



The path less traveled

Douglas McPherson explains a philosophy that can help trademark firms improve their marketing and business development activities.

The path less traveled' started life as a strategy to help the trademark attorneys we work with leverage more from their overseas visits.

For UK attorneys the bright lights of New York, LA and Dallas burned brighter and with more allure than Des Moines, Cincinnati and Minnesota. In the same way for US and Japanese attorneys, I'm sure London and Manchester hold more appeal than Southampton or Derby.

However long-established relationships and a growing number of attorneys seeking an audience have led to these larger and arguably more attractive cities becoming decidedly 'stony ground'. Many emails are sent and many calls are made but positive responses are becoming fewer and further between.

However, moving out to the other industrialized areas of a nation shows that there could be a largely (or at least more likely to be) untapped population of attorneys waiting to speak to you and to host an office visit should you just happen to be in the area.

While this was originally an idea developed (successfully) alongside our clients, it has since been underlined by our own practical experience. Enlisted by a German client to put together a US road trip, we definitely found the attorneys located in the provinces to be markedly more receptive to a request for a meeting, with some even adding "and we could explore future opportunities to exchange work" which has to be music to the ears of everyone involved.

Conferences and events

As we continued to explore the 'path less traveled' overseas it soon became apparent that the same rule could be applied to conferences and other more formal events.

While the annual meetings of the International Trademark Association, International Association for the Protection of Intellectual Property (AIPPI) and American Intellectual Property Law Association are hugely valuable events, are they breaking new territory? Or is there fundamental value to help you maintain your multiple existing relationships at one time and under one roof?

There are however a myriad of events being run for trademark attorneys in every corner of the globe on a more regional basis. There now also seems to be an event being run for every industry sector in every corner of the globe – especially for those traditionally associated with a high through-put of trademarks.

Better news for attorneys is that those industry events seem to be attended by a more sociable bunch, making the sometimes arduous task of shaking new hands and starting new conversations much easier and much less painful!

Likewise, each of these events is supported by a range of trade bodies and trade publications and if attending the event itself is considered to be trying 'the path less traveled', asking for editorial coverage from these vehicles could definitely be considered virgin territory.

As the strategy began to take hold and, more importantly, began to generate results, we started to look at how it could be applied to business development initiatives closer to home. With little effort (and less manipulation) it soon became evident the 'path less traveled' could make a valuable contribution to each of the three key marketing areas:

- acquiring new clients,
- winning more work from the clients you have, and

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Résumé

Douglas McPherson, Size 10½ Boots

Douglas is a director of Size 10½ Boots, a business development agency that specializes in helping professional service firms grow. Over the last seven years Tenandahalf have worked with an increasing number of patent and trademark attorneys across Europe, helping them develop and implement a more systematic approach to marketing and business development.

- creating more referral relationships with overseas attorneys and other professionals.

Looking at new client acquisition, the rules applied to unearthing and attending those events organized and run a few degrees under radar for specific sectors still apply. However, breaking with tradition in the case of many firms, we asked clients to apply a bit more focus.

Instead of relying on the mantra that a trademark is fundamentally a trademark (for the record this is of course a factually correct statement but sometimes effective marketing requires more than logic!) we asked, sometimes not a little uncomfortably, some difficult questions:

- Where are your strengths?
- Which sectors do your clients tend to come from?
- Where do you think there's opportunity for growth or at least to harness a high through-put of trademarks?
- What are your credentials in those areas?

Once you have that information, choosing the right events to attend – and by extension the right magazines and websites to write for and the right trade associations to join and speak for – is easy. I appreciate choosing to hone your focus may be a new and nervous direction at first but, with so many competitors looking for work from anywhere/everywhere, the improved results you'll see will go some way to assuaging that nervousness.

Your value proposition

Admittedly sector based marketing isn't a new idea. There are a handful of law firms who have been marketing themselves in this way for a long time. I would however argue that for a profession that allies itself more closely to the services it provides than to the way its market delineates itself, it is a 'path less traveled' that an early(-ish) adopter could use to great effect.

However, when you get in front of new contacts what do you say? How many firms have given more than a cursory glance at what they stand for and what they offer their clients in terms of brand or client experience? To be fair, you've never really needed to in the past but

with more and more avenues offering trademark registration and prosecution services, it is now vital for you to stand out from your competition.

A sector focus – and the resultant visibility it creates – is one way but more and more the first step we take with an IP firm is to define and articulate their value proposition so there is a consistent message across all channels. This message should clearly tell someone why they should work with you instead of the firm down the road and, as a consumer (and a consumer with geography-crushing internet access), what I, as the person paying the bills, will get from instructing you.

The industry standard, not to mention the start point for the majority of value proposition discussions, is "we do a good job." This is no longer a strong enough message.

Consumers want value-add, higher levels of service, increased responsibility, better systems. Likewise you may be good at your job, but what about the team supporting you? Do your other offices and your colleagues provide the same level of service when clients and prospective clients make contact? How good is your cover when you're on holiday or travelling? How robust are your searching and renewals systems?

It's a cliché but consistency really is key.

Satisfying existing clients

Moving on to winning work from your existing clients, again the traditional view is all too often "I do a good job so they'll stay with me." In the majority of cases this is true. The level of knowledge you have of a clients' business and the strategic input you will undoubtedly have had in securing and leveraging your clients' brands and marks will inevitably count in your favor. However, your clients are being courted continually by others capable of providing registration and prosecution services and some of those courtiers are going to have relationships with other parts of your clients' businesses.



If you are going to insulate those relationships and derive the highest fee levels from them, it may be time to apply a more robust and rigorous approach to client management, a path that again may be somewhat untraveled.

One simple way to show your clients you care is to ask them what they really think about you and the service you provide. You will have of course have some form of client satisfaction questionnaire already up and running but one tool that is proven to deliver more in terms of insight and value is to undertake a formal independent client service review program.

Again this is an initiative many law firms have had in place for some time but each year we see more and more patent and trademark firms following suit. From a strategic point of view the results will tell you what's good (and therefore what you need to promote to improve the efficiency of your marketing drive) and what needs improvement.

From a more touchy-feely point of view it shows you are willing to actively invest in finding out more about your clients and their service requirements. The PR from this decision alone will add significant additional insulation to your relationship.

From a practical point of view the exercise is almost always self-funding as the interview, if conducted properly, will uncover additional requirements for work.

However, there is a further benefit. Having a greater understanding of your clients and their requirements will allow you to put formal client development plans in place. While I will accept your clients are always foremost in your thoughts and no trademark lawyer ever underestimates the power of their relationships, there is usually some room for improvement when it comes to putting together more robust development plans.

These plans should be a route map for the year; part client-relationship management diary, part reminder to explore cross-selling opportunities that exist between your patent and trademark clients, part research exercise to identify where there may be upselling

opportunities within different divisions of the same company and/or their extended family of related businesses.

More importantly, formalizing these objectives and check points makes the management of your marketing much easier as well as the marketing itself more effective. Rather than continuing to talk about what you know should be happening, you can tick off the activities as they happen.

Explore new options

Whichever direction you decide to take your marketing and business development in, I would urge you to look at new options rather than continuing to rely on what came before. Just as the ideas suggested here may be unfamiliar paths to you, they may be just as unfamiliar to your competitors. Taking one or two 'paths less traveled' could be just the commercial advantage you need.

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