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Third party liability issues in commercial space activities (3)

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THIRD PARTY LIABILITY ARISING FROM GNSS-RELATED SERVICES

Abstract

As commercial services based on the space activities emerge, the analysis of the liability issues arising from such services has become necessary. One of such issues is the liability when the incorrect or inaccurate information is provided by a system involving the Global Navigation Satellite System (GNSS). Since the damage in such a case is not caused by the space objects but caused by the information produced from the space activity, the liability at issue is not covered by the Outer Space Treaty or the Liability Convention. Therefore, we need to turn to the general rules of private law of torts. However, even in the field of torts law, the liability arising from defect information is a rather new issue and the analytical framework is far from being settled. Against these backgrounds, this paper first attempts, to distinguish the various roles played by the parties involved in the GNSS-related services, namely, operation of the infrastructure (satellite), providing of the information and the aggregation of contents. Sometimes each of these roles is played by a different entity, sometimes the same entity carries out more than one role. Then, referring to the existent liability rules for similar or equivalent activities, such as the liability of the maritime carrier or the operator of the telecommunication infrastructure (common carriers under the terminology of the common law) or the liability of authors of the book or the rating agency, the paper analyses the liability issue when some of the abovementioned roles does not function properly.