



FICPI VIRTUAL OPEN FORUM 2020

Who's hiding
around the
corner?

**Breakout 1: IP Practice
Management**



News flash: the practice of IP as a profession has changed:

PCT system

London Agreement for EP

Push for substantive harmonization

Third-party service providers

Technological improvements



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QUALITY NEVER GETS OLD

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Hans Christian Nielsen

COO
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📍 Copenhagen

A hand holding a smartphone in the foreground, displaying a city street scene at sunset. The background is a blurred cityscape at sunset. The text is overlaid on the image.

***EXPLORATION OF “DOVETAIL” IP
SERVICES (ZACCO IP 360)
- WITH GEOGRAPHY NOT AS A BARRIER,
BUT AS AN OPPORTUNITY***

ZACCO

INTERNATIONAL NETWORK

GLOBAL REACH DOMESTIC FOOTPRINTS

Next generation IP Consultancy

Largest IP consultancy in the Nordics

Local presence from **33 offices in 6 countries**

R&D centres in India

+500 IP professionals

+300,000 registered IP rights in portfolio

Customer base of **+6,000 clients**

DENMARK

Aarhus
Copenhagen
Herning
Kolding
Lyngby

SWEDEN

Anderstorp
Gävle
Gothenburg
Helsingborg

Linköping

Luleå
Lund
Lund
Malmö
Norrköping
Örebro

Skellefteå

Stockholm
Uppsala
Västervik

NORWAY

Ålesund
Bergen
Oslo
Sarpsborg
Stavanger
Trondheim

INDIA

Bangalore
Coimbatore
Delhi

GERMANY

Bremen
Hamburg
Munich

THE UK

Birmingham

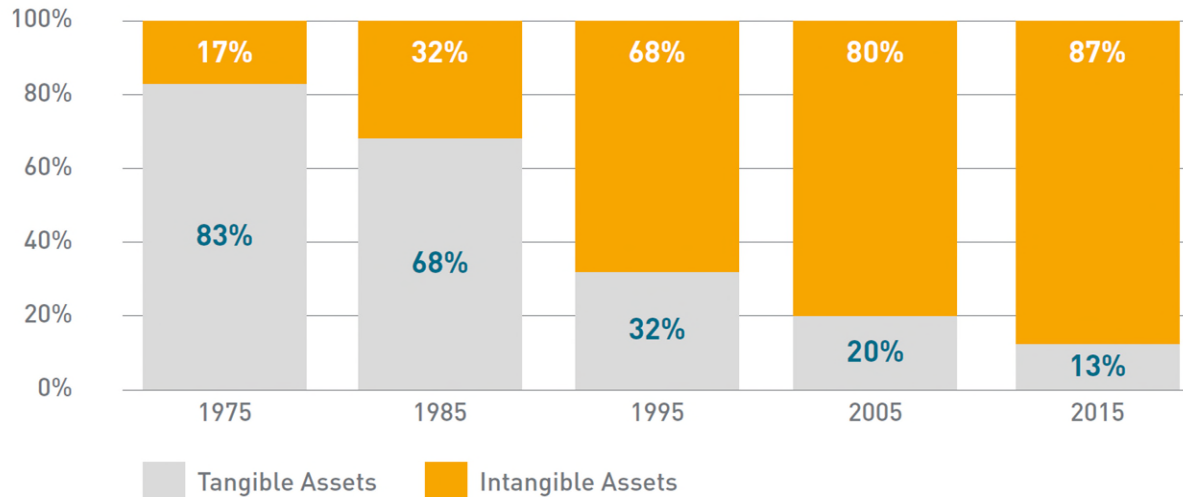
A FUNDAMENTAL QUESTION... WHAT IS INTELLECTUAL PROPERTY?

Intellectual Property (IP) refers to creations of the mind, **such as** inventions, literary, artistic work, designs, symbols, names and images **used in commerce.**

Some forms of IP may be protected by law, for example under patents or claims to copyright. **Other forms of IP need a different approach – collectively, we call this: 360° Perspective on Intellectual Property**

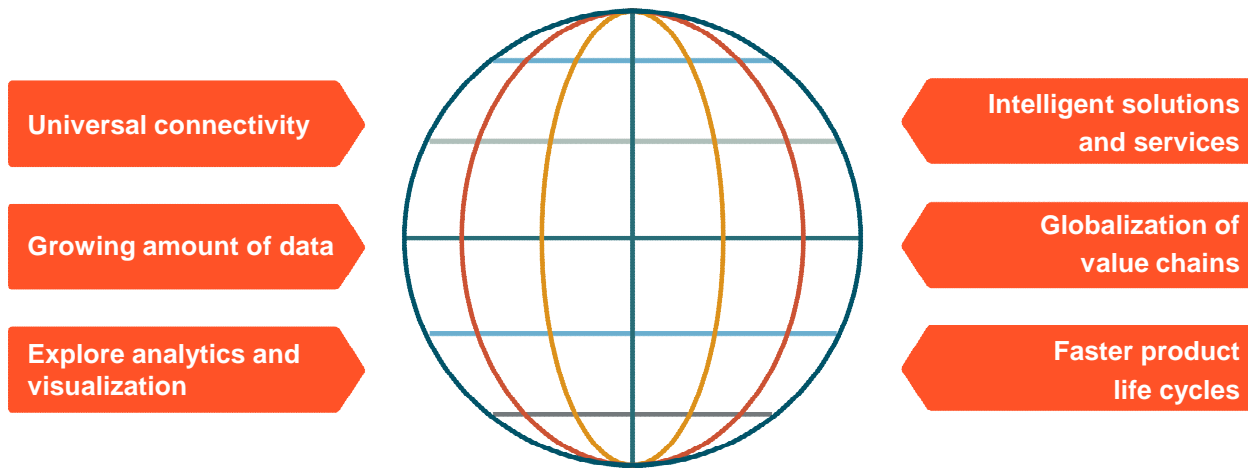
INTANGIBLE ASSETS THE EVOLUTION 1975-2015

Components of S&P 500 market value



THE FUTURE DIGITALIZATION

Megatrends driving Digitalization



DIGITALISATION



The world's largest taxi company **owns no vehicles**



The world's largest accommodation provider **owns no real estate**



The world's most valuable retailer **has no inventory**



The world's most popular media content owner **creates no content**



The world's largest phone company **owns no telco infrastructure**



The world's largest software vendors **don't write their own apps**



**Innovation
Assets**



**Digital
Assets**



**Identity
Assets**

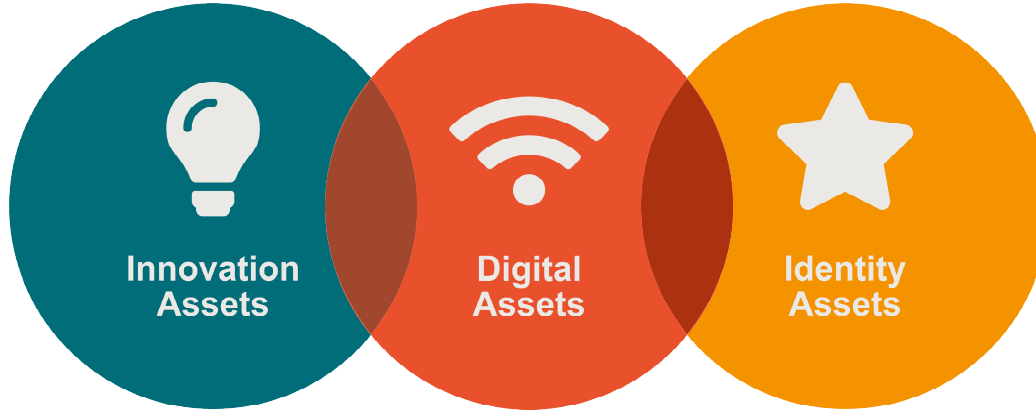
360° INTELLECTUAL PROPERTY



Patent
Copyright
License
Trade Secret
Knowhow

Data
Client Register
Algorithm
Secure code
Software

Trademark
Design
Copyright
Domain Name
Colour



Manufacturing process
Manual
Working Method
Machine Learning
Artificial Intelligence

Dark data
Internet of things
User Interface
Business intelligence
Data privacy

X Factor
Social Media
Website
Logotype
Sound

An aerial photograph of a roundabout with several cars. Each car is surrounded by a glowing blue sensor beam, suggesting a smart infrastructure or autonomous vehicle theme. The text is overlaid on this image.

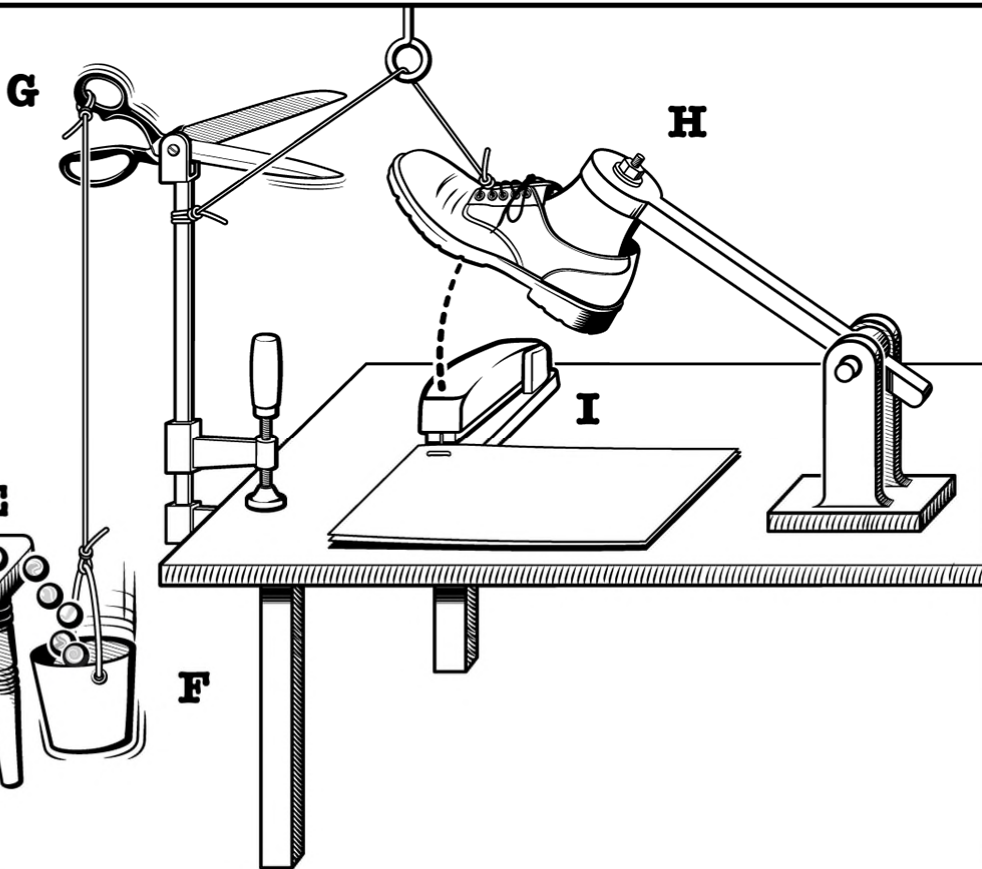
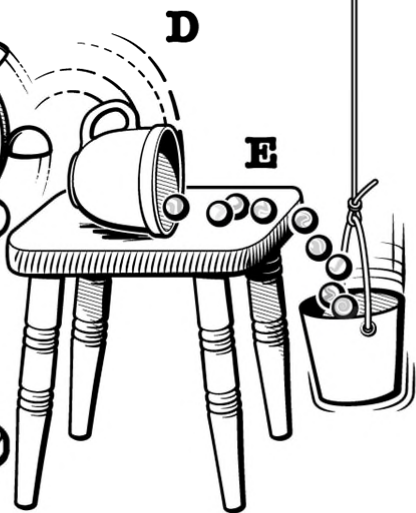
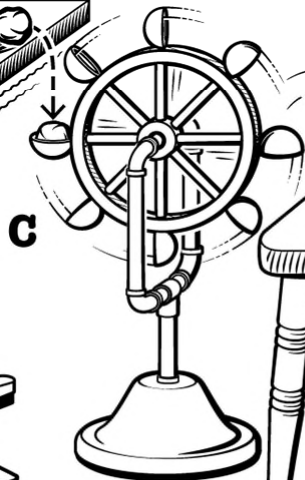
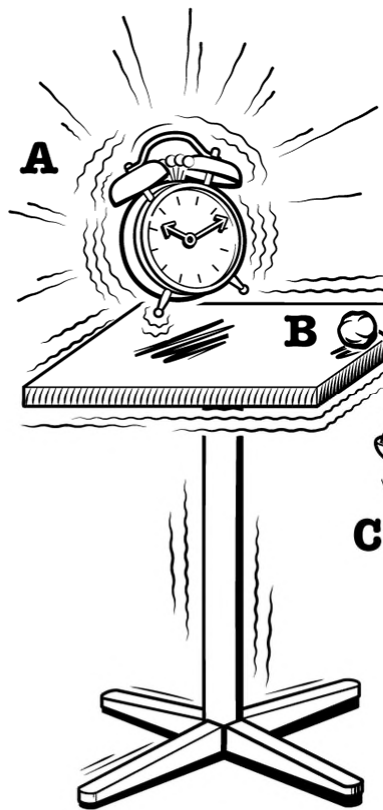
ONE-STOP-IP-SHOP

- A THING OF A REMOTE PAST?

Z2CCO

Questions

- Historical progression
- Where is the IP business today?
- Who “owns” the various parts of the IP business?
- Where are the links?
- Quality and added value?



TRENDS

PARAGON PARTNERS NEWS INVESTMENTS STRATEGY RESPONSIBILITY TEAM CAREER CONTACT DE

NovumIP Group strengthens its position with patent and trademark renewals through the acquisition of IPRIS AG

NovumIP Group, which was formed through the combination of PAVIS and Novagraaf, has acquired all of the shares in IPRIS AG. Novum thereby further strengthens its global market leading position in IP support services, in particular in the field of patent annuities and trademark renewals.

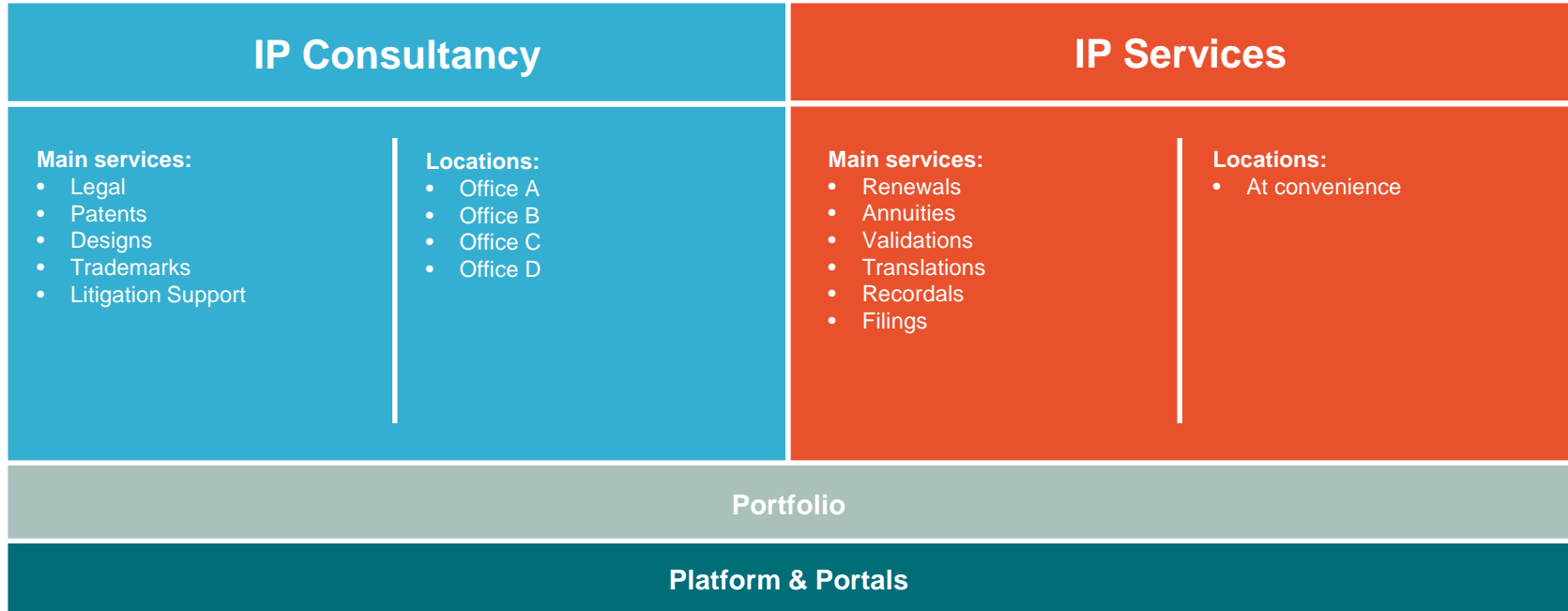
Since its establishment in 2004, IPRIS has been mainly supporting universities and research institutes as well as corporates and IP law firms in the efficient administration of their IP portfolios, especially with regard to patent annuity payments. Its worldwide coverage and the ability to react flexibly to client requirements have made IPRIS a trusted IP partner. Today, with more than 200 clients in Europe, USA and Australasia, it is one of the established service providers in the field of intellectual property, managing >30,000 intellectual property rights in 120+ countries and completing >1,000 renewals every year. By joining NovumIP Group, IPRIS benefits from the operational strength of a leading, global IP service provider and the ability to offer its clients additional innovative, technology-enabled and cost efficient IP services.

About NovumIP

Formed through the joint venture of Novagraaf and PAVIS end of 2019, NovumIP is a leading global intellectual property (IP) service provider. At NovumIP 350 IP specialists manage more than 2 million IP rights for 30,000+ customers globally. The group offers a comprehensive portfolio of Legal & Consulting and administrative Support Services thereby actively supporting the customers throughout the full IP lifecycle. NovumIP is focused on delivering innovative, technology-enabled and cost efficient IP services.

Is this what is hiding around the corner?

IS THIS THE FUTURE?





**When the IP industry changes,
- so do we**



Technology And The Evolving IP Industry

Linda Biel, Vice President

Rowan TELS Overview

Rowan Legal Management Consulting



Rowan Anti-Counterfeit



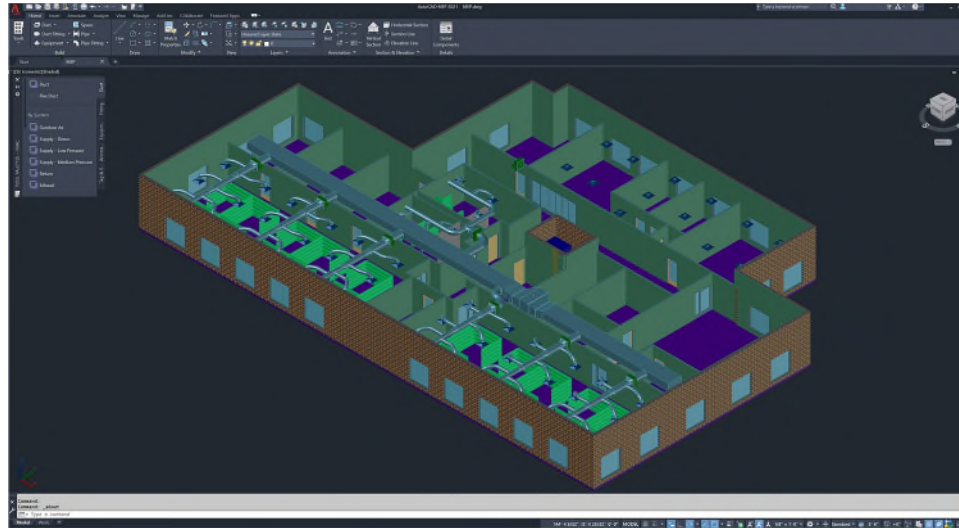
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Rowan Patents

Three screenshots of patent analysis software. The top-left screenshot shows a document viewer with legal text, including a section titled "What is claimed is:". The top-right screenshot shows a network diagram with various components and connections. The bottom-right screenshot shows a dashboard with four large blue boxes containing the numbers 18, 1, 0, and 0, and a table of data below.

Rowan Patents

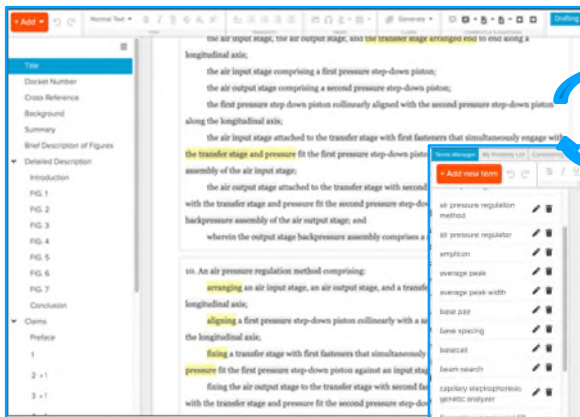
- What AutoCAD does for architects and engineers....



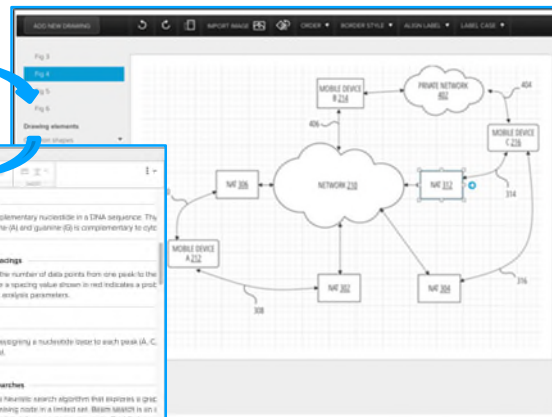
....Rowan Patents does for patent drafters

Rowan Patents

Specification



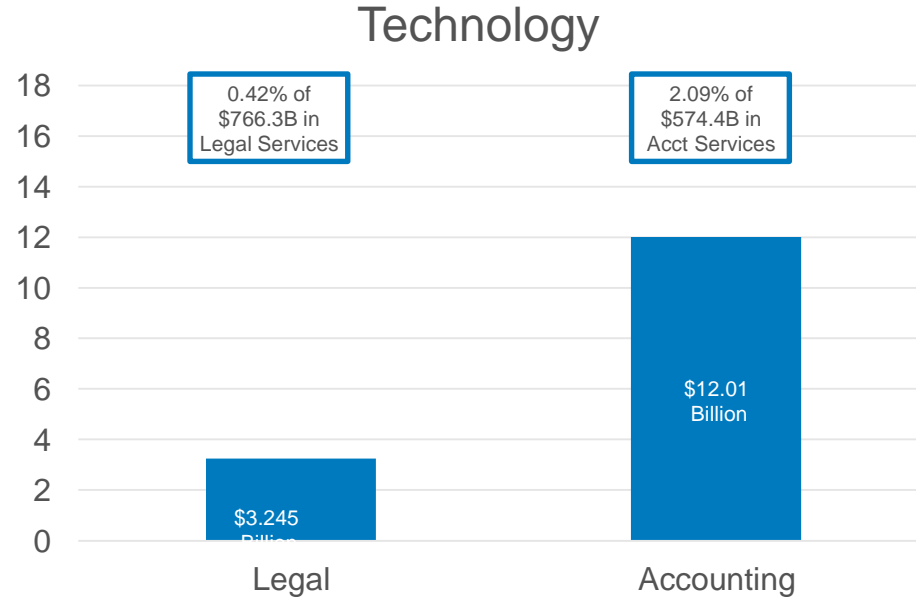
Drawings



Terms

| Term | Definition |
|------------------------------------|---|
| base pair, base pairs | "Base pair" refers to complementary nucleobase in a DNA sequence. This complementary to adenine (A) and guanine (G) is complementary to cytosine (C) and thymine (T), respectively. |
| base spacing, base spacings | "Base spacing" refers to the number of data points from one peak to the next peak in a chromatogram. A negative spacing value or a spacing value shown in red indicates a peak that is not present in the sample, and/or the analysis parameters. |
| basecall, basecalls | "Basecall" refers to then assigning a nucleotide base to each peak (A, C, G, T) of the chromatogram signal. |
| beam search, beam searches | "Beam search" refers to a heuristic search algorithm that explores a search space by expanding the most promising nodes in a limited set. Beam search is an iterative search that restricts its memory requirements. Beam search is a greedy search which visits all partial solutions (nodes) according to some heuristic. In beam search, only a predetermined number of beam partial solutions (nodes) are expanded in each iteration. Beam search also attempts to build a search tree. At each node of the tree, it generates all possible nodes at the current level, sorting them in increasing order of heuristic cost. However, it only stores a predetermined number (B) of best nodes at each level (called the beam width). Only those nodes are expanded next. The greater beam width, the fewer nodes are pruned. Beam search is a heuristic search, not a breadth-first search. The beam width bounds the memory required to perform the search. Since a goal state is not known in advance, beam search sacrifices completeness. The greedy algorithm will terminate with a solution, if one exists. Beam search is not guaranteed to find the best solution. It will find the best solution, if given enough time. |

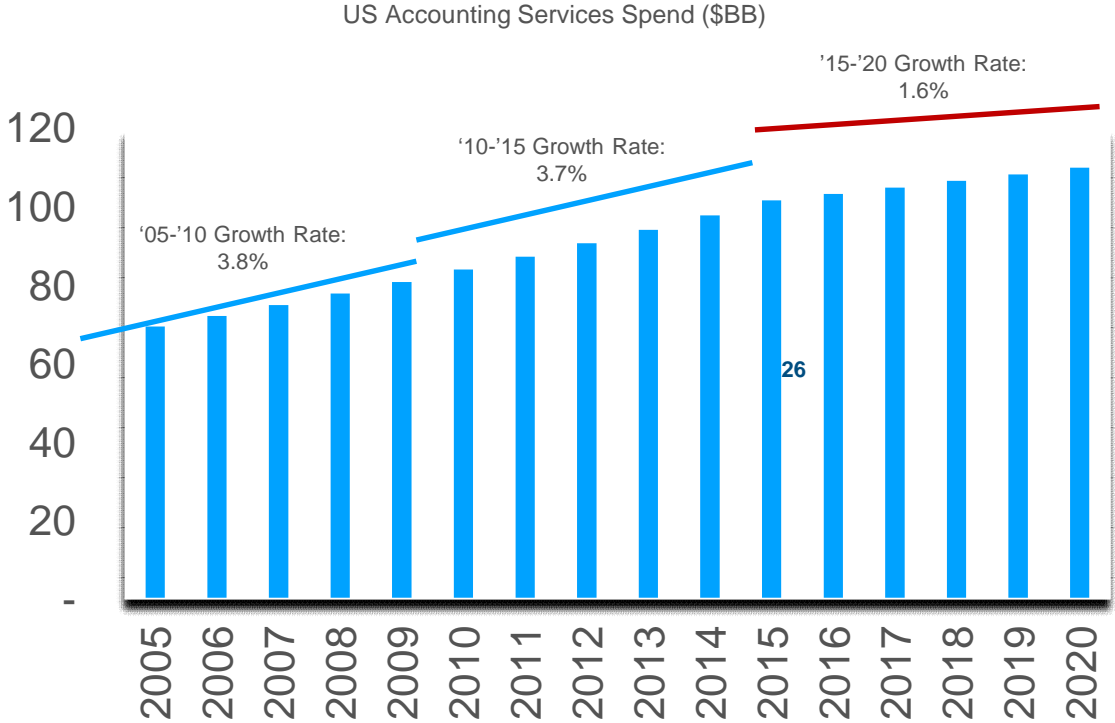
Worldwide Spending on Technology by Industry



Sources:

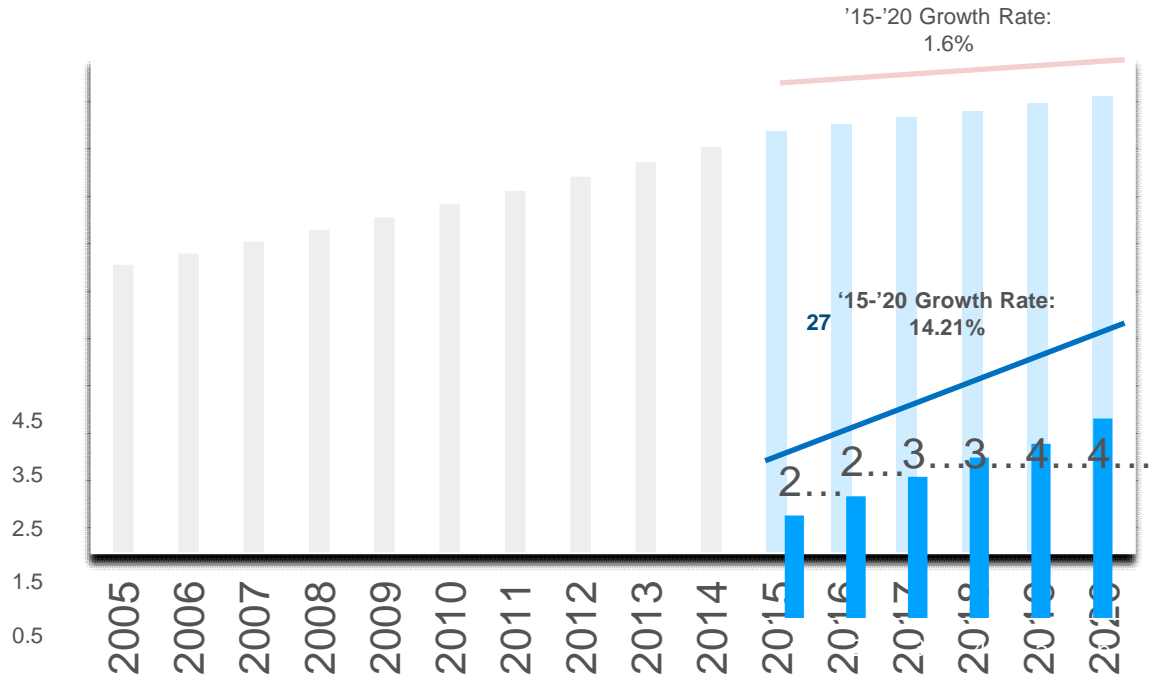
- Rowan analysis
- <https://www.mordorintelligence.com/industry-reports/accounting-software-market>
- <https://www.fortunebusinessinsights.com/information-and-technology-industry>
- <https://www.statista.com/statistics/293673/revenue-of-accounting-services-in-the-us/>
- IbisWorld

Is the Accounting Industry a Telling Parallel?



Is the Accounting Industry a Telling Parallel?

US Accounting Software Spend (\$BB)

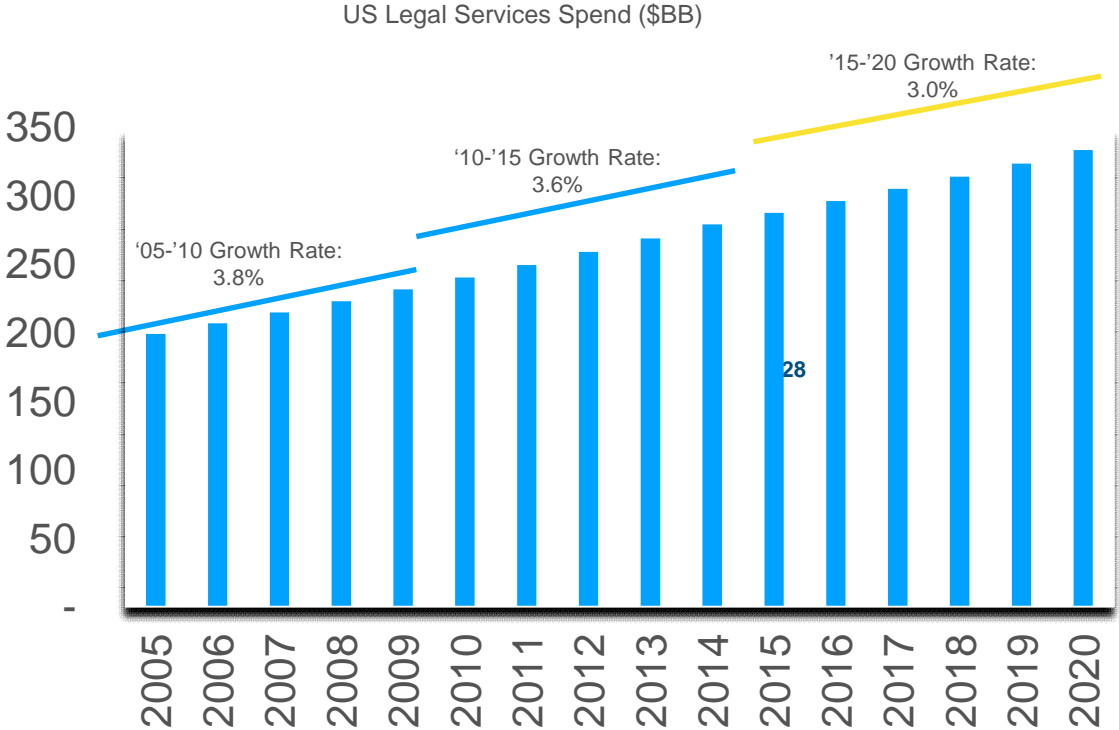


Note: Scale of Software chart different than Services

- Sources:
- Rowan analysis
 - <https://www.mordorintelligence.com/industry-reports/accounting-software-market>
 - <https://www.fortunebusinessinsights.com/information-and-technology-industry>
 - <https://www.statista.com/statistics/293673/revenue-of-accounting-services-in-the-us/>

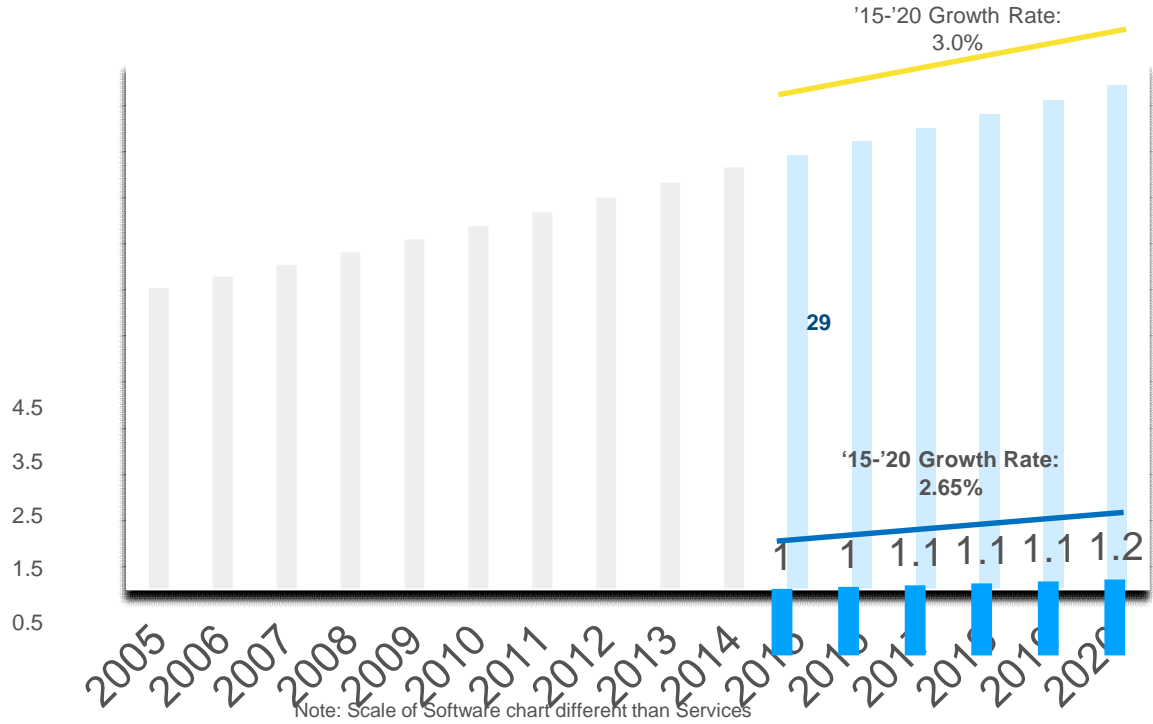


Is the Accounting Industry a Telling Parallel?



Is the Accounting Industry a Telling Parallel?

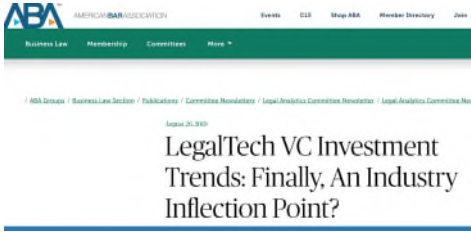
US Legal Software Spend (\$BB)



Sources:

- Rowan analysis
- https://catalyst.com/research_item/legal-tech-market-overview/
- <https://www.zionmarketresearch.com/news/legaltech-artificial-intelligence-market>

Is Legal Tech Hot?



ABA AMERICAN BAR ASSOCIATION

Business Law Membership Committees More

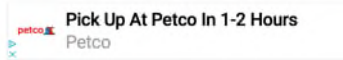
LegalTech VC Investment Trends: Finally, An Industry Inflection Point?

ABOVE THE LAW



- Email Can Feel Suffocating
- Standing Against Pandemic Profiteers
- FCC Formally Kills Rules That Would Have Brought Competition To The Cable Box

BIGLAW SMALL LAW LAW SCHOOLS IN-HOUSE LEGAL TECH COVID-19 GOVERNMENT CAREER CENTER LEGS



Pick Up At Petco In 1-2 Hours

TECHNOLOGY

Is There A Legaltech VC Bubble?

Is the boom in Legaltech investment an overdue correction or a sign of a looming disaster?

By JAMES GOODNOW



the answer company THOMSON REUTERS

Technology & Innovation

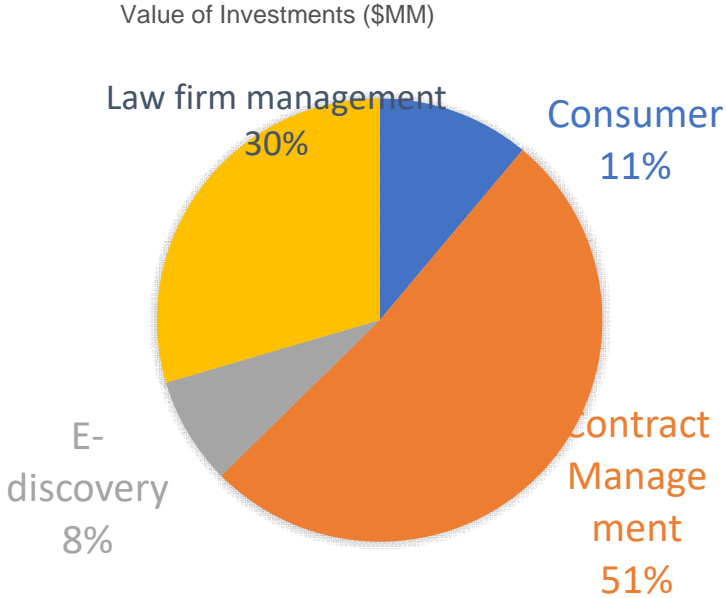
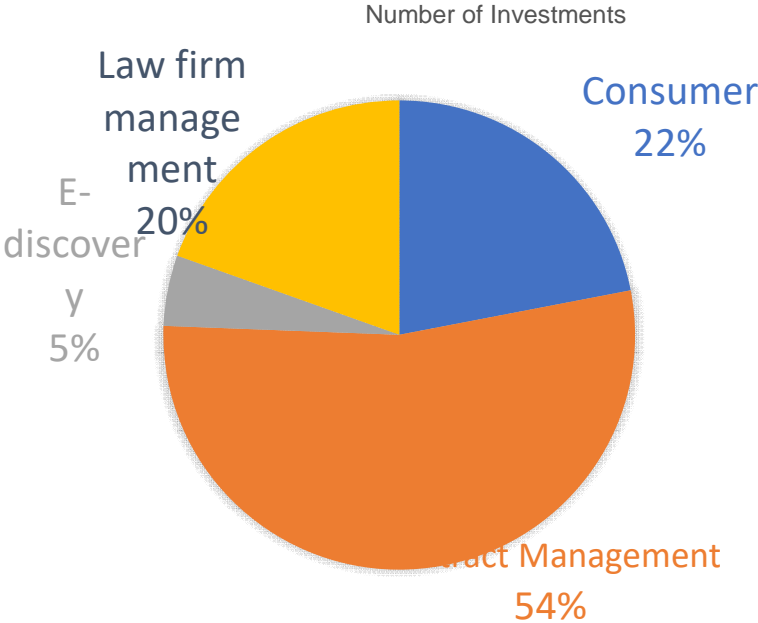
TECHNOLOGY

Already a record year for legaltech startup investment

in f +



2019 Investments in Legal Tech



What Does Technology Do For You?

You have a new embodiment you want to add into your set of 5 drawings. The most logical place is as drawing 2.

Traditional Method

- In your chosen drawing tool, insert the new drawing
- Re-number every element in the original drawings 2, 3, 4 and 5
- In your chosen word processing tool, search the specification for every reference to the elements in drawings 2, 3, 4, and 5
- Update every reference to its corresponding new number

With Technology

- In an integrated platform, insert the new drawing
- Move on to something more interesting!

Eliminate the Mundane, Focus on the Interesting

Mundane

- Element numbering/renumbering
- Reordering claims
- Check for antecedent basis errors
- Check for consistency
- Claim specific punctuation
- Create a parts list

Interesting

- Understand the point of novelty
- Claim construction
- Discussions with inventors
- Engaging with your client

Let computers do what they do best, so you can do what you do best!

Patent Prep and Pros as an Example

- Spend of around \$30B on prep and pros annually, and growing
- Combined software spend of approximately \$50-75M (including patent analytics and not including docketing)
- 1% of services spend, \$300M
- What if that led to 10% ROI
 - 10% more filings (\$3B worth)
 - 10% (\$3B) less spend

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IS THE POSSIBILITY OF 10X ROI
WORTH IT?

Thank You!

- Questions?
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 - lbjel@rowantels.com
 - +1.512.695.2027

19th FICPI Open Forum

Who's hiding around the corner?
IT and competitive actors coming out of the
woodwork

November 4, 15:50 Central European Time

Karl Rackette
Freiburg im Breisgau, Germany

FICPI PEC Working Group

BRACE

Best Reaction Against Competing E-Services

What should be our position within FICPI
in view of the challenges and opportunities
provided by present and future developments
in information technology?



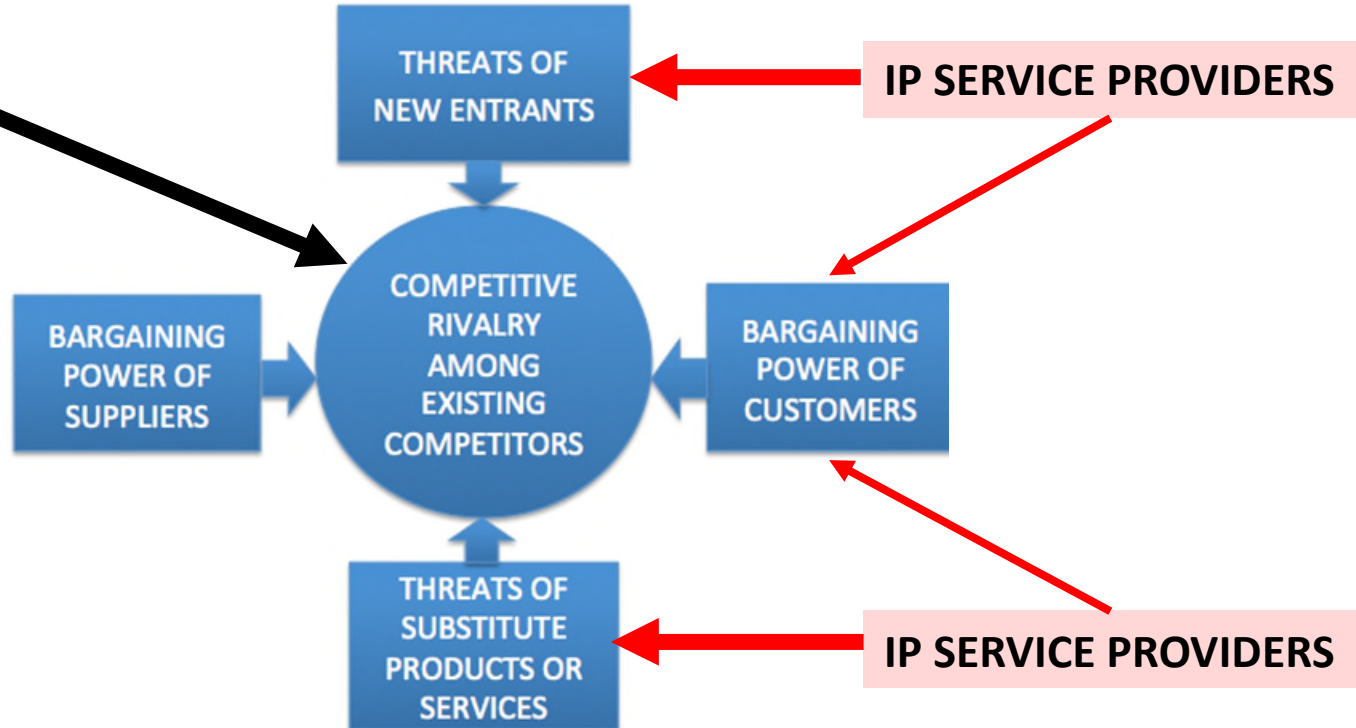
Topics in BRACE Group

- Updating list of members
- Porter's 5 Forces Model
- Establish a list of competing IP Services
- Identify details about firms providing such services
- Analyzing their business models
- What should FICPI members consider doing?
- “If you can't beat them, join them”?
- Embrace them?
 - Example: Payment of renewal fees
Service provider informs registered IP Attorney when the common client has decided to allow lapsing by non-payment.
- Is it possible that with the developments in AI that AI will make the service providers superfluous? (Cf travel agencies – self booking)

Competitive Analysis

Porter's 5 Forces Model

Patent Attorneys
Law Firms



Discussion within the FICPI PEC Working Group

“... the title of the working group "Best Reaction Against Competing E-Services" already contains the word AGAINST.

... Not every patent attorney is AGAINST IP Services. I think the attitudes have to be on the table first.

There is a considerable tension and emotion. If these are not put on the table, the discussion may lead to misunderstandings...

So maybe the Working Group Acronym should change to

"Best Reaction **About Competing E-Services"**

Attitudes of Patent Attorneys towards IP Services

| | using IP services | working for IP services | founding IP services |
|---------------|-------------------|-------------------------|----------------------|
| total refuser | no | no | no |
| user | yes | no | no |
| cooperator | yes | yes | no |
| founder | probably | probably | yes |

Overview prepared by a German workshop member

Discussion within the FICPI PEC Working Group

A Canadian workgroup member:

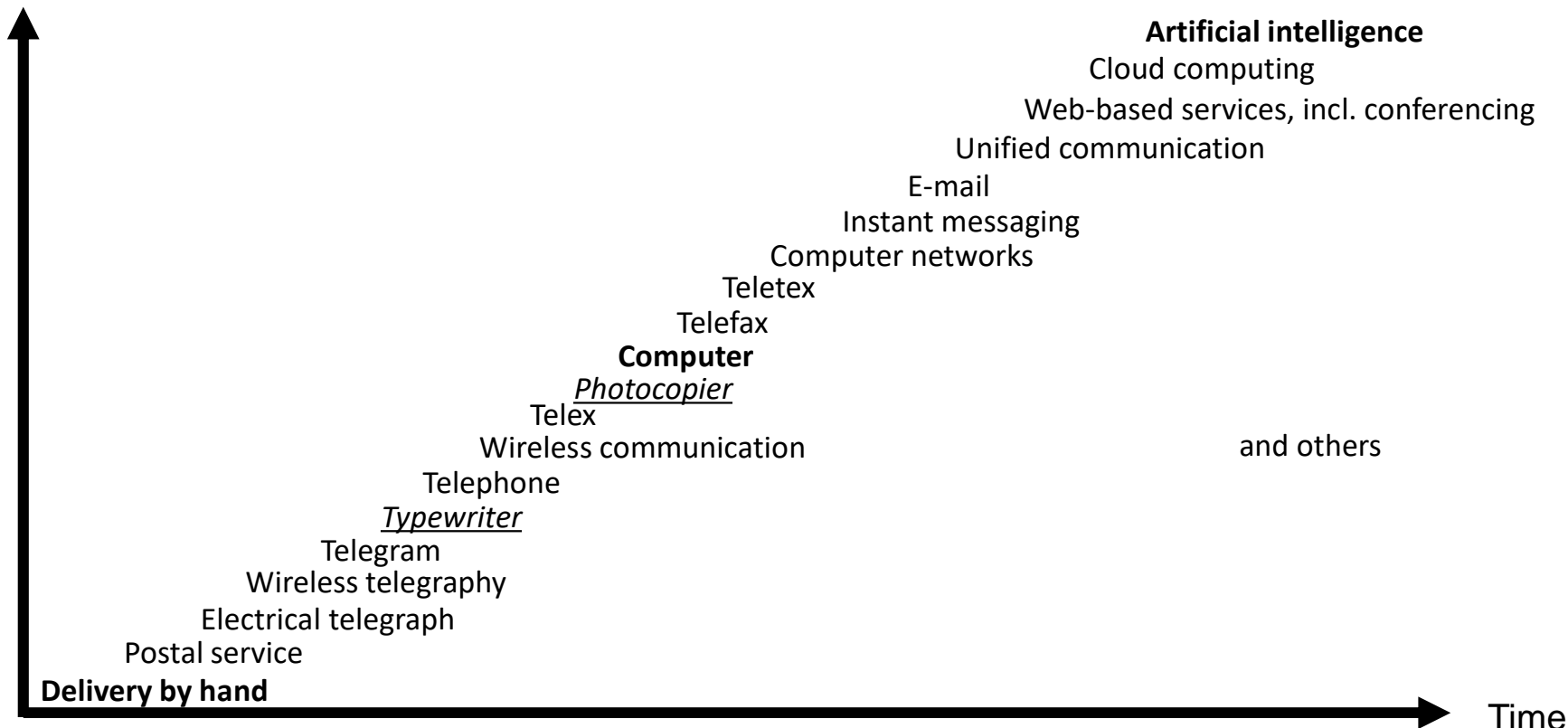
- Service providers are indeed taking some business away from us, but in my opinion, it is ultimately *business that falls outside of our professions*.
- We have, for example, no specific qualifications or training as resellers of translation services. This has happened once or twice before in the long history of our business: *although we rely as a profession on technological change, we also suffer, as it has forced us periodically to re-engineer the manner in which we generate revenue*.

Thoughts about a world that keeps changing

- Patent attorneys have contributed to promoting innovation.
- There is now a fear among them to loose business due to a number of technical innovations that led to unexpected business innovations.
- Were we patent attorneys shooting into our own feet?
- Let's find the best course of action for our clients.
- In the past FICPI members did join IP Service Providers.
- Staff of IP Service Provider joined the profession in private practice.
- Some “Law Firms” expanded their traditional services so as to also become “IP Service Providers”.
- Some “IP Service Providers” extended their range of services to also become a “Law Firm”.
- Should every “Law Firm” invest into IT to also become a “Service Provider”?

Choice of tools involved in IP Services over time

Technical progress leading to new opportunities



Time

History of renewal services

- John Dennemeyer invented computer patent annuities in 1965
- about 55 years ago
- during that time:
 - the number of IP service providers grew
 - the amount of their business grew
- but: the number of patent attorneys grew at the same time

Services Offered by IP Service Providers

(alphabetical list collected by BRACE working group)

- Annuity / Renewal services
- Docketing service providers
- Filing Services
- Flat fee prosecution for a simple office action – Simple office actions can also be easily taken over by a service provider at a flat rate using automated tools.
- International billing and paying of bills
- Paralegal service providers
- Patent, Design and Trademark Searches – Software companies with a strong understanding of IP law and practice can automate this function through a software and take a sizable market out of the hands of the attorneys/firms
- PCT Filings – In many instances these days a PCT application in multiple countries are being handled by IP management service providers
- Registration of ownership changes / Recordals
- Response preparation service providers
- Searchers – both patent and trademark
- Validations of granted European Patents
- Working statements – In countries like India, where working statements need to be filed once it is granted, and can be easily tapped into by a service provider

What are the typical services offered by IP service providers?

| Service | Quantity |
|---|--------------|
| patent annuities | big business |
| trademark renewals | sizable |
| translations | sizable |
| EP validations | sizable |
| searches (prior art, infringement, ...) | sizable |
| recordals | sizable |
| administration software | medium |
| design renewals | small |
| docketing | small |
| data analytics, monitoring | small |
| litigation finance, patent assertion | small |
| monetization, licence programmes, ... | very small |
| ... | ... |

Listing as submitted by a German workgroup member

Possible Results

as seen by a workshop member

- The major business of IP Service Providers is to help industry to outsource certain tasks.
- The overall impact of IP Service Providers on IP law firms is small.

... if you pay peanuts, you get monkeys?

We are highly qualified and experienced group of Patent Drafting and Prosecution experts, *having over 8 years of experience* in providing high quality patent prosecution services. Currently, we are providing a trial offer of **Flat EUR 599** for complete Patent Application Drafting.

Frequently Used Services of Synoptic IP:

| S. No. | Service | Regular Price | Discounted Price | Turnaround Time |
|--------|--|-----------------|------------------|---------------------|
| 1 | Patent Application Drafting | EUR 1099 – 1249 | EUR 599 | 5 – 7 Business Days |
| 2 | Technical Review and Reporting Strategy of response to Office Action | EUR 299 | EUR 229 | 2 – 3 Business days |
| 3 | Office Action Response Drafting | EUR 399 – 599 | EUR 299 | 4 – 6 Business Days |
| 4 | Patent Illustrations (Per Drawing) | EUR 25 – 45 | EUR 25 | 1 – 2 Business Days |

The Role of Patent Attorneys (website of IPTA)

- Advise on intellectual property, and help IP owners register and maintain their IP
- Apply for and secure patents, trademarks, designs...in Australia and overseas
- Help transfer technology by licensing and other processes
- Conduct IP audits of organisations and products
- Conduct litigation in Australia and overseas
- Determine whether a development is **new and inventive** to justify a patent
- Determine the nature and ambit of inventions and prepare patent specifications
- Lodge documents with the PO, and guide applications through the process
- Assist clients manage their IP portfolios, advise on patents and registrations held by others, and advise on whether developments infringe or might infringe rights held by others.

Examples of IP Services provided by IP Offices

- German IPO: DPMAdirektPro, DPMAreger, DPMAkurier, ...
- European PO: Web-form filing, Online filing (CMS), Espacenet ...
- EUIPO: eSearch plus, eSearch Case Law, TMview, DesignView
- USPTO: PatFT, PAIR, EFS-Web, PDX, TESS, TEAS, ...
- WIPO: WIPO IP Portal, Patentscope, ePCT, Global Brand Database ...
- and many other national and regional IP offices around the globe ...

Unfair Competition?

EUIPO Online services manage free IP services



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Application form

[How it works](#)

[List of providers](#)

This is a powerful opportunity for you to support SMEs during this crisis, significantly contribute to optimising the understanding and use of IP by SMEs and at the same time, help to better understand what the needs of SMEs are.

Like to sign up as a pro bono provider or interested to find out more? Please see the [Call for expression of interests](#), [how it works](#) and the application form below.



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- Application form
 - How it works
 - List of providers**
- Call for interest

Please see the list of pro bono providers participating in this initiative and willing to offer pro bono IP services free of charge to SMEs. Like to be in this list? Please see the [Call for expression of interests](#), [how it works](#) and the [application form](#).

| Providers |
|-----------------------------|
| ABRANTES, RICARDO |
| AHREMAA, TEPPU |
| AKRAN INTELLECTUAL PROPERTY |

William Shakespeare: **“To be, or not to be, that is the question”**

To BRACE, or to embrace service providers, that is the question

that we are facing as FICPI members in private practice

- depending on your own business model,
- your number of “dormant” files you can live with,
- what set of tools you are prepared to invest in and
- what you (or your clients) want to outsource.

Thank you for your attention ...