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Review Article

ROLE OF INNOVATION & CREATIVITY APPROACH TOWARDS INTELLECTUAL PROPERTY RIGHT IN THE PSYCHOLOGICAL CONTEXT

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Abstract: Intellectual Property Right is the essential region through which the law looks to spur and direct human imagination. Development as a rule requires some type of creativity as a precursor, protected innovation law by and large ought to likewise advance, and positively ought not to block, innovativeness. In spite of the benefit of encouraging imagination for protected innovation law, understanding innovativeness is not really something inside the equipped space of law and legitimate investigation. Of course, the authoritative and legal improvement of Intellectual Property Right law has given careful consideration to present day information concerning how to advance innovativeness. In the course of recent decades, notwithstanding, an abundance of mental research has given new bits of knowledge into imagination and the innovative procedure. Our research yields significant lessons for Intellectual Property Right law and demonstrates that specific territories of patent and copyright law may counterproductively ruin the very imagination that the law is intended to rouse. The aim of the paper is to highlight that role of innovation & creativity approach towards intellectual property right in the psychological context.

Keywords: *Intellectual Property Right, Creativity, Innovation and Psychology.*

Introduction: Psychological research on creativity gives knowledge into no less than three subjective spaces apropos to the assignment of protected innovation law: inspiration, joint effort, and focalized versus dissimilar points of view. An assortment of mental research investigates contrasts amongst united and disparate reasoning, and, relatedly, between issue finding and critical thinking innovativeness. Issue discovering imagination concerns distinguishing another issue that nobody has perceived previously, while critical thinking creativity includes taking care of a recognized issue. Research shows that these two kinds of imagination can include diverse intellectual procedures and can prompt

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distinctive sorts of inventive accomplishment. Intellectual Property Right law, in any case, by and large treats the two sorts of innovativeness indistinguishably, delivering legitimate regulation that does not persuade or compensate either type ideally. Patent law, for instance, applies the same no conspicuousness necessity to both issue finding and critical thinking development, despite the fact that the exercises that deliver such advancement can be fundamentally extraordinary, can come about because of varying inspiration, and likely could best be advanced by various conduct of reward. Test psychological research additionally uncovers that natural inspiration is profoundly helpful for imaginative profitability, while absolutely extraneous inspiration tends to diminish inventive capacity.

This vigorous discovering sounds a note of alert crosswise over Intellectual Property Right law-law's capacity to advance innovativeness might be constrained, as well as could even be adverse to the degree it transforms a craftsman's or designers inside spurred movement into one directed essentially for the copyright or patent prize. Investigations uncover that specific sorts of outward inspiration can upgrade inherent inspiration, in spite of the fact that the line that isolates positive from negative extraneous impacts is unpretentious.

By and large, extraneous inspiration that affirms the maker's ability without initiating control can synergistically improve characteristic inspiration, while outward impacts that are seen as controlling check inherent inspiration, and can decrease imagination. While certain parts of Intellectual Property Right law may effectively use the extraneous inspiration of an innovativeness prize, different viewpoints are all the more disturbing and ought to be reexamined in light of these creativity considers.

Mental investigations of imagination yield profitable lessons in three different zones very appropriate to Intellectual Property right law: unique versus concurrent intellectual points of view, inspiration, and coordinated effort. The accompanying segments inspect every one of these territories consecutively, trailed by a talk of the import of the joined discoveries for advancing extensive scale communitarian imagination.

Motivation and Creativity: A standout amongst the most huge discoveries from brain science of creativity inquire about is that inherently inspired work will probably deliver more imaginative yield than outwardly persuaded work. This vigorous discovering sounds a note of alert crosswise over protected innovation law or law's capacity to advance imagination might be restricted, as well as could even be unfavorable, to the degree it transforms a craftsman's or innovator's inside spurred action into one directed for the copyright or patent prize.

As inspiration moves from the extraneous toward the natural side of the inspiration range, people's work item has a tendency to wind up more innovative. This detail clarifies the abnormal state of creativity and resulting late consideration that is being paid to client development. Client advancement alludes to development created by innovation clients rather than people whose calling it is to create innovation. A client development happens when clients adjust items they have obtained with an end goal to give a more pleasant client encounter. These alterations can create critical advances. Cases of client advancement extend from programming an iPod or PDA, to cyclists who developed the mountain bicycle because of an enthusiasm for rough terrain biking, to specialists who change and enhance surgical gear for their own particular utilize. Client advancements, by definition, are frequently to a great extent naturally roused, and along these lines might be relied upon to deliver especially innovative outcomes in specific conditions.

Objective of The Study:

- The aim of the paper is to highlight that role of innovation & creativity approach towards

intellectual property right in the psychological context.

Review of Literature: Investigations of creation demonstrate that remarkable development more often than not emerges from incorporating lessons from dissimilar fields, a result substantially more likely in community oriented research. Research comparatively uncovers that changes in outlook in logical comprehension are regularly accomplished by researchers who are prepared in a unique field and after that relocate to another one. Related discoveries have been made in expressions of the human experience, where illustrative moves regularly result from a craftsman prepared or working in one imaginative convention experiencing works or methods from another.

Psychologists distinguish various subjective procedures that can deliver inventive outcomes. "Cooperative wealth" is one of the essential procedures, alluding to the ability to associate diverse thoughts in surprising ways. Yield items have a tendency to be judged as more imaginative when the associated ideas are all the more generally differed. As **Einstein** clarified, "combinatory play is by all accounts the fundamental component in gainful idea. "**Professor Julie Cohen** makes a comparable point in concentrate the effect of culture on imagination: "A basic fixing [in creativity] is the 'play' that the systems of culture bear, including ... the degree to which they empower fortunate access to social assets and encourage sudden juxtapositions of those assets." The open door for cooperatively rich association's increments with more noteworthy joint effort. Aggregate imagination isn't only the whole of the individual innovativeness of gathering individuals, yet in addition the result of cooperation and coordinated effort. Fruitful joint effort includes people expanding on each other's' thoughts in a synergistic way that upgrades individual innovative action. **E.M. Forster** broadly wrote in the epigraph to the novel **Howard's** End that the most vital thing is to just associate." Though **Forster** was alluding to passionate connections, the same can be said of imaginative undertakings. The potential for access to, correlation of and association among contrasting data will increment as joint effort increments. Joint effort, to put it plainly, advances imagination, and Intellectual Property right law ought to hence advance cooperation.

Shockingly, protected innovation law frequently does the polar opposite. Joint creator and joint designer law are the essential territories of protected innovation law that administer cooperation. These joint maker principles relate to whether an individual, (for example, a colleague, aide, or boss) has contributed enough to an undertaking to be qualified for the status of joint creator or joint creator, and thus qualified for attending patent or copyright rights in the basic licensed innovation. Quickly, joint creator law gives that people must be joint creators if each planned to deliver a joint work, each proposed to be a joint creator, and each made a freely copyrightable commitment to the work.' Patent law is more indulgent in such manner: a man is a joint designer on the off chance that he or she makes a not unimportant commitment to the origination of a development, paying little mind to aim, paying little heed to whether it was an autonomously patentable commitment, and regardless of whether he or she just added to a subset of the patent cases.

Huge Scale Collaborative Creativity: The mental and lawful issues concerning varying psychological manners of thinking, inspiration, and cooperation converge in a region that is critical to innovativeness at the bleeding edge of human information: vast scale collective imagination. Huge scale community oriented tasks can happen inside a solitary substance, over numerous associations, or among an all-around scattered accumulation of people and gatherings. As talked about above, progresses in the sciences and expressions of the human experience render huge scale coordinated effort progressively imperative in light of the fact that no single individual may have the learning important to distinguish or take care of wanted

issues. Logical looks into, as it were, and masterful undertakings as a rule, have turned out to be altogether expansive scale communitarian imagination endeavors.

Understanding creativity in huge scale communitarian ventures, and in this manner how to upgrade imagination in such conditions, introduces an intricate test for both brain science and the law. Mental hypotheses of imaginative inspiration by and large were created with regards to individual and little gathering situations. In these specific situations, the speculations of characteristic inspiration talked about above for the most part get the job done. For expansive scale shared endeavors to work, notwithstanding, it is vital that some type of outer association, frequently including chain of importance and formal coordination necessities, be set up. These outward structures and controls are regularly contradictory to creativity. Intensifying this test, in some huge scale settings, individual innovative commitments will typically be related and regularly may not be differentiable, factors that again raise challenges for how to accomplish attractive natural inspiration.

The motivational test of extensive scale coordinated effort is the way to create inborn inspiration among donors while in the meantime persuading them to grasp the extraneous authoritative controls and requirements that are important to accomplish the bigger undertaking destinations.

Fathoming this confuse is a test that therapists have just as of late examined. The most broadened type of huge scale cooperation might be "open and shared companion generation," which alludes to endeavors embraced by huge systems of people working towards a shared objective. Associate generation systems might be generally scattered topographically and the people included may not know each other. The product business, for instance, is one field that frequently requires substantial scale community creativity. Much current programming creation includes expansive quantities of code designers cooperating in some frame to deliver a solitary programming application.

Regardless of whether as a major aspect of an expansive programming organization or in open and community peer generation, accomplishment in this setting requires both that supporters be independently persuaded to finish their specific undertakings and remotely aware of how to facilitate their commitment to fit into the general task. This kind of extensive scale community oriented innovativeness is essential or helpful in different fields past programming, including pharmaceuticals, films, music, and biotechnology.

The ascent of vast scale coordinated effort expands the potential for various people or gatherings to be in charge of various parts of an inventive errand. These obligations can be partitioned in various conducts, for example, by separating among issue finding and critical thinking undertakings, or among unique and joined reasoning parts of a task. In a more various leveled examine group association, for instance, a group pioneer might be more in charge of issue discovering type innovativeness; distinguishing the issue that group will chip away at. The group pioneer, nonetheless, may take part in generally less critical thinking, leaving those parts of the task to people who direct analyses or endeavor to execute and actualize theoretical thoughts. Effective general endeavors will require the shared reconciliation of the issue finding and critical thinking parts of the venture. In comparable respects in other communitarian settings, at that point dissimilar and concurrent parts of a task might be isolated among various gatherings of people to play to each gathering's subjective qualities, yet the aggregate exertion must be beneficially incorporated with a specific end goal to create victory.

Research Methodology: The paper presents complex interdisciplinary research of social, mental, lawful and monetary parts of Intellectual Property Right making and securing.

The essential technique for inquire about is the board review of innovative people, analysts and makers, educators and teachers. By methods for board review distinctive types of inspiration for Intellectual Property Right making and security were uncovered ***(Mingaleva and Mirskikh, 2013).*** Uncommon consideration is paid to imaginative work of speakers at colleges. The mentality to Intellectual Property Right making and ensuring.

The points of the board overview was the recognizable proof of the most vital variables for advancement of inventive and/or logical and inquire about exercises and the fundamental issues of inspiration of Intellectual Property Right encroachment and assurance.

- **Respondents:** 100
- **Sampling Methods:** Random sampling

The Results of Survey

The following questions were included into the survey:

- What stimulates your creative, scientific and research work?
- What prevents you from creative, scientific and research activities?
- Why do you buy infringing merchandise?
- Why do you buy pirate videos?
- Do you create intellectual property and use it in your work?

Data Description: The study showed that more than 70% of respondents consider personal inquisitiveness and an attempt to make a discovery and earn money to be the main stimulus of creative, scientific and research work. But the desire of public recognition is not very important (36%). This situation can be explained by special mentality of the population of the Indian Territory. For respondent's creative and research process is more important by itself (as such).

- About 79% of respondents believe that inadequate system of appreciation and financial support for intellectual activity results can prevent people from creative, scientific and research activities. Quite a small number of respondents 45% pointed out negative attitude of colleagues to research work. It was revealed that financial support and appreciation are the most important factors for creative work.
- Over 80% of respondents buy pirate videos because of their obtainable price. About 50% of respondents do not regard such actions as infringement. This demonstrates neglect of copyright and reveals the problems of intellectual property protection.
- Most of respondents (65%) create intellectual property and use it in their work. 20 % of respondents do not create intellectual property. This can be explained by the fact that questionnaires were spread among researchers, professors and lecturers. They are usually engaged in creative work (Mingaleva&Mirskikh, 2013).
- More than 80% of respondents consider that the most important for development of creative and or scientific and research activities is the improvement of stimulation and financial incentives system for the results of scientific and research work (starting with special single rewards and participation in the profits from invention implementation)
- Only 35% of respondents mentioned an opportunity to take sabbatical (research) leave and 24% of respondents pointed out the necessity of implementation of moral principles concerning the results of scientific and research activities achieved by third persons. This shows that people practically do not know about sabbatical (research) leave. Researchers and creators expect and hope for financial incentives.
- The study showed that 76% of respondents emphasize the necessity of legislation improvement in the sphere of intellectual property protection. And it is strange that only 54% of respondents pay attention to effective patent protection. This situation can be explained by lack of understanding the

role of patent protection. Improvement of relations with creative persons (43%) and creating available and effective infrastructure of scientific and research work (45%) take the second place in response categories.

Discussion: As this discussion indicates, the line that separates the positive from negative effects of external motivation can be subtle. Rewards that are contingent on task performance or that produce concern about competition, expected negative evaluations, rewards, or constraint on how work is done all have been found to detract from creativity.

These activities each reduce the autonomy and sense of competence of the potential creator and produce extrinsic motivation. Conversely, reward and recognition for creative ideas, clearly defined project goals, and frequent constructive feedback can each enhance creativity. Though the elements that lead to extrinsic versus intrinsic motivation are similar, the difference is that extrinsic motivation that confirms the creator's competence and autonomy without instituting control, or that offers rewards if the individual does exciting work, can enhance internal motivation. Extrinsic influences that are seen as controlling or likely to result in negative effects, however, counteract internal motivation, and can reduce creativity.

Recent studies indicate that a sense of autonomy by itself can have an independent positive effect on learning and effort, and thus that intrinsic motivation and autonomy may synergistically promote creative accomplishment. Also pertinent to intellectual property law, whether an activity is engaged in from an internally or externally motivated perspective can depend on how the activity is perceived by the individual engaging in it. Framing the same activity as having intrinsic versus extrinsic goals tends to cause individuals to engage in the activity from a more internally motivated versus externally motivated perspective, respectively, and produces greater performance outcomes in the intrinsic case.

Consequently, how individuals understand intellectual property law may have a significant effect on how the law influences creativity. To the extent intellectual property law is perceived as creating competition, constraint, or providing rewards for task (not creative) performance, the law may produce extrinsically motivated efforts that are less creative. To the extent, however, that intellectual property law is perceived as providing potential creators with a wide degree of autonomy and a reward for creative achievement, the law can produce intrinsic motivation that enhances creativity.

Results: Intriguingly, these results indicate that patent law's non obviousness requirement may enhance creative efforts, while copyright's originality requirement could detract from them. In order to acquire a patent, an invention must not merely be novel in relation to the prior technology, but must measure a nonobvious advance over existing technology. The non-obviousness requirement thus mandates a certain level of creative achievement in order to secure a patent, making a patent a reward for a particularly creative achievement. To the extent that a potential inventor understands this, the inventor is likely to perceive a patent as a reward only for a creative accomplishment, and thus the patent system may enhance intrinsic motivation in this regard.

The creativity requirement for a copyright, on the other hand, is famously low, requiring only that a work display a minimum amount of creativity. The Supreme Court has held that the requisite level of creativity "is extremely low; even a slight amount will suffice." To the extent that potential creators are aware of copyright's minimalist creativity standard, the copyright reward will be viewed more as simply providing a reward for task performance. The perception of a task performance reward produces only extrinsic motivation, rather than providing the desired internal desire to achieve a creative result, and may lead to a reduction in the creativity of copyright-related efforts.

The results indicate that the manner of coordination and the perceived relationships among the various contributors will play a significant role in the success of large-scale collaborative efforts. High levels of interaction and interdependence may lead individuals to more closely identify with the group project. Similarly, developing a creative team that views themselves as members of a particular social group can achieve the same result. These teachings may explain the success of certain open and collaborative peer production efforts. To the extent a collection of software designers from around the world perceives themselves to be part of a particular social group; each individual may be intrinsically motivated not only to solve the particular portion of the project that he or she is tasked with, but also to make sure that the individual contribution coordinates successfully with the group effort. Identification with the group can motivate an individual to focus on the collective effort rather than an individual goal.

This form of social identification would seem particularly likely in open and collaborative peer production efforts precisely because individuals self-select into the projects and the groups that are working on the projects. It would not be surprising if peer production contributors feel an unusually high level of association with the group and the group's objectives. Peer production efforts may be highly successful because a largely ignored side effect of their organizational design is that it produces a set of collaborators who feel both strong intrinsic motivation with respect to the individual tasks that they choose to tackle and strong identified motivation with regard to collaborative efforts. These effects can combine to produce a fertile environment for creativity in the large-scale collaborative context.

Challenges: The challenge of achieving sufficient and comprehensive private agreements is a particular problem for intellectual property endeavors because the goal of such agreements is often to develop something uncertain and unknown. These problems not only lead to disputes concerning rights but also a lack of clarity as to how certain creative output may be exploited or further developed. Such uncertainty can lead to the underutilization of a valuable creation. A prime example concerns the dispute over rights related to the identification of the AIDS virus. Two prominent scientists at the National Cancer Institute and Pasteur Institute exchanged virus samples, a common form of collaboration in their field. 118 Their work led to the discovery of the AIDS virus, creating the possibility for highly profitable research into diagnostic tests and vaccines for AIDS. Resulting disputes over patent and attribution rights, however, drained precious scientific resources into litigation and delayed critical research in these areas.

All of these effects also impact the common culture around collaborative research, such that even those who may be personally unaware of joint creator laws now operate in an atmosphere shaped by the doctrine. The effect of a general culture of concern around collaborative work is documented in reports that reveal the negative impact of apprehension around joint creator rights on scientific researchers and authors.

Conclusion: Intellectual property law also may work well in the large-scale collaboration motivational context, despite its potential problems as an extrinsic motivator. The prospect of a patent or copyright on the final group output may help to focus individual contributors on a coherent group target, and unify the contributors so that they see themselves more as members of a single group rather than isolated individual contributors. The prospect of an intellectual property reward based on group effort may also increase group cohesiveness, leading to greater collaborative effort.

Experimental research supports this role for intellectual property in large-scale collaborative creativity. In a recent study, psychology researchers sought to understand how a rewards system can optimally incentivize group creativity. Participants in the study were

assigned in small groups to come up with a creative solution to a designated problem. Participants were rewarded based either on the creativity of the group's solution or on the creativity of the individual's input to the group's solution, as judged by independent raters. The reward was also varied between a proportional division based on creativity or a winner-take-all format. The results indicate that intergroup, as opposed to intragroup, rewards led to higher rates of group cohesion and collaboration, and that this led to greater creativity. Intragroup rewards inspired participants to work harder on individual inputs, but these individual efforts did not lead to more creative group solutions.

Though the intellectual property system may lead to problematic motivational effects at the individual level, it may actually produce valuable motivation at the group level that enhances creativity. By awarding a winner-take-all intellectual property prize to a creative group as a whole, intellectual property law presents a positive model for extrinsic motivation of collaborative creativity. Subject to the critiques of joint author and joint inventor law discussed above, both the patent and copyright systems are designed to achieve desirable types of group rewards from a psychological perspective in the large-scale collaborative creativity context.

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