

Lost in Space: The Importance of Geospatial Copyright

Julie Cromer

The principles of outer space law directly call for "co-operation and mutual assistance." As more commercial enterprises venture into remote sensing, it becomes less clear that cooperation is going to be possible where terrestrial areas of the law intersect with those of the next frontier. Just as they did with cyberspace, laws of individual nations are going to play an increasing role in the governance of outer space. One of the ways in which this phenomenon will manifest is in the intellectual property protection of outer space activities such as remote sensing. While treaties attempt to globalize certain aspects of intellectual property, laws inherently national in nature create a conflict between the very policies guiding the laws of outer space and those of intellectual property. In application, this conflict promises to grow exponentially. For example, in the commercialization of remote sensing satellites, several issues may follow: Which jurisdiction governs the creation of intellectual property? Which jurisdiction governs potential infringement? Do choice-of-law frameworks affect this analysis? How do we classify the work created as a result of remote sensing? How do government licenses, government ownership, and public domain affect the analysis? This discussion suggests a framework to address these issues.