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NEW LEGAL DIMENSIONS OF THE ORBITAL-FREQUENCY MANAGEMENT: CONFLICT OF
INTEREST BETWEEN A GROUP OF ADMINISTRATIONS AND ITS NOTIFYING
ADMINISTRATION

Abstract

As it is known, under the Radio Regulations of the International Telecommunication Union (“ITU”), frequency assignments of satellite networks can be filed on behalf of a group of administrations while one of such administrations acts as a Notifying Administration and takes steps for the purpose of filing the assignments on behalf and in the interests of the whole group. This is also applicable to a group of administrations being members of an international organization. In accordance with this Radio Regulations Intersputnik through the Notifying Administration appointed by the Member Countries filed with the ITU in the course of 1993 – 1998 a number of frequencies to satellite networks in the geostationary orbit. Anyway, in June 2009 Intersputnik’s Notifying Administration that had been performing such functions in the interests of the Administrations of the Intersputnik Member Countries and in Intersputnik’s interests since 1993 refused to continue performing the functions of a Notifying Administration with respect to the overwhelming majority of satellite networks filed earlier in Intersputnik’s interests except for three satellite networks. The reason for such partial abandonment of the functions of the Notifying Administration was that the Notifying Administration and Intersputnik had started disputing over the status of the above three satellite networks. In the opinion of the Notifying Administration, the networks had a national status while Intersputnik believed that they had been filed in the interests of all Administrations of Intersputnik’s Member Countries and hence had an international rather than national status. Intersputnik’s opinion that all three satellite networks had an international status was confirmed by Intersputnik’s governing bodies that made a decision that Intersputnik had an exclusive right to these satellite networks. Despite the fact that in the official letter of May 15, 2009 the Radiocommunications Bureau confirmed that the satellite networks had been filed by the Notifying Administration on Intersputnik’s behalf and in Intersputnik’s interests, in June 2010 said Notifying Administration requested the Radio Regulatory Board of ITU (“RRB”) to recognize the exclusive national right to one of three satellite networks; to suspend the use of the frequency assignments of two satellites networks and to modify the ITU database by specifying that the entity responsible for the operation of the allegedly national satellite network is the Notifying Administration and not Intersputnik. Having thoroughly studied this request, the RRB unanimously rejected all claims of the Notifying Administration.