



# **Shattering Systemic Barriers: How to Advance Gender Equality in the Intellectual Property Profession**

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# Introduction

In late 2023, the International Trademark Association (INTA) convened a diverse project team of INTA members to develop a Gender Representation Survey investigating how gender affects the experience of trademark practitioners in the workplace, with a focus on representation, career progression, and work-life integration.

The experiences of women in trademarks are unique and exist within their cultural and historical context. This research was undertaken to capture the multitude of experiences and perspectives represented throughout the global intellectual property (IP) community and to reveal what it is like to work as a woman in the trademark industry today.

The global IP community is incredibly diverse. The INTA membership includes nearly 36,000 professionals from more than 6,400 organizations across 181 jurisdictions. This research aims to uncover deep insight into the gender-based experiences of trademark practitioners around the world today, reveal the key indicators shaping those experiences and defining our workplace, and capture how trademark professionals feel about their own experiences. A limitation of the research is that it only reflects the experiences of those individuals who responded to the survey and participated in focus groups. We hope it can be a starting point for more detailed future research that explores more deeply how different cultural identities and backgrounds can shape experiences in the workplace.

Capturing the experiences of women is vital to achieving sustainable change. It is important to understand not only how many women are employed in the trademark sector but also what their day-to-day experiences are like. This Report assesses and compares the career trajectories of men and women, and sheds light on biases that can hold women back and on the implicit and explicit sexism that persists in the industry.

Time and again, research shows that a happy workforce is, quite simply, good business<sup>1</sup>. No doubt, gender equality is an indispensable component of a happy workplace. To this end, key motivations behind this research are (1) the need to capture a snapshot of the situation today—which will also establish a clear benchmark for similar future research—and (2) identify, evaluate, and measure efforts to improve the situation with the goal of promoting those initiatives that are making strong headway.

Moreover, if the trademark industry wants to continue to attract top-tier legal talent, all employees, male and female, should feel as though they have a career trajectory that meets their goals and expectations, are able to establish and maintain a healthy work-life balance, and do not face harassment or discrimination in the workplace.

For INTA and *World Intellectual Property Review*, the Association's co-author in this study, this Gender Representation Report will also inform where and how it can drive—and support others'—efforts to advance gender equality in the trademark field, encourage effective initiatives that champion women's talent and professional growth, and bring value to the global trademark community.



**Muireann Bolger**  
*World Intellectual Property Review*  
United Kingdom



**Helena Rother**  
INTA  
USA

<sup>1</sup> Grønstad, Anniken. 2023. "Annual Health-Related Productivity Losses Cost Employers \$530 Billion." World Economic Forum. July 19, 2023.



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“Sideman & Bancroft is proud to sponsor this important study. As one of the largest women-owned law firms in the United States, we are committed to establishing a balanced and positive environment for our attorneys and staff no matter their gender identity. This requires constant vigilance, and the Report's findings are extremely helpful. We hope that the results of this study encourage others to view the practice of law through the lens of the survey respondents and look for ways to develop meaningful opportunities in their own organizations.”

- Kelly McCarthy (Partner at Sideman & Bancroft, USA)



**Kelly McCarthy**  
Partner  
Sideman & Bancroft LLP  
USA



## Report Co-Author



*World Intellectual Property Review* provides news and guidance on the challenges facing businesses and legal practitioners active in intellectual property.

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# Project Team

Alan Adcock | Tilleke & Gibbins | Thailand | Asia Pacific  
Ana Allevato | Tauil & Chequer Advogados / Mayer Brown LLP | Brazil | Latin America  
Safir Anand | Anand And Anand Advocates | India | South Asia  
Rasha Al Ardah | Al Tamimi & Company | UAE | Middle East  
Isabella Cardozo | Daniel Law | Brazil | Latin America  
Sujata Chaudhri | SCIP (Sujata Chaudhri IP Attorneys) | India | South Asia  
Rachael Lodge Corrie | Foga Daley | Jamaica | Latin America  
Karen Elburg | Herzog Fox & Neeman | Israel | Middle East  
Lora Graentzdoerffer | Masco Corporation | USA | North America  
Michael Hawkins | Noerr Alicante IP, S.L. | Spain | Europe  
Ukeme Awakessien Jeter | Taft Stettinius & Hollister LLP | USA | North America  
Angela Kim | Kim & Chang | South Korea | East Asia  
Diane Lau | Meta Platforms, Inc. | USA | North America  
David Lossignol | Novartis International AG | Switzerland | Europe  
Lorna Mbatia | CFL Advocates | Kenya | Africa  
Kelly McCarthy | Sideman & Bancroft | USA | North America  
Jeremy Newman | Rouse | UK | Europe  
Jon Parker | Gowling WLG | UAE | Middle East  
Ross Parsonage | Kaivalya Consulting and Training Co Ltd | China | Asia Pacific  
Dorothy Pasipanodya | Gill, Godlonton & Gerrans | Zimbabwe | Africa  
Paula Fernandez Pfizenmaier | Mercado Libre Argentina | Argentina | Latin America  
Scott Phillips | Epsilon Economics | USA | North America  
Francine Tan | Francine Tan Law Corporation | Singapore | East Asia  
David Vargas | JT International S.A. | Switzerland | Europe  
Stacey Watson | Markery Law, LLC | USA | North America



# TABLE OF CONTENTS

Acknowledgements

Foreword: Ayala Deutsch

Foreword: Marion Heathcote and Kim Reddick

Introduction

Chapter 1: The Big Picture	11
1.1: Participant Demographics	12
1.2: Progress Has Been Made	16
1.3: Challenges Remain	18
1.4: A Sharp Divide	20
Chapter 2: The Journey So Far	23
2.1: Policies: How Widespread are They?	24
2.2: Are Representation Efforts Actually Working?	28
2.3: Comparisons	36
2.4: Geographical and Cultural Differences	38
Chapter 3. Barriers and Broken Rungs	40
3.1: The Trade-Off Between Raising Family and Career Success	41
3.2: Work-Life Integration	45
Chapter 4. Conclusion and Next Steps	49
4.1: How Can the Route to Greater Equality and Equity Become More Inclusive?	50
4.2: What Role Should INTA Play?	52
4.3: What Should Happen Next?	56

# FOREWORD



**Ayala Deutsch**

Executive Champion of The Women's  
LeadersHIP Initiative  
NBA Properties, Inc.  
USA

This Report stems from a survey of members of the INTA community—of all genders—on a variety of aspects about how gender affects the experience of trademark practitioners in the workplace, with a focus on representation, career progression, and work-life integration.

What follows is a robust analysis of feedback that INTA received from a diverse group of individuals, representing more than 90 jurisdictions across the globe. In addition to regional differences, survey responses reflected the perspectives of trademark practitioners in different roles, work settings, and phases of their careers. This illustrates the global breadth and diversity of the INTA community.

While survey responses varied across these different dimensions, the results of the survey reveal some common themes. Overall, the survey shows that women are well-represented in the trademark sector, and that there has been progress in the advancement of women in the field.

Most respondents believe that the organizations for which they work have strong initiatives in place to support the advancement of women, and that there are networks for women in the IP sector to have a voice on workplace issues.

These positive results demonstrate a strong foundation for ensuring the continued representation and advancement of women in IP. But there is still work to be done.

The research indicates that substantial challenges remain for women in IP, with many respondents reporting that they have witnessed or experienced implicit or overt bias against women in the workplace. This includes women more often being requested to complete lower-level tasks and women consistently being interrupted or cut off when speaking.

In addition, women continue to confront gender-based perceptions in the workplace—such as women being considered “bossy” when engaging in the same behavior that is considered “assertive” when men engage in it—that can pose obstacles to advancement. The impact of these perceptions underscores the importance of implementing tools to measure gender equality and diversity in the workplace, so that data—not only “perception”—can be used to inform the experience of women employees and ensure that their employers are accountable for supporting their advancement.

Respondents identified various workplace policies designed to facilitate work-life integration, such as childcare assistance, parental leave, flexible/reduced work arrangements, and telecommuting. At the same time, respondents noted continued challenges in maintaining work-life integration, even where such policies are in place. This was due to a variety of reasons, including that women are more likely than men to bear a greater share of caretaking responsibilities, and the belief that taking advantage of these policies can slow or impede career progression.

As the Executive Champion of INTA's Women's LeadersHIP Initiative, launched in 2020, I am proud of INTA's sustained commitment to achieve greater representation and advancement of women in the IP field. This Report will serve as an invaluable resource for better understanding gender issues in the workplace, so INTA can continue to develop programs, content, and other resources to foster more inclusion, connections, and opportunities for women in the global IP community and across the globe.

# FOREWORD

INTA has committed itself to fostering a global trademark and IP community that thrives on the principles of diversity, equity, and inclusion (DEI). In addition to launching The Women's Leadership Initiative in March 2020, INTA created the DEI Council and formalized a DEI mission statement. The statement says that INTA strives to "create an environment where every member, regardless of their background, identity, ability, or perspective, feels valued, heard, and empowered." This Report will assist in furthering those efforts.

This Report highlights that while there is work still to be done to improve the experiences of women in the trademark field, there are also opportunities to drive systemic change. In particular, the Report reveals the need to focus on some of these issues through the lens of intersectionality.

Chapter 4.1 calls on us to consider how the route to greater equality and equity can become more inclusive. The Report adopts the definition of "intersectionality" from the United Nations Development Program: "Term used to describe the idea that social relations involve multiple intersecting forms of discrimination. This means that a person might experience several forms of discrimination, such as sexism, racism, and ableism, all at the same time." As one Report respondent noted, "these create twice as much bias for those involved and are not dealt with when you are just dealing with gender issues."

The survey provided opportunities for respondents to indicate that being part of a non-gender-based minority group influenced their response. Report respondents most often perceived intersectionality challenges when gender was coupled with race/ethnicity or LGBTQIA+ identification. It is also possible for these experiences to become multifactorial, including with other diverse categories, such as age, disability, and religion, and for these experiences to change with time. New members may also enter and exit some of the groups through changed life circumstances. For example, what we may experience as we age may create a different dynamic as do the disadvantages consequent from economic circumstances and access to educational opportunities. These are areas noted particularly as presenting challenges from respondents who identified as trademark administrators, trademark paralegals, and legal assistants. Thus, intersectionality has ongoing fluidity and requires vigilance if we are to successfully move forward to champion inclusivity.

By ensuring that as a community we recognize the overlapping and interacting factors that shape and create individual experiences within the community, we can ensure that opportunities are and remain equally accessible. Equally important is the need for awareness-raising regarding our own unconscious biases and preconceived perceptions toward those who may not immediately or directly identify with another marginalized group. To do this, we must all reflect upon the spaces within which we move both professionally and personally to help create a safe space for expression.

As highlighted by another Respondent in the Report, the global IP community is already in many ways diverse and thus well positioned to implement and effect change and provide support for meaningful DEI initiatives that recognize intersectionality.

As a member-driven organization, we have a collective responsibility to embrace the INTA DEI mission statement and to continually work toward creating an environment that benefits all, celebrates the richness of our international membership, and thus enable us to truly assert ourselves as a global community.

We are honored to be working with INTA and the DEI Council to help create an environment where everyone feels they belong.



**Marion Heathcote**  
Chair of the INTA DEI Council  
Davies Collison Cave  
Australia



**Kimberly Reddick**  
Chair of the INTA DEI Council  
Snap Inc.  
USA





# **Chapter 1: The Big Picture**

## 1.1: Participant Demographics

Between December 2023 and January 2024, the International Trademark Association (INTA) invited its members around the world to participate in a survey and share their views on how gender affects the experience of trademark practitioners in the workplace, with a focus on representation, career progression, and work-life integration. Close to 1,000 respondents in 94 jurisdictions participated in the survey and shared their experiences and perspectives.

To capture the unique, diverse experiences and views across the global trademark community, respondents were asked to share a variety of personal background and demographic data covering, among other things, age, education, income, gender, and religion. This information is summarized below.

**Gender Identity and Sexual Orientation** | A key aim of this research was to adequately capture the attitudes and experiences of all genders. Approximately twice as many women as men responded (534 respondents identify as female and 282 respondents identify as male). The diverse sample in both groups makes it possible to compare the data among these two groups.

A small group of respondents (15) identified as non-binary, transgender, two-spirit identity, or chose not to disclose their gender identity.

About 5 percent (42) of respondents identified as belonging to the LGBTQIA+ community.

**Family Responsibilities** | A slight majority of the sample indicated that they have children (64%). Among these, a slight majority have two children (32%), and a similar proportion have either one child (17%) or three children (12%), with a small minority having more than three children (6%).

With regard to caring responsibilities, 9.6 percent of women are caretakers and 6.5 percent of men are caretakers for someone other than a minor (a child or adolescent typically under the age of 18). Among respondents with children, 10 percent also served as caretakers for someone other than a minor. In the free response section, respondents emphasized the challenges that came with caring for someone with disabilities.

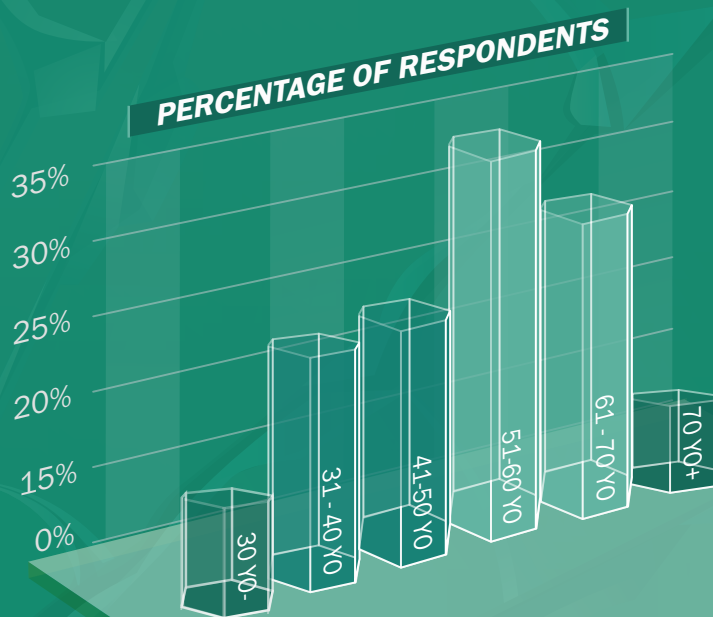
**Culture and Geography** | Cultural and geographic nuances can strongly influence experiences in the workplace and beliefs around gender. Survey respondents reside in 94 different jurisdictions and were born in 99 different jurisdictions. However, in a broad reflection of INTA's membership, respondents from the United States form the largest proportion of respondents, with 43 percent currently residing there. Moreover, a quarter of respondents indicated that they belong to a racial or ethnic minority group.

## Current Residence?

Percent   
0.10% 43.20%



**Age** | Respondents were asked to indicate their age bracket, within 5-year intervals. Most respondents are between the ages of 41 and 55, with male respondents being slightly older. The average age for men was 51 years, while the average for women was 47.



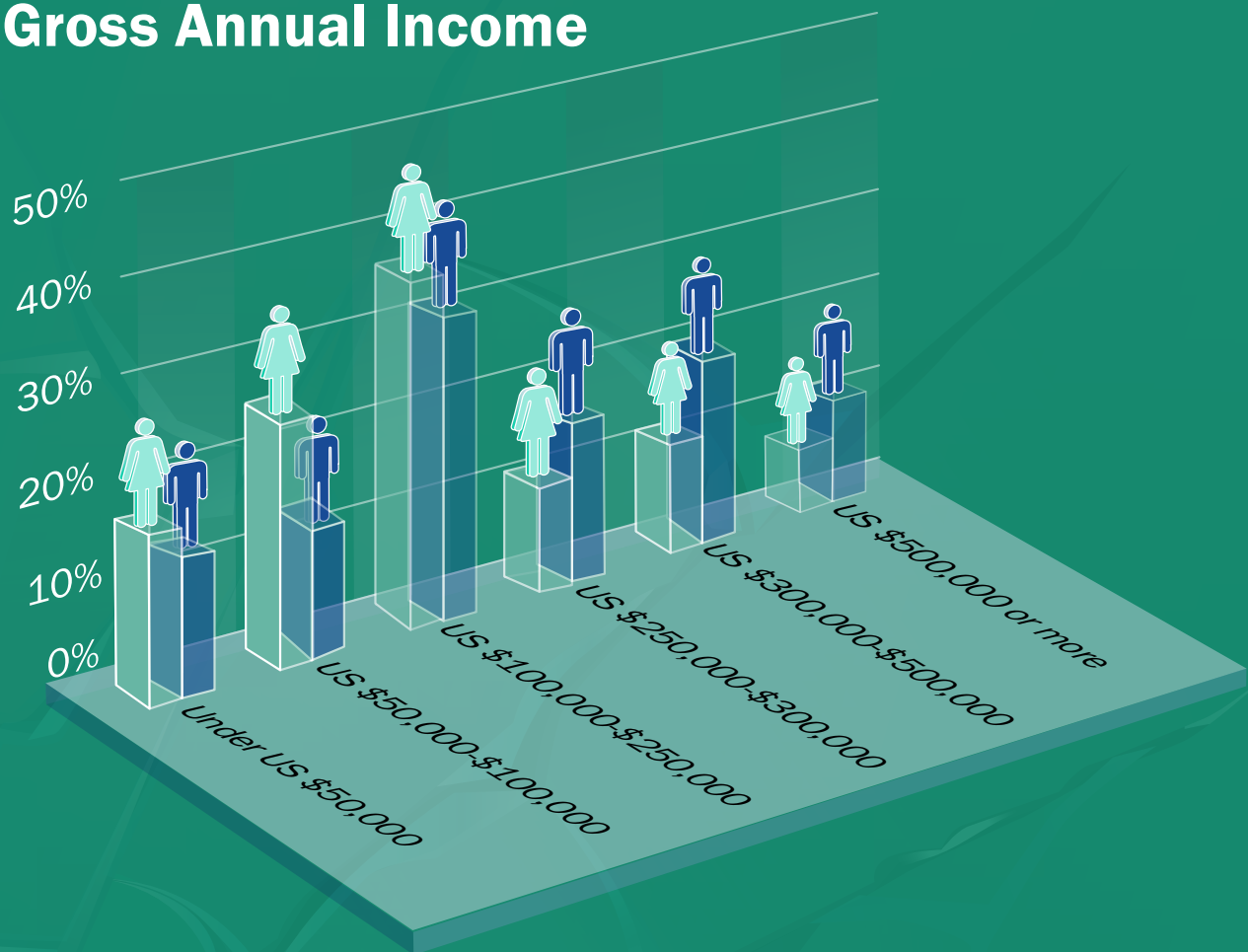


**Job Roles** | A large percentage of respondents worked as Partners or Managing Partners. Among male respondents, 53 percent worked as Partners or Managing Partners and among female respondents, 31 percent worked as Partners or Managing Partners.

Trademark administrators (TMAs), trademark paralegals, and legal assistants make up 11 percent of all respondents, 86 percent of whom are women.

**Income** | Respondents were asked to estimate their approximate annual total gross income in bands starting under US \$50,000 and topping-off at over US \$900,000, revealing a diversity of incomes.

## Gross Annual Income



Converting salary bands to the average of the bands, male and female respondents have equal gross annual median salaries of US \$175,000. However, higher average gross annual salaries were observed for men than women, and the male average annual total gross income is US \$260,577 while the female average annual total gross income is US \$202,965.

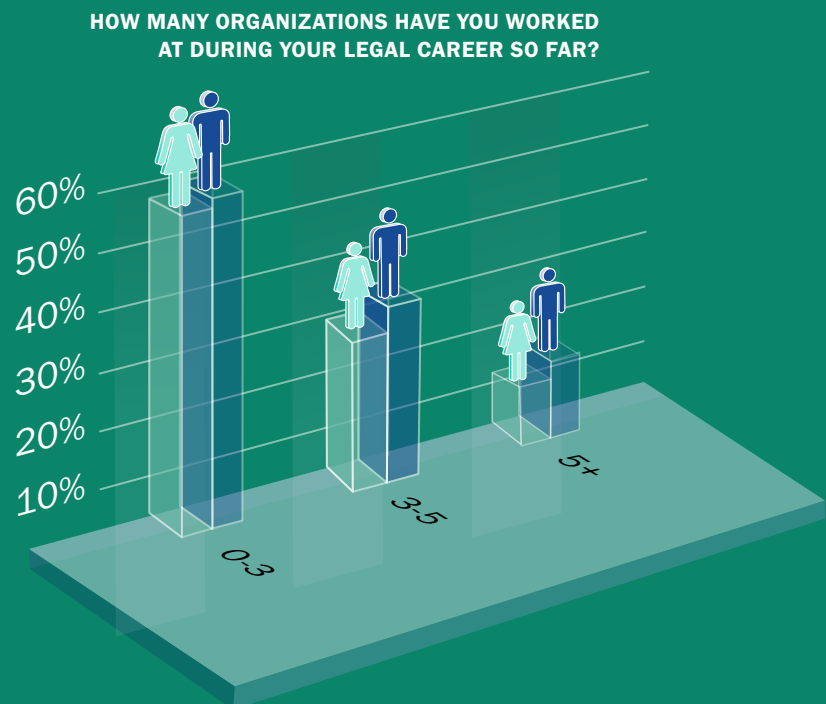
The median average annual total gross incomes of Partners and Managing Partners are the same for men and women at US \$270,000. The average annual total gross income for Partners and Managing Partners is slightly higher for male Partners and Managing Partners than for female Partners and Managing Partners: the male average annual total gross income for Partners and Managing Partners is US \$332,276 and the female average annual total gross income for Partners and Managing Partners is US \$318,103.

The average annual total gross income was higher for those working in law firms at US \$240,195 than those working in corporations where average income was US \$218,392. All other types of organizations had a lower average total gross income. Consistent with narratives around the pay in “Big Law,”<sup>1</sup> those working in larger organizations had higher incomes than those working in smaller organizations.

Respondents from the US had higher incomes than those working in other jurisdictions.

**Organizational Tenure and Entrepreneurship** | Men and women have worked for approximately the same number of organizations during their career. However, on average, male respondents have been at their current organizations for longer (12 years) than women (10 years).

Slightly more than half (57%) of respondents have worked for fewer than three organizations in their careers, and 88 percent of respondents have worked for fewer than five organizations in their careers. Men and women have worked for about the same number of organizations throughout their careers—on average, women have worked for 1.6 organizations and men have worked for 1.5 organizations.



<sup>1</sup> “What Is Big Law and What Are the Salary Scales?” 2023. Yahoo Finance. December 6, 2023.

Men are slightly more likely to agree with the statement that they changed organizations to advance their careers, with 66 percent of men agreeing and 63 percent of women agreeing.

Notably, men are much more likely than women to have started their own businesses. Of all respondents, about one-third (31%) started their own business. However, 41 percent of male respondents have started their own business, while only 27 percent of female respondents have started their own business.

**Culture and Geography** | Cultural and geographic nuances can strongly influence experiences in the workplace and beliefs around gender. Survey respondents reside in 94 different jurisdictions and were born in 99 different jurisdictions. However, in a broad reflection of INTA's membership, respondents from the United States form the largest proportion of respondents, with 43 percent currently residing there.

## 1.2: Progress Has Been Made

Women are well represented in the trademark field and many have reached the upper ranks of their firms. On the face of it, great progress has been made.

While the research suggests that the experiences of women in the trademark field can be improved, the achievements so far ensure a strong foundation for the future. The survey data reveals that 81 percent of all respondents believe that the workforce as a whole is supportive of advancing women: nearly 70 percent say women and men progress along the same or similar paths, slightly more than half (55%) of respondents claim that women are well represented in their organization, and slightly more than half (nearly 54%) of respondents say advancing careers of women is a priority for their organization.

Indeed, several positive findings reveal how headway is being made in terms of achieving fair representation for women in the trademark field. These include:

- 1. Respondents do not perceive their own workplaces as holding back women**
- 2. Many organizations have strong initiatives to promote work-life integration in place**
- 3. Networks exist for women to connect, communicate, and feel heard**
- 4. Opportunities exist for IP professionals to become entrepreneurs**

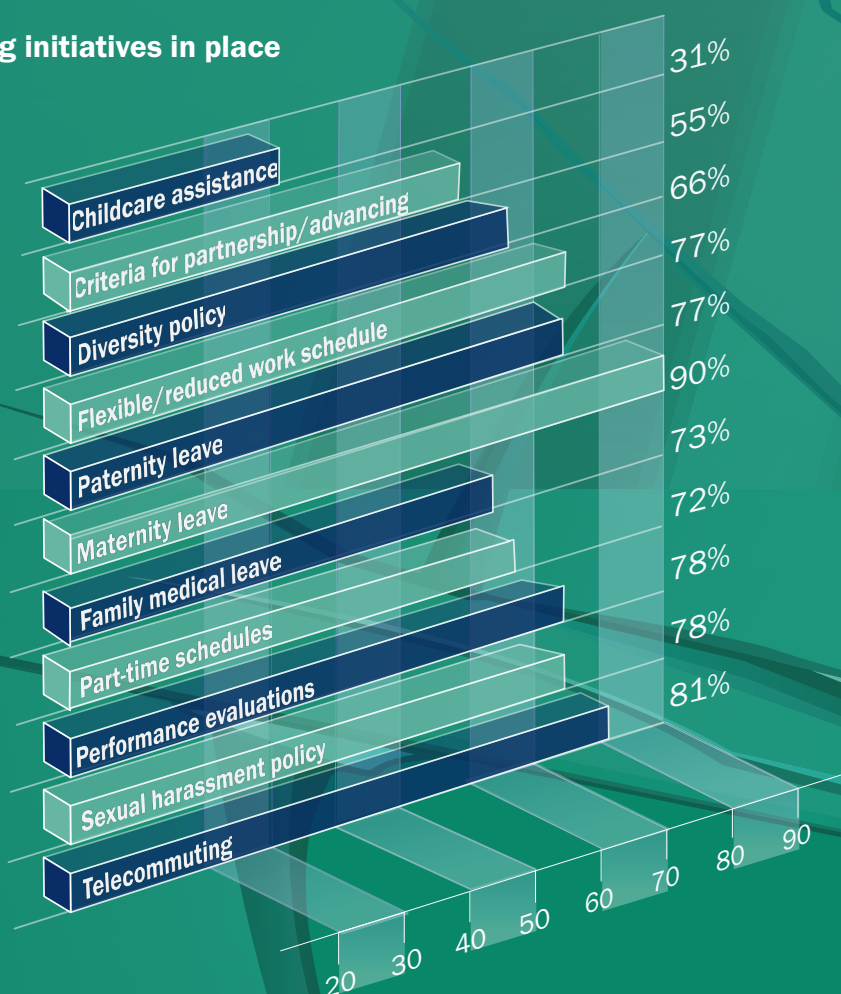
### 1. Respondents do not perceive their own workplaces as holding back women

The majority of respondents disagreed or strongly disagreed with the statement: "My office is a difficult place for women to work." Among all respondents, only 11 percent agree or strongly agree with this statement, while 84 percent strongly disagree. This trend is also present among female respondents, among whom only 14 percent agree or strongly agree with this statement, while 81 percent disagree or strongly disagree.



## 2. Many organizations have strong initiatives in place

A variety of initiatives are in place across many organizations. Respondents also indicate that their organizations have a plethora of initiatives aimed at advancing women.



## 3. Networks exist for women to connect, communicate, and feel heard

In the open text section, many respondents praised networking opportunities as a way to advance their careers. For example, one respondent stated: “I love the support I get from the other women I know through INTA, and really enjoy getting together with them.” Another said that she “attended a woman’s tea one year sponsored by a law firm and the energy was just so great.”

## 4. Opportunities exist for IP professionals to become entrepreneurs

The opportunity to start their own business can give women control over their working conditions and flexibility: 27 percent of female respondents have started their own business.

### 1.3: Challenges Remain

Despite this progress, the research shows that substantial challenges persist. Unconscious or implicit bias and indeed, overt bias, remain a considerable barrier or stumbling block for some during their legal careers.

Of female respondents, 43 percent reported having witnessed women being accorded less respect than men in the last three years and 30 percent report having personally experienced this.

In the open text box, one participant said: “While my firm has a stated objective to promote women, the reality is that, like the legal profession in general, women face more obstacles to advancement than men do.”

Another shared her experience that unconscious bias disproportionately affected women of color. “As a black woman, my experience is influenced by racial bias in addition to gender bias. What is okay for other women is not okay for me ... because performance expectations are higher.”

Issues for women of color were echoed by other respondents: “Women of colour continue to be significantly underrepresented within the legal profession. There is a unique intersection of issues faced by women of colour, namely gender and racial issues. Black women and the particular biases we face (societal, professional or otherwise) are often overlooked.

The American Bar Association’s Profile of the Legal Profession for 2023<sup>2</sup>, shows that the number of black lawyers in the U.S. has remained relatively unchanged over the past decade, with representation moving from 4.8% of the profession to 5% of the profession within the space of 10 years.”.

**Experiences of Bias** | Female respondents also noted that women are often requested to complete lower-level tasks not typically requested of male employees at a similar level: 32 percent of female respondents witnessed this behavior in the past three years and one-quarter personally experienced such bias.

Women commonly report that they are consistently interrupted or cut off when speaking due to perceived gender bias. A 2019 Women in the Workplace report by McKinsey and LeanIn.org found that women get interrupted 50 percent of the time in meetings; and 38 percent had experienced others taking credit for their ideas.<sup>3</sup>

According to the Gender Representation survey data, 37 percent of female respondents had witnessed such incidents, and 31 percent had found themselves being interrupted or cut off.

<sup>2</sup> [ABA Profile of the Legal Profession - Lawyer Demographics.](https://www.abalegalprofile.com/) 2023. www.abalegalprofile.com. 2023.

<sup>3</sup> “[Women in the Workplace 2019.](#)” 2019. Lean In. 2019.

Meanwhile, 17 percent of female respondents said they knew of others who had been treated differently by opposing counsel in court or related proceedings than male counsel, while 14 percent said they had experienced this.

These findings correlate with an in-depth 2020 study, that examined the difference between male and female lawyers' speaking time and the interruptions they experienced during U.S. Supreme Court oral arguments from 1979 to 2013.<sup>4</sup> Applying automated content analysis to the transcripts of 3,583 oral arguments, the researchers behind this study found that female lawyers are interrupted earlier, allowed to speak for less time between interruptions, and subjected to more and longer speeches by the justices compared with their male counterparts.

**Perceptions** | In a similar vein, a considerable proportion of female respondents said they had witnessed women labelled as “bossy” or “overbearing” when they were being assertive (40%) or had experienced this issue themselves (28%).

One respondent said: “Many of the stereotypical tropes apply: men are considered ‘independent’ or ‘assertive,’ but women are ‘bossy.’”

Another felt that women continue to be judged more on their characteristics or demeanor, when compared with their male counterparts. “I think women at my firm are more likely to receive personality-oriented feedback from their superiors, and to be held to a different standard than their male colleagues in this regard.”

Assumptions based on clothing and appearance is another hurdle faced by many. Female respondents said they had heard comments made about gendered dress codes (23%), while 15 percent said that such comments were directed specifically towards them.

Meanwhile, other female respondents had indirectly (20%) or directly (13%) experienced inappropriate comments regarding their relationship status.

Others said they had seen other women experience negative interactions (17%) or felt uncomfortable themselves (18%) at networking events due to their gender.

“ Sometimes women are given similar opportunities [as men], sometimes not. It depends on the partner assigning the work. The root problem is partners who want to staff people like them. In general, the more male assigning partners [there are], the more male associates will be preferred for opportunities. ”

<sup>4</sup> Patton, Dana, and Joseph L. Smith. 2017. “Lawyer, Interrupted: Gender Bias in Oral Arguments at the US Supreme Court.” *Journal of Law and Courts* 5 (2): 337–61.



**Impact on Careers** | Microaggressions or biases, as discussed directly above, have impacted career opportunities and progression as well. Of female respondents, 11 percent said they had seen colleagues being passed over for key projects due to gender or they had been directly affected (8%).

In the open text box, one participant observed that, in general, work leaders tend to gravitate toward people who look like them:

Indeed, this is borne out by research showing that, in general, people tend to prefer to hire or elevate those who resemble them in one way or another. Known as affinity or similarity bias, social psychologists Anthony Greenwald and Mahzarin Bana-ji coined the term(s) in the 1990s after their research showed that we gravitate towards those who look like us, share our interests, support our opinions, and affirm our emotional responses to life situations.<sup>5</sup>

The adverse effect of such behavior is compounded when work is attributed to—or assumed to be—that of another lawyer of a different gender. A quarter of female respondents said that they had seen this happen (24%) and virtually another quarter (23%) reported that it had happened to them personally.

Some participants saw female colleagues excluded from work for a client based on their gender (11%) or had been sidelined themselves (9%). According to one participant: “Men are valued for their potential, whereas women are disregarded.”

Others found that colleagues had even been excluded from a networking event due to the gender preference of a client (9%). A small percentage stated that they had been excluded themselves on this basis (4%).

In the open text box, one respondent said: “As outside counsel with a contentious practice, decisions about gender representation can be dictated by outside forces and perception of what is best for the client.”

Another put it more bluntly: “With misogynistic opposing counsel, client’s goals are best achieved through a male counsel. We tend to fall prey to accepting these ‘realities’ to the detriment of female and/or diverse lawyers and staff.”

## 1.4: A Sharp Divide

The topic of gender diversity tends to attract strong, emotive views, and the polarized responses to the survey have proved no exception. It’s clear that many respondents strongly believe that the sector is in good shape when it comes to gender diversity, with some even questioning the need for this type of survey at all.

**Endorsing the Status Quo** | As illustrated earlier, the majority of respondents disagreed or strongly disagreed with the statement: “My office is a difficult place for women to work”.

<sup>5</sup> Greenwald, A. G.; Banaji, M. R. (1995). “Implicit social cognition: Attitudes, self-esteem, and stereotypes”. *Psychological Review*.

Respondents who work at corporate organizations are more likely to agree than law firms that their office is a difficult place for women to work: 17 percent of corporate respondents agree or strongly agree that their office is a difficult place for women to work, compared with 9 percent of respondents from law firms who believe this.

Respondents from large organizations are also slightly more likely to agree that their office is a difficult place to work (14 percent of respondents who work at organizations with more than 500 employees agree, compared to 10 percent of respondents who work at organizations with less than 200 employees). Respondents who work at organizations with between 201 and 500 employees are least likely to believe their office is a difficult place for women to work, with only 7 percent agreeing or strongly agreeing.

More than half said that their organization was committed to promoting the advancement of women (54%), while the rest said that it wasn't (30%), or that they weren't sure (21%). Further, the vast majority of those who said they worked for a company with this commitment reported that this value or priority was clearly communicated to the workforce (80%).

**Perceptions Versus Hard Data** | An even higher proportion of respondents said they believed their workforce as a whole was supportive of advancing women (81%).

In the open text section, some respondents expressed their perspective on the relevance of the survey, with many insisting that times have changed for the better. For example:

“ The more minority features you have, the more advantages you get. If you do not belong to any minority, the less advantages you enjoy. ”

“ This survey is a good example of gender bias that clearly favors women. ”

“ White men are discriminated against. ”

“ INTA should immediately discontinue any efforts specifically directed to either gender. It is engaging in social engineering, which is outside of the primary focus of the organization. It is bringing woke ideology into the workplace, which is harmful to both INTA and the workplace. We are all disgusted and bored by wokeness. ”

Yet, the above responses contrast sharply with the experiences and perceptions of those highlighted in the previous sub-chapter exploring bias. Moreover, respondents showed less certainty when asked about the metrics and data used to ascertain gender diversity and equality in the workplace. When asked whether their organization filters attrition data by gender, 37 percent said no, while more than half (53%) didn't know.

Additionally, in response to whether the organization compares gender metrics across practice areas, 40 percent said it didn't and 45 percent were unaware of such an initiative.


The question of whether gender was tracked in the assignment of high-visibility projects attracted responses along similar lines: 45 percent said no, while 38 percent didn't know. This type of metric was only used in 18 percent of respondents' organizations.

According to Boston Consulting Group, many companies lack clear data on the diversity of their talent pipeline or their workforce over time, meaning that they aren't able to accurately identify problems or launch targeted interventions to solve them.<sup>6</sup>

This research shows that many have been left to interpret advances in gender equality and diversity at face value, leading to questions over how important it is to develop policies and initiatives aimed at meaningful change. Do they work? Or can progress genuinely emerge in a more organic way?

<sup>6</sup> [“Measuring What Matters in Gender Diversity.”](#) 2020. BCG Global. August 1, 2020.



A person with curly hair, wearing a light-colored trench coat and dark pants, is walking away from the camera on a train platform. The platform has tracks and train cars visible in the background. The entire image is overlaid with a teal color and several white, jagged, geometric lines that intersect and create a fragmented effect.

## **Chapter 2: The Journey So Far**



## 2.1: Policies: How Widespread are They?

When asked about gender diversity policies in their organization, slightly more than 60 percent of participants answered questions with reference to their entire organization while 38 percent answered in relation to their department or team. Twice as many corporate respondents—68 percent—answered questions considering only their department versus 31 percent of law firm respondents.

Around 20 percent of respondents considered themselves to be a minority at their organization, with 67 percent saying they weren't and 10 percent being unsure.

**Prioritizing Gender Diversity** | At first glance, the picture looks positive. When asked how the ratio of women at various levels of their organization has changed relative to men in recent years, nearly four-in-ten respondents (38%) said it had increased, 48 percent said it had stayed the same, and only 3 percent said it had decreased.

However, male respondents felt that the ratio of women in their organizations had grown substantially more than women did, with just under half (48%) reporting that the ratio of women had increased relative to their male counterparts, while only a third of female respondents reported that the ratio of women had substantially increased relative to men.

The good news is that more than half (54%) of total respondents said that advancing the careers of women was a stated priority for their organization, while about 25 percent said they didn't know, and 21 percent were unsure. Yet again, considerably more men were inclined to agree with this (66%) compared to women (48%).

Of those who believed their organization prioritized the advancement of women, nearly 80 percent said that it was clear and well communicated among the workforce (about 75% of women agreed with this, while 86% of men agreed).

Meanwhile, around 74 percent of men agreed that the workforce was supportive of women's careers, while nearly 91 percent women agreed with this statement.

One respondent highlighted how her experiences had changed as she progressed in her career. "I am in New York City at a very liberal firm. I'm a woman partner who is on my firm's management committee, heads my practice group, and is very well compensated. I've experienced all kinds of gender-based discrimination and harassment as I came up through the ranks."

More than half of all respondents (58%) said their organization had implemented a diversity, equity, and inclusion (DEI) policy or program, with nearly 30 percent saying they didn't have one (and 13% didn't know).

**Recruitment Efforts** | The majority of respondents believed there was no issue of gender bias when it came to hiring in their organization (70%), while 88 percent of respondents said gender representation was a consideration in the recruitment of junior staff. Only 4 percent disagreed and 8 percent were unaware of any such considerations.

However, fewer than a fifth of overall respondents (17%) said that gender was a consideration in partnership elections, 41 percent said it wasn't, while 43 percent didn't know.

Slightly under four-in-ten (37%) organizations specifically engage in recruitment efforts to promote overall gender representation in the workplace.

When asked whether gender representation is a consideration in lateral recruitment efforts (i.e., hiring someone in a similar position from another organization), 74 percent agreed, while 13 percent disagreed and 14 percent didn't know.

Overall, gender representation is a lower priority at more senior levels within organizations.

**The Leaky Pipeline?** | This survey data correlates with recent research showing the emphasis placed on gender diversity at junior levels.

In January 2023, women comprised more than 50 percent of law firm associates—the first time they have achieved that threshold in the three decades that the National Association of Law Placement (NALP) has been tracking data for its annual report.<sup>7</sup>

Women have steadily made progress in joining associate ranks over the last five years. They made up nearly 46 percent of associates in 2018, according to the NALP. Their report also shows women made up nearly 40 percent of all attorneys at law firms in 2023, the highest percentage that the NALP has ever tracked.

Indeed, the INTA Gender Representation Study shows that nearly a quarter of respondents said that the proportion of female junior associates had increased relative to male associates. Although 46 percent have not seen progress in this regard, only 3 percent have seen a backlash. The remaining respondents selected “not applicable” as an answer choice.

Among midlevel associates, 22 percent of respondents believed that the proportion of female junior associates had increased relative to male associates. Some 47 percent assumed that the proportions had stayed about the same and 4 percent believed that the ratio of women decreased. The remaining respondents selected “not applicable” as an answer choice.

<sup>7</sup> “[NALP Report on Diversity](#),” 2023. January 2023.



However, the NALP emphasized that the legal sector has seen a high level of attrition among female attorneys, and even more so with female attorneys of color. Further, lawyers of color and women associates see higher levels of attrition than their white male counterparts.

The NALP's report describes gains for women and partners of color as "minimal at best." As they make gains at the associate level, women of color make up less than 5 percent of partners, the report found. Progress "remains abysmally low due to the significant underrepresentation of both women and people of color at the partnership level," the report said.

In terms of this attrition problem, one respondent in the survey felt that affinity bias—when people subconsciously favor people who are like them—remained a concern.

“ Sometimes women are given similar opportunities, sometimes not. It depends on the partner assigning the work.... The root problem is partners who want to staff people like them. In general, the more male assigning partners, the more male associates will be preferred for opportunities. ”

Another respondent highlighted the challenges facing lawyers who come from lower socioeconomic backgrounds when compared with many of their peers and colleagues.

The survey shows that only 14 percent of respondents believed that they came from disadvantaged backgrounds, while the vast majority did not (79%)—this supports existing research showing that entry barriers remain for many individuals from disadvantaged backgrounds (see section 4.1).

As one respondent said: “I am from a very blue-collar/low-income background in the Appalachian Mountains and am now a very white-collar professional in Silicon Valley. This affects my perceptions and experiences in many ways. White-collar workers take a lot of the advantages they have for granted.”

**Data Versus Perception** | In general, respondents were optimistic about the opportunities offered to women in their workplaces. However, the research highlights the dearth of diversity data-tracking in many organizations.

Just under 15 percent reported that their organizations compare gender metrics across practice areas (40% said no, while 44% were unsure or didn't know). The survey data also shows that only a small percentage of organizations filter attrition data by gender: 10 percent said they do, 37 percent said they didn't, while the remainder didn't know.

One respondent observed that “[m]ore women [than men] voluntarily leave the partner path,” while another noted that “[o]ne of the main difficulties that we have, in common with many firms and businesses, is keeping women within the firm once they have had children and bringing them back reliably and in the same role and [with the same] prospects of advancement as when they left, we do all we can in this endeavor but it is naturally tricky.”

Further, less than one-in-five individuals said their organization considers gender in the assignment of high visibility projects (18%), whereas 45 percent said that this didn’t occur and 38 percent didn’t know.

More than a quarter of men believed that their organization, considers gender in the assignment of high visibility projects compared with just 13 percent of women who believed it.

This is concerning. According to the 2023 Women in the Workplace report, tracking outcomes is critical to any successful business initiative.<sup>8</sup> The report, produced by McKinsey and LeanIn.org noted that while most companies “do this consistently when it comes to achieving their financial objectives,” “few apply the same rigor to women’s advancement.”<sup>9</sup>

One respondent to our survey observed: “I think the focus is mostly at the lower levels. There isn’t enough effort on training mid-level women to be leaders or executive leaders. We still see our C-suite being men in the key roles of CEO, CFO, and CLO. Most of the SVPs and VPs are men also.”

Another respondent believed that the disparity between the representation of women at senior levels when compared to junior levels could be attributed to two factors. “I believe the decrease in representation of women in our management/C-suite is a result of (1) focusing on self-selection of candidates and (2) lack of investment in preparing our younger women shareholders for management positions.”

This is borne out by research. According to the 2019 study, “The Gender Gap in Self-Promotion,” women hold back on self-promotion—even when they know their performance is equal to that of men.<sup>10</sup>

The findings from the 2019 study reveal a large gender gap in self-promotion: women subjectively describe their ability and performance to potential employers less favorably than equally performing men.

In the Gender Representation Study, for some, there was a sense that some workplaces merely pay lip service to gender diversity. As one respondent noted: “While my firm has a stated objective to promote women, the reality is that, like the legal profession in general, women face more obstacles to advancement than men do.”

Another said: “While there is a great deal of talk about gender equity and DEI, there is very little actual action.”

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Exley, Christine L, and Judd B Kessler. 2022. “[The Gender Gap in Self-Promotion](#).” *The Quarterly Journal of Economics* 137 (3).

## 2.2: Are Representation Efforts Actually Working?

Overall, most respondents were satisfied with their own career trajectories yet noted that more could be done to increase opportunities for women in the IP industry and the profession.

Opinions about whether the proverbial glass ceiling still exists for women - whether advancement opportunities were equal for men and women, and whether there are barriers to advancement - differed greatly between male and female respondents.

**Personal Career Trajectories** | More than half of respondents were pleased with their own career trajectories. A majority of both male and female respondents claim to have progressed at the pace they expected, while more men than women say they have: 57 percent of female respondents answered “yes” to the question: “In terms of career progression, have you advanced at the pace you expected?”, compared with 72 percent of male respondents who agreed.

**Opportunities to Advance** | Respondents also generally agree that their organization provides equal opportunities for men and women to advance, although male respondents have a more optimistic perception of this equality than female respondents.

A slight majority (59%) of female respondents agreed that women and men with the same level of education, training, and/or performance in their organizations had the same opportunities for advancement and development, while 19 percent disagreed, and 22 percent were unsure. In contrast, 85 percent of male respondents agreed, 9 percent of male respondents disagreed, and 6 percent said that they were unsure.

**Barriers** | Most respondents did not believe that women faced significant barriers in their own organizations or were unsure about whether they did.

When asked the question, “Do women reach a ceiling in your organization (i.e., do they encounter barriers hindering promotion to senior management positions)?” 30 percent of female respondents answered “yes,” while 46 percent disagreed, and 24 percent said: “I don’t know.” Fewer men believed women faced barriers in their organizations: only 11 percent of male respondents agreed that women reached a ceiling in their organization, while 78 percent disagreed, and 12 percent were unsure.

**Ceilings in the IP Industry** | While respondents evaluated their own organizations favorably, it is notable how they characterized the IP industry and the legal profession as a whole.

A majority of female respondents believed that women reached a ceiling in the IP industry (52%), while 29 percent of female respondents disagreed, and 20 percent were unsure. A gap existed between male and female respondents, with only 22 percent of male respondents agreeing that women faced a ceiling in the IP industry, a slight majority (52%) disagreeing, and 27 percent expressing that they were unsure.

**Ceilings in the Legal Industry** | The numbers are even more sobering when respondents were asked to evaluate the entire legal profession.

Almost 70 percent of female respondents agreed that women faced a ceiling in the legal profession, while less than half as many male respondents (32%) accepted this to be true. Some 42 percent of male respondents disagree that women reached a ceiling in the legal profession and 26% didn't know.

**Evaluating Initiatives** | A majority (66%) of respondents agreed that organizations should prioritize equal gender representation in their workforce. The survey data showed that organizations apply various strategies to achieve gender equity in their workforce. However, only slightly more than half (56%) of respondents believed that their organization's representation efforts were sufficient when compared to similar organizations.

Perceptions also differed according to the gender of respondents. Just under half (48%) of female respondents said that representation efforts were sufficient, while a quarter (24%) said they were not, and 28 percent expressed that they were unsure. In contrast, 70 percent of male respondents said their organization's representation efforts were sufficient, while 8 percent disagreed, and 21 percent said that they did not know.

The large percentage of respondents who are unsure or disagree that their organization's representation efforts are sufficient warrants a careful analysis of various initiatives. Moreover, in their open text answers, many respondents mention many limitations that prevent efforts from having their desired effects.

**Targets** | In their Harvard Business Review article, “How Companies Should Set—and Report—DEI Goals,” Alexandra Kalev and Frank Dobbin argue that targets can benefit DEI efforts by helping “firms...draw up action plans that can ensure that awareness and accountability are channelled productively. In doing so, managers can shape diversity strategies for employees at different career stages.”<sup>11</sup>

The 2017 McKinsey & Company Women in Law Firms Report found that “most law firms track gender diversity metrics, but few set targets.”<sup>12</sup>

Many respondents to the INTA Gender Representation Study were unsure if their organization considered gender in recruiting and promotion decisions. Only 10 percent of respondents claimed that their organization filtered attrition data by gender, only 15 percent expressed that their organization compared gender metrics across practice areas, and only 17 percent said that their organization considered gender in the assignment of high visibility projects.

<sup>11</sup> Kalev, Alexandra, and Frank Dobbin. 2022. “How Companies Should Set — and Report — DEI Goals.” Harvard Business Review. September 29, 2022.

<sup>12</sup> Brodherson, Marc, Laura McGee, Mariana Pires, and Dos Reis. 2017. “Women in Law Firms.”



The survey sought to check whether gender targets, where in use, were effective. A majority of respondents were unsure about the efficacy of targets. When asked the question, “If your organization has set targets for gender representation, is your organization meeting the gender representation targets it has set for itself?” Some 22 percent of respondents responded “yes,” while 14 percent disagreed, and 64 percent were unsure.

**Mentoring** | The 2020 LexisNexis Bellwether Report, COVID-19 and the Legal Industry, notes that mentoring opportunities are vital especially “for those (lawyers) on the first rung of their career ladder.”<sup>13</sup>

More than half of respondents expressed that their organizations provide opportunities for mentoring.

		All Respondents	Female	Male
Mentorship	Yes	62%	57%	71%
	No	21%	26%	14%
	I don't know	16%	17%	14%
Sponsorship	Yes	25%	23%	30%
	No	38%	40%	36%
	I don't know	37%	38%	34%

Mentorship was cited in the survey as “key to career growth.” The free responses indicated that mentorship occurs both inside respondents’ organizations and outside. For example, a respondent noted that “when I advanced into a senior leadership role, my company paid for a private executive coaching engagement, so I was formally mentored and was able to grow into my role with clear and unbiased guidance from an arms-length third party.”

Respondents stated that mentorship could be beneficial, for example to help entry level employees develop soft skills, e.g., “One of the female lawyers of my team was mentored, and it was an excellent opportunity to learn and improve her soft skills and to help her to achieve a new level at her career.”

Mentorship can be formal as well as informal. One respondent said: “I haven’t been a fan of arranged/artificial programs, but rather see incredible value in organic mentorships/ sponsorships that have emerged due to a genuine connection between people. I believe I couldn’t have gotten to where I have without these key people being part of my journey in my career.”

<sup>13</sup> Simpson, Amy. n.d. “How Has COVID-19 Impacted the Business of Law?” | LexisNexis Blogs.” Page 16.

Respondents also noted the value of tracking mentorship, with one noting: “We are limited by our size to less formal modes of mentorship and sponsorship but track it on an ongoing basis.”

Some respondents also mentioned that the success of a mentorship program was not guaranteed and relied on how invested both parties were, e.g., “It (mentorship) can’t be forced. You need fully invested participants” and “It’s kind of random like finding a spouse. One has to be lucky to run into the right person with the right chemistry and background/experience and willingness to teach.”

One respondent observed that “mentors are more comfortable with men (male mentees),” suggesting that a cultural shift may be necessary to ensure that both men and women benefit from the experience.

**Sponsorship** | According to a 2019 Forbes article, “Understanding The Impact Of Mentorship Versus Sponsorship,” mentorship and sponsorship both create and reinforce connections within the workforce.<sup>14</sup> Sponsors act as spotlights, highlighting (often junior) employees for opportunities or recognition within. That’s why sponsors tend to be internal, maintaining a singularly focused relationship with a high-potential employee.<sup>15</sup>

The INTA Gender Representation Study found that only 25 percent of respondents agree that their organizations provide opportunities for sponsorship.

When asked to evaluate their experiences with sponsorship, respondents emphasized the importance of sponsorship. For example: “A woman needs a mix of men and women mentors and sponsors.

In general, respondents also did not find sponsorship as helpful as they would have liked when the sponsor came from a different department. One example provided by a respondent is: “I have a sponsor; however, he is not on the legal team and has specifically stated that if I want to advance my trademark career I should look elsewhere as trademarks are not a priority for the organization.”

**Exposure to Leadership** | Exposure to leadership is critical to moving up the career ladder. One survey respondent stated that: “My mentor is a male equity partner and managing partner, discussions with him bring me closer to the rest of the male shareholders which seems to be key for advancement. Earning respect over time.”

<sup>14</sup> Mobley, Katharine. n.d. “[Council Post: Understanding the Impact of Mentorship versus Sponsorship](#).” Forbes. Accessed May 14, 2024.

<sup>15</sup> Id.

The INTA Gender Representation Study highlights that opportunities to interact with their organization's leadership team may not be completely equal for men and women. Around three-quarters of respondents (73%) agree that women and men at the same or similar level of training and experience are given the same or similar opportunities to interact with the organization's leadership team, while 10 percent disagree, and 17 percent do not know.

However, segmenting the data by gender reveals that 64 percent of female respondents say that men and women are given equal opportunities to interact with their organization's leadership team, while 13 percent say that men and women do not have equal opportunities to interact with their organization's leadership team, and 23 percent do not know.

In contrast, almost all men (92%) say that men and women have equal opportunities to interact with their organization's leadership team, while 3 percent of men say that women and men do not have equal opportunities to interact with their organization's leadership team, and 6 percent do not know.

**Compensation Structure** | In her article, "Law Firm Partner Compensation Models & You," social psychologist Jennifer Gillman writes "[n]o two law firm partner compensation models are the same, but there are some common approaches."<sup>16</sup> Her article exemplifies some key law firm compensation models, including:

- 1. Lockstep system:** Each partner of the same class year gets paid the same and you get incremental raises that are not directly related to how much business you bring in or how many hours you bill.
- 2. Formula system:** Gives you the exact mathematical formula that allows you to calculate your compensation based on your actions. Because firms are trying to incentivize so many behaviors including cross-selling/marketing, DEI, and other good firm citizenship most firms that claim to use the formula have a subjective component.
- 3. Subjective system:** The firm gives a laundry list of all the things that will be considered for compensation and sometimes doesn't tell you which ones are weighted more than others.
- 4. Eat what you kill system:** A model that ties your earnings directly to the business you bring into the firm and how much you can convince your clients to spend.
- 5. Open system:** A model where all income is transparently communicated, everything attributed to you and your actions, and there may be a clear formula or a more subjective formula that determines your earnings at the end of the year.
- 6. Closed or "black box" system:** A model where the cards are more hidden. Management tells you what they consider for compensation, but you may have no idea where you stand throughout the year.
- 7. Reward for billable hours system:** Billable hours are the only consideration.
- 8. "Argue-at-the-holiday-party" system:** Very little is defined until the partners get together to discuss (argue about) compensation at the end of the year.

One respondent noted that: “In a small firm, we have a ‘you eat what you kill’ compensation type of program. It is a great equalizer.”

The formula compensation structure was also called “incredibly fair,” e.g., “I love our partner [compensation] structure. It is largely calculated based on a formula, so it is incredibly fair.”

Information was also vital in making respondents feel as though they were equally compensated, as one respondent noted: “I have seen the connection between hard work and measurable results and my compensation.”

One respondent also noted the fact that the bonus system can have the effect of not adequately compensating for family leave, stressing that: “Bonuses are reduced when family leave is taken.”

Respondents mentioned that when women are unable to become Equity Partners, they are required to work more hours: “Equity partners have more leeway with hours/billable requirements and make significantly more even when they fall short of those. Of Counsel/Senior associates’ comp is still tied very much to hours.” When women were unable to become equity partners, they also faced constraints on the salaries they could request. Therefore, one respondent expressed: “I am currently at a position which only reports to the sole managing partner, it is difficult to negotiate additional compensations without bringing equity into the discussion.”

Corporate respondents noted that they found being compensated in stock value “inherently destabilizing.” Furthermore, one corporate respondent noted that corporate compensation did not adequately reflect the value of contributions, stating that “[c]orporate compensation structures are typically based on how many people report to you, rather than the value of your contribution. You can [not do well] as a people manager and still make more money than an IP subject matter expert who is a top-notch individual contributor.”

**Salary Transparency** | According to the World Economic Forum, countries are increasingly introducing salary transparency laws to address the gender pay gap.<sup>17</sup>

Where salary transparency existed, respondents believed they were being treated fairly: “In our firm, salary is strictly linked to performance. Everyone knows how his/her earnings are determined, and how much income he/she has made for the firm each month. Our compensation structure provides me with a sense of being treated fairly and encourages me to work for better results.”

Similarly, where employees worked in organizations with a culture of secrecy around salaries, they noted the downsides. For example, stating that:

“There is no transparency. I don’t know if I am being underpaid or overpaid for my position.”

17 Whiting, Kate. 2023. “[Explainer: What Are Pay Transparency Laws and Are They Working?](#)” World Economic Forum. August 7, 2023.



“Coming from the government, where salaries are transparent, I am shocked at how people at the firm look at me with horror when I talk about money/salary.”

“Too much secrecy around compensation structures. Our salary is ‘not tied to performance’ and is banded according to seniority in the profession but they won’t tell us what the payment bands are, so we don’t know where we sit in the pay structure.”

Salary secrecy was especially prominent when it came to bonuses and benefits:

“Corporate commitment to salary equity does not extend to bonus and/or equity compensation. Men receive higher equity compensation, but it is not viewed as unequal. “

“We do not get annual cost-of-living salary reviews or bonuses. We do not know what benefits (vacation time, pay, bonuses) others are given. “

“There is very little salary transparency at the partner level. Bonuses for associates and partners are all discretionary, and those are similarly a black box. “

**Salary Negotiation** | The gender gap in negotiation may in part explain why women in the United States earned on average only about 83 percent of men’s median annual earnings in 2021, according to the Institute for Women’s Policy Research.<sup>18</sup>

However, this is not consistent with the research findings. Indeed, the INTA Gender Representation Study finds that the same percentages of men and women have negotiated their salaries, and they were roughly successful at equal rates: 49.4 percent of women negotiated their salary during the hiring process, and, of those, 82 percent were able to negotiate a higher salary. Similarly, 49.7 percent of men negotiated their salary during the hiring process, of which 77 percent were able to negotiate a higher salary.

However, as noted in section 1.1., detailing salaries, though the numbers suggest that women are better than men at negotiating, salaries continue to remain lower for female IP practitioners than for male IP practitioners. Therefore, higher average gross annual salaries were observed for men than women, and the male average annual total gross income is US \$260,577 while the female average annual total gross income is US \$202,965. Moreover, the male average annual total gross income for Partners and Managing Partners is US \$332,276 and the female average annual total gross income for Partners and Managing Partners is US \$318,103.

18 “Gender Wage Gaps Remain Wide in Year Two of the Pandemic,” 2022.

**Performance Reviews** | Gender bias in performance reviews has been extensively documented.<sup>19</sup> The INTA Gender Representation Study suggests that slightly less than half of female respondents (46%) believe that men and women who perform at similar levels of competence are treated the same in performance reviews.

**Late Career** | In their landmark 2015 study, economists David Neumark, Ian Burn, and Patrick Button found robust evidence, based on a study of 40,000 job applications, for age discrimination in hiring against older women, especially those near retirement age. They found that “there is considerably less evidence of age discrimination against men.”<sup>20</sup>

The INTA Gender Representation Study found that only slightly more than half (56%) of respondents agreed that “women and men of similar levels of competence or skill at the later stages of their career were treated the same.”

**Impact of the COVID-19 Pandemic on Representation** | Many individuals did not believe that the COVID-19 pandemic had an impact on the representation of women in the legal community, with 42 percent responding “no” to the question: “In your view, did the COVID-19 pandemic have an impact on the representation of women in the legal community?” Only 7 percent responded “yes,” and 38 percent stated that they don’t have an opinion.

Respondents also did not believe their organizations altered their approaches to gender representation in response to the pandemic, with only 3 percent responding “yes” to the question: “did your organization alter its approach to gender representation in response to the COVID-19 pandemic?” Over half (57%) responded “no” and 40 percent indicated that they are unsure.

The subsiding of the pandemic was also not perceived to have drastically changed the representation of women. Responding to the question, “If the COVID-19 pandemic had an impact on the representation of women in your organization, has the situation changed further since the pandemic has subsided?” One third of respondents (31%) responded “no,” 29 percent claimed that the situation improved, 20 percent claimed the situation had worsened, and 20 percent were unsure.

In the free response section, respondents speculated that the COVID-19 pandemic may have limited mentorship opportunities. This is consistent with the 2020 LexisNexis Bellwether Report, COVID-19 and the Legal Industry, which notes that mentorship opportunities are vital “for those (lawyers) on the first rung of their career ladder.”<sup>21</sup>

Another respondent suggested that “the pandemic was a big setback for women attorneys, as it shifted resources toward childcare, resulting in a disproportionate impact on working women, including working women attorneys.”

<sup>19</sup> Ibid.

<sup>20</sup> Neumark, David, Ian Burn, and Patrick Button “[Is It Harder for Older Workers to Find Jobs? New and Improved Evidence from a Field Experiment](#)” NBER Working Paper No. 21669 (October 2015, Revised November 2017)

<sup>21</sup> Simpson, Amy. n.d. “[How Has COVID-19 Impacted the Business of Law?](#)” | LexisNexis Blogs.” Page 16.

## 2.3: Comparisons

### Comparing Large and Small Organizations

**1. Parental Leave:** Large organizations are more likely than small organizations to offer parental leave. In response to the question: “Does your organization offer parental leave?” 90 percent of respondents from large organizations (more than 500 employees) responded “yes”, and 78 percent of respondents from small organizations (fewer than 200 employees) responded “yes.”

**2. Initiatives in Place:** The survey data shows that large organizations have more initiatives in place than small organizations.

	Small Organization (1–200 employees)	Medium Organization (201–500 employees)	Large Organization (500–2000+ employees)
Childcare assistance	14%	24%	38%
Criteria for partnership/ advancing	40%	53%	43%
Diversity policy	42%	74%	79%
Family medical leave	61%	69%	79%
Flexible/reduced work schedule	71%	74%	73%
Maternity leave	85%	93%	95%
Paternity leave	59%	78%	86%
Part-time schedules	68%	64%	62%
Performance evaluations	66%	88%	92%
Sexual harassment policy	58%	78%	90%
Telecommuting	64%	79%	75%

**3. Work-Life Balance:** Respondents employed by small organizations are more likely to agree with the statement, “it is possible to achieve a work-life balance at your organization.” Of respondents from small organizations, 81 percent agreed with the statement, while only 69 percent of respondents from large organizations did.

**4. DEI Policy:** Large organizations are much more likely to have a DEI policy/program in place. Of respondents from large organizations, 89 percent responded “yes” to the question, “Does your organization have a diversity, equity, and inclusion (DEI) policy/program?” Only 36 percent of respondents from small organizations did.

**5. Recruiting Efforts to Promote Gender Representation:** Large organizations are slightly more likely to engage in recruiting efforts to promote gender representation—45 percent of respondents from large organizations state that their organizations engage in recruiting efforts to promote gender representation, while only 32 percent of respondents from small organizations do.

### Comparing Law Firms and Corporates

**1. Motivations for job:** When asked for the primary reasons for accepting their current position, more law firm respondents expressed a desire to work for themselves compared to corporate respondents who prioritized the availability of work in their locality and job security. In the free response section, corporate respondents also mentioned moving abroad for the careers of partners.

**2. Changing jobs to advance career:** Changing their job to advance their career was slightly more likely for corporate respondents than law firm respondents. In fact, 73 percent of corporate respondents noted that they changed their job to advance their careers, while only 61 percent of law firm respondents did.

**3. DEI policy:** Corporate respondents were more likely to have a DEI policy in place than law firm respondents. 84 percent of corporate respondents reported that their organization had a DEI policy in place, while only 53 percent of law firms did.

**4. Similar mentorship and sponsorship opportunities:** Similar opportunities for mentorship and sponsorship existed in corporate organizations and law firms.

**5. More events and activities to help women become leaders in corporate:** Many more corporate respondents agreed that their organization hosted events and activities to help women become leaders. 60 percent of corporate respondents reported that their organization hosted events or activities to help women become leaders, while only 27 percent of law firm respondents did.

**6. Work-life balance similar trends:** Work-life balance indicators differed slightly; however, a significant number of both corporate and law firm respondents expressed that they had insufficient time to commit to a healthy lifestyle.

### Comparing Regions

Due to a limited number of respondents from Africa and the Middle East, comparisons could only be made between the Asia, Europe, Latin America, and North America (U.S. and Canada).

**1. Opportunities for mentorship and sponsorship:** There is slightly greater awareness concerning existing opportunities for mentorship and sponsorship in Asia, Europe, or Latin America.

**2. Flexible/hybrid working patterns:** Working from home is more common in North America than in other regions.



**3. Types of organizations where respondents work:** Respondents surveyed in Asia, Europe, and Latin America worked at smaller organizations and worked at fewer organizations over the course of their careers than North American respondents.

**4. DEI policy:** Organizations in the US were more likely to have a DEI policy than those in other regions.

**5. The impact of COVID-19:** Of respondents in Europe, 17 percent said that the approach to gender representation changed because of the COVID-19 pandemic, compared with only 12 percent of North American respondents who saw a change.

**6. Start-ups more common in Latin America:** Respondents in Latin America were about twice as likely to have started their own business than U.S. respondents—42 percent of respondents in Latin America have started their own business, compared with 27 percent of North American respondents.

**7. Events and activities to help women become leaders:** Respondents from Latin America said such initiatives were uncommon. Of respondents from Latin America, 66 percent responded “no” to the question, “Does your organization host events and activities to help women become leaders?” In contrast, only 28 percent of North American respondents said that their organization did not.

## 2.4: Geographical and Cultural Differences

One U.S.-based respondent said: “I am in the northeastern U.S. My answers would probably change a great deal if I were in Asia or South America or the southern U.S.” When considering the results of the Gender Representation Study, it is useful to examine the role played by the respondents’ geographical and cultural differences, and how these differences inform an individual’s perceptions of gender diversity in the workplace.

According to the American Bar Association’s 2023 Profile of the Legal Profession, white men and women are still overrepresented in the legal profession compared with their presence in the overall U.S. population.<sup>22</sup> White lawyers are still overrepresented in the legal profession compared with their presence in the U.S. population<sup>23</sup>. In 2013, lawyers of color accounted for 11 percent of the profession.<sup>24</sup> A decade later, in 2023, they accounted for 21 percent of the profession. However, the number of Black lawyers is virtually unchanged over the past decade, according to the ABA survey.<sup>25</sup> Black lawyers accounted for 4.8 percent of the profession in 2013 and 5 percent in 2023.<sup>26</sup>

Furthermore, according to the 2024 Women in Law Statistics from Forbes: “Black women comprise a small percentage of all lawyers employed in U.S. law firms, accounting for only 2.28 percent of all attorneys.”<sup>27</sup>

22. ABA Profile of the Legal Profession - Lawyer Demographics (abalegalprofile.com) [American Bar Association](#).  
[ABA Profile of the Legal Profession - Lawyer Demographics](#) | Accessed 3 July 2024.

23 - 26. Id

27. “Women in Law Statistics 2024 – Forbes Advisor.” n.d. [Www.forbes.com](#).

Moreover, according to Latinicida, Inc.—a non-profit organization dedicated to advancing Latinas - there is still a major lack of Latina representation among working professionals in corporate settings (in the USA).<sup>28</sup>

In the legal profession specifically, Latino and Latina lawyers are largely underrepresented and only comprise 5.8 percent of the 1.3 million lawyers in the U.S. When it pertains to gender, around 38 percent of lawyers are women. Of those 38 percent, Latinas only make up only around 2 percent.

The reasons for this are complex and multifold. As one respondent to our survey notes:

(In my experience) Hispanic women are usually required to excel both at work and home—being a successful attorney does not mean you are allowed any slack at home, and Hispanic men, even those who define themselves as pro-gender equality, do not share house chores equally.

Another said:

“I am from Mexico, and I understand that the work environment in my firm is not the general rule for other firms in the country. While IP firms tend to be more proactive and globally oriented in terms of trends, ethics, and policies, it is a fact that female colleagues in other areas of law are not treated equally and are prone to suffer some type of violence.”

An individual based in Germany believed that because of cultural norms, “males appear to dominate the work culture.”

Another respondent also provided context to the underrepresentation of Black lawyers, stating that: “There is a unique intersection of issues faced by women of color, namely gender and racial issues. Black women and the particular biases we face (societal, professional, or otherwise) are often overlooked.”

Nine-in-ten highest ranked countries in terms of gender equality are in Europe, according to the United Nations Development Programme.<sup>29</sup>

However, gender inequality continues to persist in the highest levels of decision-making in the European corporate world: Only one-in-ten board members in the EU is a woman, and only 3 percent of chief executives are female. Progress in Europe has been slow except in Norway and France.<sup>30</sup>

28 Castro, Jenny . n.d. “Latinas in Law” Dos Rosas. Accessed May 14, 2024. “[Women in Law Statistics 2024](#).” Forbes, Forbes Magazine, 20 Mar. 2024

29 United Nations Development Program. 2022. “[Gender Inequality Index](#).” Human Development Reports. UNDP. 2022.

30 “[Breaking the Glass Ceiling: What Are the Challenges Faced by European Women in Their Career Advancement?](#) | Wedu.” 2012. November 1, 2012.



A person in a dark business suit is seen from behind, standing on a red running track. They have their hands on their hips, looking towards a series of hurdles in the distance. The image has a blue tint and several white diagonal lines crossing it, suggesting a sense of struggle or overcoming obstacles. The text 'Chapter 3. Barriers and Broken Rungs' is overlaid in white on a semi-transparent blue rectangle at the bottom.

## **Chapter 3. Barriers and Broken Rungs**



### 3.1: The Trade-Off Between Raising a Family and Career Success

It seems that few women in IP think that it is truly possible to have it all: 81 percent of female IP practitioners with children responded “yes” to the question: “Is there a trade-off between raising a family and career success?”

Additionally, female IP practitioners with children report lower salaries than their male counterparts with children. They also highlight how having children can have negative impacts on career progression, and they provide perspectives on how children can present unique challenges in balancing life and work.

**Female IP Practitioners with Children: Salaries** | Consistent with extensive research, data from the INTA Gender Representation Study suggests that women with children have lower average annual salaries than men with children.<sup>26</sup> Female IP practitioners with children have an average annual salary of US \$226,583, while male IP practitioners with children have an average annual salary of US \$276,086. Looking only at U.S.-based respondents, female IP practitioners with children have an average annual salary of US \$289,718, while male IP practitioners with children have an average annual salary of US \$347,289.

Female IP practitioners with children are less likely than male IP practitioners to have started their own businesses. Of male IP practitioners with children, 43 percent have started their own business, while only 28 percent of female IP practitioners with children have done so.

**Female IP Practitioners with Children: Job Choices** | The reasons why female IP practitioners with children accept their current position differ from male IP practitioners with children. By placing higher importance on being in geographic areas near their families and prioritizing a more flexible work schedule, female IP practitioners with children tend to make career decisions that help them balance childcare with work—this is not the case for male IP practitioners with children.

Of female IP practitioners with children, 43 percent selected the availability of work in the geographic area near their family as their primary reason for accepting their current positions, 9 percent selected it as their secondary reason, and 10 percent selected it as their tertiary reason. In contrast, only 7 percent of male IP practitioners with children selected this as their primary reason for accepting their current position, 7 percent of male IP practitioners with children as their secondary reason, and 6 percent of male IP practitioners with children as their tertiary reason.

Female IP practitioners with children were also more likely than male IP practitioners with children to select relaxed work schedules and flexibility of hours as reasons for accepting their current positions. Of female IP practitioners with children, 6 percent selected the fact that their job offered a relaxed work schedule and flexibility of hours as their primary reason, 16 percent selected it as their secondary reason, and 11 percent selected it as their tertiary reason.

<sup>26</sup> Kleven, Henrik, Camille Landais, and Jakob Egholt Sogaard. 2018. “Children and Gender Inequality: Evidence from Denmark.” SSRN Electronic Journal 11 (4).

In contrast, 6 percent of male IP practitioners with children selected a flexible work schedule as their primary reason, 7 percent of male IP practitioners with children selected it as their secondary reason, and 8 percent male IP practitioners with children selected it as their tertiary reason.

The open text responses provide some reasons for female IP practitioners needing to balance childcare, with respondents claiming that “childcare credit/support would be amazing but is nonexistent” and stating that “in many instances, women are the primary caregivers for children and aging family members.”

Another respondent expressed that: “I have had to make a conscious choice to step back from my work and be more present for my children. My spouse has a less forgiving job and can’t be there as much as I can with my flexibility; however, I face more stress as a result.”

Of course, men also make career sacrifices to benefit their families. One male respondent prioritized his wife’s relocation for a career: “My wife got a job in a new location and, after we moved, I stayed home to help our kids settle in.”

The income of female IP practitioners is important to their households. Indeed, female IP practitioners with children contribute large percentages of their incomes to overall household expenses and about half (51%) of female IP practitioners are their households’ primary breadwinners.

**Female IP Practitioners with Children: Career Progression** | In the study, 61% of female respondents and 71% of male respondents indicated that they had children. Notably, 44 percent of female IP practitioners with children claim that their career opportunities have worsened as a result of becoming parents. In contrast, only 20 percent of male IP practitioners with children claim that their career opportunities faltered due to becoming parents. This is consistent with evidence regarding the “motherhood penalty” and the “fatherhood bonus.”<sup>27</sup>

Female IP practitioners with children are also much more likely than other groups of survey respondents to agree with the statement that “being a woman is a barrier to career progression.” More than half of female respondents with children agree that this is the case: 11 percent of female IP practitioners with children strongly agree with this statement, while 46 percent agree.

Conversely, fewer than a quarter of male respondents with children agree that being a woman is a barrier to career progression: Only 3 percent of men with children strongly agree that being a woman is a barrier to career progression and 19 percent of men agree.

Only 6 percent of female IP practitioners with children agree that their organization is doing enough to advance gender representation.

<sup>27</sup> Miller, Claire. 2014. “The Motherhood Penalty vs. the Fatherhood Bonus.” The New York Times, September 6, 2014.

Female IP practitioners with children are also less likely than other respondents to indicate that they have progressed in their careers at the pace they expected. Only 55 percent of female IP practitioners with children have advanced at the pace they expected, while 74 percent of male IP practitioners with children have advanced at the pace they expected.

**The Impacts of Parental Leave** | Only 30 percent of men with children who responded to the survey have taken parental leave, while 67 percent of women who have had a child during their time in the workforce have taken parental leave.

In evaluating parental leave, fewer than half of women with children judged the parental leave policy at their organization as “excellent” or “good.” Of women with children, 43 percent rated their organization’s parental leave policy as “excellent,” and 27 percent of women with children rated their organization’s policy as “good”. Among men with children, 18 percent rated their organization’s parental leave policy as “excellent,” and 30 percent rated their organization’s parental leave policy as “good.”

Women were less likely to return to the same role with the same pay after parental leave than men: 11 percent of female respondents with children said that they did not return to the same role with the same pay after taking parental leave, compared to 3 percent of male respondents with children.

More than a third (36%) of women with children say that taking parental leave affected how they were treated upon returning to work, while only 9 percent of men with children claim that taking parental leave affected how they were treated upon returning to work.

The open text responses provided details on the ramifications of parental leave. It was highlighted that taking parental leave could have a negative effect on bonuses: “My firm touts that hours are pro-rated upon return (from maternity leave), but other metrics are not. Typically, it is impossible for an associate returning from leave to be bonus eligible, because their overall profitability is down, and that is not pro-rated for bonus decisions.”

Another respondent mentioned the impossibility of taking parental leave because she was self-employed: “I did not get parental leave because I own my own firm and cannot delegate all my responsibilities.”

The impact of parental leave on careers was also described as resulting from the fact that it “takes time to build billing/contacts back up,” which would be especially vital for partners.

**Open Text Responses about Challenges Unique to Female Parents** | Several reasons were offered in response to the question: “If women in your organization do not progress in their careers at the same pace as men, can you elaborate how the career path is different for women?”

One respondent mentioned that the demands of equity partnership were difficult to meet while working part-time: “When I had small children, I worked part time for several years. I lost my equity partnership, was paid less on a pro rata basis, and returned to equity partnership with a pay cut from the amount I earned before I went part time.”



Another respondent also mentioned that reduced hours can impact career progression: “(Women have) somewhat slower career progression as a result of reduced hours to account for childcare/child illness.”

Another respondent highlighted that women are advised to defer partnership if they plan to take maternity leave: “Women often self-defer partnership consideration more than men, especially those who take maternity leave. They are often counselled to do so.”

The notion that it takes longer for women to reach leadership positions due to family planning was also suggested: “The progression to senior roles can take more time, due to the age profile of women reaching the senior stage of career also meeting with family planning or other life needs.”

Another respondent pointed out that: “Childbirth interrupts the pace of progression for women.”

The existence of a “mommy track” was also highlighted: “There is definitely a ‘mommy track’ for working parents (male or female) who prioritize family and parenting.”

The fact that women often face challenges in returning to the same roles after parental leave is also highlighted: “One of the main difficulties that we have, in common with many firms and businesses, is keeping women within the firm once they have had children and bringing them back reliably and in the same role and [with the same] prospects of advancement as when they left; we do all we can in this endeavor, but it is naturally tricky.”

**Work-Life Integration of Parents** | Female IP practitioners with children face unique challenges related to work-life integration. According to a McKinsey study: “Decades of research show that women do significantly more housework and childcare than men—so much so that women who are employed full-time are often said to be working a ‘double shift.’”<sup>28</sup>

Moreover, “mothers were more than three times as likely as fathers to be responsible for most of the housework and caregiving during the pandemic. In fact, they were 1.5 times more likely than fathers to spend an additional three or more hours per day on housework and childcare,” says the study.<sup>29</sup>

The INTA Gender Representation Study finds that slightly more than half of female respondents with children (55%) believe that they have sufficient time to commit to a healthy lifestyle, whereas 73 percent of male respondents with children believe that they have sufficient time to commit to a healthy lifestyle.

28 Huang, Jess, Alexis Krivkovich, Ishanaa Rambachan, and Lareina Yee. 2021. “[For Mothers in the Workplace, a Year like No Other](#) | McKinsey.” [Www.mckinsey.com](#). May 5, 2021.

29 Id.

While respondents highlight flexible working arrangements as beneficial in balancing childcare and work, 16 percent of women with children also report feeling disadvantaged in the workplace due to a flexible working arrangement. Female IP practitioners with children were also more likely to evaluate the impacts of the COVID-19 pandemic on the representation of women in the legal community more negatively.

Of female IP practitioners with children, 19 percent believe that the situation has worsened. In contrast, only 2 percent of male IP practitioners with children believe the situation has worsened. This could be due to women taking on increased child rearing and household needs.

The fact that female IP practitioners are responsible for a larger portion of household responsibilities than their male counterparts is also mentioned in the free response section. As one female respondent highlights: “I never had equal conditions with my kid’s father after giving birth especially when the kids were younger. My travels or extra hours at work have caused problems at home.” Another respondent mentioned that in her experience, house chores are not shared equally between partners.

### 3.2: Work-Life Integration

Now we come to the third and final indicator, which has a marked influence on health: work-life integration.

Note: the word “integration” rather than “balance” is being used here because the former denotes a holistic approach that seeks to blend personal and professional needs, rather than treating work and life as separate entities or creating a conflict between them.

As one respondent put it, the word “balance” itself can often be a misnomer. “I don’t think it’s possible to have a set work/life balance as a partner in a law firm, at least not if you have substantial business and practice at a high level. I just do the best I can, prioritize self-care, and take it one day at a time.”

**Burnout and Mental Health** | According to the survey data, only 60 percent of all respondents and 54 percent of female respondents said that they have sufficient time to commit to a healthy lifestyle.

About 43 percent of all respondents said they worked 36–45 hours per week, nearly a quarter work 45–50 hours per week, while more than 15 percent work 51–60 hours per week. Around 8 percent said they worked 61–80 hours, and 2 percent work over 80 hours a week.

The average number of hours worked by respondents is 48 hours.

30 World Health Organization. 2019. “Burn-out an ‘Occupational Phenomenon’: International Classification of Diseases.” World Health Organization. 2019.

31 Blaemire, Jessica. 2023. “ANALYSIS: Female Lawyers Report More Stress, Burnout than Males.” News.bloomberglaw.com. October 2, 2023.

Nearly four-in-ten respondents (37%) felt they were expected to answer work calls, emails, and texts after hours.

This is concerning, given the link between “burnout” and working long hours.

Defined as a state of physical and emotional exhaustion that can occur when one experiences long-term stress, burnout has been recognized by the World Health Organization (WHO) as an occupational phenomenon.<sup>30</sup> While it is not a medical condition, it has been classified as a syndrome—meaning a collection of symptoms or signs associated with a specific health-related cause.

According to Bloomberg survey data published in October 2023, female lawyers are dealing with more burnout than their male counterparts, and mental and physical health issues are prevalent among those who work in the law field.<sup>31</sup>

In another 2023 study on the link between lawyers’ stress and suicidal thoughts, 66 percent of respondents said that their time in the legal profession had been detrimental to their mental health, and 46 percent of them said they were considering leaving the profession due to stress or burnout. Researchers surveyed nearly 2,000 lawyers in California and the District of Columbia on their mental health, substance abuse, workloads, and stress levels for the report.<sup>32</sup>

According to the study, suicide is a significant public health concern—and lawyers have been shown to have an elevated risk for contemplating it. This study sought to identify predictors of suicidal ideation. The study revealed that high levels of work overcommitment, high levels of perceived stress, and loneliness are all issues that are significantly associated with an increased risk of suicidal ideation.

While women in general experience higher rates of suicidal thoughts, they experience lower rates of death by suicide when compared with men, according to the study.<sup>33</sup>

**Lip Service** | While slightly more than three-quarters of all respondents in the INTA Gender Representation Study felt that it was possible to achieve a work-life balance at their organization (77%), fewer female respondents believe this to be the case (70%).

Moreover, some felt that the well-being benefits offered in their workplaces fall short when expectations of clients and/or the demands imposed by billable hours are taken into account. For example, one respondent said:

(There exists) lots of lip service, e.g., you might be told here’s a gym membership...but you won’t have time to go to the gym if you’re keeping up with your workload. (Then you might be told): here are healthy meals for dinner ... but only if you’re working a 14-hour day; and here’s an in-house psychologist to encourage better work practices. But then these recommendations contradict the partners’ own working practices.

32 Krill, Patrick R., Hannah M. Thomas, Meaghyn R. Kramer, Nikki Degeneffe, and Justin J. Anker. 2023. “Stressed, Lonely, and Overcommitted: Predictors of Lawyer Suicide Risk.” *Healthcare* 11 (4): 536.

33 Id.



Another respondent mentioned that the focus on “facetime” in promotional decisions is hurting work-life integration and stressed how their work-life integration improved since moving to a target-driven compensation structure: “Being target driven, rather than being driven by time worked is a huge benefit in a healthy work-life balance.”

**Remote and Hybrid Working** | The survey data showed that the majority of respondents (60%) work in a hybrid fashion, with around 20 percent being fully remote and an additional 20 percent working completely in person.

Many recognized the advantages offered by the rise in remote or hybrid working in the wake of the COVID-19 pandemic. Indeed, one respondent described working from home as a game changer: “I can integrate work as part of my life and not the other way around. I have slow mornings, I can do activities with friends after work, I can sleep more and eat better.”

While some respondents enthused about how they were able to maximize downtime to be more productive in their personal life rather than wasting that time in the office, others took a markedly different view. Around 12 percent felt they were at a distinct disadvantage when working remotely. “Many people work remotely, but in-person events permit ‘facetime’ with management. I often feel that being remote makes it more difficult to be ‘heard’ by senior leaders,” said one respondent.

“Facetime and seeing people in the breakroom lead to more visibility and interaction than having to schedule meetings or call someone. Less facetime means you aren’t first and foremost in someone’s thoughts when promotions/bonuses go out,” noted another.

Meanwhile just under a quarter of all respondents said they found remote working challenging. Open text box responses included some negative views on remote/hybrid working:

“I don’t get the everyday personal interaction I used to and feel ‘out of sight/out of mind’ sometimes.”

“Some information is only conveyed via in person meetings, even though it could be easily conveyed via email or other means.”

“No one knows I exist. I mean, they do, but it feels like I’m ignored. I’m not a part of anything the firm does. They do lots for in-person people, but those of us who work from home get that as a perk and that’s it.”

Further, 45 percent of all respondents said they worked longer hours since they began their pattern of remote working, with slightly more female respondents saying they worked longer hours (48%), compared to male respondents (40%).

Only 9 percent felt that their work and home life was extremely balanced, while others felt it was somewhat balanced (33%) or balanced (25%). More than a quarter felt it was somewhat unbalanced (26%), with 7 percent saying it was extremely unbalanced.

Of the respondents who answered the question in relation to whether work infringes on home life, just over a quarter of all respondents (26%) said this happens on a daily basis, with nearly three-in-ten saying that this occurred weekly.

Conversely, more than a quarter (26%) of all respondents said that this rarely happens. Women were more likely to report this occurring, with 27 percent saying this happened on a daily basis, and 31 percent reporting a weekly infringement.

Around 44 percent of all respondents said they worked during their lunch hour on a daily basis, while nearly a quarter said they do this once a week. When asked whether they skipped meals due to work, nearly four-in-ten of the respondents to this question said that this happened occasionally.

Slightly more women than men were likely to work through their lunch hour every day: 47 percent of women said they do this, while 39 percent of men said they do.

Approximately one-third of respondents said they missed family and social occasions because of work. A quarter of respondents believed that they frequently spent too much time on work-related activities, with around the same percentage saying there was frequently too much pressure to bill hours.

Slightly more than one-fifth of respondents to the question of whether they cancelled or postponed medical appointments due to work agreed that this was an occasional occurrence.



A woman with dark hair in a high ponytail, wearing a white lab coat and large hoop earrings, is looking down at a smartphone. She is standing on a staircase with a blue railing. In the background, a man in a suit is blurred. The image has a blue tint and a cracked glass effect.

## **Chapter 4. Conclusion and Next Steps**



## 4.1: How Can the Route to Greater Equality and Equity Become More Inclusive?

While participating in focus groups, many respondents argued that it was impossible to generalize experiences of gender in the workplace. The INTA Gender Representation Study asked: “should we be aware of any cultural or geographic nuances that may have influenced how you responded to the survey?”

One respondent commented that “every jurisdiction is different and encounters different issues.” Another emphasized that “there is a lot of work to be done on the intersectionality issues that arise. These create twice as much bias for those involved and are not dealt with when you are just dealing with gender issues.”

According to a definition from the United Nations: “Intersectionality is a term used to describe the idea that social relations involve multiple intersecting forms of discrimination. This means that a person might experience several forms of discrimination, such as sexism, racism, and ableism, all at the same time.”<sup>34</sup>

The McKinsey Women in the Workplace Report, which has been published annually since 2014, has emphasized the unique challenges women of color face entering the C-suite. It highlights that in 2023 “women of color face the steepest drop-off in representation from entry-level to C-suite positions.”<sup>35</sup>

In its 2020 study, *Left Out and Left Behind*, the American Bar Association (ABA) also concluded that “[t]here has been far too little progress in addressing the everyday work experiences and challenges faced by women lawyers of color due to the unique double bind of gender and race.” Based on data from 2020, the ABA found that, “despite the fact that women of color now comprise almost 15 percent of all associates, the percentage of women of color partners has remained below 4 percent. Equally sobering is that women of color have the highest rate of attrition from law firms as they continue to face firm cultures where their efforts and contributions are neither sufficiently recognized nor rewarded.”<sup>37</sup>

Another study from the ABA in collaboration with the Burton Blatt Institute at Syracuse University found that: “[l]awyers who either identify as having disabilities or who identify as LGBTQ report experiencing both subtle and overt forms of discrimination at their workplaces, with common reports of subtle but unintentional biases.”<sup>38</sup>

34 Nedera, Steliana. 2023. “[What Is Intersectionality? And Why Is It Important for Gender Equality? | United Nations Development Programme.](#)” UNDP. May 27, 2023.

35 Field, Emily , Alexis Krivkovich, Sandra Kügele, Nicole Robinson, and Lareina Yee. 2023. “[Women in the Workplace 2023 Report | McKinsey](#) ” Page 7

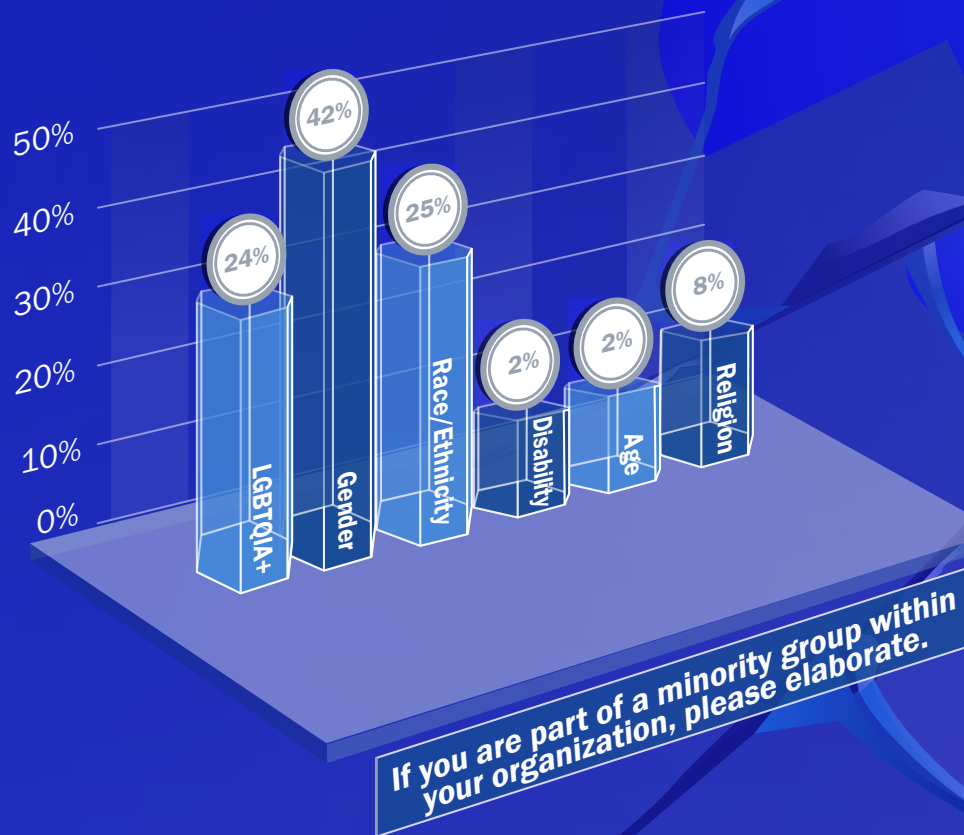
36 Id., page 21

37 Id.

38 Blanck, Peter, Fitore Hyseni, and Fatma Altunkol Wise. 2021. “[Diversity and Inclusion in the American Legal Profession: Discrimination and Bias Reported by Lawyers with Disabilities and Lawyers Who Identify as LGBTQ+.](#)” *American Journal of Law & Medicine* 47 (1): 9–61.

In the Gender Representation study, the sample size is relatively small for individuals with disabilities; only 6 percent of respondents self-identified as having a disability. Out of respondents with a disability, 48 percent say their organization accommodates their disability, suggesting that more needs to be done.

The study also gave respondents the opportunity to disclose whether they were part of a minority group at their organization. Among all respondents, 23 percent mentioned being part of a minority group within their organization. Of these, a quarter determined their minority by race/ethnicity, a quarter indicated that they were minorities because they were part of the LGBTQIA+ community, and 8 percent classified themselves as minorities because of their religion.



**Disadvantaged Background** | When asked about other issues that affect their experience in the workplace, many respondents highlighted how coming from a disadvantaged background shaped their experience: Some 14 percent of respondents said they came from disadvantaged backgrounds. The percentages of female respondents and male respondents were similar, with 14 percent of female respondents saying they came from a disadvantaged background and 13 percent of male respondents indicating this.

An article from Bloomberg Law highlights how supporting students who were the first in their families to attain higher education is key to “ensure the development of a diverse cadre of legal professionals who can serve people and communities of varied legal needs.”<sup>39</sup>

<sup>39</sup> Spencer, A. Benjamin, and Charleigh Kondas. 2022. “Law Schools Must Do More to Retain First-Generation Students.” [News.bloomberglaw.com](https://www.bloomberglaw.com). February 15, 2022.

**The Unique Perspective of Trademark Administrators** | Thirteen percent of the survey respondents work as trademark administrators, trademark paralegals, or legal assistants (collectively TMAs).

Many TMA respondents commented on the difficulties of advancing in the role. For example, one respondent highlighted that: “[t]he largest group of women in our trademark department are non-lawyers (paralegals). Little focus and support are given to advancement opportunities for this cohort. If this cohort were dominated by men, I think development and advancement would get more support and attention.”

Another respondent commented on how paralegals can be seen as more easily replaceable than attorneys: “Paralegals are not seen as individuals, only billers who must demonstrate their worth.”

Another respondent mentioned how the lack of licensing opportunities for paralegals in the U.S. creates a barrier to advancement:

“There are more opportunities (for advancement) for lawyers than non-lawyers. Women make up a significant percentage of trademark paralegals. Many trademark paralegals in the U.S. do very substantive U.S. and international work.”

“The U.S. doesn’t offer a “trademark agent” licensing option like it does for patents or like is available in many other countries for trademarks (such as Canada and the UK). This often puts a hard cap or ceiling on how high trademark paralegals can climb both in law firms and in corporations.”

“Supporting the ability to get a license as a trademark agent could open more advancement options for women doing the highly substantive work as paralegals without the high debt and additional 3 years of school (beyond a 4-year bachelor’s degree) that law school in the U.S. currently requires.”

**Intersectionality: Looking Forward** | Overall, respondents were hopeful that the significant diversity in the IP profession would make initiatives more intersectional over time. One respondent commented: “Because the trademark community is more diverse than other aspects of the profession, my general view of DEI initiatives are likely more supportive than most [other legal specialties].”

## 4.2: What Role Should INTA Play?<sup>40</sup>

INTA has a history of championing initiatives to advance female IP practitioners in the global IP community. As is reflected in this research, there is still a tremendous amount that needs to be done to truly reach gender equality. This research reveals areas where the Association can better focus its efforts. And, by continuously gathering insights, INTA will continue to be in a strong position to lead efforts in this space.

<sup>40</sup> INTA recognizes that the conclusions and recommendation in this report may not comply with current United States (U.S.) anti-discrimination laws. Where applicable, INTA has taken reasonable steps to comply with relevant U.S. laws. Accordingly, this report should not be relied on as an indicator of INTA’s current practices.



Notably, in 2024, INTA's Diversity, Equity, and Inclusion (DEI) Council established the Association's DEI Mission Statement, as follows:

At INTA, we are committed to fostering a global trademark and intellectual property (IP) community that thrives on the principles of diversity, equity, and inclusion. As a member-driven organization, we strive to create an environment where every member, regardless of their background, identity, ability, or perspective, feels valued, heard, and empowered. We aim to actively promote diversity in all its forms, ensure equal access to opportunities, and champion a culture of inclusivity that celebrates the richness of our international membership.

Through our collective efforts, internally and externally, we strive to create a diverse, equitable, and inclusive environment that fulfils the Association's commitment to fostering consumer trust, economic growth, innovation, and a better society through brands.

In line with its strategic direction to foster diversity and inclusion and advance corporate social responsibility, INTA established The Women's Leadership Initiative, which champions the development of strong leadership skills for all women in the IP field to empower them to advance their careers to the next level.

At the same time, the Association seeks to develop "all-star IP practitioners." This desire to help IP practitioners around the world reach their full potential, which emphasizes that "INTA will develop thought leadership and communicate best practices for brands to foster respect for cultural identity and to reflect and promote a diverse and inclusive society."<sup>41</sup>

INTA also seeks equal gender representation in its leadership. Since the year 2000, exactly half of INTA presidents (12 individuals) have been women. In 2022, 66 percent of Board of Directors Officers identified as female, and 51 percent of Board Members identified as female. In 2024, 80 percent of Board Officers and 58 percent of Board Members identify as female.

In the Gender Representation Study, more than half (54%) of respondents found INTA to be an empowering community for women in the legal profession, with only 8 percent disagreeing and 38 percent claiming they were unsure. Of female respondents, 57 percent found INTA to be an empowering community for women in the legal profession?

**Have you found INTA to be an empowering community for women in the legal profession?**

	All Respondents	Female	Male
Yes	54%	57%	49%
No	8%	9%	6%
I don't have an opinion	38%	34%	45%

Survey respondents were asked to provide write-in answers to the question, “Where should INTA focus its efforts to support women in the IP community?” Forty percent of respondents believed INTA should focus its efforts on supporting the career development of IP professionals. A handful of respondents (5%) suggested that INTA make it easier for women to attend INTA events (e.g., providing childcare facilities on-site), a smaller number of respondents (4%) encouraged INTA to provide teaching opportunities to female IP practitioners, and an even smaller group (2%) suggested INTA work on actively fighting gender bias.

Where should INTA focus its efforts to support women in the IP community?	All Respondents	Female	Male
Career development [including leadership, mentoring, networking opportunities, etc.]	40%	54%	18%
Fighting gender bias	2%	3%	0%
Providing resources for women [such as providing childcare facilities on-site, hosting affordable events, etc.]	5%	6%	4%
Providing educational or teaching opportunities	2%	3%	0%

Many respondents called for INTA to focus on specific groups of IP practitioners.

**Young Practitioners** | A group of respondents called for the Association to engage young female practitioners through mentorship programs, receptions for female young practitioners, and outreach to law students. One respondent noted the importance of “getting more women interested (in IP) earlier in their careers. It’s important to foster interest sooner. Having campus events at colleges and law schools would get greater visibility.”

Another expressed that “[i]t would be great if the Annual Meeting had a reception for women—especially younger ones.”

Another wrote, “I’ve observed age-based discrimination, particularly affecting younger professionals trying to establish their careers. Addressing these issues is crucial for creating a more inclusive and equitable environment in the IP field.”

Another respondent said that she would “be willing to mentor one or more young women who have recently become trademark lawyers and/or recently joined INTA. It can be very overwhelming at first.”

**Focus on TMAs** | Many respondents noted the importance of including trademark administrators in conversations regarding the experiences of women in IP. “Paralegals and non-lawyer staff don’t have the same opportunities at INTA as do lawyers, especially for training,” said one respondent.

Another respondent noted that there is a need for “more visibility for paralegals and formalities officers. They are very knowledgeable but often overlooked. Most law firms do not have them on the website or visible on LinkedIn.”

INTA has made a commitment to provide visibility to trademark administrators and encourages them to apply for committees. Additionally, sessions specifically targeting female paralegals have been taking place at INTA’s annual Trademark Administrators and Practitioners Meeting (TMAP) since 2020.<sup>42</sup>

**Recommendations for INTA** | INTA can utilize various channels to provide its members with resources that uplift women in the workplace.

**Programming** | One respondent requested that INTA “offer sessions by women on how to ask for a raise and negotiate salary.”

The INTA Leadership Development Committee hosted a session in 2023 titled “How Leaders Can Attract and Maintain Law Firm Talent through Innovative Compensation Models” discussing “how firms can improve their compensation models to become more equitable and incentivizing, while aligning with their core values, and managing profitability” and providing tips on how to evaluate different compensation structures.

Another respondent requested that female IP practitioners be provided with communication skills training. In webinars, such as the 2023 webinar “Navigating Your Career: Insights from Trailblazing Female IP Lawyers”, experienced IP practitioners provided tips on how to assert oneself in the workplace as an up-and-coming IP professional.<sup>43</sup>

**Information for Organizations** | A respondent requested that INTA provide “information on gender bias and practical tools for organizations to combat it.”

This suggestion highlights the potential benefits of benchmarking, as with the INTA Gender Representation Study.

**Advocacy** | A respondent recommended that INTA should “encourage firms to give equal family leave benefits to men and women (and also) encourage firms to reduce billable hour pressures.”

The Women’s Leadership Initiative published a Best Practices Toolkit in December 2020.<sup>44</sup> In this toolkit, INTA members identified and recommended a slate of best

42 “2024 Trademark Administrators & Practitioners (TMAP) Meeting.” International Trademark Association. Accessed May 14, 2024.

43 “INTA Webinars: Navigating Your Career: Insights from Trailblazing Female IP Lawyers.” 2023. Learning.inta.org. September 12, 2023.

44 “INTA Women’s Leadership Initiative Best Practices Toolkit.” 2020.



practices, both global and country-specific, to improve women's representation in the workplace, career advancement, and work-life integration.

**Male Allyship** | A respondent to the INTA Gender Representation Study expressed that INTA should try “rallying more men to the cause.”

INTA has invited men to participate in The Women's Leadership Initiative and has featured men as speakers in workshops regarding gender in the workplace.

Almost a quarter of The Women's Leadership Initiative Project Team identifies as male (24%).

David Lossignol, Global Head of Legal Brand Protection for Novartis in Switzerland, the moderator of the 2023 Integrating Work and Life Workshop at the 2023 Annual Meeting emphasized how he “immediately raised his hand” to participate in the INTA Women's Leadership Initiative, in the belief that, “if men are part of the problem, they must also be part of the solution.”<sup>45</sup>

**Moving Forward** | INTA is fully committed to increasing the representation of women in IP. The Association looks to increase the data available on the experiences of female IP practitioners in the workplace, ensure diverse perspectives are included, and provide its membership, on a frequent basis, with actionable solutions to create an equitable workplace.

With this Report now published and the data available, INTA, in coordination with the DEI Council and other key stakeholders, will review the recommendations and feedback contained in this Report, and identify actionable steps to take in fulfilling its commitment to increasing the representation of women in IP.

### 4.3: What Should Happen Next?<sup>46</sup>

Overall, there seems to be a conflict between the (widely-held) perceptions of progress in the industry and the actual reality.

This is not exclusive to the legal sector: research shows that we all, to a certain extent, perceive reality through a distorted lens.

According to Harvard professor and social psychologist Daniel Gilbert, our brains fill in visual and aural gaps in our perception with assumed information—and that informs our interpretation of the present.<sup>47</sup>

So, while it may seem to many as if the industry has blazed a trail for gender diversity, the ongoing attrition of many mid-tier women—and a disproportionate number of women of color—unfortunately undermines this widespread perception.

45 “Session Review - Women's Leadership Initiative Workshop - 2023-Daily-News-Day-5.” 2023. [Inta.foleon.com](https://www.inta.foleon.com). May 2023.

46 INTA recognizes that the conclusions and recommendation in this report may not comply with current United States (U.S.) anti-discrimination laws. Where applicable, INTA has taken reasonable steps to comply with relevant U.S. laws. Accordingly, this report should not be relied on as an indicator of INTA's current practices.

47 Gilbert, Daniel. 2006. *Stumbling on Happiness*. Vintage.

So how do we shatter these illusory mirrors and deliver real change?

When it comes to promoting and furthering gender diversity, it is clear that some approaches work, and others simply don't.

According to Frank Dobbin, a Harvard sociology professor, and Alexandra Kalev, an associate professor of sociology and anthropology at Tel Aviv University, it is time to focus on changing systems rather than individuals, and to focus efforts on a comprehensive, data-driven analysis of what succeeds and what fails.<sup>48</sup>

Their research shows just how little companies gain from standard practices, e.g., sending managers to diversity training to reveal their biases, then following this up with hiring and promotion rules, and sanctions, to shape their behavior.

Instead, they suggest that the best companies are pioneering new recruitment, mentoring, and skill training systems, and implementing strategies for mixing segregated work groups to increase diversity.

In five takeaways, the researchers outline the steps that need to be taken:<sup>49</sup>

- 1. The proof is in the numbers:** Businesses set numerical targets for everything, but when it comes to diversity, they look at everything but the numbers that really matter. Companies have been using programs that backfire, and they didn't know it because they don't track the numbers.
- 2. Companies need to crack the career system wide open:** By opening up recruitment, mentoring, and management training systems to all, companies can expand diversity quickly and avoid backsliding.
- 3. Leaders must spearhead change:** That may seem obvious, as leaders should be leading. In diversity efforts though, firms often put the entire job on diversity and inclusion departments, or on consultants.
- 4. Work-life integration is a secret weapon for achieving diversity:** Women and people of color need these supports most. Promoting work-life integration is a very effective all-around diversity engine.
- 5. Diversity programs that blame managers backfire:** When companies put discrimination and harassment grievance procedures in place, they see big losses of women and people of color in management. The authors attribute this to increasing feelings of defensiveness among the office culture. They argue that two alternatives work much better: ombuds offices and dispute resolution offices.<sup>50</sup>

While the INTA Gender Representation Study shows encouraging advances in gender equality and equity in recent years, it also confirms that the industry has a considerable way to go before achieving parity.

48 Kalev, Frank Dobbin & Alexandra. n.d. "Getting to Diversity: What Works and What Doesn't." Next Big Idea Club.

49 Id.

50 Id.

To explore some of these challenges, INTA's Women Leaders Podcast Series hosted an episode discussing the Gender Study and brainstorming how the findings can induce change to mark International Women's Day in 2024.<sup>51</sup>

During the podcast discussion, host Ayala Deutsch, executive vice president and deputy general counsel at NBA Properties (USA) and executive champion of The Women's Leadership Initiative, observed, "While the survey suggests that progress is being made, there is still much to be done to truly improve the experiences of women in the trademark field."

As Ms. Deutsch also pointed out: "We've made progress getting women in the door, now we have to try and get them up that ladder," she said.

Fellow panelist, Shwetasree Majumder, managing partner of Fidus Law Chambers (India), echoed this view, urging greater support at all career levels.

"We need to focus on the broken rungs of that ladder because our responsibility simply cannot end with hiring more women at entry level or even ensuring women get equal pay to men," she said. "For example, a lot of women end up taking mid-career breaks, and these become fatal to their careers because, once they do this, they find it incredibly hard to get back."

Moreover, panelist Rachel Armstrong, partner at Gowling WLG (United Arab Emirates), shared her own struggles in trying to juggle both personal and professional demands.

"Effective boundary setting is the biggest challenge of my life; I haven't cracked it yet, but I try every day. I think it's going to be a lifelong goal," she explained. In her view, systemic changes will be pivotal in ensuring greater diversity and equity throughout all levels of any successful organization.

"The organization you're working for needs to have the right policies to support your journey and to help build a happier, healthier workforce," she concluded.

Candid conversations like this are the next step to creating sustained change. The panelists emphasized how each individual woman's experience in the workplace is different given the cultural context she finds herself in. The 2020 INTA Best Practices Toolkit contains a host of country-specific resources.<sup>53</sup> As the diverse nature of the Gender Representation Study showed, gender diversity is a nuanced topic where change requires many stakeholders.

However, the message is clear: a happy workforce is, quite simply, good business. But beside it being good for business, ensuring that everyone has a satisfactory experience in the workplace is just the right thing to do.

<sup>51</sup> "Women Leaders Series: Overcoming the Broken Pipeline." 2024. International Trademark Association. March 2024.

<sup>52</sup> Id.

<sup>53</sup> "INTA Women's Leadership Initiative Best Practices Toolkit." 2020.



