
In-House Practice of the Future Think Tank Report

Executive Summary

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The International Trademark Association (INTA) launched the In-House Practice of the Future Think Tank (the “IHP Think Tank” or “Think Tank”) in May 2019. The Think Tank comprises a small group of in-house practitioners (the IHP Expert Group). The goal of the IHP Think Tank was to produce an independent, proactive, and thought-provoking report on what the practice might look like 10 years from today.¹^[OBJ]

The future role of an in-house practice is of particular importance to INTA in view of the significant role that in-house practitioners, both lawyers and non-lawyers, play in this brand owner association. INTA is committed to understanding their current and future needs to ensure that it provides support and resources to help them continue to be successful.

The Think Tank examined a variety of issues, including current roles and responsibilities, impact of technology on the practice, core competencies, and obstacles to creating the brand legal team of the future.

The current state of in-house trademark practice largely paralleled our expectations, with practitioners considering themselves to be specialists and focusing on the core trademark tasks of portfolio management, search and clearance, enforcement, and counseling. In their practices today, strategic advice and counseling are the top attributes for an in-house team, and teams are embracing technology primarily for communication and collaboration purposes.

In the future state, trademarks will continue to be the key area of responsibility; however, the roles will evolve, as the nature of the work continues to change, and in-house teams take on additional responsibilities. The legal scope will expand to include other areas of IP and adjacent legal areas such as marketing and advertising law, digital issues including e-commerce, social media, privacy, and data protection, as well as regulatory issues. In addition, technology will not only have an impact on HOW work is done, but likely also on roles and responsibilities. Because of this we will refer to in-house practitioners of the future as brand counsel or brand legal teams.

Business teams expect their brand counsel of the future to be able to field all types of matters—some within their own area of expertise, and others as project managers in partnership with their internal network of legal professionals. From a technology perspective, teams will be expected to use automation and data analytics tools to improve processes and efficiencies.

¹ The IHP Think Tank is part of a larger project that includes the Intellectual Property Office of the Future Think Tank and the IP Law Firm of the Future Think Tank. Each Think Tank was tasked with the same objective, looking 10–15 years into the future. In view of the exponential changes in technology and the ever-evolving role of a trademark counsel, the IHP Expert Group felt that a 10-year projection would be the most reliable at this time, although our interviewees and IHP Expert Group participants found it difficult to project more than 3–5 years into the future, because large-scale unpredictable shifts in their companies or industries have the biggest impact on their practice.



Even outside considerations relating to the COVID-19 pandemic, company legal resources and budgets are tighter than ever. In-house teams are being asked to do more with less, farming out some of the routine trademark management work such as clearance, filings, and renewals. We anticipate that this trend will continue, and that the members of the brand legal team will continue to morph into true business advisors who are tasked with managing risk on an agile basis.

To future-proof the in-house team of the future, INTA can play a leading role in upskilling attorneys and non-attorneys by offering educational programming around complementary practice areas, professional advancement education, project management, and data analytics. INTA should also use its advocacy position to help champion harmonization practices. Specifically, digitization is a major opportunity to relieve pain points that have been increasingly obvious during the pandemic. Formal notarization and apostille requirements are difficult in normal times, but when trademark offices are closed for extended periods of time, these formal legalization requirements can put brands and their portfolios at risk. Lastly, INTA can have a role in the area of technology solutions by providing skills training and project management training.