Dubai, 16-20 January 2011

Developing GNSS Application Industry and understanding the Legal Issues Involved

Sethu Nandakumar Menon
Legal Consultant, M/s. Bala & Sethu Legal Consultants, UAE
Researcher, Institute of Space & Telecommunication Law (IDEST), University of Paris XI
Outline

- Introduction
- Issue of Liability and GNSS
- GNSS and Intellectual Property Rights
Introduction

- System & Structure
- Types of Services
- General Legal Principle Associated with GNSS
System & Structure

- GPS, GLONROSS, Galileo, Compass, GZSS etc (and other future system)
- Legal Regime: Defence Control & Civilian Control
- Constituents of GNSS: Space, Ground and Service Segments
Types of Services

- Open Service Vs. Authorised Service
- Proposed Services by Galileo
  - Open Service
  - Commercial Service
  - Safety of Life
  - Public Regulated Service
  - Search and Rescue Service
General Legal Principles

- Universal Accessibility
  - Article 15 of the Chicago Convention
  - Article 1 of the Outer Space Treaty
- Continuity & Quality
  - Article 89 of the Chicago Convention
Issue of Liability and GNSS

- Signal in Space (SIS)
- Third Party Liability
- Liability in Contract
- Interoperability and Liability
- Product Liability
Liability Issues (contd)

- Signal in Space
  - Highest uncertainty and risk exposure
  - Not a space ‘object’ as per 1972 Liability Convention

- Third Party Liability
  - Ground Segment- applicable law of the territory where the damage occurs

- Contractual Liability
  - National law
Liability Issues (contd)

- Interoperability and liability
  - Damages
    - Origin or Source
    - Failure in up-linking or down linking
  - Liability Convention do not foresee such kind of damages
  - National laws and courts can be opted
  - End user is not able to identify the faulted GNSS entity
Liability Issues (contd)

- **Product Liability**
  - Blacks Law Dictionary - The legal liability of manufacturers and sellers to compensate buyers, users, and even bystanders, for damages or injuries suffered because of defects in goods purchased.
GNSS and IPR

- Introduction of IPR in GNSS
- Application of IPR in GNSS
  - Depends on different segments
  - Uncertainty between ‘first to file’ and first to invent
- Third Party IPR and Development of Application Industry
  - First Stage- search of relevant patent
  - Second Stage- financial relevance of patent
- Enforcement of IPR