Advised a multinational manufacturer on the end-user and end-use restrictions under the Export Administration Regulations (EAR) for technology and components used within ballistic missile systems.

Automotive-Based Company Compliance with Syria Sanctions Regulations

Assisted U.S. automotive-based company in unwinding its business in Syria, as required by economic sanctions against Syria administered by the U.S. Office of Foreign Assets Control.

Software Programmer Compliance with Iranian Transactions and Sanctions Regulations

Assisted a social networking company in assessing the available exemptions to hire software programmers under the Iranian Transactions and Sanctions Regulations.

Military Supplier Export Control Audit and Benchmark Report

Conducted export control audit and compiled export control benchmark report for joint venture supplier of military vehicle safety systems and braking, co-owned by publicly traded U.S. commercial vehicle component supplier and German commercial vehicle component supplier.

Foreign Purchaser CFIUS Filing

Conducted the Committee for Foreign Investment in the United States (CFIUS) filing for a Swiss client purchasing a U.S. Business with ITAR-controlled assets.

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Termination of Defense Counterintelligence and Security Agency Facility Security Clearance

Coordinated the termination of a facility security clearance with the Defense Counterintelligence and Security Agency (DCSA) pursuant to responsibilities under the National Industrial Security Program Operating Manual (NISPOM) prior to the facility transfer to a foreign purchaser.

Foreign-Owned Subsidiary Directorate of Defense Trade Controls Registration and License Transfer

Conducted the transfer of the registration and licenses issued by the Directorate of Defense Trade Controls to a foreign-owned U.S. subsidiary for an acquisition.

Foreign Military Sales Release of Classified Material

Coordinated the release of classified material in support of foreign military sales.

Publicly Traded Defense Contractor Export Control Audit and Benchmark Report

Conducted export control audit and compiled export control benchmark report for multi-subsiary armoring division of publicly traded defense contractor.

Tier 1 Auto Supplier Export Control Audit and Benchmark Report

Conducted export control audit and compiled export control benchmark report for a multinational Tier 1 automotive supplier.

Auto Export Company Export Control Violation Internal Investigation

Conducted an export control violation internal investigation for large automotive export company.

Auto Export Company Export Enforcement Coordination

Coordinated with special agent from the U.S. Office of Export Enforcement for large automotive export company.

Multinational OEM Defense Article Transfer

Advised multinational OEM as to the Austrian/EU requirements for an engineering center involved with the intra-community transfer of defense articles classified under EU Directive 2009/43/EC.

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Coordinated with special agent from the U.S. Office of Export Enforcement for large automotive export company.

Honors

Legal 500 US Detroit Elite, Corporate and M&A, 2026

Chambers USA: America's Leading Business Lawyers, Recognized Practitioner – International Trade: Export Controls & Economic Sanctions – Nationwide, 2019

Best Lawyers: Corporate Law, 2025

DBusiness Magazine, Top Lawyers, International Trade Law, 2020-present

Wayne State University Law School, magna cum laude, Order of the Coif

Professional Activities

American Bar Association: International Law Section, Export Controls and Economic Sanctions Committee, Steering Group, 2023-present; Business Law Section; Intellectual Property Law Section

State Bar of Michigan

Certified Public Accountant, Admitted to practice in Michigan, 1993; Illinois, 1991

Joseph D. Gustavus

Speeches

"U.S. Export Controls and Sanctions for Startup Companies," Wayne State APEX Accelerator, Wayne State University Law School, Detroit, MI, March 19, 2026

"The Newest Lessons for Vetting and Monitoring Third Parties, End-Users and End-Uses: From BIS' 50% Rule, Entity List Expansion, Supply Chain Screening, to Compliance Red Flags and Beyond," 15th Advanced Forum on U.S. Export & Reexport Compliance For Canadian Operations, Canadian Institute, Toronto, ON, Jan. 27, 2026

"Advanced Plant Engineering for Battery Manufacturing & Recycling," German American Chamber of Commerce, Detroit, MI, December 2, 2025

"Update on Complying with ITAR, EAR, and OFAC Rules and Regulations (and Other Export Control Issues)," The Global Business Outlook for the Aerospace and Defense Securities Industries, Automation Alley, Troy, MI, November 5, 2025

"The DOs and DON'Ts of International Sales Contract," 39th International Business Conference, Michigan World Trade Week, Grand Rapids, MI, May 7, 2025

"Putting Your U.S. Advanced Semiconductor Rule Compliance and ECCN Roadmap into Practice: How to Resolve the Most Pressing Classification and October 2023 Rule Update Challenges," 15th Advanced Forum on U.S. Export & Reexport Compliance for Canadian Operations, Canadian Institute, Toronto, ON, January 2025

"Practicing International Transactional Law: From Wayne to Germany, Turkey and Home Again," Wayne State University Law School, Detroit, MI, Jan. 29, 2024

"U.S. Export Controls Under ITAR, EAR, and OFAC," Automation Alley International Business Services Advisory Council, Troy, MI, June 22, 2023

"Export Controls: ITAR & EAR Training," Van Andel Global Trade Center, Grand Rapids, MI, November 10, 2022

"M&A in the Aerospace and Defense Industry under U.S. Export Controls, Sanctions, and Foreign Investment Laws," Miller Canfield Virtual Luncheon, June 21, 2022

"Your Updated CGP, ITAR, ECL, EAR and Sanctions Compliance Blueprint: A Complete Guide to the Newest, Most Pressing Risk Factors-from China to Licensing Hurdles...and Beyond," The Canadian Institute's U.S. Export & Reexport Compliance For Canadian Operations Conference, Jan. 25, 2022

"Expert Workshop for the Successful Search and Management of Your U.S. Sales Partners," German American Business Council, October 13, 2021

"Legal Aspects of Expanding into & Conducting Business in the U.S.," German American Business Council, September 15, 2021

"Foreign Compliance With U.S. Reexport Controls," World Export Control Review webinar, April 22, 2021

Joseph D. Gustavus

- "Export Controls: ITAR & EAR Compliance," Van Andel Global Trade Center, Grand Rapids, MI, November 10, 2020
- "U.S. Export Controls, Economic Sanctions and CFIUS: What IP Lawyers Need to Know," American Intellectual Property Law Association 2019 Mid-Winter Institute Conference, Tampa, FL, February 1, 2019
- "An In-Depth Review of U.S. Sanctions Regulatory Regimes and Best Practices for Maintaining an Effective Compliance Program," American Conference Institute's 8th Forum on U.S. Export & Re-Export Compliance for Canadian Operations, Toronto, ON, January 28, 2019
- "Export Controls: ITAR & EAR Compliance," Van Andel Global Trade Center, Grand Rapids, MI, November 9, 2018
- "ITAR and EAR with a Focus on Export Control Reform," Miller Canfield, Mt. Pleasant, MI, April 17, 2018
- "Export Controls: International Traffic in Arms Regulations (ITAR) and Export Administration Rights (EAR)," Van Andel Global Trade Center, Grand Rapids, MI, November 10, 2016
- "US Government Contracting: FAR and DFAR Training," Macomb PTAC, October 21, 2016
- Webinar: "Measure Twice; Merge (& Acquire) Once," Association of Corporate Counsel, Chicago, IL, August 4, 2015
- "Cappuccino with Counsel: U.S. Export Controls Affecting Green Technology," Miller Canfield, Bloomfield Hills, MI, May 20, 2015
- "ITAR and EAR With a Focus on Export Control Reform," PTAC of Schoolcraft College (Webinar), February 12, 2015
- "A Crash Course in U.S. Re-Export & Re-Transfer Compliance in Canada: How to Implement New, Tricky EAR and ITAR Requirements, and Secure Authorizations," ACI The Canadian Institute's 4th Forum on U.S. Export and Re-Export Compliance for Canadian Operations, Toronto, ON, January 26, 2015
- "ITAR and EAR With a Focus on Export Control Reform," PTAC of Schoolcraft College, Troy, MI, November 19, 2014
- "How to Structure Your Classification Approach and Draft a CJ Request/The Biggest Misunderstandings about ITAR Licensing Exemptions," ACI ITAR Boot Camp, Chicago, IL, October 21, 2014
- "Sharing Sensitive Technologies Between International Affiliates," WorldECR Conference, London, UK, October 16, 2014
- "ITAR and EAR With a Focus on Export Control Reform," PTAC of Schoolcraft College, Troy, MI, February 12, 2014
- "Establishment of Joint Ventures," Export Series: Market Entrance, MAComb-OU INCubator (Velocity Collaboration Center), Sterling Heights, MI, January 30, 2014
- "Preventing Defence Services Export Violations," ACI Export Compliance for Canadian Operations, Toronto, ON, January 28, 2014
- "A Comprehensive Primer on the 600 Series: Preparing your Company for Pending Changes and Ensure EAR Compliance throughout your Global Operations," Momentum presents ITAR Winter Summit, Las Colinas, TX, January 27, 2014

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"Establishment of a Subsidiary," Export Series: Market Entrance, MAComb-OU INCubator (Velocity Collaboration Center), Sterling Heights, MI, January 23, 2014

"Establishment of Local Distributor Relationships," Export Series: Market Entrance, MAComb-OU INCubator (Velocity Collaboration Center), Sterling Heights, MI, January 16, 2014

"Establishment of Local Sales Agency Relationships," Export Series: Market Entrance, MAComb-OU INCubator (Velocity Collaboration Center), Sterling Heights, MI, January 9, 2014

"An Overview of ITAR and EAR, with a focus on Export Control Reform," PTAC of Schoolcraft College, Traverse City, MI, December 4, 2013

"An Overview of ITAR and EAR, with a focus on Export Control Reform," PTAC of Schoolcraft College, Saginaw, MI, December 3, 2013

"An Intoxicating Legal Update for Licensed Beverage Manufacturers," Miller Canfield/Bastone Brewery, Grand Rapids/Royal Oak, MI, November 6th and 13th, 2013

"Export Control Reform + ITAR + EAR = Major Changes For Your Businesses," Miller Canfield, Grand Rapids, MI, November 6, 2013

"Going Global - Tips for Entering the International Market," November 5, 2013

Michigan Defense + Aerospace Symposium: Successful Strategies for a Changing Marketplace, Sterling Heights, MI, October 29, 2013

"An Overview of ITAR and EAR, with a focus on Export Control Reform," PTAC of Schoolcraft College, Livonia, MI, October 15, 2013

Meet the Buyers: A Procurement Matchmaking Event, Schoolcraft College (VisTaTech Center), Livonia, MI, October 10, 2013

"ITAR: The Expanding Definitions of "Broker" and "Brokering" - How to Comply with Compliance, Licensing and Reporting Requirements," Chicago, IL, October 8, 2013

"How to Prepare ITAR Licenses and Agreements that Meet DDTC and DTSA Expectations," Chicago, IL, October 8, 2013

"Cappuccino With Counsel: Technology Disclosures to Non-U.S. Persons in the Workplace," Bloomfield Hills, MI, September 26, 2013

"Cappuccino With Counsel: Update on Regulatory and Compliance Requirements for Export Controls and FCPA," Bloomfield Hills, MI, May 23, 2013

"US Export Controls & Defense Trade Controls Program: What You Need to Know in 2013" (webinar), The Knowledge Group, April 2013

Joseph D. Gustavus

"Surveilling Democracy Activists," HuffPost Live, May 20, 2013

Publications

"Pause Doesn't Mean Defense Firms Should Ignore Anti-Bribery Law, Experts Say," National Defense Industrial Association Magazine, April 28, 2025

"The Impact of U.S. Export Controls and Economic Sanctions on Colleges and Universities," *The Journal of College and University Law*, 2016, Vol. 21, No. 2

Quoted in "State Department Coming to End of Export Control Reform," National Defense Industrial Association Magazine, June 2016

"Sharing Sensitive Technologies Between International Affiliates," World ECR, November/December 2013

"What U.S. and Chinese Companies Need to Know about U.S. Export Control Laws Applicable to China," World ECR, October 2013

"Export Control Compliance Sharing Sensitive Technologies between International Affiliates General Concepts and Transfer Patterns," *The Michigan International Lawyer*, Spring 2013

Articles

UPDATED FinCEN's New Interim Final Rule (1) Exempts Domestic Companies from Corporate Transparency Act Reporting and (2) Sets New Deadlines for Reporting by Foreign Companies

Michigan Federal Court Holds CTA Reporting Rule Unconstitutional, Enjoins Enforcement Against Named Plaintiffs

Treasury May Be Shifting CTA Reporting Rule Away from Domestic and Toward Foreign Reporting Companies

FinCEN Again Delays CTA Reporting Deadlines and Suspends Enforcement

Recent Developments: Nationwide CTA Injunction Lifted, New March 21, 2025, Reporting Deadline Set, and Reporting Rule May Be Modified

CTA Reporting Back On!

Fifth Circuit Reinstates Texas Federal District Court's Nationwide Preliminary Injunction and Stay of the Corporate Transparency Act

Fifth Circuit Stays the Texas Federal District Court's Nationwide Preliminary Injunction and Stay of the Corporate Transparency Act, and FinCEN Publishes Extensions of Certain CTA Reporting Deadlines

Texas Federal District Court Enjoins Enforcement of Corporate Transparency Act and Implementing Reporting Rule Nationwide

U.S. Export Controls and Sanctions Update: Russia, Belarus and Ukraine

Joseph D. Gustavus

U.S. and Foreign Business Affected by Addition of Huawei to the BIS Entity List

New Executive Order Will Impact Ability of U.S. Companies to Use Certain Technologies Deemed a Security Risk

U.S. Blocking of Broadcom's Takeover of Qualcomm Signals More Expansive CFIUS Reviews

Status of Key U.S. Sanction Programs

The Impact of U.S. Export Controls and Economic Sanctions on Colleges and Universities

U.S.A 2015 Key Trends and Challenges in Export Controls and Sanctions

Sharing Sensitive Technologies Between International Affiliates

What U.S. and Chinese companies need to know about U.S. export control laws applicable to China

Export Control Compliance Sharing Sensitive Technologies Between International Affiliates General Concepts and Transfer Patterns

Preventing Unlawful Diversion of U.S. Exports by Foreign Transaction Parties: U.S. Exporters Take Heed