

Report of IP Inclusive diversity benchmarking survey November 2019



Executive summary

The survey

In November 2019, to mark IP Inclusive Week, we conducted our first ever diversity survey. The aim was to gather some basic benchmarking data for the IP sector as a whole, against which to measure IP Inclusive's progress in promoting diversity and also to inform our future work.

The survey was run online using IP Inclusive's SurveyMonkey® account. It was open for three weeks; participation was voluntary and open to all professionals working in the IP sector. Responses were collected and analysed anonymously.

The questions captured basic data on the respondents' roles, career levels and working environments, and also on the following aspects of their diversity: age, gender, ethnicity, religion and faith, sexuality, background (in particular from educational and socio-economic perspectives), disabilities, and caring responsibilities.

The respondents

We were encouraged by the level of engagement. The survey attracted 1,085 responses, with a completion rate of 92%; these came from a range of sectors and working environments, representing a good spread of professional roles and career levels. There was a higher proportion of respondents from the private sector, and from the patent and trade mark professions, which is probably to be expected in view of IP Inclusive's origins, but the level of this imbalance indicated that our reach across the IP sector has greatly improved since our inception.

We cannot be sure what proportion the 1,085 respondents represent of the IP sector as a whole because it is hard to define the size of a constituency embracing so many different IP-related roles. We do however know that among CIPA and CITMA members, uptake rates were between 10 and 16% depending on the membership category.

The relative response levels for female and male IP professionals (gender balance being a criterion for which there is already some publicly available data) suggest that people from so-called "minority" groups (for example women, BAME and/or LGBT+ professionals) were more likely to have responded to the survey than their counterparts in "majority" groups; this could have distorted the results somewhat.

We believe, however, that the main value of this survey is in identifying overall trends rather than precise quantitative data; providing an approximate benchmark against which to gauge our future progress; and giving us a feel for the relative levels of different types of diversity in the IP sector.

Key outcomes

The “bigger picture” points that we can draw out from the survey results are these:

- The IP professions as a whole include a reasonable proportion of women.
 - However, the proportion is significantly lower in senior private sector roles, and among IP barristers, IP Office employees and patent attorneys, and higher among trade mark attorneys and in so-called “supporting” roles such as IP paralegals, secretaries and business support professionals.
- We have very low levels of ethnic diversity, being at present mainly white.
 - This does, however, appear to be improving among newer recruits.
- We have a reasonable level of diversity in terms of sexuality, compared to the overall UK population.
 - Many non-heterosexuals are, however, unable to be “out” in the workplace, and free text comments suggest that there are still improvements to be made in our sector’s understanding and acceptance of less “conventional” forms of sexuality and gender identity.
- In terms of social mobility, the IP professions do not appear to be as bad as we might have feared. The responses show that it is – or at least has been – possible to access the sector from less privileged backgrounds.
 - The percentage of Oxbridge and other Russell Group graduates appears to be higher in the private sector, and among more senior respondents, and also – perhaps worryingly – among newer recruits, than it is for the overall survey cohort.
- We have very low proportions of disabled people and of carers for disabled people.
 - Moreover, many of our disabled professionals feel unable to tell their employers about their conditions.
- IP professionals who are not currently members of one of the so-called “minority” groups appear less likely to engage with a diversity assessment exercise.
 - This highlights one of the most difficult – but also the most important – aspects of persuading more people on board: that those who enjoy the most privileges do not always appreciate the importance of levelling the playing field.

Recommendations

We suggest that the survey results be used as a benchmark against which to evaluate future changes in diversity levels (not only in the IP sector as a whole but also within specific sectors and organisations); as an indication of areas in need of improvement or support; and as an incentive to strive for greater diversity throughout the IP community.

In response, we recommend that IP Inclusive:

- Continue to try to persuade more people (particularly those in senior positions, and those who are not part of a minority group) of the value of diversity and inclusion, and the importance of gathering credible diversity data for the sector.
- Work with our five communities (IP & ME, IP Ability, IP Futures, IP Out and Women in IP) to provide better targeted support and resources in the areas identified as most in need.
- Share relevant information with other key IP sector organisations such as membership bodies and regulators, and work with them to understand and address the problems with current diversity levels.
- Encourage and support our Charter signatories' efforts in gathering and using their own diversity data; provide guidance and other resources to help them overcome challenges and adopt best practices in this context.
- Encourage IP sector employers to assess and develop their recruitment practices, and their appraisal and career development programmes, in light of the survey results.
- Conduct similar surveys annually from now on, as a means to evaluate progress towards a more diverse and inclusive IP sector.
- In designing future surveys, take account of feedback received from the work outlined above, and aim to attract more, and more diverse, respondents year on year.

Andrea Brewster OBE CPA EPA
Lead Executive Officer, IP Inclusive

Contents

Executive summary	1
1 Introduction	6
1.1 Background	6
1.2 This report	6
2 The survey	7
3 The respondents (survey page 1)	8
General	8
Q1 Which sector do you work in?	9
Q2 What job do you do in the IP field (tick as many as applicable)?	9
Q3 Which of the following best describes your career level?	11
Q4 What type of organisation do you work in? (Note that "in-house" here also covers government agencies and charities.)	11
Q5 Where do you work, mostly?	12
4 Results from survey page 2: Your age	13
Q6 What age are you?	13
5 Results from survey page 3: Your gender	14
Q7 How do you describe your gender identity?	14
Q8 Is your gender identity the same as the sex you were assigned at birth?	15
Q9 What pronouns do you prefer people to use for you?	16
6 Results from survey page 4: Your ethnicity	16
Q10 Which of the following best describes your ethnicity?	16
7 Results from survey page 5: Your religion or faith	17
Q11 What is your religion or faith?	17
8 Results from survey page 6: Your sexuality	18
Q12 What is your sexual orientation?	18
Q13 Are you open about your sexual orientation (tick as many as applicable)?	19
9 Results from survey page 7: Your background	20
General	20
Q14 Which of these qualifications do you have (tick as many as applicable)?	21
Q15 What type(s) of school did you attend (tick as many as applicable)?	22
Q16 Did you qualify for free school meals for any period during your schooling?	23

Q17	What type(s) of higher or further education establishment did you study at (tick as many as applicable)?.....	23
Q18	If you went to university, were you part of the first generation of your family to do so? 25	
Q19	Which country were you born in?	25
Q20	Do you have UK citizenship?	26
10	Results from survey page 8: Disabilities	27
Q21	Do you consider yourself to have a disability or health condition, or to be otherwise disabled?	27
11	Results from survey page 9: Your caring responsibilities	28
Q22	Which if any of these caring responsibilities do you have (tick as many as applicable)?.	28
12	Results from survey page 10: Optional further comments	29
12.1	Key themes.....	29
12.2	Some quotes	31
13	Discussion.....	31
13.1	Participation levels.....	31
13.2	Caveats.....	32
13.3	The overall picture	34
13.4	“Negative” information.....	34
14	Recommendations	35
14.1	Who can use these results, and how	35
14.2	Immediate recommendations for IP Inclusive.....	35
14.3	Further surveys	36
	Annex I Selected free text comments.....	37

1 Introduction

1.1 Background

To mark IP Inclusive Week 2019 (11-17 November), IP Inclusive conducted its first ever diversity survey. Our aim was to gather some basic benchmarking data for the IP sector as a whole, against which to measure the initiative's progress in promoting diversity and also to inform our future work.

The survey was open to all UK-based IP professionals, whatever their role in the IP sector. In this context, IP Inclusive's objectives define "IP professional" broadly, to include for example patent attorneys; trade mark attorneys; barristers and solicitors working in IP; staff within IP registering offices; patent and IP managers; IP administrators, secretaries and paralegals; IP licensing executives; tech transfer officers; information scientists, searchers, translators and any other professionals (including HR and management professionals) working in IP or with other IP professionals; those who provide representative, support or advisory services to IP professionals; and regulators of IP professionals.

Our intention was to capture a high-level picture rather than precise quantitative data, to give us a feel for current levels of specific types of diversity within the IP professions: those to do with age, gender, ethnicity, religion and faith, sexuality, educational and socio-economic background, disabilities and caring responsibilities. Our hope was that this would provide a starting point for follow-up surveys (currently intended to be annual), against which to gauge our progress and with which to highlight areas in particular need of attention.

1.2 This report

This report, which is publicly available, summarises the key outcomes. It is intended for use by IP Inclusive and its supporters throughout the IP professions, to help shape their efforts to improve equality, diversity and inclusion. Those supporters might include, of course, not only those traditionally thought of as IP professionals, but also the people who work with them in business support roles and as suppliers, advisers and even clients.

The report was prepared for IP Inclusive by its Lead Executive Officer Andrea Brewster, who also created and managed the survey.

The report covers:

- Information about the survey and its respondents (sections 2 and 3)
- The responses received to the eight main parts of the survey and the final comments page (sections 4 to 12)
- A discussion of the results and their implications (section 13)
- Recommendations in response (section 14)

Sections 13 and 14 necessarily add a more subjective view to the facts reported in sections 2 to 12.

In reporting the survey responses, all tabulated figures are percentages of the respondents who answered the relevant question, unless otherwise indicated. Percentages are quoted to one decimal place. More accurate figures are provided in the SurveyMonkey® summaries available on the IP Inclusive website at <https://ipinclusive.org.uk/diversity-data-for-the-ip-sector/>.

Where useful, data has been cross-linked between survey questions, for example to establish relationships between gender or ethnicity and career progression, or to investigate differences between sectors or career levels. In these cases, the following filters have been applied and the figures included in the results tables: the “filtered” percentages are based on the number of respondents in the filtered group, not the whole survey.

- %FF (“female filter”) – only the 626 respondents who answered “female” in Question 7
- %JF (“junior filter”) – only the 268 who answered “junior” in Question 3
- %PF (“patent filter”) – only the 464 who answered “patent attorney” in Question 2
- %PPF (“private practice filter”) – only the 766 who answered “private practice” in Question 1
- %SF (“senior filter”) – only the 503 who answered “senior”/“very senior” in Question 3
- %SxF (“sexuality filter”) – only the 165 who answered “asexual”, “attraction beyond gender” or “homosexual” in Question 12

2 The survey

The survey was run online using IP Inclusive’s SurveyMonkey account. Participation was voluntary. Responses were collected and analysed anonymously.

The survey questions were compiled by Andrea Brewster, Chartered Patent Attorney, CIPA Council member and IP Inclusive Lead Executive Officer, with input from Focal Point Training and Consultancy¹ and from the IP Inclusive networking and support communities (IP & ME, IP Ability, IP Futures, IP Out and Women in IP). We are extremely grateful for their help, and also to Sue Gregory, Head of HR at Haseltine Lake Kempner, who shared with us her own experiences of running an in-house diversity survey.

The diversity questions were divided into eight categories:

- Age (survey page 2)
- Gender (page 3)
- Ethnicity (page 4)
- Religion and faith (page 5)
- Sexuality (page 6)
- Background, in particular from educational and socio-economic perspectives (page 7)
- Disabilities (page 8)

¹ <http://www.focalpointtraining.com/>

- Caring responsibilities (page 9)

Questions were also included, on page 1 of the survey, to gather basic information about the respondents, in particular their roles, levels of seniority and working environments. A “free text” box was provided on page 10 for respondents to add comments regarding their other answers or the general survey design.

The survey was open to all professionals working in the IP sector. It was publicised through the IP Inclusive mailing lists, to our individual supporters as well as to the designated EDI Officers of our Charter signatories, and also via our website IP Inclusive Week and home pages; our Twitter® account; and requests to various IP sector bodies (including the IPKat²). It was open for three weeks, from 4 to 24 November 2019 inclusive, a period spanning IP Inclusive Week 2019. Follow-up reminders were sent during that time, including through our mailing lists and social media accounts.

In theory the link to the survey was publicly available (eg via Twitter or our website). In practice we have no reason to believe, from the results, that the responses came from anyone other than genuine IP professionals.

The survey questions, and SurveyMonkey summaries of the responses (including the “filtered” response sets explained at 1.2 above), are available alongside this report on the IP Inclusive website: see <https://ipinclusive.org.uk/diversity-data-for-the-ip-sector/>. The summaries do not include free text answers.

Our “News and Features” website post introducing the survey, and explaining our reasons for conducting it, can be read at <https://ipinclusive.org.uk/newsandfeatures/bench-marking-diversity-please-take-our-2019-survey/>.

3 The respondents (survey page 1)

General

1,085 people responded to the survey, although not all answered every question. The completion rate was 92%, with a typical completion time of 5 minutes. This is an encouraging level of engagement for our first ever sector-wide survey.

As to the proportion of all IP professionals that our 1,085 respondents represent, see the discussions at 13.1 below.

² <http://ipkitten.blogspot.com/>

Q1 Which sector do you work in?

By far the largest proportion of respondents worked in private practice, the two next largest groups working in government agencies and industry.

**Table: Q1 responses
(1,079 respondents)**

Response	%
Academia	0.9
Charity	0.2
Government agency	12.1
Industry	11.3
Media	0.6
Private practice	71.0
Retired	0.2
Other	3.8

Most of the 41 “other” responses gave more specific sector definitions. For example, 10 said they worked in IP/IP law; 6 in the legal sector; 4 in recruitment; 3 as freelance consultants; 3 in services/professional services. These answers would probably count as private sector, apart from 2 who said they worked in-house, 2 who specified the pharma industry and one who worked in tech transfer. One person said they were unemployed, and one that they worked in “a range of sectors”.

Q2 What job do you do in the IP field (tick as many as applicable)?

The respondents came from a variety of IP-related roles; there were at least some in every one of the potential categories, other than “regulator”. (It is worth noting here that even 1% of the 1,084 respondents to this question equates to at least 10 people.)

The largest group was the patent attorneys, but significant proportions were also in the solicitor, paralegal/IP administrator/formalities clerk, IP Office employee, trade mark attorney and business support categories.

**Table: Q2 responses
(1,084 respondents)**

Response	%	%FF
Academic/educator/researcher	1.4	1.6
Barrister	1.7	1.0
Business support (eg HR, IT, marketing, office management &c)	7.4	9.6

Response	%	%FF
Business trainer or coach	0.9	1.1
Database/content provider	0.7	0.6
IP adviser/consultant	3.8	3.7
IP manager	4.2	4.2
IP Office employee	10.5	6.7
IT systems provider	0.4	0.5
Journalist	0.2	0.2
Licensing executive	0.4	0.2
Membership services for IP professionals	0.1	0.2
Paralegal/IP administrator/formalities clerk	10.6	14.6
Patent attorney	42.8	35.5
Publisher	0.3	0.5
Recruitment consultant	0.5	0.3
Regulator	0.0	0.0
Searcher/analyst/information scientist	1.1	1.0
Secretary or PA	4.4	7.2
Solicitor	11.0	11.2
Tech transfer officer	0.7	0.8
Trade mark attorney	9.1	10.4
Translator	0.4	0.6
Other	4.5	5.1

It is interesting to see how these figures change when the “female filter” is applied (the “%FF” figures): compared to the overall survey cohort, women are better represented among trade mark attorneys, and in so-called “supporting roles” such as paralegal/IP administrator/formalities clerk, secretary/PA and business support professional, but less well represented in the barrister, IP Office employee and patent attorney categories.

49 people answered “other”. Many of their responses appear to relate to existing categories: for example, 10 mentioned roles that would belong in the “business support” category, 9 said that they were patent office examiners, 2 that they were paralegals, 1 that they were a solicitor. 12 people specified that they were trainee/part-qualified patent or trade mark attorneys or solicitors; in future surveys, we will need to clarify that trainees are intended to be included in the other categories, and we apologise for the ambiguity in this year’s question.

Other roles mentioned – which we can consider specifying in future surveys – included design attorney; renewals assistant; barrister’s clerk; legal executive; judge/adjudicator; trainer; lawyer other than solicitor (eg qualified outside the UK); and other forms of civil servant, for example formalities officer and team manager.

Q3 Which of the following best describes your career level?

There was a good spread of respondent career levels.

The private sector (see the %PPF figures) appears to employ a larger proportion of trainees and junior employees than the IP sector as a whole, a smaller proportion of middle-tier employees and – inevitably, in view of the typical partnership structure – more of the senior business owners.

**Table: Q3 responses
(1,077 respondents)**

Response	%	%PPF	%FF
Junior (eg first few years, still training)	24.9	27.7	23.8
Middle tier (know the job, but not yet “senior”)	27.1	23.3	30.4
Senior, with some management responsibilities	25.4	21.9	26.3
Very senior, but no ownership of the business	9.8	10.5	10.3
Very senior, with business ownership	11.5	15.5	7.9
Other	1.3	1.1	1.3

Among the female respondents (the %FF figures), the most striking difference compared to the overall survey cohort is in the proportion of people who had reached senior, business-owning positions: when comparing the 7.9% of female respondents in this category with the 15.5% of all private sector respondents in the category, it is clear that women are not doing as well in the partnerships and boardrooms of private practices.

The 14 “other” responses to Question 3 referred to situations that sit less well in the existing response options, such as moving from one relatively senior role to a training position in a different role (eg from secretary to IP administrator, or from patent examiner to trainee patent attorney); or being senior but with no management duties. One person commented that they were “very experienced but my career will not advance due to the type of job”.

We recognise that it can be difficult to pigeon-hole into one of a limited number of categories, and appreciate respondents’ efforts to fit within the survey design.

Q4 What type of organisation do you work in? (Note that “in-house” here also covers government agencies and charities.)

A large majority of our survey respondents worked in private practices, as expected from their answers to Question 1. Assuming sole practitioners also to be private sector, the total proportion of private sector respondents was 80.2%, with in-house professionals accounting for 16.2% of respondents. This is not unexpected bearing in mind the ways in which legal professionals are typically employed in the UK.

Most worked in “large” organisations, although it is good to see at least some representation in all categories of organisation size, as well as in educational establishments.

None of our respondents selected the “virtual” network option. We know that such professionals exist, but it is possible that they preferred to categorise themselves as sole practitioners, or in terms of the larger organisation (whether private practice or otherwise) with which such networks are often associated. It is also possible that people working remotely in this way either do not regard diversity as relevant to their work, or are not aware of IP Inclusive.

**Table: Q4 responses
(1,081 respondents)**

Response	%
Sole practitioner	1.6
Small private sector organisation (1-20 staff including partners/directors)	5.9
Medium private sector organisation (21-80 staff including partners/directors)	9.8
Large private sector organisation (more than 80 staff including partners/directors)	53.5
Very large private sector organisation (more than 500 staff including partners/directors)	9.4
Small in-house department (1-10 staff)	2.0
Medium in-house department (11-50 staff)	3.0
Large in-house department (more than 50 staff)	11.2
“Virtual” professional network	0.0
Educational establishment	0.8
Other	2.8

30 people answered “other”. Of these, some belong in existing categories. 18 said they worked in government agencies or departments and one in a charity, suggesting that not everyone had understood (or perhaps even noticed) the second part of this question – something we should address in future versions of the survey.

There were also 5 references to being self-employed but within barristers’ chambers, a category that should perhaps be included in future surveys. In addition, 2 respondents described arrangements not covered by the other categories: a “medium sized UK practice forming part of a very large US private sector organisation” and a “large in-house department (more than 50 staff) in a very large private sector organisation (more than 500 staff)”. One person said they were unemployed.

Q5 Where do you work, mostly?

The majority of respondents (65.2% in total) worked in city centres, of which nearly half were somewhere other than London. There was representation from all other categories, including home

workers and those based in rural locations, as well as a good proportion in out-of-town business or science parks.

**Table: Q5 responses
(1,085 respondents)**

Response	%
City centre, London	36.1
City centre, not London	29.1
Town centre	7.9
Out-of-town business/science park	14.4
Smaller town, village or rural location	3.8
From home	2.9
Outside the UK	3.5
Other	2.3

The 25 “other” responses flagged some alternative categories for future surveys, including outskirts of a town (3 responses) or city (5 responses). In the latter case, 2 respondents specifically referred to “Greater London”. There were also references to a government “mini-hub”, and to out-of-town campuses. 4 people mentioned multi-site roles, 2 of them working half from home and half from a city centre, and 2 saying that their work took them to different bases around the country.

A few of the “other” responses should probably have appeared in other categories, including 3 who said “Munich” rather than selecting “outside the UK”, and some who specified a particular UK city.

4 Results from survey page 2: Your age

Q6 What age are you?

There was a reasonable spread of ages among survey respondents. A low figure for the 16-20 age bracket suggests that most IP professionals now enter the sector with at least some further or higher education qualifications. The 21-24 bracket is also not heavily populated, reflecting perhaps a large number of PhDs being recruited now at entry level.

**Table: Q6 responses
(1,084 responses)**

Response	%	%PPF	%FF
16-20	0.2	0.0	0.2
21-24	6.7	8.1	5.8
25-34	36.4	37.1	37.4
35-44	30.0	31.7	30.8
45-54	18.5	16.3	18.7
55-64	6.6	5.4	5.9
65+	0.8	1.2	0.8
Prefer not to say	0.7	0.3	0.5

It is interesting to see a peak in the mid-thirties. There could be a number of reasons for the subsequent tail-off: recruitment trends in the IP professions, for example. Possibly IP professionals earn well enough to retire, or to explore alternative careers, at a relatively young age; possibly they leave the IP sector because they are not happy there, and/or because of mental health-related problems such as stress and depression.

Another, and perhaps more likely, possibility is that the older professionals are the ones who are less interested in, and/or have less time for, completing a diversity survey – anecdotally, that would not seem unlikely. In other words, they may be there in the IP professions, but not showing in our survey.

It will be interesting to see whether the relatively large numbers in the 25-34 bracket remain in the IP sector through the next couple of decades.

The private sector (see the %PPF figures) exhibits a sharper cut-off beyond 44 than the overall survey cohort. The %FF figures, for female respondents alone, suggest that between the ages of 45 and 64, female professionals were marginally more likely to be outside of the private sector.

5 Results from survey page 3: Your gender

Q7 How do you describe your gender identity?

A greater proportion of respondents (well over half) were female than we had expected based on anecdotal evidence, in particular in the patent-focused parts of the IP sector. The balance changes a little – in favour of men – when looking only at the more senior respondents (the %SF figures), but again not as much as might have been predicted.

**Table: Q7 responses
(1,077 responses)**

Response	%	%SF	%PF
Female	58.1	55.4	48.1
Intersex	0.0	0.0	0.0
Male	39.7	43.4	50.0
Non-binary or gender fluid	1.0	0.0	0.9
Prefer not to say	1.0	1.0	1.1
Other	0.2	0.2	0.0

Does this tell us that there are more women than men in the IP sector, or that the women have been more helpful in providing survey data? The %PF figures – restricted to our patent attorney respondents – suggest the latter. We know from CIPA’s membership data that 28% of its current patent attorney members are female (27% of its current student members). Yet among the patent attorneys who responded to our survey, 48.1% were female. We also know, from CITMA’s membership data, that at the end of Q3 2019, 53.3% of its trade mark attorney members and 62.5% of its student members were female, yet among our 99 respondents who said they were trade mark attorneys, 67.0% were female. If similar effects are seen elsewhere in the IP professions, the men are significantly under-reporting compared to the women, giving an unfortunately distorted view of the current gender balance. This effect has potential relevance to questions other than those about gender (see the discussions at 13.2 below).

Of the two people who responded “other” to Question 7, one said “other” and one said “questioning”.

Q8 Is your gender identity the same as the sex you were assigned at birth?

1.6% (17 people) replied “no” to this question: a small but not insignificant number. So, there are at least some transgender IP professionals; we must take care to ensure they are appropriately included and supported.

**Table: Q8 responses
(1,078 respondents)**

Response	%
Yes	97.6
No	1.6
Prefer not to say	0.8

Q9 What pronouns do you prefer people to use for you?

The majority of respondents (86%) said they preferred the traditional male/female pronouns.

A preference for the gender-neutral pronouns they/them/their, or a lack of preference, does not seem to be linked with the younger generations: when the results are limited to those who answered “junior” to Question 3, for example (the %JF figures), the percentage preferring the gender-neutral pronouns they/them/their actually reduces to 0.8%. It further reduces for female-only respondents (%FF).

**Table: Q9 responses
(1,077 respondents)**

Response	%	%JF	%FF
They/them/their	1.5	0.8	0.3
She/her	52.2	50.8	89.6
He/him/his	33.8	36.8	0.0
No preference	11.1	10.9	9.6
Prefer not to say	1.0	0.0	0.3
Other	0.4	0.8	0.2

The 4 people who answered “other” clarified their responses as (a) Me; (b) None; (c) The ones denoted by my sex; and (d) Testing free text field.

6 Results from survey page 4: Your ethnicity

Q10 Which of the following best describes your ethnicity?

The survey responses suggest that there is little ethnic diversity in the IP professions at the moment. Fewer than 13% identified as anything other than “white” (it is hard to be precise about this, bearing in mind the range of responses in the “other” category).

There appears to be even less ethnic diversity at senior levels (the %SF figures), but more at junior levels (%JF), which it is to be hoped augurs better for the future. At present, ethnic diversity in the private sector (the %PPF figures) does not appear to be markedly better or worse than in the overall survey cohort.

**Table: Q10 responses
(1,075 respondents)**

Response	%	%SF	%JF	%PPF
Arab	0.2	0.2	0.4	0.1
Asian	3.0	1.0	6.4	3.3
Black, African or Caribbean	1.8	1.2	2.3	2.1
Hispanic or Latino	0.1	0.2	0.0	0.0
Mixed or multiple ethnicity	3.4	2.0	5.6	3.8
White	87.4	91.2	82.3	87.2
Prefer not to say	1.1	1.6	0.4	0.8
Other	3.0	2.6	2.6	2.8

32 people answered “other”. The ethnicities specified in their responses included: Chinese (6 people); Middle Eastern (2 people); British (2 people); Jewish or Semetic/Jewish (2 people); and Irish or Irish/Celt (2 people).

One person said: “I do not agree with your definition of ethnicity. I am white but I don't feel that I belong to a 'white group'.”

One said: “Mixed: white + middle eastern (levant) (NOT Arab or Asian, but stupid diversity forms only ever give the option "arab" or "asian" which is not accurate at all for me and often frustrating. As a child my mum always told me to put white, but I am quite visibly not 100% white.”

The question conceded that it was not possible to get these categories right for everyone, and we apologise to anyone whom we have offended with our somewhat limited choice of response options. The “other” category was included deliberately to allow people to self-identify in whatever way they chose, and we are grateful to those who took the time to tell us how they do.

7 Results from survey page 5: Your religion or faith

Q11 What is your religion or faith?

Our respondents were not hugely diverse in this context. A large majority (59.4%) said they had no religion or faith and the next largest group was those whose religion was Christianity (30.3%). The remaining categories each elicited fewer than 5% of the 1,075 responses to this question. These results are probably not surprising in view of the lack of ethnic diversity revealed by Question 10.

**Table: Q11 responses
(1,075 respondents)**

Response	%
I don't have one	59.4
Buddhism	0.8
Christianity	30.3
Hinduism	1.1
Islam	0.8
Judaism	0.8
Sikhism	0.4
Prefer not to say	3.0
Other	3.3

Within the 35 “other” responses, 8 people (0.7% of all Question 11 responses) said they were agnostic and 6 (0.6%) atheist. Despite the “Christianity” response option, 6 felt the need to say that they were Catholic or Roman Catholic, one that they were Church of England, one that they were unitarian and one that their faith was “Christianity but with multi-faith interest”. There were also 4 respondents who, though not belonging to any particular religion, still felt that they were “spiritual” or at least not atheist.

Other religions/faiths mentioned in the “other” category included Beddism, Jainism, Jedi, Paganism, and Pantheism.

8 Results from survey page 6: Your sexuality

Q12 What is your sexual orientation?

Although the majority of respondents identified as heterosexual, an encouraging proportion (15.5%) reported one of the previously less “conventional” sexual orientations, including “attraction beyond gender” (which here included both bisexual and pansexual) and asexual. That proportion was higher among the more junior respondents than in the wider survey cohort (see the %JF figures). Taken together with the responses to Question 13, we are hopeful that this indicates a reasonable – and increasing – degree of inclusivity, among IP professionals, around different forms of sexuality.

According to the Office for National Statistics³, the proportion of the UK population aged 16 years and over identifying as heterosexual or straight was 93.2% in 2017. The IP professions appear to have a significantly lower proportion: in other words, a greater diversity in terms of sexuality. We must however bear in mind that, as with the gender statistics from Question 7, there is an element of self-reporting bias in response to a question like this (see the discussion at 13.2 below).

**Table: Q12 responses
(1,067 responses)**

Response	%	%JF	%SxF
Asexual	0.9	1.1	6.1
Attraction beyond gender (eg bisexual, pansexual)	6.6	10.2	42.2
Heterosexual	80.6	78.4	0.0
Homosexual (gay or lesbian)	8.0	8.3	51.5
Prefer not to say	3.7	1.1	0.0
Other	0.3	0.8	0.0

The “sexuality filter” (the %SxF figures) reveals almost as high a proportion of respondents in the “attraction beyond gender” category as in the homosexual group. As one respondent spelt out in their general comments (see 12.1 below), sexuality is more a spectrum than a series of discrete categories.

3 people answered “other” to Question 12. One said “Difficult to fit into a discrete category”; a second said “Heteroflexible”. The third answer was the ubiquitous “Testing free text field”.

Q13 Are you open about your sexual orientation (tick as many as applicable)?

Respondents were significantly less likely to be open about their sexual orientation at work than in their personal lives, and even less likely again with clients. Unsurprisingly, this effect is amplified when looking only at the non-heterosexual respondents (the %SxF figures): it should be cause for concern that so many of these respondents are “out” about their sexuality at home but do not feel able to be truly open about it in the workplace.

The more junior respondents (%JF) seemed less likely than the overall survey cohort to be open about their sexuality with everyone at work and with clients, which may be due to concerns about career progression. However, they seem more able to be open “among certain colleagues”, possibly their peers rather than their more senior managers.

³ See

<https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/sexuality/bulletins/sexualidentityuk/2017>

**Table: Q13 responses
(1,044 respondents)**

Response	%	%SxF	%JF
In your personal life?	90.9	89.4	91.4
At work?	76.3	53.8	70.6
At work, but only among certain colleagues?	19.0	29.4	28.6
With clients (where appropriate)?	48.6	28.1	35.7
Prefer not to say	6.3	3.1	6.7
Other	2.8	5.0	3.1

There were 29 comments in the “other” category. A large number of these took the line that sexuality is not, or should not be, an issue at work; that it is irrelevant to the job; that it is nobody’s business but their own; or that it simply does not come up in conversation. Many of these people were in the luxurious position of their sexuality being the accepted “norm” and therefore not needing to be an issue in everyday conversations about, for example, family and home life (the “sexuality filter” revealed that relatively few of these comments came from non-heterosexuals); some did indeed recognise that they had “no reason not to be” open about their heterosexuality. Anecdotal evidence via our LGBT+ community IP Out suggests that sexuality is not irrelevant to those who are LGBT+, many of whom worry about coming out.

Some respondents queried the clarity of the response options, in particular what exactly was meant by “open”? For example, 5 said that they would be open if asked, but would not volunteer the information; one said that they were “not consciously open or closed” about their sexuality. 2 people replied that they were open only with their partner and close friends, and one that they were “out” to friends but not family.

9 Results from survey page 7: Your background

General

The responses to these questions indicate a reasonable amount of socio-economic mobility on access to the IP professions. The data should however be interpreted in light of the caveats discussed at 13.2 below, in particular that those from less privileged backgrounds may have been more likely to respond to a survey of this type.

Some of the free text comments (see 12 below) also suggest that the picture here is more complicated than our somewhat limited response options were able to capture.

Q14 Which of these qualifications do you have (tick as many as applicable)?

In academic terms, this is a highly qualified sector. A large proportion of respondents had some form of further or higher education qualification. Over half had post-graduate degrees. It is perhaps surprising, though, that 18.5% of respondents did not say they had secondary school qualifications: it is possible that some of those thought they ought not to tick that box as well as the others, or that they achieved non-UK school qualifications that they felt did not count in our first response category.

**Table: Q14 responses
(1,054 respondents)**

Response	%
Secondary school qualifications (eg GCSEs or A levels)	81.5
Further education qualifications (eg NVQs)	20.8
University degree	79.1
Post-graduate degree (eg Masters or Doctorate)	55.2
Prefer not to say	0.8
Other	8.9

Of the 94 people who responded “other”, the majority referred to professional qualifications, for example as accountants, barristers, HR professionals, IP paralegals, patent and/or trade mark attorneys, secretaries or PAs, or solicitors. In future surveys, we will need to make clear that our main interest is in academic, rather than vocational, qualifications.

16 of the “other” responses referred to post-graduate certificates or diplomas, which in many cases will relate to the IP courses provided by QMUL and Bournemouth University. There were also references to qualifications in education (eg PGCE, BEd) and foreign languages.

One respondent commented: “Not a PhD, which at my firm appears to be something on which patent attorneys are discriminated (despite, as even those with PhDs admit, having a PhD does not inherently make one a better attorney).” This certainly fits with anecdotal evidence that, in patent-related professions, PhDs are highly valued by recruiters. It is possible that the cost of additional university courses means that this represents a barrier to entry for some.

Q15 What type(s) of school did you attend (tick as many as applicable)?

(If you were schooled outside the UK, please pick the nearest possible option, or tell us more in the "other" box.)

In view of the IP professions' reputation, it is encouraging to see a relatively high proportion of respondents from state schools, in particular comprehensive schools. Interestingly, the figures do not change that much when the "seniority filter" is applied (see the %SF figures), and nor does the private sector appear to recruit very differently to others in this respect (the %PPF figures). These figures may, of course, be misrepresentative if the privately-educated professionals were less likely to have engaged with a diversity survey (see the caveats at 13.2 below).

According to the report *Elitist Britain 2019*⁴, published by the Social Mobility Commission and The Sutton Trust, privately-educated people account for 39% of the UK's top positions. In comparison, 26.4% of our respondents (increasing to 28.7% for the senior respondents) said they had attended an independent school, not all of them self-funded: on these figures, the IP professions would appear to be more socially diverse than certain other "elite" sectors.

That said, the %JF figures show that the percentage intake from state schools (especially comprehensive schools) is not as high among our newest recruits as over the whole survey cohort.

**Table: Q15 responses
(1,054 respondents)**

Response	%	%SF	%JF	%PPF
Faith school	9.7	9.0	10.7	8.3
Home schooling	0.0	0.0	0.0	0.0
Independent school (with bursary)	9.5	12.3	7.7	9.5
Independent school (self-funded)	16.9	16.4	20.3	18.7
State grammar school	15.8	15.3	19.2	17.1
State comprehensive school (including non-selective academy)	58.0	57.1	53.6	56.0
Prefer not to say	1.5	2.0	0.8	0.9
Other	5.2	4.7	5.4	5.6

55 people answered "other" to this question. Of these, 27 referred to schooling outside the UK, which in most cases was state schooling and also largely related to EU countries. 5 people mentioned the Scottish education system, where state schools are not divided into "grammar" and "comprehensive" categories. 2 people referred to further education colleges.

⁴ <https://www.gov.uk/government/publications/elitist-britain-2019>

In terms of the funding of independent school places, 6 people mentioned that scholarships covering only a percentage of their fees had enabled them to attend private sector schools. One person specified that they had attended a state primary school but an independent secondary school.

A number of other school types were mentioned, including a school for the physically disabled; a specialist government arts school; a direct grant school; a “grant maintained” selective sixth form; a convent school; and a single-sex school.

We can learn from these responses: in next year’s survey it may be appropriate to include a specific category for non-UK schooling; to recognise the existence of different systems in Scotland and potentially in other UK countries or regions; and to include sixth form colleges. It may also be interesting to delve further into the question of co-ed versus single-sex schools, which has been suggested to impact on girls’ academic achievements, in particular in STEM subjects.

Q16 Did you qualify for free school meals for any period during your schooling?

A small, although by no means insignificant, proportion of our respondents came from backgrounds that, on the “free school meals” criterion, would be considered to be under-privileged. This too indicates a fair degree of accessibility into the sector.

**Table: Q16 responses
(1,049 respondents)**

Response	%
Yes	13.3
No	83.6
Prefer not to say	3.2

Informal feedback has rightly pointed out that this question ought to have included a “don’t know” or “not sure” option, something we can rectify in later versions of the survey.

Q17 What type(s) of higher or further education establishment did you study at (tick as many as applicable)?

There appear to be a good range of routes into the IP sector as a whole, although the majority of IP professionals attended university and that proportion will inevitably be higher for specific parts of the sector (for instance, for barristers, patent and trade mark attorneys, and solicitors) for which a degree is an entry requirement.

A high proportion of the graduate respondents had attended a so-called “Russell Group” university, as compared to those who had attended a non-Russell Group university or a college. It is however

encouraging to see that nearly a fifth had attended a college and over a quarter a non-Russell Group university, indicating that this is not necessarily ruling people out of a career in the IP sector.

The “seniority filter” (see the %SF figures) increases the Russell Group percentage from 70.1% to 73.9% (most of that being in the Oxbridge category) and reduces the college percentage by 3.4%. Among the more junior respondents (the %JF figures), the Russell Group percentage increases yet further to 80%, which may indicate a trend towards recruitment from a smaller set of academic establishments now than in the past. The %PPF figures show that the private sector employs proportionately more people from Oxbridge and other Russell Group universities than is the case for the overall survey cohort.

It should be borne in mind that respondents were able to tick several boxes if, for example, they did their first degree at one university and further post-graduate studies at one or more other establishments: this may distort the figures somewhat and it may be better, in future versions of this survey, to specify which qualification (eg the first degree, or the most recent) this question relates to.

**Table: Q17 responses
(1,046 respondents)**

Response	%	%SF	%JF	%PPF
College	19.4	16.0	15.0	17.4
Oxford or Cambridge University	24.5	27.3	25.8	29.2
Russell Group university other than Oxford or Cambridge	45.6	46.6	54.2	46.2
University other than Russell Group	25.6	24.4	27.7	22.8
Remote access educational establishment (eg Open University)	4.1	4.1	1.9	3.4
Educational establishment outside the UK	8.7	8.2	7.3	8.2
Prefer not to say	1.5	1.9	1.2	1.1
Other	3.7	3.7	3.5	3.4

Of the 39 answers in the “other” category, 10 referred to non-UK universities. 9 said they had gone straight from school into work, without doing any higher or further education; on reflection this could have been provided as a separate response option.

The situation is of course more complicated than our six chosen categories can cater for, and the “other” field allowed respondents to mention higher/further education opportunities such as apprenticeships, YTS schemes and other in-house training and qualification systems; law and/or business schools; polytechnics; specialist institutes; and vocational qualifications achieved alongside academic ones at school.

Q18 If you went to university, were you part of the first generation of your family to do so?

An encouraging number of our respondents were part of the first generation of their family to go to university, which is often taken as an indicator of social mobility. It is clearly not just the children of lawyers and other graduate professionals who have been able to enter the IP professions, suggesting that the sector as a whole may not be as “exclusive” as feared.

**Table: Q18 responses
(1,048 responses)**

Response	%	%SF	%JF	%PPF
I didn't go to university	10.4	8.6	4.3	9.0
Yes	40.5	44.2	40.5	39.4
No	48.4	46.2	55.2	51.2
Prefer not to say	0.8	1.0	0.0	0.4

The %SF figures show that the situation is not that different at senior levels. Social mobility appears to have been possible, at least during these respondents' careers, in the context of progression as well as on entry into the sector. The %JF figures however indicate that our more recent recruits are far more likely to be graduates, and that those graduates are proportionately less likely to have been first generation university students. The private sector graduate respondents (the %PPF figures) were also less likely to have answered “yes” to this question.

Q19 Which country were you born in?

Over 10% of respondents to this question were born in countries other than the UK, and about half of those outside the EU. The IP sector appears to be reasonably good at recruiting from around the world, which of course is not inappropriate in view of the international nature of the IP system.

**Table: Q19 responses
(1,054 responses)**

Response	%
UK	86.2
EU country (not UK)	6.3
Prefer not to say	0.8
Other	6.8

Among the “other” responses, the following were the most frequently mentioned countries.

**Table: Q19 “other” responses
(72 responses)**

Response	No.
Australia	12
India	9
USA	8
Canada	6
New Zealand	5
South Africa	5
Hong Kong	4
Russia	4
Nigeria	3
China	2

Other countries mentioned were Anguilla, the Channel Islands, Ghana, the Islamic Republic of Iran, Kenya, Malaysia, Poland (which at the relevant time was not in the EU), Romania, South Korea, and UK military bases abroad.

Q20 Do you have UK citizenship?

The majority of people working in the UK’s IP professions have UK citizenship. A significant minority, however, do not: these are most likely citizens of other EU countries and it will be interesting to see whether and how this figure changes after Brexit.

**Table: Q20 responses
(1,052 responses)**

Response	%
Yes	92.5
No	6.9
Prefer not to say	0.6

10 Results from survey page 8: Disabilities

Q21 Do you consider yourself to have a disability or health condition, or to be otherwise disabled?

The proportion of disabled people in the IP professions appears to be low. The 1,051 people who responded to this question did so as follows.

**Table: Q21 responses
(1,051 respondents)**

Response	%	%JF	%PPF
Yes, and I have not declared this to my employer	2.7	5.0	3.0
Yes, and I have declared this to my employer	7.5	7.3	5.5
No	87.2	85.4	89.6
Prefer not to say	2.7	2.3	2.0

From the responses to the gender Question 7, it appears that people were more likely to respond to this survey if they fell into one of the so-called minority groups. On that basis, it is likely that the actual percentage of disabled people in the IP professions is considerably lower than the 10.2% revealed here.

Just over a quarter of those who said they had a disability or health condition had not declared it to their employer: this is an issue that our IP Ability community will be looking into further, with the aim of providing better support for disabled people in the IP sector, and raising awareness and understanding amongst their employers.

It is far from encouraging that in the group of junior respondents (the %JF figures), there is overall a greater percentage of people who consider themselves to have a disability, and yet proportionately more of them who have not told their employers. The %PPF figures, meanwhile, suggest that the private sector may be less likely than others to employ disabled people, and that proportionately more of those people feel able to disclose their disability at work.

11 Results from survey page 9: Your caring responsibilities

Q22 Which if any of these caring responsibilities do you have (tick as many as applicable)?

This question referred to caring responsibilities for children, disabled people and elderly dependants. Again, the answers revealed a low proportion of people with caring responsibilities, which is probably even lower in the IP sector as a whole than among the subset who responded to our survey.

Just over a quarter of respondents said that they were primary carers for children under 18 (it would be interesting to know how that figure might have changed if more men had completed the survey). Fewer than 5% said they cared for either disabled or older people.

The %FF figures show that in most categories, women were slightly more likely than men to be primary carers. The more junior respondents (%JF) were unsurprisingly far less likely to have caring responsibilities. The %PPF figures indicate that the private sector is not especially different to the overall survey cohort in terms of the proportion of carers it employs.

**Table: Q22 responses
(1,041 respondents)**

Response	%	%FF	%JF	%PPF
None	62.1	61.8	87.3	62.8
Primary carer for a child/children (under 18)	25.7	28.1	9.3	25.0
Primary carer for disabled child/children	1.3	1.5	0.8	1.1
Primary carer for disabled adult (18-65)	1.2	0.8	0.4	1.2
Primary carer for older person (over 65)	1.7	2.6	0.0	1.2
Secondary carer (another person carries out the main caring role)	10.6	7.9	3.1	10.7
Prefer not to say	0.9	0.7	0.4	0.7
Other	2.3	2.3	1.2	2.3

11 of the 24 “other” comments referred to being a joint parent of one or more children, ie neither a “primary” nor a “secondary” carer; this had led some people to tick both the primary carer and the secondary carer boxes, and presumably others to tick neither box if they regarded both terms as inappropriate. This issue could be clarified in future surveys.

2 comments referred to dependants with specific long-term health conditions, one to “self care”, one to being a respite carer, and one to being a carer for “young adults (aged 21-25)”. 3 referred to previous, and one to forthcoming, caring responsibilities. One commented that they were also the

“primary housekeeper”, adding: “This is not a caring responsibility however cleaning, shopping and organising a household also takes up significant time, in addition to caring for 2 children under 18.”

12 Results from survey page 10: Optional further comments

12.1 Key themes

At the end of the survey (page 10), respondents were offered the chance to add “free text” comments regarding their survey answers:

You can use this optional box to offer your comments on the survey questions. Please be constructive - we will try to take your feedback on board in developing future diversity surveys.

92 respondents provided comments, some positive, a few negative, many providing suggestions for improvements in survey design or for future survey questions. What follows is a rough qualitative indication of the key themes emerging, which could mostly be placed into the broad categories indicated in the table below.

A lot of people kindly suggested more detailed or more nuanced questions for future surveys. Some of these we will be able to use in our follow-up work (see 14 below), whether through the individual networking and support communities or for IP Inclusive more generally.

**Table: Key themes from optional further comments
(92 respondents)**

Comments	Number
Generally supportive (eg good survey; good response options; this is a positive initiative; thank you)	16
Generally unsupportive (eg whole thing a waste of time; making things unduly complicated; the risk of magnifying rather than accommodating differences)	4
Comments about the gender questions (in particular objections to the conflation of “sex” and “gender”, or to the idea that either could be “assigned” at birth (as opposed to being recorded as a biological fact), and generally to the accuracy or clarity of terminology around gender constructs and identification – plus a suggestion to include the option to reject the entire concept of “gender identity”)	6

Comments	Number
Comments about the ethnicity response options (eg insufficient, unclear or inappropriately broad categories; “Chinese” should be separate from “Asian”; “mixed” can be tricky to define; “British white” should be separate from “other white”; the difference between perceived and internally felt ethnicity)	8
Comments about the sexuality response options (in particular the “attraction beyond gender” option and whether it should encompass bisexuality (“attraction to multiple genders” was suggested as an alternative); questions should recognise that sexuality, like gender, is a spectrum not a set of discrete alternatives)	6
Comments about the questions on background and social mobility (eg that the response options failed to take account of differences in national education systems, of changes in funding schemes over time, of wider family influences than just parents, or of factors that might lead people to take a less conventional route through the education system; some also questioned the usefulness of the “Russell Group” classification)	5
Suggestions relating to the questions on nationality and citizenship (eg to ask about parents’ nationalities and citizenship; or if a person has, or has had, more than one citizenship)	2
Suggestions relating to the question on disabilities (including to explicitly refer to “invisible” conditions, to mental health conditions, to neurodiversity and to workplace adjustments)	7
Comments about the question on caring responsibilities, pointing out that the distinction between “primary” and “secondary” caring can be more complex than the response options allow	1
Issues with the clarity of the questions on being “open” about sexuality and disabilities, plus a suggestion to ask if people are “open” about their gender identity and preferred pronouns	2
Suggestions about cross-linking responses (some of which has been done for this report anyway), eg to assess diversity at specific career levels or in specific roles	5
Suggestions for gathering data about the impact of certain characteristics (eg gender, ethnicity, background or age) on salary	5
Comments about underlying assumptions in the survey design (eg that it assumed everyone would come from a legal background; that it was too London-centric or too UK-centric; that certain groups (eg government employees) felt rather “lumped together”; that the questions were biased towards the “norm”, leaving those who don’t conform to use the “other” response option more than they would have liked)	6

Comments	Number
Other general comments about survey design (eg suggestions to include “unsure”/“don’t know” options for faith and sexuality; finding some of the questions “a bit awkward” or “too personal”)	3
Suggestions for additional questions (including on part-time and flexible working arrangements; mental health and relevant life experiences; body type; experiences of workplace discrimination or prejudice; and geographical region of work)	12
General comments about diversity in the IP sector, and/or relevant personal experiences (generally these were supportive of the cause)	10
Null (eg “Testing free text field”; text field left blank)	5
Total number of comments	92

12.2 Some quotes

Annex I contains selected quotes from the page 10 comments, which reflect some of the diversity-related issues on the minds of our individual respondents. Most are broadly supportive, either of the survey itself or in terms of recognising that the IP professions are not yet as diverse and inclusive as many would like them to be.

However, two comments in particular indicated that we have a way to go before everybody is convinced that diversity and inclusion matter.

- *Sorry, can't be constructive about this stuff*
- *Frankly, so much of this diversity stuff is complete crap. "What gender do you identify as?" "What pronouns do you prefer?" What a load of utter bollocks. I won't be filling in future versions of this survey as it's clearly idiotic and utterly pointless.*

We are grateful to the people who, despite their misgivings, still took the time to complete the survey and to offer their feedback. Negative it may be, but it is valuable information and IP Inclusive has much to learn from it. We are only sorry we have not yet managed to win them round.

13 Discussion

13.1 Participation levels

We were encouraged by the level of engagement with this survey. We believe it is the first of its kind, in that it seeks to uncover diversity levels across an entire sector (and this in turn can bring

problems when analysing and interpreting the results: see below), but for a voluntary survey it brought in a healthy number of responses.

Also encouraging was that those responses came from a range of sectors and working environments, the respondents representing a good spread of professional roles and career levels. There was a significantly higher proportion of respondents from the private sector, and from the patent and trade mark professions, which is probably to be expected in view of IP Inclusive's origins, but the imbalance was not as great as we might have feared, indicating that our reach across the IP sector has greatly improved since our inception.

We cannot be sure what proportion the 1,085 respondents represent of the IP sector as a whole, because it is hard to define the size of a constituency embracing so many different IP-related roles. We do not know the exact number of, say, solicitors and barristers who would count themselves as IP professionals; or the number of IP specialist recruiters, journalists or information scientists; or how many business support professionals work within IP sector organisations or teams. We can however calculate the uptake from patent and trade mark professionals based on membership data from the Chartered Institute of Patent Attorneys (CIPA) and the Chartered Institute of Trade Mark Attorneys (CITMA):

- 464 respondents said they were patent attorneys, out of potentially 2536 CIPA chartered patent attorney and European patent attorney members + 1123 CIPA student members = 12.7%
- 99 respondents said they were trade mark attorneys, out of potentially 805 CITMA trade mark attorney members + 144 CITMA student members = 10.4%
- 115 respondents said they were paralegals, IP administrators or formalities clerks, out of potentially 392 CIPA paralegal members + 330 CITMA paralegal members = 15.9%

We anticipate that other groups are likely to be less well represented because of IP Inclusive's origins in – and higher levels of support from – the patent and trade mark professions. Moreover the above percentages may not be entirely accurate due to the different ways in which people describe their jobs and the fact that some may not be affiliated to either CIPA or CITMA. Nevertheless we think it reasonable to estimate an overall uptake of around 5% of UK-based IP professionals.

That said, we believe that the main value of this type of exercise is in identifying overall trends rather than precise quantitative data, and in establishing how uptake and responses change year on year. We are hoping, therefore, that respondents will increase in number and diversity for future surveys.

13.2 Caveats

As mentioned above, this survey does not provide reliable quantitative statistics. What it provides – as intended – is a rough indication of current diversity levels in the IP sector, a line in the sand

against which we can gauge our progress towards becoming more diverse and inclusive over time. It also gives us a feel for the relative levels of different types of diversity.

There are a number of reasons why the data from this survey does not allow precise quantification of diversity levels. Firstly, the community it covered is itself diverse: it encompasses people carrying out a range of roles, in different working environments and for different types of employers, who because of the nature of their work may need to be selected from a range of backgrounds and with different entrance requirements.

As discussed in 13.1 above, we do not know what proportion of the UK's IP professionals responded to the survey. Nor can we be sure that our respondents reflect the views of the wider community. The people who take part in a voluntary survey about diversity could be "self-selecting", in the sense that they are the ones who already believe diversity to be important. This in turn may mean that they are more likely to be people who form part of a "minority" group, for example that they are female, BAME, LGBT+ and/or disabled. We do indeed have reason to believe, from the proportions of female respondents (see the discussion at 5 above) that this was the case for the present survey.

Thus, it seems likely that we are missing out on the views of – not to mention information about – the diversity sceptics and those who, perhaps because they are not part of any minority group, feel that diversity is not "for them". This will necessarily have distorted the results, probably making the sector appear more diverse than it really is. Moreover, we will need to take this into account when evaluating trends that emerge from future surveys: if we achieve a higher level of engagement, we may in fact see diversity levels go down due to increased participation from those in non-minority groups.

Equally, of course, we should be open to the opposite possibility: that professionals from minority groups are *less* likely to complete a survey that asks them for sensitive data about, for instance, their sexuality, religion, educational background or health. This would mean that actual diversity levels were lower than the survey results suggested.

It is always possible to view statistics either optimistically or pessimistically: one could for example worry that over a quarter of respondents came into the IP professions from independent schools (as compared to just 7% of the overall UK population⁵), or one could be encouraged that 73.6% did not. Our starting point is that the closer these figures are to those in the population as a whole, the more diverse and accessible the IP sector is, which can only be a good thing in terms of talent recruitment and more effective teams and businesses.

Either way, we know that this survey is only a crude tool for gathering diversity data. But it gives us a feel for the current position, which we can build on in future such exercises, and it should allow us to visualise trends and to target our work accordingly.

⁵ *Elitist Britain 2019*: see <https://www.gov.uk/government/publications/elitist-britain-2019>

13.3 The overall picture

The “bigger picture” points that we can draw out from the survey results are these:

- The IP professions as a whole include a reasonable proportion of women.
 - However, the proportion is significantly lower in senior private sector roles, and among IP barristers, IP Office employees and patent attorneys.
 - Conversely, it is higher among trade mark attorneys and in so-called “supporting” roles such as IP paralegals, secretaries and business support professionals.
- We have very low levels of ethnic diversity, being at present mainly white.
 - This does, however, appear to be improving among newer recruits.
- We have a reasonable level of diversity in terms of sexuality, compared to the overall UK population.
 - Many non-heterosexuals are, however, unable to be “out” in the workplace, and free text comments suggest that there are still improvements to be made (even among those willing to engage with a diversity survey) in our sector’s understanding and acceptance of less “conventional” forms of sexuality; of issues such as gender transition and gender fluidity; and of the difficulties faced by those who do not conform to the heterosexual, gender-binary norms.
- In terms of social mobility, the IP professions do not appear to be as bad as we might have feared. The responses show that it is – or at least has been – possible to access the sector from less privileged backgrounds.
 - The percentage of Oxbridge and other Russell Group graduates appears to be higher in the private sector, and among more senior respondents, and also – perhaps worryingly – among newer recruits, than it is for the overall survey cohort.
- We have very low proportions of disabled people and of carers for disabled people.
 - Moreover, many of our disabled professionals feel unable to tell their employers about their conditions.

13.4 “Negative” information

From a survey like this, we learn as much from the people who do not respond as from those who do. A key issue that emerges is that we are not yet reaching everyone in the sector; not all IP professionals believe that diversity projects are worth their time and effort, or that diversity data is either useful or valid. The free text comments show that even among those prepared to respond to a diversity survey, there are some who think it a waste of time (see 12 above).

In particular, the responses suggest that it is the people who are not currently members of one of the so-called “minority” groups who are less likely to engage with the diversity agenda. In our view, that highlights one of the most difficult – but also the most important – aspects of persuading more people on board: that those who enjoy the most privileges, who have the luxury of not having to think about their gender, sexuality, ethnicity, disabilities or social background on a daily basis, are not always quick to appreciate the need to level the playing field.

14 Recommendations

14.1 Who can use these results, and how

We believe the survey results can be of value not only to IP Inclusive, but also to individual organisations within the IP sector – including employers, membership bodies, clients, suppliers, recruiters and regulators. They must of course be interpreted with care, as discussed at 13.2 above, but they can be used as a benchmark against which to evaluate diversity levels in specific sectors or organisations; as an indication of areas in need of improvement or of support; and as a call to action to continue striving for greater diversity throughout the IP community.

Employers in particular can use the information to reassess and develop their recruitment practices, as well as their appraisal and career development programmes. Membership bodies – and we include IP Inclusive in this category – can work on providing better support and inclusivity for the people the survey identified as less well represented, and on encouraging more of them into the sector.

Above all, for IP Inclusive the data provides evidence that there is still work to be done, in particular in areas such as ethnicity and disability. And with luck, future versions of the survey will help us to establish that we are making progress.

14.2 Immediate recommendations for IP Inclusive

We recommend the following measures in response to the survey results.

- Continue to try to persuade more people (particularly those in senior positions, and those who are not part of a minority group) of the value of diversity and inclusion, and the importance of gathering credible diversity data for the sector.
- Try to establish (at least anecdotally) what types of people were less likely to participate in the survey and why – for example:
 - Were they not aware of it?
 - Did they think it was not for them?
 - Did they lack the time and/or the interest?
 - Did they find the questions off-putting?
 - Did they disapprove of the project?
- Work with our networking and support communities (IP & ME, IP Ability, IP Futures, IP Out and Women in IP, both individually and jointly) to:
 - explore the accuracy of, and potential reasons for, the key survey outcomes;
 - provide better targeted support and resources in the areas identified as most in need; and

- improve access to the IP professions for the under-represented groups.
- Share relevant information with other key IP sector organisations such as membership bodies and regulators, and work with them to understand and address the problems with current diversity levels, to avoid duplicating or undermining one another's efforts in gathering and using diversity data.
- Encourage and support our Charter signatories' efforts in gathering and using their own diversity data; provide training, guidance and other resources to help them overcome challenges and adopt best practices in this context.

14.3 Further surveys

We believe this initial survey attracted sufficient support to be worth repeating. We recommend that the same or a very similar survey be conducted annually from now on, as a means to evaluate progress towards a more diverse and inclusive IP sector.

Future surveys should be designed to take account of feedback received from the work outlined in 14.2 above, as well as the comments received in response to the present survey. In particular we should investigate – through the five communities – more inclusive ways of defining and categorising the response options.

We do however recommend that questions in the main, annual IP Inclusive survey be kept relatively high-level, to assist interpretation and to facilitate comparison from year to year. More detailed information can be gathered through separate surveys on specific topics, potentially through the communities.

We hope that future surveys will attract an even higher and broader uptake. This in itself would, we believe, be an important indication of progress. We should make particular efforts to engage people from outside the private sector, to increase the proportion of respondents other than patent and trade mark attorneys, and to obtain more reliable data about those who do not belong to any of the minority groups.

Annex I

Selected free text comments

The following are selected quotes from the page 10 comments (see section 12 of the main report), reflecting some of the diversity-related issues on the minds of our respondents. They are reproduced unedited, and in no particular order.

- *I have never really felt excluded - until we had a meeting which made me think about it a bit more, and I saw a post later in the day about a partner, and "his club" in London (I think an Oxford and Cambridge club) - and I realised there are actually quite a few times that I feel out of place and don't belong - when people are talking about their very expensive cars, expensive holidays, going skiing etc - it feels a world away from where I am and I am a senior associate so earning a relatively large amount of money. I am also supporting 2 children and a fiancé who is taking care of home stuff, so I know it is all due to my personal circumstances, but that is one thing that does make me feel left out.*
- *Is salary linked to 1. your ethnic background and 2. your academic background 3. your age for the same/similar job. A survey of how diverse the top management, partners and heads of organisations such as CIPA, PEB are should be conducted. Are the exams fair to all candidates from all background i.e. are the exams biased to a particular ethnic group/academic background?*
- *Would I be able to reach the senior management grade today, without a degree? The answer would be no, and the UK Government is placing significant barriers in the way for people from disadvantaged backgrounds. The onus on fast stream is in the long term detrimental to a balanced and equal civil service and society in general.*
- *I maybe be physically disabled I don't like to think that I can't do things, I just do the same as everybody but in a different way*
- *The disability question is tough for me. Technically I have a chronic illness...but it's an 'invisible condition' that doesn't affect my ability to work providing it's properly controlled.*
- *Please do not assume that everyone who works in IP must come from a legal background, have legal qualifications and have the option for working for a legal firm or working in-house. I have an engineering qualifications and work in engineering organisations, managing IP. It is a perfectly valid way in to IP management. There are many like me (although very few women).*
- *Good luck*
- *I have only recently changed employer and let my employer know about my disability. While my disability does not effect my work in any way I have been discriminated against in the*

past which has stilted my career. My new work place seems more forgiving this is respect which is why I have recently become more open, despite the real risk that discrimination could happen again.

- *I know you will see from my answers that I am of a certain "type" (age, race etc), but I genuinely feel that there is a risk that these (admittedly well-meaning) attempts to increase diversity are actually focussing and magnifying difference. I just treat people as people and don't think that their sex, gender, race or age is a factor - if they are decent and kind then I will like them, if they are not, I probably won't.*
- *Would like to see a better representative of the IP profession e.g. more diverse and gender equality to reflect real life.*
- *It is clear that there is a lack of diversity in the IP profession, especially at top management level (just look at the websites of many IP firms which lacks diversity). Would like to see the IP profession to have more diversity at all levels. Fair pay for all in the profession depending on role and not judged on gender or diversity or academic background.*
- *Why is the term "Russell Group" used in this survey? It is a marketing term and does little to distinguish amongst different types or quality of university. For example, the university I attended is not a member of the RG because it doesn't have a medical school (a factor that is irrelevant for the study of mechanical engineering), but it is a well regarded "traditional" university and outperforms many RG members in the various league tables.*
- *I had to use "other" several times because of the way in which the questions were worded. They didn't quite capture my situation.*
- *Love the idea of this, however I think the only IP professionals who would be interested in filling out an IP inclusive survey are those who value and would benefit from it. So the results may not show an accurate reflection of the actual work place demographic.*
- *I object to the question asking whether I have a gender. I do not have a gender, I have a sex. Sex is the characteristic protected under the Equality Act 2010, not gender or gender identity. The only two possible options for sex are FEMALE and MALE as defined in the Act and consistent with biology. For the purposes of the Act the members of one sex class are not considered to be members of the other sex class. This means that a male is not a female and vice versa. Asking about a protected characteristic under the Act may be in breach of the GDPR by processing personal data without lawful basis. Moreover, any sex based analysis of the data is meaningless. Gender is a social construct based on outdated sexist expectations of male and female roles in society. Sex is not assigned at birth it is observed accurately in over 99% of cases. Language and meaning of words are important and proper use and understanding of terms is vital so that the public is aware of what rights they have under the Act. Any confusion or inconsistency over meaning may prevent people from accessing their rights in law - or in the case of this survey paint an inaccurate reflection of the diversity*

statistics that you are trying to obtain. I trust that these errors will be corrected so as to allow the accurate collection of data on the inclusivity of the IP profession. Without accurate data it is impossible to identify what changes need to be made in order to make the profession more inclusive.

- *The patent profession is still v London-centric, "Oxbridgy". Sometimes, being Scottish actually makes me feel like I'm adding to diversity of profession! Despite being middle-class, middle-aged UK male.*
- *It's a good idea. It's a shame my [organisation] refuses to do something similar.*
- *Lets just make these things less complicated.*
- *Thank you for including journalist/media as one of the options - no matter what we do in IP, we are all one*