

# Chapter 25

## Contextualizing the Disagreement of Intellectual Property Rights and Open Innovation Systems in Realizing the Goal of Innovation Society in India

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### ABSTRACT

*Innovation has always been the creative endeavor throughout the history of human civilization. With the inception of intellectual property rights (IPR) to protect the innovations almost 500 years back, the free flow of knowledge was obstructed, and further advancement of knowledge is somehow stunted. Emerging open innovation system with the sharing of knowledge beyond geographical boundaries has opened a new door to many possibilities. India, with her vast pool of scientists and engineers, can become an innovation society with a judicious combination of IP and open innovation systems. This chapter seeks to contextualize the trajectory evolves due to philosophical conflict that arises among intellectual property rights (IPR), open innovation systems, innovation society formation in India. It inquires to find a realistic sustainable path.*

### INTRODUCTION

*Dispersed physically but connected by technology, workers are now able, on a scale never before even imaginable, to make their own decisions using information gathered from many other people and places... For the first time in history, technologies allow us to gain the economic benefits of large organizations, like economies of scale and knowledge, without giving up the human benefits of small ones, like freedom, creativity, motivation, and flexibility. – Thomas Malone, Writing In: Future of Work, MIT Sloan School of Management*

DOI: 10.4018/978-1-5225-9825-1.ch025

Why do we innovate? Why should we protect our innovation? What is the rationale behind such protections? Should we seek an alternative path of innovation for universal access and sharing of it? Innovation is the way mankind has forwarded, excelled and sustained in every corner of the world. Research has found that for an average of 3000 raw ideas, only one of them reaches the last stage of profitable commercialization. Inventors need to cross the valley of death and burn their midnight's oil to innovate so protection of their creative pursuit is natural and justified. It takes both effort and resources to develop and add value to these ideas so that they become marketable. However, even the allocation of additional resources to support further development may not guarantee the desired results. The degree of success of the innovation and commercialization process is dependent on a wide variety of other factors. The recent upsurge in patents and other form of IPR, in almost all countries and all domains, paradoxically has helped to draw the attention of scholars to the importance of openness for innovation's development. The Global Innovation Index (GII) has ranked India as the 57th most innovative nation in the world. The country has improved its ranking from 60th position last year. But India still needs miles to go to be called an innovation society in true sense.

## **INNOVATION SYSTEM IN INDIA: ARTICULATION TO THE CURRENT STATE OF THE ART**

At present, becoming innovation society is the most desired goal for any nation across the continents. If we go back to the ancient age, when men used his knowledge to collect food, to boil food or water or to make shelter we find that it was never meant to possess but the opposite one was correct. All achieved invention and innovative knowledge and idea and its application to solve various problems in life were shared among all the members of the society. If that knowledge would not have been shared, present stock of knowledge could have never been evolved.

Innovation society based on open innovation system along complying with the principle of IPR is not only one of the greatest challenges for the economically poor or developing nations but also distracts us from the basic objective of human existence and society. Rationale behind owning knowledge and thus protecting and controlling flow of knowledge by the various forms of IPR from industrialized nations to other corners of the world appears to be market driven only. The Uruguay Round of the GATT (General Agreement on Tariff and Trade) (1994) is the landmark in the world history where protection of knowledge by various forms of IPR were sought by the member countries. The Trade Related Intellectual Property Right (TRIPS) agreement has become obligatory to all signatories. This clause was included by the pressure of US Multinational Corporations. It must be complied and followed by the signatory member countries. Its outcome is quite clear. One distinct kind of market driven strategy is being driven in the name of promoting innovation where every atom or even sub-atomic level of knowledge is protected by the various forms of intellectual property rights. As a result worldwide free flow of knowledge the basic ingredient of our development is perennially obstructed.

Innovation involves thinking differently, creatively and insightfully to create solutions that have an impact in terms of social and economic value. Scientific research utilizes various resources including money to generate knowledge and by providing solutions innovations convert knowledge into wealth or value. India has declared 2010-2020 as "Decade of Innovation". The Govt. of India has emphasized the need to bring out a policy and established National Innovation Council (NInC) in 2010. NInC has enacted Science, Technology & Innovation Policy 2013. This policy focused on many new things including

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