

Improving Diversity & Inclusion in Intellectual Property Development and Management

A Guide for Organizations in Five Parts

2024



[Read the full guide](#)

1. **Building the Culture**

2. IP Education
3. Establishing the Right Metrics
4. Promising IP Diversity Strategies
5. An Approach to Making Rapid Improvement

Craig Moss

Executive Vice President, Measurement
Ethisphere

Jennifer Brant

Director
Innovation Council

ETHISPHERE[®]
GOOD. SMART. BUSINESS. PROFIT.™



INNOVATION COUNCIL

Building the Culture

An effective IP diversity program must embrace the philosophy of continual improvement because the challenges are always evolving, and there are always new people in your organization.

The ultimate purpose is to broadly raise awareness about the importance of IP diversity, and to influence the behavior of the people and the culture of the organization, in order to improve inclusion and equity in this area. To do this, you must break down any silos and work to embed gender diversity and equity considerations in the routine workflow of how IP is developed and managed. Naturally, this is not done in a vacuum; organizations operate within societal cultures that may make achieving equity more difficult. At the same time, it is the organization's responsibility to take reasonable steps to improve equity within its sphere of influence. To give an example, in a society where women are often expected to be the primary caretakers of children, elderly parents, and the home, the organization can implement a structured way for women to take part in drafting invention disclosures during normal working hours. It can also ensure diverse representation on the board that reviews invention disclosures.

Securing Management Support

Senior management support is an important element in creating a culture that encourages and drives IP diversity. Yet getting senior management support is easier said than done. In today's regulatory and social environment, senior management is inundated with a wide range of issues. Compliance. Environment, Social & Governance (ESG). Data privacy. Cybersecurity. All of these topics rightfully take the time and attention of senior management, as they are integrated at some level into the overall enterprise strategy.

Having the right strategies for IP creation and management is important for your organization's success. Your challenge is to elevate IP diversity so that it too becomes part of the senior management discussion. A persuasive case to senior management includes information on the importance of IP diversity for innovation and employee retention, both of which directly impact the organization's bottom line. We discuss specific metrics you may want to use in the section Establishing the Right Metrics.

Building a culture that promotes IP diversity requires identifying the underlying causes of the lack of inclusion, developing targeted programs to address them, then using short, frequent communications to build awareness, gain commitment, and prescribe the desired action. You can't skip a step.



Neena

Director
University technology transfer office – 8 employees

“I am part of senior management at our tech transfer office, and we are committed to DEI at our organization. My challenge is to influence the individuals, departments, and organizations we work with on both sides – the researchers developing intellectual property, and those protecting and managing the IP. We decided to hold a series of workshops for the IP developers to encourage them to focus on improving gender equity in all aspects of these processes. The parts of our organization that manage IP rights tend to be larger, so we started to publish a short monthly newsletter that highlighted the benefits of more diverse teams for commercialization and activities using statistics and stories.”



Steve

Operations & Quality Manager
Research lab – 155 employees

“Our senior management had talked generally about DEI, but we never went beyond talking. Because we are a research lab, our competitive advantage comes from attracting and retaining smart inventors. I presented a plan showing how we could make very simple changes to our HR policies and our recruitment communications to attract more women to our research and development roles. We also need to evaluate our processes to make sure that female employees feel truly included in all aspects of R&D. IP diversity became our first structured DEI initiative. Senior management was thrilled to go beyond talking to action on DEI.”



Roberta

IP Lawyer
Software company – 4,000 employees

“My strategy for getting senior management support was to focus on our ability to attract and retain talent. I worked with our HR department to collect statistics on the ratio of men to women in our IP development functional areas. We went a step further and analyzed the average length of employment for men versus women. We found that it was 40% shorter for women. Finally, we calculated the cost to the company of filling these openings – everything from recruiting to training to time to integrate into the development teams. Our senior management was surprised by the amount it was costing our company. We got their attention.”



Jennifer

HR – Senior Vice President
Global manufacturing company – 20,000 employees

“As a global company, we have a lot of DEI initiatives underway. Senior management and the Board of Directors are focused on DEI in response to investor and societal pressure. Unfortunately, the DEI initiatives are not coordinated from region to region and certainly not focusing on IP diversity. My strategy was to go to senior management with a plan that built on the existing DEI initiatives. I showed them how an IP diversity program would actually help connect the regional DEI initiatives.”

Role of Management

There is no single right way to structure IP diversity leadership roles or teams within your organization. There are several factors that may influence the approach that you choose, such as industry, size of the organization, geographic footprint, and functional department structure.

In particular, you will want to consider the relationship between R&D, legal, HR, and other functional departments with involvement with IP development and management. This will help you to determine the optimal structure to enable authority and decision making. At a high level, it may be in your interest to think about reporting lines and the clear delineations of roles and responsibilities. This will help you to avoid duplication and gaps in accountability.

Once senior management is bought in, they play an important role in setting the “tone from the top” that IP diversity matters for the organization. “Tone in the middle” is of equal importance. Managers play a critical role in cascading messages and direction from senior management and, especially, in turning talk into action.

For your IP diversity program, communications that highlight the following elements need to cascade from senior management to the relevant managers, then to all levels:

- **Awareness:** What is the issue with the IP diversity gap in the organization?
- **Commitment:** Why is this important to the organization and to each person in their job?
- **Action:** What do you want people to do and how should they do it?

Importance of Cross-Functional Collaboration

Ultimately, the goal is to embed diversity and equity considerations into IP development and management processes in a practical way. IP diversity doesn't have to stay in a separate silo. The creation of a cross-functional team will be a valuable step in achieving your goals in this area. The team can be formal or informal; what matters is that IP diversity is a consistent topic. You may have an existing cross-functional team whose mandate can be expanded to promote IP diversity. IP development and commercialization has a clear relationship to R&D, product development and the legal functions in your company – but you should think beyond that. Human resources will be a key player and so will the DEI function, if your organization has one.

Your cross-functional team should include the functions that are involved with IP development and management and/or that have relationships with the third parties that do. These could include operations, IT, human resources, procurement, sales and marketing. You want to include people who are senior enough to have both authority and overall visibility into how their function operates. At a minimum, the cross-functional team should include the departments responsible for IP development and management, HR, legal, and DEI.

Building Effective Cross-Functional Teams

It can be challenging to get a time commitment from people from different functional areas. Getting senior management's buy-in for IP diversity can help.

One approach that can work is to form the team around defining and achieving a specific time-bound goal in 6 months or less. Seek their involvement to help define an IP diversity goal that is practical and impactful for all. This gives the team a specific objective, and those you approach will not see the team as another open-ended committee and series of meetings. The initial goal doesn't need to be more people from underrepresented groups named on patents. It can be related to higher awareness among people in these groups about your organization's processes for identifying and managing promising inventions, and for recognizing and rewarding those who contribute to their creation.

As you develop your organization's IP diversity program, and any related policies or procedures, it is important to get input from all relevant functions to make sure that the policies are practical.

Tailor your communication and invitation to each functional department to highlight the benefits to their department. Think about what's in it for them. Examples: for HR, highlight better employee retention; for R&D, highlight the benefits of leveraging good ideas from more people.

Getting input during development is a great way to break IP diversity out of a silo and show how it can be embedded into their function without major changes in their existing workflow or, ideally, as a way to add value. Beyond the initial program development, you will need the support and cooperation of these functional areas to make the program come to life. Ultimately, it is likely that you will want to identify an IP diversity "champion" or ambassador in each function. Forming the cross-functional team early on will lay the foundation for identifying and recruiting these leaders. If you have an existing champion program, you might see if you can use a segment of that champion network to concentrate on IP diversity.



Neena

Director
University technology transfer office – 8 employees

“Given our size, our meetings are always cross-functional. My initial approach was to focus on the IP development side and build awareness of how being recognized and rewarded for inventions and IP development impacted career development. I found that many women did not realize the importance of being identified as an inventor. We made it tangible by showing real examples of how this leads to promotions and raises.”



Steve

Operations & Quality Manager
Research lab – 155 employees

“We’re a small company so our executive leadership team became our cross-functional IP diversity team. We added IP diversity as an agenda item to our weekly meeting. I gave a short update on our progress and got feedback and decisions as needed. Just having it on the agenda kept IP diversity on our radar. We identified a champion in each area, and I did a one-hour champion training session to get them going.”



Roberta

IP Lawyer
Software company – 4,000 employees

“I had built a good relationship with our HR department before seeking senior management support. I worked closely with HR to expand collaboration to involve all key functional areas. We built on our retention cost calculations to show how improving IP diversity could have a bottom-line benefit to each department. In building the cross-functional team, we were clear the team was being formed to achieve a specific six-month goal. I didn’t want them thinking this was a permanent committee. The response was great.”



Jennifer

HR – Senior Vice President
Global manufacturing company – 20,000 employees

“Senior management sent a communication to all regional directors and functional leaders announcing that IP diversity would be the global focus of the DEI initiatives for the upcoming fiscal year. I followed up with the key leaders to present our overall global strategy and get their input on how it could be localized. They appreciated being connected around a unified purpose with clear performance metrics.”

Raising Awareness Across the Organization

One of your most critical roles is to build awareness in your organization about diversity in IP creation and management. To effectively implement IP diversity processes, all relevant employees and others with whom you work need to be trained on the processes and know how to follow them. To build awareness, you will need to go beyond once-a-year training to include short, frequent communications. Think of it more as an ongoing communication program, rather than an annual training program.

To be effective, you will need to tailor your message to different audiences:

- Senior leadership
- Managers
- People, women as well as others from historically underrepresented groups, who are involved in developing and managing IP
- People from other historically underrepresented groups involved in developing and managing IP

Effective training follows three progressive steps to influence human behavior and start to change the organization culture. Skipping steps results in a wasted effort, generating little or no change. As you develop targeted IP diversity programs, and training and communication materials, you can think about three stages of messaging for employees:

- **Awareness:** What is the issue with the IP diversity gap in your organization? It is important to get their attention and help them realize this is an issue that matters.
- **Commitment:** Why is it important to the organization and to me in my job? Once you have their attention, the next step is to convince them that this matters. The goal is to engage their head and their heart.
- **Action:** What do you want me to do and how should I do it? Now that you have commitment, it is time to provide simple clear guidance for what you want them to do. It is important that the new actions do not conflict with their day-to-day job responsibilities.

In addition to the formal training, it is important to frequently communicate about the IP diversity program to build and maintain awareness. This is true for your communications to champions – and for champions’ communications to employees in their area. Here are some methods that have proven to be effective:

- Regular column in the company newsletter
- Posters
- Postcards
- Email templates
- Screensavers
- Micro-learning modules (60–90 second audio or video)
- Hand-out on myths and realities about diversity and invention
- Monthly meetings to discuss relevant new research, legislative updates, etc.

Building an IP Diversity and Inclusion Culture

Ultimately, the goal of getting senior management and middle management support is to build a culture that promotes IP diversity as a core value of the organization. The increasing focus on DEI has led organizations to implement a variety of methods to build a sense of inclusion and belonging across the IP development and commercialization process for people from diverse backgrounds. DEI initiatives generally focus on recruiting, retaining, and developing talent from diverse groups. These methods can be readily applied to IP diversity, in particular. Here’s a quick rundown on some of the common methods:

- **Affinity Groups** (also known as Employee Resource Groups): Employee groups organized based on social identity, shared characteristics, or life experiences.
- **Employee Focus Groups**: Small groups of employees participate in a facilitated discussion on a certain topic. These are often used to gain more insight into the results of employee surveys, or to provide information that informs survey design.
- **Employee Culture Surveys**: Measure the point of view of employees to assess if employee perception aligns with that of the organization or its departments, and the degree to which the organization’s initiatives are effective.
- **Employee Engagement Surveys**: Measure employees’ commitment, motivation, sense of purpose and passion for their work and organization.
- **Mentor programs** (covered in detail later in this Guide): Within a structured program, an advisor, or mentor, provides guidance to a mentee, sharing valuable experience, skills and knowledge.

- **Data Collection and Progress Tracking** (covered in detail later in this Guide): Selecting metrics and establishing the baseline is a valuable step in prioritizing areas to improve.
- **Internal Processes:** Adjust processes for identifying promising inventions (such as the invention disclosure process, and the process for reviewing disclosures) to ensure all contributors to an invention receive credit. Ensure more qualified employees have the opportunity to rotate into the most innovative teams.
- **Internal and External Communication Practices:** Build internal awareness about the IP diversity program by sharing progress reports and success stories. Communicate externally as a means to attract new talent.

Five Tips for Building an IP Diversity Culture

1. Align the IP diversity program with business objectives
 - Build a quantifiable business case by linking program maturity metrics, business performance metrics and employee perception metrics (more on this in the Establishing the Right Metrics section)
 - Get senior management support to create the “tone at the top”
2. Break down the IP development and commercialization silos
 - Create a cross-functional team to help establish a strong culture
 - Define new policies or workflows that are practical based on input from the team
3. Train managers to play a role in building the culture
 - Create the right “tone in the middle” since employees tend to mirror the behavior of their supervisors
4. Implement a communication program to complement the training and reinforce learning
 - Use champion or ambassador programs
 - Celebrate successes and share the stories in your organization
5. Use data to create a “measure and improve cycle”
 - Use maturity metrics and performance metrics
 - Prioritize and capture the right data



Neena

Director

University technology transfer office – 8 employees

“The newsletter we started proved to be an effective communication tool. It only takes a few hours each month. We’ve gotten good feedback from the organizations we send it to, and the process of researching and writing it has really enhanced our understanding of IP diversity issues and ways to address them.”



Steve

Operations & Quality Manager

Research lab – 155 employees

“Our IP diversity champion program made a huge difference in building awareness of the issue and changing attitudes. We held a brief champion meeting once a month to share ideas on how to maintain momentum. I would provide the champions with new communication materials they could use. Because we’re small and all work in one location, the printed posters and flyers were the most popular.”



Roberta

IP Lawyer

Software company – 4,000 employees

“Our cross-functional team decided to include IP diversity targets into the performance evaluations of key managers. We linked the performance metrics to the broader IP diversity goals. There was some pushback when we introduced the new performance evaluations to managers because it impacts their bonus. We explained the importance of IP diversity and showed how they could actually get a larger bonus because delivering IP diversity could boost innovation and help our company’s overall bottom line.”



Jennifer

HR – Senior Vice President

Global manufacturing company – 20,000 employees

“Our regional DEI leaders decided to start a friendly competition to see which region could improve its IP diversity metrics the most each quarter. The metric we chose was the percent of women listed on invention disclosures. Each region took baseline measurements using the performance metrics. I created a global scoreboard that we would update each quarter during a group call. I would present the winning region with a recognition award signed by our CEO. That really reinforced the importance of IP diversity.”



Onward and Upward. Together.

Improving IP diversity is a journey. Review the full [IP Diversity Guide](#) for ideas – or work through the sections one at a time. Get in touch with the sponsoring organizations for more information and support. What is important is to get moving on this important journey.

ETHISPHERE[®]
GOOD. SMART. BUSINESS. PROFIT.™



INNOVATION COUNCIL

For more information about this IP Diversity Guide, please contact [Craig Moss](#) of Ethisphere or [Jennifer Brant](#) of Innovation Council.

