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THE INTELLECTUAL PROPERTY RIGHTS REGIMES FOR THE DEVELOPMENT PHASES OF  
GALILEO AND COPERNICUS

**Abstract**

The European Union is conscious of the strategic, political and economical importance of space activities. Following this awareness, the European Commission started at the end of the 90s' to develop two space-related flagship programmes: Galileo, the upcoming European global navigation satellite system, and GMES/Copernicus, a complex set of structures aimed at achieving an autonomous, multi-level operational Earth observation capacity. The great complexity of these two programmes implied the involvement of a high number of entities - such as the European Space Agency, national space agencies and companies from the European space industry - and the implementation of a clear and comprehensive legal framework. Being the "political owner" of the programmes, the European Union is the entity principally responsible for the deployment of such legal framework, both for the development and the exploitation phases. One of the most relevant legal issues in the current development phases is the management of the intellectual property rights (IPR) regime among the involved entities. In this regard, the respective EU framework Regulations provide for the Union's ownership of all tangible and intangible assets created or developed under the programmes. Given the complexity of the contractual relations and of the economical interests involved, the aim of the paper is to analyse and compare the relevant legal provisions and to subsequently point out the legal issues that might arise, such as the potential conflict with the ESA procurement rules specific to IPR and the consequences of such conflict on the contractual relations with third parties.