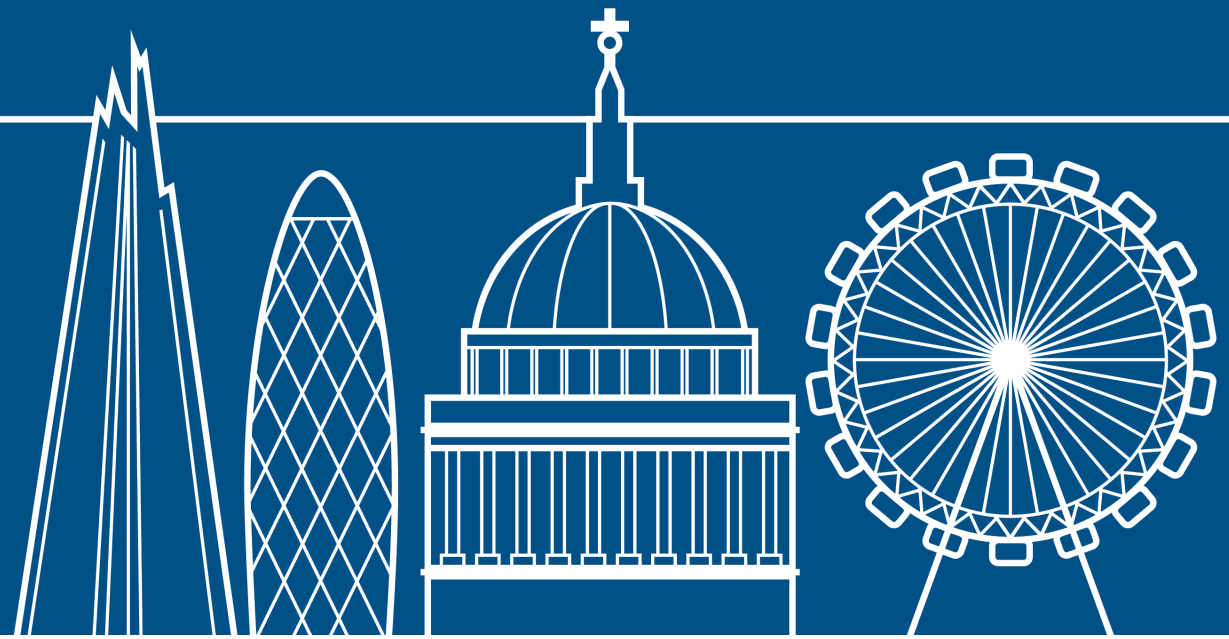




# FICPI ExCo & 21st Open Forum

London, 1-7 October 2023



## Alternative Legal Service Providers ("ALSPs"): blessing or curse?

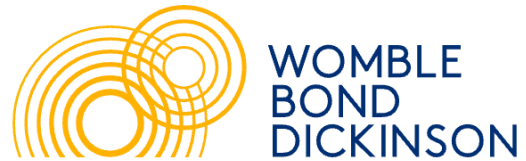
STRENGTHENING THE PRACTICE OF THE INDEPENDENT IP  
ATTORNEY  
[www.ficpi.org](http://www.ficpi.org)



fenchurch

# Introductions

**Lisa Moyles**



**Marc Levieils**



**Phil Arvanitis**



# Why are we here?

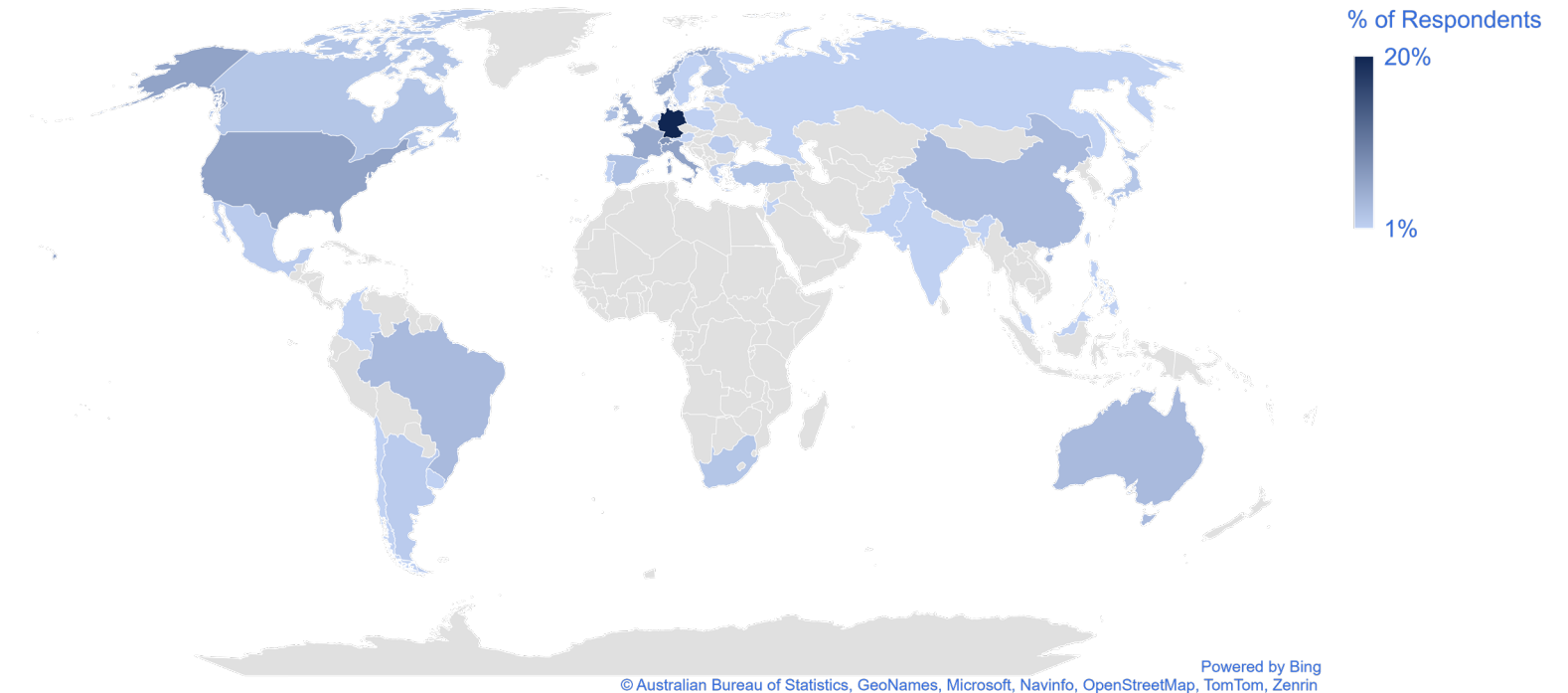
- There's no doubt that ALSPs have impacted our practice
- Some of it is good, some not so much
- We are going to explore:
  - I'll discuss Survey results
  - Marc will address challenges with collaboration
  - Phil is going to give you a view from the other side – value proposition for an IP firm as compared to the value proposition of an ALSP



# Survey Results – BRACE Subcommittee of PMC

- Conducted September 2022
  - 5600 members
  - 277 respondents – all time high for FICPI survey – 5% overall response rate
  - 155 complete answers – 3% complete response rate
- Members from 41 countries
- Participation:

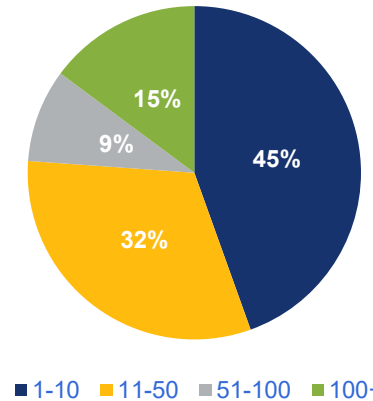
Geographic Disbursement of Respondents



# Survey Results (Cont'd)

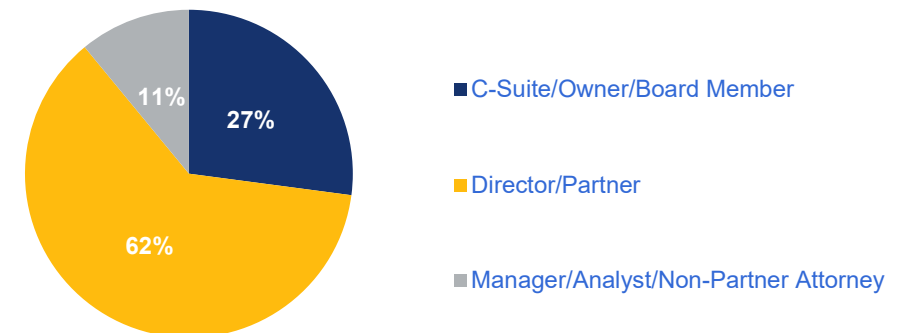
- Size of firms represented

% of Respondents by Law Firm Size (# of Attys)



- Self-identified role in firm (normalized)

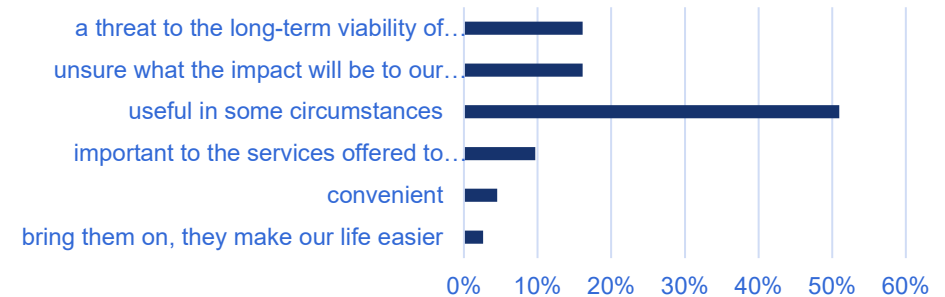
% of Respondents by Organizational Role



# Big Picture Questions Asked

- Thinking now of ALSPs, including platform services, filing aggregators, and complementors, how do you perceive the ALSPs?
- Still thinking about ALSPs and your use of some or all of the services, what impact has that had on your operations (directly or indirectly)?

How do you perceive ALSPs?



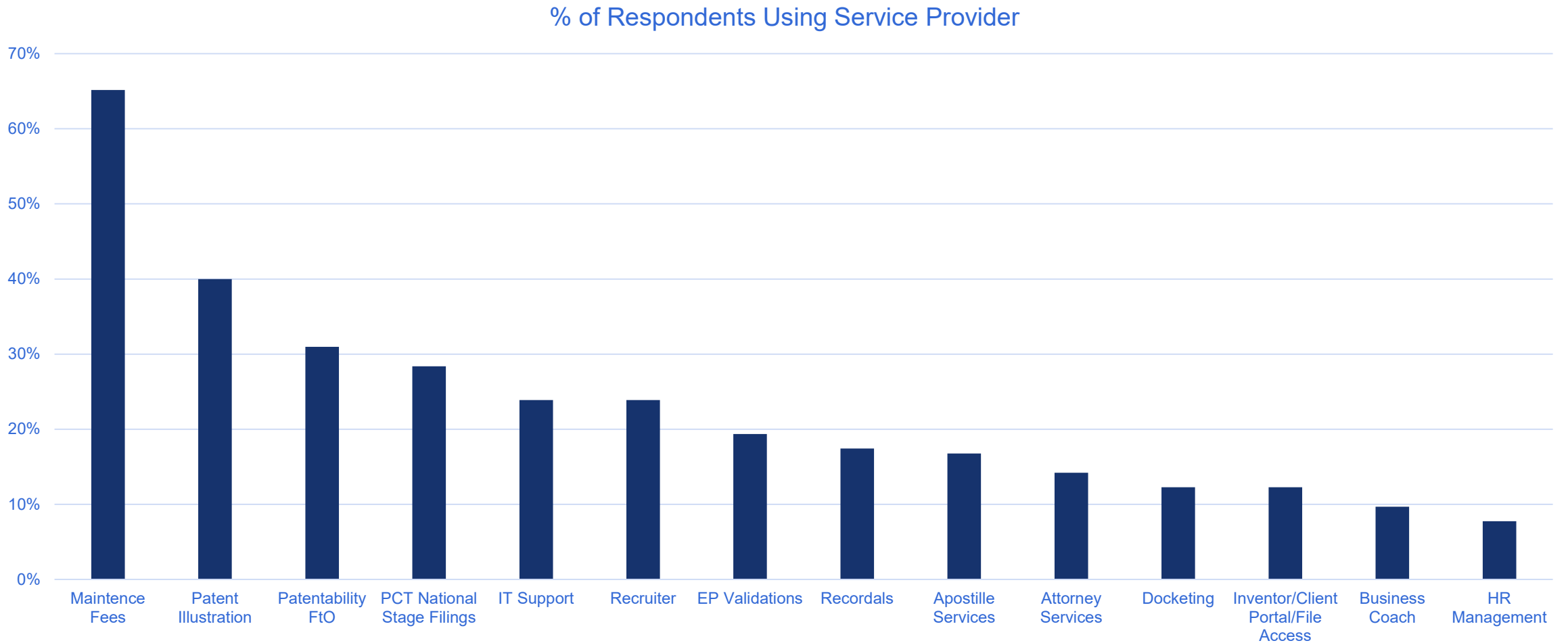
What impact have ALSPs had on your operations?



# Service Providers

Category	% of Respondents Using Service Provider	Average Satisfaction Score	% Noticing Significant Cost Increases
Maintenance Fees	65%	3.99	16%
Patent Illustration	40%	4.15	3%
Recordals	17%	2.52	11%
Docketing	12%	2.61	5%
Attorney Services	14%	2.41	5%
EP Validations	19%	3.78	0%
PCT National Stage Filings	28%	3.02	2%
Inventor/Client Portal/File Access	12%	3.21	0%
Apostille Services	17%	3.50	12%
Patentability and/or Freedom-to-Operate Searches	31%	3.13	0%
IT Support	24%	4.03	22%
HR Management	8%	3.33	0%
Recruiter	24%	3.42	8%
Business Coach	10%	3.73	7%

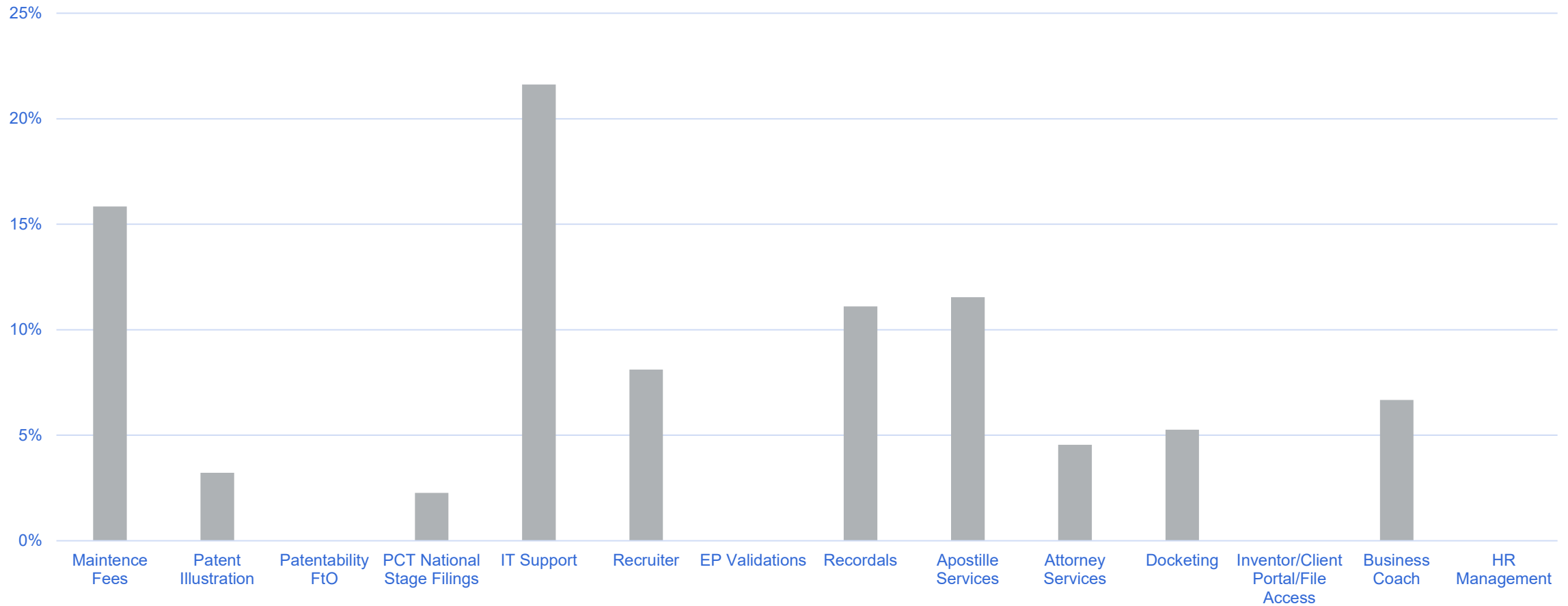
# % of Respondents Using Service Provider





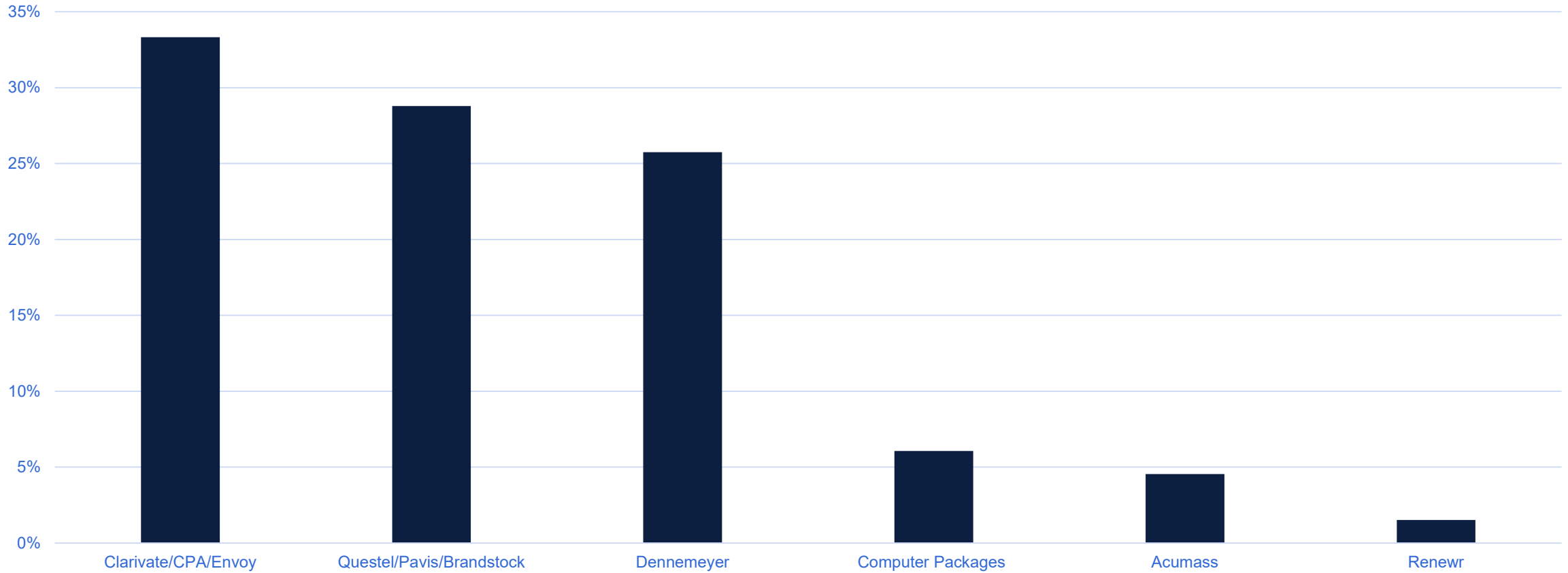
# % Noticing Significant Cost Increase

% Noticing Significant Cost Increases



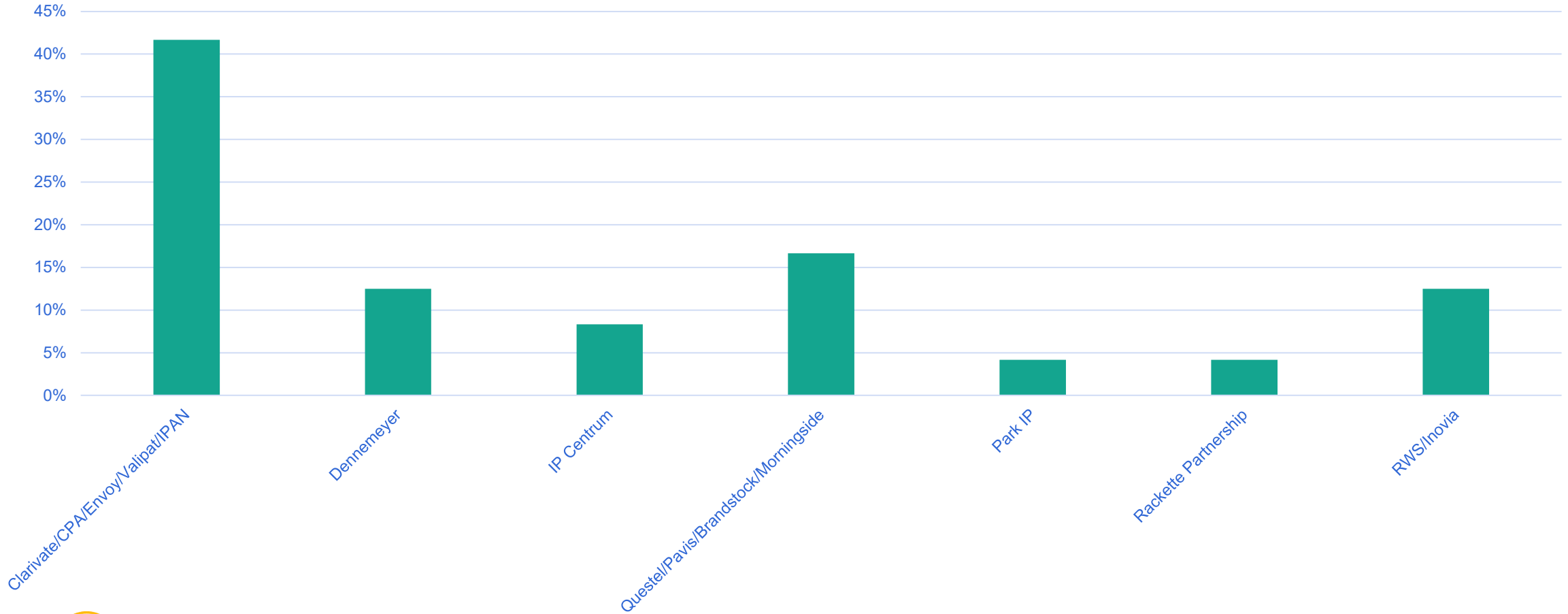
# Service Providers – Maintenance Fees

Maintenance fees  
% using provider



# Service Providers – EP Validations

EP validations  
% using provider

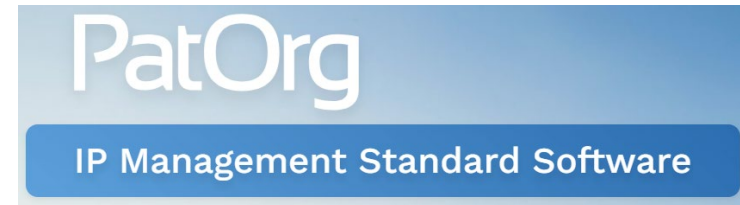


# Software Solutions

Software Provider	Responses	Average Satisfaction Score	% Noticing Significant Cost Increases	% on Cloud or partially on Cloud
Document Storage	42%	4.08	14%	35%
Document Collaboration	21%	3.68	9%	50%
Timekeeping	30%	3.72	20%	41%
Invoice Generation	32%	3.90	26%	25%
Docketing/Deadline Management	42%	4.11	29%	28%
Templates/Correspondence	25%	3.85	37%	29%
Patent Drafting	7%	2.50	0%	18%
Patent Illustration	9%	3.80	7%	7%
Password Management	12%	3.61	6%	33%

# Software Solutions (Cont'd)

- The use of tools was pretty well distributed amongst providers, no "90 % of companies use this tool".
- General satisfaction with software seems to be (surprisingly?) high
- Tools with most users seem to be "multi-use tools", i.e., ERP type systems covering many purposes
- Most common software providers identified: Patricia/Patrix and Clarivate (doc storage, docketing, invoicing, timekeeping and templates), and PatOrg (doc storage, docketing and templates)



- In-house tools seemed quite rare at least based on the responses
- Drafting tools don't seem to have been very popular yet at the time of this questionnaire

# Q9. Any unscrupulous or surprising behaviors or practices from any service provider?

- Contacting client directly
- Taking clients away
- High volume of unwanted solicitation (telephone and email)
- Fees:
  - Increase in fees
  - high fees
  - overpromising with low initial fee and high fee later
  - inconsistent pricing
  - promises of large file volumes for discounts with result of less files than promised
  - trying to increase their profits at agent's cost through requests to lower agent fees
  - Marketing on low price without telling clients they provide no consulting services
- Missed deadlines, filed wrong documents
- Invoice portals – extort fees to use the portals only to upload the firm's own invoice for a large client without any charge back to client
- Difficult to partner with a service provider who is a competitor

# Q10. In selecting a service provider, which of these factors influence your decision to work with that provider?

Impact/Behavior	Very Important	Somewhat Important	Not Important	Not Applicable
Provides cost-effective solutions	29%	19%	5%	46%
Is reliable – we can count on them to get things done	39%	12%	7%	42%
Manages rush projects with ease and without a significant upcharge in fees	12%	35%	5%	47%
We've worked with them a long time	8%	39%	4%	49%
We have built a mutually beneficial relationship	10%	33%	4%	53%
Fee structure has only increased moderately over time	5%	41%	6%	48%
They provide multiple services and thus make our life easier – one-stop shopping	8%	26%	10%	55%
They are specialists in their field and are narrowly siloed so as not to overlap with services our firm provides.	6%	39%	11%	44%
Taking advantage of their service was relatively easy for our firm to implement.	6%	40%	11%	43%
We don't feel a risk of increased competition in the future OR their activity is remote enough from our core business so that there is no risk they compete with our services in the future	5%	23%	25%	46%
We have had an increase in work and income because we are working with service providers who send us work	4%	15%	15%	65%

# Q11. General Thoughts

- Third party suppliers only useful for certain tasks
  - e.g. something one does not do or wants to learn
  - many in favor of limited outsourcing and only for quality, usefulness, or cheap results e.g. experienced paralegals are hard to find
- Two views:
  - Use third party to reduce costs and increase availability of services offered
    - Use service providers who reciprocate
  - Keep most things in house, although it may cost more, clients trust result
    - only outsource translation, IT, docketing software
    - using services in in competition with the services provided by firm results in loss of revenue for firm since service provider pays only low fees
- Service provider concerns:
  - low quality
  - low knowledge
  - hard to resolve issues
  - constant pressure on the firm to lower fees, while service provider does not
  - Lack of confidence
  - Fees are super low for some service providers, hard to compete on only cost
  - Large ALSP – questionable how they handle conflict of interest, liabilities, data protection



# General Thoughts (Cont'd) – What to do?

- Expected to become more common, work with them they are here to stay
- We need to adapt and change
- Client expectations changing – doubling up is current model versus using one source for all applications and no doubling up??
- We need to provide better service than ALSPs, set forth a full package to the public
- Members should concentrate on core services and increase those fees for services not provided by ALSP (from Q12)

# Q12. What else should FICPI do?

- ALSP are tech savvy with lots of marketing but little IP experience:
  - They should be regulated and/or monitored (by FICPI?) to watch for unscrupulous behaviour
  - Pressure Patent Offices to restrict use of ALSPs or not facilitate them over local agents
    - Negotiate volume discounts or preferred rates for FICPI members
- Hold information/discussion about impact of ALSP to FICPI members:
  - Facilitate open confidential discussion:
    - e.g. to discuss experiences with service providers
    - e.g. forum or database listing service providers for discussion between people wanting to change service providers and those using other service providers
    - raise awareness of good service providers that align well with IP
  - Raise awareness of pros and cons of ALSP:
    - Recognize that some use of ALSP can benefit client and enable lower fees
    - Raise awareness to refrain from selling out confidentiality and privilege to save a few dollars
  - Forum for problem solving so we stop re-inventing the wheel

# What else should FICPI do? (Cont'd)

- Advertise and raise awareness to public that IP attorneys are value-added and well qualified
- Provide tools to assist members in complex tasks
  - AI
  - Facilitating work with foreign attorneys
  - Database of tried and trusted service providers
  - Provide guidance on in-house technical tools to raise efficiency
  - Future practices and technology working group
  - Make training available for more difficult but lucrative aspects of practice
- Don't focus all attention on third party suppliers



WOMBLE  
BOND  
DICKINSON

---

“Womble Bond Dickinson,” the “law firm” or the “firm” refers to the network of member firms of Womble Bond Dickinson (International) Limited, consisting of Womble Bond Dickinson (UK) LLP and Womble Bond Dickinson (US) LLP. Each of Womble Bond Dickinson (UK) LLP and Womble Bond Dickinson (US) LLP is a separate legal entity operating as an independent law firm. Womble Bond Dickinson (International) Limited does not practice law. Please see [www.womblebond Dickinson.com/us/legal-notice](http://www.womblebond Dickinson.com/us/legal-notice) for further details.

Information contained in this document is intended to provide general information about significant legal developments and should not be construed as legal advice on any specific facts and circumstances, nor should they be construed as advertisements for legal services.

©2023 Womble Bond Dickinson (US) LLP



Thursday 5 October 2023 – 16pm (1h30)

# IP service providers: blessing or curse?

FICPI 21st Open Forum - London

**Marc LEVIEILS**

FICPI - Practice Management Committee  
ACPI - President

Paris  
Lyon  
Rennes  
Montpellier  
Grenoble  
Toulouse  
Munich

# Sommaire



1. Introduction :  
Feedback from the French profession
2. IP Attorney (IPA) vs Alternate Legal Service Providers (ALSP) : It is not about competition
3. Regulated activities vs Commercial activities :  
It is about compliance
4. Client relations :  
How to organize the collaboration

Introduction

# Feedback from the French profession

# Who is speaking ?

## Marc LEVIEILS



I believe that IT is an essential part of the services provided by IPA.

President ACPI (French branch of FICPI)

Partner at Regimbeau

I am a French and European Trademark Attorney with a technical background in IT.

I was secretary general and then office manager at Regimbeau for more than 20 years.

I was formerly IT developer in a French ALSP (ACUMASS / ORDIPAT) and I developed and participated in the development of four IPMS, two as project director and two as end user representative.

Regimbeau has several subsidiaries developing IT solutions for both IP firms and IP owners and I sit in the board of each of them.

I initiated the French standard X50-276 relating to EDI in IP businesses.



# ACPI (FICPI French branch) experience

- For nearly 10 years, the ACPI has been organizing, in collaboration with the CNCPI, an effective control of the conditions of intervention of ALSPs on the French IP market.
- This led to a detailed analysis of the impact of ALSP activity from a regulatory, competition and customer relationship perspective.
- Consequently, discussions have been held with certain ALSPs to determine the necessary adjustments to their offers and services to secure their compliance.

IPA vs ALSP

**It is not about competition**

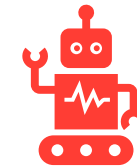
# Do we do our business the same way ?



## IPA business based on trust and excellence

“FICPI is a global community based on trusted relationships, which strengthens the practice of the independent IP attorney”

*FICPI Membership Flyer - The Facts*



## ALSP business based on efficiency and facilitation

“Our solutions empower you to maximize efficiency and manage risk effectively in an ever-changing environment.”

*Clarivate IP services website*

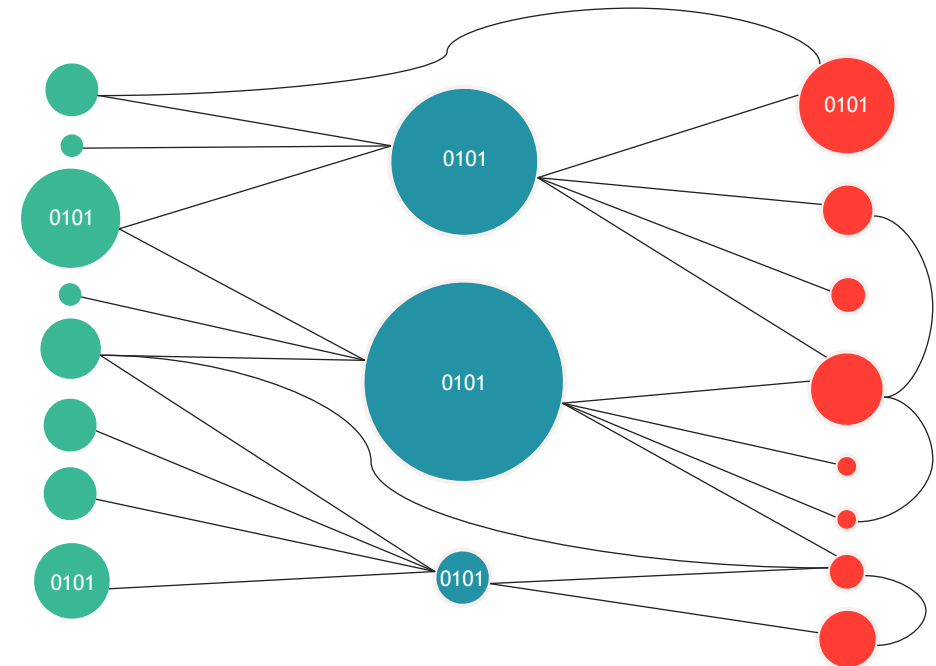
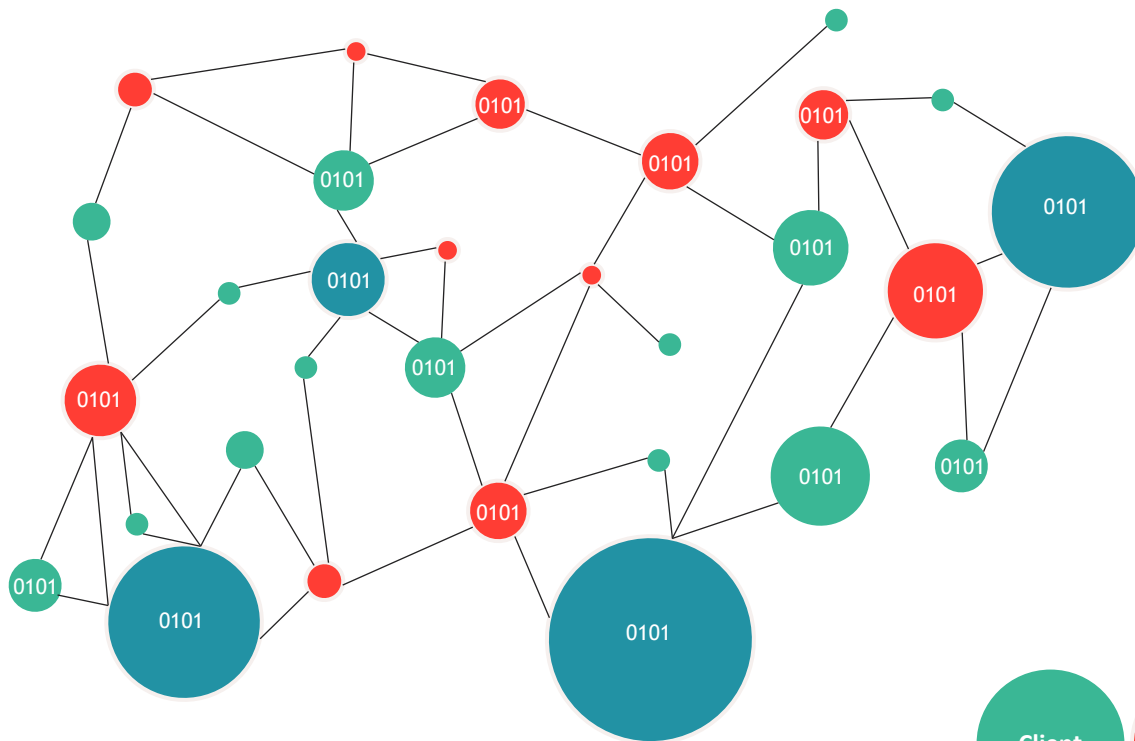
# ALSPs one stop shop strategy

- ALSPs now address or aim to address the entire IP lifecycle.
- The situation is radically different as soon as the IPA ou the IP owner is relying on an ALSP for the management of its entire IP portfolio
- Compliance with professional regulations is at stake
- Client relationship management is also questionned

# IP Market Organisation

Peer to peer collaboration  
in a decentralized market

One stop shop  
in an uberized market



Regulated activities vs Commercial activities

**It is about compliance**

# French IPA regulation

## IPA Independence

“Regulated liberal professions group together individuals who habitually, **independently**, and under their **own responsibility**, perform activities aimed at providing services in the **interest of the client, patient, and public**, using appropriate **professional qualifications**. These professions are subject to a **legislative or regulatory status** or their **title is protected**. They are required, regardless of the mode of practice of their profession and in accordance with the texts governing its access and exercise, to comply with ethical principles or professional ethics that may be sanctioned by the competent disciplinary authority.”

*Article 1 – Ordonnance n° 2023-77 - 8 Feb. 2023*

## IPA Professional secrecy

The professional secrecy of industrial property attorneys (IPAs) is protected by *Article L422-11 of the French Intellectual Property Code*.

This article provides that “In all matters and for all services mentioned in Article L. 422-1, the industrial property attorney observes professional secrecy. This secrecy extends to consultations addressed or intended for their client, professional correspondence exchanged with their client, a colleague or a lawyer, except for the latter when bearing the mention “official”, interview notes and, more generally, all the documents in the file.”

IPAs also benefit of the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. *Articles L.151-1 and following – French Commercial Code*.

## IPA reserved acts

*Article 54 of the French law of December 31, 1971* establishes a monopoly for lawyers on legal advice and the drafting of private deeds for others.

Persons engaged in a regulated professional activity may also, within the limits authorized by the regulations applicable to them, provide legal advice related to their main activity and draft private deeds that are a direct accessory to the service provided.

*Article L422-1 of the French Intellectual Property Code* authorizes IPAs to provide legal advice and draft private deeds in the fields of industrial property, copyright and related rights, as well as new technologies

# Independence is a key value for IPA

- Confidentiality and privilege depend on the independence of the liberal professional and his individual relationship with the client.
- The management of conflicts of interest is also based on the independence of the professional and his freedom to choose his clients.
- Confidentiality and conflict of interest management are interrelated.
- Incompatibilities of IPA profession with other professions or activities guarantee the independence of the professional and therefore reinforce both confidentiality and the management of conflicts of interest.
- The protection of professional titles and the protection of reserved acts are the fences that delimit the regulated field and thus provide clients with clear information on the qualifications and obligations of their IPAs.



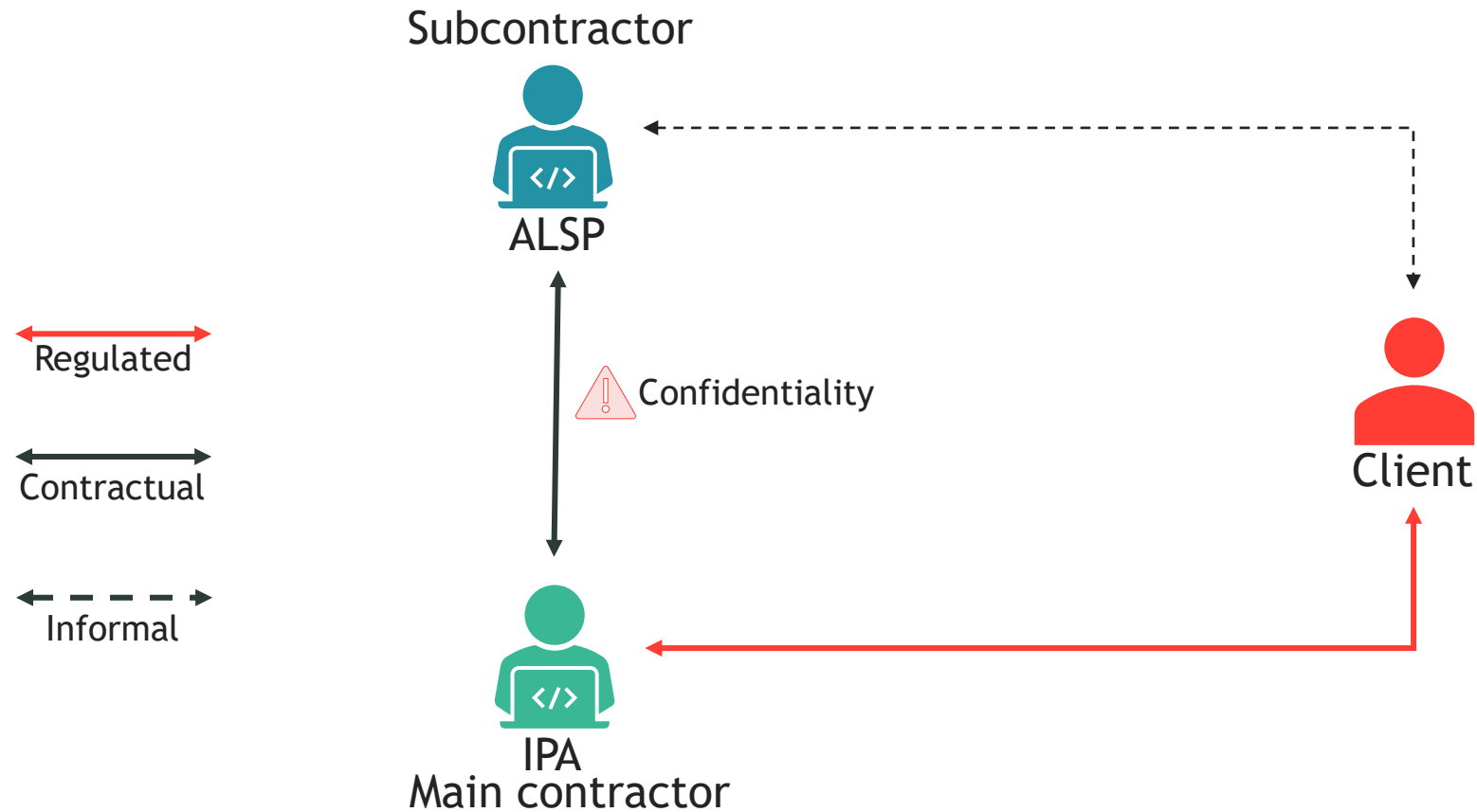
# IPA independence challenged by ALSPs

- Independence challenged by **financialization** : In a context of financialization of IPAs, there are very great risks of seeing professionals being subordinated to a purely economic or commercial logic. It concerns ALSPs when IPA and ALSPs are integrated in a same group according to a one stop shop strategy.
- Independence challenged by **concentration** : When IPAs are integrated into groups of ALSPs, this financial control raises questions regarding the regulation of IPAs. The hierarchical and organizational structure of some large entities seems likely to reduce the independence of IPAs.
- Independence challenged by the emergence of **platforms** : The development of online intermediation platforms profoundly transforms the way which IPAs provide their services and interact with their clients. The potential interference of the platform raises the question of the preservation of the independence of the professional.
- Independence challenged by the **technological revolution** : When the use of technologies such as artificial intelligence (AI) will impose itself in our professional exercises, the question will arise of the risks of “remote guidance” of our decisions. Our profession will be then literally driven by technology.

Client relations

# How to organize the collaboration

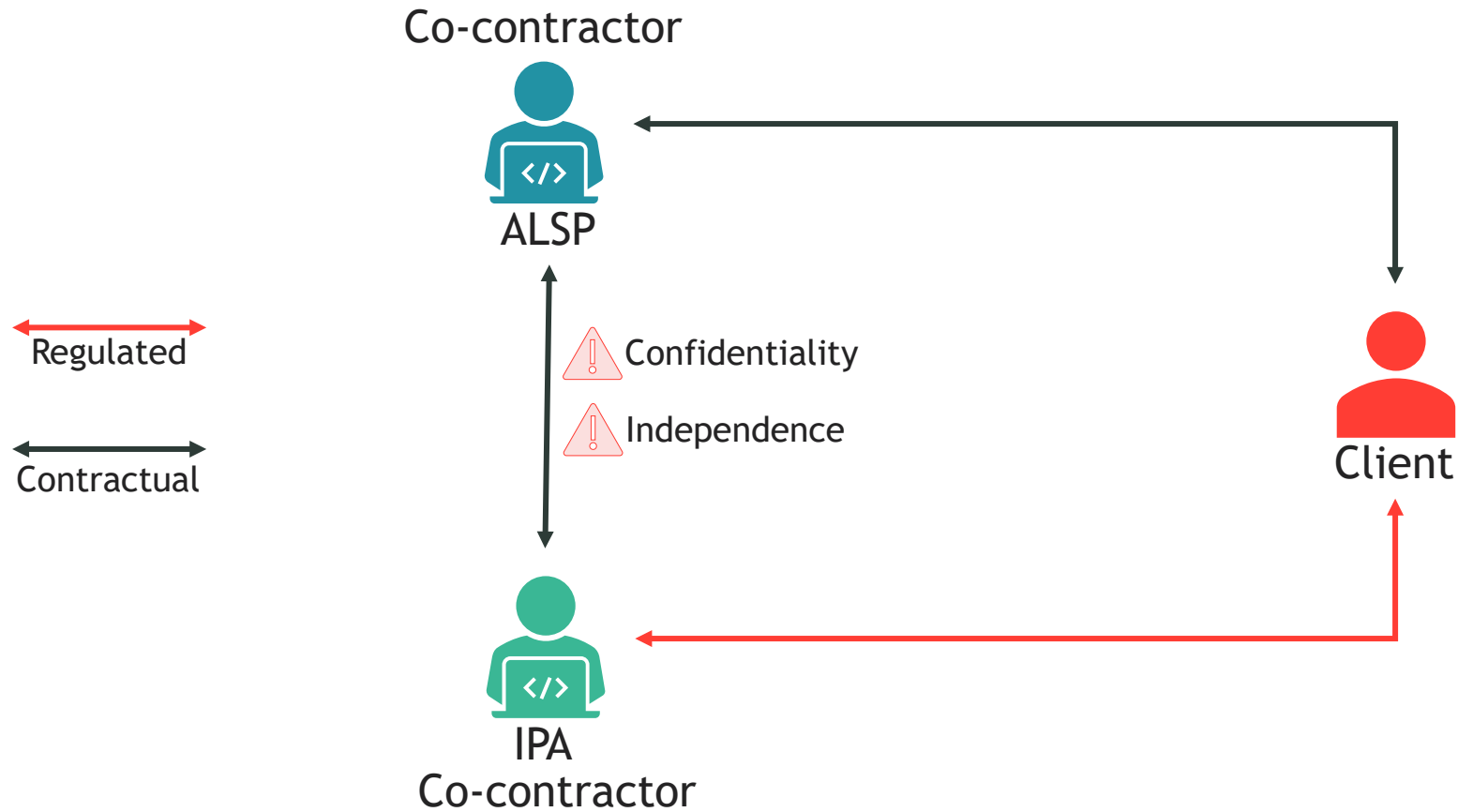
# How to organize client relations



**Other issues**

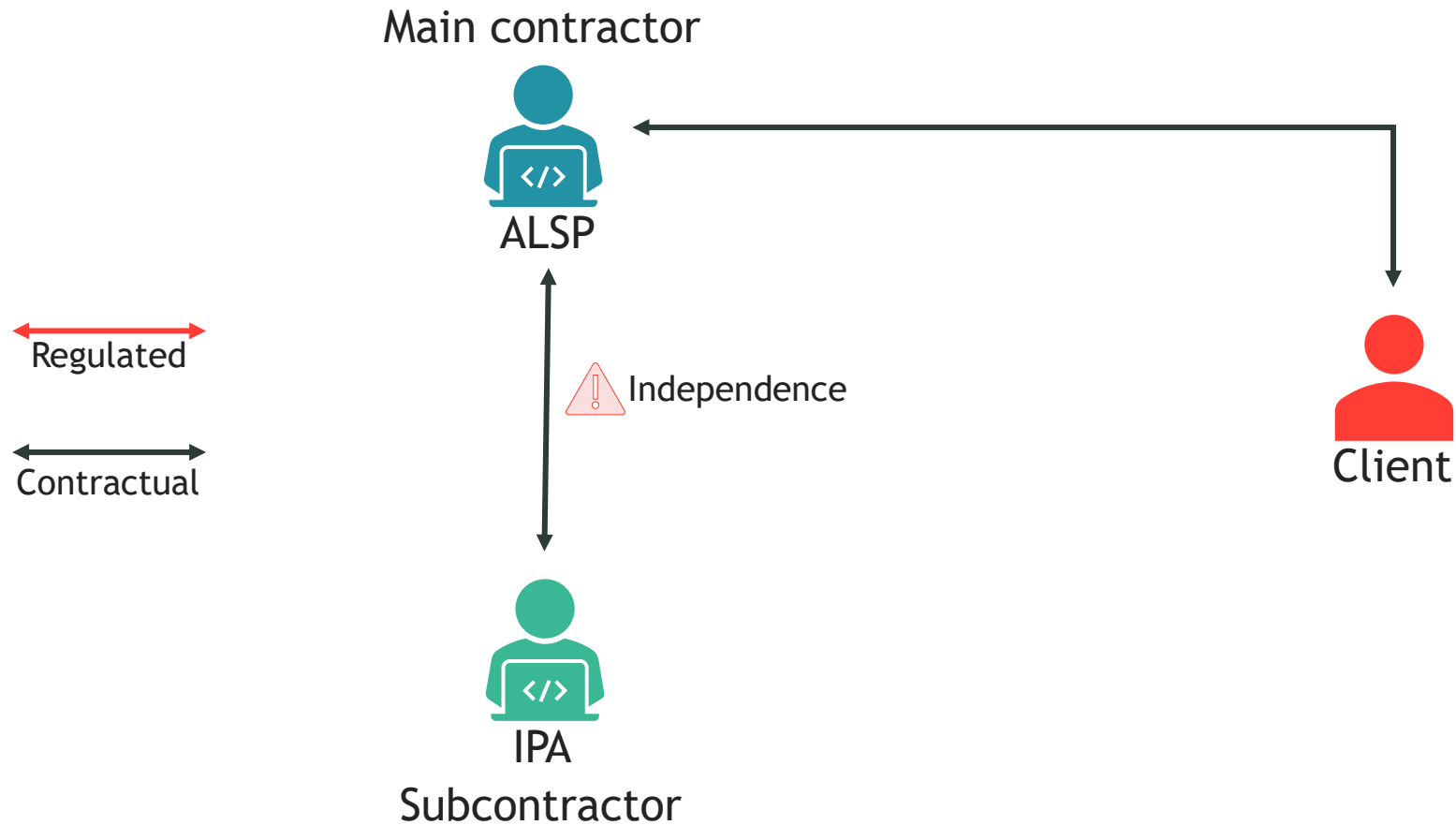
- Reuse of data
- Personal data

# How to organize client relations



- Other issues**
- 📄 Reuse of data
  - 🔒 Personal data
  - 🚫 IPA business secret

# How to organize client relations



## Other issues

- Business referrals
- Advertising
- Reuse of data
- Personal data
- IPA Business secret

# First conclusions

- Collaboration between IPAs and ALSPs creates **mutual benefits** and clearly benefits to our joint clients
- IPAs must integrate these new opportunities (new tools and services) in their **business strategy** while preserving their independence
- ALSPs must adapt their IP market approach to the constraints of the professional regulations in the interest of the clients and in the common interest



A framework of professional rules guaranteeing  
the trust of clients and the competence of professionals  
is compatible with efficient and easy services.

[www.regimbeau.eu](http://www.regimbeau.eu)



**Thank you for your attention**

**Contact:**

Marc LEVIEILS

[levieils@regimbeau.eu](mailto:levieils@regimbeau.eu)



# IP service providers: Blessing or curse?

Phil Arvanitis - Director, IP Business Consulting

# Phil Arvanitis - Director, IP Business Consulting



## Education

- Master of Science, Intellectual Property Law - University of London
- PG Certificate IP - University of London
- Bachelors of Science - Biology (Hons) - University of Durham

## Role at Clarivate

- Philip Arvanitis is currently the Director of IP Business Consulting globally within Clarivate and responsible for the IP Diagnostic consultancy offering.
- He and his team are responsible for enabling change and digital transformation through enterprise solution design across R&D and IP departments within Technology companies and IP Law firms, regarding people, process, technology and intelligence, using methodologies such as lean, six sigma and proprietary IP Metrics

# Harnessing disparate capabilities across a fragmented market

**Result:** A unique combination of strengths

## Expertise

**6,500+**

Clarivate employees dedicated to IP

**5M**

patents and 1.5M+ trademarks renewed

**40**

patent offices use Clarivate data for their prior art examination

## Data

**141M+**

quality-checked trademark records

**143M+**

global patent records normalized and enhanced

**9M+**

IP cases from 3,817 courts worldwide, including case law data for 6+ m marks and 1.5+m patent cases

## Software

**1600+**

corporations and law firms use our solutions to manage their IP

**40,000+**

IP professionals use Clarivate software to make better decisions

## Combining leading data, software and services

CompuMark™

CPA Global

Darts-ip™

Derwent™

Derwent  
SequenceBase™

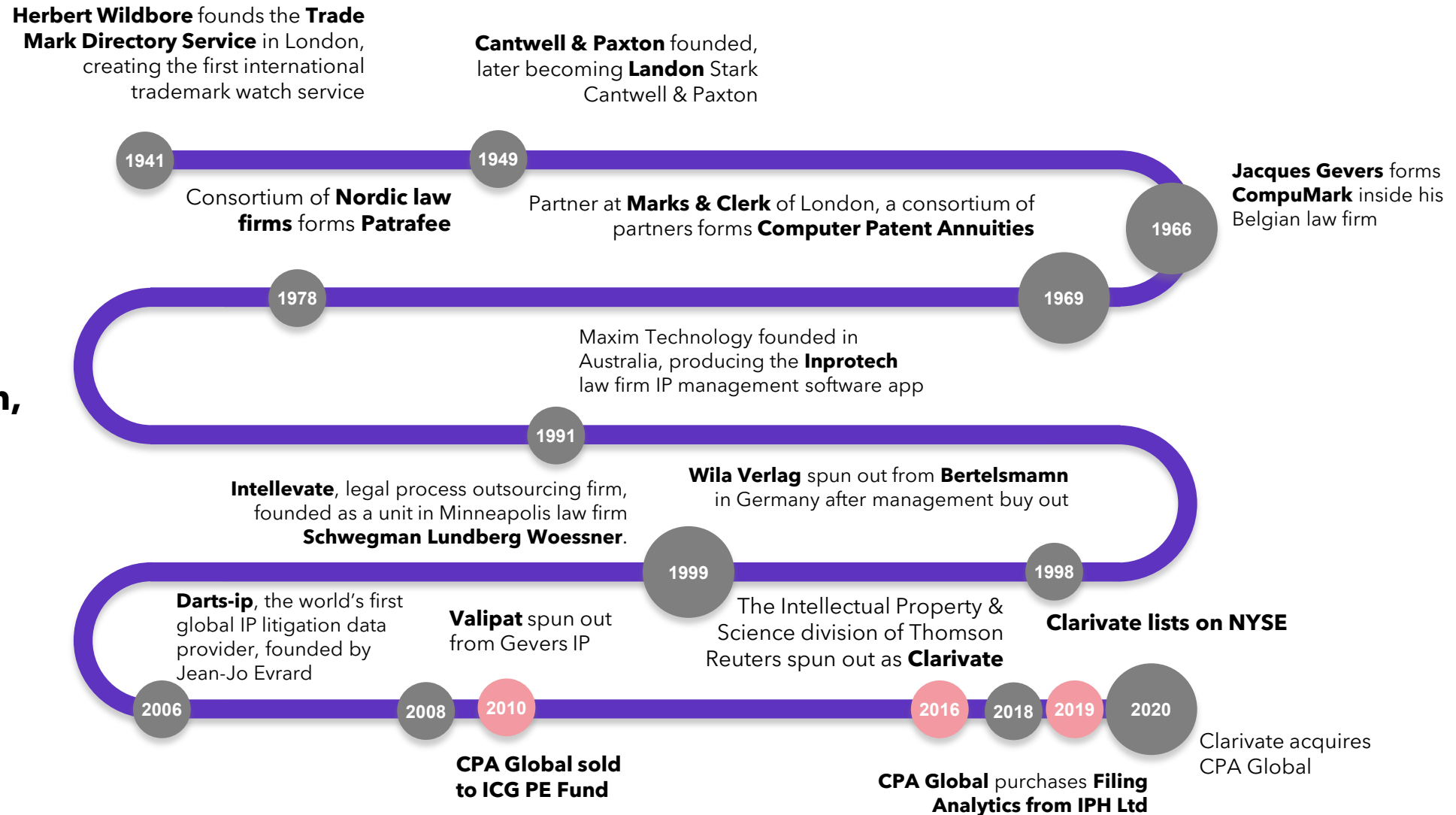
Innography™

incoPat

IPAN/ Delegate

# Clarivate's heritage timeline

**Clarivate has a long history of Law Firm tailored innovation, whether from organic innovation, co-creation, or acquiring solutions when better suited outside of a Law Firm**



# What is the role of an IP Law Firm?

To provide IP legal, business and market specific advice & counselling to enable customers to achieve their business goals

- ChatGPT:
  - IP Expertise & Knowledge
  - IP Portfolio Management
  - Legal Protection & Enforcement
  - Strategic IP Guidance
  - Expert IP Representation

## IP Providers & IP Law Firm – ownership structure

- Private Equity ownership – Providers and/or Law Firms
- Publicly Listed Providers
- Publicly listed IP Law Firms
- Providers owning Law Firms
- Consultancies owning IP Firms
- IP Law Firm owning providers

**Clarivate's commitment to law firms:**

**“At Clarivate, we have a deep respect for IP law firms and the critical role they play in bringing transformative legal innovations to the world.”**

# Clarivate supports IP Practices to unlock their full potential

## Clarivate law firm solutions

### Core Process Solutions

to remove friction and automate processes



### Workflow & Task Management + Document & Billing Management

IP Management Software

Transformation & Underlying data

### Productivity Solutions

to improve efficiency and practice profitability



### Attorney Solutions

IP Search tools  
IP Watch tools

### Paralegal & Admin Solutions

Screening	Recordals
Annuities/ Renewals	Docketing
EP Validations	Foreign filing

Intellectual property diagnostic consulting

### Advanced analytics and services

to build deeper relationships with clients



### Advice & Decision-Making Support

Litigation & case data	IP Portfolio analytics
Search services	Technology Landscape analysis

M&A support services

IP data and APIs

# Case Studies:

## Pure Storage:

- Innography
- IPfolio

## Bardehle:

- Innography

## Western Digital:

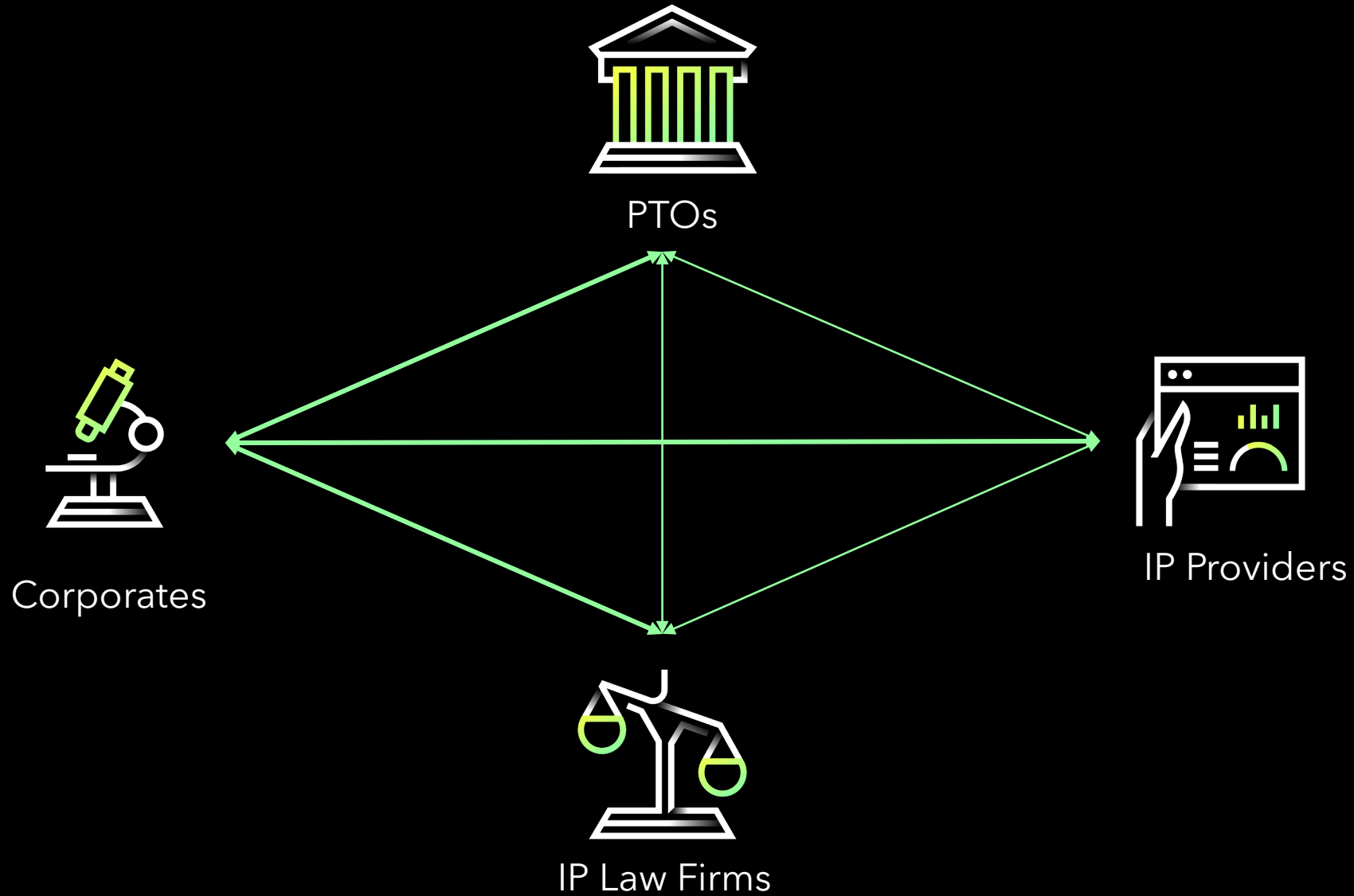
- Patent Search Services
- EP Validation & Patent Annuities Management
- Forecast
- Innography
- FoundationIP

## Womble Bond Dickinson:

- Compumark Search & Watch
- Patent Search Services
- Derwent Innovation
- Annuities services
- Global IP case data and analytics
- IP Admin Services



# IP Eco-system



A high-tech server rack with blue lighting. The image shows a central circuit board with various components, including a large integrated circuit and several connectors. The board is surrounded by other components, including a fan and various cables. The overall scene is illuminated with a strong blue light, creating a futuristic and technical atmosphere. The text "Questions?" is overlaid in the center of the image.

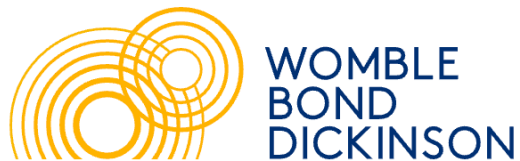
**Questions?**

## Q12. What else should FICPI do?

- ALSP are tech savvy with lots of marketing but little IP experience:
  - They should be regulated and/or monitored (by FICPI?) to watch for unscrupulous behavior
  - Pressure Patent Offices to restrict use of ALSPs or not facilitate them over local agents
    - Negotiate volume discounts or preferred rates for FICPI members
- Hold information/discussion about impact of ALSP to FICPI members:
  - Facilitate open confidential discussion:
    - e.g. to discuss experiences with service providers
    - e.g. forum or database listing service providers for discussion between people wanting to change service providers and those using other service providers
    - raise awareness of good service providers that align well with IP
  - Raise awareness of pros and cons of ALSP:
    - Recognize that some use of ALSP can benefit client and enable lower fees
    - Raise awareness to refrain from selling out confidentiality and privilege to save a few dollars
  - Forum for problem solving so we stop re-inventing the wheel

## What else should FICPI do? (Cont'd)

- Advertise and raise awareness to public that IP attorneys are value-added and well qualified
- Provide tools to assist members in complex tasks
  - AI
  - Facilitating work with foreign attorneys
  - Database of tried and trusted service providers
  - Provide guidance on in-house technical tools to raise efficiency
  - Future practices and technology working group
  - Make training available for more difficult but lucrative aspects of practice
- Don't focus all attention on third party suppliers



## Contact Us

### **Lisa J. Moyles**

Partner

Womble Bond Dickinson (US) LLP  
555 Fayetteville Street, Suite 1100  
Raleigh, NC 27601

[Lisa.Moyles@wbd-us.com](mailto:Lisa.Moyles@wbd-us.com)

Office - +1.919.755.2144

Mobile +1.203.258.6675



### **Marc Levieils**

Associé gérant / Managing Partner

Regimbeau

20, rue de Chazelles

75847 PARIS Cedex 17, FRANCE

[levieils@regimbeau.eu](mailto:levieils@regimbeau.eu)

Office - +33 1 44 29 35 00



### **Phil Arvanitis**

Director, IP Business Solution Consulting

Clarivate

[Phil.Arvanitis@clarivate.com](mailto:Phil.Arvanitis@clarivate.com)

Mobile +44 (0) 776 636 2945



# **FICPI ExCo & 21st Open Forum**

London, 1-7 October 2023



STRENGTHENING THE PRACTICE OF THE INDEPENDENT IP ATTORNEY

[www.ficpi.org](http://www.ficpi.org)