

As we enter the second decade of the 21<sup>st</sup> Century, the transformation of the IAM industry from a combative to a collaborative standard has been largely completed. We have emerged, in the face of considerable resistance early on from the established interests and protectionist ethos within the legal profession, into an era of fierce co-operation to meet consumer and business needs.

Technology has played a significant part in this transformation. The advent of the Information Age in the late 20<sup>th</sup> Century brought little of the intellectual freedom and choice that was first promised. The Internet was the true catalyst for change as it led to a fundamental change in the way in which software applications were made available to users through what was then known as Application Service Provision – hosting of applications and storage of data on the internet by dedicated service providers. The great constraint then was that of ‘bandwidth’ i.e. the limitations on wire based and wireless channels to carry data. In the age of the Grid, which has been with us since 2005, it is difficult to imagine now that any form of data or communication should not be instantly available and accessible simultaneously whenever and wherever required.

In an economy driven by ideas and a close understanding of what consumers want, it finally dawned on business leaders that it is only real intelligence, the kind that machines can’t provide, that matters. Rather than people being ‘designed’ (or, more euphemistically, trained) to work with machines, machines, or more precisely the software applications that make them useful, began to be designed to work for people. Nowhere was the impact of this change to have more profound an impact than in the field of what were then called ‘professional services’.

The once extensively fragmented services market in the area of Intellectual Property is a case in point and I will use this as an exemplar of the changes that have taken place.

The year 2000 saw an explosion of industry marketplaces and exchanges for trading of everything from cement to aircraft parts. Industry leaders, who saw sense in establishing a common communications and trading platform, sponsored a number of these exchanges. They could either each develop their own web-based systems or collaborate together in creating a common system. The savings to be made in resource allocation and investment in software development and the benefits to their suppliers in working with a single system were compelling. Companies that were fiercely competitive with one another were prepared to work together.

This trend was to be repeated across industries that recognised that their success depended on the quality and relevance of their products and services, not on short-term advantage through the application of proprietary technology that competitors could quickly emulate. In short, the importance of the intellectual assets – people and the IP they generate – became the priority.

Speed to market and to meeting the requirements of individual customers became ever greater, spurred on by ever faster technological advances and product innovation. In a steadily improving economic climate, businesses soon realised that by working together they could profit and grow more than by working alone. The business skills that came to the fore were those that focussed on collaboration rather than combat. This had a direct impact on IP protection and dispute resolution. IP became a genuine and respected currency with little need or desire among industry to litigate; peaceful settlement and swift dispute resolution has become the norm. One factor that contributed to this is the close involvement of skilled advisors from the outset of any venture and better risk management, made possible by embracing collaborative practices and technologies throughout enterprises.

In the year 2000, the IP services market was largely characterised by small ‘firms’ specialising in the

acquisition and maintenance of IPRs and legal, accounting and consulting practices that concentrated on exploitation, enforcement and general IAM strategy.

The specialist firms devoted much of their time and manpower to simply processing applications and the enormous amounts of paper and communications burden that were entailed in dealing with National Patent Offices. The need to generate and deliver physical documentation in the application process, translation requirements and other protocols and local practices were all swept away finally as Patent Offices adopted interoperable electronic platforms in and through which the entire process of IPR registration, and the relationship between the applicant and Patent Office could be conducted. In this way, technology was able to substantially remove the barriers of cost and delay that so characterised the IAM market at that time, though inevitably the specialist firms were forced to adapt and integrate their skills with other professionals.

The other major change that collaborative computing brought about, and fundamentally affected all of the legal, accounting, commercial and creative sectors, was in the nature and conduct of the service relationship between client and service provider. What then became known as 'service relationship management' went hand in hand with a new era of so-called 'business architecture' in which the dynamics of in/out sourcing of human resources, technology and brand came together to reinvent the business corporation as we know it today. Essentially, the digital convergence of the late 20<sup>th</sup> Century ultimately drove the business cooperation and service convergence that we enjoy today.

Perhaps the greatest change in the legal sector began with the decision of a number of the world's then leading companies to enter into agreements with their advisors not to hold them liable for errors or omissions. This placed the relationship with external professionals on the same footing as company employees and cemented the new intimacy and cooperation considered so vital in removing barriers to securing the best possible intellectual contribution from these resources. The culture of blame evolved to one of shared responsibility and accountability.

Through use of collaborative technologies, the formerly divided disciplines of knowledge management and process management were converged through use of common project/matter based digital 'workplaces' through which the focus shifted to relationship management and ultimately to the more highly evolved collaboration we know today. In the field of IP, this meant that portfolio management tools become a shared resource, and shared application file environments hosted by National Patent Offices replaced the process management tools that formed part of the many and various IPR management systems that were used by IP owners and service firms.

The end result of these changes has been the demise of the professional services firm as it was once known. The major global firms found that they were as well, if not better, equipped to develop strategies for the exploitation of IP and realise those business opportunities as their clients. Successful business ultimately depends on the strategic application of real capital and intellectual capital in the context of market opportunity.

The major firms had expertise across so many industries that it soon made sense for those firms to employ business technicians who could deal with the day to day business mechanics rather than the other way around. Such resources could be quickly deployed when needed and required only clear direction, which the consulting firms were used to providing.

The lower tier professional firms also gradually faded away once questions began to be asked as to why they continued to exist when the need for access to shared administrative infrastructure and marketing resources had been done away with by collaborative technology and the facility through the Internet/Grid to identify and source skills wherever and whenever wanted. The result has been the establishment of service communities that subscribe to use of shared physical workspaces, available everywhere in the world, either on a regular or ad hoc basis. For those working in specific geographic areas, these communities are based around shared values

and preferences as to the sort of working environments they inhabit and the people they work well with.

Finally, what we enjoy now is an age when the provision of services is so integrated into the conduct of business that there is little of the friction that used to exist in the system 10 years ago. What has not changed, and is unlikely to for millennia to come, is the importance of personal relationships – some work, some don't.