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Busy week for Cains' space clients*

Isle of Man Government

News Release

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A Busy week in Space for the Isle of Man

The Isle of Man has had a busy week in space.

August 15 saw the AMC-21 satellite, procured by SES' leasing company, SES Satellite Leasing Limited in the Isle of Man, successfully roar into space onboard an Arianespace Ariane 5 ECA launch vehicle from the French Guiana Spaceport in Kourou. This was the third so called "Manx satellite" to be launched since November 2006, following on the heels of AMC-18 and Sirius 4.

AMC-21 will be establishing a new Ku-band enterprise and broadcast neighbourhood in the North American arc at 125 degrees West. Anchoring the new satellite will be the Public Broadcasting Service and several of their local broadcast affiliates. The satellite will also be used for new applications such as maritime mobile broadband.

August the 18th saw the successful launch of the 4 F3 satellite procured by Inmarsat Launch Company Limited, also in the Isle of Man, successfully roar into space on board a Proton M/Breeze M launch vehicle from the Baikonur Cosmodrome in Kazakhstan. 4 F3 will provide mobile broadband services, delivering enhanced voice and high speed data services to users on land at sea and in the air, across the globe.

These two latest launches will bring the number of satellites procured through Isle of Man companies since November 2006 to 4.

Director of Space Commerce Tim Craine said that "these latest launches really do put the Isle of Man on the map and are further evidence of the Island's growing participation in the global space industry"

The other development during the last week was the ruling in the High Court in London on the 13th, in favour of both the Office of Communications (Ofcom) and the Isle of Man over a long running dispute with Bermuda.

*** Cains are legal advisers to Inmarsat, SES and ManSat**

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The background to the case involved ManSat Ltd, which is an Isle of Man registered company, which had made an orbital filing slot application for a specific orbital slot via Ofcom in the UK. Ofcom then processed the application, after which it would be submitted to the International Telecommunication Union (ITU) who register all such orbital filing slot assignments.

Bermuda objected to the filing approval by Ofcom and its forwarding to the ITU. Bermuda argued that the satellite to be launched into the specific slot would interfere with a pre-existing frequency assignment relating to Bermuda. ManSat went to great lengths to allay Bermuda's concerns but in the end was unable to reach an agreement with Bermuda on the interference issue. Ofcom analysed the proposal and came to the conclusion that the satellite did not adversely affect Bermuda.

Bermuda then applied for judicial review on the grounds that Ofcom's functions with respect to British Overseas Territories under section 22 of the Communications Act 2003 are solely representative and that Ofcom is obliged to follow the wishes of the government of the country in question. Bermuda argued that Ofcom had no power to determine independently whether the modified ManSat filing would interfere with pre-existing frequency assignments and that its decision to submit the proposal to the ITU, in the absence of Bermuda's agreement, would therefore be unlawful and/or irrational.

Ofcom, supported by ManSat and the Isle of Man, contended that Ofcom did have the power to determine whether the ManSat filing would interfere with other assignments for which Ofcom was responsible. ManSat, the Isle of Man Government and Ofcom believed that all of the necessary procedures and consultations had been followed and they were more than satisfied that the ManSat filing would not cause any interference.

Justice Goldring at the High Court in London unequivocally ruled in favour of both Ofcom and the Isle of Man, awarding costs to both Ofcom and the Isle of Man and refusing Bermuda permission to appeal.

Isle of Man Treasury Minister Allan Bell said "We are naturally delighted with the outcome of the case and in particular the fact that the ruling fully vindicates the orbital filing slot processes followed by both ManSat and Ofcom. We believe that the outcome will also further strengthen the Island's standing in the satellite industry as a highly attractive jurisdiction through which to make such filings."

Allan Bell went on to say that "the successful outcome of the dispute with Bermuda is a good example of how the Isle of Man will defend Island based businesses trading on a global basis".

The Hon Adrian Earnshaw MHK, Chairman of the Communications Commission said "the Commission entered into an agreement with ManSat Ltd in 2004 to acquire satellite slots to develop further space based projects on the Isle of Man for the benefit of the Manx economy. I am delighted that the judgement recognises the expertise and professionalism of both ManSat and Ofcom in their approach to orbital filings."

- Ends -

Notes to editors:

The Isle of Man already has a very successful space industry:

- 7 space/satellite companies on the Isle of Man
- The satellite industry on the Isle of Man was worth over £25 million in the last three years
- The satellite industry on the Isle of Man is independently estimated to be worth another £14 million in the next three years while the private sector is projected to receive income from the space industry over the next 3 years in excess of £317 million
- The Isle of Man is home to the International Space Universities International Institute of Space Commerce
- The Isle of Man is home to Odyssey Moon, the first formal entrant to the multi million pound Google Lunar X-Prize

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