

# Report or the Symposium\*

*P.J. Blount*

The Galloway Symposium presented a rich and compelling agenda this year. The event included a keynote from Richard DalBello, Assistant Director of the US Space and Aeronautics Office of Science and Technology Policy, and sessions on Disruptive Industry Initiatives, Initiatives of and Consequences for the Governments and Regulators, Initiatives of and Consequences for Established Industries and The Views of Legal Practitioners. The programme included key speakers representing “disruptive” and established industries, government, regulators, legal practitioners and academia.

## **Opening and Keynote**

The annual Eilene M. Galloway Symposium on Critical Issues in Space Law was held at the Cosmos Club in Washington, D.C., hosted by the International Institute of Space Law with sponsorship by Arianespace Inc., Fish & Richardson P.C., and Kymeta Corporation, and the cooperation of the University of Mississippi School of Law, LL.M. in Air & Space Law. The symposium was conducted under Chatham House Rules, so the report gives general overviews of the panels but does not attribute any statement to any speaker.

Welcoming statements were given by Dennis Burnett, Treasurer and Director, International Institute of Space Law, and a message from Jonathan Galloway, Honorary Director, International Institute of Space Law was presented by Joanne Irene Gabrynowicz. The keynote address was given by Richard DalBello, Assistant Director, Space and Aeronautics, Office of Science and Technology Policy, the Office of the President. He focused generally on the nature of innovative startups, and their ability to disrupt the status quo in the development of space technology. He emphasized that law plays an important role in fostering this change, and that lawyers are critical in developing and using creative mechanisms in order to foster change and development in the Space industry.

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\* Report based on blogs posted on Res Communis by P.J. Blount (<<http://rescommunis.olemiss.edu>>).

### **Panel I: Disruptive Industry Initiatives**

The first panel of the day was on Disruptive Industry Initiatives. It was moderated by Dr. Michael Mineiro, Research Staff Member, Science and Technology Policy Institute. The panelists included:

- Vern Fotheringham, CEO, Kymeta Corporation
- Peter Marquez, V.P. Global Engagement, Planetary Resources
- Mike Gold, General Counsel, Bigelow Aerospace
- Caryn Schenewerk, Counsel and Director, SPACEX

This panel discussed the range of new technologies that are causing changes within the space industry. These technologies include telecommunications technologies, space exploration and mining, space habitations, and emerging launch technologies. Each panelist emphasized the role that their company played in advancing space technology as well as benefits of space technology for society at large. They also emphasized the role of law in both enabling their respective companies to gain entry to the space technology market and in creating challenges for access to the market (such as ITAR).

### **Panel II: Initiatives of and Consequences for Governments and Regulators**

The second panel of the day was titled Initiatives of and Consequences for Governments and Regulators. It was moderated by Ryan Noble, General Counsel, Spaceport America. Panelists included:

- Dennis Krepp, BIS; US Department of Commerce
- Brian Israel, Office of the Legal Advisor, US Department of State
- David Barnhart, DARPA, US Department of Defense
- Karl Kensinger, Federal Communications Commission

This panel discussed the government's role in regulating and overseeing space technologies, and the challenges that emerging and disruptive present. The panelists addressed this at both the international law and domestic law levels, and the interplay between international obligations and domestic legal frameworks. The panel also covered the new export control reform and the shift of some technologies from the United States Munitions List (USML) to the Commerce Control List (CCL). The outlook for the new regulations was positive. There was also discussion about frequency allocation for space activities in light of increasing commercial activity and dramatic changes in technologies.

The panel also covered the Government's role in developing disruptive technologies such as the Phoenix project, which has the potential for on orbit satellite servicing and satellite assembly. One panelist argued that disruptive technologies could help the U.S. lead the way in the "democratization of technology."

### **Panel III: Initiatives of and Consequences for Established Industries**

The third panel was titled Initiatives of and Consequences for Established Industries. It was moderated by Mr. Clayton Mowry, President, Arianespace, Inc. Panelists included:

- Sean P. Fleming, Senior Counsel, International and Trade Compliance, Hughes Network Systems
- Joe Ugliodoro, General Counsel & Secretary, Intelsat General
- Gerry Oberst, Sr. V.P., Global Regulatory and Government Strategy, SES

The third panel discussed the role of established industry actors and their ability to introduce disruptive technologies and the opportunities and challenges that law presents for these industry actors. The panel focused on the satellite telecommunications industry, which panelists argued is an established industry that is working to develop new technologies to better use the electromagnetic spectrum. There was an emphasis on the need of the industry to adapt to changes in the way that people consume media. Additionally, the panel noted that as technology advanced there were often incongruities that occur as technology outpaces regulations.

### **Panel IV: Views of Legal Practitioners**

The fourth panel was titled Views of Legal Practitioners. It was moderated by Francesca Schroeder, Principal, Fish & Richardson P.C. Panelists included:

- Courtney Graham, Associate General Counsel, Commercial & Intellectual Property, NASA HQ
- Laura Montgomery, Manager, Space Law Branch, Office of the Chief Counsel, Federal Aviation Administration
- Lisa Savitt, Counsel, Crowell & Moring, LLP

This panel focused on the role of practitioners in enabling clients to develop and deploy disruptive technologies. They emphasized the need to use creative legal tools to navigate a regulatory regime that is often static in relation to the technologies involved. This panel addressed ITAR, intellectual property regimes, and the development of new rules to address new technologies.

### **Panel V: Views of Academics**

The final panel was Views of Academics. It was moderated by Joanne Gabrynowicz, IISL Director, Professor Emerita, University of Mississippi, Journal of Space Law, Editor-in-Chief Emerita. Panelists were:

- Professor Matthew Schaefer, Director, Space Cyber and Telecommunications LLM Program, University of Nebraska
- Asst. Professor Diane Howard, Embry Riddle University
- Professor Mark Sundahl, Cleveland Marshall University

This panel presented a broad critical overview of the Symposium throughout the day. They emphasized a need for communication among the numerous stakeholders in the space industry: scientists, technicians, policy makers, and lawyers. They emphasized the role of the academic in helping to bring these various stakeholders together and taking part in helping push the debate forward through critical thinking on potential issues. They also emphasized the role of the academic in training future industry leaders and giving them the proper tools to creatively address problems that emerging technologies can cause.