

What is Spatial Law?

Spatial Law is an emerging area of law focusing on the wide range of legal issues associated with spatial technology and the collection, distribution and use of spatial data. Spatial technology includes remote sensing, web-mapping services (WMS), geographic information systems (GIS), location-based technologies and Global Position System (GPS). Spatial data is any data set that can be linked to a geographic location. The need for lawyers that understand spatial law grows as the applications for spatial technology and data increase.

Legal Issues

Increasingly, companies are using spatial data for business, either by developing business models around spatial data or by including spatial data in their metrics. As a result companies are beginning to face a number of legal issues unique to spatial technology and spatial data. These issues include:

1. Intellectual property rights – It can be a challenge to determine a company's intellectual property rights (IPR) in spatial data. There are a number of factors that must be considered, including where the data was collected, the type of party (e.g. private company or public entity) that is exercising the rights and how the data was collected and stored. These factors are critical in determining what protection a company has with respect to its data and what rights another company may have in using such data.

2. Liability – The growing commercial use of spatial data will result in more legal disputes over the use and the quality of the data. Companies can reduce the risk of litigation by understanding the legal claims that may arise and by allocating risk through their agreements with vendors and customers.

3. Privacy – As spatial technology applications increase, so has the general public's concerns with respect to privacy. Companies that collect, distribute or use spatial data should expect lawmakers to begin reacting to these concerns by asking companies how they intend to safeguard the personally identifiable information of their constituents.

5. National Security – Government officials at all levels are concerned that the broad availability of spatial data will be a risk to national security, both to US forces abroad as well as to homeland security. Spatial technology companies will face continued scrutiny both to their collection and use of spatial data as well as that of their customers.

Business Transactions

These, and other legal issues, arise in all types of business transactions involving spatial technology companies and spatial data. A lawyer that understands spatial law can help a company maximize the value in such transactions as:

1. License Agreements and Contracts – by identifying each party’s rights with respect to spatial data, clearly defining permitted and restricted uses, and allocating risk through representations, warranties and indemnifications.

2. Intellectual Property Rights – by helping to identify and protect IPR through filings, agreements with developers, customers and contractors, and best practice.

3. Mergers, Acquisitions and Financings – by conducting due diligence on IPR, potential liability and regulatory issues (privacy and national security) and preparing and/or reviewing purchase agreements and financing documents for spatial law issues.

4. Government Policy and Regulation – complying with laws and regulations related to national security and export controls; developing corporate policy for personally identifiable spatial data; coordinating policy positions for government affairs.