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IWP STRATEGY

TechFrame's Internationalization Plan: Next Stop UK

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Executive Summary

The work developed consists on an internationalization strategic plan of measures and recommendations that aim to support TechFrame's entrance in the British market. TechFrame is a Portuguese SME company that develops and commercializes IT products. Currently Darwin is its only product and consists of a software that supports the management of Industrial Property Rights (IPRs) [1] - patents, trademarks and designs -. The growing importance of IPRs derives from the high intrinsic value to their owners. Their management must comply with rigorous formal legal procedures, processes and requirements. The loss or the mistaken management of IPRs can severely damage the owning company's business and operation, since they represent important company's assets.

Following the achievement of a dominant position in the Portuguese market, with nearly 70% of market share (in terms of Official IP Agent offices), TechFrame started a committed internationalization process through key European markets, after having expanded its product to non-key markets namely Angola, Mozambique, Macau and Austria. The first step was the opening of a local office in the Spanish market (in 2008) - having nowadays around 5% of market share with 80 licenses sold -. TechFrame currently desires to enter the French, Italian and British markets. One can say that TechFrame's "corporate strategy should not be a once-and-for-all choice but a vision that can evolve"[2] (Porter, 1998).

The British market is a key IP (Industrial Property) market in Europe, with a big dimension not only in terms of IP registered but also in terms of agents operating in this industry and supporting industries. In this market Darwin will face a strong competition in a developed market with many international IT (Information Technology) suppliers of IP management solutions.

The strategic plan I have developed aims to effectively contribute to TechFrame, consisting on a relevant and credible tool able to support TechFrame's internationalization planning and decision making.

Description of the firm

TechFrame is a Portuguese IT Company created in March 2000, located in Parede (Portugal). The main goal of this company is to create, develop and commercialize IT products, leveraging the large experience of its promoters in the areas of development and implementation of integrated management systems. So far, TechFrame's Darwin is the only IT solution offered by TechFrame, even though new products are being developed, this **integrated IT solution** aims to support the **management** of IPRs by providing services for Official Industrial Property Agents, either at a national or international level.

[1] IPR´s – Industrial Property Rights - are the legal means by which a company or individual has the monopoly through a specific period of time over the acquired right. Such right can be a Patent – exclusive right over a novel idea with an inventive step and capable of being put into industrial application -, Design – which protect the unique appearance of products – or Trade Marks – the property right that protect logos, distinctive names and related representations that are important to define and protect brands and reputations -.

[2] Porter, Michael E.; "From Competitive Advantage to Corporate Strategy", HBS Press; 1998

Darwin is a system whose functional modules can be sold separately and isolated, still the system's main goal is to provide an integrated and complete IT solution to the agents/attorneys managers of IPRs and only as an integrated system (with all the modules coupled) can provide all the functionalities, since some derive from the interaction and correlation between the modules. This system comprises not only the software itself, but also the consultancy and maintenance services necessary to achieve complete maintenance over the IPRs.

Darwin is composed of **six completely integrated modules** (Process Management, Client Relationship Management, Document Archiving and Workflow, Financial Management, Business Intelligence, Daemon Referee)[3]. It is a system helpful to its users through: providing notices concerning IPR processes, their denials, renovations, concessions, publications and costs; through internal and external viability searches; management of claim (defensive or attacking) processes; managing deadlines and keeping track upon the actions carried; automatically developing vigilante actions, releasing warnings, through the usage of resemblance percentages and others; performing activities and processes automatically; creating business intelligence reports with statistical data helpful to decision making.

TechFrame develops **three stages of customer support**, Start-up – in which the technicians and all TechFrame's team is present in the customer's company, the duration of this stage depends on the dimension of the customer varying from 2 days to 2 weeks - , the Engineering Support – period in which the development team is at the customer's company to evaluate the system, and might last from 2 to 3 months -, and the last stage of support, Technical/Maintenance support, which will remain till the termination of the contract and is done by support technicians or help desk, most of the times by distance. The support can be done quickly and with immediate result.

TechFrame's business is measured through the number of licences of usage of the IT system Darwin. Presently, TechFrame has clients in Spain, Angola, Austria, Mozambique and Macau and has offices in Madrid (Spain) and Parede (Portugal).

The company is composed by a five-Member Board of Directors that are responsible for five departments, Administrative & Financial, Commercial & Marketing, Client Support Service, Product Development, and Research & Development. Currently, TechFrame has 14 employees, from programmers and technicians to commercials and administrative staff.

Perspective on Business Mission and Strategic Objectives

TechFrame's business consists on the continuous development of innovative systems by offering efficient IT solutions and expertise client support; while exploring the worldwide market providing a stimulating and challenging working environment ensuring its collaborators a successful career

[3] Exhibit I: Darwin´s modules and their description

development. Moreover, TechFrame's **Mission Statement** is offering the best IT solutions to worldwide IP Agents. The Company's **vision** is "Be the number one IT solution to all IP Agents, in 15 years". The company's **values** are integrity, transparency in the relation with stakeholders, responsibility and competence in its services, honoring its commitments, striving for excellence and promoting a healthy co-working environment. TechFrame's **strategic objectives** are: maintain the position as market leader in Portugal; serve the two biggest Portuguese companies in the Industrial Property sector; gain 60% of the Spanish market (by 2010), selling at least 1000 user licenses (among biggest Spanish companies from 6-10 users); enter in the British, French and Italian market and achieve at least 60% of market share after three years (by 2013). The **Mantra** of TechFrame is: "Be the IP agent organizer".

Market Analysis: Industry mapping

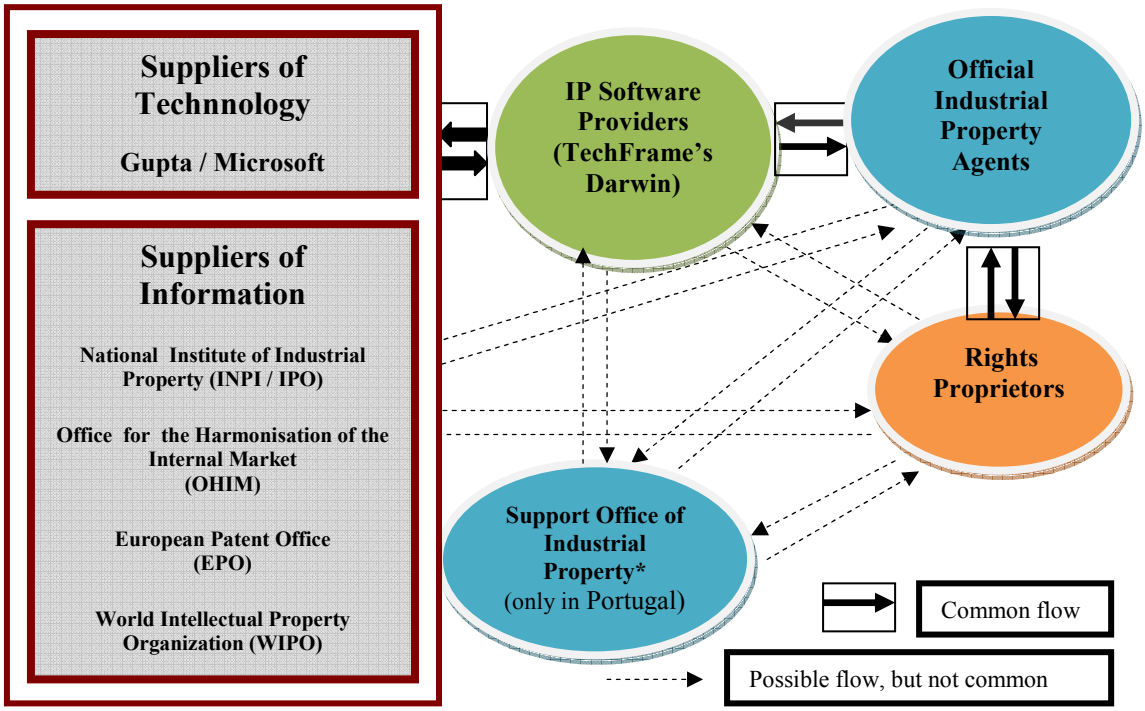


Figure I : Industry Mapping

In the IP industry, the managing entity of such rights (either the agents/attorneys or the owners themselves) can control the whole bureaucratic process dealing directly with the official entities — Official Institutes for Industrial Property (INPI / IPO; OHIM; EPO; WIPO). In order to help in the management of IPRs, the rights proprietors and official agents of industrial property might interact with the Support Office of Intellectual Property that proceeds as a counseling official entity funded by INPI (specific for the Portuguese market). The common practice though, is to outsource the IP management software providers which serve the Official Industrial Property Agents (or IP attorneys), like in the case of Darwin. Their service, managing and controlling the flows between the IP agents and their clients (the rights proprietors), suppliers and all the concerning documentation, makes them vital for the Official Industrial Property Agents. Even though the rights proprietors can themselves act in their behalf

defending their own IPRs, that is not common practice as all the legal procedures require much knowledge and experience, and a person willing to register a patent/trademark/design (aware of its costs) will not take the risk of losing such a costly acquired right.

Value Chain for IP Software Providers

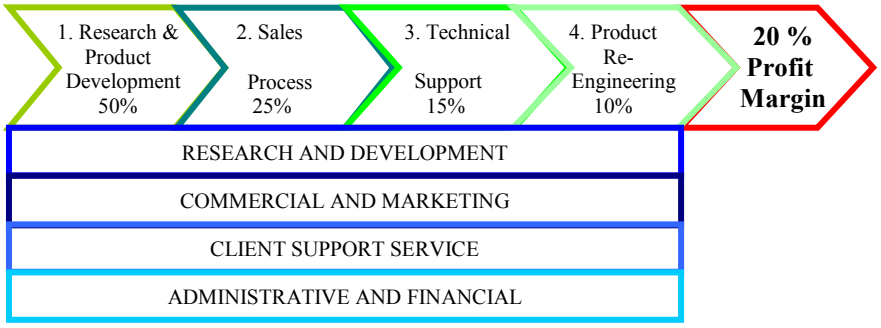


Figure II : Value Chain [4]

1. Research & Product Development - In the case of TechFrame, this stage involves the creation and redesign of the Darwin IT solution by programmers and software designers, focusing on the product characteristics improvement and functionalities. This stage accounts for 50% of the total cost of the service and requires 5 to 6 people.

2. Sales Process - Considering TechFrame's example, this stage concerns two phases:

i) Presentation and demonstration of TechFrame's Darwin to customers after such being requested by the Industrial Propriety Agents. Representing 12,5% of the total cost of the service, involving 2 to 3 persons.

ii) Formal proposal and negotiation process occurs. Weighting 12,5% of the total cost, necessitating 2 to 3 persons.

3. Technical Support - Taking into consideration TechFrame's model this period accounts for the implementation of the system and training program to its users by TechFrame's technicians. Maintenance and after-sales support is essential for TechFrame's service. This stage requires costs that correspond to 15% of the total cost of the service. The costs of this stage vary according with the dimension of the client (nº of users). While in a big client it is required a stronger adaptation of the service to the client characteristics', involving additional technical support, in a small client the service provided is more standardized entailing less costs to TechFrame. In this stage on average 2 to 3 persons are required.

4. Product Reengineering - As TechFrame illustrates, this phase accounts for the constant upgrade and re-engineering of the Darwin system. For this last stage the costs account for about 10% of the total cost of the service, involving 5 to 6 persons.[5]

[4] Based upon the data concerning TechFrame´s specific case as an IP management software provider
[5] Source: TechFrame ; The information stated in this value chain as well as the relative cost and requirements of each stage was communicated by TechFrame´s Business Unit Manager

Purpose of the work

TechFrame's desire to pursue an internationalization process, targeting specifically the British market creates the need to properly develop a complete strategic report covering the fundamental determinants that can dictate TechFrame's success or lack of success. This report will analyze, in a strategic approach, the internationalization process of TechFrame evaluating the company's current capabilities and the needs to be fulfilled, analysis and conclusions deriving from an internal scanning and external scanning viewpoint. The British market and all its players will be analyzed as well as the market opportunities and threats. This competitive assessment of the domestic market and the British market will allow a better understanding and facilitate the design of the appropriate mode of entry, goals, and more specifically the implementation plan of this internationalization strategy. This thesis aspires to be a useful tool for the company, and a determinant strategic report to allow an appropriate decision making by TechFrame, supported with all the relevant elements and vital information.

Methodology

Data was gathered Via internet, through the National and International websites of the managing offices of IP (INPI, IPO, WIPO, OHIM, EPO) in order to obtain information about the IP industry in Portugal, Great Britain and its panorama in Europe.[6] Further analysis of websites was developed, specifically of websites gathering information about the market of IPRs in Great Britain and Portugal in terms of number of IP Agents operating, number of IP attorney offices - with IP agents operating -. Specifically the websites of trademark/patent/design attorney associations (ITMA - "Institute of Trademark Attorneys" -,CIPA - "Chartered Institute of Patent Attorneys"), the ManagingIP magazine online, Piperpat, IPmenu, among other websites which aggregate relevant information concerning the IP industry and the available IP management software solutions. The websites of the IP management software solutions operating in the UK identified were also analyzed in detail, allowing this way to appropriately compare their solutions with Darwin, besides contributing for a proper competitive assessment.

Further data collection was done by direct phone contact with certain attorney offices (but the number of responses was insufficient and inconclusive) and with direct emailing to all the identified agents in the UK (also with minimal and insufficient results). In both the cases mentioned the counterpart contacted showed no willingness in cooperate. In addition the websites of the patent/trademark/design attorney firms were explored, allowing the collection of useful data for the analysis and completion of the

[6] INPI stands for "Instituto Nacional de Propriedade Industrial", IPO is the "Intellectual Property Office" – UK, WIPO refers to "World Intellectual Property Organization", OHIM consists of the "Office for the Harmonisation of the Internal Market", while WIPO is the "World Intellectual Property Organization".
Note: Intellectual Property integrates the Industrial Property plus the Copyrights (rights that protect the creative or artistic work)

questionnaires.[7] All the data collected was transmitted to TechFrame as part of a questionnaire template (developed by TechFrame). The information collected through all the means referred allowed the completion of 30 questionnaires focusing on specific information upon 30 different IP attorney firms in the UK. With information ranging from contacts and address, basic IT structures – number of computers -, specific IP management related IT – name of the supplier of the IP management software, number of users – and information concerning the dimension of the company – number of offices in the UK and abroad, and number of employees dedicated to the management of the IPRs -.

In order to sustain the observation and analysis, auxiliary reading of Strategy and International Business bibliography was made and properly referred when considered useful.

The main source of information was TechFrame itself, through meetings with Lina Fortuna (TechFrame's Business Unit Manager) and Carlos Mora (TechFrame's CEO), with the purpose of obtaining specific information about TechFrame's business, product, the IP industry, and eventual doubts. Emailing was a regular and efficient method in the communication with the TechFrame members identified, to obtain information and clarify doubts, backed by eventual phone communication when required.

Competitive Assessment

Portuguese Market Attractiveness

The IP industry in Portugal is overall an **attractive industry**, even though with a somewhat small market size. The Portuguese market is divided in two main segments: the Official IP Agents and the Support Offices of IP. The segment of Official IP Agents is constituted by **23 companies**, typically attorneys offices. These offices employ a high number of Official IP Agents authorized by the Portuguese Institute of IP. The **17 Support Offices of IP** are financed by the Portuguese Institute of IP (INPI) but have some financial restrictions which explain the low usage of Darwin. In Portugal there are **84 Official IP Agents**, properly licensed by INPI.[8] In 2007, after several years without new licenses, **27 new Official IP Agents** were licensed as such by INPI after a rigorous selection process.[9] Such licensing processes are developed when INPI sees necessary, without following a planned timeline of licensing opportunities.

Currently, in Portugal TechFrame has **350 licenses** installed. There is a low potential growth in this market, since TechFrame already has **70% market share** of the Official IP Agents offices and about 18% market share of the Support Offices of IP. The growth opportunities are mainly focused in the IP offices with a high number of users (21-50), TechFrame already supplies two of the six companies with such dimension, It is currently negotiating with other two companies to supply Darwin, while the

[7] All the websites mentioned, and some others used even though not mentioned above, are listed in the Bibliography with their full address
[8] Exhibit II: Table I "Portuguese Entities by average number of users"
[9] Source: http://www.marcasepatentes.pt/files/collections/pt_PT/1/8/66/172/mep_3_2007.pdf

remaining two big IP companies (Clarke & Modet and J. Pereira da Cruz) have already developed their own in-house software solution seeming for such reasons unlikely that they will acquire the Darwin's service in the nearer future. The other opportunities are in the IP offices with a low number of users (1-6), since of the existing 11 companies, with this dimension, three haven't acquired Darwin. Also among the Support Offices of IP, there're some business growth opportunities, since of the existing 17, only three operate with Darwin, which is mostly justified by the strong financial limitations of these entities. Other growth opportunities derive from the opening of new IP offices; and as a result of the additional licensing of new IP Agents by INPI. [10]

The IP Industry shows some **signals of growth**, in terms of the number of Patents, Brands and Designs being registered through the National Institute of IP. [11]

In fact, recently a **new market trend** has been developing: the expansion of attorney's offices with the introduction of a new department focused on IP Law thereby integrating Official IP agents in their structure. Up to this stage Official IP Agents used to have their own company dealing when needed with attorney's offices. This trend is justified by the growth prospect of this industry, but most of all because the attorney's offices can leverage and potentiate their core business with extra litigious processes deriving directly within their new business unit (cutting of intermediaries). For TechFrame this tendency is seen as positive, since the system Darwin is more adapted and justified for bigger companies.

Darwin undergoes a constant evolution and development and so there's not a specific cycle of life for this product. But if assuming so, it is clearly undergoing a growth phase close to a maturation phase, since it has been introduced in the market for some years, is well known in the industry and has repeatedly been gaining clients up to point in which internationalization seems recommendatory.

The Portuguese IP **industry structure** has a rather peculiar profile. In fact there are no current competitors in the market. Existing, however, rival IT solutions developed in-house of some attorney's offices but that are not commercialized. When comparing with the existent IT solutions for IPRs management (the in-house developed IT solutions) the product Darwin clearly differentiates itself by being an integrated solution, incorporating several components and modules while the existing in-house developed solutions only incorporate individual modules or components. These in-house solutions should be considered as substitute products.

The **low degree of homogeneity** makes the pricing strategy of TechFrame totally not aligned with a price war strategy. TechFrame has unquestionably a **strong bargaining power** in its relation with its customers. The strong power versus buyers has to do mostly with the extremely high concentration of the industry, especially if assuming TechFrame as the only provider of this specific sort of IT solution.

[10] Exhibit II: Table II "Darwin Clients in Portugal by average number of users"
[11] Exhibit II: Table III "Patents, Trademarks and Designs registered through INPI"

There's a threat of vertical integration by the buyers, which can develop their own in-house solutions. This threat is seen as rather weak since it is hard for the companies to develop a system with the same quality as Darwin's, besides being rather costly as well. The in-house system of J. Pereira da Cruz was developed when there were no good options in the market, before the commercialization of Darwin.

TechFrame has the possibility of discriminating prices among customers, varying specially due to the differences in dimension of the buying company and their negotiation abilities. The price of the service Darwin is not defined, and each customer gets its own deal. Besides, TechFrame has a varied portfolio of clients not depending on a single one or a small group of clients, which also strengths the position of TechFrame in the bargaining process with its clients (potential).

Competitive advantage of the firm: Enterprise Internal Scanning

Concerning TechFrame's **resources and competences** we foresee competitive advantages specifically obtained from the **innovative product offer**.

TechFrame Darwin is the only IT solution in Portugal for the management of IPRs providing an integrated service to the Official IP Agents. This system is imitable, even though it would require much time, human resources and specific know-how, hard to acquire, especially in the Portuguese market. TechFrame Darwin has been developed for the last 15 years and it would take some years for any competitor to copy such system. The **first-mover advantage** is a clear competitive advantage of TechFrame. It is a system that requires trial and experimentation in the market by its users in order to be assessed as a quality solution, which makes even harder the entrance of new competitors in this sector, consisting for such reason a **Structural Barrier for new entrants**, resulting in a **Competitive Advantage for TechFrame**.

Considering the diversification of the product portfolio, TechFrame currently has projects in prospective for future product launches and improvements: 1) Commercialization of a modular solution approach of Darwin; 2) Darwin Law; 3) Web Frame; 4) Darwin Portal.

The commercialization of a modular solution will be done through the decomposition of its current global solution into several segmented component solutions in order to reach more clients. Darwin Law, a new version of Darwin, is being created and implements all the existing department activities of an attorney's office, going beyond industrial property law covering civil law and other branches of the private law. This program development is currently being programmed by free-lancers – which signed a legal document that protects TechFrame's rights, disallowing them to disclosure the program and as well to commercialize it - . Moreover Web Frame, targets the registration of graphic brands, attempting to introduce a new technique with the assessment of similarity of the images, leaving the current practices of Vienna codes behind. TechFrame is also developing an internet portal, Darwin Portal, which will allow

all owners of IPRs to monitor all their rights and current processes from all over the world in a structured way, while the IP agents collaborate in providing the information.

TechFrame's **brand awareness** in the Portuguese market is high, but only among this specific niche segment of Official IP Agents, being perceived as providing a good value for money. No major investment has been done in the development of the brand in Portugal, due to an expected low growth potential of the client base but most of all justified by the inexistence of competitors.

TechFrame's **reputation** represents another source of competitive advantage, deriving from its position as leader in the Portuguese market and as a result of being a fast growing company in international markets such as Spain. TechFrame is seen as an excellent service provider among the Official IP Agents leveraging from the acquired know-how and experience of years in the market.

The high quality of the support service, in terms of maintenance and technical training to users also contributes to reinforce this reputation. TechFrame does not possess any quality certificate. In Portugal the official entities do not provide any sort of accreditation (neither INPI nor the "Ordem dos Advogados" or any other official entity) and the same follows for the international entities. So far, the costs related with the accreditation (ISO) and the lack of human resources availability imposes the need for the company to assign priorities and until the moment such sort of accreditation is not a priority. Still, it would be important for TechFrame to pursue such accreditation as it confers credibility and quality, besides allowing diminishing costs related with inefficiencies and occasional below standard quality service. Especially for the R&D department such certification would be worthwhile, more specifically the ISO/IEC 27002 certification; Information Technology - Security Techniques - Code of practice for information security management.[12] Even though TechFrame's client base might not value such accreditation at the moment, if in the near future new competitors arise in the market, this sort of accreditation can represent another source of competitive advantage. This accreditation could be done partially throughout more than one year, in order to allow diminishing the tangible and intangible costs related with this procedure. On the other hand, TechFrame has programs of certification of its users, evaluating their knowledge on Darwin. This certification is about to be recognized by the IFP ("Instituto de Formação Profissional").TechFrame should try to establish protocols with universities and R&D institutes, providing Darwin's services, to such owners and developers of IP.

TechFrame's current small dimension and fast growth might justify the current lack of clearly distinctive **organizational culture and structure -** even though the values, that are the foundation of TechFrame, are clearly defined -. The company's underdeveloped dimension might be another justification of the inexistence of a human resources department. The profile of the top management is broad; with strong know how of the business and several background knowledge, from engineering to

[12] Source: http://www.iso.org/iso/home.htm

management, to programming and marketing. Top management knowledge about IP and in particular the IT system Darwin is crucial for TechFrame's success.

TechFrame clearly underlines the importance of a good work environment, with transparency and great truthfulness among the organization. With strong efforts in underrating the hierarchical differences, being everyone treated likewise and with equal weight to each and everyone's contribution. Although it is clear, to outsiders, that it is a company depending almost exclusively upon three people: Mr. Carlos Mora, responsible for the design and development of the system and its services; Ms. Lina Fortuna, responsible for the commercial and marketing departments and Mr. Artur Almeida, co-responsible for the development of the web-based applications. Currently, due to the small number of employees, there is a deficient capacity to adequately analyze the external market and external competitors. The person responsible to do so has many other tasks under her responsibility, and no strategic plan has been yet developed in this direction.

TechFrame does not have any **strategic partnership** or agreement, with suppliers concerning material, equipments or other inputs in Portugal. TechFrame has an agreement with Microsoft, since Microsoft supplies all the basic software equipment, but that doesn't have any strategic importance since it's a basic partnership, common among the SME (small and medium enterprises), consisting of the only agreement with suppliers concerning material, equipments or other inputs.

TechFrame's remaining suppliers are the providers of data and server of SQL (Structured Query Language): WIPO – World Intellectual Property Organization – which provides twice a month bulletin with the registered international brands; OHIM - Office for the Harmonization of the Internal Market– provider of the information of all the brands registered in the European Union; INPI - Instituto Nacional de Propriedade Industrial – source of a daily bulletin of the Portuguese IP requests and new registers; Centura provider of Gupta – the Darwin server of SQL -. Centura was chosen because at the time, its structured query language was the best in the market. At the present moment a change is being promoted since Microsoft will be chosen as the provider of SQL. Currently it has a better technology and a wider community of developers (than Centura). Other suppliers exist in the market, like IBM (Informix) and Oracle. The reason to choose Microsoft was the belief that it has the best price-quality ratio proposition. In Portugal there is no partnership either for commercial purposes or distribution. This kind of partnership, in Portugal is not necessary since it has no impact on the business.

In terms of **proximity** to clients or inputs, TechFrame can provide effective technical support by distance through Portugal (since the technician can log in into the user account and correct any error without being present). Because of such possibility proximity is not seen as important when it refers to the technical support specifically. Still from the clients and users point of view proximity is highly valued. In this sense for commercial purposes proximity is relevant to the business. Each technician at the

Technical/Maintenance support phase is responsible for 50 up to 60 users, demonstrating the easiness of providing support at this stage per customer.[13] Even so it is reasonable to assume that such a high ratio of clients per technician and its increase leads to a decline in the quality and efficiency of the technical support.

The mentioned technical support stages require an availability of highly qualified human resources, which lack at TechFrame. This is to say that the company has a reduced number of employees and technicians if taking into account its requirements and needs. Nevertheless this company invests a great deal in the training of its collaborators and agents, as their knowledge in the product technical characteristics has to be very high. Most training and formation is provided by the TechFrame's top management since their knowledge and technical knowhow of Darwin is vast. Even though the experience and knowledge of TechFrame's staff is determinant for the company's success, training new personnel takes time and it is costly to the company's current activities. Still the employees are highly qualified and specialized. Additionally due to the inexistence of a Human Resource department no performance evaluation system, internal communication system or incentive system has been developed inside the company. This is certainly an area requiring improvements, as TechFrame is growing too fast to their current structure and human resource availabilities.

In Portugal, TechFrame developed a **communication strategy** around the "word of mouth", publicity and through website communication. Such non-aggressive marketing communications strategy is justified by the lack of competition mentioned previously.

In termsof **Positioning Advantages** the most relevant are the **high customer switching costs,** not only in financial terms but in operational aspects as well. The implementation of a new system requires long time of preparation for its users besides demanding a high investment. This is the most important source of competitive advantage concerning the company's positioning.

Summarizing, the main competitive advantages in Portugal derive from: the **first-mover advantage**, backed by the **positioning advantages** due to the **high customer switching costs**; the offering of an **innovative product offer** supported with a **high quality technical support**.

Internationalization Strategy

Why the UK?

TechFrame's reason to internationalize its business, like any other company, is the determination to **expand its sales**, **minimize its risk** by diversifying the markets in which operates and also because the internationalization will allow TechFrame to gain new capabilities and improve the ones already owned (by experiencing new markets with other competitors and others realities than the ones in which

[13] According with TechFrame´s Business Unit Manager , Lina Fortuna

TechFrame already operates). The strategy of TechFrame at the moment is of internationalizing throughout the biggest markets and specifically those nearer to Portugal. After having entered in Spain, the choice to enter Italy, France and the British market seems natural. Not only due to its reasonable **proximity** geographically but also culturally. Above all the United Kingdom is a market with a highly **developed IP industry**, with a high intrinsic value due to its big dimension – high number of industrial property being registered every year, and also with a high number of Official IP Agents and Attorney companies dedicated to the IP business –. Another important reason is the belief that the entrance in the British market will facilitate later on, the entrance in the **North American market** (specifically USA) as well as for **Hong Kong**. Not only due to cultural proximity and similar legislation, but also because most of the big attorney firms that operate in the UK also operate in the USA and Hong Kong.

Competitive Assessment of the UK market

Market Attractiveness

In the United Kingdom **293 companies** have patent attorneys, registered and members of The Chartered Institute of Patent Attorneys (CIPA) the professional and examining body for patent attorneys or agents in the UK. In total there are **1750 patent attorneys** registered in UK.[14] Since on average each patent attorney has a supporting staff of 3 to 5 people, the maximum number of licences TechFrame can aspire to sell to patent attorneys is something in between 5250 and 8750.

The Institute of Trade Mark Attorney (ITMA) constitutes the professional body which represents those qualified to stand for the owners of trade mark and design rights. Nowadays in UK there are around **500 trade mark/design attorneys**.[15]

Assuming the same rationale described before TechFrame could at maximum aspire to sell from 1500 to 2500 more licences. In total the potential market for TechFrame is the 293 companies (since most – if not all - companies have both patent attorneys and trade mark attorneys) and more specifically the 6750 up to 11250 potential users of TechFrame's Darwin. Since TechFrame targets a market share of 60% after three years, by 2013 Tech Frame should have from around 4050 up to 6750 licenses sold in the UK. In most case attorneys are both patent attorneys (members of CIPA) and also trade mark/design attorneys (member of ITMA). This fact makes the previous analysis and calculation of the potential market less realistic; still, it represents the best estimation possible. It is with no doubt a market with a **large dimension** (if comparing with the Portuguese market for instance).

The IP Industry in Great Britain shows a high level of maturation when compared with, for instance, the Portuguese IP Industry. According with data from the Intellectual Property Office of UK – the official

[14] Source- CIPA (Chartered Institute of Patent Attorneys) - http://www.cipa.org.uk/
[15] Source- ITMA (Institute of Trade Mark Attorneys) - http://www.itma.org.uk/

government body held responsible for the granting of Industrial Property (IP) rights in the United Kingdom – there was a decrease in the number of Patent applications filled and the number of Patent applications granted since 2006 to 2007. The opposite happened in terms of the design and trade marks. In fact both increased, the design applications filled from 2006 to 2007, while the number of applications granted grew from 2006 to 2007. The number of trademark applications filled also rose from 2006 to 2007, as well as the number of trademark applications granted which increased from 2006 to 2007. [16]

The tendency of decrease in the patents can be due to a certain extent explained by the adoption of different filing strategies by the applicants, i.e. moving away from the Intellectual Property Office to the European Patent Office directly (EPO) for the first filing. The decrease in the number of patents being granted reflects the accumulation of work in the IPO office and the longer time to process the requests, fact that is affecting all major IP official entities across the world.[17]

The importance and relevance of protecting properly industrial rights is growing. More companies realise how crucial it is to appropriately protect their rights and there's an expected tendency of growth in the number of companies that are dedicated to the management of IPRs as well as an increase in the number of the patent and trade mark/design attorneys. The data described concerning the evolution of the IPRs in the UK[18] show us though that the IP industry is, to a certain extent, entering a **matured stage** and so there're expectations of growth but with small potential.

In the UK TechFrame will have **many competitors**, mainly large international companies. As main competitors of TechFrame's Darwin in the UK I will focus upon all IP management software solutions that offer an integrated solution seeking to cover all the functionalities required by the IP management professionals, without considering the software solutions that exclusively focus upon a specific module and feature. These will allow my analysis to be more objective and viable, besides focusing on those solutions with a similar product offer than Darwin.

In order to properly evaluate the IP software management solutions competing with Darwin it is necessary to understand what do the users of such software require and demand. The IP attorney firms and IP owning companies require management softwares that allow the company to improve its profitability by augmenting its efficiency and productivity, backed with a high docketing quality service. They aim for an increased client retention and growth, with the current existing staff and increased efficiency by automating repetitive daily tasks. It also arises as important the improvement of the

[16] Exhibit III : Table IV "Patent, Trade Mark and Design Applications in the UK"; Graph I "Evolution of Patents/Trademarks/Designs Granted"; Graph II "Evolution of Patent/Trademarks/Designs Filled"
[17] According with Theresa Roberts of the Communication Department of the Intellectual Property Office (IPO) in the UK
[18] Exhibit III : Table IV "Patent, Trade Mark and Design Applications in the UK"; Graph I "Evolution of Patents/Trademarks/Designs Granted"; Graph II "Evolution of Patent/Trademarks/Designs Filled"

communication and task management within the company. Without overlooking the necessity to have a software solution with an open architecture prepared to be adapted for the future challenges and needs.[19]

The following matrix I have developed establishes a useful comparison among the identified competitors and Darwin, focusing on the generic functionalities that Darwin possesses and other important factors, price and market reputation.

Competitor	Price	Market Reputation	Process Management	Client Relationship Management	Financial Management	Document Archiving and Workflow	Business Intelligence	Daemon Referee	Total ☆
CPA Global (Inprotech)	💰💰💰	☆☆☆	☆☆☆	☆☆	☆☆☆	☆☆☆	☆☆	-	16
Patrix (Patricia)	💰💰	☆☆	☆☆☆	☆☆	☆☆	☆☆☆	☆☆	-	14
Dennemeyer (Diams XE)	💰💰	☆☆	☆☆☆	☆	☆☆	☆☆☆	-	-	10
Anaqua (Anaqua Enterprise)	💰💰💰	☆☆	☆☆☆	-	☆☆	☆☆	☆☆☆	-	12
IPSS (ipss dot)	💰💰	☆☆	☆☆	-	☆☆☆	☆☆☆	☆☆	☆☆	14
Thomson Reuters (Thomson IP Manager)	💰💰💰	☆☆☆	☆☆☆	☆☆	☆☆☆	☆☆☆	☆☆	☆☆	18
IP Online (Web TMS)	💰💰	☆☆	☆☆	☆	-	☆☆	-	-	7
Ardaylin (IPDB)	💰	☆	☆	-	-	☆	-	-	3
Filemot (Marco)	💰	☆	☆	☆	-	☆☆	☆	☆	7
Easy Database (My IP)	💰	☆	☆	-	☆	☆	-	☆	5
Pro Delta Systems (Progressor)	💰💰	☆	☆☆	☆	☆☆	☆☆	-	-	8
Xensis (Xen-IP Pro)	💰💰	☆	☆☆	☆	☆☆	☆☆	☆	☆	10
DARWIN	💰💰	-	☆☆	☆☆☆	☆☆	☆☆	☆☆	☆☆☆	14

- = no such functionality ☆ = Low Quality ☆☆ = Medium Quality ☆☆☆ = **High Quality**

💰 = **- 2000£ per user (year)** 💰💰 = 2000£ - 3500£ per user (year) 💰💰💰 = + 3500£ per user (year)

Blue = System more appropriate to IP attorney Firms Red = System more appropriate to IP owners Note: Matrix built upon availble information

Figure III : Comparison between Darwin and its Competitors[20]

The most important competitors are **CPA Global** – which is the supplier of the biggest patent, trade mark and design attorney firms in UK -, **Thomson Reuters** – the world's leading source of intelligent information, that developed an IP management software that covers with great efficiency and quality the functionalities analyzed- **Patrix** – that supplies a strong product and has a strong presence in many European countries -, and **IPSS** – a supplier with a good product that targets the small and medium sized firms, with a strong client base in the USA, and some medium sized IP attorney firms in UK -.The remaining competitors analyzed are **Anaqua** – which targets essentially the companies owning the IP rights rather than the IP attorney firms -, **Dennemeyer** – which began as a patent law firm becoming later in 1985 as well a manufacturer and supplier of a IP administration software, not covering most functionalities required -, **IP Online** – the supplier of Web TMS a software solution focused upon the management of trademark rights, with strong capabilities in the process management and document archiving/workflow and with many small and medium sized IP attorney firms-, **Ardaylin** – a provider of IT solutions, with an IP Management System directed to small companies -, **Xensis** – with products

[19] http://www.patrix.com/?id=428

[20] All the information used to fulfil the matrix shown is in the Exhibit III "Competitor Analysis", Figure IV "Matrix - Competitor Analysis" and the website http://www.techframeworld.com/. Most competitors expose little information about their products, and so the information compiled in the matrix is seen as useful even though having flaws.

directed to mostly small and medium companies with a good product covering most essential functionalities -, **Filemot** – the supplier of Marco IP management software, a cheap solution that integrates most required functionalities lacking only of financial management tools (according with the information available) -, **Easy Database** – the supplier of My IP a software solution directed to the companies owning IP rights, covering most essential functionalities lacking in business intelligence tools - and **Pro Delta System** – the supplier of Progressor a well organized IP software management tool with strong capabilities in most essential functionalities, lacking of business intelligence and daemon referee automated tools. The competitors are **able to diversify** themselves in terms of the product offered. With small differences in the solution supplied mainly due to differences in the modules and applications offered, and there is a **clear positioning** by the competitors. Big companies provide complete and complex solutions with plenty of modules, targeting mostly the big patent attorney firms, at a higher cost. While other manufacturers with less developed IP managements software's target smaller patent attorney firms, charging lower priced services while providing less developed services.

The IP management software industry in UK has **no exit barriers** or any sort of limitations to production. On the other hand **no major entry barriers** exist as well, the required investments in infra-structures are minimal, the same goes for equipment, being the major costs implicated concerned with the human resources management. In this industry the investment requirements to enter the business are high but mostly in terms of intangible costs. Particularly it takes excessive amount of time to develop such an IT solution. Requiring many programmers working on this product development during some years, period in which the company will not have any source of revenue (in case the company is a start-up). The technology required to develop the system is not so costly but might still represent another barrier to some new entrants.

Customers can be perceived has having a **strong bargaining power** in their relation with the suppliers of IP management software, since they have many options to choose from with a great variety of differences in terms of value proposition. There are many suppliers of IP Management Software operating in the UK, existing **numerous substitute products**. There is a **small threat of vertical integration** (unlike the case of the Portuguese market), since there are many solutions available in the market and most (if not all) big and medium companies have already bought the services of an IP Management Software supplier.

The manufacturers have the **ability to discriminate prices**, settling such discrimination upon differences in the dimension of the clients and the quantity of the services contracted (all the modules of a certain IT solution or just some specific applications). Most IP management software suppliers hide to the market the price of their IP solutions, and most of them negotiate a different price to each client.

Factors of TechFrame's competitive (dis)advantage in the UK

In this market TechFrame would only be able to succeed, achieving a high market share, if approaching the market with a better technical solution than the competitors and with a strong approach to the market demanding lower prices than the direct competitors for its services. Even though there are differences in the product offered by each competitor, the differences **are not strong enough to prevent a price war** among competitors.

The **switching costs** from changing from one solution to another are very high, direct costs - of training of the users, of the acquisition of the system and support equipment - but also indirect and intangible costs, concerning the temporary losses of efficiency and productivity within the period of adaptation to the new operating system. This high customer switching costs represent a **competitive disadvantage** for TechFrame, since most of the big and medium sized patent and trademark attorney/agent firms already have IP management software. This represents a relevant **structural barrier** of this industry. Moreover in the case of CPA Global, some of the main IP attorney offices are not only users of CPA Global software but also their shareholders, as in the case of Mark & Clerk, J A Kemp & Co., Potter & Clarkson (IP Attorney Management companies with more than 100 users), among other examples of companies with a smaller dimension.

TechFrame is a small company with **many restraints** in terms of **human resources**. Eager to keep the internationalization of its operations, TechFrame needs to acquire firstly human resources that guarantee the appropriate back up of such big strategic steps. Clearly **few people do many tasks**. This is something common in SME enterprises, but when undertaking such strong and paramount strategic decisions a stronger effort should be allocated to promote a proper planning. TechFrame should integrate in its structure someone responsible for the strategic planning of TechFrame's business. Currently the person responsible for such accumulates a numerous number of tasks, some with strong importance in the daily activity of TechFrame. The **business** is still **too dependent** on all the members of the structure and there is no one with the time and freedom to stop, think the business, and structure possible improvements and rearrangements. TechFrame's structure is not adapted to the needs and requirements that an entrance in the British will present. The number of technicians doing the technical support via Portugal will not be enough to deal with the new requirements. Another factor that will certainly be hard to manage, and that is also related with human resources, is the capacity of promoting the implementation of the service and the start-up customer support phase of the service at the new customers, at a short period of time after being requested. This phase requires a large team of technicians and engineers (nowadays the whole staff team of TechFrame joins this phase, staying only a couple of programmers at the headquarters keeping the technical support to other clients) and can take from 2 days to 2 weeks depending on the dimension of the customer. This can become critical if taking into consideration that

TechFrame is still at initial stage of its operations in Spain, with a high number of potential new customers, and developing several implementations of the service at new customers. Difficulties already occur and can only become worse, unless more technicians and engineers are recruited.

TechFrame possesses no **quality accreditation**. In the United Kingdom, like in Portugal, no official entities provide any sort of accreditation (neither the IPO nor the OHIM, WIPO or other associations and entities). Obtaining an accreditation such as ISO/IEC 27002 certification; Information Technology - Security Techniques- Code of practice for information security management[21], would be without any doubt a possible **source of competitive advantage**, and differentiation, as it confers credibility and quality, besides allowing diminishing the costs related with inefficiencies and occasional below standard quality service. Still it is hard to assess if the potential customers of TechFrame Darwin really value such accreditation since it does not seem to be common practice, as the foreign IP management software solutions apparently have not also invested on such accreditations. The cost associated to obtaining one, could be diluted if proceeding with a partial and long accreditation process.

Even though TechFrame has no partnership in Portugal, TechFrame in Austria, has developed a partnership with LawVision in terms of commercialization, distribution and technical support of the product Darwin in November 2006. In this partnership LawVision bears with all the costs related with sales and promotion, being the technical support done in cooperation with TechFrame. So far, and while within an implementation phase of this partnership, 60% of the revenue belongs to TechFrame whereas LawVision gets 40%. With the maturation of the partnership, once TechFrame has less importance in the implementation of the service and technical support to the users, the revenue percentages will invert, getting Law Vision 60% of the revenue and TechFrame 40%. By 2007, TechFrame and Law Vision had managed to sell 122 software licenses of Darwin. The success of this partnership led to the planning of the expansion of the partnership to other Central and East European countries (non-key markets) leveraging upon LawVision's great contacts and know-how in this markets.[22] TechFrame believes it only makes sense to develop this sort of partnerships in markets with an intermediate dimension, (meaning that they will not be important enough to justify the investment in a new office) or for markets in which TechFrame expects major difficulties implementing their business and gaining market share due to major barriers, cultural or originated by an unexpected impenetrability in those markets due to lack of business contacts and acquaintance of the market.

In the Spanish market, the main competitor identified, commercializes an IT system with exclusively non integrated and non coupled modules. Therefore there is a higher degree of homogeneity and as result at the current introduction phase of the product in the market, TechFrame has been adopting a price war

[21] Source: http://www.iso.org/iso/home.htm
[22] TechFrame´s Business Unit Manager is the source of the detailed information

strategy. This pricing strategy may go on until the clients become aware of the existing technical differences and improvements the Darwin product offers when compared with the competitor. These are relevant attributes that are hard to convey to potential clients until they actually use the system and become conscious of the higher functionality of the system, better performance and also the quality vigour of the TechFrame service. In this market, TechFrame has been executing an aggressive market communication strategy, using creative marketing techniques, contacting directly potential customers with teaser messages to develop interest by the market in getting to know proactively TechFrame and its product Darwin, proactively seeking to set demonstrations at the prospect customers. This **international experience** is important in order to assure that the internationalization process to the UK is successful. Still, despite the internationalization plans to foreign markets such as Italy, United Kingdom or even France, TechFrame's knowledge regarding international markets, competitors or prices, is low, with the exception of Spain, Angola, Mozambique, Macau and Austria, in which TechFrame Darwin is already present. TechFrame's staff has a good level of knowledge of the English language, and there is no reason to believe that TechFrame will face any sort of cultural or anthropologic barriers.

TechFrame Darwin is most likely an unknown product in the UK, and TechFrame an unknown company. The **nonexistence** of a **market reputation and brand awareness** will be a **factor of disadvantage** for TechFrame when competing with incumbent companies.

In terms of **proximity** to clients or inputs, TechFrame can provide effective technical support by distance through Portugal as explained previously. Nevertheless, clients and users value proximity. For commercial purposes proximity is important for TechFrame especially at the implementation phase of the product in this new market, as it allows reducing operational costs while improving the quality of the service.

Concluding, the main factors of competitive **disadvantage** for TechFrame are: the **nonexistence** of market **reputation** and **brand awareness**; the **scarcity** in terms of **human resources** and the **current organizational structure**; and the **high customer switching** costs which represent a relevant **structural barrier**. The main factors of competitive **advantage** derive from the **international experience** in other markets; the quality of the **product offer**; the **technical support** which can done by distance.

Proposal of TechFrame's positioning

Even though the market in the UK is very competitive, Darwin is a better IP management software than some of the competitor solutions analyzed. The large IP attorney firms, which are the most wanted due to their big dimension, less financial restraints and also because supplying such firms confers a higher credibility and reputation in the market, seem a highly unlikely achievable target in the short-run. Most of the large IP attorney firms have already IP management software and in some cases they are even

shareholders of the IP management software supplying companies. TechFrame's Darwin would most likely be capable of gaining market share in the short-run, targeting specially the **small and medium IP attorney firms**, since it would be competing mainly with less developed and cheaper IP management software solutions. Among these, Darwin is a better system, more technically developed, with more functional modules and better functionality. Darwin's price range is at 2,000€ (per license, annually) and so it is able to offer better prices than some of the competitors at this segment, like Xensis which requests around 4,000€ (per license, annually).On the other hand, Darwin's price range is well above the case of the competitor Ardaylin, that demands around 580€ (per license, annually). [23] The lack of reputation and credibility in the market also justifies the need to target essentially the small and medium IP attorney firms that base their decision essentially on price and product characteristics. Competitors target different segments due to the medium/low degree of homogeneity among the competitors. Still the differences among competitors targeting the same segment do not seem **strong enough to prevent a price war**. TechFrame should try to create new market space, innovating in the product offer and in value innovation. As argued by Kim and Mauborgne (1999) "creating new market space requires a different pattern of strategic thinking. Instead of looking within the accepted boundaries (…) by doing so, they can find unoccupied territory that represents a real break-through in value."[24]. Such must be done by looking across the strategic groups, buyer groups, substitute industries, complementary products and services, and across the functional-emotional orientation of the industry. (Kim and Mauborgne 1999)[25]

Analysis of the Mode of Entry

I analyzed three possible modes of entry options, the ones adopted by TechFrame until the moment: opening a local office, establishing a partnership (technical and commercial) and exporting. For Spain the strategy implemented was to open a local office in Madrid (TechFrame – Sistemas de Información, SL); in Austria through a partnership (commercial and technical) with LawVision; and in Angola, Mozambique and Macau through exporting, with local agreements for commercial purposes only. In order to choose an entry mode, I developed an evaluation of all three entry modes referred, taking into account the following criteria: the choice must be upon the entry mode that has the best combination of all relevant decision factors - **Risk** involved (the business risk associated with the choice), **Investment** required (the amount of investment necessary to put into practice the chosen entry mode), **Capitalize on the market potential** (the capacity to absorb the whole dimension of the market and take full advantage from that), **International Reputation** (the increment in the international reputation of the company associated to each entry mode) and **Consistency** with TechFrame's **Corporate Strategy** (based on

[23] According with the matrix "Comparison between Darwin and its competitors"
[24] Kim, Chan W.; Mauborgne Renée; "Creating New Market Space"; Harvard Business Review; January- February 1999; 83
[25] *Idem*

former internationalization strategies pursued by TechFrame, how more or less consistent is each entry mode identified with the company's strategy).

Criteria / Entry mode	Risk	Investment	Capitalize Market Potential	International Reputation	Corporate Strategy	Total ⭐
Local Office	⭐	⭐	⭐⭐⭐	⭐⭐⭐	⭐⭐⭐	**11**
Partnership	⭐⭐	⭐⭐	⭐⭐	⭐⭐	⭐⭐	10
Exporting	⭐⭐⭐	⭐⭐⭐	⭐	⭐	⭐	9

Figure IV: Evaluation of Entry Modes

The option of **Exporting has no feasibility**, since no client will have the interest in acquiring TechFrame's Darwin services having so many other IP management software solutions based in the UK and with similar characteristics. Incoming with a **Partnership** in such a big and important market would signal the customers and the market that TechFrame, and its product Darwin, is unlikely to be a relevant competitor in the international market, besides signalling the potential customers that TechFrame is a rather small company without much resources and capacity. The option of entering the British market with a partnership involves less risk and investment. But also has less benefits in case the entry is successful, having to divide the revenues with the partner company. A partnership with a technical and commercial feature would seize TechFrame's possibility of leveraging on the quality of their elements in all the business structure, having to adjust their practices and divide activities.

TechFrame could follow the case of CPA Global (main competitor) and the way it is structured, having as shareholders many large IP attorney firms, conferring reputation and credibility to the IP software, since supplies the main offices. By entering the capital structure of the IP software management supplier, the IP attorney firms' guarantee to a higher extent the proper protection of their critical information, besides assuring a reliable, trustful and durable relation with a critical supplier. Still such sort of partnership seems unlikely to be achieved by TechFrame in the short-run, as it consists on a mere division of business risks and with no partnership in commercial or technical aspects. There seems to be no reasons why a big or medium sized IP attorney firm would be interested in establishing this sort of strategic partnership with an IP management software supplier with no reputation in the market.

I believe TechFrame should establish a local office. By doing so, TechFrame would be **risking** a lot, **investing greatly**, but would also be **risking greater success** being able to **capitalize** on the full **potential of the market**, and not having to share the revenues with anyone. Entering the market by establishing a local office would signal commitment, to the market, the potential clients and competitors. And this might be decisive and crucial to determine TechFrame's success. The clients of such software need and **require stability, credibility and longevity**. When the decision is taken of acquiring such system, the clients are aware of the importance it will have in the daily activity and functioning of the company, and do such decision aware of the significance it will have in the development of their

company in a short-medium and long run. These customers are not likely to buy such IT product/service from a supplier that does not transmit them commitment and willingness to be collaborative and participative in the company's development. This entry mode choice would **strengthen** TechFrame's **international reputation**, more than any of the entry modes, signalling determination and dimension. It also consists of the entry mode best related with the **Corporate Strategy** followed so far. After all "Corporate Strategy is guided by a vision of how a firm, as a whole, will create value", consisting "on a system of interdependent parts. Its success depends not only on the quality of the individual elements but also on how the elements reinforce one another"[26] (Collins and Montgomery 1998). With this entry mode TechFrame can leverage on their competitive advantages and their ´modus operandi´, while in the case of a Partnership (technical and commercial) there would be the need for adjustment of practices. When entering the Spanish market TechFrame also chose to open a local office because it represented an important market with a big dimension. Both factors are also characteristics of the British market. TechFrame has the **international experience** required to proceed with such an ambitious entry mode. Even though the partnership experience in Austria was successful, TechFrame feels more adapted and prepared to pursue an entry mode like the one followed in Spain which is proving successful.

Proposal of Implementation Plan

In order to enter the UK market TechFrame will firstly need to **adapt his system** to the market characteristics specifically in terms of the legislation, since the system is already translated in English. It will take about **three weeks** to properly adapt the system Darwin. Such task will be developed by a Senior Programmer (with a wage of 4500€ per month)[27].TechFrame will also need to recruit the new staff members for the local UK office. Assuming the reality faced in Spain, in which the **recruitment** of the staff team (with the same characteristics and size) took **one month**, it is reasonable to assume the same for the UK, since the same method will be used (TechFrame's managers will post online advertisements at recruitment websites and will themselves develop the interviews). The **training and formation** of the new staff will take the most amount of time. It is expected to take around **one year** until they will be fully autonomous and perfectly educated on the Darwin software (again the time mentioned comes from the experienced in Spain).[28] The expected costs with the tasks previously mentioned (adaption of system, recruitment process, training and formation) are hard to measure since they involve intangible costs related with the allocation of the existing staff to this tasks, instead of proceeding with their usual productive activities. The tangible costs identified with transportation and accommodations are not clearly recognized since the period of stay and the number of trips might easily vary.

[26] Collins, David J.; Montgomery, Cynthia A.; "Creating Corporate Advantage", Harvard Business Review (May-June 1998), 77
[27] Source - TechFrame's CEO
[28] Source - TechFrame´s CEO

Tasks	Duration	HR Required	Cost
Training & Formation	throughout +/- 1 year	1 Technician to train the Technician ; 1 Manager to train the Commercial	**- 700€** average; (Transportation between London-Lisbon and Lisbon-London; 1 trip by the trainee to Portugal and its return + 5 trips by the technician to London and its return + 2 trips by the manager to London and its return) **- 2250€** average; 30€ per day (5 days of accommodation for the technician trainee in Portugal + 50 days of accommodation for the technician training in London + 20 days of accommodation of the Manager in London) + Intangible costs (Loss of productivity by the technician and manager, providing the training) **Total Cost: 2950€** [29]
Adaptation of System (Legislation)	3 weeks	1 Senior Programmer	- Intangible costs (Loss of productivity since will be dedicated full time to this task) plus a Non-incremental cost of around **3375€** (3/4 of 4500€, the salary of the Senior Programmer); **Total Cost:** Non incremental **3375€**
Recruitment Process	1 month	1 Manager	**- 90€** average (Transportation Lisbon-London and return; 1 trip) + **30€** (Accommodation, considering only 1 day at London as accountable for the recruitment activities) + Intangible costs (Loss of productivity by the manager) **Total Cost: 120€** [30]

Figure V: Implementation Processes and its characteristics

Opening a local office, TechFrame will require at least 3 persons, **one secretary, one commercial** and **one technician**. They should be all **native people**, with prior **experience** in the business, fundamentally the commercial and the technician. The local office would essentially be responsible for all the commercial (demonstration and marketing) and administrative activities, having one technician, to back up with the technical support activities at the customer. The **secretary** will be responsible for the appointment of presentation meetings with prospect new clients besides executing all the administrative tasks of the office. In order to properly develop these activities TechFrame will seek someone with a strong background and experience in direct marketing, with knowledge and experience in administrative basic tasks and with a strong level of English and some (if possible) knowledge of Portuguese. It would cost around 1500€ per month (approximately 1335£ per month, 333 £ per week) to hire a secretary with such characteristics.[31] The **commercial** will have to cover the whole market, facing regular dislocations throughout the UK demonstrating the system to possible new clients; will also be responsible for closing deals, and, after the implementation of the system, to manage the client. The commercial should have great knowledge of the English language and good capabilities in client relationship management. A Commercial with such characteristics could be hired for around 1800€ per month (approximately 1602£ per month, 400£ per week)[32]. The **technician** will be accountable for the technical assistance of the system Darwin at the client's office or remotely at the local TechFrame's office. The technician should have capabilities and experience of at least three years in working with programming languages, besides

[29] Source - http://www.londontown.com/ and http://www.terminala.pt/
[30] Source - http://www.londontown.com/ and http://www.terminala.pt/
[31] Assuming the same cost as the one verified in Spain, concordant with the source: http://www.payscale.com/
[32] Assuming the same cost as the one verified in Spain, concordant with the source: http://www.payscale.com/

an academic background in the IT area. It will cost around 1700€ per month to hire a technician with the profile described (approximately 1512£ per month or 378£ per week).[33]

The **location** of the office assumes importance mostly due to difficulties in finding proper staff, with the characteristics required. The regions with more IP attorney firms are **London** and South East England.[34] TechFrame should settle their new office in London, since most IP attorney firms are settled in this region, and it's a region with low constraints in terms of **human resources availability** with the requirements described. The office should have from 70 up to 100 m². The cost of such should be around 458€ per month (approximately 400£) if located in **West London**.[35] It Is better for TechFrame's **reputation and image** to be located in London the capital city of England rather at any other city, also, being placed nearby the areas with the biggest amount of possible customers, will allow **reducing the costs** with the travelling by the commercial and the technician. Still the office will never be visited by the customers and its proximity to clients has irrelevant importance in the quality of the service provided. And so, TechFrame by establishing its office in London would not be limiting its operations or its prospect market to the London area. The office will require varied **office furniture** at the cost of around 6.000€ (chairs, desks, cupboards and cabinets). Plus one **desktop computer, two portable computers** and **one server**, and all would cost around more 3.000€.[36] The cost with **Electricity** and **Internet** should be of around 400€ per month[37]. The regular **travelling** of the commercial and the technician up to the customers (or prospect customers) should have a cost in the region of 54€ per month[38]. Most travelling (in the first year) will be in the London area where most prospect customer are located, and so will be done through public transportations.[39] After finding an office, recruiting the needed staff and after adapting the system, TechFrame must initiate the training and formation process of their new employees. TechFrame will require a **budget** of around **15.158€** for the first month of activity, with subsequent **monthly costs** of around **6.158€**, requiring a annual budget of **82.923 €** to sustain its activity in the new office in London considering a one year period. (Only incremental costs were considered for this budget)

[33] Assuming the same cost as the one verified in Spain, concordant with the source: http://www.payscale.com/
[34] Exhibit II: Table V "Nº of Patent/Trade Mark/Design attorney firms per Region"
[35] Source- http://rent-office-space.vivastreet.co.uk/rent-lease-office-space+london-w3/great-offce-space-to-rent--fantastic-deals-to-be-had-today--/14058821
[36] Source- TechFrame´s Business Unit Manager, assuming the same cost as the one verified in Spain.
[37] Source- TechFrame´s Business Unit Manager, assuming the same cost as the one verified in Spain.
[38] Source- http://www.tfl.gov.uk/tickets/faresandtickets/seasontickets/1061.aspx
[39] Source- TechFrame´s Business Unit Manager, assuming the same cost as the one verified in Spain.

Budget	Staff (secretary, commercial ,technician)	Rent (Office 70m²)	Equipment (furniture, computers and server)	Electricity Internet	Transportation (Commercial and Technician to the client)	Adaption & Recruitment &Training*	Total Cost
Cost at the first month	1.500 € + 1.800 € + 1.700 €	458 €	6.000 € + 3.000 €	400 €	54€	246 €* (2.950€/12)	**15.158 €**
Cost for subsequent months (monthly)	1.500 € + 1.800 € + 1.700 €	458€	-	400 €	54 €	246 €* (2.950€/12)	**6.158 €**
Total Cost of Entry Mode (1 year scope)	**60.000 €**	**5.495 €**	**9.000 €**	**4.800 €**	**648 €**	**2.980 €** (246€*12 +120€)	**82.923€**

Figure VI: TechFrame's Budget to sustain Entry Mode

With the entrance in a new market TechFrame will have to put into practice an **aggressive Marketing Communication Strategy** in order to get known in the market in which has no reputation. And will do such by sending **teasers** (through mail and email) to prospect customers (SME companies) and by intensively seeking to set **demonstrations** at the clients. TechFrame should also consider the possibility of participating in **Events,** such as meetings, conferences and seminars (INTA - International Trademark Association - meeting, IPO annual meeting, ECTA - European Communities Trademark Association - annual meeting among others). In order to do such, TechFrame needs to be a member, specifically in the case of INTA and ECTA. Such **memberships** cost from **650€ to 300€** depending on the type of membership. It would be important for TechFrame to be present at some annual meetings, because that would give some international visibility to Darwin. Assisting to such conferences can be costly, due to the travelling and accommodation costs plus registration fees.

TechFrame should invest in obtaining a quality certification, such as **ISO/IEC 27002** [40] certification; Information Technology -Security Techniques- Code of practice for information security management. This would allow TechFrame to differentiate from its competitors - since apparently no competitor has any quality certification - besides improving the level of quality of the service. Still it will require a high investment. Due to tangible costs, of hiring consultants (with an estimated cost from at least **7.000€**) and with the certification itself and intangible costs concerning the losses in productivity of the workers involved at the formation and certification processes, besides being a long process, of around at least 6 months. It has though clear benefits associated, specifically the reduction of business risk and the cost saving related with the mentioned improvements in the quality of the service as a result of standardization in the processes. It could be done partially throughout a longer period of time in order to attenuate the costs associated to it.[41] In terms of **timeline** of the activities part of the implementation process, TechFrame will pursue the following scheme, considering a one year period:

[40] Source: http://www.iso.org/
[41] Source: http://www.iso27001security.com

Figure VII : Timeline of Implementation process stages

In order to assess if the success or lack of success of TechFrame's operations, the goal and **milestone**, minimal, will be the achievement of **10% market share,** in terms of the total 293 existing companies (and not total users) [42], so around 30 companies as clients after the **first year** of operation. [43]

To identify and measure the sources of value creation at four different levels it is necessary to design a balanced scorecard focusing at four levels: **financial, customer, internal, learning**.

Strategic Theme	Objectives	Measurement	Target	Initiative
Financial	Expand sales and base of customers	Sales revenue and volume; Profitability;	10% of the Market Share in the first year	Aggressive Marketing Communication Strategy
Customer	Awareness among potential customers; Sell licences;	Awareness among potential customers. Licenses sold to which company	Awareness of Darwin, among at least 50% of the companies after 1 year	Free demonstrations; Teasers; Lower prices than competitors
Internal	Recruit and train new workers	Nº of workers recruited; Nº of training hours	Recruit 3 workers in 1 month; All 3 prepared to be autonomous within 1 year	Training & Recruitment
Learning	Improve the quality of service; Reduce risk	Pass the certification by ISO	Obtain ISO/IEC 27002 certification	ISO/IEC 27002 certification process and prior consultancy

Figure VIII: Financial, Customer, Internal, Learning Milestones

[42] Source- CIPA (Chartered Institute of Patent Attorneys) - http://www.cipa.org.uk/
[43] Source- TechFrame´s Business Unit Manager

Conclusion

TechFrame is a fast-growing company, pursuing a demanding and ambitious internationalization process. The dominant position in the Portuguese market and the so far good evolution in the Spanish market and other international markets in which it is already present (Angola, Macau, Austria, and Mozambique) confers self-confidence for TechFrame to seek new challenges and markets. The reality of the British market seems a much tougher reality than the markets TechFrame has experienced so far. The strong competition and the high number of competitors are factors that TechFrame has not faced until now in the markets in which it is present, or at least not with the significance that the factors mentioned seem to have in the context of the British market. This will certainly be a market in which TechFrame will take time to gain market share. Still TechFrame can aspire to gain new clients if targeting specially, in the short-run, the SME IP attorney firms. By doing so it will be competing with IP management softwares similar or less technically developed than Darwin and in most cases with fewer features. Even though the technical differences exist among the products, a price war strategy seems justifiable and a price range of around 2.000€ seems reasonable. TechFrame will have to develop an aggressive marketing communication strategy in order to gain brand awareness in a market where it is completely unknown. The best strategy would be, when competing in overcrowded industries the creation of "blue oceans of uncontested market space" aligning "the whole system of a company's activities in pursuit of differentiation *and* low cost " (Kim and Mauborgne 2004).[44] TechFrame should not only try to offer a lower price than competitors but also a better product, with more functionality.

The decision to open a new office seems justified and viable, due to the importance of the market and the ambition of TechFrame to chase other important markets. Still clearly TechFrame will face many difficulties in gaining new customers due mostly to the high customer switching costs, and should be prepared for such. The goal of 60% market share by 2013 seems excessively ambitious and unrealistic having into consideration the competitive analysis done.

[44] Kim, Chan W.; Mauborgne Renée; "Blue Ocean Strategy"; Harvard Business Review; October 2004; 81

Exhibits:

Exhibit I : Darwin's modules description [45]

1. **Process Management**: manages processes and daily procedures; divides in a structured way information concerning Trademarks and concerning Patents; manages all the information concerning internal and external processes, searches and warnings; prints out directly over the official documents forms; manages and controls claims processes and performs viability searches through automation of tasks of criteria building, results analysis and relevant warnings to the clients.
2. **Client relationship management**: maximizes the gains obtained from the entity's knowledge base; allows reciprocity analysis and portfolio transfers between entities; crates mailing lists; manages contacts; registers multiple information by entity.
3. **Document Archiving and workflow**: provides the system with capabilities of document management and business workflow; allows digitalization, manipulation and registers all the documents sent or received.
4. **Financial management**: manages the entity financially based on the information made available through Process Management; encompasses the relationships with clients and suppliers.
5. **Business Intelligence**: manages important information relevant in supporting the decision making process of top managers.
6. **Daemon referee:** Manages all the procedures automatically triggered by the system.

Exhibit II: Portuguese IP market

Table I – Portuguese Entities by average number of users [46]

Average number of Users	Official Industrial Property Agent Companies´	Support Offices of Industrial Property
1-5	11	17
6-10	4	-
11-20	2	-
21-50	6	-
Total	23	17

[45] Source- TechFrame : http://www.techframeworld.com/default.asp?script=solucoes&ArticleId=25
[46] Source- INPI - Instituto Nacional da Propriedade Industrial - (http://www.marcasepatentes.pt/)

Table II – Darwin Clients in Portugal by average number of users [47]

Average number of users	Official IPAgents Companies´	Market Share (in this specific segment)	Support Offices of IP	Market Share (in this specific segment)
1-5	8	34.8%	3	17.6%
6-10	4	17.4%	-	0%
11-20	2	8.7%	-	0%
21-50	2	8.7%	-	0%
Total	16	69.6%	3	17.6%

Table III : Patents, Trademarks and Designs registered through INPI [48]

Patents, Brands and Designs registered	**2006**	**2007**	**%**
Inventions registered via National	319	368	+ 15,40%
Inventions registered via European (PT origin)	79	N.A	N.A
Inventions registered via international (PT origin)	61	N.A	N.A
Number of design objects registered via national	535	724	+ 35,30%
Number of trademarks registered via national	15600	20199	+ 29,50%

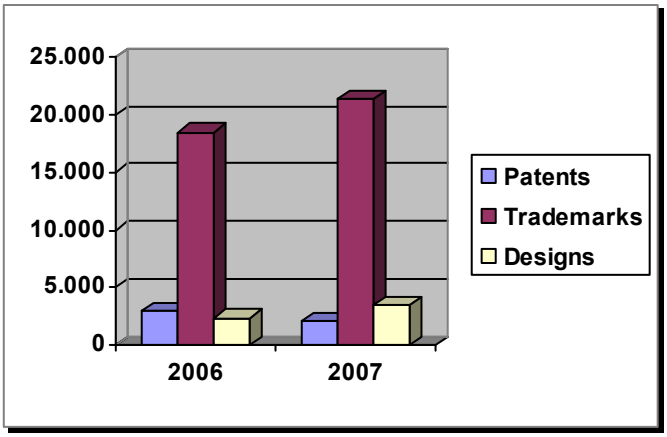
Exhibit III : United Kingdom IP market

Table IV : Patent, Trade Mark and Design Applications in the UK [49]

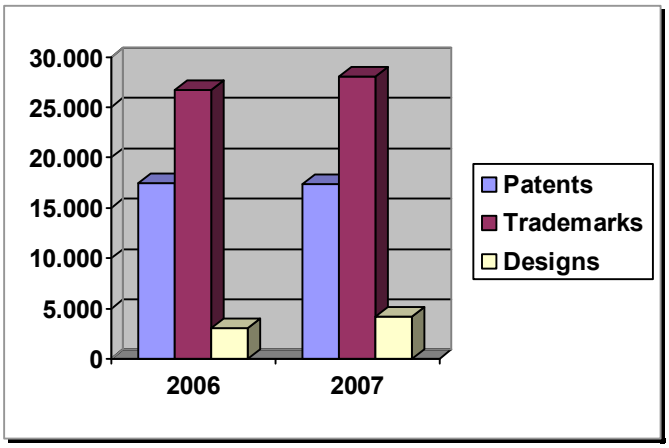
	2006	**2007**	**% Variation**
Patent Aplications Filled	17484	17375	- 0,627%
Patent Applications Granted	2978	2058	- 44,7%
Design Aplications Filled	3086	4214	+ 36,55%
Design Aplications Granted	2336	3445	+ 47,47%
Trade Mark Aplications Filled	26745	28083	+ 5%
Trade Mark Aplications Granted	18492	21350	+ 15,46%

[47] Source- TechFrame
[48] Source - INPI - Instituto Nacional da Propriedade Industrial - (http://www.marcasepatentes.pt/)
[49] Source: IPO - Intellectual Property Office - (http://www.ipo.gov.uk/)

Graph I: Evolution of Patent, Trade Mark and Design Applications Granted (UK)50



Graph II: Evolution of Patent, Trade Mark and Design Applications Filled (UK) [51]



[50] Source: IPO - Intellectual Property Office - (http://www.ipo.gov.uk/)
[51] Source: IPO - Intellectual Property Office - (http://www.ipo.gov.uk/)

Table V : Nº of Patent/Trade Mark/Design attorney firms per Region [52]

Region	Nº of patent/ trademark/ design attorney firms
East Midlands	10
East of England	29
London	***63***
North East	3
North West	18
Northern Ireland	2
Scotland	11
South East	***70***
South West	19
Wales	11
West Midlands	27
Yorkshire	30
Total	***293***

[52] Source: CIPA (Chartered Institute of Patent Attorneys) - http://www.cipa.org.uk/members/directory/default.asp?m=f&dir=1

Exhibit IV: Competitor analysis

Figure IV : Matrix - Competitor analysis

Supplier	Product	Client	Type of IP	Modules	Target size firms	Relative Cost	Known Customers (nº of average users)
CPA Global (Office in London and Middlesex)	*Inprotech*	IP Attorney Firms	All types	Case and Name; Timesheet; File tracking; Quotation; Fee Generation/List; Cost & Revenue Tracking; Billing; Accounts Receivable; General Ledger; Browser based: Clerical Workbench; Professional Workbench; Client Workbench	Medium / Big	High	Elkington & Fife (24); Forresters (27); Gill Jennings & Every LLP (73); J.A. Kemp & Co. (160); Mark & Clerk (414); Mathisen Macara & Co.(18); Potter Clarkson (130); RGC Jenkins & Co (39); W. P. Thompson (21); Urquhart-Dykes & Lord (42); Reddie & Grose (26); Carpmaels & Rawsford (44); A.A. Thornton Co. (27); Abel & Imray (41); Kilburn & Strode (51) ALL UK IP ATTORNEY FIRMS
	Memotech	IP owners	All types	Patent; Third-Party patent; Invention Submission; Inventor Remuneration; Inventor Award; Trademark; Design; Domain Name; Licensing & Agreement; Cost Tracking; Cost Forecast	Medium / Big	High	
Anaqua (London)	*Anaqua Enterprise*	IP owners	All types	Foundation; Inventions; Patents; Trademarks; Portfolio Management; IP Review; Matter Management; License Management; Invoicing	Medium / Big	High	Microsoft; Coca-Cola; A.C Nielsen; British American Tobacco; Diageo; Kimberly-Clark;Qualcomm;NXP Semiconductor; Ford; Eastman;
	Anaqua Express	IP owners	All types	Foundation; Inventions; Patents; Trademarks; Portfolio Management; IP Review; Matter Management; License Management; Invoicing	Small/ Medium	Medium	
Patrix (London)	*Patricia*	Both IP Attorney Firms/IP owners	All types	Basic Case Information; Diary; Name Information; Financial; Work FlowsM Term List into Outlook; Classification/ Classification Help; Cited Material Handling; Family Overview; Family Country Coverage; Document Storage; Designated Countries; Cost Estimation; Electronic Filing; Batch Processing; Document Management/ Creation; Time Registratrion; Maintenance; Country & Law File; Reports	Medium / Big	Medium / High	N.A. (Not available)

Dennemeyer (Stockport and Reading)	*Diams*	Both IP Attorney Firms/IP owners	All types	Dockecting; Search; Reports; Mail Merge; Documents; User friendly utilities; Modules - Patents; Trademarks; Designs; Matter Management; Financial Tracking	Small/ Medium	Medium	N.A
	Diams XE	Both IP Attorney Firms/IP owners	All types	Dockecting; Search; Reports; Mail Merge; Documents; User friendly utilities; Modules - Patents; Trademarks; Designs; Matter Management; Financial Tracking	Small/ Medium	Medium	
Ipss (Runcorn)	*ipssdot*	Both IP Attorney Firms/ IP owners	All types	Case record management for all IP´s; Opposition, interference and litigation recording; Processing opinions, general matter, copyright issues; Licence agreements; Filing proposals; Competitor patents; Automatic generation of dates and due date reminders; Generation of letters; Chronological events logging; Renewal processing, Document registry; Adress book; Browsing, reporting and client access; Searching; Integrated document scanning; Expenditure recording; Time recording	Small/ Medium	Medium	IP 21 (14); Bawden and Associates (11) UK IP ATTORNEY FIRMS
Thomson Reuters (London)	*Thomson IP Manager*	Both IP Attorney Firms/ IP owners	All types	Browser based; Case record management for all IP´s, from filings, prosecution, grants, conflicts and licensing; Workflow automated forms and tools; Business intelligence processes to facilitate decision making; Cost calculation; Automatic notifications; Report generation;	Medium / Big	Medium / High	N.A.
IP ONLINE (Reading)	*Web TMS*	Both IP Attorney Firms/ IP owners	Trademarks * (all types, with the additional modules)	Trademark Records; Companies & Contacts; Disputes; Contracts; Assignments; Trademark Searches Administration; Case Management;Trademark Profile; Other Party Trademarks	Small/ Medium	Medium / Low	Bristows (29); Hargreaves Elsworth (6); Birketts LLP (4); Charles Russell (26); Lewis Silkin (17); Bird&Bird (42); Baker&Mckenzie (24); Clarke Willmott; Bond Pearce; Taylor Wessing (54); Walker Morris UK IP ATTORNEY FIRMS
Ardaylin Lmtd (Leicester)	*IPDB*	Both IP Attorney Firms/ IP owners	All types	Supports multiple IP; Assisted Application field completion; Report Generation; Renewal summary; Application action history; Proprietor address book; Single/ multi user environments	Small	Low 500£single user	N.A.
Filemot Technology (London)	*Marco*	Both IP Attorney Firms/ IP owners	All types	General workflow management; Report generation; Case record management for all IP´s; Due date reminders	Small	Low	N.A.

Easy Database (Cambridge)	*My IP*	IP owners	All types	Contact Management; Opportunities; Patents; Patent Financial Data; Trade Marks; Trade Mark Financial Data; Registered Designs; Registered Design Financial Data; Unregistered Intellectual Property; Agreements; Agreement Financial Data; Royalty Calculator; Commercialisation Activity; Alarms System; Stage Gate System; Document Management; Project Management	Small	Low	N.A.
Pro Delta Systems (Colchester)	*Progressor*	Both IP Attorney Firms/ IP owners	All types	Records - Asset life cycle management; Time recorder - Resource time management and accountability; Billing - Case related invoicing; Accounts - Multi-currency financial administration; DataPoint - Business information, enquiry, reports&schedules; On-line - Browser based records access	Small/ Medium	Medium	N.A.
Xensis (Derbyshire)	*Xen-IP Pro*	Both IP Attorney Firms/ IP owners	All types	Case/Dockets; Priority Applications; Task lists; National Phase Entry; New Applications from National Phase Entry (Patents) and via Conversion (Trade Marks); Proceedings and oppositions;Case Main Reviews(patents); Patent/ Trade Mark Office information; Country dependant task list; Application Updates, abandonment and transfer; Annual Portfolio Review; Report Generator, Legal documents and correspondence generation; Payments management; Eletronic annuities interface	Small/ Medium	Medium 3500£ per user	N.A.

Only basic versions are analyzed; No additional modules are taken into consideration; Matrix built upon the available information concerning each competitor's solution; [53] The Suppliers marked in blue have IP solutions more directed to IP attorney firms (or agents) **;** The Suppliers marked in green have IP solution more directed to IP owning companies**;** All the information marked in red is sensible

[53] Source referenced in the Bibliography

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- Olson, Matthew S.; Bever, Derek van ; Verry, Seth; "When Growth Stalls", Harvard Business Review, March 2008

Websites:

IP Official Offices (National - Portugal and UK -)

- *INPI (Portugal) - http://www.inpi.pt/*
- *IPO - http://www.ipo.gov.uk/*

IP Official Offices (European; International):

- EPO - http://www.epo.org
- *OHIM - http://oami.europa.eu/*
- *WIPO - http://www.wipo.int/*

IP Agents/Attorney Official Bodies (UK):

- *INPI - http://www.inpi.pt/*
- *CIPA - http://www.cipa.org.uk/*
- *ITMA - http://www.itma.org.uk/*

Websites with general information concerning IP agents/attorneys and TechFrame´s competitors (in UK and Portugal):

IP MENU- http://www.ipmenu.com/

PIPERPAT- http://www.piperpat.com/

Managing IP- http://www.managingip.com/

Software Advice - http://www.softwareadvice.com/

IAM - magazine - http://www.iam-magazine.com/

Top 100 - http://www.top100.org.uk/

http://www.theblackbookofoutsourcing.com/

IP Software Management Solutions (in UK):

CPA Global - http://www.cpaglobal.com

Thomson Reuters - http://thomsonipmanagement.com/

Pro Delta Systems - http://www.prodeltasystems.com/

Anaqua - http://www.anaqua.co.uk/

IPSS - http://www.ipss.com

Dennemeyer – http://www.dennemeyer.com

Ardaylin (IPDB) - http://www.ardaylin.co.uk

Xensis - http://www.xensis.com/

My IP- http://www.easydatabase.co.uk

Filemot Technology Law- http://www.filemot.com/

IP Online- http://www.ippo.com/

Patrix - http://www.patrix.com

IP Attorney/Agent Companies: (which are referred; much others were researched)

Kilburn & Strode (top ten UK patent and trade mark attorney firms – according with Managing IP review) - http://www.kstrode.co.uk

Abel & Imray - http://www.patentable.co.uk/

A.A. Thornton Co. - http://www.aathornton.com/

Carpmaels & Rawsford - http://www.carpmaels.com

Reddie & Grose - http://www.reddie.co.uk/

Urquhart-Dykes & Lord - http://www.udl.co.uk/

W. P. Thompson - http://www.wpt.co.uk/

RGC Jenkins & Co (Chambers and Partners UK - 2008 Best of the UK: Band 1 for Patent and Trade Mark Agents) - http://www.jenkins.eu

Potter Clarkson - http://www.potterclarkson.co.uk

Mathisen Macara & Co. - http://www.mathisen.co.uk/

Mark & Clerk (top tier of UK patent and trade mark firms – managing ip review) - http://www.marks-clerk.com/

J.A. Kemp & Co. - http://www.jakemp.com/

Gill Jennings & Every LLP (top tier of UK patent firms – managing ip review) - http://www.gje.com/

Forresters - http://www.forresters.co.uk/

Elkington & Fife - http://www.elkfife.com/

IP 21 - http://www.ip21.co.uk

Bawden and Associates - http://www.bawden.co.uk/

Filemot Technology Law - http://www.filemot.com/

Bristows - http://www.bristows.com

Hargreaves Elsworth - http://www.heip.co.uk

Birketts LLP - http://www.birketts.co.uk/

Charles Russell - http://www.charlesrussell.co.uk

Lewis Silkin - http://www.lewissilkin.com

Bird & Bird - http://www.twobirds.com

Baker & Mckenzie - http://www.bakernet.com/

Clarke Willmott - http://www.clarkewillmott.com/

Bond Pearce - http://www.bondpearce.com/

Taylor Wessing - http://www.taylorwessing.com/

Walker Morris - http://www.walkermorris.co.uk/