



# Navigating the Legal Challenges and Opportunities of Space Data Businesses

Rick Zelenka
Critical Path IP Law

Karri Palmetier

Palmetier Law

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#### **Disclaimer:**

The information in this document and that is about to be provided is for your personal edification, and we are not your attorneys. If you have a specific question concerning a legal issue, you should consult qualified counsel, after forming an attorney client relationship.









#### **Know Your Business**

- Define your business discriminators
- Appraise any technology enablers









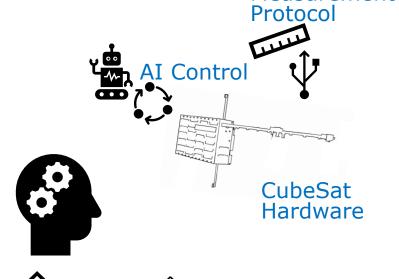
Measurement

#### **Know Your Business**

- Define your business discriminators
- Appraise any technology enablers



Hypothetical: CubeSat R&D Services















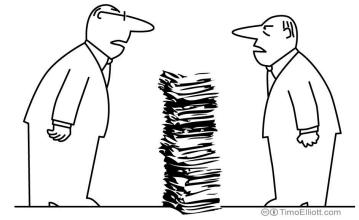


## **Principles**

- Ownership is absolute
  - Creator owns unless assigns by contract

 Licenses can include a range of rights and are negotiable

- Use, Modify, Derive
- Resell or Transfer
- Geographic Limitations
- Royalties
- Quantities



"No, it's MY data!"







#### Government Funds Have A Price



- Unlimited Rights if data or software produced, furnished or acquired
  - Not "ownership" but really close
- Must Protect Your Existing Data and Software even in Proposals
- Consider carefully if accept, may try to negotiate









#### Applicable Laws

- Commercial World
  - Defend Trade Secrets Act
  - Uniform Trade Secrets Act State Laws
  - America Invents Act
- Government World
  - Patents: Bayh-Dole Act implemented in FAR Part 27.3
  - Data and Software: Trade Secrets Act, 18 USC §1905, as implemented in FAR Subpart 27.4 (Civilian) and DFARS Subpart 227.71 (Data Rights) and 227.72 (Computer Software)







# Tech Leverage/protection

- Don't inadvertently give away your IP
  - Consultants, Copyright, work product
  - •>1 year ago disclosures, offers for sale
  - Maintain Proprietary Data (trade secret)
    - NDAs
    - Employee Confidentiality & IP Agreements
- Negotiate for what matters
  - Data Rights, Software Rights (as discussed)
  - IP licenses
  - Patent Rights







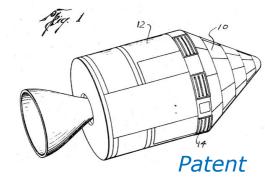


#### Trade Secret vs. Patent

•Reverse Engineer? Duration? Risk Profile?



Trade Secret









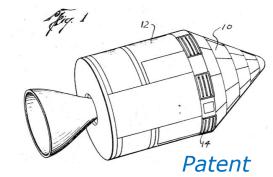


#### Trade Secret vs. Patent

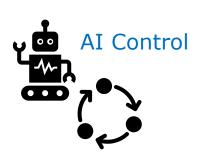
Reverse Engineer? Duration? Risk Profile?

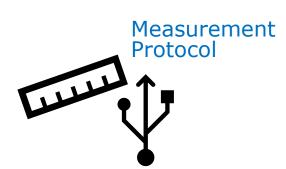


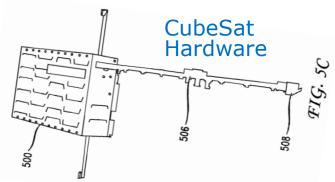
Trade Secret



Our example: CubeSat r&d services















## **Questions & Answers**

Rick Zelenka

Critical Path IP Law rick@criticalpathiplaw.com criticalpathiplaw.com

Karri Palmetier

Palmetier Law karri@palmetierlaw.com palmetierlaw.com

# Thank you!



