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REASSESSING INTELLECTUAL PROPERTY RIGHTS IN LUNAR EXPLORATION

Abstract

The effective management of intellectual property (IP) matters on the International Space Station (ISS) thus far is notable. However, the transition from the ISS to lunar exploration presents distinctive factors warranting a reassessment of IP rights. Whereas the ISS primarily serves as a microgravity laboratory for scientific inquiry, lunar exploration encompasses a broader array of activities, including prospective resource extraction, habitat construction, and enduring habitation. The multifaceted nature and expanded scale of lunar operations may engender novel innovations, technologies, and commercial prospects, thereby heightening the significance of IP safeguards.

Regarding resource utilisation, lunar missions diverge from the ISS paradigm by potentially necessitating the exploitation of indigenous resources for sustenance and infrastructure development, diverging from reliance on recurrent resupply missions from Earth. Consequently, IP rights associated with resource extraction, processing, and utilisation on the Moon may emerge as contentious issues, particularly in the event of the discovery of valuable minerals or compounds.

Considering commercialisation potential, the Moon presents substantial opportunities for commercial endeavors such as lunar tourism, mining ventures, and the establishment of research installations. As private enterprises increasingly engage in lunar endeavors, the imperative to safeguard their intellectual property becomes paramount to stimulate investment and foster innovation.

Lunar exploration frequently entails collaboration among diverse nations and entities, each with distinct interests and objectives. The coordination of IP rights among international stakeholders becomes more intricate as the number of parties involved proliferates, necessitating meticulous negotiation and consensus-building on legal frameworks. Unlike the ISS, which operates within low Earth orbit, lunar missions carry enduring ramifications for human settlement and sustainability beyond Earth. Thus, the establishment of IP rights accommodating the enduring utilisation and development of lunar resources assumes pivotal significance in promoting responsible and equitable stewardship of the Moon.

While the management of IP matters on the ISS offers instructive insights and precedents, the transition to lunar exploration presents singular challenges and opportunities mandating a reevaluation of IP rights. By proactively addressing these challenges through international collaboration and the formulation of WIPO robust legal frameworks, it is possible to ensure the equitable and sustainable exploitation of lunar resources to the benefit of innovation and humankind.