

# Outside Counsel Collaboration for Global IP Owners



So many people approach me to ask about our IAM system, Anaqua, that I thought I would write this article about how we use systems to reduce IP clerical workload, improve data accuracy and generally get better service from outside counsel.

One of the more burdensome IP operations tasks is the management of interactions and communications with outside counsel (OC). For companies with significant portfolios and global filing strategies, there is a constant stream of outbound and inbound emails and faxes with OCs. Information has to be re-keyed in to the docketing or IAM system or cut and pasted from the system into an email. Email threads have to be stored, hopefully in an organized way so they can be retrieved later if needed. IP staff need to manually track responses and re-send messages if there is no response.

British American Tobacco, with a portfolio of more than 90,000 marks in 200+ countries, once had a team of a dozen people to handle this process. Besides the expense, there were other serious problems. Data quality suffered from the need to re-enter data as mistakes inevitably occur. Timeliness suffered, with frequent need to send chasers to OC offices that were slow to respond to instructions. It was very hard to make OC accountable for their service levels because there was no data on their performance.

The solution to this problem was the implementation of an intellectual asset management system that provided collaborative access to ALL participants, including outside counsel staff. This was one of the key goals of the ANAQUA IAM system. ANAQUA takes advantage of the web to support access to the system by different internal and external users playing different roles in the process around the world.

At BAT today, when we approve a mark for filing in a country, the system sends an email to our local attorney, with a link back to the record for the mark in the ANAQUA system. The OC staff logon and acknowledge receipt. Later they enter the filing information into the system – date granted, next renewal date etc. Each of these steps has a defined timeframe with alerts and escalations. If the OC staff person does not respond after, say, a week, then an email is sent to the responsible BAT attorney to get involved and resolve the problem.

When a group of marks for a new brand needs to be filed around the world, a filing plan which emails instructions to OC in each country is initiated, tracking the process, sending reminders and

alerts when necessary. The system also supports electronic invoicing. The OC uploads invoices for filing and legal expenses directly into the system, where they are assigned to the IP matters and routed for approval. Once approved, the billing information is passed to our SAP finance system for payment.

We have seen excellent results from this collaborative approach. More than 90% our IP activities are handled by the system today. There have been significant cost savings – in conjunction with aggressive pruning of our portfolio and other measures, BAT's IP operating costs have been reduced by 40% over four years. Data quality has actually improved because data entry by OC staff falls under their written terms of engagement. Electronic invoicing speeds the process, saves cost and reduces errors and disputes. Importantly, BAT can now track and report on OC service levels such as response times, missed deadlines as well as costs. Now we can have fact-based discussions with OC and together take any corrective or remedial action.

What about the OC perspective? Over the past few years, BAT has worked with and trained more than 100 law firms in 160+ countries. With Anaqua clients like Ford, Microsoft and Kimberly-Clark deploying the system worldwide, more than a few law firms have multiple clients requiring them to use the system. There has been very little grumbling about duplicate data entry in our system and their internal system, and in practice, the ANAQUA data entry is no more effort than generating and managing the emails and other correspondence which is no longer required.

One important quid pro quo for outside counsel is that BAT uses the electronic invoicing process to speed up payments. In most cases, we pay on receipt of invoice, so the OC can get paid in days, rather than weeks or months. A powerful incentive indeed!

One key benefit of Anaqua is the Users Group which has been formed. Talking to top-class IP owners about the system at User Group meetings and also the processes and procedures each company uses to manage its Intellectual Property rights is tantamount to bench-marking with the best. In addition, the refinements which each company brings to the system will all help to improve the system and hopefully, eventually make it a better IAM system for all of us.

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