Multinational Open Innovation Networks and Open Source Communities have reached a new level of economic and cultural significance. Innovation and creativity are no longer reserved for closed groups of people such as employees of a company; in fact, the innovation process has nowadays gone far beyond these traditional boundaries and involves a substantial number of external players like “lead users” or “virtual collectives”, benefitting from their knowledge and their creativity.

Most of these multinational and cross-cultural virtual collectives create their own set of social norms and legal rules governing access, membership and policy issues. Typically, such policies of multi-contributor networks are developed without any reference to a certain jurisdiction. However, it is obvious that these “one fit all”-policies face several limitations, especially in the field of Intellectual Property Law. For instance, there is a significant difference between the U.S. and the continental European copyright system with regard to joint ownership: Absent an agreement to the contrary, U.S. copyright law grants each joint copyright owner the right to transfer his entire ownership interest as well as the right exercise any or all of the exclusive rights inherent in the joint work without the consent of other joint owners. This approach contrasts with the copyright principles of continental European countries, like Austria or Germany. A joint creation leads under Austrian or German copyright law to a so-called Gesamthandgemeinschaft. Thus, there are no distinct shares in the copyright as such; there is just a single copyright owner composed of several partners (co-authors). Furthermore all joint authors are obliged to reach consensus on the exploitation of the work. Differences like the one mentioned before may lead to serious problems.
within multinational Open Innovation communities; hence, there is a need for comprehensive IP Governance.

This paper is based on comparative and doctrinal legal research. It will deal with typical elements of IP governance for Open Innovation communities characterized by a large number of more or less anonymous contributors originating from different jurisdictions. The main issues addressed in this paper are the acquisition of intellectual property rights and their exploitation by multinational collectives and the special legal relationship between the contributors.