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RECONSIDERATION OF PATENT RIGHTS: A REALITY CHECK FOR OUTER SPACE
INVENTIONS

Abstract

The outer space has always been characterized with explorations and innovations which have put to use the best of technology and the greatest minds in science. On October 4, 1957 when Sputnik I, the first artificial satellite was launched into the low earth orbit(LEO) by the Soviet Union, no civilized nation would have anticipated the establishment of the International Space Station in just 40 years. Around that time, the world witnessed the foray of a humans into the outer space, and then the landing on moon . Incidentally, the outer space has been declared to be no man's territory by the agreement of the civilized nations through various international agreements. The strongest of them all is the Outer Space Treaty which was founded on the principles of province of all mankind and non-appropriation of space. Issues like this have led to legal conundrum to exist in respect of intellectual creations. Despite space technology being one of the most advanced technical areas, it is only very recently that intellectual property issues are being discussed in this regard. Now, it is for the space technology to support the weather forecasting, GPS systems, long distance communications, remote sensing, satellite televisions to name a few. With the International Space Station in place now, it is for the crew members aboard to conduct experiments in the field of human biology, physics, astronomy, and other fields, while focusing on long term benefits. In this paper, the authors examine the development of the International Space Station and the growth of technology involved in space activities and exploration. This paper shall demonstrate the need for a uniform, global patent regime which shall serve as the basis for patent protection in the realms of the outer space. The authors intend to prescribe that reconciliation of the two conflicting laws of space and patents is possible with careful reconsideration of the existing provisions.