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OPEN INNOVATION AS TREND IN TERMS OF DIGITALISATION

Strizhkova Alla,

*PhD, Senior researcher of Scientific and research
institute of providing legal framework for the innovative
development of National academy of law sciences of Ukraine,
ORCID: 0000-0002-4477-7941
ResearcherID: D-4083-2019*

This scientific work is devoted to the definition, legal nature, characteristics and mechanisms of such trend in the area of innovative development as open innovation. Nowadays open innovation is a real trend because of digitalisation's process of infrastructure of national economies all over the world.

Keywords: open innovation, free patents, open innovative system, innovation, R&D, scientific and technical progress, fair competition.

Today everybody knows huge impact of innovation on markets in many areas, especially engineering, green energy technologies, space, electric vehicle technology etc.

CEO Tesla Motors, one of the most popular a pioneer innovation company of electrocars Elon Musk announced 31 of January, 2019: “Our true competition is not the small trickle of non-Tesla electric cars being produced, but rather the enormous flood of gasoline cars pouring out of the world's factories every day” [1]. The fact of the matter is that

company of Musk, Tesla Motors, has opened all its patents long before, in June, 2014. “They have been removed, in the spirit of the open source movement, for the advancement of electric vehicle technology” [1]. In 2018, Tesla also released the Linux source code for the Tesla Model S/X, which contained an image of the system on the Tesla Autopilot platform and the infotainment system Nvidia Tegra.

These decisions of Elon Musk are the modern examples of balance foresight, humanism and engineering calculations. What type of calculation? Perhaps, this was the solution to interest competitors in the free access to unique technical innovations in the market of electric motors and electric cars, which can be used in good faith to improve their products and prosperity of their own business.

But the further global significance of open patents is an increase healthy competition, which ultimately should not win one particular CEO, not one company, not one country, but the whole market and full-fledged scientific and technological progress. Moreover, such scientific progress will take care of the environment and slow down global warming, in contrast to traditional ideas about the opposition of scientific development and conservation of nature. As noted Müller, Vorraber and Slany, “the emerging idea of new business models, based on sharing, collaboration, and the circular economy, not only considers economical viewpoints, but also social and ecological” [2].

Maybe, Mr. Musk overestimated the ideal of fair competition? CEO's Tesla Motors claimed “Tesla will not initiate patent lawsuits against anyone who, in good faith, wants to use our technology” [1]. Thanks to its decision unlimited range of companies got free access to scientific developments of Tesla Motors. Also for these 5 years big companies like Apple, for example, have been such opportunities. And during this period Apple, specializing in the production of computers and smartphones, decided to open a new car market, moreover, market of electric cars with autopilot function. So, it is very interesting, what kinds of actions by other companies Tesla Motors will treat as fair competition?

In July 2018, “former Apple engineer was arrested by U.S. authorities at San Jose International Airport while preparing to board a flight to China and charged with stealing proprietary information related to Apple's self-

driving car project. At the time of his arrest, he said he was working for a Chinese start-up that is also developing autonomous vehicles, according to a criminal complaint filed in federal court in San Jose” [3]. His name is Xiaolang Zhang and he was accused of trying to bring Apple’s secret information to China-based XMotors.

In January, 2019 another Apple employee Jizhong Chen also was accused by FBI for an attempt of stealing on his personal computer “thousands of files containing Apple’s intellectual property, including manuals, schematics, and diagrams” [4] from autopilot car Project Titan.

A week before Apple dismissed more than 200 employees from its secretive Project Titan. This fact could sow panic among other workers and push one of them to find a job in another corporation.

We don’t know for sure if Apple used Tesla’s intellectual property rights when developing its project, but it could. I remind that Musk announced 31 of January, 2019, the second day after news about arrest Jizhong Chen on suspicion of stealing confidential information about Apple’s project Titan. In my opinion, this statement can be regarded as an intelligent reminder of its contribution to the development of free competition in the market of electric vehicle technologies.

If earlier discoveries, which determined the vectors of scientific and technological progress, were made once in several decades, now many discoveries are being made every year. At that time, it was logical that the patents and other law-enforcement documents that confirmed intellectual property rights were valid for ten or twenty years, for which the potential of discovery or technology exhausted (the closed innovation paradigms). Instead of outdated technology, new discoveries could be made. But now, the innovation and related relations have become much more dynamic, the discoveries are made much more often, so the era has come when long-term patents can even further inhibit scientific and technological progress than help it. That’s why the new open innovation paradigm (or concept) gained more popularity since 2003, with the term “Open innovation” coined by Henry Chesbrough [5]. As stressed by Kumar and Krishna, “the uniqueness of the concept of “Open Innovation” is, it recognized the importance of both internal and external knowledge and a proper coordination of both will yield optimum benefit for a firm”

[6]. So, XXI century is the era of open innovation and free patents. In such conditions companies should not only be for the sake of personal gain, but also the common good of development, respect the inventions of their competitors and raise the level of innovation culture of their employees, actively to hide the concept of open innovation. Nowadays such companies, like Tesla Motors are demonstrating us this trend.

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