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Author: Ms. Hisako Moriguchi  
Japan Aerospace Exploration Agency (JAXA), Japan

A COMPARATIVE STUDY OF PATENT INFRINGEMENT IN CYBERSPACE AND IN OUTER  
SPACE - BEYOND THE LIMITS OF TERRITORIAL JURISDICTION

**Abstract**

The protection of patent rights by patent laws in outer space is limited. The patent laws of any country do not extend to empty space. The ISS Agreement states that for purposes of intellectual property law, an activity occurring in or on a Space Station flight element shall be deemed to have occurred only in the territory of the Partner State of that element's registry. The same rules will apply to Gateway. The patent laws of the USA and France also clearly state that they extend to space objects launched by their countries. Which country's patent legislation then extends to space stations launched by countries other than those mentioned above? Would only U.S. patent law be valid inside a commercial space station launched by a private U.S. company, and would patent rights in other countries not be protected? The recent decision of Japan's Intellectual Property High Court, which upheld patent infringement in cyberspace introduced in this research goes beyond the limits of the territorial doctrine that binds intellectual property law. By studying this decision, we may find some useful and may even be applicable issues to protect patents in outer space since the patent legislation is still underdeveloped in both spaces.