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SERVICE PROVIDER SELECTION CRITERIA AND SELECTION AT GENIP OY

Master's Thesis 2014

## ABSTRACT

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Service Provider Selection Criteria and Selection  
at Genip Oy

Master's Thesis

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When applying a patent for abroad the patent applicant needs to have a local representative in the country in question. Those purchased patent agency services are a relevant part of the process of getting a patent for an invention. This research concerns service provider selection in order to serve the patent applicants in their patent applications abroad.

Due to dissatisfaction towards its service providers there was a discussion in Genip Oy about creating the criteria based on which the service providers should be chosen. The objective of the research was firstly to find out what those criteria would be and further to utilize them concretely in the selection process.

The research was done as an action research. In the first phase there were covered internal company interviews based on which the needed criteria for service provider selection were set. After that a questionnaire based on those was sent to possible service providers and the received replies further evaluated comparing to the set criteria.

The needed criteria were found out and created during the action process and a questionnaire as a helping tool for choosing service providers was built. The actual selection process is still continuing but the important issues concerning the selection have been introduced.

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## 1 INTRODUCTION

This research is commissioned by Genip Oy which is a patent agency, in the area as a consultant for patent applications. The author of the thesis works in the company as an intellectual property assistant. The annual turnover of the company in the accounting period ended on 10/2013 was 1175 thousand euros and currently the company employs seven people including two shareholders. Four of the employees are patent attorneys and three of them act as intellectual property assistants.

The company acts mainly in the fields of technology such as general mechanics, pulp and paper industry, energy and fluid mechanics. The current customer base consists of a couple of Finnish based global corporations and small and medium sized companies of which some are local companies from Kymenlaakso region. Besides, there are a couple of individuals as clients.

### 1.1 Research and development problem

Using foreign attorney services abroad is one very significant part of daily work in the company and selling these purchased patent branch related services directly to clients forms a big part of the annual turnover of the company.

Recently, the company has however been facing dissatisfaction with the service level of some of the long-term relation attorneys with which the cooperation has lasted in some cases over decades. Therefore there has been discussed whether the criteria for choosing such cooperative parties should be reformed in order to satisfy the company better resulting to higher customer satisfaction too. Besides, the company seeks for opportunities to widen its business by creating new contacts with which there could be established mutual cooperation. Also, customer satisfaction is an important issue in making service provider selection.

The actual need for the development project had been recognized in the company already in year 2013 when faced disappointments with some long-term relationship partners. However, the topic came to discussions only in March 2014 by the author suggesting it as a development project.

## 1.2 Objective, aim and limitations

The objective of this study is to search and develop the criteria behind selection of global patent attorney networks in order to receive more benefits. The networks are used for to represent the client and patent applicants as clients of the company abroad and it is to determine how the global patent attorney services are currently chosen. By that information it is to search whether the company could benefit more and make the business more profitable by analyzing, creating and reforming the criteria of choices.

This research aims to affect at cost-efficiency of the Finnish technologically innovative enterprises and through that increase competitiveness and profitability.

This research is limited to view the concepts from the viewpoint of the commissioner and their relevance to its business and yet importantly to this research. Therefore the literature review concerning relationships is limited to the viewpoints of supplier / service provider relationships leaving out wide descriptions of customer relationship management. The selection process is explained generally but the main points related to commissioner's selection process and criteria are highlighted in the theory. Besides, the patenting procedure is introduced as it is currently for the commissioner, even though there are other possible routes available worldwide to apply for a patent.

## 1.3 Research and development questions

Resulting from the objective, the main research question of the thesis is as following:

- How to choose the global patent agency relationship partners in order to make it more beneficial?

Besides there will be the following sub-questions to reply to:

- How to have an impact on the efficiency by developing the criteria of choices?
- What are the criteria for clients to which different services are provided?

## 2 BENEFITTING OF SERVICE PROVIDER SELECTION IN THE FIELD OF PATENT AGENCIES

The conceptual part of the thesis consists of two main elements. Firstly viewed literature concerns patent agencies in general. The theories explain why the external patent agencies are needed in the patenting business. Besides, the patenting procedure is shortly presented in order to give an understanding what the essence of patenting actually is.

Thereafter there is a literature review concerning relationship management and of it especially supplier relationship management. Selecting service providers is the main theme of the thesis and therefore theories concerning that are crucial to include. Selection process is explained in general and more widely in detail with the possible selection criteria in relation to service provider selection. Moreover, one relevant part in the light of the existing situation in the company is to view literature of the relationship lifecycle in general.

### 2.1 Conceptual framework

The main theme of the thesis is relationship management and from it especially supplier relationship through which there is expected to find solutions for how to benefit on the market by paying attention to the choices of the relationship partners of the patent agencies available. That is aimed to happen through making correct, strategically planned choices with built criteria that would result to higher level of benefits received. Figure 1 illustrates the structure of the conceptual framework as explained.

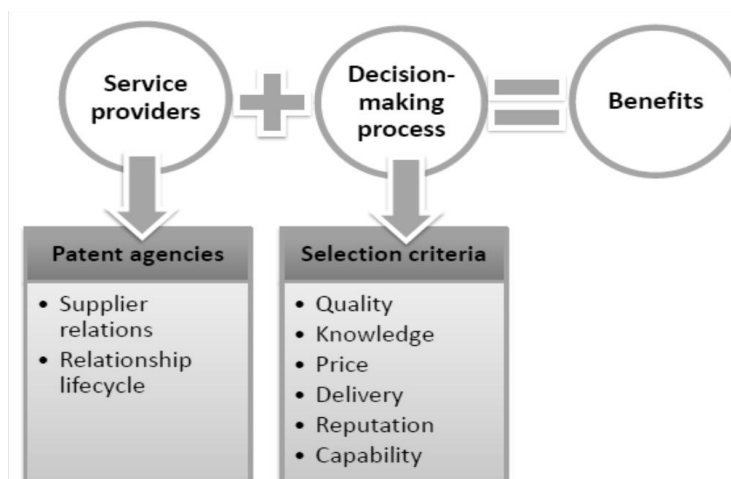


Figure 1. Conceptual framework

By combining choices of service providers amongst patent agencies and suitable selection strategies by choosing from different possible methods as illustrated in figure 1, it is aimed to result to best possible choices creating benefits. Though, none of the parts could separately create benefits, but they and their sub-themes such as decision-making and relationship must be evaluated one by one together in order to understand the meaning of each concept together. Here are the main concepts related to the researched objective and reflected to the existing literature discussed and written about them.

## 2.2 Patent agency relations

Using patent attorneys in the global business environment in order to serve clients of Genip Oy abroad is necessary, since the patent laws worldwide mainly demand the patent attorney representing the applicant in country in question to be local. Though, it is not possible to understand the necessity of patent attorneys in the procedure unless the patenting process is firstly introduced in general.

### 2.2.1 Patent procedure

Patenting is one of many possible means for companies to compete and survive on the markets. A patent is actually a right to deny the competitors of producing similar products than the patent is granted for. This exclusive right means that by the patent it can be told to the competitors what they cannot do. But it is also crucial to keep in mind that the patent does not allow the company to do whatever on the market. One must be careful not to infringe others' patents either. (Ma 2009, 10.)

The patent application is kept unpublished 18 months from the application filing date unless the patent is granted earlier so the competitors will not have a clue of it if kept secret other ways too which is a very important issue to take care of by the company. (WIPO 2014.)

Argued by Rowland (1997, 343 – 351) another strategy is to publish the invention without filing a patent application as soon as possible to prevent others to have a patent for similar thing but that prevents the company itself too. By that it is allowed anyone to produce the invented product since it is not denied by a patent. By publishing the idea the inventor also prevents any others to patent the same invention since it is



already known from the date of publishing and therefore cannot be patented any longer.

The patenting process starts from an invention made usually in a company. To be granted a patent, this invention must be completely new, inventive and appropriate for technological use. (Patentti- ja rekisterihallitus 2003, 5.) From the company's point of view the invention should also be related somehow to the area on which the company acts but that is usually the thing since the inventions are often made as a result of development process by working in the company.

After the invention is made it must be written into words as a form of patent application which is strictly following certain norms by country. This is suggested to be done by a professional, a patent attorney. Patent attorneys also evaluate the invention by identifying whether it fulfills the criteria for patenting. That is done by getting to know the technological features and the inventiveness of it. Besides it is searched whether there are similar competing inventions published already on the market. (WIPO 2014.)

When speaking of a patent application that applies for a patent abroad, the procedure continues with correspondence between the local agent, the local patent offices and the client. The local agent receives from the local patent office so called office actions which identify the issues in the patent applications to be clarified. These office actions have official due dates by which the client has to respond via local agent in order to keep the application in force and the procedure to be continued. The procedure usually keeps going on until the patent is getting granted or for several possible reasons decided not to be continued any longer. (WIPO 2014.)

Once patent has been granted the applicant, or thereafter patentee has the right to act towards others to prevent them of benefitting from the invention. However, the patentee must oneself follow up the markets and take the actions when noticed someone is using the protected right. A patent can be kept in force for up to 20 years from the date of the application by paying annual fees that are increasing progressively (Rowland 1997, 343 – 351). Patent agents usually offer follow-up services to their clients in order to help the patentee to prevent others using their rights.

In companies concentrated on patenting the works are usually internally divided between patent attorneys and patent assistants. Attorneys pay attention to the technical features of the patent applications and inventions while assistants take care of the formal procedure of the process. Corresponding with the foreign purchased service providers, assistants are the ones having the first hand experiences and information of the foreign agents and their working manners since they usually handle all the correspondence concerning the new and pending patent applications abroad. The issues needing technical assistance are then forwarded to the tasks of attorneys which then form their opinions concerning the foreign agents based on their technical knowledge of the issues.

### 2.2.2 Patent agencies in international procedure

In applying for a patent it is suggested to use a patent attorney instead of trying to apply the patent by the company or inventor itself taking care of all the formalities related. Patent attorneys have such an experience and knowledge about the legislation and the formal issues related to applying a patent that it is beneficial to consider hiring an attorney for that purpose. Besides, what comes to applying a patent abroad, it is mainly demanded to use a local patent attorney. (WIPO 2014.)

According to Rowland (1997, 343 – 351) it is locally possible for the inventor or applying company to apply for a patent itself but such choice is a much riskier way than using a professional, specialized in patenting and the complicated procedure behind it. However, patent agent's charges usually are relatively costly, that has to be kept in mind when planning to apply for a patent.

Applicants are to decide firstly whether their invention should be patented and when decided to apply for a patent it must be decided in where, depending on the business needs of the applicant. The patenting costs are increasing when the country selection is widened. Patent attorneys however are specialists to determine whether the inventions have possibility to be granted a patent for. (Rowland 1997, 343 – 351.)

Patent laws around the world litigate that the chosen patent attorney representing the applicant company must be local in the country in which the patent is applied for. Often companies start the patenting process from their local country. By starting with one country, the company receives one year priority to this invention from the applica-

tion date. This means that during one year they can further develop the invention and continue the application in countries where the patent is needed, based on the company's markets, within one year from the first application date, and this without being afraid of the competitors having similar patents since the first application was in the name of that company. (WIPO 2014.)

The patent must be applied for in each country separately, or in some rare cases region, in which it is wanted to be in force and in each country there are own regulations concerning the patenting procedure, although they are very similar to each other in many cases. The foreign patent agencies come to the picture latest when the patent application is entering to the international phase of PCT-procedure. PCT-system is an arrangement to start applying for a patent with one search covering almost all the countries worldwide. After this 30 months from the first application date lasting procedure the patent applicant needs to decide where from the PCT countries to apply a patent for and to start cooperate with a foreign patent agency directly or through a patent agency from company's own country. Foreign agents can be used already earlier by applying in different foreign countries one by one. (WIPO 2014.)

In figure 2 the countries that currently are members of the PCT system are shown in blue (WIPO 2014). As seen, the PCT contract covers almost the whole world having 148 contracting states in May 2014. For a patent applicant using PCT system instead of directly applying in each needed country one by one means usually time for further consideration of the needed country selection and also possibility further to develop the invention during the process. One patent agent can act as a representative in PCT application and only after the 30 months after the earliest priority date of the application the applicant must decide the needed countries and the foreign patent agents come into picture. One patent search done in the PCT system will be in force and use in all the continuation countries, though the local agents thereafter may make their own conclusions of the patentability, too. As application date in those countries is used the date at which the PCT application was filed.



Figure 2. PCT Contracting States (WIPO 2014)

Explained by WIPO (2014) the foreign agents take care of the patent procedure abroad with their local patent offices and report the steps to the customer, in other words the applicant or the representative of the applicant. The cooperation lasts at least the duration of the patent application starting from preparing the application ending to the grant of patent or abandonment of the application. Patenting process in many countries is very slow and may last for many years and in some cases even over a decade.

Related to the PCT procedure one possible continuation target after PCT expiring deadline is European patent application which covers many countries belonging to the contract at the same time. The European area is covered by the contract almost completely with a few of exceptions (EPO 2014). Attorneys having a special European patent attorney degree can act as a local agent for European patent application.

After a European patent is granted it is however not automatically to have force in all the contracting states but the patents must be validated in each needed country one by one. This is however only a formal procedure including filing a translation of the patent application text fully or partially depending on the existing rules by country. For this procedure a local representative is anyhow needed to fulfill the formalities.

Taking into account that the patent may be kept in force at best for 20 years from the application date if the annual payments are taken care of till the end of the patent lifecycle, the procedure sometimes may be too slow and expensive for the applicant. Choosing the foreign agencies properly may be one key issue to speed up the process,

though eventually the national patent offices and binding patent legislation are behind of making the granting decision and the timescale of the process anyhow.

## 2.3 Relationship management

Supplier relations are a relevant part of this study and relationship management is a main theme concerning issues related to relationships in general and is of how the relations with the related parties are created and maintained.

It is usual that companies need some help of other companies in order to bring the product or service with its offered value to the customers. Therefore it is crucial to cooperate closely with these value delivery network partners. The network consisting of each party related to and impacting on the value of customer in supply chain is called value delivery network. Each member of it, such as the seller company and the supplier, all have affect at the experienced value of the end-customer. Such networks are usually known and experienced to relate to manufacturing companies but they are important among service providers as well. (Pitta & Laric 2004, 455.)

### 2.3.1 Supplier relationship management

Supplier relationship management concerns developing and maintaining the relationships with companies' suppliers and is currently considered pretty important in today's competing environment. Lambert & Schwieterman (2012, 337) argue that with the correctly chosen suppliers it is possible to affect at competitiveness in price and also receive and share expertized information mutually when getting closer with the created relationship partners. Rogers (2009, 18) states that a huge part of any company's cost structure is formed by the expenses related to the suppliers and therefore it is extremely important to pay attention to the supply chain in order to gain competitive advantage.

Often well planned and maintained relationships have positive impact on the company's performance all in all. Anyhow, the level of wanted co-operation should be determined based on the company's needs and may be different between different partners.

In their report Lambert et al. (2012, 341) state that supplier relationship management may be considered including two parts of which first is to creating and managing the actual process. In here there should be considered the company inside, its marketing choices and strategies behind producing. Besides it is crucial to create criteria how the suppliers are categorized by segments. Rogers (2009, 50) adds in his book that it depends on the company and its needs what kind of its supply management eventually forms but that setting goals is essential in any case. The second part in the process includes implementing the planned process in practice in operational level.

It is also discussed by Lambert et al. (2012, 341) that supply relationships typically concern many functions of a business at the same time. They can be related to sales, marketing and purchasing for instance and through those they also have impact on the financial department of the company. To lead to success the suppliers must be carefully chosen and maintained in a good collaboration inside the company. This strategic decision phase must include reviewing the corporate strategies on marketing, production and sourcing levels. This helps to understand possible bottlenecks in the corporate strategy that could affect the choices later on.

Moreover, it has to be decided by which criteria the used suppliers are to be segmented and further chosen, in order to also meet the needs of the company. There can be many different types of criteria, based on company expectations, that guide the decision making process. Usually companies tend to expect money savings or other financial benefits but they can also have an idea of needed service level or make the decision based on the available capacity of the supplier. Once the criteria have been chosen, it is needed to create rules how the segmented suppliers are then to be evaluated based on the criteria. (Lambert et al. 2012, 342.) According to Rogers (2009, 74) it is important to make comparisons whether the needs of the company match with the possible suppliers and with which ones they match the most.

Lambert et al. (2012, 346) state that after having the specific criteria for choices and an appropriate evaluation the next step in the strategic process is to define the level of differentiation of product and/or service through the suppliers in order to get an internal understanding of agreed process. Thereafter it is to be decided how the financial or other impact of supplier choices is to be measured. Finally the rules are to be defined,

how both parties, the buyer and the supplier will share the received benefits of the process.

According to Frow and Payne (2007, 89) especially in service organizations it has been recognized that cooperation between the supplier and the customer are often highly respected. Therefore, in the decision point, it would be advisable to discuss also about the possibilities of cooperation and the terms of that.

Operationally, the strategic decisions made earlier, are used. Firstly the possible suppliers should be mapped and segmented through the criteria developed earlier. Thereafter in this model is following the phase of checking the supplier segments followed by a phase to, internally in the company, review features of the chosen target suppliers in order to find possible lacks or opportunities. Once this has been done, the key suppliers are chosen and of them are carefully tried to figure the points of improvements to further to discuss with the supplier. (Lambert et al. 2012, 347 – 348.) These phases are often created naturally without any strict planning process but anyhow companies tend to follow such model quite similarly.

The choosing process of efficient suppliers may be extremely difficult since there can be many criteria to evaluate together. Besides, the same evaluation criteria are not necessarily valid for different suppliers for the different methods of deliver or provide services. (Park et al. 2010, 498.)

After choosing the suppliers to collaborate with, there usually are formed and implemented agreements with them for service or product deliveries based on the needs of the buyer and capabilities of the supplier. Finally, once the agreements have been done and the process has started, it is beneficial from time to time measure according to the created guideline the productivity of the supplier in the viewpoint of the buyer. (Lambert et al. 2012, 349.) Also Rogers (2009, 75) highlights the importance of written agreements between the purchaser and the supplier including responsibilities of duties.

One important point to consider in the supplier relationship management is the level of collaboration. Tighter collaboration often appears to positively affect at the time-scale between the deliveries. Often in tighter collaboration the buyer and supplier can use to some extent same systems and arrangements to enable easier and quicker com-

munications. (Park et al. 2010, 498.) Though, this is depending on the process, especially in the service providing it is often impossible to provide the service quicker even though the same systems could be used between the relationship partners.

A research covered by Krause & Ellram (1996, 50 – 51) concerning satisfaction with the suppliers also points out the importance of involvement of the purchaser in the process and in case there are appearing some problems, too. Also, there should be paid attention to the communication between the partners, appearing that with more intense communication has been resulted to improvement of satisfaction with the suppliers. One fact that might affect at the relations is the company size. With larger companies the communication and process involvement have been showed to be tighter than with small ones (Krause et al. 1996, 50 – 51).

Interestingly, the dissatisfaction towards the suppliers or service providers might simply be caused because the purchaser does not understand to demand any better service. That leaves the supplier to decide not to improve its service but offer as little as possible. (Krause et al. 1996, 50 – 51.) Therefore, too, the purchasers should remember to require more from the suppliers and communicate the possible problems whenever needed and as soon as they appear.

### 2.3.2 Customer orientation

To successfully compete companies need to take into account their customers, that basically is what customer orientation is about in daily business (Raab, Riad & Vidyanua 2008, 13). Satisfied customers increase the competitiveness of a company since they have good feelings and experiences of the company and are eagerly willing to use those later on.

As said, satisfied customers often make re-shopping or use services of the satisfactory company. Raab et al. (2008, 14) argue that besides it is typical that such customers often tell about their positive experiences to other people. Such behavior is free marketing to the companies that increase their possibilities to succeed and result to higher profitability. On the other hand dissatisfied customers have opposite affect at the pointed factors, and often the impact is multiple. Therefore customer orientation is extremely important and must be understood and properly managed at all sides of the



business. All business units must cooperate and together aim at customer orientated sales.

Raab et al. (2008, 15) mention also that satisfied customers may even become in their loyalty to extent where they don't compare competitive products or services and not that much care about the price of the well experienced ones. This especially enables the company to have a great amount of competitive advantage.

### 2.3.3 Relationship lifecycle

Highly related to relationship management it is remarkable to recognize that usually relationships tend to go through sort of a lifecycle with couple of different phases included. In a simplified relationship lifecycle it consists of five stages of which first is the meeting phase (Heinrich, Zellner & Leist 2011, 227) or according to Brennan, Canning & McDowell (2007, 253) the phase is called pre-relationship stage. In this phase the relationship partners are getting to know each other for further starting the relationship in the second, early phase getting also more familiar with each other (Heinrich et al. 2011, 227; Brennan et al. 2007, 253).

In their study, Heinrich et al. (2011, 227) discuss that the third phase is penetration and / or maturity of the relationship in which the relationship partners are already familiar and used to collaborate together. Similarly, according to Brennan et al. (2007, 253) the relationship is still being developed to its form. They also argue that based on the level of commitment the distance between parties gets lower and uncertainty is caused but during development both parties get to know each other better resulting to higher experience.

The fourth phase, in which the relationship is getting worse, is according to Heinrich et al. (2011, 227) the crisis phase in which the partners are getting again a bit more unfamiliar with the business together. Brennan et al. (2007, 253) call this phase the long term-stage, the familiarity is still recognized and basically all work between the parties is still being done in good cooperation. There are minor differences between arguments of Brennan et al. and Heinrich et al. concerning the phases since the fourth phase according to Brennan et al. is more concerning of maturity which is the stage three argued by Heinrich et al.

Despite the differences in these two models the last stage is similar in them. The distance phase by Heinrich et al. (2011, 227) corresponds with the final stage of Brennan et al. (2007, 254) in which the parties are unfamiliar and the lifecycle is getting to its end in here. Though, in the model of Heinrich et al. (2011, 227) the relationship can be tried and succeeded to reactivate when the lifecycle would start from its beginning again. Figure 3 illustrates the relationship lifecycle phase by phase.

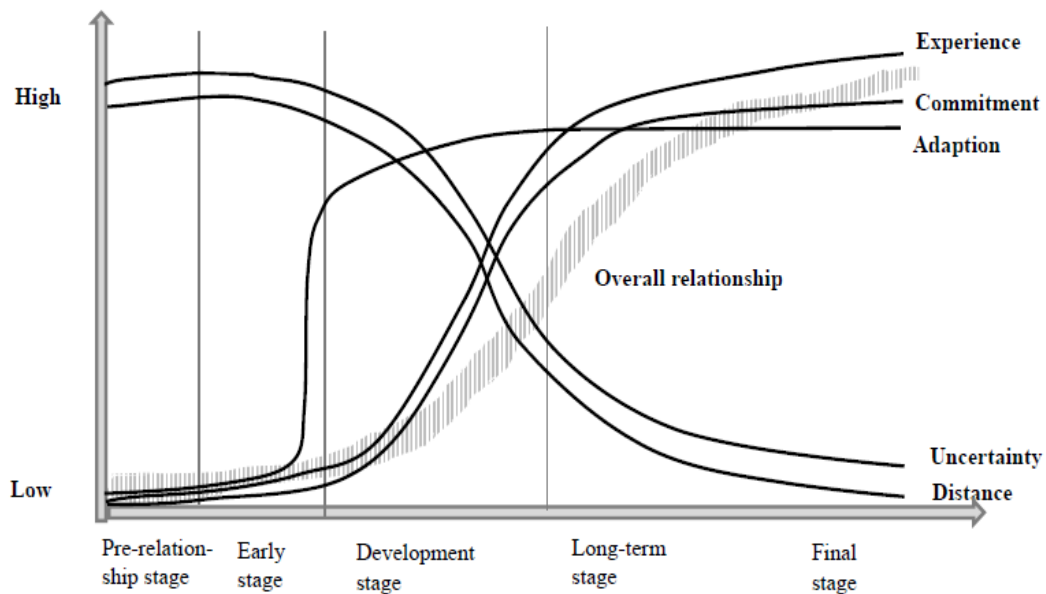


Figure 3. Relationship lifecycle (modified from Brennan et al. 2007, 253)

The value of the relationship, experienced by the relationship partners, develops likewise as the lifecycle. In the first phase of the lifecycle the expected values are first discussed between the parties in order to receive understanding of the expectations and an attempt to make them match. (Heinrich et al. 2011, 227.) This discussion of values is important to find out whether there could even be any cooperation arranged. If the expectations were very different from each other it would be unlikely to find a cooperation solution that would satisfy both parties sufficiently.

When got to the second phase of the relationship, the values are started to be created. This can happen through production from nothing to the product or service, or the level of the value can increase as a result of this new creation. Regardless the way by which the value is created, in the third phase of penetration this received value is tried to maintain. When getting deeper in the relationship into maturity level the received value is still tried to be maintained but besides from it is often tried to receive some

additional values. It is also possible to combine some received values into one. (Heinrich et al. 2011, 227.)

Stated by Heinrich et al. (2011, 226) when a relationship develops to crisis in its lifecycle, it is obvious that the experienced value level is starting to decrease for some reason. This reduction of relationship value can happen unconsciously but there can also be some intentional decisions behind by the parties or one of them. In the last phase the relationship either ends or is reactivated. This affects also at the value level; in ending the relationship the value is moving to other targets and in reactivation the value is started to be recreated.

Frow et al. (2007, 98 - 100) highlight in their research that the values experienced during the lifecycle vary as explained also by Heinrich et al. (2011) and especially therefore the relationship lifecycle is important to be recognized from its beginning to the end. According to them it would be advisable in each phase of the lifecycle to understand the possible problem points and to be prepared to improve them, possibly together with the relationship partner. Collaboration between customer and supplier has showed significant importance in creation of customer satisfaction.

## 2.4 Decision-making process

In order to benefit the most from its suppliers or service providers a company needs to have certain methods according to which the choices are made. These criteria form the basis for the selection process and by systematically following them the benefits can be measured by making comparisons within time.

Depending on the case for which the decisions are to be made there certainly are plenty of differences. However, many similarities are common in different processes of selecting.

### 2.4.1 Making selections

Decision making in the best possible way can be described as aiming to the goal by selecting the right choice or choices from many alternatives that mostly fit with the needs (Bratwold & Begg 2010, 5).

Moreover, according to Bratwold et al. (2010) a decision process must definitely include at least two alternatives of which the choice is made, otherwise there is no point for decision. They describe the usual selection process including objectives towards which by decisions are aimed, alternatives which mean the choices between the selections are made and information that is the basis for evaluating how well each alternative matches with the set objective.

In order to be able to start the selection process it is crucial to analyze the environment (Bratwold et al. 2010, 6). By this analyzing the aims are finally found out and mapped and the decision makers are usually included in the analysis. It must be highlighted the importance of understanding that decision analysis differs from forecasting, though both may have similarities. Bratwold et al. (2010, 6) however describe analysis as a pure action, while forecasts are possible to change within time.

Because decisions are often hard to be made it is important to set certain values by which the made decisions can be evaluated and compared. Decision making process usually includes plenty of uncertainty and complexity and often there are multiple objectives at the same time including obscurity (Bratwold et al. 2010, 7). These all together make the decision process very difficult and it is important to make understanding of how the decisions in the related case should be made and in order to understand which factors affect in the process.

Asemi, Safari, & Zavareh (2011) represent in their research a couple of famous decision-making models for corporations, which all have many similarities in them. According to them the six-step model of Simon (1997) is useful for many occasions since it is a widened theory for earlier researches of the topic and includes the main points of decision-making process in general. In figure 4 is shown the model with its phases.

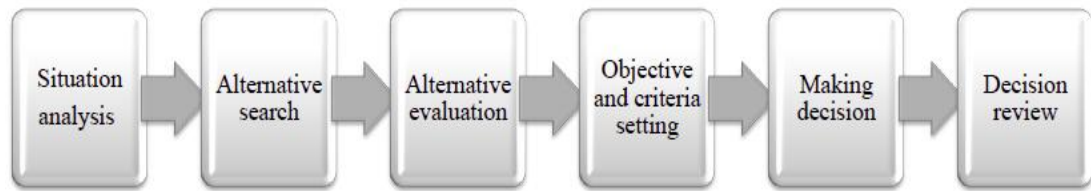


Figure 4. The six-step decision making process adapted from Simon 1997 (Asemi et al. 2011)

In general, according to Asemi et al. (2011) it is crucial to understand the environment in which the decision is to be made. It is important to map out the resources and possible matters preventing the process. Only by understanding the situation the decisions can be made in the best possible way and the possible alternatives for each separate purpose can be found out and evaluated thereafter. However, unless there are not set strict objectives of what is wanted of the decisions and on what the decisions are based, the earlier phases are useless. The criteria to which the choice alternatives are compared at guide the decision making process to the solution. Once the decision has been made it would be useful to follow it up later on in order to get full understanding of the success of the selection.

#### 2.4.2 Selection criteria

Building the criteria for choosing is the basis of how to actually make the choices in practice. As explained this process is depending on the set objective and all the factors related to the decision process impact the criteria. Besides, different situations needing decisions require different types of criteria.

In general a criterion can be understood as the norm at which the possible alternatives are compared. It is crucial to understand the reasons behind the choosing process before setting any criterion to make the choices successful. (Parnell 2013, 29.)

According to Parnell (2013, 107) the criteria of choices must be in reflection to the existing or set values and therefore it is beforehand important to analyze what is appreciated. It depends on the case what kinds of the possible criteria are. On the company level the criteria are often related to money, time and quality especially in case of purchasing services or products.

### 2.4.3 Making service provider selections

Even though decision making process, generally speaking may, be explained with couple of similar phases despite the situation, there are also many differences especially when speaking of producers or service providers since services and products are very different of nature.

Adapting from many classic decision making models, Day & Barksdale (1994, 45) have widened the process model to more describe a general decision making process in the field of service providers. In figure 5 are introduced the phases included in service provider decision making process.

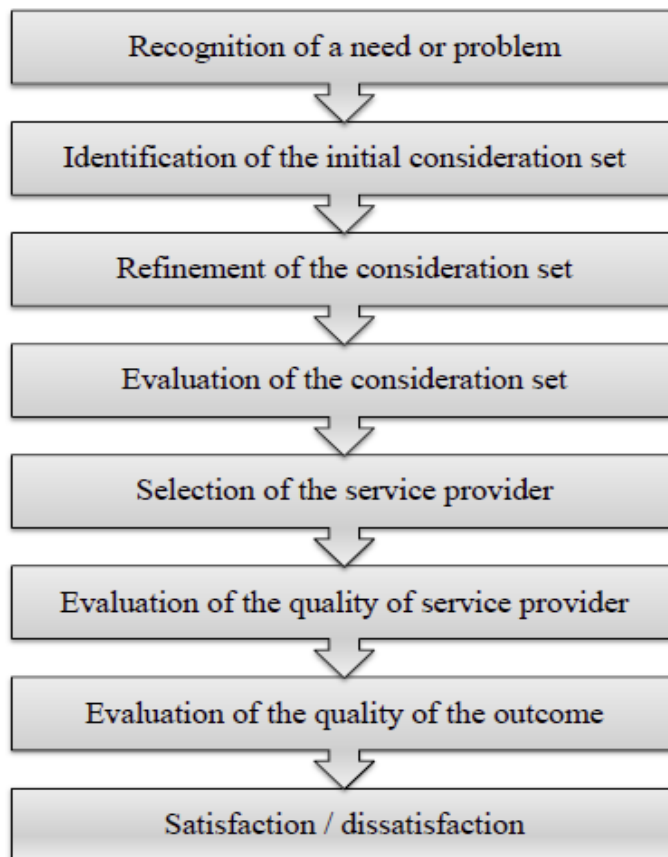


Figure 5. Service provider selection process (modified from Day et al. 1994, 46)

Similarly as Asemi et al. (2011) explain, the decision making process starts by analyzing the environment and recognizing the needs. Thereafter, in both models follows the phase of searching possible alternatives but differing from the model of Asemi et al. (2011), Day et al. (1994, 46) introduce a refining phase in which the first set of possible service provider alternatives is shortened by some valid criteria. In service provid-

er selection, after this phase, interviews or surveys are often made in order to be able to make comparisons of the service providers' ability (Day et al. 1994).

The next phases in both models are the same, evaluating the alternatives to the criteria concerning that phase. Likewise, in the next phases the decision based on the criteria and evaluations are made. In both models a comparison phase is following the decision making – the decisions are reviewed and compared to the starting point and evaluated whether they match with the needs and are satisfactory. However, especially relating to service provider selection, Day et al. (1994, 48) have added to the process, before the final satisfaction evaluation, the phases of evaluating the quality of service delivery and evaluating the actual quality of received service. This is because many times service delivery process may last even years, the people in the process may change during it and also because often service experiences are not measurable but are considered subjectively (Day et al. 1994, 48). Therefore it is essentially crucial to evaluate the stage of satisfaction towards the service also in the middle of the process.

#### 2.4.4 Selection criteria in service provider selection

Services offered to clients and purchased from a service provider are in an important role in increasing competitiveness and profitability of companies. Therefore it is crucial to pay attention at the choosing process for selecting a proper supplier or service provider especially currently at all the time more competitive business environment. The criteria for making selections about possible service providers may vary widely based on the needs of the company. However, there are similarities in decision making process despite the branch or the needed service.

Concluded from several researches concerning supplier selection criteria, Patil (2014, 621) states in a recent research that there are a couple of criteria that are mostly used and affecting the decision making process in general. According to that research the most important selection criteria in supplier selection process appear to be quality, delivery, price, supplier's reputation, capability, after sales service, management and financial ability. Likewise, Day et al. (1994, 47) underline the importance to find solution by a proper selection for exactly needed services provided on time and within the set budget.

Moreover it is argued that currently also new criteria besides the above mentioned have become more important. Such criteria as payment terms and used technology are currently affecting the evaluation as well. Patil (2014, 616) also states that even though in the past selections have often been made mainly based on price a more modern way to make decisions in order to be competitive the choosing process consists of many criteria.

A research covered by Sonmez & Moorhouse (2010, 204) pays attention especially at criteria related to purchasing professional services. They state that criteria often are the same despite the fact whether it concerns buying services or products but the relevance of criteria may differ. According to their research the criteria could be divided to six main topics of which the service's cost appeared to be the most irrelevant while competence of the service providers was the most important. The other main categories for criteria were argued being knowledge, product, reputation of the service provider and capability in providing the services.

However, the quality of service according to Sonmez et al. (2010, 191) was mentioned being extremely difficult since compared to a physical product a service is more like an experience based on feelings. Also, the requirements of a service may vary and the price scale may differ more based on needs. Therefore also, a service is not that easy to be measured. Furthermore, the decisions of purchasing services are often made just based on feelings about the service provider. Day et al. (1994, 49) have similar thoughts of lacking of objectivity in service provider selection and highlight that in the decision making process should be remembered the needs of an organization instead of individuals. Often services appear to be expectations related and especially because of that the valid criteria would help the selection.

Ordoobadi & Wang (2011, 634) suggest that the supplier selection should be made by combining different choosing models. They introduce in their study several different models based on plenty of researcher covered on decision making of supplier selection. For instance, categorical method compares the alternatives with each other by giving a categorical term and the one receiving best result when calculating points together is then the most optimal choice. In linear weighted average method each criterion is weighted according to their importance to the selection.



Moreover, there are choosing models based on costs, mathematical programming and many more. However, the best choosing solutions according to Ordoobadi et al. (2011, 633) are often received by combining the models somehow based on the needs of the organization. By doing this it is ensured that different perspectives in an organization are involved in the decision making process. It is usual that the final decision maker in the organization is not necessarily the one understanding all the needed perspectives of the actual selection and issues affecting it. Therefore it is crucial to tightly collaborate inside the organization and high attention should be paid at sharing knowledge and information between all the parties involved in the process (Ordoobadi et al. 2011, 644). Day et al. (1994, 51) have come to same kinds of conclusions about the importance of communication inside the organization for reducing the risk of making weak selections. Information about all the aspects included in the selection process should be shared openly.

### 3 METHODOLOGICAL CONSIDERATIONS

#### 3.1 Research method

This thesis is planned to be made as an action research. According to Quinlan (2011, 17) that is useful when there is focused to change and develop something in the researched environment. Such process is going on in the company of the commissioner that is eager to improve its abilities by developing a system to choose relationship partners and further to change them too. Furthermore it is said that through such type of research it is aimed to improve of practice or performance in the organization (Quinlan 2011, 183). This is exactly the case with the commissioner.

Figure 6 shows in more detailed of what an action research is about. It consists of more than one interventions, all going through a cycle, and when necessary, going back to the earlier points and revise them. The interventions of the actions start from diagnosing the problem, then the needed actions are planned and taken and finally the results are evaluated.

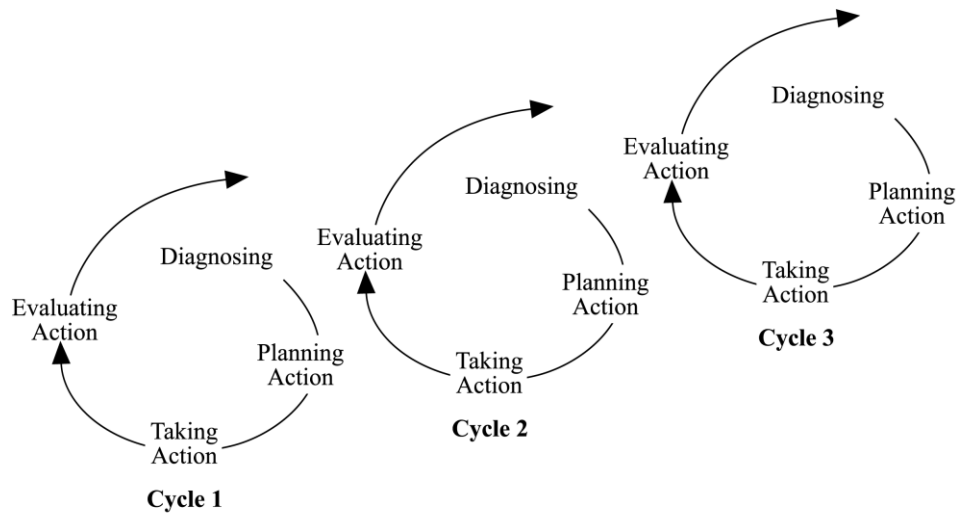


Figure 6. Action research (Coghlan & Brannick 2001, 19)

According to Coghlan (2007, 336) it can be understood as an action research when complete members of an organization take necessary steps in order to change something in the currently used system of the organization. Further it can be explained being an insider action research since the researchers are offered a special view to the used systems from the inside of an organization.

### 3.2 Detailed action research plan

A more detailed action research plan for the project is presented in figure 7, tailored exactly for the purposes of supplier selection process for needs of Genip Oy, including the whole project plan of the action research from the beginning to the end with four different interventions and to-dos for each different phase.

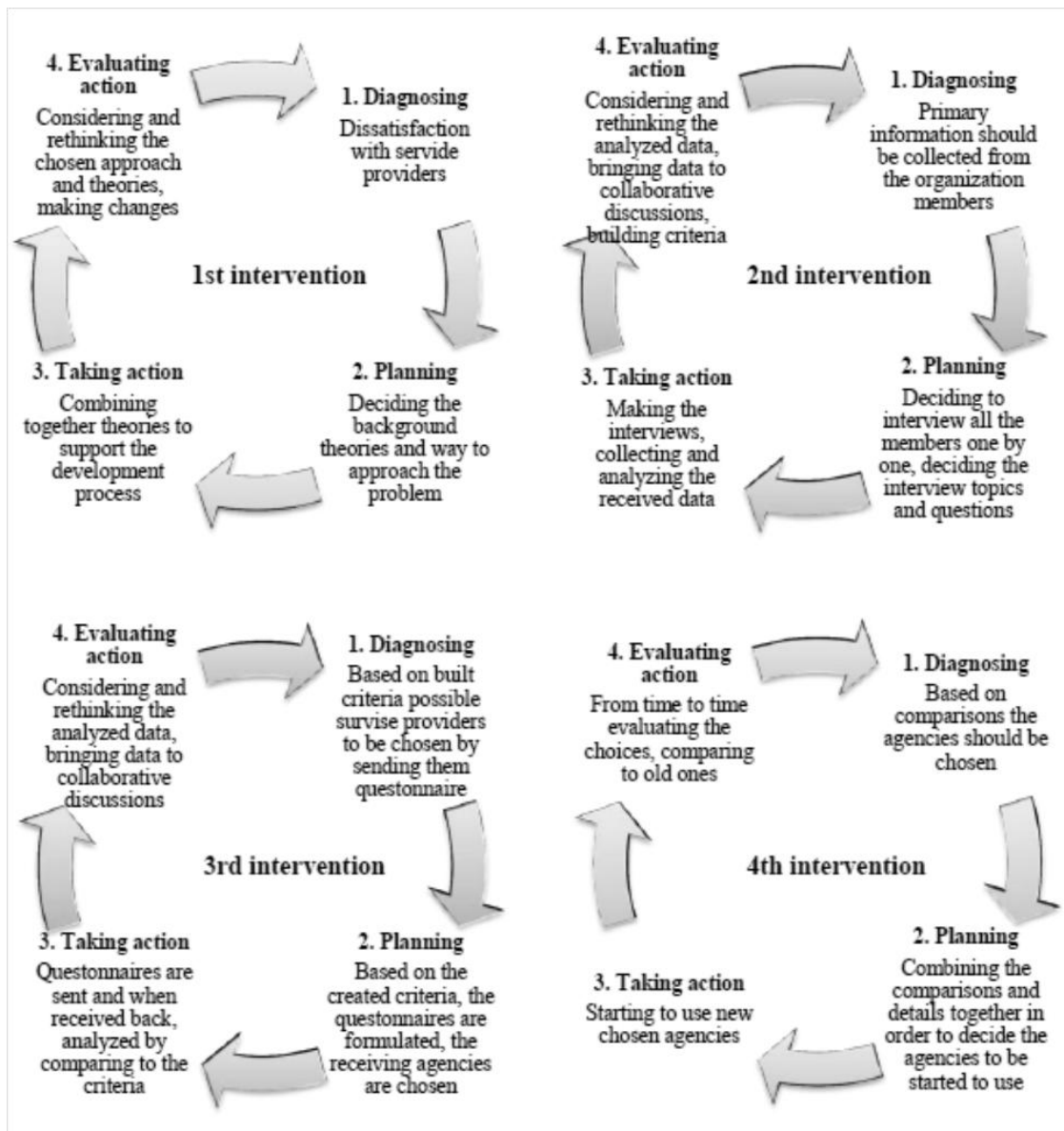


Figure 7. Action research plan with interventions (adapted from Coghlan 2001, 19)

Coghlan (2007, 337) argues also that an action research may have a few weaknesses such as that the members of an organization are too experienced and inside in the processes so that they do not see any other possible options and even reasons for development. This might be possible also in the development process of this thesis since most of the members involved in the collaboration are having decades of experience in the developed area and therefore have very deep attitudes towards the currently used systems. However, the author of this thesis is a relatively new member in the organization, still having already quite wide knowledge of the operations, so it is likely to achieve some fresh outsider ideas to be implemented.

## 4 DATA ACQUISITION AND ANALYSIS THROUGH INTERNAL INTERVIEWS

As an action research there are a couple of phases included in the research process. The main process consists of two separate phases following each other and in necessary occasions going back and forward between the phases. The first phase was to gather internal information for analyzing and creating data acquisition format for the second phase.

### 4.1 Data acquisition through internal interviews

The first phase of data collection includes discussions about the matter with all the people from the company that are involved with choosing and/or using the purchased services of patent agencies. Currently all the personnel, including the author, are users of those services. Feedback from customers was also gathered within these interviews. The customer feedbacks were gone through in these one by one made discussions in which the main idea was to find out how the users are experiencing the currently used service providers. The positive and negative feedbacks from them were to be determined and compared with the ones received from clients. Also, the interviewees discussed the possible expectations of the service providers currently and in the future.

The first actual data acquisition phase concerns the company's personnel which all are highly committed to their work. Therefore there did not appear any problems involving them in the development process by giving their opinions and development ideas. Most of them have gathered their professional experience of patent branch for over decades and are eager to share it.

It was challenging that they all did not necessarily see any need for change but are satisfied with the current, in some cases over decades lasted, relationships. Such arguments with suspicions were given by Coghlan (2007, 337), too. However, such opinions are also valuable but to be approached with a grain of salt.

The discussions were gone through by using semi-structured interviews. Such a structure enables the interviewee to guide the discussion through the interview schedule but leaves space for open discussion and opinion expressing, too (Quinlan 2011, 301).

The following topics and questions were gone through during the discussions:

- Current system of service provider selections:
  - How the currently used service providers have been chosen?
  - Why are we using those that currently are used?
  - What are the main things you handle with the foreign agents?
  - What are you satisfied with the currently used agents? Please give examples.
  - What are you not satisfied with the currently used agents? Please give examples, why not satisfied?
  - Compared to the timeline of using any agent, is there any difference with satisfaction? Examples?
  - How is customers' viewpoint or feedback taken into account when selecting or using an agent?
  - How are the competitors (or clients' competitors) taken into account / how they should be taken into account?
  - How important is the price when selecting the service provider?
  - How the experience of the chosen agent is currently evaluated?
  - How do you experience the reporting / replying style of currently used agents? What could be developed there?
  - How do you react if not satisfied with something?
  - How often are the agents evaluated?
  - Is there any reporting / feedback system related to the used agents?
  
- Future system for choosing agents
  - How big role should money play in here? Customers save money if the service provider is cheaper but how could Genip benefit from money savings besides that customers are more satisfied with us.
  - How the proficiency of the foreign agent could be verified?
  - How to evaluate translations / translators, especially in languages not known by commissioner?
  - How should the appearing problematic issues be communicated with the agents?
  - How tight relations are expected?
  - Interest for mutual cooperation?

- Compared to competitors, how could we benefit from service providers with mutual cooperation?
  - How to find out which agents are used by competitors (clients' competitors) taking into account conflict of interests?
  - How important is the reputation of the service provider? How to evaluate that?
  - How to choose different agents based on customers' wishes?
  - How the customer's size should impact at the choice?
  - Is the size of the agent company important?
  - Should or should there not be many options in one country in order to use in different types of situations?
  - Is any other country more relevant or more acute than the other ones in necessity of quick choices? Examples?
  - What kinds of issues are important in reporting style of the agent? What are less important? Why?
  - Open suggestions?
- Afterwards the choices have been made and put to use
- How to follow up the operations and satisfaction?
  - How to measure the results of new choices?
  - How many misdoings would be acceptable from an agent?

The questions for the interviews were formulated based on the things handled with the service providers, forming the basis for the selection criteria, and the questions also have reflections from the theoretical framework of the thesis in order to connect the results to the theory. The selection criteria theory has been in an impacting role in formulating the questions. As the theoretical review represents the criteria are often based on price, quality, delivery, knowledge, service itself, reputation of the service provider and capability (Patil 2014, 621; Day et al. 1994, 47; Sonmez et al. 2010, 24). Such topics are covered in the interview questions having reflection to the patenting branch. More detailed described the questions included also questions concerning the actual choice making process, experienced level of satisfaction, general working manners of the service providers, cooperation, customers' viewpoint and solving problems and to some extent also competitors.

The questions were divided to three sections: selecting service providers in the past and currently, selecting the service providers in the future and follow-up after choosing service providers based on new criteria. The questions were intentionally formulated in a way that there were similarities here and there in order to get different viewpoints to similar topics from one interviewee.

There were interviewed three patent attorneys and three patent assistants, of which one replied literally by writing her replies to the questions that were sent her to by e-mail. One of the assistants has got retired after the interview but other interviewees are still working for the company. By interviewing representatives of both types of work it was tried to find out different kinds of opinions towards similar topic. Besides through these interviews were tried to find out differences between replies concerning different clients and therefore all the attorneys taking care of different clients gave their replies. The assistant take care of all the customers together so from them was gathered more or less general opinions on the related issues.

All the interviews went through in June 2014 and lasted from 33 minutes to one hour. Interviews were accomplished by presenting the open-ended questions to the interviewees and giving them space to give their replies. The interviews went through in Finnish and were translated into English during the analysis. There were made notes during the interviews. Assistant interviews were accomplished without a recorder but by using the notes those were written into sentences afterwards. Within the attorney interviews there was used a recorder and after finishing the interviews there was made transcriptions based on them. It was not necessary to use a recorder during the assistant interviews since the researcher is familiar with that type of the work in the company and could well identify the replies and also recall the content of the replies afterwards since they were written into words directly after the interviews.

After the interviews it was discussed between the researcher and the managing director of the company how to proceed further with the project. It was decided that, besides the first planned idea of sending questionnaires to possible new agents collected from the databases, also the currently used agents could reply to the same questionnaires in order to map out a bit their idea of their working compared to commissioner's feelings of the same. Further, it was decided that before sending the questionnaires after creating them based on the interviews, the managing director would give

his acceptance and possibly give suggestions of some questions if necessary. The questionnaires were agreed to include similar topics as the interviews but in shorter form to make sure the interest of replying to those. Thereafter it was decided to establish a new company e-mail address for the project in order to avoid messing up colleagues' work during the vacation season.

#### 4.2 Analyzing the internal interviews

Once these discussions were gone through and main points were found out, those were analyzed. Since all the users gave their opinions and also suggestions, the analysis was made on attorney and assistant level for which the experiences and expectations showed to be different kinds of type as assumed. Moreover, since each attorney gave their replies, it was possible to analyze those also on customer level as the attorneys usually take care of full customership of one customer. Based on these analyzes the come up things were gathered together to certain themes and further discussed and developed to choosing criteria in cooperation with the heads of the company.

In practice the analysis was done by finding different themes and topics from the interviews by reading them through several times, making remarks, organizing and finding nuances from them. Such thematic division is rather easy way but suitable especially in qualitative analysis (Quinlan 2011, 425). In here it was important for the researcher to try to be as objective as possible in order to find the actual meaning of the interviewee and by trying to avoid mixing own opinions and attitudes into the analysis. Once the analysis went deeper and the actual meanings were found out it was hoped to find out themes that could be put together and from them to build the criteria of choices that suits for all opinions in the interviews so that all the interviewees are respected equally.

There could easily be found certain themes such as price and quality and but to understand deeper meaning needed more specific work. Also the results based on the interviews showed obvious differences in opinions between assistants and attorneys and also their viewpoint towards the issues in question differed a lot. After reading through and analyzing the interviews there could finally be concluded the following themes that are important to have criteria for choosing the service providers: service, price, knowledge of the service provider, customer orientation and size of the service provider company. Besides it was concluded that some countries are more relevant in



opinions of the interviewees to have new choices. Furthermore, it was discussed the quantity of the representatives needed in one country.

#### 4.2.1 Service

Of the service level and the things required from the service all of the interviewees had quite similar opinions, though assistants highlighted more of the formal issues while attorneys appreciated the technological knowledge. This however was quite obvious divisions since those are the topics they handle in their work.

During the interviews it was argued, quite obviously, that the service providers should provide such service as expected from there and agreed with them. More detailed this was said to mean especially speed of the service and that delays are unacceptable. Also, clarifications and translations should be available rapidly after asked. Technical issues in patent procedure have certain deadlines of reply back to the patent offices in each country and of those office actions is expected to have report from the local representatives well before the set due date in order to be able to discuss the technical matter with the client and to prepare comments and response back to the local agent and yet more to leave time for the agent to prepare their response. Usually there are a couple of months of time for reply after the patent office has given the official action but if the local agent doesn't provide their comments and possibly needed translations of the matter quickly, this shortens the timescale on the commissioner's side. In case of delays and crossing the deadlines it is in the worst case possible that the patent application or patent expires. Therefore it would be expected to have even a short message right after the issue has been accomplished even though a wider report would follow later on.

Also, it was mentioned that the reports should include accurate information and the official due dates should clearly be stated and that once they have replied to the patent office, they should report that as well with the content of the reply. Agent's proper comments on the matter would also be appreciated especially with the cases from Asian countries like China, Japan and Korea while Canadian and USA applications could easier be concluded by the commissioner's representatives themselves.

Method of communication was mostly felt irrelevant for getting the work done. However, it was experienced that past decade working at commissioner's side has become

easier due to developed technology. That can be seen especially with some more distant countries such as India and China that currently use e-mail rather than airmail for correspondence. Compared to the past it was also felt that now when e-mail is the main method for communications the commissioner can always be sure of that the correspondence is received and handled by a person. As a conclusion it can be said that commissioner would rather receive reports from service providers by e-mail than by regular mail. Also, payment issues were experienced easier than earlier, due to developed technology. Besides, it was considered convenient not to acquire that many translations nowadays but that is more because of patent law requirements have changed than an issue with the service providers.

One important fact expected from the foreign attorneys was to provide their knowledge of the local requirements. From time to time the patent laws change and therefore it would, especially according to attorneys, be important to inform about the changes, rules and new expectations and informing precisely what can be done and what not in some certain situation. If some special rules concern one certain issue that should clearly be reported when the case is handled so that the commissioner's representatives understand the expectations. As an example was mentioned Japan in where the law has essentially changed within a couple of years. The basics that are repeated in each letter from the agents were felt unnecessary and should easily be possible to be skipped when reading while more relevant issues should clearly be seen.

Also, it was highlighted by the attorneys that the local representative should be capable to understand the content of technical instructions received from the commissioner and to formulate the responses to the local form thereafter. Moreover, relating to the local requirements, they should be capable of appealing to the local precedents in case needed since that is mostly impossible to be done from the Finnish side due to lack of knowledge of such.

All of the interviewees stated that it should beforehand be checked that service provider does not already represent some other company from the field of technology that the commissioner offers to be represented by its client. However, there appeared to be shared opinions that who is responsible of that. Most of the interviewees argued that the main responsible of checking that would be the service providers since they should be able to know their already represented clients and their technology and in case

there appears to be conflict of interest, they should consider the ethics and refuse to represent the commissioner or the other company. Exceptionally, it was discussed that using agents for validating EP patents in countries belonging to EP system avoiding representing clients from same field of technology was thought being unnecessary since such validating process is more formal work than offering added value to the customer by using technological competences.

Since many of the patents are applied in countries having as the local language some not that known by the Finnish one important issue was to discuss the translations. All attorneys were of opinion that to some extent the office actions received from local patent offices should be translated into English by the foreign attorneys before sending to the commissioner. However, the translations should be trusted as they are even though there could not be exactly sure of their accuracy. Also, the patent applications are in most countries to be translated to the local language and of those appeared to same idea to trust the translations and translators of the agent and retractions were though not being needed. Yet, from the commissioner's side there should be used certain accuracy when handling those translated documents. There could be checked for instance numbers and the translated amount could be compared with the original text in order to get some idea of the validity and whether all has been translated.

It was expected that the service provider is competent to act also in exceptional situations by providing detailed information and needs and if not aware of those, capable to find out. Possible problems in-between were hoped to be handled properly and politely, by clarifying the issue and finding out reasons, without harming the relations. In here it was mentioned by the assistants that cultural differences may play a huge role in the way of behavior that must be remembered when trying to solve issues. Also, it would be appreciated if the service provider would pay attention to the commissioner in its reports by remarking the case references correctly and even in cases where the client continues the procedure by itself after beginning there were remembered to confirm necessary details to the commissioner, too.

Many of the interviewees admitted that currently there are used such service providers of which service seems to be good enough. From that could be concluded that there has not been done much comparisons between attorneys but for some reason were drifted to use that one. Mostly the reasons for choosing appeared to be clients' de-

mand or suggestions from colleagues but in most cases years or even decades ago. However, from those it was argued to be impossible to define whether they offer good or poor service since they had always been used and there were not any other references to be compared with. As examples were mentioned representatives in Japan, China and Republic of Korea. It was also admitted that when the service seems to be suitable, it is easy to accept that. In their research Krause et al. (1996, 50 – 51) point out this phenomenon that the purchasers often are content with the current service and do not understand to require better even though that way they could receive such.

#### 4.2.2 Price

The pricing of the service provider seemed not to be the most important thing but remarkable anyway. All of the interviewees were of opinion that the service level matters most and that the quality-price –ratio must stay reasonable. There have not anyhow been done any comparisons between pricing of different service providers so basically whatever price level has been accepted as it is. Also, it appeared to be general opinion that most clients even do not pay attention to the price in case of patenting which generally speaking is anyhow quite expensive. Though, it was considered important to compare the pricing especially in case new service providers are selected to be used.

Anyhow, it was felt and known that some currently used service providers are having very high prices but the service was experienced being not that great. Moreover, it was argued that there are huge differences in pricing of US agents so there might be cheaper agents with similar service available. Yet again into discussion came the point that the agents had almost always been used and mostly never considered to change. Though, because of pricing it had been considered of change with the client A and the US agent X of which service there is felt dissatisfaction in the company. However, the problem with that case is that client A is not eager to change the agent since it is buying also law services from it besides.

One point of the pricing appeared to be that it would probably sensible to bring to consideration to use cheaper agencies for purposes of smaller clients of the commissioner. Currently in most cases regardless the client there are used same agents. Though, the services are sold to the clients with net prices of the service providers so

the smaller clients could save money by that, which obviously was considered to be more important factor to smaller than to bigger clients.

The most popular opinion within the interviews seemed to be, that the most expensive agency should not be chosen but not the cheapest one, either. So, the price level should be somewhere in-between low and high. There should either not be paid for nothing but only just for needed service and the pricing to be clearly detailed in the invoices.

One interesting issue about the pricing was considered being that if there could be chosen very cost-effective service providers that might also positively impact at the competitiveness of the commissioner. Even though the gross profit wouldn't change cheaper pricing would increase attractiveness compared to the Finnish competitors. On the other hand, if the prices seem high in the eyes of the client, they probably accuse the commissioner of it at least partially and that might negatively affect at customer satisfaction. Also, cheaper pricing in some country might tempt a client to apply in there and that would bring more work to the commissioner. That would however be the case only if the client had interest and plans for actions in that country.

#### 4.2.3 Knowledge of the service provider

In the interviews was highlighted several times that besides the offered service with reasonable price the service provider must have certain competences and somehow also capable to prove that. Most common opinion was that the experience and knowledge are shown by evaluating their working manners in general when using them already. The evaluation process is subconsciously on all the time when reading correspondence from the agents.

More problematic seemed to find out about those competences beforehand when possibly choosing new agents. One proof of experience was thought being that the service provider is active on the branch by writing publications related to patent issues and perhaps telling having lectured about the same in universities or other institutes. Such agent had been chosen to represent the commissioner in Poland with satisfactory results. Also, it is possible to search letters and reports written by the agents from local patent databases where all correspondence is published ones applications become public and from those can be made conclusions about the proficiency. The found publica-

tions are to be evaluated carefully since some may be just pure advertisement. Such evaluation process is anyhow more an attorney related duty than to be made by assistants that do not have that wide knowledge of technological issues.

The fields of technology represented in the representing company matter, too. The service provider does not necessarily have to have knowledge of that one certain needed technology but must be capable of learning such. As an example was mentioned pulp industry which is very well known field in Finland but could not be assumed that representatives on the other side of the world would necessarily know that much of it. Anyhow, it would be best if the representatives knew already something about the needed technology. It was also argued that usual assumption is that in bigger agencies there are appropriate attorneys to represent certain fields while from smaller agencies that must be checked before choosing to use those ones. Also, for some agencies it might be possible to receive information about the education and experience of their attorneys. It would also be important to know how the attorneys maintain their proficiency.

Besides knowing the features of the patent branch the attorneys should be able to use also common sense when representing the cases. Discretion is important and there should not be given too many concessions in order to get a patent granted, often resulting to a patent of poor of quality without any meant effect. To evaluate that the service providers might show some cases they've handled but in there must be remembered that one individual case is not enough as a proof. Suggestions from colleagues, clients and from some competitors of the service providers have been in a good help in the past.

#### 4.2.4 Customer orientation

Almost all the replies included more or less opinions of remembering the end customers of the commissioner. The commissioner has two types of customers, the ones that know quite a lot about patenting issues and those that buy full service with the full patent information. The last mentioned does not much give opinions about the used attorneys but the chosen ones are anyhow presented to them and their approval is being got before starting to use them. Therefore, the commissioner cannot make the choices only by itself and the customer's silent opinion matters. The paying customer and its needs have to be taken into account.

The customer orientation should be remembered also in the pricing issues. Even though the expenses of the foreign agents are charged from the clients there must be kept some sense in the pricing. It was considered being possibly beneficial affecting positively to customer satisfaction if the agent prices could be made lower by choosing more cost effective agents. There had also been some thoughts to think of the paying client especially in case of a smaller client paying high prices and considered whether there should be suggested a cheaper agent for that use. Anyhow, those considerations had not been executed so far. During the interview there could however be read between the lines that that exactly could positively impact at customer satisfaction. All the interviewees mentioned that the same service could surely be provided to the clients by buying them more affordably.

Also, it was mentioned that if the customer has opinions of what agents to be used with its cases that opinion should be respected. However, to the proficiency of the commissioner's attorneys belongs that if the customer for some reason has unreasonable considerations of something that would also be told. Anyhow, there would be flexibility offered by the commissioner if needed but it was also mentioned that usually the customers are quite satisfied with the made choices and not suggesting any changes. Especially bigger clients were mentioned being an important group to listen but also smaller clients' opinions should be respected if had some.

One interesting appearing point was that the patent branch has changed a lot what comes to the customer orientation. Earlier the branch has worked as cartels offering the services to clients and the clients have not had any other chance but to buy despite the fact whether the service is good or bad. Currently the customer's opinion matters and is to be taken into account to quite wide extent. The trend seems continuing which however is the case in any other branch.

From the perspective of customer orientation it was considered that if facing some dissatisfaction, disappointments and delays with the used agents, it is necessary to inform customers about that. Possible problematic issues should be discussed in cooperation with the clients.

#### 4.2.5 Size of the service provider

Questions concerning the size of the service provider brought pretty similar opinions from the interviewees. All agreed that the possibly chosen company should definitely not be a one man company even though there are satisfactory experiences of using also such. The reason why not to choose such were uncertainty of continuity of such a company and more importantly lack of resources in case of possible conflict situations like representing in court.

In a very small company it might also be difficult to change the representing person since they possibly would not have enough people knowing of some fields of technology. Personal chemistry between the cooperative parties was however considered being an important matter so in case needed changes should be made possible and has happened in the past from time to time. It would be more convenient anyhow to change the person rather than the company totally, especially in the middle of the process.

On the other hand, also very big agencies were felt being a little bit suspicious especially because in those the representing person may often change in the middle of the case. However, in some countries such as in Russia and China the commissioner currently uses very big agencies because of their reputation. Besides, in bigger companies the needed fields of technologies are most certainly represented or expertise otherwise arranged. Stereotypically it was questioned whether a big agency would be interested enough in representing small applicants.

Suggestions and ratings have more or less led to use big offices but as a conclusion it can be said that an average sized would be most tempting according to most of the replies. Also the size of the client company is important when making decisions of the agent. It would be inappropriate to suggest a very small agency to a big client.

#### 4.2.6 Continuity

Patenting is a long process and in some countries might last even a decade. Therefore the continuity of the business of the agent is important since service providers are not that eagerly changed during the process due to formal issues. Most of the interviewees considered that the relationship with the service provider should last at least till the



end of the case handled but rather longer. It was thought being beneficial having long-term cooperative parties so that both parties would become more familiar with each other and unnecessary formalities could be forgotten.

Also it was argued that it lasts rather a long time before a new representative has showed that it can be trusted and therefore also it would be beneficial to have long-term relations. Also relationship lifecycle theory represented by Heinrich et al. (2011) highlight the importance of building the trust between the parties.

Continuity has in the past led to mutual cooperation with some representatives. The commissioner has given cases to be represented in European patent application to for example agent in Germany and mutually they've given European patents to be validated in Finland. However, the commissioner can currently act as representative in such applications compared to past so there are not many pending cases with that German representative. However, due to knowing each other that well the German agent still gives works to the commissioner even though the cooperation currently has become more or less one-sided.

Such cooperative parties would anyhow be appreciated in the future, too – taking into account all the other competences required from the service provider. Especially there is interest to represent Japanese, Chinese and Russian companies that might apply for a European patent. That was considered being a possible competitive advantage when the applicant would choose the commissioner over some other Finnish or European company.

#### 4.2.7 Countries

Not all of the interviewees saw necessary to change any of the currently used service providers or map out new possibilities. One of the attorneys told to be satisfied with all of with which he is in contact with. Another attorney told that because he handles mostly Finnish cases and only a couple of cases include cooperation with foreign agents he doesn't have that strong opinions of the topic but has formed his thoughts based on internal discussions.

Anyhow, the countries in where there was faced dissatisfaction with the attorneys appeared to be Republic of Korea, Spain, Germany, Austria, China, Japan, USA and In-

dia. On the other hand, some mentioned being satisfied with the Chinese and Japanese agents. The agent in Korea has recently been changed to another due to dissatisfaction. The new chosen one was suggested by a client using the same agent as a direct representative without having Genip Oy in the middle. Also the Spanish agent has been changed. For both changes the reason was that the agents did not serve the commissioner as expected and there were some patents for which maintenance fees were not taken care of and also some office actions fell overdue resulting to expiring of the patent applications.

The Austrian agent was described to handle the cases in a different way compared to others but this was not better detailed. The Chinese agent was judged of keeping the cases too long on their side without commenting or reporting to them resulting to shortening the available timescale on the commissioner's side. Also, it was mentioned that it doesn't provide needed information all the time. All the interviewees mentioned the Indian agent probably requiring documents and details that not actually are required according to the law but just to be able to charge of those as a service.

The dissatisfaction related to Japanese and USA agents was more about the pricing but especially the Japanese agent was expected to provide more detailed about the local requirements and also translations of the official documents. The German agent was evaluated being having somewhat rude comments and attitude towards the assistants. However, there currently is not any need for new agent in Germany since the commissioner can currently act as an agent itself in the European patent applications and the agent currently used handles only very old cases.

As satisfactory agents were mentioned representatives in Canada and in Russia. Though, the Russian agent was argued being the biggest patent agency in Russia and therefore probably also quite expensive compared to other possibilities in there.

Most of the interviewees were of the opinion that it might be sensible to have at least two options of patent agencies in each needed country. Currently there are three used only in the United States but in all the other countries are used same for all customers. The reasons for why to have more than one in one country varied a little bit depending on the status of the interviewee in the company. All mentioned that in case of possible conflict of interest there should be a ready option if the agency is needed to be changed.

Another popular reason was that in case of a conflict situation with a patent case like going to court it might be reasonable to consider having as a choice some bigger companies instead of some smaller ones due to possible lack of resources. As an example of such possibility was mentioned one man office in the USA representing client B. Also, from the viewpoint of putting out to tender it was considered to have sense in having more than one agency easily available. It was besides discussed that one option could be to have different agents for different sized of clients in order to being able to tailor needed service level for the customers.

## 5 DATA ACQUISITION AND ANALYSIS THROUGH EXTERNAL QUESTIONNAIRES

After analyzing the interviews the analyses were further analyzed in order to create the questionnaires relating to the finds, based on the categorized criteria. The formulated questionnaire is represented in appendix 2. The questionnaire was created in cooperation with the general manager of the commissioner, suggesting changes and improvements and finally accepting the final version.

### 5.1 Data acquisition through external questionnaires

After creating the topics for criteria and the questionnaire it was to find out which suppliers fulfill them. For that all the possible service providers in needed countries were mapped out from the public databases where such information is easily available. As the main resource of such information was used [www.pipers.com](http://www.pipers.com) database in which plenty of patent agencies with contact information are listed by country. The appropriate patent agencies to approach were selected. Such offices that offer only trademark or law services were left out since they without patent services are not interest of commissioner. Also such contact information in which company web page was not informed was skipped. Besides it was tried to avoid one man companies and e-mail addresses such as Gmail, Hotmail or Yahoo since they do not seem trustworthy in the eyes of the commissioner. Also, one certain criterion was not to send questionnaire to companies that obviously do not offer service in English.

The detailed questionnaire forms to fill in, related to the discussed topics, were sent to the chosen agents by e-mail and requested to send back to the author within a couple of weeks.

Some companies responded very quickly and sent the filled in questionnaire back. Especially Chinese companies appeared to be very eager to respond. However, it appeared in many cases that the companies referred to confidentiality why not being able to provide the replies.

This way of gathering information is a narrative research method in which different stories are collected together for analyses (Quinlan 2011, 181). These gathered narratives are received as responses to series of questions on a certain related topic (McQueen & Zimmerman 2006, 476).

In here it was considered to be possible that quantitative data to measure analysis could be formed, depending on how many possible service providers by country would respond. If not that many, those were decided to be analyzed using qualitative methods likewise the earlier data acquisition and analysis too, making the criteria match so that it is possible to pick the providers for future use. The list of the countries in which the company currently needs to have a representing patent agency is presented in table 1. The country selection was at first a bit wider but based on interviews and internal discussions some irrelevant countries were left out.

The country selection is based on the PCT national phase continuation and includes the countries in which the customers of Genip Oy mostly apply patents for. Besides the list covers the countries in which the customers mostly make decisions of patent validations once European Patent application has been granted as a patent. The PCT continuation countries are more relevant in the technical issues while EP validation countries require more of formal knowledge of the local patent procedure in the country. Table 1. shows the countries in which the foreign agent currently is needed.

Table 1. Countries in which a representative is needed

Australia	Austria	Brazil	Canada	China
Czech Republic	Hungary	India	Italy	Japan
Republic of Korea	Poland	Russia	Spain	Sweden
Turkey	USA			

Once the questionnaires had been received back they were compared to the set criteria and it was tried to find out which service providers match with the criteria most.

Thereafter there should be made decisions whether some of them could become a representative. That could be possible with the next possible patent case abroad since not any tight contracts are tying the company. Though, patenting process is extremely slow, several years in many cases, so actual results of satisfaction of the choices after changing and using new service providers are not possible to include in this thesis.

## 5.2 Analyzing the external questionnaires

The questionnaires were sent to 495 recipients in 17 countries. Totally 69 filled questionnaires were received back by the set due date so approximately 14 % of the recipients responded. Measured in percentage most replies were received from Turkish, Chinese, Indian, Brazilian, Swedish, Hungarian and Russian agents of which over 15 % responded. Also, Canadian, Australian and Polish agents responded relatively actively. From Korean agents only one of 20 (5 %) responded that appeared to be disappointing. Surprisingly not any responses were received from the 24 recipients of the Japanese agents. This was an unpleasant matter since in internal interviews was argued that especially Japan might be one of the countries in necessity of having new representative in the future.

However, the currently used Japanese agent was mentioned in company interviews being one possible agent in need of change and especially therefore responses from Japanese would have been highly appreciated. Also higher percentage than 6 % of responses from US agents would have been expected. Response level of Italian, Spanish and Czech agents stayed rather low, too. Though, these countries were more of inter-

est in formal issues and therefore not that acute. In Australia the response percentage was 11 % but due to many recipients from there were anyhow received rather many replies.

Besides, in order to be able to make comparisons, the questionnaires were sent to the most of the currently used service providers in the same countries. Of those 50 % of the 18 recipients responded in due time which is a rather low percentage taking into account that giving such information would be crucial in order to maintain the relationships. Because of missing responses the comparison between current and possible new service providers was far more difficult to be done. However, there could be made comparisons between possible new ones. In Table 2 are shown the quantities of recipients in each country and the percentages of responses.

Table 2. Questionnaire recipients and responses

<b>Questionnaire recipients and responses</b>						
	<b>Recipients</b>	<b>Responses</b>	<b>%</b>	<b>Recipients of current agents</b>	<b>Responses from current agents</b>	<b>%</b>
Australia	71	8	11 %	1	0	0 %
Austria	14	0	0 %	1	1	100 %
Brazil	70	13	19 %	1	1	100 %
Canada	53	7	13 %	1	0	0 %
China	81	18	22 %	1	1	100 %
Czech Republic	19	1	5 %	0	0	
Hungary	9	2	22 %	1	0	0 %
India	9	2	22 %	1	0	0 %
Italy	13	1	8 %	1	0	0 %
Japan	24	0	0 %	1	0	0 %
Korea	20	1	5 %	1	1	100 %
Poland	9	1	11 %	2	2	100 %
Russia	18	3	17 %	1	1	100 %
Spain	26	3	12 %	1	0	0 %
Sweden	14	3	21 %	0	0	
Turkey	14	5	36 %	1	1	100 %
USA	31	2	6 %	3	1	33 %
<b>Total</b>	<b>495</b>	<b>70</b>	<b>14 %</b>	<b>18</b>	<b>9</b>	<b>50 %</b>

Some of the recipients responded just by writing literally by email some introductions to their working manners but they didn't send the questionnaire filled back. Some responded just by sending their fee schedules. Such companies were however not counted in the thesis but the results were limited to only such companies that responded by filling the questionnaires. Though, such information could be valuable in the future use for the commissioner and is to be maintained for those purposes.

The comparisons between the questionnaires and through the internal interviews created criteria were made as well by themes. Besides that, they were compared by country since there are huge differences between countries and therefore it was not relevant to compare all the questionnaires statistically together. Also, there was made division between the countries from which the commissioner needs more technical knowledge (AU, BR, CA, CN, IN, JP, KR, RU, US) while the rest countries (AT, CZ, HU, IT, PL, ES, SE, TR) are only for EP patent validations currently since for EP patents the commissioner can and could act as representative itself.

In comparisons the questionnaires were gone through by giving points for each reply of the 30 questions that matches with the expectations of the commissioner. However, the total points received were decided not to be the only criteria in comparison. For example the foreign agent should be able to represent the needed field of technology and therefore it was possible that some companies receiving very high assessments were however ranked out since they lacked the needed knowledge. Also for instance the price level mattered same way since the commissioner built criterion of choosing middle-priced companies instead of very cheap or expensive ones. It can be said that some criteria were highlighted over others which by Ordoobadi & Wang (2011, 634) refers to the linear weighted average method of making choices. This was useful especially for this study since there were many questions in the questionnaire but not all of them were equally remarkable in the actual decision making process.

### 5.2.1 Service based on the questionnaire

Of the formalities related to the service could be agreed in the criteria that the tasks should be handled and provided to the commissioner relatively quickly after received by the service provider. Due to different timescales of the patent procedure in each country the replies between countries varied a bit but there could not be seen any huge variation, however. More important in the comparison was to compare the details inside one country. Anyhow, details related to reporting to the commissioner had agreed that all timescales from same day to week or in some cases to two weeks were the expected but a month or two months were unacceptable despite the country.

Most agents replied being able to report or provide additional information in case required in a couple of days on average but especially many Chinese respondents informed about waiting time of a month. Such replies were left without points in the

evaluation since in such cases the official deadline to be approached stays too long in the hands of the foreign service provider. However, many respondents informed about usually reporting shortly before sending more detailed information, in order to get the commissioner prepared for such procedure in the future. Such respondents received point from their reply.

All of the respondents argued about informing in their reports the official due dates by which the replies received from the commissioner and re-handled by the agent should be provided to the local patent offices. Additionally in criteria was appreciated such replies in which the agents gave their own wish of the date for the response from commissioner. Most agents replied informing of such but there were a couple of that didn't. Especially in Canada there appeared to be variation in the manners.

### 5.2.2 Price based on the questionnaire

It was set a criterion in the internal interviews that the pricing of service provider should not be the highest but not the cheapest either. Exact payable amounts are impossible to say in details since the pricing varies by country and the pricing systems are different also inside one country. According to replies some companies price their services rather fixed while others use hourly based system. Anyhow, in the questionnaires was asked about the hourly based price and besides a list of services provided per fixed price. In many cases the respondents delivered their schedules of services in order to give a better picture of their pricing besides the hourly based.

One very interesting phenomenon was found out in the pricing of Chinese companies. All the respondents that gave their replies of the pricing informed exactly the same prices for their services. Therefore it was impossible to make any comparison between the Chinese purely related to the pricing but lead to suspicions on the mind of the author about the Chinese pricing system in general. Since there was received a lot of replies especially from China comparing the prices would have been an easy way of getting to know something about the companies but unfortunately this cartel way brought down that plan.



### 5.2.3 Knowledge based on the questionnaire

Especially in PCT continuation countries the knowledge of the service provider matters quite a lot. In the questionnaire was asked for instance about the experience by inquiring about the education and maintaining the professional knowledge. In most countries without lots of variations the attorneys in companies have university degrees, mostly of some technology. Besides there are plenty of law degrees represented.

Without wider knowledge of educational systems in different countries it was quite impossible to make comparisons whether the informed educations are valid for patenting branch and fulfill the requirements of Genip Oy. Most US and Australian agents informed about their education but mentioned besides that they have a qualified degree required in the local patent law. This can be considered as a proof at least of the formal technical knowledge related to patents. Moreover, the time spent on the branch describes quite well of the competence, knowledge and full passion towards the branch. Companies having only a few years of experience approximately per an attorney could not receive point but at least five years was the minimum. However, especially some Chinese respondents replied instead the time of working in the exact company and therefore the full experience could not be evaluated.

Under the topic of knowledge were also questions about maintaining the profession. Points were given of replies by which the attorneys are actively following the branch by taking part into patent educations and congresses, writing publications and lecturing in universities, for instance. Many replied additionally of internal house educations included to their work. Some of the respondents added that in maintaining and gathering the knowledge the best way for that is actual work. Similar thoughts were given in the internal interviews, too.

### 5.2.4 Customer orientation based on the questionnaire

According to the internal interviews customer orientation was an issue to be underlined in the service provider selection and therefore it was crucial to include such topics to questionnaire as well. In the questionnaire was asked how the requirements of the client or applicant are taken into account in the service. For instance questions related to options of how the invoicing and reporting are offered and handled reflect di-

rectly the customer orientation of the service provider. Genip Oy appreciates mostly the style where the customer may decide of the available options how these services are done due to different needs of different clients.

Also, offering detailed information about the local procedure in case necessary is highly appreciated and those companies that offer information in advance or at least when some changes are happening compared to older system were evaluated important. To customer orientation is highly related also the fact that nevertheless the size of the applicant company all the cases should be equally important and there should not be shown any difference in the service between offering to smaller or larger clients.

#### 5.2.5 Size based on the questionnaire

Mostly the respondents replied that the size of the applicant company does not matter at all but they accept as clients any sized of applicants. However, especially a couple of Canadians replied that they would rather serve companies from middle sized to large. As explanation they described that that way they could be sure of being able to help the applicant exactly with their field of technology or at least that would be more potential that the knowledge between the companies would match as required.

Since one requirement for Genip Oy was to find out potential representatives for smaller sized of clients of it, such representatives could not receive good evaluation of such reply. However, all the other respondents informed that the size of the applicant does not matter at all.

As explained already the size of the representative however matters to Genip Oy. Therefore in the questionnaire was asked about the amount of personnel, the share of how many representative the representative has per each field of technology and besides there was asked about the amount of assistants in total. Even though very small companies were tried to rank out already before sending the questionnaire there was received replies from such. Those did not however receive points due to their size.

### 5.2.6 Continuity based on the questionnaire

In the questionnaire was not directly referred to the continuity of the cooperation. The only questions loosely related to continuity were the ones concerning the possible cooperation in Finnish and / or European patent applications. However, the replies received were more or less concerning the mutuality in the cooperation. Most respondents despite the country replied that they either do not need one or already have a representative for European patent applications or in case of European countries they can act as such themselves. Similarly was replied that there is no necessity for having a representative for Finnish patent applications due to fact that their clients do not apply for patents in Finland.

A couple of exceptions in the replies were received, too. Some Chinese, Polish, USA, Italian, Spanish, Hungarian, Swedish, Canadian, Brazilian and Australian responded that they might be interested in the mutual cooperation. Mostly the replied concerned the validation process for validating European patents in Finland since most of them already had a representative for European patent applications but a Finnish one was missing. This could be considered as a possible sign to start mutual cooperation and widen the business gradually. However, it must be understood that mutuality probably requires giving work by the commissioner to those agents, too and on the other hand the validation cases in Finland might happen very rarely in any case. Anyhow, this could be a possible step to take with some of the agents in case they fulfill all the other requirements set in the criteria.

### 5.2.7 Countries according to the questionnaire

A couple of countries showed quite high interest in responding to the questionnaire and noting interest for mutual cooperation in the future. From the PCT countries in which the clients of Genip Oy mostly apply patents for are China, Japan, Korea, Russia, USA and European area. Besides, there are from time to time new applications filed in Australia, Brazil, Canada and India.

From Australia were received many replies and it has to be said that they all were quite well filled. From the respondents could not be found one above others but the rankings were quite equal with a little of variation. The highest ranking was 26 points of 30 while the lowest was 18 differing quite a lot from the others and ranked out of

possible service providers. Of the service could not be seen any variation between the replies but the most varied differences came up in the pricing, size and the possible cooperation. As a conclusion could be said that there were four respondents over others that could possibly be contacted in the future. However, Australian patent applications are quite rare for the clients of Genip Oy.

Brazil is also a country in where Genip Oy has new cases quite rarely. However, the Brazilians were among the most eager respondents. There came up in the rankings six agents over others of which two informed interest for cooperation in European and Finnish applications, too. From Brazil unfortunately were received a lot of replies from very small companies and companies in which experience appeared to be still quite low. There was quite huge variation between the pricing, too and the points were given to those ones with middle prizes. Anyhow, if needed in the future, there were many of possible choices available. However, the currently used agent also replied and its ranking was the highest and the internal interviews did not show any dissatisfaction towards it either so in Brazil it might be suggested to keep up with the old one.

Canadians replied rather eagerly. The currently used agent did not respond so there could not be made direct comparison between the possible and current ones. The most varied replies between the Canadian respondents concerned pricing of which the lowest and highest pricings were given not any points. There was also variation seen in the reporting manners especially in waiting times. Also, the sizes of the companies and the office action response preparing times differed. Interestingly the three best ranked companies appeared only after highlighting the pricing and service levels in the points. However, also Canada is one of the countries in which the commissioner is rather satisfied with the current agent and where the clients have new applications quite rarely. However, the response from the current agent would have been appreciated.

Especially from Chinese service providers were received many perfectly filled questionnaires with valuable information about their services offered and of those could be found couple of over others with which there could be taken contact in the future. However, the currently used Chinese agent gave their replies, too and it has to be said that those replies where evaluated one of the best among the Chinese. As mentioned earlier, the pricing between the agents did surprisingly differ at all. Either cannot be

said that the total rankings would give a huge variation between the respondents but since some well ranked companies informed about their service waiting time about a month or longer, those could not be evaluated as a possible choice. Most exceptions were visible especially in the service waiting time and in the time for preparing responses for office actions. Also, few companies showed possible interest in the mutual cooperation in the future which could be considered a positive thing.

Of Indian agents were received only two responses and unfortunately the current agent did not give their reply. This can be considered as poor service among other poor service already experienced according to the internal interviews. Of the two respondents one was enormously better than the other giving strict and understandable replies compared to the other one. Taking into account that the better replying company fulfills the criteria of represented fields of technology, needed service level, company size and the pricing appears to be sensible there could be suggested to be tried that one perhaps in the future instead of the current disappointing one. However, Indian applications are rather rare but anyhow in the next case that could be possible.

Japanese agents on the other hand were a disappointment giving no replies so there could not be made any comparison to the set criteria. Neither did the currently used service provider give their reply that can be considered as a bad sign of offered service in general. The questionnaires were sent to the chosen agents as one single group e-mail by country and therefore it was firstly suspected that none of them received the questionnaire. However, it was resent later on without any new contacts after that. Also, the questionnaire to the current Japanese agent was sent in a separate e-mail still without a response.

Similarly, Korean agents were not that eager to respond. From there was received only one filled questionnaire back in addition the one received from recently started to use current Korean agent. This one respondent however had filled the questionnaire only partially leaving very relevant parts without a reply so the comparison between the current and possible was impossible to be made.

From Russia were received three replies besides the one from the current agent. Of the respondents the currently used agent was ranked the best. Besides, one other respondent received quite similar ranking while the two others got much lower points due to their given information about the time spent for working and the company size. There

was not much of variation in the service offered, though. The only dissatisfaction experienced towards the current Russian agent was concerning the high pricing. However, the second best respondent had similar pricing with the current one so of that cannot be concluded that the agent should be changed. In Russia the clients of Genip Oy however do have quite often new applications and therefore this possibility of changing the agent could be kept as an option.

USA was also a disappointment with two replies besides one from a current agent. One of the respondents got very low ranking due to size and too approximate replies. In the view of changing the US agent the price was the most interesting thing but according to the replies they did not vary that much. All respondents were eager to tailor the services according to the client's wishes, that was an appreciated issue.

The countries related mostly to European validations were not that relevant to the research but only in the view of formal issues. From Austria was received only one reply and that was from a current agent so the evaluation was felt irrelevant to be done. From Czech Republic was received only one response and the current agent did not reply so there could not be made any comparison. It has to be said also, that in Czech Republic the validations are currently very rare. Similarly from Italian agents was received only one response and therefore not any comparisons could be made. From Hungary were received two responses of which other was ranked better due to pricing and experience. The reporting manners appeared to be similar for both.

What comes to the Poland, two current agents and one possible new one replied to the questionnaire. Surprisingly, the current agents were ranked much lower than the new respondent mainly due to reporting manners. Between the pricing of the current Polish agents could be concluded that agent Y is much more expensive and therefore it would be suggested to use agent Z in case not changed to the third one. From Spain were received three responses of one appeared to be better than the two other ones, mostly because of required service and price level. All respondents appeared to be quite small companies but since the validations do not require wide technical knowledge offered those could be useful. However, the Spanish agent has recently been changed and therefore it might be questioned whether there is need to do that choice again.

Also from Sweden were received three responses but those three replied very similarly to each question. Two of the respondents showed possible interest for cooperation in validations. The clients of Genip Oy have occasionally validations in Sweden and this could be kept in mind especially because the current agent didn't give their response at all. The most eager respondents among the Europeans came from Turkey. The current agent was ranked one of the best but there came up a couple of other possible agents, too. Especially the pricing of the current agent appeared to be very high. Other variations between the respondents appeared mostly in the size of the company and some differences were shown in the service manners, too. The best ranked agent W has also been in contact by LinkedIn which shows it to follow modern manners and might be one good option within the next case.

## 6 CONCLUSIONS

On the company level the thesis objected to find a functional, long-term solution that was hoped to help with the issues which had caused dissatisfaction in the company. The foreign patent agency relations are vitally important for the company and therefore appropriate choices would be indeed appreciated. The findings were hoped to help the company to start creating long lasting relationships with new service providers and/or develop the former relations. Moreover, it was expected that the correctly made choices could bring new customers to the company, too, by formulating mutual collaboration.

It was expected that once this matter can be solved properly, the processes on the company are getting improved resulting to effectiveness and through that higher competitiveness.

One societal benefit to which this research aimed at was improvement of competitiveness and cost efficiency of Finnish technologically innovative companies. This was considered to happen especially among the clients of the commissioner which would benefit directly from the effectiveness of it. Moreover this research aimed at higher profit for the commissioner meaning higher income also at Kymenlaakso region and on country level through taxation. In patenting process such results however show a long time after the development process is done and the final results can be told only later.

The author of this thesis expected to get a deeper understanding of such processes on the company level and being a part of improving them is probably the best way to get it. It has been great to be able to adapt the learned things in an actual existing environment and besides to show them by studying acquired knowledge at the working place. Hopefully this ensures also the commissioner about importance of educating oneself.

One important thing to notice is, despite the fact whether the selection process succeeded already or not, the company started its marketing to some extent through the process. There were many companies among the respondents that were interested in receiving information of Genip Oy as well as the schedule of fees. Also, a couple of LinkedIn invitations and profile views showed that there was interest towards the company. The company has not paid much attention at marketing so far due to its history and inherited clients when established but this project can be considered as a start.

## 6.1 Managerial implications

Even though it was assumed and concretely proved with the data acquisition and analysis that the company did not have the criteria for its service provider selection the criteria that should be involved were quite easily found out within the interviews. From that could be concluded that the criteria existed in the minds of the employees and the management but those had not been discussed generally. This may be cause of working so long time with the same tasks that the employees have not given a thought to the process earlier but are being too used to the process that they have not seen any necessity to open their eyes.

However, the internal discussions in the company showed some dissatisfaction towards some of the long-term service providers. As introduced in the theories of relationship lifecycle (Heinrich et al. 2011; Brennan et al. 2007) it can be said that with those case the company has went over the maturity stage in which all appeared to be fine with the service provider. In those cases, such as Chinese, Indian and US agents, it can be said that the relationship has developed to the crisis phase (Heinrich et al. 2011) and the experienced value from the service provider is no longer received or the level of it has significantly reduced. Therefore it has been experienced crucial to start looking for new options. Nevertheless, as Heinrich et al. (2011) claim the relationship



could be tried to recreate and the value started to receive by communicating with the service provider. This was pointed out also by Krause et al. (1994).

The internal interviews showed up a couple of important topics on which the choosing criteria were agreed to be based on. The theories showed similar results what comes to the service, pricing, knowledge and customer orientation. Patil (2014, 621) mentioned quality, capability and delivery being important criteria, which together form a part of the experienced service. Day et al. (1994, 47) also highlighted similar things being crucial for a supplier. According to Sonmez et al. (2010, 204) the criteria that matter most are knowledge, the product, reputation, capability, pricing and competence which rather well describe the situation for the commissioner. Moreover, Sonmez et al. state that the last important of these criteria is pricing. In the case of Genip Oy the price was argued not being the most important but anyhow a mattering point.

None of the represented theories however paid attention at size of the supplier company or the point of continuity which were argued by the commissioner being rather important in the selection process. This may however be branch-related and otherwise the criteria development process in Genip Oy follows quite strictly the already existing models.

To reply to the research question of how to choose the global patent agency relationship partners in order to make it more beneficial it can be said that the commissioner obviously has not paid attention to the matter earlier. The matters have not been communicated in the organization but the manners to which all are used to have stayed deep in the actions. However, as suggested by Ordoobadi et al. (2011, 644) and furthermore by Day et al. (1994, 51) cooperation and open communication are the keys to improvements. It is great that the discussion has started but there is still a lot to develop before the process is finished.

Starting to discuss that there should be valid criteria based on which the service providers should be chosen is a good start. The created criteria and the questionnaire based on those are beneficial tools to compare the possible service providers with each other and within time both the criteria and the questionnaire could be developed to better ones based on experiences and further needs. However, to make comparisons to the current and past systems the tools actually have to be started to use in order to understand whether some benefits have been received.

At the same time this pondering replies to the question of how to have an impact on efficiency by developing the criteria of choices. It can be concluded that comparing the possible service providers is the first step to result to higher effectiveness since by that it is possible to find exactly those that fulfill the criteria based on needs. This comparison mitigates the process of choosing by making the alternatives with their strengths and weaknesses visible. However, if there were not any criteria based on which the comparisons are done it could not be seen to efficiency in them either. Therefore, having created the criteria in the first place is a step towards efficiency and though that higher profitability, also.

As one important criterion was stated service as itself and it was required to include at least timely delivery, information about requirements from the client, local country specific requirements in general and proper comments by the service provider concerning the case in question. Also small details such as correct invoicing and usage of e-mail were mentioned as parts of good service. However, as many as respondents there were in the interviews, as many experiences there were about what service should be like. This corresponds very well the idea of Sonmez et al. (2010, 191) that explain service being exactly more like a feeling based experience that can subjectively vary depending on the person.

Furthermore, highly related to good service the interviewees mentioned that the service provider should be able to represent in the needed technology and understand the technical instructions provided by the client. Besides, it was argued that they should be competent to adapt technical instructions even though they would not exactly correspond with their own knowledge about the field. Patil (2014, 621) relates the knowledge to quality of service, while Sonmez et al. (2010, 204) introduce it as a main category of the most used criteria in selection process concerning service providers.

It was concluded that in Genip Oy are used to use those service providers that currently are used mainly without questioning whether the received service level is high enough. Krause et al. (1996, 51 – 51) had similar concern in their research that the purchaser does not require better even though they should just because they do not understand to do that. This research has however opened the eyes of the personnel at least to consider more deeply whether they do receive what they actually order. By re-

quiring at least the extent that has been agreed with the service provider there could already be impacted at the customer satisfaction.

The pricing was said not to be the most important criterion but of course mattering especially among the smaller clients. As stated also by Sonmez et al. (2010, 204) especially in service environment the other criteria are over the price. In manufacturing industry the supplier costs may easily be the most expensive part of the product of which level of satisfaction is defined by the physical product. For the services, however the full service is the definition for the experience and therefore the service provider costs do not matter that much, either. Anyhow, it was argued that there should not be paid for nothing but the exactly ordered service that hopefully is of good quality.

Moreover, it was mentioned that if Genip Oy chose cheaper service providers this could make it more attractive in the eyes of the clients compared to the competitors. Besides, despite the fact that the service providers are directly paid by the customers, customer orientation should be remembered in that case, too. Especially to smaller clients the price is important factor in making decision whether to apply a patent or not since patenting is rather costly as stated also by Rowland (1997, 343 – 351). Therefore the customer's opinion should apply also in choosing the service providers even though it had been decided not to use the cheapest one which is the case in this criteria creation process. Raab et al. (2008, 13) have mentioned that satisfied customers often make re-shopping and therefore it is crucial include the customer needs in the decision process.

To satisfy smaller customers and to make them purchase more competing with the price would be a good suggestion. This came up also in the internal interviews arguing that in cases the customer obviously has own opinions of how to proceed those should be respected and involved in the process as well as possible. However, it might be that Genip Oy considers its service being that high level that customers basically do not mind the price at all. Raab et al. (2008, 15) mention this phenomenon being possible but without critically viewing the offered service level there should not be leaned on such thoughts.

The price appears to be also the reply to the research question concerning the criteria for clients to which are provided different services. Genip Oy mainly serves big global

corporations and smaller Finnish clients. The big ones have lots of internal knowledge of technical issues including patenting and to those companies there is mainly offered technical assistance in case needed. In some cases those clients handle their foreign applications directly with their own service providers without involving Genip Oy. The smaller sized of customers are without such knowledge internally and therefore they buy full service from Genip Oy including the technical knowledge from Genip Oy representatives but besides from the foreign service providers via Genip Oy. In such cases costs are in very important role and to be involved with the selection process. Also, customer orientation especially with the small clients is important in order to understand the case exactly, while the bigger companies assumingly understand the case and process somewhat better in general.

One interesting area at which the earlier presented theories did not refer at all was the size of the service provider. This obviously is branch related. At least one man offices could not be mentioned as a good choice in order to avoid lack of resources and in case there might appear problems in personal chemistry. Actually, the theories do not refer at personal chemistry either, which however seemed to be quite important thing in cooperation. However, bigger sized of agents have usually been chosen as representatives due to their reputation that also Patil (2014, 621) and Sonmez et al. (2010, 204) conclude in their researches. As a conclusion can be said that preferably the service provider should be average sized in bigger companies the connections between the same attorneys representing the cases could be more unlikely.

Small sized of the service provider also woke up suspicions about continuity in general which also was one criterion to which the decisions should be based on. It was hoped that the relationship with the service provider would last long as has been the case already with the current ones. However, the felt dissatisfaction level corresponds quite well with the relationship lifecycle theories. The value experienced in Genip Oy has decreased that is obviously crisis phase of the lifecycle represented by Heinrich et al. (2011, 226). Furthermore, this crisis has made the personnel to consider new possibilities for cooperation that matches with the final phase of ending as stated by Heinrich et al. (2011, 226) and Brennan et al. (2007, 253).

Related to continuity it was felt in the company that after starting cooperation with a new service provider it takes rather long time until the representative has showed its

abilities and it can be trusted. This exactly was pointed out in the theory represented by Heinrich et al. (2011, 227) that discuss the early stages being hesitating with the trust and value. However, the step to create new relationships must be taken, otherwise one can never know whether it would have succeeded. Anyhow, the hesitation is understandable since new cooperation also requires lots of usage of resources such as money and work and if that appears to be useless afterwards it obviously causes harm.

Generally speaking, the choosing process that in the case of Genip Oy is still continuing has quite similarly followed the model of Simon (1997) represented by Asemi et al. (2011) even though the process was created internally in the company without reviewing any certain models to use. It has included the phase in where the current situation with dissatisfaction has been analyzed and thereafter criteria for making comparisons were created. It also included at first listing possible alternatives and then evaluating them. The decisions based on the evaluation have not been made yet but once they will there for sure will follow also the follow up phase in order to get understanding whether the made choices succeeded but that might be done only months or years after creation of new relationships.

Despite the fact that the first presented general model of decision making already corresponds the actual behavior of Genip Oy the model by Day et al. (1994, 46) explains the behavior even better. In this model was an additional phase of re-evaluation the possible alternatives, which was used also by Genip Oy, ranking out some service providers from the firstly created list. Besides, differing from Simon's model in this are separately phases of evaluating the delivery and the actual service. However, this cannot be said yet whether Genip Oy will follow this model also from these parts but assumingly that is the case since service delivery and service are different parts of the full service that both together create the service experience but can separately be evaluated decreasing or increasing the complete satisfaction level.

## 6.2 Needs for future development

Despite the fact that beneficial information was received about plenty of potential service providers abroad there is still a lot to do before the final decisions can be made. Before starting to use any of those potential ones it would be useful to get to know them better. This could be done for instance by starting to review their web pages more deeply. Besides, of those with which the company probably could start coopera-

tion in the future would be suggested to ask to provide some material as proof of experience and knowledge. Such documents could be publications and cases in which the agents have acted as representative. Moreover, they could be asked to provide some more detailed information about their education since the questionnaires were not that accurate but gave open hands to the respondent of how to reply. However, the education is not necessarily the only thing that matters but the experience of work should be highlighted, too.

Many respondents in the internal company interviews mentioned that there is not any feedback system created concerning the service providers. Even though the company is very small and most discussions also about dissatisfaction are openly discussed in the coffee table it might be useful to create some certain norms according to which experiences would be written down. It was argued that sometimes, often even, the felt positive or negative experiences may have been forgotten right after they showed up. Therefore developing a common feedback system could be one point to be brought to discussions, especially after starting to use new service providers but also concerning the old ones as well, in order to evaluate the choices.

The percentage of replies of all the questionnaire receivers could have been higher if the questionnaire had been asked to be filled as an internet questionnaire. However, this way by sending to questionnaire by e-mail there could already be created the first contact with the potential future service providers.

As the theories introduced have shown the service is difficult to be described and measured and the feelings towards it may differ from day to day even experienced by one person. Even though the personnel in Genip Oy are being professionals on the branch the subjective consideration may cause dissatisfaction or satisfaction without a sensible reason for that. This is difficult especially among the attorneys that mainly take care of cases of different clients. However, there could be idea to go through the experiences and expectations not only when appearing dissatisfaction but occasionally agent by agent in order to get a picture for the full organization and not just in the minds of the attorneys handling the cases. As a helping tool could be the developed questionnaire, for instance.

As a part of service knowledge and competence of the service providers was also felt quite difficult to cover beforehand. In actual process of choosing new service provid-

ers such information is however essential. Therefore, the service providers ranked best from the questionnaire evaluation should be asked to send proofs of their knowledge and experience such as earlier represented cases, publications and probably their CV's could be available for choosing purposes, too.

One criterion in the choosing process appeared to be price as proposed also by earlier theories. In the development process at Genip Oy it was agreed that the price of any service provider should not be very low but not the highest either. What complicated the comparison between the current and possible new ones was the fact that information about pricing of the current service providers is challengingly available. The prices are poorly recorded and updated in the internal databases and the most information could be received only from the past invoices. The current service providers do not regularly send updates of their fee schedules and Genip Oy has not been after those either. Therefore it is suggested to change the manners into more efficient system and to require fee schedules from the used service providers on annual basis. This would ease the comparison process, invoice checking and prevent the service providers invoicing from nothing but agreed. Moreover, in order to be able to choose cheaper service providers for smaller clients and to create higher service experience to them, the fees should be available and that way easy to show to clients as well.

When facing dissatisfied experiences it would be warmly suggested to contact the provider of the given service in order to correct the situation right away and not to forget the experience or increase the harm further. In situations causing dissatisfaction there should firstly be considered whether the relationship gaps can be improved or whether the relationship should be ended and new representatives should be chosen as replacement or at least with the future cases.

Some countries such as Japan, China, India and USA appeared to be more relevant in the need of new representatives. Unfortunately, the externally filled questionnaires did not directly bring a solution to that dilemma. There were received a couple of hints of possible new service providers for some countries but not exactly to those ones that specially would more urgently require one. Therefore, it would be useful to continue with the process and keep the received answers as background information for future development.

The questionnaire itself included many good questions based on the agreed criteria but it can be concluded that they did not differentiate the replies enough. Therefore the total points counted appeared to pretty similar and not huge variation appeared. Even though the questionnaire was tried to be made as detailed as possible taking into account that it should not be too detailed in order to keep the respondents interested in replying there could have been even more detailed questions but probably less would have brought better result. This is a point to improve for future. Also, the questionnaire form could be useful for internal use to compare the experiences concerning the currently used service providers.

Mutual cooperation was one wish that was expected to be created during the process of new decisions. However, it appeared that most respondents already had representatives for Finnish or European patent applications or did not have need for such at all. Some showed a bit of interest. Anyhow, apparently this was not necessarily the best way to acquire new customers, even though it might be trustworthy to offer some cases to some of those representatives in hope to receive some workload back from their clients. Nevertheless, the best way to catch new clients probably would be starting to market the services directly. As said already earlier Genip Oy has not paid attention to that part of the business since the business has run well without such effort. However, the competition is getting harder and due to worldwide depression also innovative businesses are decreasing their efforts. Also therefore new orders would be welcome and marketing could be one possible solution to receive such.



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**Current system of service provider selections:**

1. How the currently used service providers have been chosen?
2. Why are we using those that currently are used?
3. What are the main things you handle with the foreign agents?
4. What are you satisfied with the currently used agents? Please give examples.
5. What are you not satisfied with the currently used agents? Please give examples, why not satisfied?
6. Compared to the timeline of using any agent, is there any difference with satisfaction? Examples?
7. How is customers' viewpoint or feedback taken into account when selecting or using an agent?
8. How are the competitors (or clients' competitors) taken into account / how they should be taken into account?
9. How important is the price when selecting the service provider?
10. How the experience of the chosen agent is currently evaluated?
11. How do you experience the reporting / replying style of currently used agents? What could be developed there?
12. How do you react if not satisfied with something?
13. How often the agents are evaluated?
14. Is there any reporting / feedback system related to the used agents?

**Future system for choosing agents**

1. How big role should money play in here? Customers save money if the service provider is cheaper but how could Genip benefit from money savings besides that customers are more satisfied with us.
2. How the proficiency of the foreign agent could be verified?
3. How to evaluate translations / translators, especially in languages not known by commissioner?
4. How should the appearing problematic issues be communicated with the agents?
5. How tight relations are expected?
6. Interest for mutual cooperation?

7. Compared to competitors, how could we benefit from service providers with mutual cooperation?
8. How to find out which agents are used by competitors (clients' competitors) taking into account conflict of interests?
9. How important is the reputation of the service provider? How to evaluate that?
10. How could there be chosen different agents based on customers' wishes?
11. How the customer's size should impact at the choice?
12. Is the size of the agent company important?
13. Should or should there not be many options in one country in order to use in different types of situations?
14. Is any other country more relevant or more acute than the other ones in necessity of quick choices? Examples?
15. What kinds of issues are important in reporting style of the agent? What are less important? Why?
16. Open suggestions?

**Afterwards the choices have been made and put to use**

1. How to follow up the operations and satisfaction?
2. How to measure the results of new choices?
3. How many misdoings would be acceptable from an agent?

<b>Reporting</b>					
How quickly you are able to report to a client an office action after received from PTO?	The same day	In a week	In two weeks	In a month	In two months or more
Do you usually send a short report of an office action before a more detailed one?	Yes		No		
Approximately, how quickly you respond to additional requests in need of clarifications or translations for example?	The same day	In a week	In two weeks	In a month	In two months or more
After filing a response / new application when do you report to the client?	The same day	In a week	In two weeks	In a month	In two months
After filing a response / new application what does your report of it to client include? (Choose as many options as suitable)	Report letter		Amended documents		Documents in local language
	PTO receipts		Correspondence with PTO		Other, what?
How detailed you report the content of an office action received from PTO?					
Do you include your comments to the reports of office actions?	No		Partially		Yes
In your reports, do you mention:	Official due dates?		Your request of date of response from client?		
	Yes	No	Yes		No
What methods of communications are used for correspondence? Which one is used most?	E-mail		Airmail	Fax	Other, What?
<b>Invoicing and pricing</b>					
When is the invoice of your service sent to the client?	Within the report	Collectively on monthly basis	Each case and action separately	Other, how?	
Do you separate in your invoices the types of work used for service?	Yes			No	
Do you break down the invoices into unit prices and number of units involved in your invoices?	Yes			No	
Are the official PTO fees separated in your invoices?	Yes			No	
How do you report to the client of the local requirements in your country?	After changes		Only when needed		In each communication where such communication is relevant
How do you take into account the possibility of conflict of interest when receiving order from a new applicant?	By asking from the client		By checking the backgrounds of the applicants		Other option, how?
How do you guarantee the accuracy of translations of application texts translated into the language of					

your country?				
What is your average price per hour?	Attorney price:	Assistant price:		
Do you use fixed prices for any service? If the answer is yes, which services:	Yes	No		
Approximately, how many hours you normally use for an office action?	Reporting to client	Preparing and filing response to PTO		
<b>Size and proficiency of the company</b>				
How are the attorneys in your company educated?				
Approximately, for how long have the attorneys in your company worked on the branch?				
How do the attorneys in your company maintain their proficiency:	Writing publications / lecturing	Participating congresses etc.	Other, what?	
Which fields of technology are represented by your company:				
How many attorneys work in your company?				
How many attorneys you have per a field of technology?				
How many assistants work in your company?				
Do you have any preference for the size of the applicant company?	Yes	No		
Does your company offer law services?	Yes	No		
<b>Interest for filings in Finland or in EPC</b>				
Do your clients have interest to apply for:	Finnish national patents?		European patents?	
	Yes	No	Yes	No
Do you have representative for:	Finnish national patent applications?		European patent applications?	
	Yes	No	Yes	No