

Improving Diversity & Inclusion in Intellectual Property Development and Management

A Guide for Organizations in Five Parts

2024



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IP Education

IP Basics

This section of the Guide primarily focuses on the development and management of innovations that are protected and managed using patents and trade secrets. The same approach to creating more diversity and equity in IP creation and management is applicable to any type of innovation. For different types of innovations and other IP rights, such as copyright, organizations will need to adapt the ideas in this Guide.

The process of securing and effectively managing IP rights, such as patents, is complex for independent inventors as well as for innovators in corporate and academic settings seeking to navigate their organizations' processes. Employees from historically underrepresented groups should be trained on these processes from start to finish, to ensure they understand how IP is created, identified, protected, and managed within their organization to deliver novel products and services to customers. Knowledge enables inventors to recognize and flag IP creation, and the right processes ensure that they receive credit and can participate in moving their innovations to market. New research underscores the critical role that trust plays in IP diversity within an organization as well as more generally within an economy (Invent Together, 2024).

IP rights, whether registered or unregistered, can be used to protect and manage intellectual property (IP). Below are the five recognized categories of IP rights, as defined by the World Intellectual Property Organization. This Guide focuses on patents and trade secrets.

Patents are the exclusive right granted for an invention. A patent is an exclusive right to a product or a process that generally provides a new way of doing something or offers a new technical solution to a problem.

Trade Secrets are a key component of IP portfolios, helping businesses protect their secret formulas, know-how and other key information that gives them a competitive edge.

Copyright is a legal term used to describe the rights that creators have over their literary and artistic works, ranging from books, music, paintings, sculpture, and films to computer programs, databases, advertisements, maps, and technical drawings.

A trademark is a word or mark capable of distinguishing the goods or services of one enterprise from those of other enterprises.

Designs are unique creative forms that can be protected by registering them, including two-dimensional designs such as fabric patterns and bottle labels as well as three-dimensional forms, such as watches, lamps and chairs.

You may need to make some adjustments in how your IP diversity program is implemented depending on your organization's innovations and the type of IP rights most frequently used.

WIPO provides useful information about all types of IP rights, the processes to secure and enforce IP rights, and strategies for managing them during the different stages of IP creation and management. WIPO also supports organizations of all sizes with [guidance for managing a range of IP-related challenges and opportunities](#).

Why Participation in IP Development Matters to Career Development

In today's economy innovations and intellectual property, which can be protected by IP rights, are among an organization's most valuable assets. IP generates value in several ways. It can be used internally in products and services to build competitive advantage. It can also be used externally, to allow a company to exclude competitors, or through licensing it to other organizations. IP is an important asset in an organization's valuation and sustainable competitive advantage.

A common way to be recognized for having contributed to IP development is to be named on a patent or to be recognized within the organization as having been part of trade secret creation.

Because IP is such an important asset, organizations tend to recognize and reward the people that are directly involved in developing it, or in bringing it to market in the form of a product or service. The organization needs to educate the workforce about how participation in IP creation has a direct link to career progress. Use examples and stories so everyone understands the connection, particularly women and people from other historically underrepresented groups. Feature success stories of innovators from a wide variety of employees .

Because participation in generating inventions can be so important to career development, it is critical that all of the people involved are listed as part of the development team. The organization should make every effort to be inclusive. It's also important that every good idea be appropriately evaluated and recognized; diversity within the teams that review ideas and inventions can be important in this respect.

An effective IP diversity program is essential to leveraging, as well as recognizing and rewarding, the contributions of more women and people from other underrepresented groups within your organization and helping them to advance. Talent attraction and retention is a growing concern for organizations of all sizes. Your IP diversity program can showcase your commitment to DEI and be used as a powerful competitive advantage in attracting talent. Retaining talent is equally important; showing women and people from other underrepresented groups a career path is a proven way to reduce the loss of talent.

Talent retention is especially important for innovation and IP development. Every time a person leaves, valuable knowledge and ideas are lost – potentially going to a competitor – or not being brought to a population in need of solutions.

Steps to Being Named on an Invention Disclosure or Patent

Each organization has its own process for identifying promising inventions, evaluating their potential, and developing a management strategy, including recording who was responsible for the invention, and identifying who participated in the invention team. What is critical is that the process at each organization is clear, widely communicated, and inclusive. Here we focus on the invention disclosure process, but it's important that employees be educated about the entire IP creation and management process.

Taking invention disclosures as an example. Here are the typical steps within a company:

1. An invention disclosure form is completed by those responsible for the invention;
2. The invention disclosure form is submitted to the IP committee (or invention disclosure review board), which consists of technical experts and IP legal experts;
3. The IP committee interviews the inventor(s) and determines who should be listed on the patent application or on the internal trade secret listing.

There are three points in the process where processes can be designed to help ensure that women and people from other historically underrepresented groups are included. First, check that the composition of the IP committee or review board is diverse; in a university setting, this may involve confirming that the TTO team is diverse. Second, when the invention disclosure form is being completed, make sure that it is an inclusive process. The form should be reviewed by all participants in the invention team before it is submitted. Another approach is to require a brief investigation when an invention disclosure form is filed, to evaluate whether everyone who contributed to the invention has been named. Also, contributors can be asked to identify the sections of the patent application to which they contributed. Third, the meeting between the invention team and the IP committee or IP management team should be scheduled when all participants are available. In order to ensure equitable engagement, all innovators need to have a seat at the table.

The same management systems that are used to identify, protect, and otherwise manage trade secrets can be used to track who participated in their development. This can help your IP diversity program expand to include trade secrets.



Neena

Director

University technology transfer office – 8 employees

“We are primarily focused on patents. We developed and distributed an invention submission form. We also wrote guidance on making sure that the form was completed and reviewed by the full invention team before submission. Our form asks for the demographic information of the invention team so we can start to track IP diversity more accurately.”



Steve

Operations & Quality Manager

Research lab – 155 employees

“I realized that the committee that reviewed inventions had no diversity at all. We expanded the IP committee and specifically added women and representatives of other underrepresented groups. This helped to change the dynamics of the review process. It proved to be a valuable step in making the process more inclusive and less intimidating for inventors from all backgrounds.”



Roberta

IP Lawyer

Software company – 4,000 employees

“I found that there was no consistency in how different departments dealt with IP, including when it is first identified. The lack of consistency certainly contributed to a culture where IP diversity and fairness weren’t a priority. The first step I took was to develop a standard process for writing up and submitting new IP that the development teams thought had promise and that could or should be patented or protected as trade secrets.”



Jennifer

HR – Senior Vice President

Global manufacturing company – 20,000 employees

“Although we are a very large global company, IP development usually happens in small departments. In the past, the IP development teams were often disconnected from each other. They were also disconnected from the teams in charge of managing IP rights. We have made a big effort to create communication channels that connect people and departments so they can learn from each other. Part of that is sharing knowledge about how to improve IP diversity and equity. It’s also about raising awareness about our IP management processes among more people.”

Protecting and Managing IP

All inventors – whether independent inventors or employees – need to understand the importance of protecting and appropriately managing IP, whether with formal IP rights, unregistered rights or other strategies. They must also respect others' IP. An organization or individual that fails to protect its IP, or that doesn't respect the IP rights of others, faces tremendous risks. Without IP protection, products can be copied by competitors and trade secrets can be stolen, causing an organization to lose revenue, customer loyalty, and market share. Organizations that infringe on others' IP rights can be forced to stop production, have their shipments held at customs, and pay heavy fines. Even an organization that judiciously manages IP can suffer damages and a disruption in operations if one of its supply chain members is involved in IP infringement.

Effective IP management is not an option in today's global economy. It is essential for business survival. Organizations must minimize IP-related risks within their organization and throughout their supply chain.

In many industry sectors, obtaining patents on novel inventions is one of the crucial strategies used by innovative organizations. Patents enable innovators to get a return on their investments, so they can invest in further R&D. Patents also help organizations to put a value on their inventions, to license and share technology, and to otherwise realize an intellectual currency from the inventions they develop. And patents can be critical enablers of partnerships and collaboration, making it possible to share ideas and inventions with others without losing control over them.

Organizations can also protect their competitive advantage using other IP rights, such as trademarks and design rights – and, as mentioned, by taking steps to keep certain valuable information secret. Trade secrets, a form of unregistered IP rights, differ depending on the organization and industry. They can involve things like the confidential design of a unique product (e.g., a highly efficient racing tire), the inner workings of a technical system (e.g., an electronics or software product, or online service), or proprietary business information or know-how (e.g., customer lists, financial data, or new and better ways of manufacturing).

Trade secrets have a different set of protection challenges than registered rights like patents. To benefit from trade secret protection, an organization must show that reasonable steps were taken internally to protect the trade secret.

Unauthorized disclosure and use of confidential technical or business information is a growing problem for organizations, both internally and among their suppliers and partners. Once the trade secret is no longer held exclusively within the company, protection is lost and the information is considered to be in the public domain. Absent careful management, trade secret theft and misuse can result in the loss of an organization's crown jewels, the basis for crucial product and business advantages.

Trade secrets need to be managed both within an organization and also among suppliers and business partners. Given that the value of trade secrets depends entirely on controlling their access and use, both within an organization and among its partners, management systems for identifying and tracking valuable confidential business information, and for maintaining confidentiality and security of that information, are vital.



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.

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

