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THE U.S. SPACE ACT OF 2015 AND THE PRIVATE INTERNATIONAL LAW: FROM  
INTELLECTUAL PROPERTY RIGHTS TO PROPERTY RIGHTS IN SPACE**Abstract**

**Purpose** - In the light of the new provisions of US SPACE Act of 2015 and the reactions of different space law specialists, sometimes against it and some others for it, the purpose of this paper is to review the abrupt impact of this new law on the international law and the customary international law, in order to understand by what right the U.S. Government can give rights in space for American citizens and how the Space Act of 2015 has introduced new property rights in space.

**Methodology** - The methodological approaches, to be used in this writing, are mainly the 'conceptual analysis', 'evaluation' and 'analogy' of the different texts and by the possibility of applying some historical legal concepts on the outer space and its natural resources' mining.

**Findings** - The case demonstrates attempts to understand and justify the American move from a legal viewpoint. This occurs by comparing the outer space to a 'collective property' owned by all States and how every state has a right in this space. Though it clarifies the most how such law could be possible in the international private law, it remains relatively insoluble when it comes to the international public law.

**Originality/value** - This case allows understanding on what legal basis the space Act of 2015 can be interpreted. This argumentation could be profitable for other 'space Powers' that are seeking to follow the American example and impose their own legal framework for a potential space mining.

**Research limitations** - This case is mainly inspired by the Roman law but can also find its analogous in Common law. Though the international private law must concern all States, some legal issues have to be reinforced by domestic legislation - due to the lack of jurisprudence at the international level - and, in this case, French legislation. Thus, such study could be completed by other researches around suggestions to be included.

**Key words** - Property right, intellectual property right, Commercial Space Launch Competitiveness Act, space Act of 2015, outer space natural resources, space mining, OST of 1967, common property, usufruct, French law.

**Paper type** - Research paper.