

The Women's Leadership **IP** Initiative

In March 2020, INTA 2020 President Ayala Deutsch launched The Women's Leadership Initiative to investigate the underrepresentation of women in the intellectual property (IP) field, and career development and leadership gaps for women in this field—regardless of geographic region, job title, or job function. INTA conducted extensive research on the state of women in the workplace in general, combined with interviews with a diverse group of Association members, both male and female, to identify the current state of the industry and best practices to accelerate women's representation in the workplace, women's career advancement, and women's work-life integration.

In February 2021, the Association released the Initiative's original *Report and Best Practices Toolkit*, dated December 2020, and committed to continuing the Initiative as a sustained and permanent program that actively champions women as leaders in IP. The Initiative's ongoing activities align with the essential directives of INTA's 2022-2025 Strategic Plan, especially to support the development of IP professionals, as well as with the Association's broader goals around DEI (diversity, equity, and inclusion) and CSR (corporate social responsibility).

Since the Report's publication, INTA has developed a Women's Leadership Initiative Project Team, composed of a diverse group of male and female IP professionals from various regions. The Project Team has prepared this update to continue to facilitate important dialogues within and beyond the Association on several topics, including providing current research on women's representation in the workforce, their career advancement opportunities, and the scope of work-life integration, as well as identifying further critical data gaps in this space.

This update to *The Women's Leadership Initiative Report and Best Practices Toolkit* highlights trends observed since the Report was originally published and demonstrates the unique challenges to women in the workplace, including those resulting from the global COVID-19 pandemic.



# Updated Data

*The Global Gender Gap Report* by the World Economic Forum emphasizes the severity of the gender gap.<sup>1</sup> The study, released in 2022 calculated how long it will take for women to have equal representation to men in the workforce.<sup>2</sup> Globally, it stated that, if the advancement of women in the workforce remains at its current trajectory, as of 2022 it will take 132 years to close the gender gap worldwide.<sup>3</sup> This represents a slight four-year improvement compared to the 2021 estimate, when it was reported that it would take 136 years to reach parity.<sup>4</sup> However, it represents a significant increase from the 2020 estimate, when it was reported that the gender gap would close in 99.5 years.<sup>5</sup> The fact that the gender gap has further increased highlights the continued need for initiatives that advance women's representation in the workplace.

## 1.1. The Representation of Women: *Women in the Workforce Report 2021*

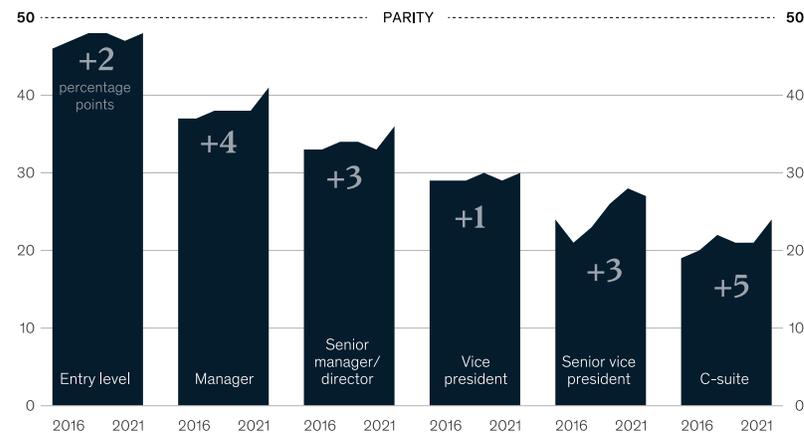
INTA's *2020 Women's Leadership Initiative Report* cites the *Women in the Workforce Report 2019*, conducted by McKinsey & Co. in partnership with LeanIn.Org, to highlight the representation of women in the workplace. The 2020 and 2021 editions of the *Women in the Workplace Report* identify trends similar to those in the 2019 report.<sup>6</sup> In particular, the *Women in the Workplace Report 2021* highlights that "persistent gaps in the pipeline continue for women."<sup>7</sup>

The findings suggest that women continue to face barriers to advancement. For example, the 2021 report notes that "promotions at the first step to manager are not equitable."<sup>8</sup> The report also emphasizes the importance of considering intersectionality when looking at women's representation in the workplace, and pinpoints that "women of color lose ground in representation at every level."<sup>9</sup>

The chart below demonstrates that while women's presence in senior leadership roles has increased slightly from 2019 to 2021, women remain underrepresented across the corporate ladder:

### Despite small gains in the pipeline, women remain underrepresented across the corporate ladder.

Representation of women by level, 2016–21,<sup>1</sup> % of employees



<sup>1</sup>Data as of end-of-year 2015 and end-of-year 2020.  
Source: *Women in the Workplace 2021*, LeanIn.Org and McKinsey, 2021

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<sup>1</sup>[The World Economic Forum Global Gender Gap Report 2022](#)

<sup>2</sup>Id. at 5.

<sup>3</sup>Id.

<sup>4</sup>Id.

<sup>5</sup>Id.

<sup>6</sup>[Women in the Workplace, McKinsey & Company and LeanIn.Org, 2021](#) and [Women in the Workplace, McKinsey & Company and LeanIn.Org, 2020](#)

<sup>7</sup>Based on interviews with 65,000 diverse individuals at 423 corporate organizations. *Women in the Workplace, McKinsey & Company and LeanIn.Org, 2021* at 7

<sup>8</sup>*Women in the Workplace, McKinsey & Company and LeanIn.Org, 2021*, 10

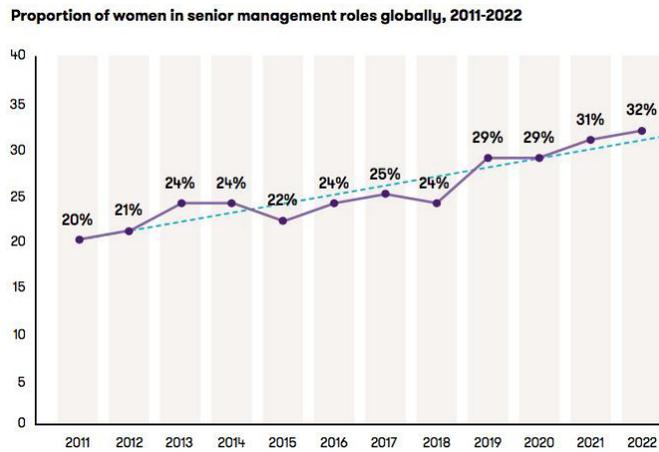
<sup>9</sup>Id.

## 1.2. The Representation of Women: Grant Thornton's Women in Business Reports 2021 and 2022

The 2020 *Women's Leadership Initiative Report* also cites Grant Thornton's *Women in Business Report 2019: Building a Blueprint for Action* to suggest that "globally progress on gender diversity in business is being made."<sup>10</sup> This report illustrates the increase in women's representation, noting that "between 2014 and 2019, the proportion of global businesses employing at least one woman in senior management has risen by 20 percent, to 87 percent in 2019."<sup>11</sup> Moreover, the report finds that "2019 marked the most significant increase with respect to the proportion of women in executive roles and the first time that the proportion of women in senior leadership exceeded one in four."<sup>12</sup>

The updated versions of this report, Grant Thornton's *Women in Business Report 2021* and *Women in Business Report 2022*, demonstrate that these trends continue to hold true.<sup>13</sup> The more recent reports show that the percentage of women on senior management teams has increased globally, noting that a "significant landmark" for women's representation was reached in 2021, when "nine in ten businesses worldwide had at least one woman in their senior management teams."<sup>14</sup> This is a sharp jump from 2017, when "only 66 percent of businesses had at least one female leader."<sup>15</sup>

In addition, the reports find that the proportion of senior management roles held by women around the world increased slightly in 2021 and 2022, as shown in the graph below:



Source: This material is reproduced from Grant Thornton, 2022. All rights reserved.

<sup>10</sup> Grant Thornton Women in Business Report 2019 at 5

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Grant Thornton Women in Business Report 2021 and Grant Thornton Women in Business Report 2022

<sup>14</sup> Grant Thornton Women in Business Report 2021 at 4

<sup>15</sup> Id.

### 1.3. The Representation of Women by Region: Grant Thornton's *Women in Business Report 2022*

Drawing on the same data, Grant Thornton's *Women in Business Report 2022* also breaks down regional trends in the representation of women in senior management roles. The Report lists the following as examples of senior management roles: HR director, chief finance officer, chief executive officer/managing director, chief operating officer, chief marketing officer, and chief information officer.<sup>16</sup>

#### Africa

1. The Report deems Africa a success story.
2. Female leaders represent 40 percent of overall senior roles, marking an increase from 39 percent in 2021 and a "significant step up" from 30 percent in 2018.<sup>17</sup>

#### Asian-Pacific Countries

1. In the past, Asian-Pacific countries "had generally experienced delayed [economic] growth compared to the rest of the world."<sup>18</sup>
2. The proportion of senior roles held by women has increased: women held 30 percent of senior roles in 2022, compared to 28 percent in 2021 and 23 percent in 2018.

#### Association of Southeast Asian Nations (ASEAN)

1. After a notable decrease in 2019, the percentage of women in senior roles has now almost recovered to pre-pandemic levels
2. In 2022, 37 percent of the region's leaders are female, compared to 38 percent in 2021 and 39 percent in 2018.

#### European Union

1. Women hold 33 percent of senior leadership positions in the EU.
2. The percentage of women in senior leadership positions in the EU represents a slight decrease from 34 percent in 2021, but significant growth from 27 percent in 2018.

#### Latin America

1. Women hold 25 percent of senior leadership positions in Latin America.
2. The percentage of women in senior leadership positions decreased slightly between 2021 and 2022 (36% to 35%) but is up from 30 percent in 2018.

#### North America

1. Women hold 33 percent of leadership positions in North America.
2. This percentage remained stable between 2021 and 2022 but increased significantly from 21 percent in 2018.

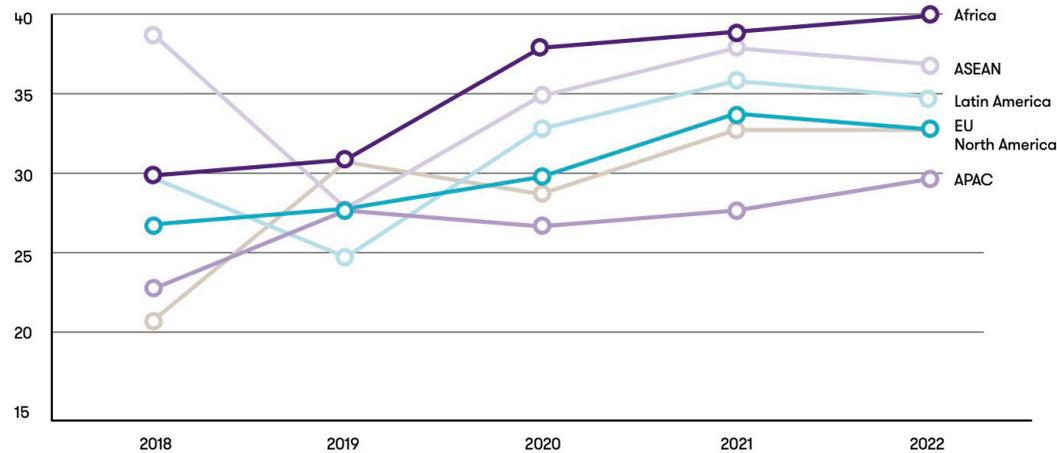
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<sup>16</sup> Id. at 8

<sup>17</sup> Id. at 6

<sup>18</sup> Id.

Change in the proportion of women in senior management across all regions, 2018-2022



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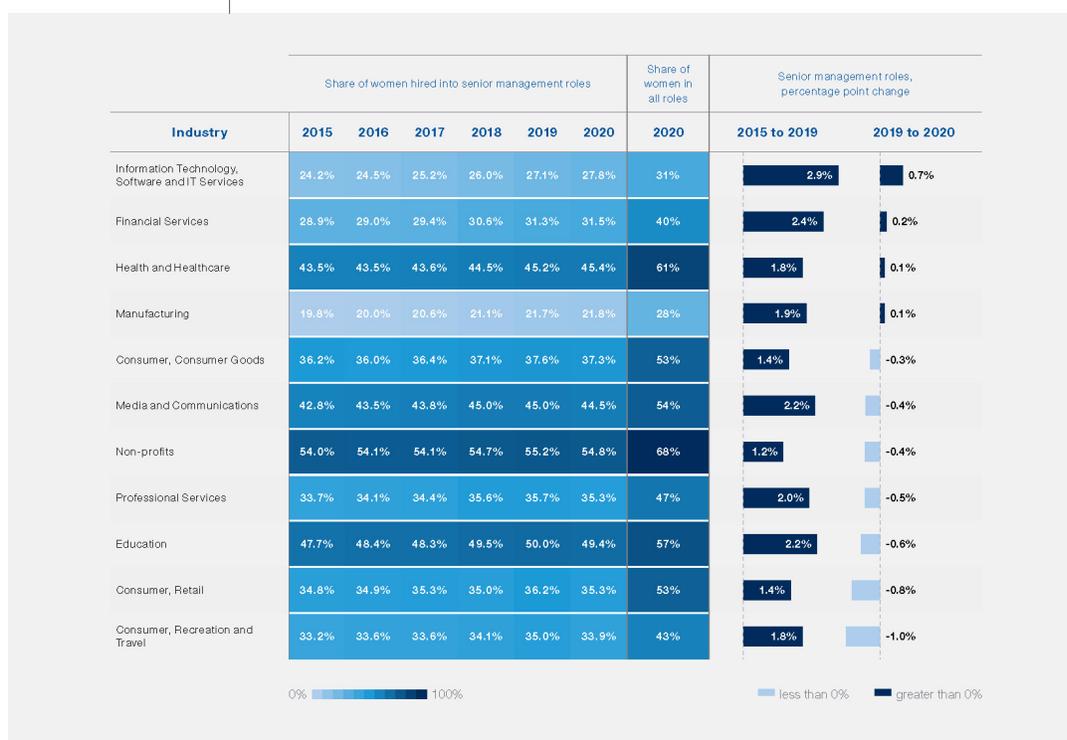
#### 1.4. The Representation of Women by Industry: World Economic Forum's *Global Gender Gap Report 2021*

The *Women's Leadership Report* also comments on the representation of women in senior management across different industries. Since publication of that Report in February 2021, there have been updates to this data. Benchmarking 156 countries, the World Economic Forum's *Global Gender Gap Report 2021*, which presents data from the LinkedIn Economic Graph in 2019 and 2020, reveals changes by industry in the share of women hired into senior management roles. In addition, it details the discrepancies in the share of women in senior management roles in different industries. An interesting finding is that gender gaps are more likely in sectors that require "disruptive technical skills."<sup>19</sup>

<sup>19</sup> The World Economic Forum Global Gender Gap Report 2021 at 6.

TABLE 2.2

Change in hiring, 2015-2020, by industry, level of role and gender



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## A Caveat to Career Progression Data: Dropping Out of the Labor Force

A caveat to looking at women's workforce progression is that more women may now be dropping out of the labor force than in previous years. McKinsey and LeanIn's *Women in the Workplace Report 2020* suggests that "one in three mothers have considered leaving the workforce or downshifting their careers because of COVID-19," compared with "one in four a few months into the pandemic."<sup>20</sup> This differs from pre-COVID data. The McKinsey and LeanIn's *Women in the Workplace Report 2018* notes that "attrition does not explain the underrepresentation of women" and finds that "remarkably few women and men say they plan to leave the workforce to focus on family."<sup>21</sup>

## 2. Explanations: Explaining the gaps in workplace advancement

### 2.1. The Impact of COVID-19 on Women's Career Trajectories: Grant Thornton's *Women in Business Reports 2021 and 2022*

Recent reports by Grant Thornton identify conflicting factors to explain how the COVID-19 pandemic has affected women's workplace progression. In 2021, the company polled individuals worldwide about how they expected the effects of the pandemic to impact women's career progression. The survey results show that 45 percent of respondents "expect that, overall, COVID-19 will have a negative effect on women's career trajectories." Grant Thornton justifies fears of negative impacts to women's career trajectories as a result of the COVID-19 pandemic due to the expected negative outcomes of career interruptions such as redundancies and furloughs.<sup>23</sup> The Report also highlights how women were affected by redundancies and furloughing at greater rates than men.<sup>24</sup>

<sup>20</sup> McKinsey and LeanIn's *Women in the Workplace Report 2020*

<sup>21</sup> *Women in the Workplace*, McKinsey & Company and LeanIn.Org, 2018.

<sup>22</sup> The Grant Thornton *Women in Business Report 2021*, p.20

<sup>23</sup> Id.

<sup>24</sup> Id.

However, the 2021 report states that other factors—like greater flexibility toward remote work or conscious efforts on the part of employers to tailor working environments to individual employees, enabling them to balance work and home life and remain with employers as they move through different life stages—may be positively impacting women’s career trajectories.<sup>25</sup> For example, the 2022 report finds that more flexible workplace policies may benefit women’s career progression in the long term. Further, the report notes that “the ongoing upwards progression in the proportion of women in senior roles evidenced in our data can in part be credited to different working practices in the wake of COVID-19.”<sup>26</sup>

## 2.2. Explaining the Effect of the Pandemic and DEI Initiatives on Workplace Advancement: McKinsey and LeanIn’s Women in the Workforce Report 2021

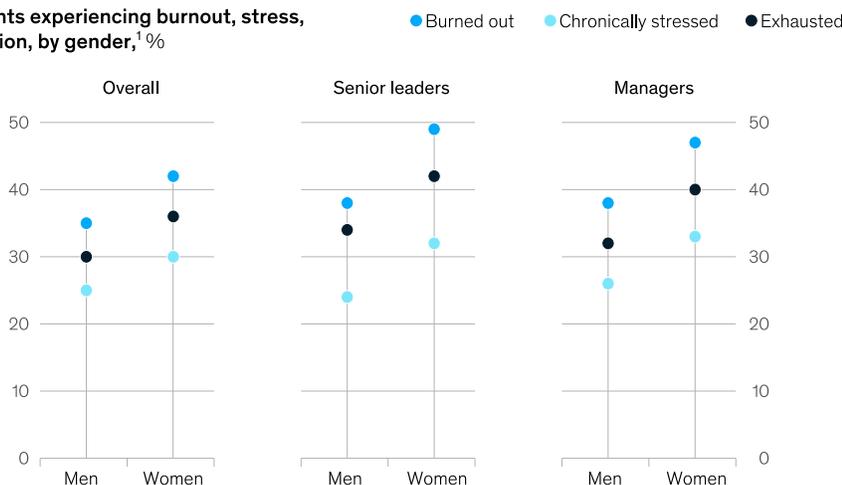
Since 2020, the COVID-19 pandemic has increased opportunities for remote work, and the DEI movement has brought gender inequities to the forefront of discussions around the employee experience. However, McKinsey and *LeanIn’s Women in the Workforce Report 2021* finds that allyship and DEI efforts can, in practice, present greater work responsibilities for women. The report suggests that organizational efforts for DEI initiatives often fall disproportionately on women, especially minority women, increasing their job responsibilities often without increasing compensation.<sup>27</sup> Oftentimes, the report says, work on DEI initiatives, such as supporting employee resource groups or recruiting employees from underrepresented groups, fall outside women’s formal job responsibilities.<sup>28</sup> The time commitments are also extensive, as “senior-level women are twice as likely as senior-level men to dedicate time to these tasks at least weekly.”<sup>29</sup>

In addition, while the report commends the opportunities for remote work, which give women greater flexibility, the report also highlights the disproportionate effect of the pandemic on women, noting that “pandemic burnout is escalating much faster among women than among men.”<sup>30</sup> Specifically, the report notes that in 2021, women were even more burned out than in 2020 and continue to face burnout at greater rates than men, finding that “the gap in burnout between women and men has almost doubled.”<sup>31</sup>

The figure below quantifies these findings:

### Burnout, stress, and exhaustion continue to affect women more than men.

Respondents experiencing burnout, stress, or exhaustion, by gender,<sup>1</sup> %



<sup>1</sup>Question: In the last few months, which of the following have you felt consistently at work?  
Source: *Women in the Workplace 2021*, LeanIn.Org and McKinsey, 2021

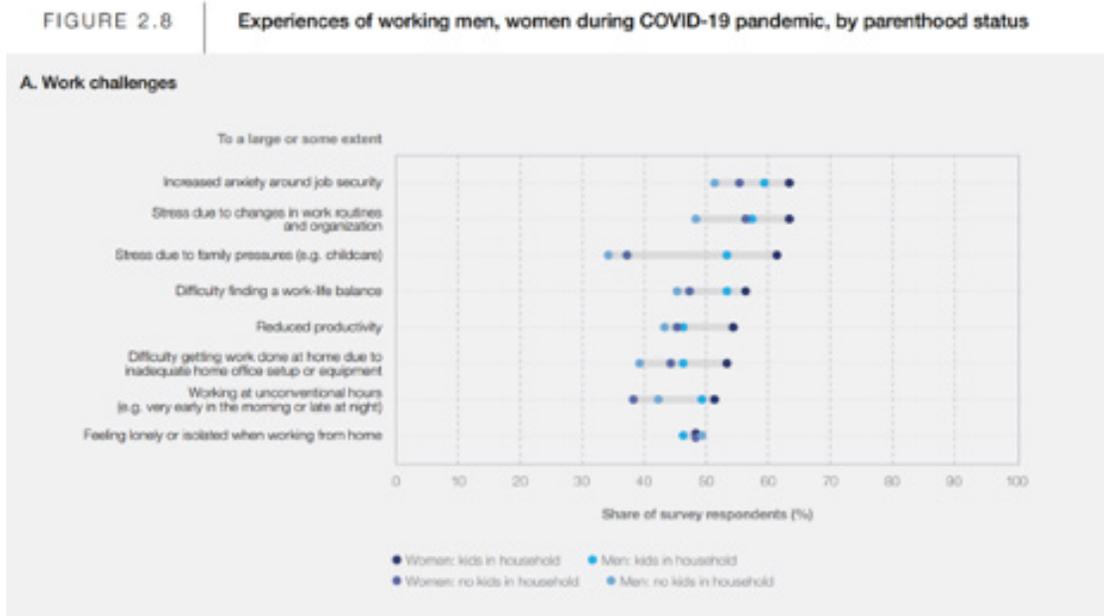


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<sup>25</sup> Id. at 3.  
<sup>26</sup> The Grant Thornton Women in Business Report 2022 at 7.  
<sup>27</sup> McKinsey and LeanIn’s Women in the Workforce Report 2021  
<sup>28</sup> Id.  
<sup>29</sup> Id.  
<sup>30</sup> Id.  
<sup>31</sup> Id.

### 2.3. Work Experience during COVID-19: World Economic Forum's Global Gender Gap Report 2021

The World Economic Forum's *Global Gender Gap Report 2021* surveyed a diverse group about their experiences with various work challenges as a result of the COVID-19 pandemic.<sup>32</sup> Unlike Grant Thornton's research, the findings give insights into how the pandemic may have affected men and women differently on a macro scale concerning employment, labor force participation, and career progression.<sup>33</sup> Moreover, the report provides tentative evidence that the shift toward working from home might also "be engendering changes to wages and progression to leadership roles, with women distinctly less likely to seek out a promotion or pay rise than men across economies."<sup>34</sup> The report supports this conclusion by demonstrating the responsibilities women have working from home and their attitudes toward these circumstances, as shown below:



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## 3. New Studies

### 3.1. New Studies on Best Practices: Catalyst Research's *Engaging Men: Barriers and Gender Norms 2022*

Various organizations have been examining best practices for ensuring gender equality in the workplace. For example, *Engaging Men: Barriers and Gender Norms*, published by Catalyst, combines personal stories with evidence-based research to illustrate barriers that keep men from being allies in the workplace.<sup>35</sup> To engage men as allies the Report suggests identifying and eliminating apathy; not framing gender equity as a zero-sum game; highlighting respected men who advocate for gender equity; and providing men with learning opportunities.<sup>36</sup>

### 3.2. Impact on Lawyers: Assorted Studies

The International Bar Association (IBA) has looked at the COVID-19 pandemic's effect on young lawyers overall, without separating them out by gender. Between April and August 2020, the IBA surveyed 3,056 lawyers under the age of 40 in various jurisdictions.<sup>37</sup> The findings, published in the *IBA Young Lawyers Report*, illustrate the challenges of the pandemic for young lawyers on a global scale, concluding that "while young lawyers appreciate the more flexible working arrangements brought about by the pandemic, salary cuts and increased workloads risk pushing young lawyers out of their current roles."<sup>38</sup>

<sup>32</sup> The survey was conducted in January 2021 and the group consisted of 14,500 adults in Australia, Brazil, Canada, China, France, Germany, India, Italy, Japan, Mexico, Russia, South Africa, South Korea, Spain, the United Kingdom, and the United States.

<sup>33</sup> World Economic Forum Global Gender Gap Report 2021 at 56.

<sup>34</sup> Id.

<sup>35</sup> Kerr, G. & Pollack, A. (2022). *Engaging men: Barriers and gender norms*. Catalyst.

<sup>36</sup> Id.

<sup>37</sup> International Bar Association, *Young Lawyer's Report*, 2022 at .8-9.

<sup>38</sup> International Bar Association, *Young Lawyer's Report*, 2022 at 40.

The Report also highlights the effect of decreased socializing and mentoring opportunities, which the 2020 LexisNexis Bellwether Report, *COVID-19 and the Legal Industry*, notes are vital “for those (lawyers) on the first rung of their career ladder.”<sup>39</sup>

The pandemic’s effect on female lawyers’ career progression also has been explored. An article published by the American Bar Association suggests that while working from home benefits women there is a fear that career progression of female lawyers will be negatively affected due to the pandemic.<sup>40</sup> The prediction about career progression is based on a decline in the number of female associates at U.S. law firms during the 2008 Great Recession, which “paint[s] a bleak picture for the future of women employees at the culmination of this pandemic.”<sup>41</sup> According to data from the 2021 National Association for Law Placement *Report on Diversity in U.S. Law Firms*, it “took a decade for the number of female associates at law firms to rebound after heavy losses during the 2008 Great Recession.”<sup>42</sup>

The pandemic also has resulted in a decrease in staff morale and wellbeing among lawyers. In a survey of solicitors in the United Kingdom, the 2020 LexisNexis UK Bellwether Report found that staff morale and wellbeing declined 64 percent between 2019 and 2020.<sup>43</sup>

### 3.3. Impact on IP Practitioners: INTA Reports

INTA’s *IP Law Firms of the Future Think Tank Report*, published in November 2020, considered, among other things, the impact of the pandemic on IP law firms globally.

The Report underscores that, despite the economic challenges brought on by the pandemic, law firms have instituted initiatives that have lifted women professionals. Of note, the Report reveals that “[many] who were skeptical of remote working are now its biggest advocates. Firms of all different sizes are promoting this flexible remote working option, letting go of previous notions of what a ‘firm’ should look like.” The Report emphasizes that remote working can help increase diversity in the profession.

In addition, the Report cites “a gradual trend of increasing female representation at the partner level” and notes that “some progress has also been made in advancing the interests of racially and ethnically diverse lawyers as well as LGBTQ lawyers.” This, the Report acknowledges, will benefit both clients and staff, as diverse and inclusive teams are not only increasingly demanded by clients, but they have also been shown to improve both the quality of a team’s work, increase job satisfaction, and assist with recruitment and retention.”

The report also spotlights the role of the trademark industry as a forerunner to diversity initiatives, noting that “in trademarks, diversity is much higher than [in] patents both as IP advisors and IP owners.” Nevertheless, despite its hopeful predictions, the report emphasized that great gender disparities remain in IP law firms, with women’s representation “below that seen in senior leadership roles in other sectors.”<sup>49</sup>

<sup>39</sup> LexisNexis UK, Bellwether Report 2020: COVID-19 and the Legal Industry, 2020 at 16.

<sup>40</sup> Pelura, G. (2021), COVID-19 and Its Effect on Gender Diversity in the Law. American Bar Association.

<sup>41</sup> Figures for the percentage of women associates at law firms by the Report on Diversity in U.S. Law Firms, National Association for Law Placement, Inc., 2019 at 11.

<sup>42</sup> Report on Diversity in U.S. Law Firms, National Association for Law Placement, Inc., 2019 at 11.

<sup>43</sup> Bellwether 2020: COVID-19 and the Legal Industry, LexisNexis at 16.

<sup>44</sup> IP Law Firms of the Future, International Trademark Association, 2020 at 23.

<sup>45</sup> Id. at 44.

<sup>46</sup> Id. at 10.

<sup>47</sup> Id. at 44.

<sup>48</sup> Id. at 62.

<sup>49</sup> Id. at 10.

Turning to female in-house practitioners, INTA's [2020 In-House Practitioners Benchmarking Report](#) presents the results of interviews with in-house practitioners and includes an overview of the perceptions of female in-house lawyers. As the reports notes, “[w]hile in-house practitioners saw the gender demographics of the field as being close to equal, if not majority female, many female participants wanted to see more women in positions of leadership.”<sup>51</sup>

In terms of their experience in the field, only 41 percent of female in-house practitioners agreed that “women were respected in the field of trademarks/IP law,” while 62 percent of men agreed with that statement.<sup>52</sup> The respondents also commented on whether they felt socially excluded at meetings or events in the trademark/IP field: 24 percent of female respondents “strongly or somewhat agree[d]” with the statement, “I felt socially excluded at a meeting or event in the trademark/IP field,”<sup>53</sup> while only 10 percent of male respondents claimed to have felt excluded.<sup>54</sup>

Moreover, only 33 percent of female respondents agree with the statement “[d]iscrimination is rare within the field of trademark/IP law today,” compared to 50 percent of male respondents.<sup>55</sup>

## Conclusion

Since 2020, the COVID-19 pandemic has impacted women’s representation in the workplace, their career advancement opportunities, and the possibilities for effective work-life integration. This is true across industries and countries. While women’s representation in senior management roles has increased globally during this period, there are significant differences across regions and industries.<sup>56</sup> Moreover, despite these increases, women remain underrepresented across the corporate ladder.<sup>57</sup>

Comprehensive studies on the impact of the pandemic on gender equity in the legal profession, specifically, remain scarce. There is an opportunity for INTA and the Women’s Leadership Initiative Project Team to conduct more in-depth research on the worldwide impact that the pandemic and other trends discussed above have had and are having on IP professionals, particularly women in that field.

<sup>50</sup> [In-House Practitioners Benchmarking Report](#), International Trademark Association., 2020 at 10.

<sup>51</sup> *Id.* at 47.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> The 2021 Grant Thornton Women in Business Report and the 2022 Grant Thornton Women in Business Report.



International  
Trademark  
Association