


As in-house counsel, we review actions arising from our in-house clients daily. In that capacity, we are constantly challenged for adequate resources to undertake and perform successfully all the actions sent to us. Most every day, we must consider whether we will perform the legal work ourselves, assign it to one of our colleagues, or outsource it.

for Cajun Operating Company, I knew that the limited staff would require that I make outsourcing decisions frequently. So as I confronted these decisions week to week, working for a company that owns and manages a global quick service restaurant brand, there was an outsourcing decision that I made that has proven to be economical. It led to reduced overhead costs by establishing an outsourcing avenue

based in India. The group has established a system that performs the task necessary to maintain our registered trademarks, work with counsel in countries around the world for renewal of trademarks and new registrations.

The efficiency is apparent from the retainer paid each month and the “state of the art” web-based program that provides our company instantaneous access to the trademark database from even our smart phone. So as we protect the Church’s Chicken trademark in Russia or Japan, or the Texas Chicken trademark in India, China, or the United Kingdom, and approximately 100 other countries, we call upon our outsource provider to orchestrate that process around the world. LPO’s in India offer significant efficiencies.

Since the trademarks are such a valuable asset to us, we have in-house counsel assigned to monitor and maintain communications with our outsource provider. However, it is a value driven proposition to outsource this function to a group that is experienced and has the capacity to perform the work globally. This further allows our limited staff to focus on the core responsibilities of our company with a comfort that our trademark work is constantly reviewed. We are notified if there are actions that need to be taken in any one of the 100 countries that we have trademarks registered and protected.

Since this is the first column on outsourcing, we addressed one specific area that can easily be outsourced to efficient and capable providers. This column will identify other opportunities for in-house counsel to review. Until next month, I bid you good and effective outsourcing. 

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Outsourcing is A Way of Life

BY KENNETH A. CUTSHAW

Of course we have restraints in making those decisions: budget, expertise, or time. I have never met an in-house counsel who has an unlimited budget. This column is the first of a new column to be known as Outsource Resource. Outsourcing was politically challenged during the 2004 election cycle; Outsourcing that was identified with offshoring work which is alleged to lead to loss of jobs in the US. But we know that outsourcing is much broader than the offshoring process undertaken by many companies.

In-house counsel have to outsource. In most corporate legal departments, litigation is outsourced because of the unique expertise required for lawsuits. On the other hand, the preparation of contracts, review of agreements, and advice on general legal principles to our executive officers are often performed by in-house lawyers. Again, services vary from corporation to corporation. But as in-house counsel, we must decide everyday whether we are going to perform the work or outsource that work.

When I left a large global law firm last year and became general counsel

for the maintenance and protection of our intellectual property.

In the retail industry, a trademark or other intellectual property may often be considered one of the most valuable assets, if not the most valuable asset, owned by the company. It is often stated in public press reports that the Coca-Cola trademark is the most valuable trademark in the world. Coca-Cola sells a great-tasting beverage, but the trademark brings value to the beverage. Likewise in our quick service restaurant brand, a trademark is considered one of our most valuable assets. So why would I consider outsourcing the maintenance of a valuable asset? Because that type of work can be done effectively and efficiently by groups that specialize in trademark registrations, prosecutions and maintenance globally. Although our trademark asset is so valuable that we would never outsource the decision making process for registration of trademarks, the mechanical aspects of this work can be done by any number of law firms in or outside the United States. I made the decision to retain a legal process outsourcing (LPO) group



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