Patent remedies: online management of IP services
Allan Gordon¹,³, Jim Adams¹, Alexis Barlow², Peter Duncan² and John Huntley³
¹Kennedys Patent, Glasgow
²Caledonian Business School, Glasgow Caledonian University
³School of Law and Social Sciences, Glasgow Caledonian University

Abstract
Until recently patent and trademark agents, like many legal practitioners, considered the Internet mainly as an advertising tool. Patent and trademark agents act for clients in relationships with government agencies and with other agents internationally, and with lawyers. Online technology now presents such agents with the ability to increase efficiency and profitability in the management of those relationships.

Susskind predicted (Susskind, 2001) that by 2005 most major law firms would be using information and communications technologies (ICTs) to provide clients with a wide variety of services online. That has not been fully realised, despite clear benefits to firm and client. This is true for the services provided by patent and trademark agents as for other providers of legal services.

Unless there is customer demand for such services, or a competitive edge to be acquired, drivers for change to implement such technologies and to provide such services are unlikely (Bernstein et al., 2001). That is not to say that ICTs have not made any kind of impact in the domain of patent and trademark agents. Like other professional legal service providers (Barton et al., 2000), they are under similar pressures to implement ICTs to manage and deliver the services they do provide.

A key driver for adopting ICTs, developing online services and enhancing the management of such relationships comes from a different source. ‘E-government’ (the provision of government services online) has grown significantly, with important implications for the provision of legal services (Thomson et al., 2000; Mitrakas, 2005). More particularly, IPR Registries, like the United Kingdom Patent Office and the European Patent Office, have recognised the benefits of online filing of applications and a standard filing format has been agreed (Brewin, Ankyu, 2002). This, it is suggested, is a powerful driver for change and provides a spur for Patent and Trademark Agents to develop and/or enhance their use of ICTs leading to competitive advantage in what Bunke describes as “an increasingly competitive marketplace” (Bunke, 2005; Hinde, 2006). It is also an environment circumscribed by a constantly evolving legal and procedural framework within which identity, security and authentication are of paramount importance.

This paper is based on work in progress under a DTI funded KTP Project between Kennedy’s Patent and Glasgow Caledonian University. The project offers a unique opportunity to study, inter alia the issues raised by the provision of online legal/quasi-legal services in an ‘e-government’ context. This paper, based on work in progress, focuses on the practical issues relating to incorporating such online interaction within a case management system in the patent and trademark law domain. In addition to identifying and analysing the drivers for, and management of, this change process, the paper concentrates on the knowledge management and communications issues that surround it. It considers the
identity, security and authentication implications of such processes, not only in the relationship between the firm and the patent offices involved, but also between the firm, its clients and other agents. The paper attempts to extrapolate wider lessons of more general application to the provision of legal services.