

FINAL REPORT | JUNE 2022

2021 Presidential Task Force Diversity, Equity, and Inclusion



International
Trademark
Association



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Foreword



It was my honor and privilege to convene a Presidential Task Force on Diversity, Equity, and Inclusion (DEI) at a time when racial and social justice were in daily global headlines, and to work on these essential issues with INTA staff and a global team of individuals who are so passionate and so skilled.

The Presidential Task Force is releasing its report at an inflection point. Brand owners are increasingly called to address the most challenging social issues of our time. Our intellectual property profession must support our brand-owning clients while continuing our own transformation. This report offers INTA and you, our members, the data and thought leadership to navigate DEI into the future.

I invite you to dive into this report and make it part of your toolkit for success. It offers a rich trove of data, insights, analysis, and a set of 11 guiding principles/best practices. In concert with [The Women's Leadership Initiative](#), this report addresses diversity, equity, and inclusion across multiple dimensions and across global regions. It considers gender, race and ethnicity, the LGBTQ+ community, ability, age, and other differences, including the roles of attorney and Trademark Administrator, and social and cultural factors that may play a role in professional equity.

This report is not an endpoint to INTA's diversity work but charts our course for a sustaining effort. The Task Force has created a detailed set of recommendations that create a roadmap and guidebook for the Association moving forward.

I offer my thanks to the INTA community members who participated in surveys, focus groups and more to share the experiences and perspectives reflected here, and my deepest gratitude to co-chairs Kimberly Reddick and Michael Hawkins, our outstanding INTA staff members, and the members of the Presidential Task Force.

Tiki Dare 2021 INTA President



INTA's presidential initiatives are an important tool for us to examine priority issues and areas for growth within INTA and the IP profession. I am especially thankful for the leadership of 2020 President Ayala Deutsch on [The Women's Leadership Initiative](#) and 2021 President Tiki Dare on this DEI Presidential Task Force. By sharing their passion for these topics, they are champions for change within the INTA community. Likewise, the thoughtful recommendations from the teams they have assembled will ensure that we can continue to serve our global and diverse membership in an equitable and inclusive way.

Etienne Sanz de Acedo INTA CEO

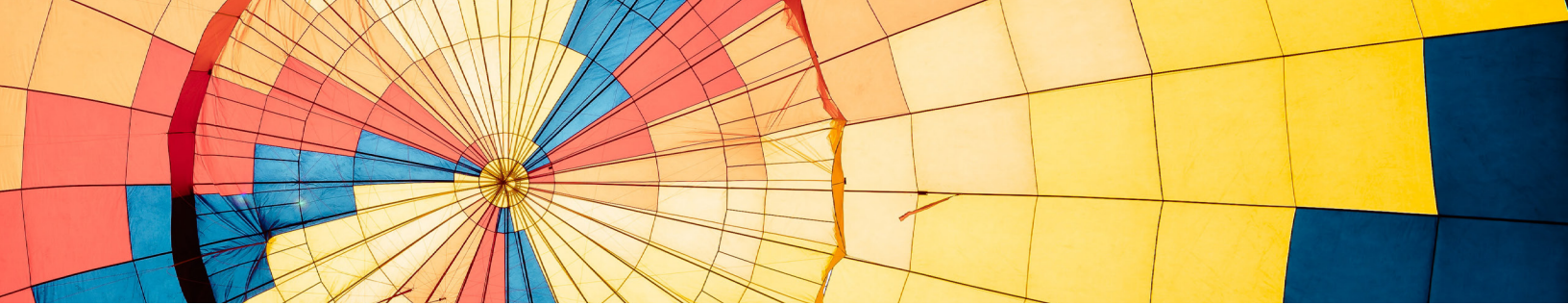
Executive Summary and Key Recommendations

In 2021, the International Trademark Association (INTA) launched a Presidential Task Force on Diversity, Equity, and Inclusion (DEI) that sought to analyze INTA's current status and footprint in the DEI space and provide strategic recommendations on how the Association might improve and expand its DEI efforts and outreach going forward.

DEI is a reality in the global business environment, including in the trademark profession. Chapter 1 of this report summarizes the objectives and methodology of the Task Force in arriving at its strategic recommendations on DEI, while Chapter 2 explores what Diversity, Equity and Inclusion each mean; why they are relevant to brands, the IP/trademark profession and INTA as a membership organization; and addresses INTA's role as a global leader in this area.

In sum, the Task Force conducted extensive research and discussions over the past year with numerous segments of INTA and beyond. It ran various surveys, including one of the full membership, and facilitated focus groups of committee members. Based on those discussions and feedback, the Task Force recommends that INTA:

1. Adopt a formal DEI Policy based on the principles set out in Chapter 3.
2. Formalize the Diversity Officer role within INTA's governance structure, as discussed in Chapter 4.
3. Create a DEI Council that would initially carry out the tasks recommended by the Task Force, as set forth in Chapter 5.
4. Increase the visibility of DEI across INTA and take measures to be more inclusive and supportive of INTA's diverse members, as set out in Chapter 6.
5. Incorporate DEI into the training and expectations of leaders of the Association, encourage buy-in across committees, and take DEI more formally into account in the appointment of leaders, as explored in Chapter 7.
6. Collect and obtain INTA diversity statistics by making amendments to INTA's member profile fields in the Association Management System to allow members to voluntarily complete their gender, pronoun, and age segment information; in the longer term, consider—through the DEI Council—which diversity data we should be seeking, in particular in relation to race/ethnicity, disabilities, and sexual orientation; how this data should be obtained; and the manner in which it should be used, as set forth in Chapter 8.
7. Continue to build on the work of The Women's Leadership Initiative through the DEI Council, as discussed in Chapter 9.
8. Play an active role in broadening access of diverse entrants to the IP profession by improving diversity in the pipeline, as discussed in Chapter 10.
9. Provide continued opportunities for members to share best practices and experiences on DEI, particularly through programming, research, and creating a bridge between member categories to explore their DEI needs and offerings, as mentioned in Chapter 11.
10. Identify other organizations with which INTA should collaborate in this area, particularly through the Building Bridges committee, as set forth in Chapter 12 and Appendix 4.
11. Develop a resource bank of DEI best practices relevant for the trademark profession, building on the work started in Chapter 13 and the case studies in Appendix 5, recognizing that best practices evolve over time and differ by country, including ideas for "easy wins" in the DEI space for members of all kinds.



Members of the 2021 Presidential Task Force

Kimberly Reddick, Co-Chair, Uber Technologies, Inc. (US)

Michael Hawkins, Co-Chair, Noerr (Spain)

Rasha Al Ardah, Al Tamimi & Company (UAE)

Jonathan Andrews, Reed Smith LLP (UK)

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Advisory members

Debra Hughes, Blue Cross Blue Shield Association (US), Treasurer, INTA Foundation

Kelli Kombat, formerly INTA Director, Employee Experience (US)

Dana Northcott, Amazon (US), INTA Vice-President 2021, Diversity Officer

Jon Pardo, INTA Director, Employee Experience (US)

INTA staff liaisons

Gauri Kumar

Tricia Montero (former)

Randi Mustello

Introduction and Background

INTA is a global association of brand owners and professionals whose mission is to support trademarks and complementary IP; to foster consumer trust, economic growth, and innovation; and to build a better society through brands. To best achieve this mission, it is important that INTA consider and utilize diverse perspectives that fully represent its membership.

Composed of nearly **6,500 organizations** from **185 countries**, INTA's membership represents more than **34,350 individual IP professionals**. Its most important asset is the talented and dedicated group of individuals who serve on its committees to handle its critical policy, resource, and communications work, currently advanced by some **3742 committee members** from **115 countries**.

From these statistics, it could be considered that INTA is already very diverse (and indeed it is, on numerous markers), or that diversity is not an issue that needs to be addressed by the Association. However, given INTA has long served its members, the IP profession, and society, as a trusted and influential advocate for the economic and social value of brands, it is appropriate and important that INTA consider diversity, equity and inclusion.

On May 25, 2020, the United States—and the world—witnessed the inhumane and racially motivated murder of George Floyd, a 46-year-old Black man. This injustice sparked a global uproar against the disparate treatment of Black people in America and was a main catalyst igniting a worldwide movement towards diversity, equity, and inclusion in all aspects of life, but more relevant to INTA, in the corporate and working sector. It is against this backdrop that INTA's task force on DEI was formed, but it is also a natural extension of INTA's thought leadership in the area of Brands for a Better Society. In recent years we have witnessed not only changes in technology, but also changes in consumer norms and expectations, with an increasing focus on social responsibility. Consumers expect that brands should “do good” in the world, and how brands (and indeed other players in the IP profession) react to sensitive global issues impacts their reputation, value, and ultimate survival.

In 2020, INTA launched 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. However, The Women's Leadership Initiative is only part of the diversity equation. Recognizing and celebrating a diverse membership along with inclusive practices within the legal profession is, in the Task Force's view, part of INTA's mission, both as a member organization and as an industry leader.

When defining the scope and objectives of the 2021 Presidential Task Force, we had at the forefront of our minds that INTA is a global community, dedicated to trademarks and complementary intellectual property (IP). Accordingly, INTA's efforts should naturally be reflective and inclusive of such a global community and take care to consider diverse perspectives and initiatives.

The Task Force was guided in its work by INTA's 2022–2025 Strategic Plan.¹

Kimberly Reddick

Michael Hawkins

The views expressed here do not necessarily represent the views of INTA nor those of the INTA member organizations of the Task Force participants. This report is intended to be a contribution to discussions that have been ongoing for various years and is intended to invite further comment and debate.

¹ https://www.inta.org/wp-content/uploads/public-files/about/2022_2025-INTA-STRATEGIC-PLAN.pdf, Strategic Directions, Section II.

Objectives and Methodology of the Task Force

Objectives of the Task Force

Through its initial surveys and discussions, the Task Force identified the following 13 questions as being within its scope:

Questions Related to the Association

- What does Diversity, Equity, and Inclusion mean for INTA, and why is it relevant to INTA and to the IP/trademark profession?
- Should INTA have a DEI Policy?
- What should the role and responsibilities of INTA's Diversity Officer be?
- Should INTA have a DEI committee/council?
- How can we improve visibility of DEI and diverse members at INTA, and how can we make INTA more inclusive for diverse members?
- How should DEI feed into the appointment and training of leaders and committee members?
- How can we monitor and track diverse representation/participation?
- How do we build on the work of The Women's LeadersHIP Initiative?

Broader IP Profession-Related Questions

- What role should we have in identifying best practices in the trademark field, for corporations, law firms, IP Offices, and academia?
- How can INTA provide opportunities for brand practitioners to share best practices/guidance on DEI with peers?
- How can INTA help to broaden access to the profession and, ultimately, the Association?
- With which organizations should INTA build bridges in the field of DEI?
- How can INTA spotlight brands that do exceptionally well in DEI?

Methodology of the Task Force

To be as inclusive as possible of ideas and views from INTA's membership, the Task Force canvassed perspectives from a broad spectrum of the membership, as well as from further afield, in a variety of ways.

The Task Force:

- Reviewed hundreds of articles on DEI relevant to the IP profession, to brands, and to non-profit organizations, and sought to pull together insightful data;
- Conducted a survey of the INTA Board in April/May 2021 and held robust discussions with the INTA Board throughout the year;
- Held discussions with INTA staff regarding the appointment of committee members, improving visibility of DEI within INTA, and the Membership Directory/member profiles;
- Held discussions with the Nominating Committee regarding the nomination of members to leadership positions within the Association;
- Held discussions with the INTA Foundation Board of Governors;
- Held discussions with the Staff Liaisons of The Women’s Leadership Initiative;
- Conducted a survey of the general INTA membership in November 2021, and analyzed the results of that survey;
- Conducted seven focus groups with committee members from 12 committees identified as being particularly relevant to DEI; and
- Reached out to brands, law firms, IP Offices, and academia to obtain examples of best practices in DEI.



Surveys Conducted

In May 2021, the Task Force conducted a survey of INTA’s Board of Directors seeking its members’ views on DEI within the Association, and later met with the Board to discuss the survey results and obtain its members’ further feedback and guidance on perspectives on DEI within INTA.

In November 2021, the Task Force conducted a survey of the entire INTA membership. The survey explored various objectives identified by the Task Force. The survey was emailed to over 30,000 individuals at INTA member organization and 619 individuals responded.

The objectives of the general survey were to a) determine which particular aspects of DEI members would like INTA to address; b) determine if members had faced any obstacles in their participation in INTA activities; and c) obtain recommendations on DEI initiatives from members.

The survey responses confirm there is no “one size fits all” DEI solution. The majority of respondents appeared to support DEI initiatives at INTA, especially with regard to raising awareness among members and creating a formal DEI policy.

Most respondents did not feel they faced major obstacles to participating in INTA activities. For those who did, comments indicated that costs, language, and time zone differences are barriers to full participation and leadership roles.

A minority of respondents expressed DEI fatigue or felt such initiatives were preferential or divisive, and INTA’s focus should return to core areas of trademark informational services and member support.

Focus Groups of Committee Members

In January 2022, the Task Force, with the assistance of experienced leaders in the Association who acted as independent moderators, conducted seven focus groups of over 70 volunteers from all over the world. The volunteers all served on one of 12 identified INTA committees² during the prior 2020–2021 committee term.

The focus group discussions explored what INTA's committees were currently doing in the DEI space, whether an overriding body within INTA for promoting DEI would be helpful, and specific challenges for certain INTA membership categories.

The focus group members tended to think that their committees were geographically diverse, and that INTA as a whole was proactive in seeking a gender balance in (committee) leadership positions, although the exact data is not easily accessible. There were also compliments on the multiple top quality DEI sessions in INTA's recent programming. On the other hand, there were repeated comments that INTA is still predominantly US-centric, noting that utilizing mostly US and Europe-centric Time Zones, as well as almost exclusive use of English, and high membership/registration costs, are non-inclusive practices. The issue of inclusiveness towards Trademark Administrators also came up in several focus group discussions.

As with the survey, it was clear that there are different understandings of DEI depending on cultural and geographic factors. Cultural factors were expressed as potential hindrances to participation in DEI activities at INTA. Nevertheless, there was broad support for a DEI Council or Committee within INTA, with transversal participation, as well as a DEI policy, DEI training and expectations for INTA leaders. There were recurring suggestions that INTA should allow the voluntary addition of diversity information to the profiles of its members. There was also a suggestion that an anonymous census be carried out by a third-party vendor. Further suggestions included quotas for young practitioners in committee selection, actively seeking diverse speakers for INTA programming (not just for DEI topics), as well as INTA promoting the future of the trademark profession through liaising with universities and targeting diverse students to improve the diversity pipeline.

A detailed summary of the findings of the survey is set out in Appendix 1.

² Academic Committee, Brands for a Better Society Committee, Building Bridges Committee, Indigenous Rights Committee, In-House Practitioner's Committee, INTA Bulletins Committee, Law Firm Committee, Leadership Development Committee, Public Information Committee, Trademark Administrators Committee, Unreal Campaign Committee, and Young Practitioners Committee.

Highlights from **INTA member survey**

Which aspects of DEI are in focus in your region or geography?

85%
Gender

73% Sexual Orientation

66% Ethnicity*

50% Disability

41% Age

* Including race



58.6%
Ethnicity*

* Including race

What members think INTA should focus on?

43.4% Gender

32.3% Sexual Orientation

27.9% Disability

20.9% Age

82%

Have **not faced obstacles** at INTA



Members want **DEI representation** in leadership

Why Is DEI Important to the IP Profession and to INTA?

What Is Diversity, Equity, and Inclusion?

One of the first discussions of the Task Force was to consider what we meant by Diversity, Equity, and Inclusion.

Discussions in relation to these concepts are not homogenous. In some (English-speaking) countries the concepts are referred to as Equity, Diversity, and Inclusion (EDI), in others Diversity & Inclusion (D&I). We considered that the prevailing trend, in the English language, was to refer to Diversity, Equity, and Inclusion (DEI). In the most general sense, the individual terms mean the following:

Diversity means plurality. A diverse group is composed of people from a range of different nationalities, professions, social backgrounds, ethnic and racial backgrounds, genders and sexual orientations, physical and mental capabilities, etc.

Inclusion requires fostering and valuing these differences. Ultimately it means creating a sense of belonging by acknowledging that people with different backgrounds have different sets of skills and different cultures. Inclusion also requires non-discrimination principles.

Equity means levelling the playing field and allowing equal access, opportunities, and compensation to all. Acknowledging privilege and acting to counterbalance it.

It should be noted, however, that despite the choice of acronym (DEI) and the meaning of these particular words attributed by the Task Force, there is no single or central understanding for the implementation of these concepts worldwide, and that in and of itself should significantly impact how INTA develops its policies in this area.

Why Is Diversity, Equity, and Inclusion Relevant to the IP Profession?

Numerous studies have demonstrated the real benefits that diversity brings to business, from providing greater opportunities, to including a wider range of voices in decision-making processes and reducing the risk of decisions being made that have an impact on, or are likely to be viewed negatively by, particular communities, to widening the talent pool available to companies and therefore preventing individuals who may well be the best person for the job from being overlooked due to their background or identity. These studies show that more diverse teams outperform their competition.³ This is just as true in the IP/trademarks sector as elsewhere.

Likewise, initiatives to implement and expand workplace equity and inclusion have demonstrated that, where people of all identities are fully included at work, they are both able to stop expending energy on trying to fit in or hide aspects of themselves (making them more able to focus on their jobs), and experience greater mental wellbeing and self-esteem, leading to the better functioning of teams.⁴ It is therefore clear that effective implementation of DEI is of considerable benefit to the IP/trademarks workplace, just as it is more widely.⁵

³ See <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/diversity-wins-how-inclusion-matters>

⁴ See for example, <https://hbr.org/2018/07/the-other-diversity-dividend>, <https://www.weforum.org/agenda/2019/04/business-case-for-diversity-in-the-workplace/>.

⁵ See for example, <https://wellbeing.lifeworks.com/blog/the-link-between-employee-wellbeing-and-diversity-equity-inclusion/>



In a survey conducted of in-house trademark practitioners worldwide (for INTA's 2020 In-House Practitioners Benchmarking Report⁶), almost one in five (19%) in-house practitioners stated that they had felt socially excluded at an event in the trademark/IP field.

We also must acknowledge that DEI is a reality, especially for global businesses, and is becoming increasingly expected for compliance and procurement reasons.⁷ In the same survey of in-house trademark practitioners, 44% of respondents stated that their in-house trademark team required outside law firms and service providers to demonstrate their commitment to diversity and inclusion. This number is increasing all the time.

Why Should DEI Be Pursued by INTA and Why Is it Relevant to the Work of the Association?

DEI is a factor in a number of the goals set forth in INTA's mission, including economic growth, innovation, and commitment to a better society. It is increasingly expected by consumers of branded goods and services, by employees, and by networks. As a leading voice in the global trademark profession, INTA should be providing thought leadership on issues that impact its core mission, which inescapably include DEI. INTA, as a body that comprises different member types, also has a unique role to play in making a connection in the discussions between, e.g., in-house needs and law firms' offerings. Also, given INTA's capacity as a member organization with 34,350 professionals worldwide, it has an inherent duty in the service of its members to be inclusive and to provide a level playing field. Although the Association is evidently already diverse by nature, that does not automatically equate to it being equitable and inclusive in its practices. Indeed, several examples of what is perceived as non-inclusive behavior were highlighted in the surveys and focus groups. These include INTA operating as US-centric, with time zone issues, low participation of TMA and of other non-attorney professionals, lack of understanding of cultural differences, as well as issues around "mansplaining" and "manterruptions," and some concerns around inappropriate sexual behavior among members.

As an Association dealing with global issues, the perspectives of INTA's diverse members produce rich content, learning opportunities, and experiences from which the entire membership and the entire trademark community benefits.

DEI is not an end but rather a means to all of these benefits to the trademark profession, and it benefits all and not just those people who pertain to underrepresented groups.

⁶ <https://www.inta.org/wp-content/uploads/public-files/perspectives/industry-research/INTA-2020-IHP-Executive-Summary.pdf>

⁷ <https://www.worldtrademarkreview.com/brand-management/exclusive-wtr-benchmarking-survey-reveals-increasing-focus-diversity-in-house>

A DEI Policy

Recommendation 1: That the proposed DEI Council develop a formal DEI Policy for INTA, together with INTA's Diversity Officer, Chief Governance Officer, and CEO, taking into account the recommended guidelines proposed by the DEI Presidential Task Force.

While INTA has an internal DEI policy for employment purposes, it does not currently have a formal DEI policy as it pertains to its membership. The Task Force considers that such a policy would set a vision for DEI within INTA, be a valuable resource to outline guiding principles for the Association in its endeavor to become more diverse and inclusive, and set the tone as it relates to the inclusive culture of the Association.

A DEI policy for INTA should, in the Task Force's view, be consistent with INTA's internal DEI policy for employment purposes, with the necessary revisions to reflect INTA as a global, member-based organization. We consider the task of developing such a policy to be appropriately suited for the DEI Council (see Chapter 5, below), together with INTA's Diversity Officer, Chief Governance Officer, and CEO.

It is recommended the policy be developed with the following guidelines in mind:

- Provide a statement of INTA's views on DEI, particularly as it pertains to being a global association in the field of trademarks/brand protection and identify INTA's expectations of its members, with respect to maintaining the defined culture of the Association.
- Define what DEI means for INTA and identify its DEI objectives as recommended by the Task Force and adopted by the Board of Directors or senior leadership of the Association.
- Set forth areas of concern for DEI within the Association and a goal to promote meaningful resources to the development and improvement of these areas within the Association, for example:
 - Improve the visibility of both DEI initiatives and diverse members within INTA;
 - Improve diversity in INTA's executive leadership, committee leadership, and speakers;
 - Improve DEI in programming and events;
 - Promote inclusiveness for the various diversity strands represented within the Association;
 - Promote DEI within the IP profession as a whole; and
 - Develop DEI best practices for brands and IP professionals to reflect and promote a more diverse, equitable, and inclusive society.

The policy may, but need not necessarily, set forth an action plan for how the aforementioned will be achieved.

- An Association cannot truly engage in a plan for DEI without a goal of measuring and tracking DEI within the Association. Therefore, the policy should set forth a goal regarding the voluntary collection of information concerning membership demographics, to serve as a benchmark for monitoring and tracking ongoing improvements to diversity, equity, and inclusiveness within the Association.
- Provide a clear statement that the ideals and goals set forth in the policy are fully supported by INTA leadership and that leadership will be held accountable for supporting, engaging in, and seeing to it that the DEI initiatives and policy be implemented and enforced.
- The policy may also include objectives, roles, and responsibilities of any DEI leaders or groups charged with implementing DEI within the Association, such as the DEI Officer, DEI Council, etc.
- The policy (as well as other important policies and documents adopted by the Association) should be made available in different languages, reflecting the global and inclusive nature of the Association.

As a final note, to maintain the integrity of the policy, only those goals and initiatives that will actually be acted upon or accomplished should be included therein. This will ensure that the policy is not merely words or doctrine, but rather a sincere effort on the part of the Association to create a diverse, equitable, and inclusive environment for its membership and the IP profession as a whole.



INTA's Diversity Officer

Recommendation 2: That the Board approve the proposed duties and responsibilities for INTA's Diversity Officer; that INTA update the Vice President Expectations Document to reflect the Diversity Officer role, its duties and responsibilities; and that the role be taken into account in the orientation of the Officers.

Creation of and Basis for INTA's Diversity Officer Role

Coinciding with the launch of this Task Force, INTA leadership approved the creation of a Diversity Officer role, which would be held on a rolling basis by one of the Vice Presidents of the Association. Dana Northcott, Vice President of the Association in 2021, was appointed INTA's first Diversity Officer, and in this capacity served on the Task Force as an Advisory Member.

Throughout our discussions, internally with members and in the focus groups, it was considered important that there should be a DEI Champion on the INTA Board. The Task Force discussed whether a Vice President was the appropriate position to hold the Diversity Officer role. It considered various options, including recommending the President-Elect of the Association to undertake this role. Nevertheless, it was concluded that—particularly due to the workload of the President-Elect preparing to take up the Presidency of the Association—the proposal to appoint a Vice-President as Diversity Officer was more appropriate.

The Task Force reviewed the governance basis for the creation and ongoing nature of this role. Article VI(3)(a) of INTA's Bylaws⁸ sets out that “[the] Vice-Presidents shall perform such duties as may be delegated to them by the Board of Directors, the Executive Committee, or the President.”

INTA's Code of Policies⁹ supplement the Bylaws and provide more detail as to the expectations¹⁰ of the Officers (including the Vice Presidents) and orientation of Officers before they begin their service.¹¹ The Code of Policies does not refer to the Diversity Officer role or to any other activities in the field of DEI.

Recommended Role/Responsibilities of Diversity Officer

The Task Force was requested to consider and make recommendations as to the recommended role and responsibilities of INTA's Diversity Officer.

There is considerable and growing literature as to the role of Diversity Officers in major organizations worldwide. In its article “Positioning your Chief Diversity Officer for Top Performance,”¹² Russell Reynolds Associates identified the following five critical actions organizations ought to take to support an incoming (Chief) Diversity Officer (“CDO”):

- Clearly define the role.
- Create regular touchpoints between the CEO and CDO.

⁸ <https://www.inta.org/wp-content/uploads/public-files/about/leadership-governance/BYLAWS-03-14-16.pdf>

⁹ <https://www.inta.org/wp-content/uploads/public-files/about/leadership-governance/INTA-Code-of-Policies-May-2019-Final.pdf>

¹⁰ Id. at Art. 14.010.

¹¹ Id. at Art. 14.020.

¹² <https://www.russellreynolds.com/en/insights/articles/positioning-chief-diversity-officer-top-performance>

- Invest in a comprehensive DEI infrastructure.
- Build better on-ramps to support new and first-time CDOs.
- Foster organization-wide receptivity and commitment to DEI efforts.

The Task Force considered the specific characteristics of INTA as a global not-for-profit Association which carries out much of its work through volunteer members. It also considered how INTA's Diversity Officer could assist in realizing the DEI objectives of INTA either already identified by the Task Force or, longer term, by a more permanent structure. It identified the following five key responsibilities for INTA's Diversity Officer role:

- Oversee drafting of INTA's DEI policy (see Chapter 3, above) and action plan by offering counsel and advice, oversee implementation, ensure periodic review and adjustment of the same.
- Oversee the work of the proposed DEI Council (see Chapter 5, below) and serve as an *ex officio* member of the DEI Council.
- Support the inclusion of DEI themes and actions as part of INTA's permanent culture (through INTA's policies, programming, committees, awards, internal/external relationships, etc.) (see Chapter 6, below).
- Assist in establishing DEI training tools and strategies for INTA's Board and Committee leaders and members (see Chapter 7, below).
- Engage with the INTA Foundation (see Chapter 10 below), sponsors, etc., on DEI philanthropy efforts.
- Collaborate as necessary within INTA (executive team and senior staff, Director, Employee Experience, Counsel on legal questions) on DEI issues.

Each of these topics will be dealt with in more detail later in this Task Force Report.



A DEI Committee/Council

Recommendation 3: That INTA establish a formal body, initially a DEI Council, consisting of 20–25 members of various INTA committees, to (a) oversee drafting of INTA’s DEI policy and action plan, as well as implementation, periodic review, and adjustment of the same; (b) supervise the various DEI activities already established within the Association and increase awareness and visibility of DEI within the Association by supporting the inclusion of DEI themes and actions as part of INTA’s permanent culture (through INTA’s policies, programming, committees, awards, internal/external relationships, etc.); (d) further consider the recommendations of the DEI task force and strategize and implement DEI initiatives within the Association; (e) collaborate as necessary within INTA (executive team and senior staff, Diversity Officer, Director of Employee Experience, and Counsel on legal questions) on DEI issues; (f) engage with the INTA Foundation, sponsors etc., on DEI philanthropy efforts; and (g) promote the Association’s role as a thought leader for brands and the IP profession, contributing to a better society for all.

The Need for, and Desire for, a DEI Committee or Council

The Task Force discussed extensively, both internally and with other members, whether INTA should have a DEI Committee or Council, in addition to the Diversity Officer.

The Task Force notes that other representative organizations in the legal area, and in the IP area, have such committees or task forces.

For example, the International Bar Association (IBA) has a Diversity and Equality Law Committee,¹³ which comprises private practitioners, in-house attorneys, and academics, many of whom work with corporate clients to help them fulfil their key goals in such areas as pay equity; prevention of discrimination based on gender, race, religion, age and disability (among other protected traits); and LGBTQ+ issues.

The International Federation of Intellectual Property Attorneys (FICPI) embraces DEI as a core idea in its culture and business strategy and has created the Inclusion Project¹⁴ to make recommendations to support FICPI’s ambitions to be a model professional member organization in its support and implementation of DEI principles.

The Task Force’s surveys and focus groups indicated widespread support for the creation of a DEI committee or council within INTA. The Task Force considers that DEI should be a permanent part of the culture at INTA and, therefore, a formal multi-year structure should be put in place to carry out and coordinate DEI objectives.

Moreover, through the discussions of the Task Force with INTA members, it was clear that DEI topics already impact the work of multiple INTA committees. Members have also seen an increasing amount of programming devoted to DEI topics.

For all of these reasons, the Task Force recommends that INTA create a formal multi-year body to supervise the various DEI activities already taking place; further consider and implement DEI issues in the Association; and promote, in conjunction with INTA’s 2022–2025 Strategic Plan, the Association’s role as a thought leader for brands and the IP profession contributing to a better society for all.

¹³ <https://www.ibanet.org/unit/Human+Resources+Section/committee/Diversity+and+Equality+Law+Committee/3062>

¹⁴ <https://ficpi.org/about/inclusion-project>

Would a Committee or Council Structure Be More Appropriate?

The Task Force considered two of the most common structures within INTA's governance structure: a committee, and a council. Each of these has a firm governance basis within the Association's legislative documents, and INTA's members are relatively familiar with how each operates.

The Task Force had various conversations with the INTA Board, past-Presidents of the Association, the Staff Liaisons of The Women's Leadership Initiative, and with INTA's Chief Governance Officer, to consider the pros and cons of each of these structures.

The Task Force deliberated extensively over which structure would work best to achieve the Association's DEI objectives. The pros and cons of each option are set out below.

Committee:

DEI is a broad topic that requires member participation from different geographical regions and subject matter expertise. A committee structure lends itself better to look at DEI rather than a council because of its potential to be more representative.

A committee structure supports multiple subcommittees and wider member participation. The term limit of a committee allows for a degree of continuity while ensuring a steady stream of new members to provide fresh ideas and perspectives. If needed, waivers of the term limit can be sought on a case-by-case basis.

On the other hand, DEI issues impact all three existing committee groups—Advocacy, Resources, and Communications, so it is not entirely clear where a DEI committee would sit, although the initial suggestion was to include it under the Resources Group.

Council:

Councils play an advisory role to the INTA President and CEO. The integration of councils follows a less established policy as there is no formal submission process. Therefore, a council structure would be more flexible and thus more effective to act at a faster pace as compared to a committee. Given the amount of work to be done as part of this initiative, the flexibility of a council stands as a very good option.

In addition, a council could be a sensible first stage alternative as it sits above the committee structure. As INTA members and committees are at very different stages of their DEI journeys, there is benefit in a DEI Council having an overview of DEI activities throughout INTA to ensure alignment. Therefore, the DEI Council could be the central coordinating body and delegate tasks to and work with the appropriate committees to build the foundation for DEI at INTA.

On the other hand, there is some concern about the limited number of council members due to the expansive scope of the task at hand and the fact that INTA pulls together experienced and more senior members to be part of a council to look at issues from a regional or global perspective, which may not be as diverse as a committee would allow for. However, we could set certain parameters and, for example, require the participation of more diverse members, particularly from certain committees that we consider strategic to achieve the long-term objectives.

Why the Task Force Considers that a Council Would Be a Better Fit at this Stage Within INTA's Strategic Plan

At this initial stage, the Task Force considers that a Council would better serve the purpose of setting the DEI foundation within INTA and that it could eventually evolve into a committee structure in the future, if it makes sense. This structure would drive DEI to a more strategic and centralized position in the Association, and at the same time be conducive to the sharing of information with INTA's Board, CEO, and regional Global Advisory Councils (GACs).

It is recognized that the proposed structure is not “perfect,” but merely a starting point, which should evolve with time and reflection.

Proposed Structure of the DEI Council

Structure and Size

The Task Force considers that the DEI Council should be composed of a team of 20–25 diverse members representing different age groups, racial/ethnic backgrounds, and geographies, led by two co-chairs, with the possibility to form theme-based subgroups.

The Task Force considers that it would be important to have members from the following committees/grouping to sit on the Council, given the DEI impact of their work: Academic, Brands for a Better Society, Building Bridges, Indigenous Rights, In-house Practitioners, INTA Bulletins, Law Firm, Leadership Development, Pro Bono, Programming Advisory Council, Public Information, Trademark Administrators, Unreal Campaign, Young Practitioners, plus a member of the INTA Foundation, and a member of The Women’s Leadership Initiative. INTA’s Diversity Officer would be an *ex officio* member.

Scope of Responsibilities

The Task Force discussed the roles and responsibilities of the Council and believes that the following should be within the purview of the Council’s responsibility:

- Oversee drafting of INTA’s DEI policy and action plan, as well as implementation, periodic review, and adjustment of the same.
- Supervise the various DEI activities already established within the Association and increase awareness and visibility of DEI within the Association by supporting the inclusion of DEI themes and actions as part of INTA’s permanent culture (through INTA’s policies, programming, committees, awards, internal/external relationships, etc.).
- Further consider the recommendations of the DEI Task Force and strategize and implement DEI initiatives within the Association.
- Collaborate as necessary within INTA (executive team and senior staff, Diversity Officer, Director of Employee Experience, and Counsel on legal questions) on DEI issues.
- Engage with the INTA Foundation (see Chapter 10, below), sponsors, etc. on DEI philanthropy efforts.
- Promote the Association’s role as a thought leader for brands and the IP profession, contributing to a better society for all.

Sub-groups Within the Council

The Task Force considers that the Council could be structured along the lines of the following sub-groups:

- Gender;
- Race/Ethnicity;
- Ableism & Ageism;
- Socio-Cultural/Social Mobility;

- Internal and External Best Practices & Communications; and
- Inclusive Access to the IP Profession.

The objectives of each sub-group are broadly to contribute to implementing and improving the Association's DEI policy, connecting with Affinity Groups, contributing topics for programming, raising internal awareness, and creating outreach programs. It is recognized that the categorization of the sub-groups does not fully reflect the depth and breadth of each topic. However, the intention of the Council is, in the view of the Task Force, to lay the foundation on which future DEI initiatives can be built. The intersectionality of the sub-groups is also acknowledged and one which can be addressed at the Council level.

Disability and age are grouped together because they are closely linked in certain cases (particularly with regard to health conditions). Race/Ethnicity (and religion) could also overlap with socio-cultural or social mobility issues that are common in many jurisdictions.

Regarding the Internal and External Best Practices & Communications sub-group, given the intersectionality of the issues, this team could ensure clear connections across the other DEI sub-groups as well as align best practices and communication with the work of the Board and committees. Their role is twofold: as "facilitator" to assist the Board and other committees to address DEI issues; and as "coordinator" to act as a channel for all requests so as to reduce duplication and/or confusion.

The goal of the Inclusive Access to the IP Profession sub-group would be to look into ways to ensure that all INTA members have access to the same opportunities in spite of their membership category or job title. It could also look at engaging with the relevant INTA committees and/or external organizations to raise awareness or provide opportunities to increase diversity within the IP profession.

Finally, consideration should be given to including The Women's Leadership Initiative (WLI), that continues working as a Project Team, either as a sub-group of the Council, or by way of representation by one or more members on the Council, to ensure alignment of goals.

In addition to the recommended initiatives to be handled by the Council, there should be a rapid response team, comprised of the Council's sitting co-chairs, INTA's Diversity Officer, leaders of the various sub-groups, with feedback from INTA's CEO and Chief Governance Officer. This response team would address time-sensitive issues requiring immediate attention and facilitate INTA's response to global and regional events that may affect INTA members, e.g., the war against Ukraine, the George Floyd killing, racially charged mass shooting events, and others. The Task Force considers that response by the Association in the wake of these kinds of events would lend itself to members of the affected groups feeling more included, as well as demonstrate the Association's commitment to proactive allyship.

Finally, one of the standing tasks of the Diversity Council should be to look for examples of excellence in DEI throughout the Association's member organizations and amplify them to the broader membership, where appropriate.

Visibility of DEI Activity and Diverse Members at INTA

Recommendation 4: That INTA (a) implement initiatives to improve DEI awareness within its membership; (b) champion its diverse members, to improve and ensure diverse representation on the Board, within advisory councils, committees, speaking panels, and transversally across the Association; and (c) take steps to reduce barriers to participation, particularly amongst diverse members.

How Can We Improve Visibility of DEI and INTA's Diverse Members?

As is to be expected of a global community counting over 34,000 professionals, INTA has a diverse membership. As already indicated in this Report, DEI impacts the membership both collectively (whether that be for brands, law firms, etc.) and at an individual level.

It is the Task Force's firm view that INTA should aim to increase the visibility of DEI and its diverse members by talking about their backgrounds, lives, and experiences. Not only does this showcase the diversity of our membership, but it also offers an opportunity for all members to learn about their diverse colleagues and to reflect on their experiences.

For these reasons, the Task Force considers it essential that DEI activities and diverse members are made more visible at INTA, and that inclusion is woven into INTA in a visible way.

In the view of the Task Force, there are numerous ways to improve the visibility of DEI and diverse members at INTA. Here we will explore a few:

- Create a "DEI Corner" on inta.org. The INTA website does not currently have a space dedicated to DEI. It would be helpful to create a "DEI Corner" on the INTA website that showcases the resources, news and activities on DEI being carried out across the Association. This could include details about the Diversity Officer, Diversity Council, and the future DEI Policy. The DEI Corner could also feature information on profiles of the various Affinity Groups that exist across the membership, increasing the awareness of the existence of these groups for diverse members and allies. This would be especially beneficial to new members of the Association and would serve to make DEI a greater and more visible part of the culture at INTA.
- Amplify DEI Initiatives in Marketing/Social Media Activities and the *INTA Bulletin*. Understandably, INTA's email blasts to members and posts on its various social media channels, as well as articles in the *INTA Bulletin* focus largely on substantive trademark and other IP issues and events. However, we consider there to be an opportunity to include messaging on DEI topics, insofar as they relate to trademarks and the IP profession, as well as showcasing our diverse membership. We recommend including regular, e.g., quarterly, interviews in the *INTA Bulletin* with members of Affinity Groups, to discuss the Affinity Groups' objectives and activities. We also recommend spotlighting, through the *INTA Bulletin* and INTA's social media channels, individual members from across the membership spectrum, allowing them to share their own stories and at the same time to provide visibility to the diverse experiences within our community.
- Create/Develop a Diversity Calendar which marks key dates annually of its membership. Different countries have cultural celebrations throughout the year (for example, February is Black History Month in the US and LGBTQ+ History Month in the UK) and, as a global community, INTA should not follow the calendar of one

country over another. There is scope to do more to celebrate certain segments of INTA's membership. Similar to its celebration of International Women's Day (March 8),¹⁵ INTA could also mark other international days¹⁶ by way of articles or posts.

- DEI in Programming. INTA's programming already encompasses a broad variety of topics that are of interest to our membership, including DEI. From our focus group discussions, many commented that several of the recently organized sessions on DEI were of high quality and helpful to members. We considered whether it would be useful or appropriate to recommend setting certain quotas for DEI programming, e.g., a certain number of sessions per year. Ultimately, we do not believe that—at this stage—such a quota would be helpful. We consider it highly likely that DEI programming will continue to be well represented organically in the Association's programming lineup, as the membership is interested in these topics. This is even more likely, given the Task Force's proposal to include a formal link between the Programming Advisory Council and the Diversity Council. In programming, we must always keep in mind the need to represent and showcase diverse members, which means a diversity of thought, experience, and culture on panels; and encourage the attendance at sessions by allies. We must also recognize DEI fatigue.

Inclusivity of INTA's Diverse Members

INTA is a global community, and it is critical that all members feel that the Association is theirs and that all members can take advantage of all of the wonderful opportunities that the Association provides. Yet, the Task Force is aware of the real impediments facing many diverse members from participating more actively in INTA activities. The Association needs to reflect on those impediments that are within its control to remove, to maximize diverse participation among the membership.

The Task Force considered how INTA can improve inclusivity for and engagement of its many diverse members. This was one of the topics addressed within the member survey, and also a topic that emerged in the focus group discussions.

- Language and cultural barriers. The predominant use of English in the Association's work naturally represents a barrier to the full participation of members. Not only is the use of language itself a barrier for non-native speakers, but there are also issues with language due to disabilities. Some of these issues could be ameliorated by the use, during virtual calls and meetings, of close-captioned/translated subtitles. Zoom, for example, provides live transcription¹⁷ for free. Participation through the chat feature on Zoom or other platforms should be encouraged for those who may have a language barrier or disability or are simply not too comfortable vocalizing their ideas or unable to do so orally. Similarly, the Task Force welcomes the opportunities that INTA collaborate provides in terms of allowing members to collaborate in writing online in advance of or following their committee meetings.
- Meeting format and location. Consideration of the format (and indeed location) in which meetings take place is also very important. With the lifting of lockdown restrictions, for example, there are moves towards returning to in-person meetings, but this runs the risk of excluding those with disabilities or health conditions or those whose life circumstances are more efficient working remotely. Conversely, holding only virtual meetings may well exclude those who have struggled with mental health conditions during lockdown and are seeking face-to-face meetings to gain regular social contact. As a result, the 'gold standard' is likely to be hybrid events (which we note INTA is already leading the way on) that can take place with attendees joining both in-person and virtually. However, care should be taken to ensure everyone joining can contribute equally and that virtual attendees are not restricted in their access.¹⁸ We also recommend that INTA have a dedicated person

¹⁵ <https://www.un.org/en/observances/womens-day>

¹⁶ For example: International Day of Women Judges, March 10; World Autism Awareness Day, April 2; Chinese Language Day, April 20; International LGBTQ+ Pride Day, June 28; International Day of the World's Indigenous Peoples, August 9; International Day of Persons with Disabilities, December 3; Arabic Language Day, December 18.

¹⁷ <https://blog.zoom.us/zoom-auto-generated-captions/>

¹⁸ <https://www.engagemultiplier.com/resources/6-best-practices-for-your-next-hybrid-meeting/>

to work on accessibility and reasonable adjustment/accommodation issues and to ensure that members are comfortable and able to raise any accessibility issues they may have in advance of in-person or other meetings.

- Meeting times. It is necessary to avoid scheduling meetings during major religious festivals. In addition, a lot of the work of the Association is conducted through calls. Being a global community has the drawback that we work across all time zones. Although INTA has taken measures in its programming (particularly in the virtual or hybrid environment) to spread out sessions and allow participation across multiple regions, there is still a perception that meeting times (and indeed locations) are very US-centric. There is no magic fix for time zone issues. There will always be disadvantaged members when a meeting is held with global participants—we experienced the same issues with our Task Force meetings. In this regard, the Task Force considers the following tips to be of possible use:
 - Record the meeting so that those unable to participate due to time zone issues can catch up at a later time or date.
 - Alternate meeting times so that it is not always the same group of individuals who must attend at unsociable times.
 - Where possible, provide several time options and offer the same session or meeting at various times, so that members can join at their convenience.
 - For committee meetings, or where recording is not possible, the meeting chair could offer to hold a shorter summary session at a different time to allow other members to hear first-hand and have an opportunity to provide their views.
- Fees. Membership costs and Annual Meeting/Leadership Meeting attendance costs deter some members from emerging markets, and some trademark administrators and young practitioners from consistently engaging. Costs could be reduced for these groups to encourage their participation, particularly for in-person meetings, where companies are more likely to send seasoned professionals or attorneys. Another example of how costs could be reduced may include an increased focus on virtual/hybrid meetings, as discussed above.
- Affinity Groups. The Task Force recognizes that the informal Affinity Groups that have grown up around INTA provide support and valuable networking opportunities and are key to making INTA's diverse members feel included. These Affinity Groups include GLINTA, Sistah Girl, religious or social groups such as Christians at INTA, IP Yogis, etc. Many INTA members, even if they may fall within the relevant “community,” are unaware of the existence of the Affinity Groups and how they can become involved. A major benefit of the Affinity Groups is that they offer a safe space for diverse communities. The Task Force does not consider it wise to upset that balance. However, it is important that new potential members become aware of the existence of these groups and the tangible impact they have had. We have noted above that Affinity Groups should be provided with the opportunity, should they so desire, to publicize their grouping on a DEI Corner on the website, as well as regular spotlights in the *INTA Bulletin*. The Task Force considered whether INTA should offer “official” communities that would be part of the formal INTA structure (Intellectual Property Owners Association offers “resource groups”, for example). It was considered that this would not be appropriate at this time. We also did not consider that Affinity Groups should be required to publicize their existence or their activities. Instead, we recommend that INTA issue a call to any Affinity Groups that may exist to take advantage of the platform that INTA offers to either get more members or to publicize the work that they do on the fringes of INTA events.
- Feedback and follow-up. The Task Force considers it important to regularly obtain feedback from diverse members, and indeed all members, on how they view INTA and how they would like to be engaged in the field of DEI and more generally. Discussion forums, surveys (of meeting attendees or more broadly), and exit interviews of outgoing committee members can be used to achieve this. Probing this feedback can help determine if any obstacles indicated are perceived or real. We consider that, after an initial orientation event

or session (for example for first-time meeting attendees or first-time committee members), there should be a follow-up soon thereafter, either by a member of INTA staff or by a committee or subcommittee chair/vice-chair. Members may have information overload during orientation, and some members (particularly those with disabilities, and particularly those who are neurodivergent, may need more time to internalize and give feedback/ask questions to understand better what they are being oriented into. They may also require the option of providing feedback in different forms, e.g. ,via spoken as opposed to written word or in different languages, which should be considered and provided for to the extent feasible.

- Mentor/sponsorship. The Task Force considers that INTA should develop a mentorship or sponsorship program and provide resources (such as on the INTA website and on-demand webcasts) for mentors and mentees. Such a program would not need to be formal initially but could consist of a simple exercise of mentees choosing from a list of volunteer mentors. More seasoned members may opt-in as mentors. Likewise, new members can be encouraged to reach out to the more seasoned members for mentorship opportunities. Subcommittees can also consider pairing first-term members with second-term members on projects. There would be particular advantage in pairing members with a similar profile, including diverse backgrounds or identities; and determining clear objectives for the program and conveying those to mentors.¹⁹
- Allyship/guardianship. Similarly, INTA could develop an allyship or guardianship program. Allies support underrepresented groups and amplify their voices and experiences. The more voices talking about these experiences, the greater the likelihood of positive change. Allies could share or create development opportunities and question decisions and behaviors that are exclusionary. For example, we should all consider, in our setting up of groups, panels, etc., whether we are being inclusive. It is also important that INTA's stance on inappropriate or discriminatory behavior is clear and that members know where to go, and what to do, if they are the victim of bullying, harassment, or discrimination. A guardian initiative could give members a go-to person for support and guidance if they have been victim of discrimination or unacceptable behavior.
- Provide a platform and avoid the cultural tax. For any individual to thrive in a given environment, that person needs to have confidence/self-belief, a sense that their views matter, as well as acceptance and recognition as belonging to the community. Members of underrepresented groups are often required to edit themselves and/or assimilate, to feel like they belong. To promote equity within the INTA community, we need to validate our diverse members by providing them with a platform from which their excellence and their contributions can be seen. This goes beyond simply providing a safe space or environment for diverse members and requires us to actively find opportunities for diverse members. The Task Force considers that it could be beneficial for programming teams to actively invite diverse members to (on a voluntary basis) be included in a directory or list of potential members willing to speak on panels, be mentors, write articles, etc., as well a potentially provide referrals for other diverse members who may be unknown to the programming teams. At the same time, it is important to make sure this load does not fall exclusively on underrepresented groups or on the same diverse members time and time again.

The Task Force also wishes to address, specifically, two segments of INTA's membership, namely Trademark Administrators and Indigenous Peoples, because of issues that came up repeatedly in our discussions.

Trademark Administrators

Trademark Administrators (TMAs) are a fundamental component of INTA's membership. It was repeatedly expressed that there is an impression that TMAs are overlooked, that there is a superior order within companies/firms, as well as within INTA, i.e., that there are the attorneys and then there are non-attorneys. A major barrier to TMAs participating on committees and attending events are the costs associated with participation. Law firms and corporations, it is perceived, send attorneys to events whether on a committee or not. Yet, TMAs who are serving on committees are frequently unable to attend, because of the costs associated with registration, travel, and accommodation. The addition of a virtual option to attend has been helpful; however, it was suggested that INTA

¹⁹ <https://www.forbes.com/sites/janicegassam/2019/09/26/the-key-to-diversity-and-inclusion-is-mentorship/?sh=670e4f5e7fbd>

could consider categories of participation for TMAs in-person, with associated cost differentials, as TMAs should also be able to reap the benefits of in-person attendance.

It is recognized that INTA is nominating and appointing TMAs to more leadership roles within the organization. However, TMAs still feel they are underrepresented in leadership roles. INTA should continue to consider and include TMAs in every aspect of leadership. The Nominating Committee should consult the TMA Committee, and other committee leadership for individuals that stand out as volunteers to submit their names for leadership consideration. Additionally, a survey targeted for TMAs only would help to identify other ideas INTA can incorporate for a more inclusive environment. The Task Force welcomes the steps already taken by INTA to increase the visibility of the TMA community within INTA, for example the #TMAWednesdays campaign.

Indigenous Peoples

The Task Force discussed an issue which was put forward as a bar to increasing indigenous representation within the Association and within the IP community in general. Globalization and consumerism have had an evident negative effect on indigenous peoples,²⁰ and IP must include the proper protection of indigenous peoples' IP. Increasing indigenous representation within INTA is a broader consideration than improvement of DEI as an Association. To make IP protection—and the IP community—attractive to indigenous peoples, the IP community must be open to new frameworks for protection that encompass indigenous rights. This discussion is, in the view of the Task Force, something that INTA is well placed to lead on, and is aligned with INTA's Strategic Plan, which provides that INTA will be a thought leader for changes to existing rights and the development of new IP rights to ensure that IP rights are flexible enough to meet the needs of changing business models.



²⁰ <https://humanrights.gov.au/about/news/speeches/impact-globalization-indigenous-intellectual-property-and-cultures>

DEI in the Appointment and Training of Leaders and Committee Members

Recommendation 5: That DEI be a “top of mind” factor in the appointment of INTA leaders and committee members. It is further recommended that INTA implement DEI training for leaders, including committee leaders, and that training be included as part of the written expectations for these roles.

Appointment of Leaders and Committee Members

The Task Force held discussions with INTA staff and representatives of the Nominating Committee to discuss and brainstorm how DEI is already considered—or could be taken into account to a greater degree—in the nomination and appointment processes for leaders and committee members.

The Task Force considers it important that the processes followed be transparent and demystified. Accordingly, we set out in Appendix 3 a detailed overview of the nomination and appointment processes as we understand them.

The **Nominating Committee** is a committee of the INTA Board that is charged each year with recommending to the INTA Board a slate of individuals for leadership positions within INTA. The specific number of positions varies year to year (depending on how many positions are open on the Board and, in a committee selection year, the number of committees) and the positions can include Officer positions, INTA Counsel, Directors (and Advisory Directors) of the Board, Committee Chairs and Vice-Chairs of—currently—37 Committees, as well as members of the Programming Advisory Council (PAC), the Global Advisory Council (GAC) Co-Chairs, and Research Advisory Council Coordinator.

From our discussions with the most recent Nominating Committee, we learned that the process is focused on diversity as a broad category. In the recent past, the Nominating Committee has been more focused on gender, racial, and ethnic diversity. INTA has done very well in gender diversity with almost or even greater than 50 percent female representation in leadership positions: **Since 2000, 11 INTA Presidents have been women; and currently, 4 of the 6 Officers of the Board of Directors, 16 of the 31 other Board Members, and 43 of the 74 committee chairs and vice chairs are women.**

The criteria for selection (including demonstrating in-depth knowledge of trademark law and related IP law, having engaged in the practice of trademark law and related IP law for a sufficient period to demonstrate an appreciation of the issues facing INTA, demonstrating leadership skills, etc.) do tend to weigh in favor of more experienced INTA members. However, the Nominating Committee has pushed to get younger members involved in leadership, balancing those appointments with experienced members. In doing so, they are trying to broaden the age dimensions of leadership. From our discussions we learned that the Nominating Committee looks at the aggregated data provided by INTA from a perspective that highlights the various DEI components, and that the selection is done through multiple steps to try to ensure diversity. However, there are difficulties in ensuring complete diversity at all levels due to lack of information about all potential candidates (see also Chapter 8, Measuring and Tracking). INTA should proactively identify underrepresentation and take steps to address it, as it has successfully done in terms of gender and, more recently, age.

The Task Force asked various questions relating to the Nominating Committee’s work, and those questions and answers (including what other information that could facilitate the Nominating Committee in considering diverse nominations) are set out in Appendix 3.

The appointment of **committee members** is done by INTA staff following a call for applications from volunteer members, which takes place every two years. During the committee selection process, applicants volunteering for a committee are asked for certain items of information, including region. In the most recent round of committee selection, gender information (male, female, blank) was pulled, which would only show if a member has filled this out in their INTA profile (see Chapter 8, below). Staff liaisons review this metadata and make their selections based on all the above information, the size requirements of the committee, and its objectives and work. Other considerations are populating a committee with a mix of member categories, experienced and new members, and regional and subject matter experts.

DEI as a “Top of Mind” Factor

The Task Force considers it important that DEI be a “top of mind” factor in the appointment of leaders and committee members. Diversity breeds diversity and it is critical that diverse members see role models that they identify with as leaders in the Association. From our conversations with the Nominating Committee and INTA staff, we know that DEI is already a factor in appointments, and that INTA’s leadership especially has become more representative of the membership in recent years (especially in terms of gender, race, and ethnicity). However, complete representation is hampered by lack of available member data, especially at the committee level. In the next Chapter, we consider to what extent INTA can and should seek diversity information from its members or volunteers.

Given the lack of measurable data of the membership at this stage, the Task Force considers that it would be inappropriate at this stage to implement or recommend formal DEI criteria or quotas for appointments. However, it would be worthwhile, in the Task Force’s view, for INTA to:

- proactively identify where people of a particular identity or background are underrepresented at certain levels and encourage people from those groups to apply for those roles and/or mentor people into leadership positions;
- review the application and nominations processes, standardizing them as much as possible, and removing possibilities for bias; and
- consider DEI as a deciding factor where candidates are equally weighted otherwise (“positive action”).

Although the Task Force considers that appointments ultimately should be made on merit, efforts should be made toward accommodating everyone who applies to join a committee/project team, unless a particular individual has a history of joining and not participating in such initiatives. Even where those who apply are not all able to serve on a committee, effort should still be made to keep them on a reserve list, consider them for specific tasks of the committee, or invite them to participate in other ways, such as speaking slots or contributing to the *INTA Bulletin*.

Expectations of Leaders and Training

The Task Force also considers it important that leaders of the Association actively take DEI into account in the course of their work. We consider that DEI should be incorporated both into the expectation documents of leaders and that DEI training, especially with regard to inclusion, should also be provided to leaders.

DEI training should have the aim of ensuring that all leaders in the Association are comfortable to actively engage, understand the wide-ranging issues that fall within DEI, understand what is expected of them, have the opportunity to consider and course correct their own biases, and that they are empowered to take tangible actions.

The expectation documents that leaders of the Association receive should expressly call out expectations in relation to DEI and, in due course, refer to the Association's DEI Policy.

The orientation programs for officers and Board members should also incorporate DEI issues, before or shortly after they commence their service. We consider that DEI training for senior leaders of the Association should also be mandatory, perhaps as part of this orientation. Exit interviews of officers and Board members should also include questions on DEI.

We consider that the Leadership Labs and other programs offered by INTA to existing and future committee leaders should incorporate sessions on inclusion and unconscious bias and how to introduce measures to tackle bias.

Over time, we believe INTA should build or facilitate access to a library of DEI resources free of charge to members. This could include content from selected DEI sessions at Annual Meetings/Leadership Meetings or other programs, which could be available to members on demand later regardless of whether they attended the program in question. Event organizers and INTA staff should identify in advance which sessions may be appropriate for the membership at large and which would advance the Association as a whole and take steps necessary to record those sessions for later availability. Care should be taken to provide resources that are universally relevant, rather than dealing specifically with issues of particular countries.



Measuring/Tracking Diversity of Members and Leaders, and Monitoring Diverse Representation/Participation

Recommendation 6: That INTA obtain additional demographic information about its members through the voluntary collection of data in member profiles during various campaigns, e.g., during registration for Annual and Leadership Meetings, renewal periods, applications for committee appointments, and/or periodically.

INTA holds very little demographic information about its members, and existing impressions of the diversity of the INTA membership are largely anecdotal. Member profile fields in INTA's association management system currently allow for various indicators as to the diversity of members. For example, there is a field for indicating gender ("Female," "Male," "Not applicable," "Unknown"). There is also a field for indicating the "Job Role," as well as a field for indicating the year in which a member began working in the field of trademark law, which could operate as a proxy for age. However, there are no fields for indicating race, ethnicity, or any other information about other diversity characteristics, for example disability or sexual orientation.

Moreover, very few of the fields of the member profile are mandatory, with the result that many member profiles are incomplete, leaving INTA with largely no indication as to the true diversity of its 34,000+ membership.

Obtaining greater statistics on diversity characteristics of the INTA membership would allow the Association to carry out benchmarking and reflect on and assess how the diversity of its membership changes or improves over time and would allow it to provide greater opportunities for underrepresented groups.

Nevertheless, there are clear issues with soliciting, storing, and using—often very personal or private—data about members, which must be borne in mind.

Building More Comprehensive Member Profiles

The Task Force held discussions with INTA staff as to how we might enable the development of more comprehensive profiles/biographies to address INTA's DEI information gaps. The addition of certain new fields in member profiles and encouraging members to complete their profiles with more information could give the Association greater insights into the diversity of its membership as a whole, as well as to the diversity of individual members. The latter insight could be helpful in creating diverse committees, appointing diverse members to positions of leadership and fulfilling other DEI objectives recommended by the Task Force. Gathering this information in the membership database would allow for a single key source for this type of information and provide a more stable record of DEI-related information.

The Task Force considers that INTA should regularly prompt members to complete their profiles during various campaigns (during registration for Annual or Leadership Meetings, during renewal, during the time of applications for committee appointments, and from time to time).

Conducting Anonymized Surveys of the Membership

Conducting anonymized surveys of the membership from time to time, with the assistance of an external vendor, would allow the Association to have a general (aggregated) overview of the state of DEI within INTA, with fewer legal or privacy risks. However, they would not provide the level of individualized diversity data the member profiles would. Moreover, they would need to be repeated over time—for example, every two years—to be able to assess members’ needs and how the membership changes over time. Unfortunately, repeated surveys often cause the prospective respondents to suffer from survey fatigue, with diminishing participation over time. In addition, the survey data collected may not prove to be sufficiently specific or detailed to enhance participation of underrepresented groups in the Association, such as in INTA’s leadership positions or as speakers at events. Likewise, it would unlikely be as comprehensive, due to low survey completion rates. Nevertheless, the anonymous nature of such surveys could importantly encourage more candid responses that inform subsequent INTA initiatives.

Requesting DEI Information alongside Other Campaigns

Another option would be to request diversity information as part of the committee application process, or to conduct surveys of outgoing committee members, in order to see how the diversity of committee members changes over time and gain insights into the inclusivity of the INTA committee experience. This, of course, would limit the demographical data to only those applying for or participating on committees, but could facilitate the appointment of diverse members to committees. The DEI Council should explore how this would work in detail, for example through a separate (voluntary) form.

The Task Force considers that a combination of the previously mentioned steps should be adopted to provide meaningful information on the diversity of the membership over time. However, there are several key principles that should guide the process and the subsequent use of any data obtained:

- The provision of DEI-related information by members must always be voluntary. Given the sensitive, often very private, nature of DEI-related information, the Task Force considers that no member should be mandated to provide any DEI-related information. Furthermore, any DEI-related information provided must not be included in the public-facing member profile, unless a member expressly consents to such information being visible on their public-facing member profile.²¹
- The reasons behind data collection, and the use to be made of such data, should be adequately explained. This includes providing an explanation as to how this data would advance DEI within the Association, as well as clarifying the relevant data protection/privacy issues. The DEI Council should also consider, and explain, what INTA should measure progress against, i.e., whether success as to DEI in membership, leadership, etc., should be measured against INTA’s own metrics over time, or whether we should be benchmarking against a different cohort. If the latter, which one, and how would that benchmarking be carried out?
- The DEI data requests themselves must be inclusive and allow an option for “prefer not to say.” The Task Force recommends that the DEI Council take forward the work of defining the categories for member profile fields and/or in defining survey questions, as well as keeping these categories current. That said, the Task Force has considered, in the time available, the following as a possible starting point. This is not intended to be exhaustive, since there are certainly other DEI-related issues (for example, a survey of the entire membership might want to consider socio-economic background), however it has been the focus of our discussions insofar as they concern voluntary member categorization:
 - Age. This is perhaps the easiest, and could already be incorporated into the member profile, along the following lines:

²¹ We considered whether, for example, it should be possible for members to identify as belonging to particular “Affinity Groups” in the membership directory. It was ultimately concluded, given the unofficial nature of these groups, and that we do not have complete visibility of them, it would not be appropriate to include such a community field within the public membership directory at this stage. We are also aware that some Affinity Groups, for example GLINTA, operate their own directory.

- 25 years or younger
- Between 26 and 34
- Between 35 and 44
- Between 45 and 54
- 55 years or older
- Prefer not to say

- Disabilities.

- No disability/no known disability
- Hearing disability
- Visual disability
- Physical disability
- Intellectual disability
- Mental health condition
- Other health condition
- Neurodiversity
- Other
- Prefer not to say

- Gender. The current options in the member profile field for “Gender” are, as noted above, “Female,” “Male,” “Not applicable,” and “Unknown.” We consider that these options should be updated as soon as possible with the following:²²

- Female
- Male
- Non-binary/ third gender
- Other*
- Prefer not to say

* We understand that there is a technical limitation with INTA’s association management system, Impexium, which only accepts pre-defined terms and not open text fields. However, if this were resolved in the future (which would be desirable) then “Other” should be amended to “Prefer to self-describe” and allow an individual to self-describe accordingly.

²² The DEI Council can consider more detailed additions at a later stage.

- Pronouns: the use of public pronouns has become commonplace in a number of organizations. We consider that INTA should offer a field to include an individual member's preferred pronouns. These could include:

- she/her/hers
- he/him/his
- their/them/theirs
- other
- prefer not to say

- Race/Ethnicity: Race and ethnicity are particularly complex for a global Association because there is no global understanding of what these terms mean. They differ from country-to-country and ethnicity, especially, can be problematic because it is often local and there are thousands of ethnicities around the world. We defer to a more detailed analysis by the DEI Council of this, but consider the following a starting point for "Race":

- Asian
- White
- Black
- Indigenous
- Mixed – More than one race
- Other*
- Prefer not to say

* Again, it would be desirable for an individual to be able to self-describe.

- Sexual orientation:

- Asexual
- Bisexual
- Heterosexual/Straight
- Homosexual/Gay
- Pansexual
- Other*
- Prefer not to say

* Again, it would be desirable for an individual to be able to self-identify.

Overlaps with The Women's Leadership Initiative

Recommendation 7: That the proposed DEI Council continue to build on the work of The Women's Leadership Initiative and that a representative of The Women's Leadership Initiative be a member of the Council. The DEI Council should consider further, together with the leadership of The Women's Leadership Initiative, whether the Initiative should form a sub-group of the Council or combine efforts with another sub-group of the Council to avoid duplication of efforts.

To coincide with International Women's Day, March 8, 2020, INTA 2020 President Ayala Deutsch launched The Women's Leadership Initiative, which aimed to address the underrepresentation of women in IP and bridge career development and leadership gaps for women in this field, regardless of geographic region, job title, or job function.

In February 2021, INTA published The Women's Leadership Initiative Report and Best Practices Toolkit,²³ summarizing key findings and recommending best practices that organizations can implement to foster inclusion and career development opportunities for women. The Report focuses on three key areas of research: women's representation in the workplace, women's career advancement, and women's work-life integration. It also outlines how INTA can support women's leadership in IP.

INTA has committed to continue the Initiative as a sustained and permanent program "that actively champions women as leaders in IP." INTA has offered and will continue to offer communication, education, and networking opportunities in this area, and is exploring a sponsorship/mentorship program involving both experienced leaders and more junior professionals who can work and learn together to further women's leadership skills and career advancement in IP. INTA is also exploring new areas of research, which may include the representation of women in senior roles at IP government bodies, notably IP offices.

The Women's Leadership Initiative 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. Naturally, there are significant overlaps with the work of this Task Force, insofar as gender is concerned, but many of the recommendations of the Initiative could apply to a greater or lesser degree to different elements of diversity beyond gender.

The Task Force met with the staff liaisons of The Women's Leadership Initiative to consider how best to collaborate on DEI issues as they pertain to gender, given that there is significant overlap. To continue the efforts of The Women's Leadership Initiative, we have already indicated (see Chapter 5, above) that a representative of The Women's Leadership Initiative should be represented on the DEI Council, to the extent The Women's Leadership Initiative does not form a fully-fledged sub-group of the DEI Council.



²³ https://www.inta.org/wp-content/uploads/public-files/perspectives/industry-research/WOMENS_LEADERSHIP_REPORT_022221.pdf

Broadening Access to the IP Profession and the Association

Recommendation 8: That INTA work to broaden access for diverse individuals to the IP profession by (1) assisting in developing a pipeline for diverse candidates to enter the profession; (2) working with the INTA Foundation to support its DEI objectives; (3) leveraging the Unreal Campaign to target diverse schools and educate students about careers in IP; and (4) working to open recruitment gateways through training, internships, and checking biases in recruiting practices.

As important as it is to take steps to improve the participation and feeling of inclusivity/belonging for INTA's diverse members, it is equally as important to ensure that INTA, and the global IP profession as a whole, have a diverse pipeline of professionals in the future.

The Task Force considered how INTA might play a role in broadening access to diverse entrants to the IP profession and, as a result, ultimately to the Association. Although the focus of these discussions was primarily on access, it was also considered important that steps be taken at all levels to improve retention and promotion prospects for people of diverse backgrounds.

The INTA Foundation

The roots of the INTA Foundation date back to 1987. It was formed originally as the Brand Names Education Foundation to advance knowledge of the nature, purpose, and value of brand names and the responsibilities associated with their use globally. In 2005, its name was changed to the INTA Foundation, with a revised mission to advance education in the field of trademarks, in addition to funding ongoing programs, including the renowned Saul Lefkowitz Moot Court Competition, an annual competition open to teams of US law school students.²⁴

Over 2020, against the backdrop of global events, the Foundation started to think about what it could do in the DEI space. It conducted surveys and focus groups to ascertain what its purpose should be. In 2021, the Foundation adopted a revitalized mission statement in the area of DEI. Its mission is as follows:

“The INTA Foundation is a charitable organization working to expand educational and professional development opportunities in intellectual property for diverse, underrepresented populations around the world. Our mission is to provide access to education and outreach activities in the areas of diversity, equity, and inclusion, and to support individuals and organizations around the world whose work relates to impacting these issues.”

The Foundation's renewed purpose reflects INTA's increasing commitment to diversity, equity, and inclusion, as well as its broader corporate social responsibility goals. The Foundation carries out its mission through donations from organizations and individuals.

The Task Force had the benefit of the guidance of Debra Hughes, Treasurer of the INTA Foundation, as an Advisory Member of the Task Force. The Task Force also held several discussions with the Board of Governors of the INTA Foundation to consider the overlap between INTA's proposed DEI work and the mission of the INTA Foundation.

The Foundation is an independent charity, and it is not within the remit of the Task Force to make recommendations for it. Nevertheless, we suggest that a member of the Foundation be included in the Diversity Council going forward

²⁴ INTA also organizes/supports the Asia-Pacific Moot Court Competition, and the Andean Community Moot Court Competition.

(see Chapter 5, above). We also suggest that the Foundation consider partnering with some of the organizations identified in our list of “Building Bridges” (see Chapter 12, below).

Given the valuable work being done by the Foundation, the Task Force considers that it should also be promoted widely in the activities of INTA, encouraging members to donate, as is currently done when registering for the Annual Meeting/Leadership Meeting. The Foundation will certainly focus on the visibility of its work in the coming years, so that it comes to the attention of the entire membership and further afield.

More information about the Foundation can be found at <https://inta.org/about/inta-foundation>.

The Unreal Campaign

The Unreal Campaign is INTA’s consumer awareness initiative designed to educate young consumers (ages 14–23) about the importance of trademarks, brands, and the dangers of counterfeit products.²⁵ Through the Unreal Campaign Committee and other volunteers, the Campaign contacts, plans, and teaches a program at schools worldwide. Currently, student presentations are available in twenty languages.²⁶ INTA has directly reached more than 65,000 students in 45 jurisdictions since the Campaign was unveiled in 2012.

The Task Force considers that the Unreal Campaign is a prime opportunity to further develop INTA’s DEI activities. Integrating diverse individuals and communities into existing outreach initiatives such as the Unreal Campaign would allow us to reach a wider range of young consumers, not only increasing the number of individuals and range of communities impacted by this campaign, but also increasing knowledge of INTA’s activities and the wider IP profession to more individuals from underrepresented groups, thereby creating new pipelines for diverse talent to be introduced to and potentially enter the profession.

We appreciate that it can often be difficult to gain entrance to schools, and that often personal contacts facilitate the organization of presentations. However, we would strongly recommend that the Unreal Campaign, with the assistance of the Building Bridges Committee, consider approaching some of the organizations mentioned in our Building Bridges chapter (see Chapter 12, below) to facilitate access to more diverse schools or communities.

Steps to Be Taken by All to Encourage Broader Access to the Profession

Later in this Task Force Report, we consider some opportunities for members to share best practices on DEI (see Chapter 11, below) as well as explore some best practices that corporations, law firms, IP offices and academic institutions are using (see Chapter 13, below). Many of those practices are relevant to increasing access to the profession as well as improving retention and promotion prospects for people of diverse backgrounds. In addition to INTA’s role in providing resources and as a facilitator for its member organizations to share best practices (see Chapter 11, below), it can also assist by generally increasing knowledge and public understanding of the IP ecosystem and possible routes to careers in the IP profession (for example, through the Public Information and/or Unreal Campaign Committees).



²⁵ <https://www.inta.org/about/unreal-campaign/>

²⁶ Afrikaans, Bosnian, Bulgarian, Chinese, Croatian, Czech, English, French, German, Italian, Japanese, Macedonian, Montenegrin, Polish, Portuguese, Romanian, Russian, Serbian, Slovenian, and Spanish.

Providing Opportunities for Members to Share Best Practices/Guidance with Peers

Recommendation 9: That INTA provide avenues for its members to share DEI best practices and guidance by (1) providing regular programming that addresses DEI issues; (2) leveraging INTA committees and industry groups, where appropriate, to share experiences and information, as well as create opportunities for advancement in the DEI space; (3) sponsoring DEI research initiatives; and (4) spotlighting brands and members that do particularly well/set an example in DEI, e.g., in the *INTA Bulletin*; podcast episodes; conferences and seminars, videos, social media, etc.

The Task Force considered how INTA might provide opportunities for members to share best practices or guidance with their peers, or otherwise contribute to external DEI developments in the IP/trademark field. We considered that there were at least four key ways to do this, namely through programming, leveraging INTA's committees and Industry Groups, through research project(s), and spotlighting brands/members that do particularly well in DEI.

Programming

INTA has already included significant (and high quality) DEI programming in its most recent events, giving meeting attendees the opportunity to learn from their peers and to hear from thought leaders. These sessions have been very well attended and have provoked interesting debate and opportunities for sharing.

Continuing to host regular DEI programming is, in the Task Force's view, a must. We discussed with the Programming Advisory Council a possible framework for such programming. Following these discussions, it is our view that there should continue to be a significant degree of flexibility for the organizers of INTA events to include DEI programming that they think would resonate well with the members. However, to ensure regularity, we consider that at least one DEI offering should be made at each of the Annual and Leadership Meetings, the Association's two flagship annual events.

In terms of programming content, we considered that it would be valuable to invite experts who have researched DEI issues and their impact on IP and the economy, for example, why so few women are named inventors of patents and how this impacts the economy, lack of legislation in many jurisdictions to protect traditional crafts or knowledge, etc.

In addition to holding educational sessions, there could also be room to add drop-in rooms or clinics in meeting/event schedules for members to freely join and discuss DEI issues.

Committee Work and Leveraging Industry Groups

There are also opportunities for members to share their experiences, best practices, etc., in the course of their committee work. For example, the Task Force is aware that the Law Firm Committee has created a DEI sub-committee for the 2022–2023 committee term, alongside a Culture sub-committee. This is very much welcomed. Similarly, we are aware that the In-House Practitioners Committee has had discussions on DEI in the recent past.

There will be many other opportunities within the committees for members to share their experiences and views on DEI insofar as they impact INTA's work, and these opportunities can be coordinated through the DEI Council, which, as proposed, would comprise many committee representatives.

INTA's Industry Groups can also be utilized to further DEI discussions. These Industry Groups are open to corporate/regular members from a range of industries (INTA welcomes new groups or subgroups being formed outside of the existing list²⁷). In addition to expanding networks of industry colleagues, the Groups offer the opportunity to exchange ideas, best practices, and insights with industry peers, including potentially sharing experiences and driving DEI initiatives for particular industries.

Conduct a Research Project

The Task Force considered whether INTA should initiate a research project with respect to DEI insofar as it affects brands and/or trademarks. We concluded that such a research project could contribute to the value of brands and the profession generally and could be a lasting member benefit. With this in mind, the Task Force has submitted to INTA for discussion purposes a Study Intake Request Form with a proposal entitled "Key DEI learnings from global brands: Challenges, successes, and best practices."

The proposed study would investigate the experiences of several global members (particularly corporations) in relation to DEI with the objective of better grasping the impact of pioneer initiatives in the market of IP professionals and the "broader community" (brand owners, law firms, IP offices, suppliers, etc.). We anticipate that such a research project would allow the experiences of different organizations to be compared and would provide qualitative data to augment the existing data and anecdotal information available as to the state of DEI in the IP profession and broader community.

As of the date of this report, further discussions are underway in respect of this research proposal with INTA's Research Department Staff and INTA's Research Advisory Council.

Spotlighting Brands and Members that Do Exceptionally Well in DEI

The Task Force also considered possible ways for INTA to spotlight brands and other members that are helping to move the dial on DEI in the IP and trademark arena.

It was clear from our discussions that companies putting money into DEI causes, or being vocal about DEI, is just part of the conversation. Such actions likely mean that an organization is committed to DEI; however, identifying success benchmarks, an evolving but critical process, is important as well. Measuring the success of diversity and leadership programs in law firms and organizations is important. For this, companies must be encouraged to participate in sharing statistics, numbers, and results on the improvements their DEI policies have affected.

There were various suggestions for INTA to potentially introduce an award during the INTA Leadership Meeting or Annual Meeting for the brands or law firms that have done exceptionally well with respect to DEI.

INTA already has INTA Service Awards for members, including the INTA Members for a Better Society Award, which is Awarded to an INTA member organization or one or more individuals at member organization(s) who have demonstrated during the year how brands positively impact society and build consumer trust through initiatives relating to: (a) corporate social responsibility; (b) diversity and inclusion; or (c) pro bono legal services.

²⁷ <https://www.inta.org/wp-content/uploads/public-files/membership/INTA-Industry-List.pdf>

Our discussions revealed concerns around issuing an award for DEI as such. Because INTA is not a DEI organization or entrenched in the DEI space, it should not be an arbiter of DEI as such. Given that INTA already has an award which encompasses DEI with respect to brands, at this time the Task Force considers that a separate DEI award would be redundant and potentially counter-productive.

We consider that INTA should use the many other mechanisms at its disposal to spotlight brands and members sharing their DEI stories, including highlights in the *INTA Bulletin*, podcasts, sharing at conferences and seminars, videos, posts on social media, etc. Of relevance here is understanding the steps these brands or members took to achieve their success, so that others may learn from it.



Building Bridges in DEI

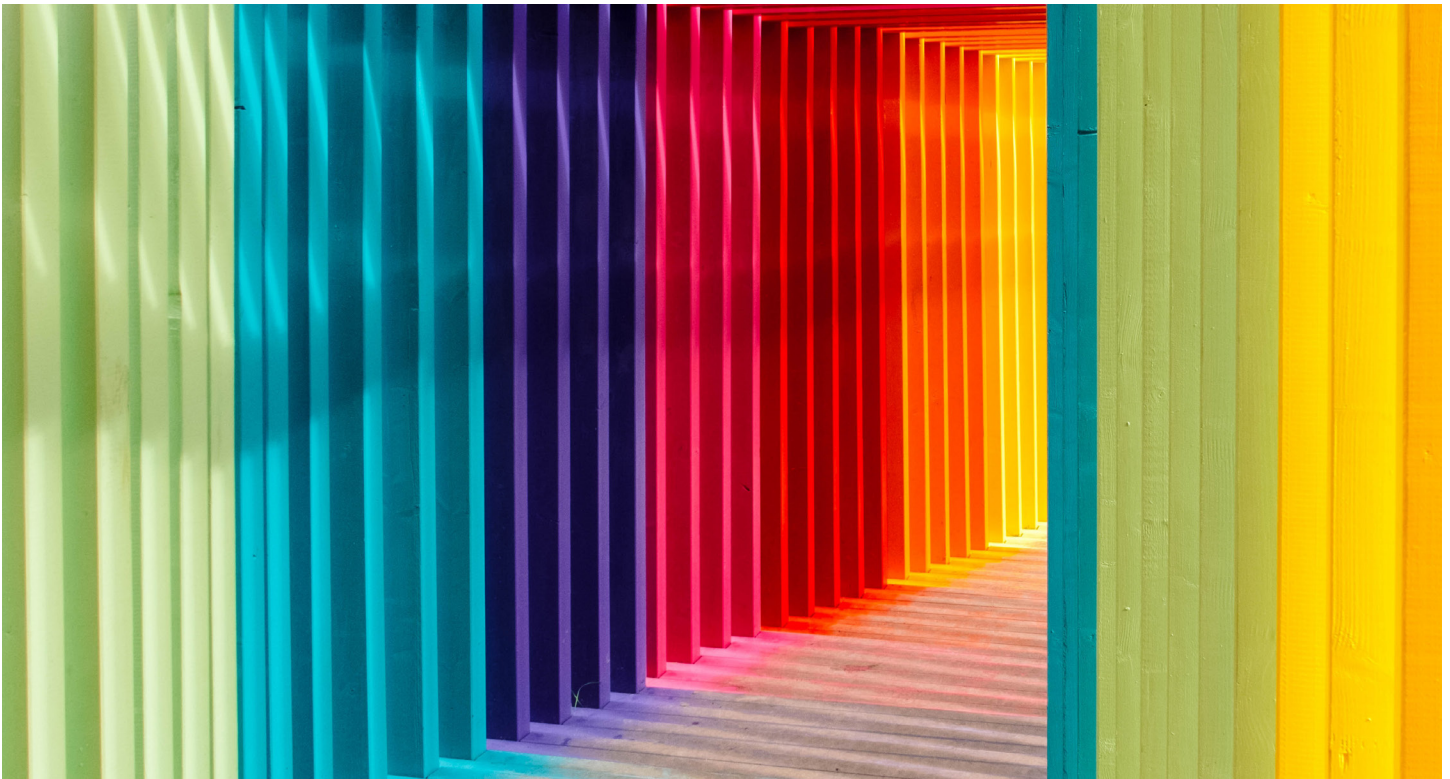
Recommendation 10: That INTA actively work (through research and recommendations of the Building Bridges Committee) to partner with other organizations, associations, and government agencies, to improve DEI within the IP profession globally.

INTA and its members do not exist in a vacuum. There are many organizations, within the IP field and broader legal field, as well as those within INTA's membership, that are focused on DEI activities, from which INTA could learn or with whom INTA could partner to improve the lives of IP professionals and make the profession more inclusive for all.

During Task Force discussions and surveys, we received numerous suggestions for possible third-party organizations with which INTA could collaborate. Some of these are groups that Task Force members either themselves belong to or are aware of, others arose from spontaneous contacts from the membership. The majority were identified through the survey of the membership. The list of potential partners in this area is contained at Appendix 4.

Time did not permit us to undertake an extensive analysis of the work of each of these organizations. However, we consider it important that the Building Bridges Committee take this task forward to review the list of potential third-party partners and identify those organizations that would be a good strategic fit for INTA, to augment the work of INTA's Strategic Plan.

To effect real change to the IP profession globally, we consider it especially important that INTA work together with IP offices (including, but not limited to, WIPO) in the DEI space.



Best Practices in DEI in the Trademark Field

Recommendation 11: That the proposed DEI Council take the work of this Task Force forward to further develop and flesh out best practices in DEI for the trademark profession, amplifying practices for specific diverse backgrounds and for the different member types within INTA, tailored to regional audiences where necessary.

The Task Force set out to compile a list of best practices or guidelines to assist member organizations with addressing issues related to DEI in the IP profession. While there is a vast body of material and guidance related to DEI generally, and even DEI in the legal profession as a whole, there is little guidance specifically aimed at the IP legal profession.²⁸ Based on reviews of literature, discussions with and research on law firms, corporates, academia, and IP offices, the Task Force has set forth a number of best practices as a starting point.

We have identified, and set out below, some general principles applicable across all areas of the IP spectrum, for some of the more established aspects of diversity, as well as some more specific practices related to corporations, law firms, academia and IP offices. Of course, no “one size fits all” approach would work in the DEI area, and regional variations exist and will always exist. Yet it is important that tangible changes be made in all sectors, and that buy-in be secured from all players in the IP profession. The Task Force recommends that the DEI Council further develop these practices into practical guidance for INTA’s membership, first setting out “easy wins,” and maintaining this guidance going forward as the needs of the profession change.

Principles Applicable to All Organizations

The Task Force identified 11 principles/practices of DEI that, in our view, apply to all types of member organizations. We recognize that the implementation and prioritization of these principles/practices will vary, depending on the region and type of organization, and that they are very high-level. Accordingly, we give more specific examples later in this Chapter.

- **Promote DEI-related activities by leadership teams to encourage engagement and healthy debate within the organization.** Organize seminars between leadership teams and employees as a forum for employees to share perspectives and experiences on diversity in the workplace, to encourage dialogue and initiate brainstorming on strategies for improvement. Devote company resources toward socializing and marketing the DEI objectives and initiatives of the company and publicize/recognize employee activities and initiatives in the DEI space.
- **Create leadership roles to address DEI issues and concerns and drive diversity efforts within the organization, e.g., Head of DEI.** For larger organizations, consider the option of creating smaller groups to champion and support DEI initiatives across the organization, ensuring participation and involvement at all levels.
- **Develop a formal company policy on DEI, namely a public facing statement of the company’s intention to create a diverse, equitable, and inclusive workplace and culture.** Also create a strategy for implementation

²⁸ There are, nevertheless, some organizations specifically devoted to DEI in the IP profession, such as [IP Inclusive](#) in the UK, and their work in this field is outstanding but largely focused on the UK.

and have a formal budget for DEI to back it up.

- **Institute training and dialogue on unconscious bias and sensitivities relating to diversity.**
- **Offer employee incentives or compensation for involvement in DEI initiatives.** Supporting the recognition and increasing the visibility of diverse employees/leaders through power lists or other external recognition is a great way to increase the visibility of diverse individuals and ensure well-deserved recognition for their hard work and achievements.
- **Facilitate mentorship opportunities, including reverse-mentoring.**
- **Engage in sponsorship opportunities with organizations promoting DEI efforts.** Contributing financially or with other resources helps promote activities that embrace/empower underrepresented groups.
- **Provide opportunities for exposure/involvement.** Allow diverse staff to show their talents and skills. Measure statistics at each level.
- **Champion existing diverse role models, particularly at senior levels.** This demonstrates to both current and potential employees that they can reach the positions they aspire to and that inclusion at every level is being taken seriously. If there are no individuals from certain backgrounds at senior levels (or even more widely) in your organization, it is worth considering why this is and identifying and addressing any potential entry or pipeline barriers or issues.
- **Ensure effective company policies, including codes of conduct, to effectively tackle and prevent discrimination and harassment against diverse employees** (for example, through zero tolerance approaches) is an important step to ensure that employees are able to raise issues and have their voices heard.²⁹
- **Review recruitment practices to reduce bias.** Consider aspects of the hiring process to determine weaknesses and potential opportunities for bias, such as the wording of job postings, the application review process, and interview methods. Commit to interview training and using anonymization tactics. Develop practices to ensure diverse people are adequately represented in leadership roles and interview processes.

Strand-Specific Principles or Practices of DEI

The Task Force also reviewed principles or practices of DEI applicable to certain strands of diversity, keeping in mind the construct of intersectionality, and recognizing that many of the practices listed are also likely to be beneficial to those with multiple identities. For example, it should not be assumed that an LGBTQ+ individual will benefit only from those best practices included in the LGBTQ+ section, given that (for example) they may also have a disability, and so may also benefit from workplace adjustments.

Race and Ethnicity

INTA In-House Benchmarking Report:



- **Establish and maintain high performing Employee Resource Groups (ERGs) for various racial and ethnic backgrounds, and allocate budget for effective maintenance of groups.**³⁰ ERGs can play a significant role in

²⁹ <https://www.traliant.com/blog/make-your-code-of-conduct-a-foundation-for-diversity-and-inclusion/>

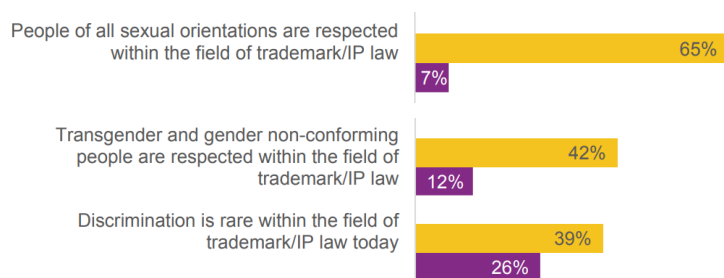
³⁰ *Emerge Stronger – Architecting a More Inclusive and Equitable Future of Work*, Spring Ed. 2020, Jennifer Brown Consulting. <https://jenniferbrownconsulting.com/thought-leadership-papers/architecting-more-inclusive-and-equitable-future-of-work/>

the attraction, development, and retention of diverse talent.³¹ They can also play a supportive role for diverse employees by creating a sense of belonging within the workplace through celebrating their identity, planning of events (such as heritage month events), creating online forums or channels to build connections, and hosting speakers and educational sessions.³²

- **Engage in sponsorship and professional development opportunities for racial and ethnic groups.** There are several external resources that host events to support underrepresented legal practitioners, including diverse bar associations, and associations directed at the development of diverse legal practitioners.³³ Organizations can demonstrate support by sponsoring or providing a budget to allow diverse employees to attend these beneficial career development events.
- **Develop a formal policy on anti-racism and take proactive measures to address racial injustice in a timely and impactful way.** The adoption of anti-racism policies is a start to ending systemic marginalization of disproportionately impacted employees. However, it is not enough to merely advertise a policy. Companies must demonstrate they are taking demonstrative steps to implement and uphold such policies. Ways to accomplish this are to: 1) establish clear goals tied to becoming an anti-racist workplace; 2) encourage a culture of “speaking up” – if individuals witness racial incidents or injustices, they should feel comfortable saying something without fear of repercussion or retaliation; 3) provide training and educational opportunities for employees to learn about injustices experienced by certain cultures and how to combat racist behavior; (4) allocate budget and resources to develop structural changes that benefit marginalized employees.³⁴

Gender Identity and Sexual Orientation (LGBTQ+)³⁵

INTA In-House Benchmarking Report:



See also UK Law Society’s “Pride in the Law” survey, in which 37% of respondents said they had experienced homophobia, biphobia, or transphobia in their workplace.³⁶

- **Awareness training** for LGBTQ+-specific issues can help ensure that employees know how to avoid making assumptions about co-workers or applicants and ensure that LGBTQ+ employees are supported to bring their authentic selves to work. For example, assuming a colleague must have a partner of a different sex when speaking to them can put people “on the spot.” Conversely, demonstrating support in the workplace for LGBTQ+ inclusion (such as by setting up a network or holding events) instead indicates to LGBTQ+ employees that they are considered an equal part of the team and that they need not worry about hiding who they are.³⁷ Where a company does not have existing internal representation or policy in place for a particular identity,

³¹ <https://corpgov.law.harvard.edu/2021/08/12/moving-the-needle-on-dei-in-the-workplace/>

³² Id.

³³ See, e.g., National Bar Association, <https://www.nationalbar.org/>; Minority Corporate Counsel Association, <https://www.mcca.com/>; Corporate Counsel Women of Color, <https://ccwomenofcolor.org/about-2/>

³⁴ <https://timesupfoundation.org/work/equity/guide-equity-inclusion-during-crisis/building-an-anti-racist-workplace/>; and <https://hbr.org/2020/09/how-to-promote-racial-equity-in-the-workplace>

³⁵ INTA’s *The Women’s Leadership Initiative Report and Best Practices Toolkit* included a best practices toolkit with measures to improve women’s representation in the workplace, career advancement, and work-life integration. Here, we are focusing more on gender identity and LGBTQ+-specific issues.

³⁶ <https://www.lawsociety.org.uk/topics/research/pride-in-the-law-experiences-of-the-lgbt-community-within-the-legal-profession>

³⁷ <https://www.myhrtoolkit.com/blog/lgbt-inclusion-in-the-workplace/>; <https://www.imd.org/research-knowledge/articles/Thrive-as-an-LGBT-executive-or-ally/>

working with an external organization is a great way of starting this conversation and growing internal focus.³⁸

- **Use gender-neutral language, where appropriate, on official documents such as company handbooks etc., and make use of gender-neutral language a wider company policy.** As well as being more inclusive of transgender and non-binary people, this is also more inclusive in respect of gender equity more widely.³⁹
- **Provide applicants/employees of all identities with the opportunity to voluntarily identify their pronouns** on application forms, email signatures, etc., should they wish to do so. This can help normalize awareness of pronouns and send a strong message to transgender and non-binary individuals that they are free to identify their own pronouns without being treated differently or singled out by others.⁴⁰

Disabilities

- **Remove psychometric testing.** Numerous studies have demonstrated that psychometric testing creates an uneven playing field for many neurodivergent people while also not correlating strongly (if at all) with job performance. Given its limited effectiveness, removal of psychometric testing may be key best practice cross-organizations.⁴¹
- **Make available workplace adjustments (also known as “reasonable adjustments” or “reasonable accommodations”) to candidates with disabilities.** Adjustments do not always involve physical changes to a workplace (although where appropriate these are of course important). Most adjustments also do not cost a significant amount⁴² and, depending on your location, government support may be available for adjustments with a significant cost.⁴³ Many workplaces have found that actions initially taken as “soft” adjustments for people with disabilities—such as ensuring clear instructions, including which activities or projects to prioritize—in fact benefit non-disabled people in the wider team just as much as physical changes, and in many cases have therefore been rolled out more widely as standard practice.⁴⁴
- **Offer adjustments, but never impose.** Applicants and employees should be made aware of the kinds of adjustments that can be offered, and effort should be made to ensure they feel comfortable asking for these. However, care should also be taken to ensure flexibility and avoid imposing a particular adjustment if it is unwanted. Each individual is different, and adjustments should always be offered but never imposed.⁴⁵

Socio-economic Status

- **Blinding CVs/applications, both to the individual and to university/school, to reduce bias.** This practice may be beneficial by ensuring that negative attitudes towards particular educational establishments (or, conversely, positive attitudes towards others) do not have an unfair impact on how individuals are judged.⁴⁶

³⁸ There are several cross-sector organizations that focus on specific LGBTQ+ identities that are happy to work with companies to run awareness sessions. For example: <https://londonbisexualnetwork.co.uk/>; <https://globalbutterflies.com/>

³⁹ <https://outandequal.org/wp-content/uploads/2018/11/OE-Non-Binary-Best-Practices.pdf>; <https://www.rsc.org/globalassets/22-new-perspectives/talent-inclusion-and-diversity/resources/lgbt-toolkit/employers-guide--embedding-lgbt-inclusivity.pdf>

⁴⁰ <https://www.thehrdirector.com/business-news/diversity-and-equality-inclusion/should-employers-mandate-the-use-of-gender-pronouns-in-the-workplace/>

⁴¹ <https://torquelaw.co.uk/beware-the-discrimination-pitfalls-of-psychometric-testing/>. In the UK, use of psychometric testing to assess people with disabilities can in certain circumstances also be unlawful – see <https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/uk-psychometric-test.aspx>.

⁴² with the average adjustment requested in the UK costing less than £100, <https://www.peoplebusiness.co.uk/disability-advice-for-employers/>

⁴³ <https://www.equalityhumanrights.com/en/multipage-guide/paying-reasonable-adjustments>

⁴⁴ <https://blogs.lse.ac.uk/businessreview/2021/12/14/how-to-ensure-equal-opportunities-for-disabled-employees/> See also https://www.purplespace.org/resources/pdf/Secrets_And_Big_News.pdf and <https://businessdisabilityforum.org.uk/policy/the-great-big-workplace-adjustments-survey-2019-20/>

⁴⁵ <https://www.gmc-uk.org/education/standards-guidance-and-curricula/guidance/welcomed-and-valued/supporting-the-individual>

⁴⁶ <https://www.independent.co.uk/student/news/exclusive-law-firm-clifford-chance-adopts-cv-blind-policy-to-break-oxbridge-recruitment-bias-9050227.html>

- **Consider contextualized recruitment.** This enables organizations to consider a person’s academic achievements against the average of the schools they attended as opposed to simply on raw figures, so that a person’s grades can be put into context against the average from the school/university they attended. This approach is taken by many organizations.⁴⁷
- **Mentoring and championing.** Implementing a scheme whereby diverse applicants/employees can benefit from senior individuals who can act as mentors and provide information regarding the “unwritten rules” of the workplace is also likely to be of significant benefit to those from non-traditional social backgrounds, who are less likely to be able to rely on picking these up from friends, family members, or acquaintances working in the sector as those from better-connected backgrounds are likely to be able to. Equally, a formal “champion” at a senior level can be particularly helpful for those without existing connections in the workplace to champion them informally.⁴⁸

Age

Organizations of all types benefit from having employees across the entire age spectrum. There is value in having age-diverse opportunities for employees to interact, and for younger workers to benefit from the experience, knowledge, and connections of older workers. Although it is important to attract and integrate younger workers, the following are some common recommendations for retaining and/or attracting older workers:

- **Communicate a commitment to retaining older workers and extend development opportunities.** Invest in training and development and improving performance management at all levels, to ensure older workers do not miss out on opportunities.
- **Offer flexible work schedules.** Sustainable flexible work schedules are likely to be beneficial to recruiting and retaining older workers. Research shows that older workers with job flexibility enjoy their work more. Offer phased retirement options and have open and honest conversations with employees without making assumptions about their caring responsibilities, health, or retirement intentions.
- **Support employee health and wellbeing.** Poor health is one of the biggest reasons for economic inactivity among those in their 50s.⁴⁹ Providing support for health and wellbeing has tangible benefits for the entire workforce.

Further guidance by member type

In addition to the cross-sector identity-wide best practice recommendations above, all of which are likely to apply regardless of the member type, there are also some considerations that specifically apply to particular sectors of the INTA membership, as well as to the IP ecosystem more broadly.

Corporate/Regular members

- **Develop, implement, and enforce policies surrounding vendor/supplier diversity to ensure vendors are satisfying diversity quotas set forth by the company.** Corporations are in a unique position to effectuate change in the diversity of the legal profession, by demanding that the suppliers and vendors they work with satisfy diversity requirements before they are awarded work.⁵⁰ Setting forth diversity requirements or quotas promotes increased diversity of the practice, provides opportunities for diverse professionals to lead and/or

⁴⁷ This is helpful in indicating where an individual may not have the best grades out of those under consideration, but has potentially significantly outperformed their peer group academically, indicating notable ability or potential on their part, which would not otherwise be obvious. <https://ise.org.uk/page/case-study-rare>

⁴⁸ <https://elba-1.org.uk/blog/mentoring-as-a-tool-for-social-mobility/>; <https://www.law.com/international-edition/2021/04/30/baker-mckenzie-launches-social-mobility-mentoring-programme-for-lawyers-and-staff/?slreturn=20211119152344>

⁴⁹ <https://www.forbes.com/sites/nextavenue/2020/07/19/the-diversity-employers-need-to-remember-age-diversity/?sh=645e65024b6b>

⁵⁰ See <https://www.mcca.com/wp-content/uploads/2018/10/Hiring-Firing-and-Inspiring-Outside-Counsel-Materials.pdf>

serve more impactful roles on their teams, and improves work product.⁵¹

In setting diversity requirements for vendors, companies should ensure not only that vendors have a diverse work pool, but also require that those diverse professionals serve as lead on significant matters or are handling a significant portion of the work.⁵² Some corporations have gone even further by providing monetary bonuses to both vendors and employees tied to diversity success in vendor/supplier relationships.⁵³

Law Firms/Associate Members

The billable-hour metric inherent to the business model of the vast majority of law firms, including in IP (whereby the firm bills clients and fee earners are judged primarily on the amount of time spent on legal work) can have a significant impact on diverse firm members. The focus on time spent means that those whose time may be more scarce than others—for example, those with disabilities or health conditions that require time be taken for medical reasons or who have a greater need to rest due to fatigue—can suffer disadvantage compared with those, often from less diverse backgrounds, who have less external time pressures. For example, research from the Bridge Group found that those from lower socio-economic backgrounds take on average a year and a half longer to reach the partnership than their colleagues from higher social groups.⁵⁴ On a pure billable hours model, this is the case even where diverse individuals are able to achieve more for their clients in less time due to greater efficiency, given that they are still restricted in time they can bill as a result.⁵⁵

This way of working can also lead (particularly when market fluctuations mean there is not enough work for every associate in a team to hit their required targets, or where communication is more difficult such as due to enforced remote working during COVID-19 restrictions⁵⁶) to individuals who are considered to have fewer external pressures or who are already better known to partners to be given a disproportionate amount of work and/or responsibility.

In addition, the time and effort of involvement in DEI initiatives can disproportionately fall upon diverse individuals as much in law firms as anywhere else (the “cultural tax” we have already mentioned in this report), and this added time pressure can also count against diverse individuals given that this is unlikely to be considered billable work and may go unrecognized in a “pure billables” model.⁵⁷

Although billable hours remain an integral part of the business model of law firms and are unlikely to disappear completely, it is prudent for firms to move away from a “pure billables” model.⁵⁸

Other firms have introduced a specific number of hours that can be spent on pro bono (free legal advice) and/or DEI activity that count toward an associates’ billable-hour targets. Some firms take this further by allowing an unlimited number of DEI hours to count toward billable-hour targets.⁵⁹

Other measures IP law firms can take to support DEI:

- **LGBTQ+ community.** Firms should consider seeking to support LGBTQ+ causes as part of their pro bono activities—for example, by supporting legal efforts to fight for the decriminalization of homosexuality globally,

⁵¹ Id.

⁵² See <https://www.law.com/corpocounsel/2021/10/25/improving-law-firm-dei-how-general-counsel-should-evaluate-and-coach-their-vendors/>

⁵³ <https://www.mcca.com/wp-content/uploads/2018/10/Hiring-Firing-and-Inspiring-Outside-Counsel-Materials.pdf>

⁵⁴ <https://www.lawgazette.co.uk/commentary-and-opinion/the-true-cost-of-billable-hours-to-the-profession-/5110469.article>

⁵⁵ <https://www.growthbusiness.co.uk/getting-rid-billable-hours-crucial-gender-diversity-law-2549953/>

⁵⁶ <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/diverse-employees-are-struggling-the-most-during-covid-19-heres-how-companies-can-respond>

⁵⁷ <https://www.bbc.com/worklife/article/20200826-how-corporate-diversity-initiatives-trap-workers-of-colour>; <https://edition.cnn.com/2018/11/28/success/diversity-work-burden/index.html>

⁵⁸ <https://www.legalleadership.co.uk/knowledge/delivering-services/finance-and-accounting/legal-services-fee-models/>

⁵⁹ <https://dfalliance.com/bright-spot-diversity-equity-inclusion-billable-hours/>

or by providing free legal advice to organizations supporting LGBTQ+ individuals.⁶⁰ Firms should also consider collaborating with best practice initiatives within the legal sector.⁶¹

- **Disabilities.** We have already referred above to the lack of suitability of psychometric testing⁶² and the importance of workplace adjustments. Implementing steps to provide alternative recognition to billable hours for fee earners is also likely to be of particular benefit to employees with disabilities, given that not only will many face external time pressures (such as healthcare appointments or extra time spent commuting to the office),⁶³ but also that many of those most heavily involved in disability DEI activity are also likely to be disabled themselves, and deserve to have this contribution recognized. It is also important for firms to recognize that the sector’s overall reputation as a competitive environment requiring long hours and quick responses from fee-earners is likely to cause a number of applicants with disabilities to consider whether private practice is the right environment for them.⁶⁴ As such, it is particularly important that law firms work to prevent applicants from “ruling themselves out” at the first hurdle, such as by:
 - Hosting disability-specific open days/internships (or partnering with organizations that offer these)⁶⁵ to demonstrate interest in and tangible support for hiring people with disabilities;
 - Firm marketing focused on initiatives that the firm has taken to ensure employees with disabilities are supported (ideally including case studies or comments from employees/leaders with disabilities themselves detailing their experiences);⁶⁶ and
 - Partnering with external organizations and initiatives focused on widening participation for people with disabilities.⁶⁷ For example, the UK organization Legally Disabled⁶⁸ has conducted research and provided recommendations for persons with disabilities in the legal profession.⁶⁹ It has worked with the Law Society of England & Wales to produce an “Easy Wins” document for disability inclusion,⁷⁰ as well as produced guidance/best practices for “reasonable adjustments” in organizations for encouraging disability participation.⁷¹
- **Social mobility.** The use of contextualized recruitment can be particularly beneficial when it comes to assessing applications to law firms, given that private practice often requires higher minimum academic grades to progress to the interview/assessment stage.⁷² Several firms have also begun to deviate from imposing academic requirements at all, with the same effect of removing this diversity barrier.

Mentors can also be particularly useful for individuals from lower socio-economic backgrounds, as they are

⁶⁰ <https://www.lawsociety.org.uk/en/topics/pro-bono/lgbt-pro-bono-rights-at-kl-gates>

⁶¹ <https://www.lawsociety.org.uk/topics/lgbt-lawyers/>; or “Good practice for law firms on creating a trans inclusive workplace” - <https://www.sra.org.uk/solicitors/resources/diversity-toolkit/lesbian-gay-bisexual-transgender-inclusion/good-practice-for-law-firms-on-creating-a-trans-inclusive-workplace/>

⁶² <https://www.totallylegal.com/article/the-watson-glaser-test-and-other-psychometric-tests-for-lawyers/>

⁶³ https://www.researchgate.net/figure/Subjective-indicators-of-time-pressure-by-disability-status-non-disabled-non-limiting_tbl1_233781935

⁶⁴ <https://www.lawcareers.net/Explore/Oracle/14042020-How-accessible-is-the-legal-profession-for-lawyers-with-disabilities>

⁶⁵ Such as Aspiring Solicitors’ Think Talent and Ambitious about Autism’s Employ Autism programmes: <https://www.aspiringsolicitors.co.uk/open-law-event-aspiring-solicitors-disabilities-long-term-health-conditions-2/>; <https://www.aspiringsolicitors.co.uk/legal-work-experience/barclays-think-talent/>; <https://www.ambitiousaboutautism.org.uk/what-we-do/youth-participation/youth-led-campaigns/employ-autism>

⁶⁶ <https://www.sra.org.uk/sra/how-we-work/reports/disability-workplace/>

⁶⁷ Such as the Law Society of England and Wales’s Lawyers with Disabilities Division and university careers services and groups focused on disability employment: <https://www.lawsociety.org.uk/topics/lawyers-with-disabilities> <https://www.york.ac.uk/students/work-volunteering-careers/student-groups/careers/>

⁶⁸ <http://legallydisabled.com/research-reports/>

⁶⁹ <http://legallydisabled.com/wp-content/uploads/2020/01/Cardiff-uni-Legally-Disabled-Executive-Summary-A4-FINAL.pdf>

⁷⁰ <https://www.lawsociety.org.uk/topics/lawyers-with-disabilities/easy-wins-and-action-points-for-disability-inclusion>

⁷¹ <https://www.lawsociety.org.uk/topics/lawyers-with-disabilities/reasonable-adjustments-in-organisations-best-practice-for-disability-inclusion>

⁷² <https://www.thelawyer.com/a-level-grades-what-do-law-firms-ask-for/>

less likely to already have existing connections with those who can act as informal champions.⁷³

It is not uncommon for certain law firms to hire specifically or preferentially from specific universities; however, this is likely to result in a reduction in socio-economic diversity given that it rules out those from non-traditional universities (who are also more likely to come from non-traditional backgrounds, and who may need to study locally due to financial pressures, a disability, health condition, etc.) who may well be the best person for the job. As such, broadening the number of universities targeted or recruited from is recommended, to ensure that law firms are selecting from the widest talent pool possible.⁷⁴

Universities/Academic Members

Of particular importance to DEI in universities and academia at the student level is “widening participation” schemes, which work to increase the number of students from underrepresented groups in higher education. This is critical because, without universities ensuring they are offering admission to the best individuals from all backgrounds—which is unlikely to be the case if certain groups are notably underrepresented—a diverse pipeline to post-graduate education and subsequently to jobs in trademarks and the wider legal sector, cannot be effectively formed.

These “widening participation” programs should include:

LGBTQ+ students. These are more likely to face multiple issues when accessing university, including poor attainment from truanting as a result of bullying, poor mental health, estrangement, and homelessness. Schemes to empower LGBTQ+ students are needed to help them reach their potential.⁷⁵

Students from lower socio-economic groups. Supporting schools (which, of course, are where the university students and academics of the future begin their education) in less advantaged areas, and offering open days, residential courses, and summer schools to students, is a good way of ensuring that those encouraged to apply to a university come from a full range of backgrounds, including those from lower socio-economic areas and households.

Students with disabilities. It is important to increase visibility of disability, and to discuss issues and foster dialogue relating to the inclusion, support, and professional progression of people with disabilities. Initiatives that discuss the adjustments and opportunities available to people with disabilities, as well as previous success stories can be of particular use in demonstrating what initiatives and support currently exist. Clearly, buildings used by universities and other academic institutions must also be inclusive of the needs of people with physical disabilities.

Academic institutions can also facilitate workshops in which students or other individuals can learn from and interact with experts from the trademark profession, especially those with lived experiences that are like those of diverse students. Ultimately, such opportunities allow individuals to see role-models similar to themselves and allow them to build skills and knowledge of opportunities to progress in the trademark profession.

Case studies of some successful DEI practices in action can be found in Appendix 5.

⁷³ <https://elba-1.org.uk/blog/mentoring-as-a-tool-for-social-mobility/>; <https://www.law.com/international-edition/2021/04/30/baker-mckenzie-launches-social-mobility-mentoring-programme-for-lawyers-and-staff/?slreturn=20211119152344>

⁷⁴ <https://hbr.org/2015/10/firms-are-wasting-millions-recruiting-on-only-a-few-campuses>; <https://www.forbes.com/sites/paologaudiano/2018/03/19/recruiting-talent-from-top-schools-is-a-terrible-idea/?sh=f90c05f271c2>

⁷⁵ King’s College London’s widening participation program (KCLWP), for example, recognises that it is best practice to focus on LGBTQ+ people as a target group and runs a “Pride Power” scheme: <https://www.kcl.ac.uk/study/outreach/widening-participation>

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The input of the INTA Board of Directors, including initially through a survey and then later through intensive discussions across multiple Board meetings, was very instructive in defining the objectives and direction of the Task Force.

The Task Force would also like to thank the Board of Governors of the INTA Foundation, as well as Monica Su and Dolores Moro, staff liaisons of The Women's Leadership Initiative, for their time and contributions.

The Task Force would also like to thank the moderators of the seven committee focus groups, Deborah Hampton, David Lossignol, Marion Heathcote, Lara Kayode, Janice Bereskin, and Paul McGrady, as well as the 70+ committee members who joined and actively participated in those focus groups.

Finally, the Task Force would like to thank the membership at large for its thoughtful and candid responses to the membership survey conducted in November 2021, as well as every individual who contributed to the Task Force and the content of this final report.

Survey of General Membership

The Survey's Objectives

The objectives of the survey of members were to:

1. determine what particular aspects of DEI members would like INTA to address;
2. learn whether members have faced any obstacles in their participation in INTA; and
3. to obtain recommendations on DEI initiatives from members.

Methodology

The survey consisted of 15 questions, of which 10 questions were closed-ended (with space for comments), three questions were open-ended, one question asked for contact details, and one question for geographical region.

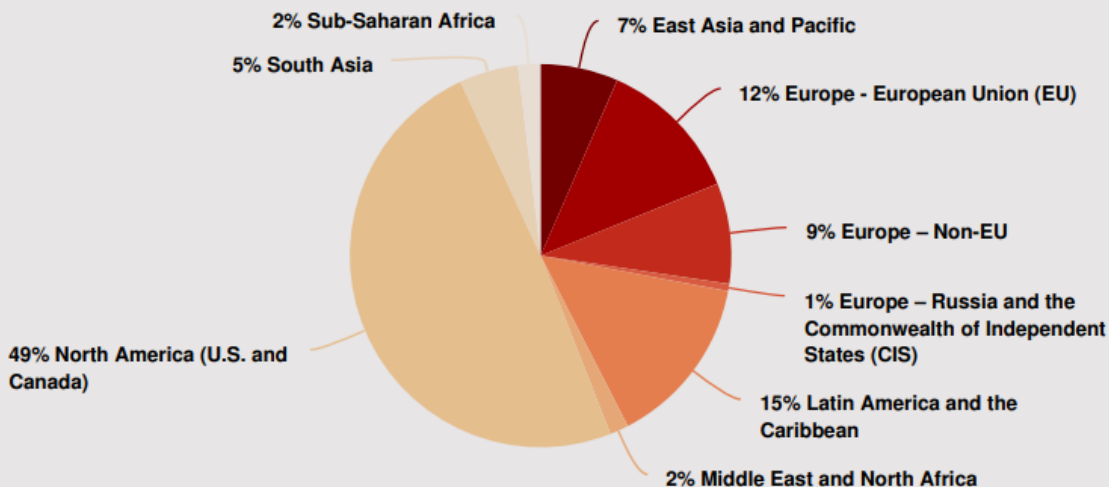
The survey was open to all INTA members. The survey schedule was:

- Sending date: Wednesday, November 10, 2021
- Reminder date: Friday, December 3, 2021
- Closing date: Original deadline Sunday, December 5, 2021; extended to Friday, December 10, 2021

The survey was kept short and simple to encourage more members to respond. The option of “Race” was unintentionally omitted from the survey’s questions about different aspects of DEI and should be included in similar surveys in the future.

The survey was sent to around 30,000 members. The total number of responses was 619 of which 317 were complete and 302 were partial. In addition to reviewing the global results, the Task Force analyzed the results broken down into the geographical regions set out in the chart below. Most responses were from members based in North America.

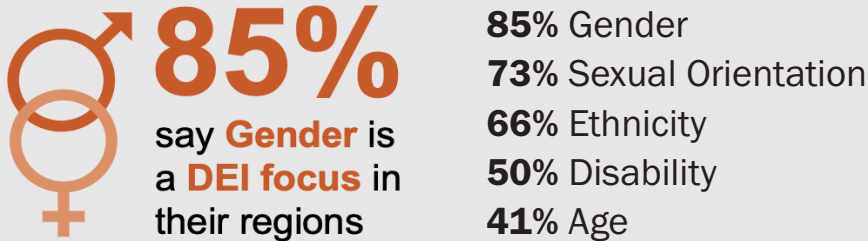
In which region of the world do you live?



Findings

Backdrop

As a backdrop to the responses, members were asked which aspects of DEI are in focus in their region or geography. The ranking of the Global Responses (i.e., the total of all responses regardless of region) from a pre-determined list of options is as follows:



Except for North America, where “Ethnicity” ranked the highest, all other regions had “Gender” as the focus.

Under “Other,” the 58 responses included Race, Salary parity, Gender identity, Transgender, Mental health, Veteran status, Educational qualifications, Migration, Socio/Economic, Religious backgrounds, and Political backgrounds.

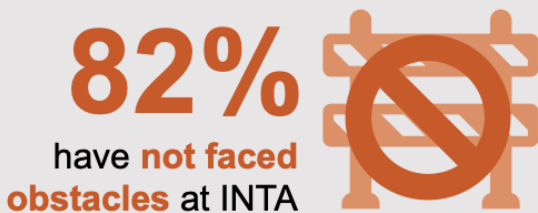
1. To determine what particular aspects of DEI members would like INTA to address.

When asked about any aspect members believe INTA should prioritize, the ranking of the Global Responses from a pre-determined list of options was as follows:



Under “Other,” the responses included Race*, Non-attorney, Religion.

2. To learn whether members have faced any obstacles in their participation in INTA.



A majority of 82 percent of respondents indicated that they have not faced any obstacles at INTA; however, 18 percent indicated that the barriers encountered include:

- Trademark administrators feel overlooked for important roles or opportunities as they are not attorneys.

“ I am **often overlooked** for important roles or opportunities because of **‘being just a paralegal’**. ”

- A lack of transparency in the selection of members to serve on panels and committees.
- One member recalled the use of racially pejorative language amongst non-black lawyers.
- Members outside the US or non-native English speakers find it difficult to participate due to language barriers or time zone differences.

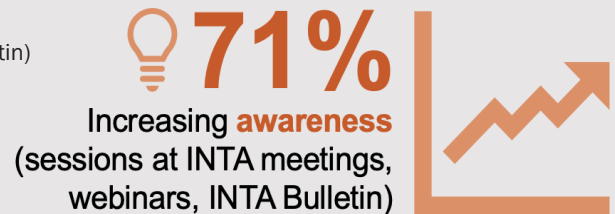
When asked if members felt that their unique attributes and background are valued and taken into consideration by INTA, a majority of 71% agreed, while 29% disagreed.

When asked if members received the necessary support to fully understand their Committee/ Subcommittee objectives and were free to express their opinions and ideas to meet the subcommittee objectives, almost 87% agreed, 8.3% neither agreed or disagreed, and about 4% disagreed.

3. To obtain recommendations on DEI initiatives from members.

In response to what INTA should do to improve DEI, the ranking of the Global Responses from a predetermined list of options was as follows:

- 71%** Increasing awareness (sessions at INTA meetings, webinars, INTA Bulletin)
- 54%** Formal DEI Policy
- 40.5%** Include DEI in external events such as Unreal Campaign
- 38.3%** Highlight informal affinity groups
- 31.0%** Collect and track membership data (within confines of the law)



Under “Other,” the responses included communicating in different languages, monitoring leadership to strive for more diverse and women leaders, creating a diverse pipeline of future trademark practitioners, summer internships and programs for diverse students and individuals who face barriers to opportunities, and mentorship programs.

In response to what INTA can do to increase diversity in membership, attendance at conferences, participation in committees, leadership roles, the ranking (from most to least important) of the Global Responses from a pre-determined list of options was as follows:

- 1st** – DEI representation in board, advisory council and committees, speaking panels
- 2nd** – Mentoring programs
- 3rd** – Diversity training
- 4th** – Co-operation with external associations
- 5th** – Use of inclusive language



When asked what type of initiatives their company or firm successfully introduced in connection with DEI that would be appropriate for INTA to adopt, respondents suggested diversity training, use of inclusive language, mentoring programs, cooperation with external associations, and quotas in departments.

Additional feedback given by members on how INTA can improve its DEI initiatives included forming a small committee from the general member population to brainstorm, and INTA leading the way by encouraging its member firms to be more inclusive.

Conclusion

The survey results confirm that the majority of respondents support INTA continuing with INTA initiatives bearing in mind regional issues. Members felt that INTA has a role to lead by example in creating a more inclusive environment and encouraging members to do so.

The majority of respondents support DEI initiatives at INTA, especially with regard to raising awareness amongst members and creating a formal DEI policy. Members felt that issues relating to Ethnicity* should be prioritized.

The majority of respondents did not face major obstacles to participating at INTA. The barriers that were raised included high cost of membership and registration for events, lack of inclusion of trademark administrators in leadership roles, and that INTA is perceived to be US-centric. A recommendation for members to abide by a code of conduct for in-person meetings was also raised.

A minority expressed DEI fatigue or felt such initiatives were biased, preferential, or divisive, and that INTA's focus should return to core areas of trademark informational services and member support.

***Caveats**

The sample size of responses is small with only 2 percent participation from members. Most of the responses were from members based in North America. "Race" was inadvertently omitted from the list of predetermined options and the findings relating to "Ethnicity" should be viewed with this in mind.

Summary of Focus Groups

We had four meetings of focus groups, in various time zones. Each group had two moderators (recommended by the Task Force), as well as two observers from the Task Force. Three Focus Groups were divided in two break out rooms, and one met as a single group, creating a total of seven group discussions.

The focus groups had participants from the following Committees, which the Task Force believed would have potentially addressed or dealt with DEI issues during the 2020/2021 committee term.

Committees
Academic Committee
Brands for a Better Society Committee
Building Bridges Committee
Indigenous Rights Committee
In-House Practitioners Committee
INTA Bulletins Committee
Law Firm Committee
Leadership Development Committee
Public Information Committee
Trademark Administrators Committee
Unreal Campaign Committee
Young Practitioners Committee

The participants of the focus groups were recommended by the Leadership of their committees as well as by their INTA staff liaisons.

All focus groups were presented with the following set of questions:

- What are the committees doing in the DEI space and what are some challenges?
- Would having a DEI council help?
- How can INTA measure and track diversity?
- What are some specific challenges in the DEI space for corporations?
- What are some specific challenges for IP law firms in the DEI space?
- Any comments on how DEI is addressed in the academic field [at both levels/professors and students]?

Bearing in mind this format and context, the following is a summary of the perceptions of the participants of the focus groups.

FOCUS GROUP SUGGESTIONS

- DEI Ambassador that could enhance discussions on DEI within each committee. INTA could identify these Ambassadors during the DEI sessions that are currently held in its seminars or could open applications for volunteers.

- DEI Council or Committee. The suggestion was that the council or committee should have a transversal participation in other committees to ensure that DEI is a topic. The terms “oversight body” and “high level of gravitas” were mentioned leaning toward the concept of a council.
- DEI Directive or DEI Policy by INTA (What is the framework of DEI that committees should have? How to create a DEI culture within INTA and its members? INTA is inherently diverse, because we have people from all over the world, with different ethnicities, religions, etc., so what are we looking for?)
- Census: (1) There was a recurring suggestion within the groups that INTA could allow the voluntary addition of information to the profiles of its members. The suggestions involved gender, race, ethnicity, LGBTQ+ info, disability, age, nationality, and language. (2) There was also a suggestion that an anonymous census be carried out by a third-party vendor (guaranteeing the non-disclosure of respondents and being data privacy compliant minimizing risks for INTA).
- Creation of a forum for exchange of best practices in for the In-House and Law Firm Committees.
- DEI Training sessions directed to INTA leaders (who need to lead by example) and a mandate from INTA for leaders to include DEI topics in their committees.
- There should be a quota for young people to join committees in the selection process.
- Intentionally seek out diverse speakers for INTA events (including for non-DEI topics).
- Promotion of the trademark profession through INTA liaising with universities and targeting diverse students to create a pipeline.

CONCERNS

- There were repeated comments that INTA is still extremely US-centric.
- US- and Europe-centric time zones were mentioned as non-inclusive practices (it was mentioned that, because of time zone issues, geographical subcommittees covering Australia, India, Africa were set up – but is that inclusive or the opposite?).
- Predominant (almost exclusive) use of English was also pointed out as a non-inclusive factor.
- High costs were also mentioned as a non-inclusive factor (there were suggestions of lower costs being offered to Trademark Administrators, and Young Practitioners).
- Low representation of Trademark Administrators in INTA events (there was a suggestion to link discounts that are offered to corporations to the registration of Trademark Administrators).

POSITIVES

- Focus group participants had an overall impression that there is an active concern by INTA to have broad geographical representation in all the committees (although this information is not easily accessible).
- Participants had an overall impression that there is an active concern by INTA to have gender balance in Committees Leadership positions (although this information is not easily accessible).
- INTA has included multiple top-quality DEI sessions on its events and conferences.

COMMENTS

- With a few exceptions, most committees have not reported on past DEI activities.
- There is a different level of commitment to and understanding of DEI depending on cultural and geographical factors (Starting from different point in Asia: Lack of discussion in homogenous societies and issues of hierarchy; Culture of shame and saving face – data/targets/tracking could repel participation; How will this play out in Asia, and how much will it apply to me? How much of this will my firm understand or care for compared to Western countries where there is an established foundation for DEI? Starting from members from some European countries – Should INTA have DEI as focus; There is an overall discussion about gender balance and equity but other intersectionalities are not yet a topic or a concern.)

The Work of the Nominating Committee and Committee Appointments

The Work of the Nominating Committee

The Nominating Committee's Role

The Nominating Committee is a committee of the INTA Board that is charged each year with recommending to the INTA Board a slate of individuals for leadership positions within INTA. The specific number of positions varies year to year (depending on how many positions are open on the Board and, in a committee selection year, the number of committees). The Nominating Committee nominates individuals to serve for the following roles:

Officers: Each year, on average, the Nominating Committee is trying to fill six officer positions (President, President Elect, two Vice Presidents, Treasurer, and Secretary). All officer terms are for one year and all officers must be employees of Regular Members. Typically, once an individual is nominated as an officer, the following year the Nominating Committee will nominate that individual for the position that follows that officer position in succession. So, that means the Nominating Committee is identifying only one new officer each year—the Secretary.

INTA Counsel: The Nominating Committee is also charged with nominating INTA Counsel. Counsel serves as the volunteer legal advisor to the Association and is appointed for a one-year term with the possibility of a second term.

Members of the Board. The Nominating Committee nominates Board of Director members. This position is held for a three-year term. Members rotate off each year, so each year the Nominating Committee is looking to fill only those positions where a Board member is rolling off (10 or so). As per the bylaws, the number of Board of Directors should not exceed 37 (including the President). Having a Board of this size helps the Nominating Committee ensure diversity. Also, there is a requirement that two-thirds of the Board be Regular Members.

Committee Chairs and Vice Chairs of 37 Committees. The unwritten policy is that a vice chair of a committee is typically recommended to be chair of that committee in the following term (provided the vice chair has been engaged and active, which is usually the case). For vice chair positions, the Nominating Committee relies on recommendations from the staff and feedback from the exiting chair and incoming chair. It is likely that a vice chair will come from a leadership position as subcommittee chair. INTA also introduces new committees every now and then, and in such cases the Nominating Committee is soliciting nominations for leadership from the very beginning.

Programming Advisory Council (PAC), Global Advisory Councils (GACs) and Research Advisory Council (RAC). Members of these councils are experienced INTA members who examine issues holistically and strategically. Based on staff recommendations, the Nominating Committee appoints the members of the PAC, the co-chairs of the eight regional GACs, and the RAC coordinator.

Advisory Directors of the Board of Directors. The Nominating Committee is also tasked with appointing up to three Advisory Directors to the INTA Board. They are non-voting members of the Board and cannot be INTA members. For these positions, subject matter experts are chosen from non-trademark areas where the Nominating Committee feels that feedback from these people would be valuable to the Association.

Composition of the Nominating Committee, Process and Selection Criteria

The Nominating Committee is chaired by the immediate past INTA President. The two preceding presidents also serve on the Nominating Committee. In addition, there are two Regular and two Associate members, making a total of seven members.

Discussions of the Nominating Committee are confidential and there are several things to balance. From our discussions with the most recent Nominating Committee, it is clear that the process of selecting candidates is focused on diversity as a broad category. In the recent past, the Nominating Committee has been focused on gender, industry, racial, and ethnic diversity.

INTA has done very well in gender diversity with almost or even greater than 50 percent female representation in leadership positions: Since 2000, 11 INTA Presidents have been women; and currently, four of the six Officers of the Board of Directors, 16 of the 31 other Board Members, and 43 of the 74 committee chairs and vice chairs are women.

In terms of criteria for selection, all the nominees for any position should have:

- demonstrated in-depth knowledge of trademark law and complementary IP law;
- engaged in the practice of trademark law and complementary IP law for sufficient period of time to demonstrate an appreciation of the issues facing INTA;
- demonstrated leadership skills; and
- demonstrated a level of commitment to INTA (i.e., the candidate's INTA history is considered).

These criteria do tend to weigh in favor of more experienced INTA members. However, the Nominating Committee has pushed to get younger members involved in leadership, balancing those appointments with experienced members. In doing so, they are trying to broaden the age dimensions of leadership.

The Task Force asked various questions relating to the Nominating Committee's work. Below are a few representative responses along with the questions:

Q. In the absence of complete data on demographics (useful indicators in ensuring diversity) within INTA, how do we potentially infuse these components into the nominating process?

A. This is a challenge the Nominating Committee has faced and expressed. For top leadership positions, someone in the Nominating Committee usually knows that person and about their diversity profile. So, the personal connections for the top positions serve us well in this regard. However, assessing the diversity of committee leadership nominees is tricky just based on the available information like region, industry, etc. This is something we would eventually have to fix. To the extent we can legally do this and make it voluntary, we could look at enabling members to self-identify in their INTA profiles. This would socialize members to the idea that this is data INTA would like to make itself diverse in every way.

Q. Are there any proactive steps the Nominating Committee takes to ensure representation from underrepresented regions/countries? There are likely prospective leaders from such places who may be put off due to language barriers. Are there mentoring outreaches to such members?

A. The language issue has been a big reason for hesitancy among potential leaders from certain parts of the world. Yes, INTA does try to help such people. In recent years, we have done better at cultivating membership in Latin America. There are certain parts of Asia where we have been more successful than others. Generally, we have a harder time finding corporate members for Board positions from these regions. So, the Nominating Committee is

working especially hard to identify and cultivate leaders from these developing markets. Such people are flagged in the Nominating Committee's notes and opportunities are given to them to cultivate them for leadership positions.

Q. What other information could facilitate the Nominating Committee in considering nominations?

A. When considering a potential leader, we don't easily have access to how that person is demonstrating leadership outside INTA, whether it's in their own organization or in the community or country. That sort of robust information could be useful to the Nominating Committee, if someone is a little light on INTA experience.

Q. Where does the Nominating Committee get recommendations for Board Advisory Directors? Could an Advisory Director specialized in DEI be considered?

A. This is something new and there is no formal submission process. The Nominating Committee, based on the strategic goals of INTA could feel that something is a significant priority, and the Association would benefit from expertise on a certain topic from outside its membership. In fact, there has been discussion that the time may be right for bringing in a DEI Advisory Board Member (non-INTA member).

It was clear from our discussions that the Nominating Committee looks at the aggregated data from a DEI perspective provided by INTA that highlights the various DEI components, and the selection is done through multiple steps to try to ensure diversity. However, there are difficulties in ensuring complete diversity at all levels due to lack of information about all potential candidates.

The Appointment of Committee Members

The appointment of volunteer members to INTA's committees is done by INTA staff following a call for volunteers among the membership that takes place every two years.

Applicants volunteering for a committee are asked the following information in the online application form:

- Name, organization affiliation, region;
- First preference for committee, second preference for committee, and whether they are willing to be on any committee if they do not get their first or second choice;
- Subject matter expertise (many options that can be check-boxed);
- Regional expertise; and
- Question – How would you be able to support or contribute to the work of the committee that you are applying for?
- In the most recent committee appointment process, gender information (male, female, blank) was pulled, which would only show if a member filled this out in their INTA profile.
- To this application, INTA adds:
 - Applicant's committee history;
 - Engagement level – participation in Annual Meeting and Leadership Meeting; and
 - Member category (Regular, Associate, etc.)

Staff liaisons review this metadata based on all the above information and on the size requirements of the committee based on its objectives and work. The committees are populated as a mix of member categories, experienced and new members, regional and subject matter experts. All Regular Members that apply are usually placed on a committee.

Building Bridges

Below is a list of recommended entities with whom INTA can explore potential partnerships to improve DEI within the IP profession globally.

Acronym	Full Name	Region/Country	Website
AABE	African American Professional Association	United States	https://www.newpaltz.edu/media/diversity/African%20American%20Professional%20Associations.pdf https://www.newpaltz.edu/media/diversity/African American Professional Associations.pdf
AARP	American Association of Retired Persons	United States	https://www.aarp.org/
ABA	ABA Diversity & Inclusion Center	United States	https://www.americanbar.org/groups/diversity/ https://www.americanbar.org/groups/diversity/
ABA	ABA Section of Intellectual Property Law	United States	https://www.americanbar.org/groups/intellectual_property_law/ https://www.americanbar.org/groups/intellectual_property_law/
ABDI	Acacias Brasileira da Propriedade Intelectual	Brazil	https://abpi.org.br/
ACC	Association of Corporate Counsel	United States	https://www.acc.com/
ACLU	American Civil Liberties Union	United States	https://www.aclu.org/
ACWF	All-China Women's Federation	China	-
ADL	Anti-Defamation League	United States	https://www.adl.org/
AIPLA	American Intellectual Property Law Association	United States	https://www.aipla.org/
AIPPI	Association Internationale pour la Protection de la Propriété Intellectuelle	Switzerland	https://aippi.org/
AMJA	Assembly of Muslim Jurists of America	United States	https://www.amjaonline.org/
MAPP	Asociación Mexicana para la Protección de la Propiedad Intelectual	Mexico	https://amppi.org.mx/
APAA	Asian Patent Attorneys Association	Asia	https://apaaonline.org/
ASIPI	Asociación Interamericana de la Propiedad Intelectual	Latin America	https://www.asipi.org/

Acronym	Full Name	Region/Country	Website
ASSOCHAM	Associated Chambers of Commerce & Industry of India	India	https://www.assochem.org/
BLM	Black Lives Matter	United States	https://blacklivesmatter.com/
BPIP	Badan Pembinaan Ideologi Pancasila	Indonesia	https://www.bpip.go.id/ https://www.bpip.go.id/
BSN	Black Solicitors Network	United Kingdom	https://www.blacksolicitorsnetwork.co.uk/ https://www.blacksolicitorsnetwork.co.uk/
CABL	Canadian Association of Black Lawyers	Canada	https://cabl.ca/
CCDI	Canadian Centre for Diversity & Inclusion	Canada	https://ccdi.ca/
CCL	Center for Creative Leadership	United States	https://www.ccl.org/
CCWC	Corporate Counsel Women of Color	United States	https://ccwomenofcolor.org/
ChIPS	Chiefs in intellectual property	United States	https://chipsnetwork.org/
ChiWIP	Chicago Women in IP	United States	https://www.chiwip.org/
CII	Confederation of Indian Industry	India	https://www.cii.in/
CIPC	Companies and Intellectual Property Commission	Africa	http://www.cipc.co.za/ http://www.cipc.co.za/
CITMA	The Chartered Institute of Trade Mark Attorneys	United Kingdom	https://www.citma.org.uk/ https://www.citma.org.uk/
CUC	Communication University of China		-
DCA	Diversity Council Australia	Australia	https://www.dca.org.au/ https://www.dca.org.au/
ECTA	European Communities Trade Mark Association	Belgium	https://ecta.org/
FACL	Federation of Asian Canadian Lawyers	Canada	http://on.facl.ca/
FICCI	The Federation of Indian Chambers of Commerce & Industry	India	https://ficci.in/
FICPI	Fédération Internationale Des Conseils En Propriété Intellectuelle	Switzerland	https://ficpi.org/
GLAAD	Gay and Lesbian Alliance Against Defamation (formerly known as)	United States	https://www.glaad.org/
HACU	Hispanic Association of Colleges and Universities	United States	https://www.hacu.net/
HNBA	Hispanic National Bar Association	United States	https://hnba.com/

Acronym	Full Name	Region/Country	Website
HRC	Human Rights Campaign	United States	https://www.hrc.org/
	InterLaw (Diversity Forum)	United Kingdom	https://www.interlawdiversityforum.org/
IBA	International Bar Association		https://www.ibanet.org/
IILP	Institute for Inclusion in the Legal Profession	United States	https://www.theiilp.com/
INAPI	Instituto Nacional de Propiedad Intelectual E Industrial	Chile	https://www.inapi.cl/
IPIC	Intellectual Property Institute of Canada	Canada	https://ipic.ca/
IPO	Intellectual Property Owners Association	United States	https://ipo.org/
IPREG	Intellectual Property Regulation Board	United Kingdom	https://ipreg.org.uk/
ISACA	Previously known as the Information Systems Audit and Control Association	United States	https://www.isaca.org/
LCLD	Leadership Council on Legal Diversity	United States	https://www.lclldnet.org/
LCLD	Leadership Council on Legal Diversity	United States	https://www.lclldnet.org/
LES	Licensing Executives Society (U.S.A. and Canada), Inc.	North America	https://www.lesusacanada.org/
MCCA	Minority Corporate Counsel Association	United States	https://www.mcca.com/
MULA	Multicultural Undergraduate Law Association	United States	https://latinocaucus.psu.edu/delegate-organizations/professional/mula/ https://latinocaucus.psu.edu/delegate-organizations/professional/mula/
NAACP	The National Association for the Advancement of Colored People	United States	https://naacp.org/
NAEDI	National Association for Equity, Diversity and Inclusion	United States	https://www.naedi.org/
NAMWOLF	National Association of Minority & Women Owned Law Firms	United States	https://namwolf.org/
NAPABA	National Asian Pacific American Bar Association	United States	https://www.napaba.org/
NAWL	National Association of Women Lawyers	United States	https://www.nawl.org/
NBA	National Bar Association	United States	https://www.nationalbar.org/

Acronym	Full Name	Region/Country	Website
NBLSA	National Black Law Students Association	United States	https://www.nblsa.org/
NCBL	National Conference for Black Lawyers	United States	https://www.ncbl.org/
NCAI	National Congress of American Indians	United States	https://www.ncai.org
NNABA	National Native American Bar Association	United States	https://www.nativeamericanbar.org/
NPHC	Divine Nine/National Pan-Hellenic Council	United States	https://nphchq.com/millennium1/
OutNEXT	Out Leadership	United States	https://outleadership.com/
PBNU	Nihilated Ulama	Indonesia	https://www.nu.or.id/ https://www.nu.or.id/
PFIP	Philippine Financial & Inter-Industry Pride	Philippines	https://www.pfip.com.ph/ https://www.pfip.com.ph/
REACT	React - The Anti-Counterfeiting Network	HQ in The Netherlands	https://www.react.org/
SABA	South Asian Bar Association	North America	https://sabanorthamerica.com/
SPLC	Southern Poverty Law Center	United States	https://www.splcenter.org/
TLDEF	Transgender Legal Defense & Education Fund	United States	https://transgenderlegal.org/
TOLI	The Olga Lengyel Institute for Holocaust Studies and Human Rights "TOLI"	United States	www.toli.us
UCDAVIS	University of California, Davis - site lists external professional organizations focused on diversity & inclusion	United States	https://diversity.ucdavis.edu/organizations https://diversity.ucdavis.edu/organizations
UKIPO	UK Intellectual Property Office	United Kingdom	https://www.gov.uk/government/organizations/intellectual-property-office https://www.gov.uk/government/organizations/intellectual-property-office
UNICEF	United Nations International Children's Emergency Fund		https://www.unicef.org/
WIN	Women Inter-Industry Network		No website
WIPO	World Intellectual Property Office	Switzerland	https://www.wipo.int
YWCA	Young Women's Christian Association	United States	https://www.ywca.org/

Acronym	Full Name	Region/Country	Website
ZIPTA	Zimbabwe Institute of Patent & Trademark Agent	Zimbabwe	https://www.facebook.com/Zimbabwe-Institute-of-Patents-and-Trade-Mark-Agents-819688044809999/ https://www.facebook.com/Zimbabwe-Institute-of-Patents-and-Trade-Mark-Agents-819688044809999/
	Australia Council for the Arts	Australia	https://australiacouncil.gov.au/
	CEO Action for Diversity & Inclusion	North America	https://www.ceoaction.com/
	COLOMBIA DIVERSA	Colombia	https://colombiadiversa.org/eng/quienes-somos/ https://colombiadiversa.org/eng/quienes-somos/
	College of Patent Agents & Trademark Agents	Canada	https://cpata-cabamc.ca/
	Diversity Lab	United States	https://www.diversitylab.com/
	Global Dignity	United States	https://globaldignity.org/
	Grit & Flow	United States	https://www.gritandflow.com/
	HR Rewired	United Kingdom	https://hr-rewired.com/
	National Implicit Bias Network	United States	https://implicitbias.net/
	India Diversity Forum	India	https://indiadiversityforum.org/
	InterLaw (Diversity Forum)	United Kingdom	https://www.interlawdiversityforum.org/
	Involve UK	United Kingdom	https://www.involvepeople.org/
	IP Inclusive	United Kingdom	https://ipinclusive.org.uk/
	JobsForHer	India	https://www.jobsforher.com/
	Juristinnen Schweiz/ Femmes Juristes Susses	Switzerland	https://lawandwomen.ch/kontakt
	Lamda Legal	United States	https://www.lambdalegal.org/
	Law Society of England & Wales	United Kingdom	https://www.lawsociety.org.uk/
	LGBTQ Bar Association	United States	https://lgbtqbar.org/
	Marques	United Kingdom	https://www.marques.org/
	Mindful Business Charter	United Kingdom	https://www.mindfulbusinesscharter.com/
	National LGBTQ Bar Association	United States	https://lgbtqbar.org/
	Society for Diversity	United States	https://www.societyfordiversity.org/
	Taiwan Tongzhi Hotline	Taiwan	https://give2asia.org/taiwantongzhi/
	The Winters Group, Inc.	United States	https://www.wintersgroup.com/
	The Playing Field Project	United States	https://theplayingfieldproject.org/

Case Studies

CORPORATES

Case Study: Novartis

<https://www.novartis.com/about/diversity-inclusion>

Novartis tackles Diversity & Inclusion from different angles and has integrated this perspective to all areas of business, internally as well as externally.

I. Equity

As an organization, Novartis actively promotes Lesbian, Gay, Bi, Trans, Queer & Intersex (LGBTQI) equity and awareness at work and in the wider society. Novartis wants everyone to be free, to be their best and true selves at work without fear of discrimination. They were the first global pharmaceutical company to support the United Nations Standards of Conduct for Business, tackling discrimination against LGBTI People. Novartis has 20 LGBTQI Employee Resource Groups in 14 countries. Within Novartis it is recognized that senior champions play a crucial role in setting an example for culture, behaviors, and inclusion at Novartis. That is why a senior leadership team who are active allies and advocate for LGBTQI equality globally was established.

1. Disability equity

Novartis is a member of the ILO Global Business and Disability Network, which promotes the inclusion of people with disabilities in workplaces around the world. Novartis also works in collaboration with the Center for Disability Integration at the University of St. Gallen, to identify and develop best practice solutions to enable people with disabilities to participate as equal members of the organization. Novartis is a member of the Valuable 500, supporting a global movement to drive systemic change and innovate together for disability inclusion.

All forms of discrimination or harassment are addressed by the Code of Ethics, which provides its associates with a safe and confidential process to report any misconduct.

2. Equal Pay International Coalition (EPIC) Commitments

In 2018, Novartis made a public pledge with the Equal Pay International Coalition (EPIC) to achieve gender balance in management at Novartis and further improve pay equity/transparency processes by 2023. Four specific commitments have been made, which aim at positively impacting the overall pay gap and setting an example for other organizations to follow, thereby driving change in society more broadly.

a. Monitor pay equity with global consistency

b. Remove bias from the system

Eliminate the use of historical salary data when making internal and external offers and focus on an objective assessment of a candidate's relevant experience, education, and competency against internal and external benchmarking data to remove possible bias.

c. Create pay transparency

Share with associates their pay as compared to external (where available) and/or internal benchmarks.

d. Achieve gender balance in management by 2023

II. Inclusivity

Novartis provides associates with educational training on inclusivity. The aim is to build a culture that stimulates curiosity and promotes opportunities to learn from and embrace all diverse perspectives and for associates to be able to be inspired, curious, and unbossed. This requires a safe and supportive working environment where associates can discuss, experiment, take risks, give feedback, and learn from mistakes.

1. Inclusive leadership

Novartis is focused on developing self-aware leaders who empower diverse teams and foster an environment where everyone feels heard, respected, and valued. A suite of resources is made available to help leaders reflect upon their own inclusive behaviors, understand unconscious bias, cultivate curiosity, and practice intentional behaviors to foster belonging. This includes active listening, inclusive planning, and decision-making.

2. Communities of belonging

Employee Resource Groups (ERGs)—Voluntary networks linking employees who have shared backgrounds, interests, experiences, and perspectives are supported and encouraged at Novartis. ERGs make the unique aspects of diversity and inclusion more tangible to everyone and contribute to the development of talent and to a culture of curiosity and empowerment. Novartis has over 80 active ERGs which have a positive impact on associates and the organization.

3. Talent

Attracting and retaining diverse talent is the foundation of the talent strategy at Novartis. Seven out of every ten opportunities at Novartis are filled by internal candidates. Novartis aims at democratizing access to career and talent development programs, reskilling and upskilling, meeting both the growth of the individual and the business needs in an inclusive environment that celebrates diversity.

Novartis assessed what diverse talent means in different cultures, with mandatory unconscious bias training for talent acquisition partners and hiring managers to inform candidate engagement communications, job advertisements, interview procedures, and selection decisions.

III. Societal Impact

Innovation is at the core of Novartis. They see innovation being fueled by curiosity and a passionate desire to have a significant impact on underserved communities across the globe. It is understood that the ability to listen to and embrace diverse ideas is essential to the innovation that benefits a broader section of society.

Three different aspects are stressed:

1. Addressing diseases in underserved communities

Broadening the patient reach and extend decades-long efforts to combat diseases in underserved communities.

2. Clinical Trial Diversity

Acknowledgement that it is critical that innovative therapies include an understanding of impact across a diversity of patient groups, including underserved communities who could greatly benefit from these treatments. Novartis is committed to increasing patient diversity within clinical research and development programs. This includes

leveraging data and digital technology to increase understanding and to inform trial design, trial management, and patient and site selection.

3. Promotion of Social Equity

Novartis is committed to promoting racial equity both inside and outside the company. In 2021, it announced a 10-year collaboration with 26 historically Black colleges, universities, and medical schools in the United States to address the causes of disparity in healthcare.

4. Third-party supplier diversity

Novartis is working to strengthen third-party and supplier diversity programs. For example, the Preferred Firm Program for Legal Services now requires specific diverse staffing commitments for each engagement. LGBTQI guidance for third parties has been developed, and Novartis upholds D&I principles in all third-party risk management, procurement, and supply chain practices.

Case Study: Disney's Black Talent Network

Disney's Black Talent Network is a program designed for Black Vice Presidents and their leaders to engage in a shared experience that helps to heighten awareness and exposure of senior Black talent with the intention to advance their career goals. This company-wide program begins with a focus on self-awareness through leadership insight tools. Then, each Vice President participant is assigned a senior leader mentor who provides counsel and insights regarding how to realize their career aspirations, navigate the organization, and proactively introduces them to members of their network. The participants also are introduced to senior HR leaders and Executive Recruiters to help them understand the types of opportunities that exist within the organization. Throughout the program multiple peer networking opportunities are offered to strengthen their community networks.

An additional critical component of the program is the focus on the participants' leaders. The leaders participate in their own curriculum track where they experience guest speakers on topics such as Being Black in Corporate America and also have the opportunity to go through an Inclusive Leader Self-Awareness Assessment exercise. Reactions to the program have been overwhelmingly positive and there has been a measurable impact in key target areas (as compared to a control group) of exposure, engagement, intent to stay, and optimism with regard to growing their career at TWDC. Given the positive impact and insights, the Black Talent Network will serve as a benchmark for other executive development programs for underrepresented groups.

Case Study: Bauer Media - Belonging at Bauer

<https://www.bauermedia.co.uk/working-at-bauer/diversity-inclusion>

We refer to our approach to diversity and inclusion in the UK business as 'Belonging at Bauer', recognising that people are at the heart of everything we do and every person deserves to be their true selves at work and in our products.

Inclusion is at the core of our business values. Diversity is everything we celebrate as a business, valuing the richness that authenticity and difference bring.

From a practical perspective, Belonging at Bauer means that we do everything we can to ensure equality of opportunity for everyone who works at Bauer or wants to work at Bauer. We work hard to level the playing field for those from under-represented groups (including, but not limited to, those from an ethnic minority background, those who have a disability or mental health challenge and those from a lower socio-economic background), recognising that the support we provide people will allow them to shine in the same way as their colleagues who sit in the 'majority' workplace demographic. This applies to everything: from the way we attract and recruit new people into Bauer Media, to the ways we develop and progress our people.

We encourage everyone who works at Bauer Media to take responsibility for our culture, working proactively to include their colleagues, and influence our brands to reach, engage and inspire a diverse audience. Our people understand that they are guardians of our culture and are empowered to call it out when they see something which doesn't sit with our values.

Belonging at Bauer is all about making sure that every person who works with us feels like they are able to be their full selves at work. We're doing a lot of work to ensure this is the experience of everyone who works here, and we work hard to ensure that our recruitment processes are as inclusive as they can possibly be, to reflect our culture, and encourage the most diverse talent to apply to join us.

We're constantly working on our culture, and our Belonging at Bauer forum is at the heart of this work. They are 20 passionate activists from across our business, at all levels and from all locations. They work tirelessly to ensure that we are always evolving. The business recently recognised the achievements of this group through the awarding of the first ever "Game Changers" award at our Bauer Media Awards.

We've created multiple assets to help us further develop and embed our Diversity and Inclusion strategy, including our Cultural Calendar, which acknowledges over 97 cultural events and is regularly updated with suggestions from our people. Additionally, we have broken down our strategy into a simple Belonging at Bauer one-pager, to help promote understanding of our goals as a business to prioritize Diversity and Inclusion. Finally, from insight gained from our people in a recent survey, we have listed the 10 Reasons You Belong at Bauer file, which showcases real people's opinions of Belonging at Bauer, and promotes what we stand for as a business.

We're also proud of the external commitments we make as we continue working to ensure our business is as representative of our UK audiences as possible. This includes being signatories of the Business in the Community's Race at Work Charter and its five key commitments, plus the Social Mobility Pledge and its commitment to provide outreach to schools, colleges and young people from lower socio economic backgrounds.

LAW FIRMS

Case Study: Ropes & Gray—CV-blind applications / contextual recruitment

<https://www.ropesgray.com/en/newsroom/news/2018/10/Ropes-Gray-launches-innovative-CV-blind-and-contextual-recruitment-process-for-trainees-in-London>

Ropes & Gray Launches Innovative CV Blind and Contextual Recruitment Process for Trainees in London

New process is part of firm's commitment to social diversity

October 3, 2018

Global law firm Ropes & Gray has launched a new trainee recruitment process for its London office, which combines elements of contextual recruitment and CV blind. Ropes & Gray is one of the first law firms in the UK to have combined both of these systems—in order to identify relative overachievers and reduce unconscious bias—as part of its graduate recruitment selection and interview process.

Ruchit Patel, London recruitment partner at Ropes & Gray explained that the firm's commitment to social diversity was an important driver for implementing the new process. *"Diversity is part of the fabric of Ropes & Gray,"* he said. *"By way of example, we're proud that 35% of our partners and 37% of our counsel in London are women. We are equally committed to fostering an inclusive community of professionals of all races, religions, sexual orientations and family structures."*

The new trainee recruitment process, which has been successfully piloted this month, starts with an online application that incorporates Rare's contextual recruitment tool. This contextualizes the accomplishments of applicants dependent on their socio-economic background. These applications are reviewed by the firm's graduate recruitment team and a group of partners, who identify who to invite to an assessment day. The assessment day is then overseen by a new group of partners, who are only aware of candidates' names, to ensure the process is CV blind. Successful candidates are finally then invited to attend a vacation scheme in order to be considered for a training contract offer.

Ruchit Patel said: *"Our aim in implementing this new trainee recruitment process is to ensure we attract and select the very best talent regardless of background. We believe our fresh approach is a major improvement on the more traditional recruitment methods used by many other firms in the City."*

Case Study: Hogan Lovells—DEI billable hour credit

<https://www.hoganlovells.com/en/news/hogan-lovells-introduces-diversity-and-inclusion-billable-hour-credit>

Press Releases – 19 January 2021

Hogan Lovells introduces Diversity & Inclusion billable hour credit

Washington, D.C., 19 January 2021—Global law firm Hogan Lovells has introduced diversity & inclusion (D&I) billable hour credit for U.S. lawyers, an initiative being implemented globally and further affirming its commitment to diversity as a strategic priority.

All U.S. counsel and associates are permitted to count approved D&I activity as billable, upon reaching a set client billable threshold each year toward bonus levels in an amount of up to 50 D&I hours. Those 50 hours may also count towards achieving the firm's existing 1,850 threshold for pro bono work.

The D&I activities eligible for billable credit:

1. Leading or organizing D&I events or diversity network initiatives.
2. Recruiting underrepresented professionals to the firm.
3. Mentoring or sponsoring underrepresented professionals.
4. Participating in allyship and action-oriented D&I programs that extend beyond education.
5. Preparing for and participating in client-related D&I activity.
6. Additional activities to be approved on a case-by-case basis.

The rollout of D&I billable credit has been applicable to offices outside the U.S. since 1 January and the process is expected to be complete by early February.

Global Managing Partner for Diversity & Inclusion and Responsible Business, Susan Bright, said: "The introduction of D&I billable hour credit is part of our global strategy to create and maintain a diverse and inclusive working environment throughout our firm, and at the highest ranks. It also enables us to achieve our global minority and LGBT+ goals, and measure engagement at a substantive level. We recognize that diversity of all kinds creates better teams, and better serves our clients."

Carine Stoick, head of the Aerospace and Defense M&A group and Americas Professional Development & Diversity Partner, commented: “Part of our strategy to recognize, retain and advance talent at all levels is to create a culture whereby our people can be part of the journey and dialogue surrounding diversity and inclusion. By recognizing individual contribution through billable hours, it aligns our focus and commitment to reaching our goals collectively as a global business.”

Global Head of Diversity & Inclusion, Bendita Cynthia Malakia, said: “The rationale behind establishing billable D&I credit is twofold: to ensure our underrepresented colleagues are credited for disproportionately undertaking diversity and inclusion activities, and to incentivize all our people to undertake activities that enhance diversity, equity, inclusion and belonging at the firm.”

It follows the firm’s recent introduction of two new global diversity goals, 15% minority partners*; and 4% LGBT+ partners*, which it aims to achieve by 2025, as well as appointing two new members to the Diversity & Inclusion Americas leadership team.

Delivering on our commitments to diversity & inclusion, Citizenship, and sustainability is a strategic priority for the firm, on par with putting clients at the center of everything we do and enhancing profitability. CEO Miguel Zaldivar appointed Susan Bright to the newly created role of Global Managing Partner for Diversity & Inclusion and Responsible Business, effective 1 July 2020. The firm’s diversity team is also now a separate global function that reports directly to the CEO, an important change that reflects the business-critical function of the team and allows us to accelerate the progress the firm has made in recent years.

To find out more please go to the Hogan Lovells global diversity & inclusion page.

* Global minority and LGBT+ goals comprise the U.S. and UK only owing to legal restrictions.

Case Study: Daniel Law: DEI program

- o We are a women owned and women led law firm and as such are certified by WEConnect International, an organization that certifies companies that have a female corporate margin above 50% (https://www.daniel-ip.com/wp-content/uploads/2021/09/WEConnect_Certification_2021.pdf).
- o We have gender balance in our overall positions including partnership and leadership (52% of our employees, 48% of our partners and 41% of our leaders are female).
- o 26% of our employees self-declare as black and we have a goal of reaching 30% in the next two years.
- o 14% of our employees self-declare as LGBTQIAP+.
- o We have 100% salary parity at all levels with regards to gender and race.
- o Our selection process requires a diverse pool of candidates for every position we open and this policy has increased our diverse hiring in the past four years in 30%.
- o We foresee “affirmative action selection processes” to maintain our gender balance and to increase or racial/ethnic representation, if we understand it to be necessary.
- o We have a Code of Conduct with a zero-tolerance policy for sexual, moral or any type of harassment or discrimination and we implemented a denunciation channel (an external company) for employees to report any instances of discrimination and harassment.

- o We consider DEI in our supply chain and in addition to prioritizing minority owned business in our hiring we are helping our suppliers pay more attention to DEI issues, and even to create services and products related to DEI. Examples include: (1) When we wanted to add diversity indicators to our Business Intelligence platform, we helped the service provider (a software company) to add this feature to their product and (2) We are training our PR company (women-led) to keep D&I top of mind when they engage in press relations within the Brazilian media. This is also important for us because we are trying to become a go-to player in this area for comment and thought leadership.
- o In our quest to increase visibility of black women, black families and black lives, we marked International Day of Black Latino-American & Caribbean Women by inviting a black woman to curate a list of children's books written by black women that we then sent as gifts to the families of employees who have children (78 kids were involved); we sponsored the trip of four black young climate activists to COP 26 recently held in Glasgow; we are sponsoring a book with a collection of Articles weekly written by eight Black women from different generations and backgrounds (<https://congressoemfoco.uol.com.br/tag/coluna-olhares-negros/>) and we are sponsoring a documentary on Religious racism towards religions of Afro descendance.
- o We focus strongly on promoting equitable parenting and a more even distribution of childcare responsibilities between women and men in heterosexual couples within our organization.
- o We also focus in speaking out on domestic violence and signposting useful resources to our network.
- o We created a 3-year plan for D&I of objectives and key results (OKRs) to further improve D&I at the firm by setting D&I-specific goals and monitoring indicators. The plan covers 1. Governance, 2. Education & Training, 3. Communication, 4. Gender, 5. Race, 6. LGBTI+, 7. PWD, 8. Suppliers, 9. Clients, 10. Other stakeholders.
- o Diversity was identified as one of the top 3 values highlighted by employees during an organizational culture exercise this year.
- o We developed a D&I dashboard where we can monitor several demographic and HR indicators in real time (<https://www.daniel-ip.com/wp-content/uploads/2021/08/Dashboard-Diversidade.pdf>).
- o We hired Instituto IDIS (Institute for Social Investment) to help us build a strategy for our private social investments (<https://www.idis.org.br/>) and we hired Simbiose Social to invest proceeds from tax benefits on socio-economic-cultural projects (<https://simbiose.social/>).
- o This year we were recognized in Guia EXAME as one of the most diverse Law Firms in Brazil for our initiatives to promote D&I (<https://exame.com/geral/a-metodologia-que-embasa-o-guia-exame-diversidade/>) and we also won in the Gold Category of WEP Awards 2021 – Companies that Empower Women (<https://premiowepsbrasil.com.br/confira-as-empresas-premiadas-premio-weps-brasil-2021/>)

Please see also our Diversity Book, which is a report of the two first years of our program (https://www.daniel-ip.com/wp-content/uploads/2022/03/daniel_plural_book.pdf). We are now in the fourth year of our program and we will publish a new version of the book every two years with the next one coming up in March next year.

Case Study: Reed Smith—LEADRS disability network and wider DEI

(<https://commonwealthyouthcouncil.wordpress.com/2017/03/02/reed-smith-sponsors-unseen-unspoken-an-insight-into-reed-smith/>)

By Melissa Bryant, Freelance Journalist

Reed Smith has been a dynamic trendsetter in the arena of diversity and inclusion in the City of London and beyond, and an example to other firms. An interview with one of the Partners at Reed Smith, Carolyn Pepper, shares how

Reed Smith has achieved success and continues to aim for more.

“There is absolutely a place in law firms for people with disabilities and we welcome applications from them,” said Carolyn, as she explained the various initiatives that promote diversity and inclusion by Reed Smith.

Reed Smith has a number of diversity, talent retention and development networks. WINRS is a women’s dedicated network which actively supports women with advice on promotions, sponsoring them towards promotions and holds discussion forums and events to help women support each other in the workplace. Its existing LGBTI network was re-launched 2 years ago as PRISM and its spearheading of the firm’s work in the area of LGBTI inclusion has led to Reed Smith securing its place in the Stonewall Top 100 Employers list two years in a row (2016-17). (This is a list compiled from submissions to the Workplace Equality Index. Each organization featured has carried out exceptional and pioneering work to help make sure that every LGBTI employee can be themselves in the workplace). Pepper, having worked for 22 years in a large law firm, says that she is really happy to have witnessed the changes that have taken place between when she started and now in terms of how open people feel able to be about their sexual orientation, and to be themselves.

Reed Smith’s most recent initiative is the LEADRS group which was inspired by the Paralympics in London in 2012. It became clear that there were incredible people with disabilities doing outstanding things in sport so they began to question: Why not in law? Pepper explains that now there are now several trainee lawyers with disabilities in Reed Smith and this a huge improvement from where they started, just a few years ago. Although this was a nugget of success – and an achievement which won the law firm over nine awards across 2014-21, given its rarity – she explains that there is more to be done. Reed Smith’s lawyers, human resources staff and corporate social responsibility work together to spot talent and encourage people to apply; and they host events with external consultancies to attract people to the firm.

One big challenge is the fear of applicants to disclose their disabilities because they worry that they will be discriminated against, explained Pepper. However, she hoped that they had managed to change that perception and encourage applications from people with disabilities. One of Reed Smith’s future trainee solicitors and the Commonwealth Youth Council’s advisors to the Office of Inclusion and Engagement, Jonathan Andrews, was recently named the UK’s fourth most influential disabled person in 2020 by the Shaw Trust for his advocacy. Jonathan centered on openness about disability in job applications and the wider workplace. “Reed Smith recognises that there are lots of talented people who have disabilities and think differently”, Andrews says, “and refusing to hire from that pool means a business loses out on talent. They were open to me discussing on my application form, for instance, how certain autistic traits, like attention to detail and loyalty, were advantageous to a legal career – so I didn’t need to hide this, or autism-related work experience.”

Reed Smith can easily be described as a trend-setter. Pepper confirms that their initiatives have attracted a lot of interest among other law firms and businesses in the City of London, with whom they are happy to share what they know about attracting a more diverse and inclusive workforce. “Knowledge like this should not be kept to yourself, but shared so that everybody can help make a difference,” says Pepper. She gives two examples of two other large companies leading the way in this area- Barclays Bank and Channel 4—who have co-ordinated work placements especially targeted at persons with disabilities where individuals are given the opportunity to spend some time with Reed Smith and some with Barclays or Channel 4. It is clear that people are really thinking about and understanding the importance of diversity and inclusion.

Having people with disabilities in the workplace enhances the workplace culture and atmosphere. Pepper explains that it is great to make people understand it is normal to have persons with disabilities in the workplace. It is also crucial that people can see that persons with disabilities can do the work. She pointed out that not only is this a social good but it makes business sense as well—Pepper explains that their clients are asking for diversity and inclusion—especially when asked to pitch for work—and companies that do not practice diversity and inclusion will lose out.

Undoubtedly, Reed Smith is a law firm one would be proud to be affiliated to. Jonathan Andrews says “Reed Smith are definitely a firm to be proud of. I never felt I needed to be anyone other than myself on my vacation scheme—diversity of thought is a big part of their culture – and I know I’ll be able to reach my full potential there. They’ve sensed my enthusiasm to get involved early on; have supported me at awards ceremonies; have assigned me to mentor potential applicants; and sponsored and hosted cross-city initiatives I’ve launched, because they recognise talent regardless of age, seniority or background”. Pepper points out that big business should lead the way and that the firm encourages everybody who has an interest in a particular diversity area to promote diversity in the firm and elsewhere and is very supportive of new initiatives. She describes Reed Smith as very inclusive and diversity as a norm that they adhere to.

Reed Smith also schedules about 8 Insight Days annually; these generally attract young people aged 18–22 and it is encouraging to see the diverse group of people who attend so that they can learn about the work of Reed Smith. Reed Smith recently supported a project with The Brokerage that runs a mentoring programme in collaboration with a local school for sixth form students, where staff of Reed Smith dedicate time once a week to meet their mentees and help them plan to accomplish their aspirations. Pepper points to the importance of having successful people pass on their knowledge and guidance to the younger generation.

Finally, they also offer work experience to a school where children with disabilities aged 15 are brought into the workplace and work in the reception and marketing team to get a taste of what working at a law firm is like. It also seeks to reaffirm that these City businesses are not out of reach of these individuals. Pepper further emphasized that young people have so much talent and skill, and being able to engage with them during their teenage years and early 20s when they are making crucial decisions that will affect the rest of their lives, is paramount so they know the opportunities that are available to them and can achieve their goals. She also pointed out that no one wants their business to fail because there is no succession planning, and so for businesses to be successful the knowledge and skill must be passed on.

INTELLECTUAL PROPERTY OFFICES

Case Study: Framework Regarding Gender Equality and Inclusion at the Chilean IP Office (INAPI)

INAPI has created internally the Strategic Committee on Gender and Intellectual Property, which seeks to turn INAPI into a key player in the promotion of equity in gender, as well as a promoter of the design of public policies that promote the greatest participation of women in the innovation ecosystem through the strategic use of the intellectual property.

In this context, the first Gender Policy was approved in INAPI, various activities were generated to recognize women who have excelled in various areas, for their contributions to the innovation and entrepreneurship ecosystem; as well as valuable advances in data analysis and metrics have also been generated linked to gender and IP, publishing two gender reports, one on brands and one on patents.

INAPI is the only public organism that is distinguished by the IPG (Iniciativa de Caridad de Género) 2021 seal, an annual assessment undertaken by the Interamerican Bank of Development (BID), in conjunction with The World Economic Forum and the Chilean Ministry of Woman and Gender Equality.

The following aspects are highlighted with respect to the management of the institution, recognition to female work participation, which involves generating a cultural change within the organization to foster the implementation of measures that enhance the contracting and retention of women, the promotion of female leadership and the presence of women in high-ranking positions in INAPI.

In terms of the management of people, INAPI has implemented various measures to favor equality, with respect to inclusion from a gender perspective, as well as from the need to reconcile family, professional and personal life; such as:

- Flexible work time
- Protocol relating to reconciling family and professional life
- Benefit relating to Kindergarten
- Protocol for the prevention of abuse, work related and sexual harassment
- Telework
- Use of inclusive language
- Training with respect to the gender topic

Externally at national level INAPI prompted the creation of the private-public table related to gender in IP. This body reunites the key actors of the intellectual property ecosystem in the country, for instance SOFOFA, the Association of Women of the Pacific, Chilean Industrial Property Association (ACHIFI), Network of Technological Managers (GT Network); Hub APTA; Council of Rectors; the Department of the Trade Division and Sustainable Development of the Sub-Secretary of International Trade Relations, and law studies like Albagli Zaliasnik and Carey.

At international level, INAPI has worked with industrial property offices of the region to include the gender perspective. This is how the Latin-American Network of Intellectual Property and Gender emerged in June 2021, led by the offices of Chile, Colombia, Costa Rica, Peru with the support of WIPO. The creation of this network, which is the first of this nature at the regional level, is the result of intense work which started a few years ago within the framework of regional meetings with WIPO focused on IP and gender. Since then, INAPI has had an active, supporting and driving role for the development thereof. The objective of the network is to promote and position IP to close existing gaps related to gender equality, facilitating processes for the exchange of good practices and experiences among IP offices in the region, leading to the development and strengthening of capacities on the subject, which benefits the offices themselves and those who access its services. The network already has eight members, since October 2021 the IP offices of Argentina, Ecuador, Uruguay and the Dominican Republic joined.

Finally, at INAPI we are promoting a broader approach, referring to “inclusion” in general where one key aspect is gender equality. In this context, it should be noted that the INAPI website has the software ReadSpeaker, which allows you to listen to written content and, in this way, include visually impaired users. Also, a specific color contrast feature as well as the functionality of editing the size of the fonts of the site is provided for users with reduced vision.

INAPI’s building has signalization that includes special aesthetic characteristics and incorporates the Braille system, to facilitate access to visually impaired people. Finally, the staff in charge of the consumer service was trained in sign language.

Case Study: WIPO – Gender Equality and Inclusion

Based on document shared by Sara Callegari, Gender and Diversity Specialist, Human Resources Management Department, WIPO

WIPO has a multi-faceted approach in this area. The below areas highlight some of the policies, best practices and activities WIPO is focusing on:

POLICY ON GENDER EQUALITY

WIPO's first Policy on Gender Equality (Office Instruction No. 47/2014 - WIPO Policy on Gender Equality) was issued in 2014. The Policy covers both gender mainstreaming and gender parity. In 2019, the Policy underwent an evaluation and an audit. These processes led to the formulation of recommendations for its revision. Concurrently, WIPO is developing its first Disability Inclusion Strategy.

GENDER PARITY IN STAFFING

Gender parity targets are set biennially and approved by Member States. As of December 2021, women represented 47.6 percent of all professional and above categories holding fixed term, continuous or permanent contracts on regular budget. At the P4 level, women represented 48.7 percent, 30 percent at the P5 level and 37 percent at the D1 level. WIPO continues to work toward its gender parity targets through various outreach initiatives, particularly at senior levels.

For instance, in May 2021, WIPO participated in a virtual career fair specifically targeting senior female professionals in the Middle East and North Africa region, which was well attended. For select senior or hard-to-fill vacancies, WIPO, either directly and/or through its partner organizations, conducts outreach campaigns through various social media, at times specifically targeting female professionals. WIPO enlists the services of executive search firms to ensure a solid pool of qualified female candidates. Several measures are considered to ensure that the pool of candidates includes an appropriate number of female candidates.

WIPO remains an active participant in EMERGE, a program jointly developed by eleven UN entities for emerging women leaders, now in its fourth year of implementation. In the past, this program has demonstrated a positive impact in that 40 percent of WIPO participants attained a position at a higher grade subsequent to participating in EMERGE.

GENDER ARCHITECTURE

WIPO's gender architecture includes a network of gender focal points (GFPs) distributed across all WIPO programs. At the end of 2021, WIPO's network of GFPs included 38 individuals: this marks an increase of almost 40 percent since 2020. The expansion focused on areas/external offices/teams that previously had little or no representation. The expanded network provides a better outreach for gender equality issues particularly in technical areas. GFPs are both men and women and are contracted at different levels, from D2 to G5. GFPs receive tailored training and one-on-one or group sessions on a variety of topics relevant to their roles to build knowledge and capacities.

In 2021, the following capacity building sessions were organized:

- Principles of gender mainstreaming (two sessions)
- Gender-sensitive communication: practical tips
- The gender gap in IP: determinants and solutions
- Maximizing the Power of Diversity, Inclusive Leadership and Unconscious Bias

FACILITATIVE POLICIES

In June 2021, WIPO issued Office Instruction (OI) No. 14/2021 on "Parental Leave and Related Arrangements." This document introduces more flexibility (both pre- and post-arrival of the child) to adapt to their care responsibilities. The revised OI distinguishes between gestational and non-gestational parents, rather than between parents entitled to maternity, paternity, adoption or surrogacy leave. All non-gestational parents are entitled to the same amount of parental leave, regardless of gender or how they have become parents. Eight additional weeks of special leave with full pay (SLWFP) are granted to staff on fixed-term, continuing, and permanent appointments to supplement

the statutory entitlement to parental leave. The statutory entitlement to paternity leave increases from four to eight weeks for staff on fixed-term, continuing, and permanent appointments to align with the duration of adoption leave. In addition, staff may combine parental leave and part-time employment during the period and are allowed to telework, including full-time. If parental leave has not yet commenced, any absence for health reasons during the pre-delivery period is charged to sick leave, and not to maternity leave as was previously the case. Moreover, the compulsory period of post-delivery leave has been reduced from 10 to six weeks. This allows staff members to return to work earlier if they wish and will give them more flexibility to use the entitlement, as has been the case with paternity and adoption leave. Lastly, breastfeeding parents or single parents are allowed to travel on mission with the child under one year of age.

FLEXIBLE WORKING ARRANGEMENTS

In 2021, WIPO issued Office Instruction No. 19/2021, “Policy on Working Hours and Flexible Working Arrangements,” which modifies FWAs at WIPO. Four FWA options are available: i) compressed work schedule, ii) part-time employment, iii) staggered working hours, and iv) teleworking, scheduled either on a regular basis (up to a maximum of three days per week), or occasionally (i.e., on an ad hoc basis, up to 30 days per year).

INCLUSIVE COMMUNICATION

The Guidelines on Inclusive Language are available in the six official languages used at WIPO (English, French, Spanish, Arabic, Chinese, Russian) and include two modules: one on gender inclusive language and one on disability inclusive language. The document has been designed to be easy to read and use, with practical references and examples that are often found in the communication pieces produced by WIPO. The Guidelines have been disseminated to the entire WIPO workforce. The Toolkit of basic principles for gender-sensitive communication is a practical, user-friendly, and concrete toolkit that presents the basic principles for gender-sensitive communication, whether written, oral, audio, or visual. The toolkit includes a checklist, concrete examples, tips and techniques, and a compilation of useful terms. The Toolkit also includes a compilation of the most frequently encountered points of resistance to gender-sensitive communication, with corresponding responses for advocates.

SENIOR LEADERSHIP TRAINING

In 2021, Director General Tang invited senior management (DDGs, Edges and D2s) to a two-part workshop on inclusive leadership and unconscious bias facilitated by an external expert and the Gender and Diversity Specialist.

ACADEMIC INSTITUTIONS

Case Study: Drive to Increase Women in Leadership

Part of a Multi-Pronged DEI Effort at the University of Toronto

The University of Toronto was founded in 1827. It is one of the world’s top research-intensive public universities, with enrollment of more than 95,000 students, and more than 620,000 alumni.

The road toward equal representation for women at the University of Toronto (U of T) has been a long one, and goes back more than 130 years, when the Ontario government required that women be admitted after a heated debate over women’s right to higher education. In 1884, 11 women enrolled and attended lectures, but were forbidden from standing at bulletin boards, using the reading room, or browsing the library catalogue. It was not until the 1960s, however, that more than a handful of women were tenured faculty, and it was not until 1973 that the University named its first woman vice-president.

Today, more than a half of U of T students are women, and the share of women faculty at the University has grown to 46.9 per cent.

The University of Toronto recognized, as part of its drive on diversity, equity, and inclusion, that increasing the share of women in leadership was part of the answer. It decided to increase the number of women deans; later this year, more than a half of the University's deans will be women. It also moved to address a pay gap between men and women tenure-stream faculty, increasing the base salary for more than 800 women faculty following a gender pay equity study, and it has recognized that work must be done to advance more women to the rank of full professor, with the University's largest faculty taking steps, including process review and dedicated funds, to address the cumulative inequalities that might narrow the candidate pool and present barriers to women's representation.

U of T plans to hire 20 additional Black and Indigenous faculty members in the upcoming academic year—bringing the total number hired through its Diversity in Academic Hiring fund to 100—and has created a new Institutional Access Office to acknowledge and address the historic exclusion of equity-deserving groups from the University community.

U of T has launched an anti-Black Racism Task Force to examine systemic anti-Black racism at the University and make recommendations to advance Black inclusion and excellence. A similar group focused on anti-Semitism was launched a few months later. U of T also helped coordinate a first-of-its-kind national dialogue focused on tackling anti-Black racism in Canadian post-secondary education that involved nearly 60 partner institutions.

The goal of these steps taken and initiatives in progress is for the University to benefit from a diversity of thought, diversity of approaches, and diversity of life experiences, each being a contributor to academic excellence.

Case Study: IDIA Disability Access Program

<https://www.idialaw.org/idap/>

'IDIA Disability Access Programme' or IDAP is an initiative by the Indian-based IDIA (<https://www.idialaw.org/>) launched in 2015 on 3 December, which is celebrated as the United Nations' 'International Day of Persons with Disabilities'. One of IDIA's core objectives since its inception has been to contribute to making the legal ecosystem more disabled-friendly. The theme, as selected by the United Nations in 2015, goes directly to the spirit of what IDIA advocates: "Inclusion matters: access and empowerment of people of all abilities", and with the IDAP initiative, we aim to make a bigger impact in levelling the playing field.

IDIA has sensitized, trained and supported many students with disabilities, as well as undertaken policy, research and reform work for making legal education and the legal profession more accessible to students with disabilities. While there is still much to do, we can take heart in the fact that many students with disabilities, trained and supported by IDIA, are currently studying (and have studied) in various top National Law Universities. We have also successfully advocated for institutional and policy changes.

Over the coming years, the IDAP team aims to identify the key challenges and barriers faced by law students with disabilities in their educational institutes and workspaces. By creating support-systems for law students with disabilities, the team aims to address these problems and enable the students to compete at par with their peer group. These support systems will involve innovative solutions that are created through active participation of students with disabilities, as well as a host of stakeholders across disciplines.

Internal support systems will focus on enabling these students to overcome the exclusion they face on a regular basis. These will include provision of technical training to students with disabilities and creating awareness about alternative means of communication among law school students and staff. External support systems would focus on creating disabled-friendly and inclusive workplaces and legal education institutions. This will include creating awareness about the duty that both public and private sectors institutions, including universities and workplaces, have towards providing infrastructural support to ensure equitable access for persons with disabilities.

IDAP is a leap forward by IDIA in fostering diversity in the legal profession. IDAP seeks to bridge the gap between the letter of the disability laws and the real-world impact of such laws. It seeks to make a difference in the everyday lives of students with disabilities, who have been excluded from the mainstream legal education and profession. With the help of our team and dedicated student volunteers, IDIA hopes to create an unprecedented impact on the educational and professional empowerment of youth with disabilities.

One example of the practical work done is the IDAP Interview Series, a first-of-its-kind initiative of interviewing lawyers with disabilities in all spheres of the legal profession (teaching, advocacy, litigation, corporate, etc.). The IDAP interview series aims to solicit actionable insights from lawyers with disabilities on the strategies adopted by them to excel in their field. The series also seeks to educate and increase awareness within the legal fraternity, with the ultimate aim of fostering meaningful dialogue on reasonable accommodation for persons with disabilities. You can read our interviews at <https://www.idialaw.org/idap/>. If you have any comments/feedback on our series or if you would like us to interview a lawyer, please reach out to us at info@idialaw.org.

Another practical initiative run was a workshop for IDIA Scholars with Disabilities. Less than 5% of persons with disabilities in India complete their higher education, owing in no small part to lack of accessible facilities and environment. This workshop aimed to facilitate IDIA Scholars with disabilities to overcome some of the barriers they face, and was a two-day specialized learning, training and education workshop for IDIA Scholars. The resource persons for the program were disability-rights experts, specialized trainers, and persons with disabilities in the legal profession. The workshop provided IDIA Scholars with training in assistive technologies, soft skills, practical knowledge required for the legal profession, and corporate etiquette. This event was possible thanks to the generosity of our sponsors for the event, Sony Pictures Networks Distribution India Pvt. Ltd.

We were also pleased to support a successful High Court appeal in 2016 against the exclusion of blind candidates from the Indian judiciary. More widely, our advocacy efforts have also led to multiple National Law Universities purchasing and installing equipment helpful for persons with disabilities, as well as introducing policy measures that are enabling for students with disabilities. Two “accessibility labs” have been opened in collaboration with IDIA.

Over the last two years, as colleges and universities across the country were asked to close down for physical classes due to Covid-19 pandemic, information communication technology became the quintessential mode of imparting education to students across the socio-economic spectrum. This sudden shift from a physical environment to a virtual setting has been challenging for students with disabilities who have had to not just upgrade their knowledge and familiarity with online learning tools but also have to work with inaccessible online learning content, lack of awareness on part of the faculty to adopt inclusive methods of teaching, lack of internet connectivity in rural and semi urban households, absence of conducive environment at home to attend online classes and the absence of in person peer interaction. Our work at IDAP during the pandemic has been to bridge these numerous gaps to create an inclusive space in the time of online learning. Towards this goal, IDIA under the banner of IDAP undertook the following projects:

1. IDIA Survey Report on Making Online Education Accessible and Inclusive during Covid -19 Pandemic—IDIA conducted a survey among law students across universities in the country to understand the difficulties faced by students during online classes. More than 800 students participated in the survey. Issues such as digital divide, accessibility of study material, methods of evaluations, financial constraints, mental health were reported by students including students with disabilities.

2. Digital training programme for students with visual impairment—The IDIA Disability Access Programme (IDAP), in collaboration with Enable India Foundation, hosted a specialized training programme under its Accessibility and Inclusion Policy for law students with visual impairment enrolled in law universities and pursuing higher education in the legal field. It was a 3-month programme from Feb to April 2021. The training curriculum consisted of four specially crafted modules, each of which taught an essential skill required by every law student with visual impairment such as the basics of using screen readers for computers, basic and advanced features of MS Office, using legal databases, core skills needed in document drafting.

3. Inclusive learning workshop for faculty members—The workshop aimed to introduce educators to teaching methods that allow alignment of abilities and needs of students with disabilities with learning goals. Towards this objective, the workshop addressed different themes such as content accessibility; classroom presentation methodology; reasonable accommodations for students with disabilities during academics and examination, including but not limited to evaluation; accessibility of the learning management systems used by the university; making the library material including virtual library accessible and guiding stakeholders on accessible material creation. The workshop intended to cover the needs of students with benchmark disabilities, learning disabilities and psychological disabilities.

4. English classes for IDIA scholars with visual impairment—online classes on language skills were conducted for IDIA scholars with disabilities. It was a peer conducted programme to provide an environment for scholars with disabilities to learn not just through a set curriculum but also through lived experiences that they could share through mutually beneficial interactions with their tutor.

5. Mental Wellness workshops—We realize that the last two years have specifically been challenging for all of us in different ways. And that it must be particularly challenging for students in coping with online classes, family situations, absence of in-person peer interactions, etc. Our endeavor has been to provide a platform that addresses the importance of good mental health, help identify and mitigate risk factors for stress, anxiety, depression and help develop coping mechanisms to lead a healthy and balanced lifestyle.

6. Upcoming—Counselling session on higher education in law for IDIA scholars with disabilities.



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