

# POST-SURVEY REPORT



**GENDER DIVERSITY IN IP LAW  
INTERNATIONAL WOMEN'S DAY 2019**

# Introduction

Managing IP, in association with 4iP Council, expanded upon the **Women in IP survey** with a greater focus on gender diversity and its impact on innovation. As always, the answers were interesting in more ways than one and there are still more questions to be asked on how we get to a truly innovative and diverse landscape. But the aim is to start the conversation and develop from there.



Within you'll find answers which embody the overall sentiment of those who responded. A roundup of the answers were then posed as questions to three women at varying stages of their careers for a more in depth perspective.



If you would like to discuss the content in more detail, please do get in touch with Alicia Sprott at [alicia.sprott@legalmediagroup.com](mailto:alicia.sprott@legalmediagroup.com).



Thank you to all those who participated and to our three interviewees. We hope you enjoy this content on International Women's Day 2019 and beyond.

## About 4iP Council

*4iP Council is a European research council dedicated to developing high quality academic insight and empirical evidence on topics related to intellectual property and innovation. Our research is multi-industry, cross sector and technology focused.*

*We work with academia, policy makers and regulators to facilitate a deeper understanding of the invention process and of technology investment decision-making. [www.4ipcouncil.com](http://www.4ipcouncil.com).*

# What would encourage more female innovators in your jurisdiction?

STEM (science, technology, engineering, and maths) education for girls was a recurring topic for many respondents. It provides the foundation for innovation and opens up new pathways in future. However, there was also recognition that women often still feel the burden of family life versus career and that men should be encouraged to take more shared parental leave or paternity leave. Providing women with opportunities to develop is a key point to get across.

More acceptance of part time work.  
More family friendly thinking across the board - e.g. more take up of paternity leave.

Education.  
Women underestimate their work and also don't realise that not all patenting is revolutionary. Small incremental developments are patentable too.

This has to start at grass roots level - in schools. Girls have to be encouraged in STEM and supported. They have to grow up not even thinking that gender is an issue when it comes to sciences, maths, etc. That will in turn help increase the workforce in areas that drive innovation. There also needs to be support for females (and males!) during their career and family life. For many women, there is a real life choice of investing in business and innovation and investing in their family.

Better recognition of the value added by women, salaries in line with men's, flexibility in working hours.

Better mentorship opportunities for women with mentorship participation by both women AND men.

# An interview with Marie Barani



## MARIE BARANI

Senior licensing officer at Vectis IP, a patent licensing company based in London.

### How did you start your career in IP?

I wanted to work in IP so I picked up a master specialised in industrial property law. I did a few traineeships during my studies, which gave me the opportunity to deal with IP, in particular patents, in different places (an IT consultancy, a national telecom operator and the European Commission). This gave me a diversified view on the employment opportunities in IP.

When I graduated, there were not many jobs available for freshly graduated students in patent law so I made a market analysis and contacted people I wanted to work for by blind solicitation. This is how I got my first job as IP legal counsel in one of the biggest research centers. This position offered a lot in terms of negotiation skills because I had to deal with engineers, financial people and contractual partners; all of whom have different views and expectations regarding a research project and/or IP and do not speak the same language as a lawyer.

I worked as IP legal counsel for two and a half years for public institutions under short term contracts. This enabled me to negotiate contracts in different fields (IT, biotech, pharma; energy). As I wanted to focus on ICT, I approached a woman I heard about at a conference to discuss about a topic I knew she would be interested in. I received a proposal to work for seven months for her company on a consultancy project.

Today I am working as licensing officer for a patent licensing company. I would say this has been the result of three main activities: networking, market analysis for blind solicitations (I never got a job through a job application) and hard work.

### What has been your experience of working in IP?

I like working in IP. It is a very diversified field, where people with different education and background (engineers; finance people; lawyers) have to sit and discuss together. They may not have the same interests and finding a compromise is a challenging task. It is also a

# An interview with Marie Barani...continued



very international field where people from different cultures have to negotiate together. Although I am not an engineer, I like the technical aspect of patent law and I appreciate working with engineers. IP is what I was looking for: an international, diversified field where law, innovation, finance, trade and policy interact. One minus is that awareness is very low and there is a lot of education to do.

## What are your thoughts on innovation?

Innovation is important and I believe that it can tackle some of the challenges faced by an ageing society. We speak a lot of the Internet of Things (IoT). For example, connected cars could help disabled and older people that may no longer be allowed to drive to better commute. Connected medical devices could better support and make people living with some chronic diseases more autonomous and independent. Innovation can help a lot of society. It is however a challenging field because investments are high and a lot of them do not produce any results. IP is one of the tools to get a return on investment but it starts being more difficult in some jurisdictions. It seems that some groups and companies have sufficient resources to lobby and put pressure against patents.

## How do you see your career developing, and do you see any barriers to it?

I want to improve and evolve. I also hope I will continue to work in different languages with people from different background.

If IoT becomes a reality, I am looking forward to the convergence of industries. Connected devices will need ICT to operate and communicate. I believe IoT offers a lot of opportunities in terms of learning and evolving because IP practices from ICT may need to be adapted to other sectors with specific constraints that are totally different.

I do not think there are significant barriers, except the fact that I am not an engineer. This reduces the opportunities for me. The other barrier is potentially the lack of flexibility in some working places. But that is not an IP-specific barrier.

# What is the value add of more gender diversity in IP law?

Respondents focused on three key ideas; first that more diversity is essential to having new perspectives. Second, that diversity shouldn't just be limited to gender and there socioeconomic factors as well as ethnicity which play a role in new perspectives. Lastly, the lack of gender diversity isn't necessarily a problem but having a woman in a leading role or position, either in-house or at a firm, is the next challenge to tackle.

Gender diversity is simply the representation of the constitution of our society. The potential benefit of more gender diversity would be to offer a better chance to generate ideas, initiative and decisions that a larger number of persons would embrace.

Increased collaboration and varied thought generation, often a better idea and representation of the client, and increased inclusivity within firms and client service teams.

More perspectives and approaches to problem solving and a healthier work environment that considers the needs of all employees.

Any diversity is beneficial, don't limit this to gender - think also ethnic origin, social origin, technical background etc. More diversity equates to alternative ways of thinking how to solve a problem rather than "let's do it this way as it's worked a few times in the past". People of 'minorities' have often had to overcome challenges in a creative way, challenges that your stereotypical IP lawyer (middle class background, prestigious college, heterosexual, etc) may be less likely to have faced.

Different ways of viewing problems, different strengths in group work, relating to and reaching different groups, and getting the job done.

# An interview with Angela Johnson



**ANGELA JOHNSON**

litigation counsel at Uber

## What do you think the value add of diversity is to IP?

IP isn't different than any other profession – diversity is important to find solutions and results in every field. At the end of the day, people have different lenses they look at the world in, and you get better decision-making when you bring that resource to the table.

It's important to push in IP right now because there is an obvious lack of diversity – it's heavily male-dominated, and there aren't a lot of people of color. IP is involved in so many levels of a business, it's important to have those diverse perspectives at each stage, from building the website to advertising, patents, etc.

## Do you think you have different perspectives because of your ethnicity and gender? In what ways if so?

Our experiences make us view things in a unique way. As a litigator, I'm always thinking about how a jury will perceive things – how they'll perceive a comment about a technology and its impact on the world. I look at it differently than someone who's not a woman or not a person of color.

## What more that can be done to introduce more diversity at head of department/partner level?

There's a lot. First you need policies in place that acknowledge the problem head on. Look at the data and identify the issues in supply on the hiring level.

Step two is action-oriented. Look at ways to concretely address it. On the hiring/retaining side, companies have to be strategic in looking for diverse individuals across the spectrum, not just low-level employees coming in. Having a woman to look up to can be inspiration and makes it seem more possible to move up the chain. Having diverse people at all levels within the hierarchy is important.

Then, for new leaders they do bring in, it's important to train them on those values, such as the value of mentoring. Groom individual leaders to maintain and support the culture.

# What are the top 3 policy changes that you would like to see made in your jurisdiction to promote an innovative, global landscape?

There were many differing points on innovation, so much that we couldn't fit all responses in! We have pulled the most varied perspectives which attempt to cover a mix of jurisdictions, economic and social factors.

Refrain from direct stimulation of innovation by awarding/granting excessive funding to corporations. If the grant is made, [there should be] detailed disclosure to the taxpayer on how the money is dedicated to innovation, and how it can benefit the general public. Secondly, award the genuine innovators by forcefully protecting their IP rights, and make the legal cost of illegitimate copying unbearable to the infringers.

Our policy focus should be to level the playing field financially, with less complexity and more inclusion. Our IP policies favor wealth. Alignment of global funding mechanisms is needed to streamline investment in innovation and remove the legal barriers that exist due to conflicting funding obligations.

Consideration of empowering administrative bodies needs to be considered to remove it from the over worked and expensive court system.

IP enforcement - there has to be a more cost effective mechanism of enforcing IP for SMEs.

A real recognition of the value of IP by enterprises, whether start ups or major companies. And a more efficient jurisdiction system with specialised judges aware of the importance and value of IP.

Loosen research exemption law and practice to allow companies to play before they do full freedom to operate analyses / ask for a license.

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[Three things] - Extended, paid family leave for women and men; financial support for child care, either through employers or government assistance/reimbursement; and more transparency in the public and private sector

I think the US needs patent reform in the area of natural products and diagnostic inventions. The potential for tremendous improvement in quality of life exists in these areas, but excessively restrictive interpretation of current laws threatens to jeopardise innovation that will benefit the world.

Creating innovation platforms between academia and industry to derisk innovation scaling.

Each establishment having a diversity policy that ensures equal opportunities all round, that the policy is actually implemented and not just talked about, those that are promoting diversity speak up and lead by example.

Embedding entrepreneurship skills and mind-set to encourage and support innovation - developing education about IP beyond engineering and science subjects.

Promote the connection between IP and human rights and development and increasing of culture and innovation.

In Spain, there should be more support to the real innovators. Clear and useful rules on how to select innovators following global needs are needed and criteria is not local. We need to promote innovators and not everyone since the resources are limited.

# An interview with Béatrix de Russé



## BÉATRIX DE RUSSÉ

Former Vice President  
Worldwide Licensing at  
Technicolor, Member of the IP  
Hall of Fame.

### How have you seen the innovation and IP landscape change since you started your career?

When I started my career very few companies were innovation and IP savvy, and I was lucky enough to be in one that understood the potential of IP as a means to protect its own innovation and products and monetise patents through licensing in order to continue to innovate and maintain a competitive advantage. This allowed me to build an IP and licensing organisation of around 250 people worldwide, filing patents on the company's inventions and licensing them to users to help them build their own products, in an amicable way, generating very high income and profit. Asian companies (many of whom were our licensees) subsequently began to patent and license their inventions too. Europe and the US followed this trend pushed by the desire to get huge licensing incomes from their innovation. Many firms didn't have the capacity to manage licensing in-house and so specific firms, based mainly in the US, were created to license others' patents, whether trolls, NPEs, PIPcos. Litigations exploded entailing adverse reactions. This clouded the very necessary need to understand and educate on the crucial role of IP in innovation enablement.

### How do we build a culture of innovation and IP education at an early age?

A culture of innovation and IP education must be provided as soon as possible to be efficient - basic education from early adolescence complemented by specific courses in all types of schools: law, engineering, commerce, sciences etc.

At the same time, companies should provide their engineers and researchers with continuous education on the need to 'think patent' even if they consider that they have not invented anything. Patent attorneys are best placed to determine whether an invention is patentable. This should happen in companies of all sizes to widely diffuse a culture of innovation and IP understanding. In my company, we located patent attorneys in each important lab to consistently educate researchers and transform their innovations into patent applications. We also regularly sent them to other/smaller labs and engineering communities so as to ensure a deep innovation and IP culture.

# What will we be planning for 2019?



## **MIP International Women's Leadership Forum – New York 2019** June 6, Convene 810 Seventh Avenue

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Ultimately the culmination of these survey answers have been fed into the programme for our upcoming women's leadership series, of which the next to take place will be in New York. If you would be interested in contributing further to this event, please email Natalie Canter at [natalie.canter@managingip.com](mailto:natalie.canter@managingip.com).



## **LMG Euromoney European Women in Business Law Awards 2019** June 13, The Savoy, London

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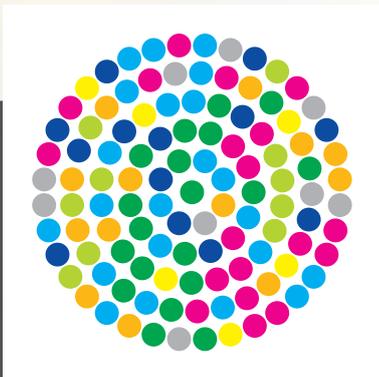
Along with our sister publications *International Financial Law Review* and *International Tax Review*, *Managing IP* will once again be recognising and celebrating the achievements of women in law in 2019.



## **Join us at our INTA drinks reception**

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Hosted at INTA's Annual Meeting in Boston, all members of the Women in IP Global Network are invited to join us for a networking drinks reception. Meet other members, establish new connections, all in an informal atmosphere! To become a member of the network, email [mpetch@euromoneyplc.com](mailto:mpetch@euromoneyplc.com) for more information.



## **Equality, diversity and inclusion**

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*We will continue to work closely with 4IP Council, and other IP organisations, to continue to build a conversation around diversity and inclusion and what this means for today's counsel. More announcements will come as we carry on our activities in 2019.*

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