



Pitch – Adapting the Diversity Pledge to the Academy

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Rectifying Missed Opportunities

Expanding the Diversity in Innovation Pledge to Law Firms and Law Schools

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Pledge

Statement of Need --

Innovators of all types have shaped many aspects of the world throughout the centuries. However, findings by WIPO and leading researchers show some groups remain severely under-represented in many areas of intellectual property use. All of the data suggests that the world has missed out on millions of inventors.

Maintaining a technical and innovative edge is vital for success in the marketplace and for global economic and technological success. For individual companies, more innovation can lead to increased market share, customer acquisition, employee retention, and more. ***Increasing Diversity in Innovation*** is the first step in reaching these goals, and the time for action is now.

The Diversity Pledge is a commitment to working to understand, address, and ameliorate the issue of underrepresented inventors over a three-year pilot period.

Law Firm and Law School Pledge Commitment

Objective:

To increase diversity in innovation through awareness, education, and access.

How:

Law schools and law firms in partnership with local schools, community organizations, and the USPTO.

Goals: The goals of the Pledge are threefold, which are to:

- (1) educate underrepresented innovators, creators, and entrepreneurs (“URI”)* of the importance of IP rights and protections and encourage the offering of pro bono services to these groups as practitioners;
- (2) create community and educational partnerships serving chosen URIs; and
- (3) provide workshops, clinics, information sessions, etc. concerning protectable IP, how to protect it, how to leverage it, and how to use it strategically, identify available resources to assist with protection and exploitation, and create networking and mentoring opportunities.
- (4) Increase pipeline of inventors by stimulating interest in STEM and STEAM education through educational partnerships that include experiential learning

* *people who identify as women, people of color, veterans, people with disabilities, etc.*

Example Studies Identifying Need (Focus Black and Hispanic URIs)

- A study of 3.9 million patent applications the likely race of patent applicants as follows for domestic inventors: white (64.77%), black (.06%), Asian (12.45%), and Hispanic (.96%). Schuster, Davis, Schley and Ravenscraft, *An Empirical Study of Patent Grant Rates as a Function of Race and Gender* (2020).
- African Americans, make up 13% of the U.S.'s native-born population but less than 1% of the U.S. born innovators. *See For Black Inventors, Road to Owning Patents Paved With Barriers* (Bloomberg Law 2020) (citing *Information Technology and Innovation Foundation Survey*).
- From 1976 to 2008, African American inventors were awarded six patents per 1 million people, compared to 235 patents per 1 million for all U.S. inventors. *See Michigan State University Study* (Cook and Kongcharoen, *The Idea Gap in Pink And Black*, working paper, 16331 <http://www.nber.org/papers/w16331> National Bureau Of Economic Research (September 2010).
- In 2015, Hispanic men made up 4% of scientists and engineers, African American men made up just 3%, and Hispanic and African American women made up just 2% each. Fechner and Shapanka, *Closing Diversity Gaps in Innovation* (2018).

Year 1 – Law Firm and Law School Self-Education

- Define Year 1 under-represented inventor (“URI”) focus group (*“people who identify as [women], people of color, veterans, people with disabilities, etc.”*)
- Learn about chosen URIs and likely bases for the under-representation
- Identify opportunities to increase engagement through collaboration with one or more organizations or educational institutions serving the URI
- Define and develop programs for educating chosen URIs, with the goal of addressing the bases for the under-representation

Years 2 and 3 – Law Firm and Law School Educational Program Development

- Use best efforts to implement and complete at least two educational programs per year for each URI group chosen regarding:
 - IP protections available
 - How to protect rights
 - The importance of IP protections
 - Strategic use of IP rights to support business objectives
 - Identification of resources
 - Identification of pro bono programs available to assist with protections and exploitation of rights

Years 2 and 3 – Law Firm and Law School Hands-on Program Development

- Use best efforts to conduct two hands-on programs per year for each URI group chosen:
 - counseling and Q&A session
 - IP pitch readiness workshops
 - science fairs
 - one-day classroom presentation with experiential learning
 - short term (4 - 8 weeks) school year or summer programs

Tracking Impact

- Track your institution's performance annually over a 3-year commitment period (uniform survey template TBD)
 - Data to be tracked will include, but will not be limited to –
 - Uniform survey to be used by all participating law firms and law schools
 - Track participants by race, gender, and economic status
 - Number of participants attending each event (class, workshop, clinic, etc.)
 - Obtain participant feedback regarding educational and hands-on programs
 - Track number of applications/registrations filed by program attendees for copyright, trademark, and patent protections
 - Track number of applications/registrations granted to program attendees for copyright, trademark, and patents
 - Track resource(s) used by program attendees for filing and prosecution
- By March 2025, use best efforts to report first year's results to a third-party coordinator (To be identified)

Example – Law Firm and Law School Community Partners

- **Minorities in Engineering**

- **Target:** students from inner city URI communities with an interest in math and science (ideally 10-12 students)
- **Program Elements:**
 - Introduction to engineering
 - Assigned men and women engineers of color as mentors
 - Lecture from local college admissions counselors and professors from local engineering schools (Purdue University and Rose-Hulman Institute of Technology)
 - Tour of an engineering department and manufacturing facility of a local manufacturer
 - Hands-on assembly of our personal scientific calculator (along with an explanation of the science behind the calculator's inner workings)

Example – Law Firm and Law School Community Partnership

- **Some Potential Community Partners:**

- Copyright Alliance Initiative to Promote Diversity in Copyright Law (“IPDC Program”)
- Washington Area Lawyers for the Arts
- Volunteer Lawyers for the Arts
- Small Business Administration: Black and Hispanic Entrepreneur Programs

- **Sample Program:**

- Target: Black and Hispanic entrepreneurs
- Program Elements:
 - Copyright, Patents, and Trademark 101
 - How to Protect IP Rights
 - Available Resources to assist with protecting rights
 - On-site clinics to answer questions and assist with filings

Increasing Pipeline -- Stimulating Interest in STEAM Education

- USPTO Office of Education Partnerships
 - Law firms/Law Schools – adopt a school (K-12), community college, vocational college within or serving an URI population
 - Department of Education (“DOE”) Partnerships with districts in under-represented communities
 - Federal DOE
 - State DOEs
 - 10 Largest City DOEs
- Experiential Programs Offered During:
 - Engineering week
 - STEM/STEAM week
 - Short term (4-8 week) school year or summer programs

Summary

Year 1 – Self-Education and Program Development

- Choose one or more URIs to target
- Learn about the URI and potential reasons for the under representation
- Identify opportunities to engage URI through collaborations with one or more organizations or educational institutions serving the URI
- Develop intervention programs focused on education, awareness, access, exposure to innovation opportunities, mentoring, and networking

Years 2 and 3 – Implementation

- implement at least two educational programs annually for each URI group chosen
- Use best efforts to conduct two hands-on programs annually for each URI group chosen (counseling and Q&A session, IP pitch readiness workshops, science fairs, classroom presentations with experiential learning)
- Measure impact (see suggested survey template)
- Report results

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Who

- Law Firms and Law Schools

What

- **Year 1 – Self-Education and Program Development**
 - Choose one or more URIs to target, educate self about the URI and historical bases for the under-representation, identify opportunities to engage, and develop intervention programs focused on education, awareness, access, exposure to innovation opportunities, mentoring, and networking
- **Years 2 and 3 – Implementation**
 - implement at least two each of the following annually for each URI group chosen: (1) an educational program and (2) a hands-on program (*commitment 4 programs annually*)
 - Report results annually beginning in March 2025 using a template to be developed

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