

# OPEN INNOVATION AND IP: BALANCE AS AN INFORMED CHOICE



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# Innovation as Capital [Monopoly] thanks to IP

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## Artistic/Cultural/Informative Innovation

- COPYRIGHT

## Technical Innovation

- PATENT

IP leads to a **by default** top→bottom “closed” Innovation System featuring built-in balancing mechanisms btw. IP rights and public interest/freedoms:

#E&L

#mandatory licensing

#Temporary Protection



# Balancing Models

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## Open Innovation as Balancing Mechanism

[traditional]  
Balance



Great  
Balance?



Greater  
Balance?



Open Innovation as Evolution:  
An option for stakeholders:  
Use of bottom-up open innovation  
mechanisms (CC, CL, patent pools  
etc.)



Open Innovation as<sup>5</sup>  
Revolution:  
An option for policy makers:  
Review of current “fencing”  
model



Current need:

**For innovative stakeholders:** Informed choice re: IP strategy

- Awareness re: current models of open innovation and features of actual balance/coexistence with IP system
- Ad hoc Legal assessment of the choice of existing open innovation mechanisms for produced innovation

**For policy makers:** Informed choice re: IP system

- Calibrate the statutory Coexistence of different models in favour of informed choice btw. traditional IP system and open innovation

# Thank you very much for your attention



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