

THE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS IN CONTEXT OF OUTER SPACE ACTIVITIES

ABSTRACT

Ashique Mondal¹.

We have travelled a long way since the days of initiation of space activities. Sputnik-I, the first artificial satellite was put into the Earth's orbit on 4th October, 1957 by the Union of Soviet Socialist Republics (USSR). Fifty four years later, today in 2011 we have reached a point where outer space activities are regarded as an essential and cardinal aspect of our future. Speculations of inhabiting on Mars are no more just an exaggeration. Our possibilities as future human colonists in space cannot be downplayed as mere stretch of imagination now. Outer space activities are however totally dependent on technology and science, they involve the proper and effective utilisation of highly sophisticated and modern technology and this very point holds the key to its relation with Intellectual Property Rights (IPR). My paper specifically deals with this critical relation of protection of IPR in context of outer space activities. The constant and rapid development of space technology and other allied technological advancement over the past decades has taken space activities out of the arena of governmental space programmes and military exercises; it is now an important player in global trade and commerce, a highly prospective area of investment. With the rapid evolution and equally fast rate of commercialisation of space science and technology, space-related products and services are becoming elements of significant commercial value. Due to commercialisation and privatisation of space activities the question of degree of protection of inventions in outer space, protection of space activity inventions resulting from jobs done on earth etc. has gained considerable importance. The key factor for the private players however is whether sufficient profit making possibilities exists to undertake commercial space activities; that is, whether companies believe they can earn sufficient return on their investment. As such this development has underlined the dire need for the universal harmonisation of intellectual property laws. Hence the increase in the number of private and commercial stake holders has contributed to the integrated use of intellectual property in outer space activities. Thus having a strong but simple and reliable legislative framework for protection of IPR in outer space is not only important but has become indispensable today.

¹ ASHIQUE MONDAL, LL.M. 1st Year, 1st Semester, NALSAR, University of Law, Hyderabad.

This paper deals with the existing international mechanism for dealing with IPR issues in space activities, the various principles of international space law and also highlights how intellectual property should be managed to meet the ends of various outer space activities. This paper also assesses the issue of lack of effective space legislation in India. Further it analyzes existing regulatory barriers and suggests some viable policy and regulatory options to address the issue of legal vacuum existing in various areas of outer space activities.

*****The End*****