Digital Rights in Space

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- Part 1: The Importance of Rights Management
- Part 2. An Introduction to Intellectual Property
- Part 3. Space Oddity-gate
- Part 4. Other Intellectual Property Issues created by Space
Part 1: The Importance of Rights Management
Part 1: The importance of Rights Management

- Patents
- Copyright
- Designs
- Trade Mark Rights

Territorial protection

Rights

L’Odyssée de Cartier

Cartier

SHOP ONLINE

AMERICA

EUROPE

OCEANIA

L’ODYSSEE DE CARTIER
Part 1: The Importance of Rights Management

Balancing of Rights

- Intellectual property rights
- Right of free speech
- Right to do business
- Right to privacy
- Freedom of goods
- Freedom of services
- Consumer protection rights
- Right of free speech
Part 2: An Introduction to Intellectual Property
Part 2. An Introduction to Intellectual Property: Copyright

1. Copyright in general

The proprietary territorial right the law gives authors/creators and owners to control the copying and other exploitation of their works

2. Copyright in music

- Original literary or musical work (Time-limited protection)
- Sound recordings and films (Time-limited protection)

3. Infringement

- Copying
- Issuing copies to public
- Renting/lending
- Performing to public
- Communicating to public
- Adapting

4. Permitted Acts

- Licence
- Fair dealing/Fair use
- Compulsory licence
- Incidental inclusion

5. Collecting Societies

Collecting society collects fees from anyone who uses music
Part 2. An Introduction to Intellectual Property: Trade Marks

1. Trade mark in general

The proprietor of a registered trade mark has exclusive territorial rights to prevent the use of the trade mark without his consent.

2. Infringement

Right to prevent *in the course of trade*

(i) Use of an identical mark in connection with identical goods or services

(ii) Use of an identical/similar mark in connection with identical/similar goods or services where there exists a likelihood of confusion

(iii) Use of an identical/similar mark in connection with non-identical goods or services where that use leads to an unfair advantage or causes detriment to the reputable mark

3. Permitted Acts

- Licence
- No course of trade
- Own name
- Indications of kind, quality, geographical origin and other characteristics
- Intended purpose
Part 3: Space Oddity-gate
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Chris Hadfield’s gravity-defying performance

- The first music video ever to be shot in space; with originally over 23,400,000 views on YouTube

Space Oddity: Commander Chris Hadfield covers David Bowie in space

Filmed on the International Space Station with an acoustic guitar, Canadian astronaut marks end of stay in space with one of this world’s finales.

He’s been delighting space enthusiasts for months with his tweets from the International Space Station, but to make his farewell, Commander Chris Hadfield went a whole giant leap better.

On Sunday night, he posted a cover version of David Bowie’s Space Oddity, recorded 250 miles above the earth. The video, complete with him strumming an acoustic guitar on the space station, was his parting act and came after a request on Reddit. He returns to Earth on Monday.

In a tweet, Hadfield wrote:

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With due reference to the genius of David Bowie, here’s Space Oddity, recorded on Station. A last glimpse of the World... youtube.com/watch?v=4GQ75d...

The Canadian astronaut has become a global superstar using his time in space to raise awareness and reignite enthusiasm for space travel, posting many pictures and amusing more than 770,000 followers on Twitter.
1. What happened?
2. Which law?
3. Whose rights?
4. Potential infringements?
5. Defences?

See: http://www.economist.com/blogs/economist-explains/2013/05/economist-explains-12
Part 3: Space Oddity-gate

• Commander Hadfield asked for an extension of the license – this was granted for a further two years
• Currently at over 24,700,000 views on YouTube
Part 4. Other Intellectual Property Issues created by Space
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• (i) Intellectual property is key at all stages
Part 4. Other Intellectual Property Issues created by Space

- (ii) Intellectual property generation and infringement in space

- Remote sensing
- Data analytics
- Satellite mapping
- Broadcasting
- Research and development
- Experiments
- Manufacturing
- Space tourism
Part 4. Other Intellectual Property Issues created by Space

• (iii) Differing laws on intellectual property

Scenario 1: Astronauts on the Moon create audio and visual reports. In addition they perform a rendition of a well-known song

Scenario 2: NASA robot lands on Mars and take still and moving images of surface. These images are subsequently enhanced by third parties on earth

Scenario 3: Astronaut on ISS uploads infringing material on a US-hosted server from the ISS. This material is then made available throughout the world

Scenario 4: Astronauts on moon circumvent DRM and share music with each other, leaving the copies on the moon when they leave

See: http://www.law.qmul.ac.uk/docs/staff/ccls/sterling/121968.pdf
Part 4. Other Intellectual Property Issues created by Space

• (iv) Earth law -vs- Space law

Space is not subject to national appropriation and does not fall under any national sovereignty, therefore it cannot be appropriated by use, claim or any other means.

A state does retain jurisdiction and control over objects it sends into outer space.

- vs -

TRIPS Agreement
WIPO Copyright Treaty
Berne Convention
Paris Convention

ISS Agreement
Moon Agreement
Registration Convention
Liability Conventions
Rescue Agreement
Outer Space Treaty
Part 4. Other Intellectual Property Issues created by Space

- (v) Risks & issues
  - (1) Applicability of relevant intellectual property laws
  - (2) Enforceability of intellectual property laws
  - (3) Ownership and entitlement in space
  - (4) Lack of legal certainty is a barrier to investment
  - (5) Adoption of a single territory approach?

Questions?