Using Drones and Covering Your Legal Bases

Dr Maria A Pozza
Consultant Lawyer
Disclaimer

THIS IS NOT LEGAL ADVICE
THIS IS NOT MEANT TO CONSTITUTE ANY ADVICE IN ANY WAY
SHAPE OR FORM
THIS PRESENTATION IS MERELY A PRESENTATION OF RESEARCH AND
NOTABLE UPDATES OF LEGISLATION AMONG PROFESSIONALS
IF YOU HAVE ANY QUERIES PLEASE SEE ME AFTER THE
PRESENTATION
YOU SHOULD ALWAYS CONSULT YOUR LAWYER
DO NOT RECORD IN ANY WAY OR DISSEMINATE IN ANY WAY, THIS
PRESENTATION
Overview

- How technology is changing and the importance of Drones (UAVs)
- The law surrounding the use of UAVs
- Keeping up-to-date with changes, properly referencing and updating your terms and conditions
UAV’s

What is a UAV?
How technology is changing and the importance of Drones (UAVs)

▶ Technology is rapidly changing...
▶ Historical development of UAVs
UAVs

**AEROSTAT**
200 ft. long
65 ft. across the hull
Aerostats are tethered fabric balloons filled with helium that float 15,000 feet in the air from a single cable. They can lift 1,200 pounds, including a camera that pans 360 degrees for constant real-time surveillance. They are used extensively on the Afghanistan-Pakistan border and above Kabul, where one of them is anchored at Bala Hissar, an ancient fortress. Their virtue is that they can stay aloft for months at a time, carrying a heavy load of intelligence equipment. Their shortcoming is that they cannot be moved rapidly for new assignments.

**GLOBAL HAWK**
44 ft. long
116 ft. wingspan
Sometimes described as a “flying albino whale,” the Global Hawk is the largest flying drone. Although tethered to humans on the ground, Global Hawks fly mostly on their own, guided by GPS coordinates they download from satellites. They were deployed over Afghanistan in 2001, providing commanders with battlefield images. The Global Hawk flies higher than the Predator and can stay up longer — for almost two days.

**REAPER**
36 ft. long
66 ft. wingspan
The largest armed drone. Called a “hunter-killer” aircraft, the Reaper can detect humans and can fire Hellfire air-to-surface missiles. It will soon replace the better-known Predator.

**PREDATOR**
27 ft. long
55 ft. wingspan
The Predator is the Cessna-size workhorse that has dominated remotely piloted flight since the Sept. 11, 2001, attacks. The Pentagon has 160 Predators in its inventory.

**X-47B**
38 ft. long
62 ft. wingspan
The Navy’s prototype combat drone, and the first combat drone able to take off from an aircraft carrier and land on it. Its first test flight (29 minutes) was on Feb. 7, 2011.
Why are drones becoming important?

- Military uses aside (as well as spying on your neighbours watering their garden whilst a water ban is in place....)
- Save time
- A new safety element for workers?
- Save lives???
Survey

- Who is using a UAV?
- Part 101 or 102 or both?
- Who is contemplating the use of UAVs?
- Terms of engagement or terms and conditions pertaining to UAV use?
US perceptions of UAVs and the use of Airspace
Domestic law - vertical
International law - horizontal
The law surrounding the use of UAVs

- ICAO
- Civil Aviation Authority Regulations
  - Part 101 requirements
  - Part 102 requirements
Ambiguities

- Demarcation - air space and outer space???
- Line of sight? Long sighted or short sighted? Google maps calculation by foot?
- Different types of drones: list available on CAA but new and improved UAVs are frequenting the market constantly
Keeping up-to-date with changes and properly referencing / updating your terms and conditions

- The standard terms and conditions will not be enough
  - The importance of clear terms and conditions:
    - Limit liability
    - Ensures compliance with the legislation
    - Pilot-in-command
    - Exclusivity
    - Other steams of income - IP?

- The best way for companies to update their terms and conditions is to.......
ASK ME TO DO IT!!!

Let me write your new UAV Terms and Conditions and Terms of Engagement!!

maria@helmores.co.nz

03 366 5086