



Navigating the Legal Challenges and Opportunities of Space Data Businesses

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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.



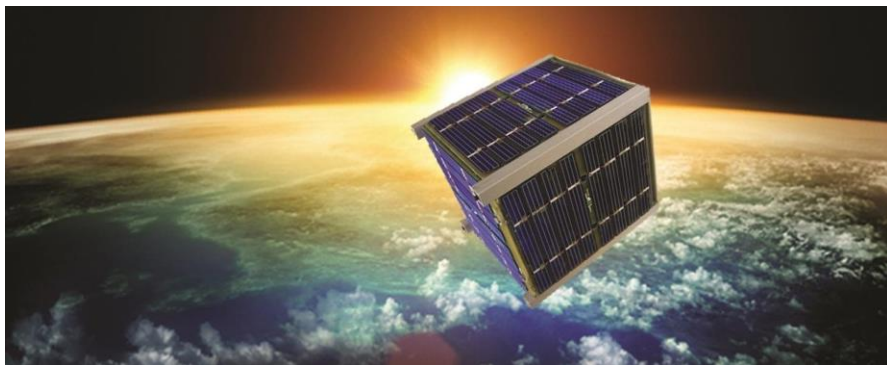
Know Your Business



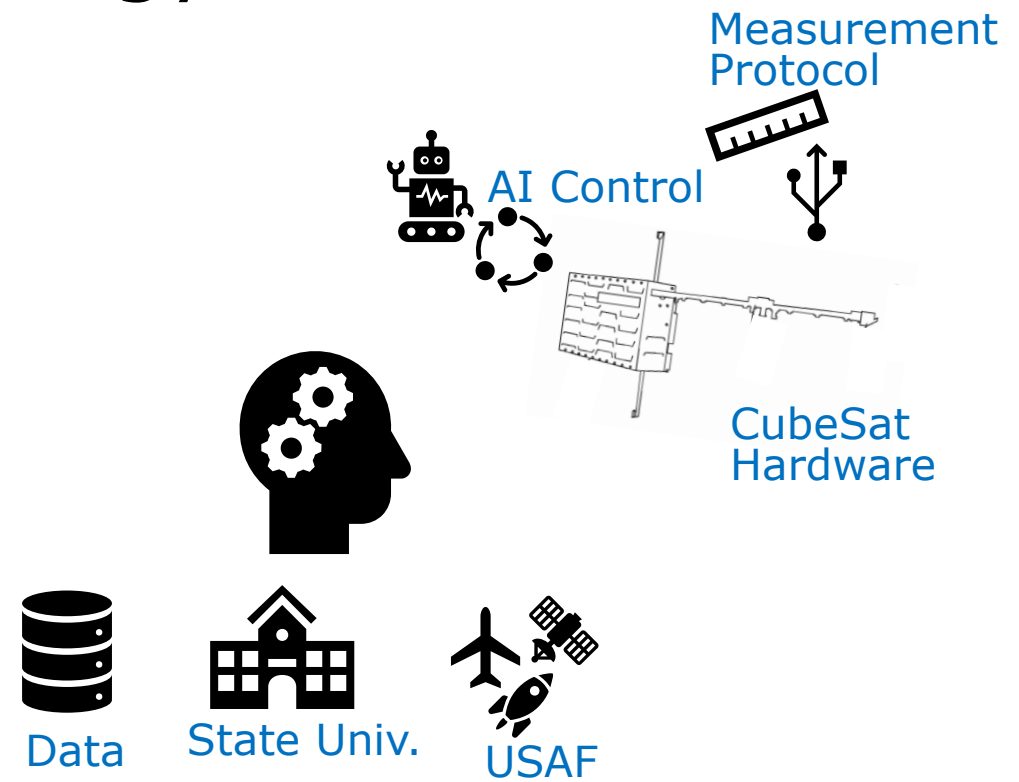
- Define your business discriminators
- Appraise any technology enablers

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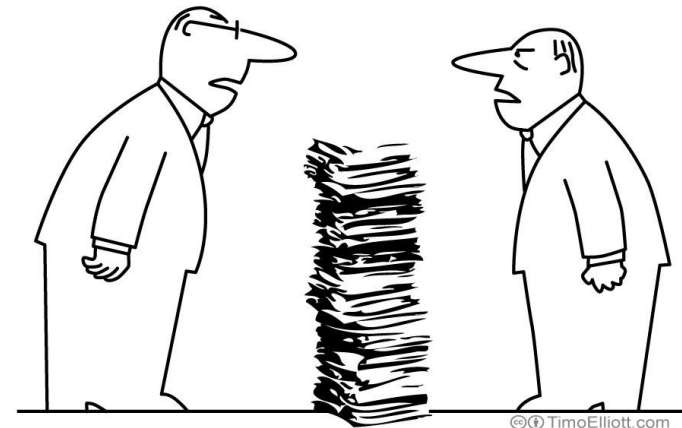


Hypothetical: CubeSat R&D Services



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

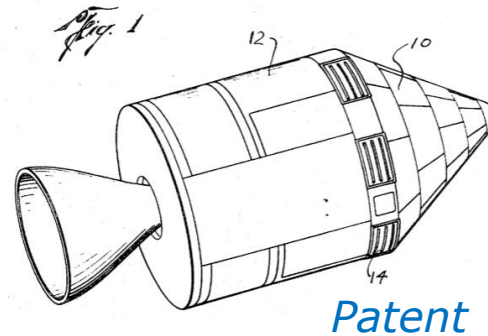
- Don't inadvertently give away your IP
 - Consultants, Copyright, work product
 - > 1 year ago disclosures, offers for sale
 - Maintain Proprietary Data (trade secret)
 - NDAs
 - Employee Confidentiality & IP Agreements
- Negotiate for what matters
 - Data Rights, Software Rights (as discussed)
 - IP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

- Reverse Engineer? Duration? Risk Profile?

Coca-Cola

Google

Trade Secret



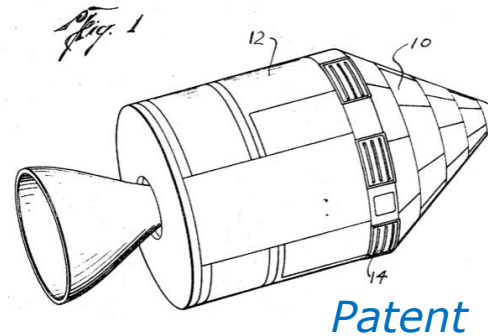
Trade Secret vs. Patent

- Reverse Engineer? Duration? Risk Profile?

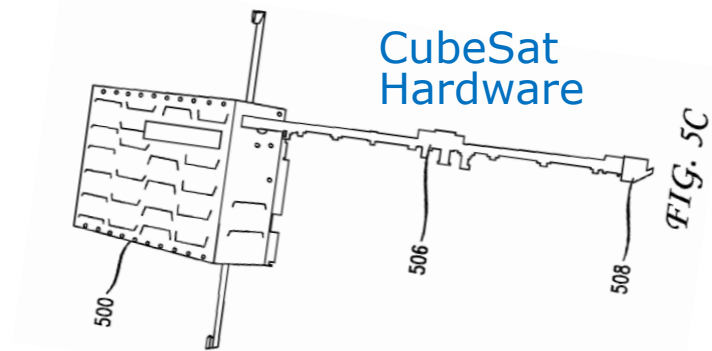
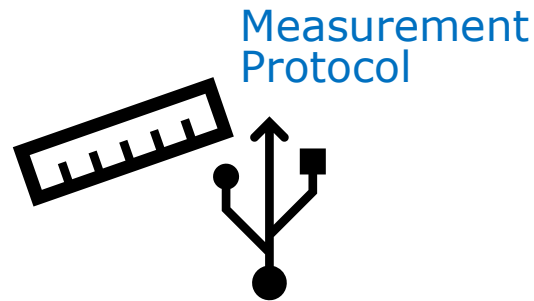
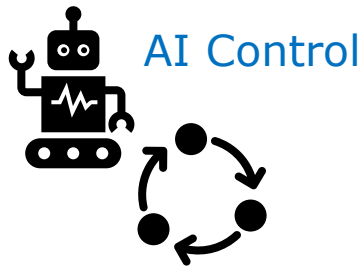
Coca-Cola

Google

Trade Secret



- Our example: CubeSat r&d services





Questions & Answers

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Thank you!