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Legal Implications of Evolving Remote Sensing Technologies (3)

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DATA WITHOUT BORDERS: REGULATORY ASPECTS OF SATELLITE REMOTE SENSING AND
HOW IT INTERTWINES WITH THE BUSINESS OF DATA DISTRIBUTION

Abstract

Along with the fast pace of technological and commercial innovations, has come the emerging global market for satellite remote sensing products and services. The United Nations 1986 Principles Relating to Remote Sensing of the Earth from Outer Space stands lonely on the landscape of international regulatory framework relating to such activities. Many states, caught off guard by the increased availability of borderless data and imagery products, have to deal with the medley of national security interests, foreign policy concerns, privacy considerations and international obligations. In the absence of uniform international rules, national regulations are holding the fort in varied innovative fashions. Some have developed comprehensive data policies for both civil and commercial satellite programs, while others may maintain a licensing regime for private systems on a satellite-by-satellite basis.

Providers in data distribution and transactions have to be acutely aware of the bearing remote sensing regulations and data policies of states where they operate might have on their business strategy and daily decisions. Applicable constraints, especially regarding high resolution data adopted by some nations, such as restricted areas, delayed release and operational control etc. have to be taken good care of. The more delicate issue than compliance with existing regulations and policies is to navigate the data minefield stretching across the globe in light of inadequate or non-specific norms. Product suppliers involved in aggregating of different sources of data or in multi-domain applications may be faced with much more puzzling issues to grapple with.

This article tries to discuss the evolving legal regime for satellite remote sensing and its impact on the business of data distribution, using the practical tool of examining contractual agreements and end-user agreements. Also under analysis will be whether and how business ethics and values help balance the seesaw between commercial interests and regulatory requirements. The fragile outer space environment calls for responsible users of space; the sensitive global society calls for responsible envoy of remote sensing data.