

IPOB

Open Innovation and Contracting

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Taloussanommat

Avoin innovaatio liiketoiminnan
kehittämisessä

Sanomatalo 5.10.2010

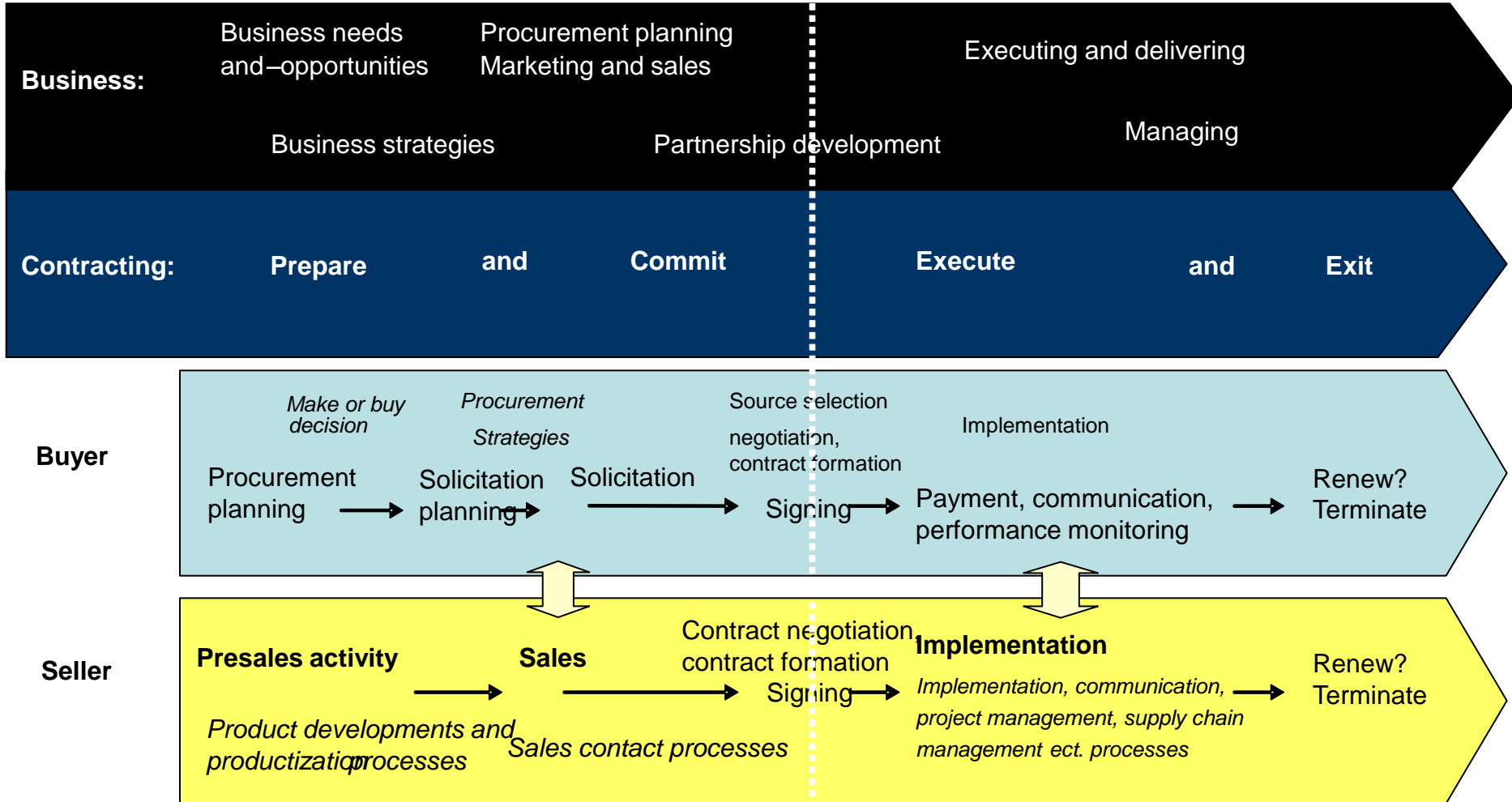
Contracting Capabilities

- Contract contents capabilities
- Contract process capabilities
- Relational capabilities

Good contracting capabilities are a competitive advantage for businesses

Contracting and Business Processes

CCC-project final report 2008/ www.uef.fi/oikeustieteet/ccc



Functions of Contracting:

a) Framework functions

- Value creation, business goals
- Binding the other parties/ commitment

b) Practical functions

- Safeguarding
- Coordinating
- Contingency management

Nysten-Haarala (ed.)2008/21 (www.uef.fi/oikeustieteet/julkaisut,)

Eckhard-Mellewigt 2006

Special aspects of open innovation contracting

IPR-(legal) protection problems:

- a) Several actors and differing interests
- b) Open communication

How to safeguard?

Contracts and informal methods

Common methods of protecting knowledge

<i>Formal Protection</i>	<i>Contractual Protection</i>	<i>Informal Protection</i>
Patent	Non-competiton	Secrecy
Utility Model	Confidentiality	Publishing
Trade mark	Recruitment freeze	Restricted Access to information
Design right	Employee invention	Database and network protection
Copyright	Ownership and right to use	Confidentiality
		Client relationship management
		Personnel loyalty building
		Circulation of staff
		Division of duties
		Distributed product design
		Fast innovation rythm
		Complex design

Contract as Governance Method in Open Innovation

Incomplete, Evolving contracts
& weak contract law protection

Building and Maintaining Trust and the need to protect
reputation

Hard vs. Soft (Agile) Contracting

Hard contracting, hard approach to contracting

- emphasizes opposite interests of the parties
- highlights the need of the parties to safeguard themselves against the risks,
- with precise and unchanging hard terms
- Classic view of contract (legalistic)

Soft (agile) contracting or soft approach

- emphasize flexibility, good will, commitment to cooperate from the parties
- a framework for cooperation
- with soft terms agreement of reference or standards that have to be specified later

Kiitos!

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050-504088978

Lee, Nari: Exclusion and Coordination of Fragmentation. Five Essays toward a Pluralistic Theory of Patent Rights Joensuu 2010
http://urn.fi/URN:ISBN_978-952-61-0-0123-1

Nysten-Haarala, Lee, Lehto: Flexibility in Contract Terms and Contracting Processes. **International Journal of Managing Projects in Business**, 2010, Vol 3, Issue 3, pp. 462-478.

Lee, Nysten-Haarala, Huhtilainen: Interfacing Intellectual Property Rights and Open Innovation. <http://ssrn.com/abstract=1674365>