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AN EXTERNAL MARKETPLACE OF DATA

Abstract

Though the questions asked in this paper are largely theoretical, it has been commissioned on the understanding that in this nascent stage, those who are involved in the drafting and implementing of legislation in this area are to be considered as the framers for an entire new corpus of law. We are to lay down the foundations for future societies, in an attempt to address those questions of humanity that have not yet arisen.

Yet, we must be careful, as no two societies have approached the same manner in a like way. The best approach is that which binds future generations yet gives as great a latitude as possible for new developments. Our duty, therefore, is not only to provide a strong legal framework for our contemporaries, but a framework for future societies, that, so far as is reasonable, anticipates the questions that may arise, and ensure their answer is effected in accordance with those principles of democracy, liberty and freedom that ideally direct our hand now in the policy-making process: - or at least stand as great a chance of doing so.

Cloud Constellation's, a private corporation, has released intentions for 'SpaceBelt', a service offering secure data storage for data infrastructure providers, internet service providers and telecommunications organizations. The company's founder has indicated specific legal advantages that accrue to customers in the digital world: "what happens is that in certain regions, it has become very important—imperative—to protect private data of citizens in that area. You find that more and more jurisdictions are putting control on how data can flow out of and in their territory." The recent tilt to smaller operational satellites, and reduced launching costs, make this venture more than a mere marketing campaign, and Cloud Constellation is not the only intending party in this venture.

The simple question this paper attempts to answer is how existing regulation would be applied to data storage satellites, and whether there are sufficient legal parameters available. It draws upon issues of intellectual property, copyright and jurisdiction, as well as enforcement. If our laws are insufficient, which appears the likely answer to this bespoke issue, how then can we regulate to encourage innovation yet curtail the detriments associated with untrammelled data transfers to a floating data-centre, free from any court-mandated seizing or subpoena.