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IS THE EU LEGAL REGIME OF REMOTE SENSING DATA PROTECTION FACILITATING THE
DEVELOPMENT OF THE MARKET OF APPLICATIONS?**Abstract**

Most of the regulations the European Union (EU) adopts in the sphere of economic relations are directed at the development and strengthening of the common market. Although the EU does not yet have the capacity to regulate space activities as such, it can intermediately influence the legal framework governing space applications in general and the market for remote sensing data applications in particular. The most relevant sphere of law that shapes the legal status of information is copyright and other regimes of intellectual property protection. The impact of the existing relevant EU legal norms on the development of the remote sensing data value-adding activities is addressed in this paper.

The paper contains the analysis of the relevant harmonised norms regarding copyright and database protection, compares them to the existing remote sensing data licensing practices and draws some conclusions as to how satisfactory the established regime of remote sensing data treatment is. A special emphasis is given to the discussion of whether the differences in the legal status of raw and processed remote sensing data have an influence on the development of the relevant market and commercialisation of the information products derived from remote sensing data.

When necessary, the paper resorts to legal norms of jurisdictions other than the EU (e.g. USA or international regulatory mechanisms). The aim of this exercise is to provide alternative approaches to the legal status of remote sensing data for the purposes of their use within a relevant market. It also refers to the existing European data policies, including those adopted by the European Space Agency with the view of assessment of their possible contribution to increase the economic benefits that the use of remote sensing data offers.

The aim of the analysis of the existing regime of protecting remote sensing data in the EU member states is to see how it shapes the relations within the relevant market and whether it adequately addresses the need to develop a viable market for remote sensing data applications. The paper is concluded with some suggestions as to how best adjust the relevant legal norms to achieve the benefits that the commercialisation of remote sensing data applications offers.