

# **IP Careers 101: A Student's Guide to Careers in Intellectual Property**

**An introduction to intellectual property law and careers:  
Everything you want to know but haven't thought to ask.**

This guide is intended to provide a useful resource to law students and prospective law students interested in careers in intellectual property law. It provides an overview of the important role intellectual property plays in today's global knowledge economy; a brief introduction to intellectual property law, including a description of copyrights, patents, trademarks, and trade secrets; different types of intellectual property careers; an overview of recommended coursework and extracurricular activities to prepare for an intellectual property career; and additional resources for more comprehensive information.

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## Table of Contents

Topic	Page
<b>I. Why is Intellectual Property Important?</b>	1
<b>II. What is Intellectual Property Law?</b>	2
<b>III. What Job Opportunities Exist in Intellectual Property Law?</b>	8
<b>A. Legal Jobs</b>	8
1. Types of Legal Work	8
a) Transactional	8
b) Litigation	9
c) Technical	9
d) Non-Technical	9
2. Types of Legal Employers	10
a) Law Firms	10
b) Corporate	10
c) Government	10
d) Academic	11
e) Non-Profit	11
<b>B. Business Jobs</b>	12
1. Types of Business Work	12
a) Asset Building	12
b) Outmarketing	12
2. Types of Business Employers	13
a) Corporate	13
b) Consulting	13
c) Agents/Brokers	14
d) Academic	14
e) Non-Profit	14

Topic	Page
<b>IV. Curriculum for Intellectual Property Law</b>	15
A. Core Intellectual Property Curriculum	15
B. Advanced Intellectual Property Curriculum	15
C. Courses Including Treatment of Intellectual Property Issues	16
<b>V. The Patent Bar Examination</b>	18
<b>VI. Extra curricular Activities</b>	19
A. Internships	20
B. Professional Organizations	22
C. Competitions	25
D. Study Abroad	26
<b>VII. Intellectual Property Scholarships</b>	27
<b>VIII. Intellectual Property Career Fairs</b>	27
<b>IX. Intellectual Property Resources</b>	28

Additional copies of this guide may be obtained at:

[www.gsuip.org/careers](http://www.gsuip.org/careers)

## IX. Intellectual Property Resources

Additional resources are available for information on intellectual property. For example, numerous blogs have been created to provide up-to-date information on intellectual property.

### **A. Intellectual Property Law Generally**

<http://ip-updates.blogspot.com/>  
<http://www.theiplawblog.com/>  
<http://ipcounsel.blogspot.com/>  
<http://www.ipnewsblog.com/>

### **B. Copyright Law**

<http://www.copybites.com/>  
<http://copyrightlaw.blog.com/>  
<http://williampatry.blogspot.com/>

### **D. Internet and Technology Law**

<http://www.gigalaw.com/>  
<http://www.cyberlawcentral.com/>  
<http://www.oslawblog.com/>

### **E. Patent Law**

<http://patentlaw.typepad.com/>  
<http://www.inventblog.com/>  
<http://promotetheprogress.com/>

### **F. Trademark law**

<http://thettablog.blogspot.com/>  
<http://www.likelihoodofconfusion.com/>  
<http://www.schwimmerlegal.com/>

## I. Why is Intellectual Property Important?

Over time, the United States and global economy has transitioned from an agriculture-based economy, to an industrial economy, and is now rapidly evolving into a knowledge-based economy dependent on intellectual capital and driven by ideas and innovation. As Alan Greenspan, a former long-time chairman of the U.S. Federal Reserve, has stated, “the economic product of the United States ... [is] predominantly conceptual.” Intellectual property is one of the primary components of these conceptual assets. Accordingly, the role of intellectual property law has become more important in today’s global economy.

In the 1980’s, intangible assets accounted for a mere 40 percent of a publicly traded company’s value. Today, as much as 75 percent of the value of publicly traded companies in the U.S. comes from intangible assets.

Management of intellectual property, as one of the largest intangible assets of a business, understandably has become a significant strategic issue. In the U.S. alone, technology licensing revenue accounts for tens of billions of dollars annually. Worldwide licensing revenue is nearly \$100 billion and shows a likelihood of continued growth. This growth can be seen in all areas of intellectual property.

For example, since passage of the last major copyright reforms that went into effect in 1976 and 2004, the annual number of copyright registrations have increased approximately sixfold.

Similarly, since the mid 1980’s, the annual number of patents issued by the U.S. Patent and Trademark Office (USPTO) almost doubled. During this same period, the annual number of patent applications to the USPTO

dramatically increased, approximately threefold, creating a substantial backlog in the patent examination process.

Trademark applications and registrations have similarly shown a dramatic increase over the past several decades.

Together, with the increasing trend to protect intellectual property rights, there has been a substantial increase in intellectual property litigation.

## **II. What Is Intellectual Property Law?**

Intellectual property rights protect ideas, inventions, discoveries, symbols, images, expressive works, and other valuable products of the human mind that have an intangible existence. These rights can be traced back to the Middle Ages and ancient Rome.

Intellectual property is generally divided into several main categories: copyrights, patents, trademarks, and trade secrets. The following sections provide a brief introduction to these different categories of intellectual property, their historical development, and modern issues.

### **Copyrights**

The modern concept of copyright was first introduced in the Statute of Anne in England in 1710. The law granted to authors rights of a limited duration and of limited character to induce writing and promote learning. Modern copyright laws are largely based on this statute.

The Constitution of the United States authorizes Congress to enact laws “to promote the progress of science and useful arts.” With this express power, Congress created the copyright system through the enactment of numerous copyright acts giving the U.S. Copyright Office the power to

## **VII. Intellectual Property Scholarships**

Numerous scholarships are available to assist students interested in pursuing careers in intellectual property law, such as:

Federal Circuit Bar Association Giles Sutherland Rich Memorial Scholarship  
Sidney B. Williams Jr. Scholarship  
Jan Jancin Award  
ABA/BNA Student Award Program

## **VIII. Intellectual Property Career Fairs**

Georgia State University College of Law’s Southeastern Intellectual Property Law Job Fair ([law.gsu.edu/careers/SIPJF](http://law.gsu.edu/careers/SIPJF))

Loyola University Patent Job Fair ([www.luc.edu/law/career](http://www.luc.edu/law/career))

AIPLA Job Fair ([www.aipla.org](http://www.aipla.org))

## Writing

Nathan Burkan Memorial Writing Competition  
AIPLA Robert C. Watson Writing Award  
AIPLA Quarterly Journal Publication Staff Competition  
Federal Circuit Bar Association George Hutchinson Writing Competition  
JPTOS Student Paper Contest

## Moot Court

AIPLA Giles Sutherland Rich Moot Court Competition  
Cardozo/BMI Entertainment and Communications Law Moot Court Competition  
Saul Lefkowitz Moot Court Competition  
John Marshall Law School Moot Court Competition in Information Technology and Privacy Law

## **D. Study Abroad**

There also are a number of study-abroad programs that have been developed to provide students with a clearer understanding of intellectual property law in a global context. Several universities offering intellectual property study abroad programs include George Washington University (Munich, Germany), Franklin Pierce Law Center (Beijing, China; Cork, Ireland), Chicago Kent School of Law, University of Connecticut (Kyungpook, Korea), Syracuse University (Beijing, China), and Temple University (Tokyo, Japan). A listing of American Bar Association approved summer and semester study-abroad programs is provided at [www.abanet.org/legaled/studyabroad](http://www.abanet.org/legaled/studyabroad).

award copyrights to authors. The premise is that by protecting an author's creations for a limited period of time, the author is more likely to share those creative works with the public. Accordingly, an author is granted certain exclusive rights to the protected work. Currently, an author's exclusive rights extend for 70 years beyond the author's life.

A work may be protected if it is an original work of authorship fixed in a tangible medium. An original work requires some "modicum of creativity." Accordingly, copyright protects the expression of ideas rather than the ideas themselves, a concept known as the idea/expression dichotomy.

A work also must fall within a statutorily created category of protected subject matter. The scope of protected subject matter has been expanded greatly since the introduction of copyrights to the United States. Copyrightable subject matter includes: literary works; musical works; dramatic works; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; sound recordings; and architectural works.

An author's exclusive rights include the right to copy, sell, perform, and create derivative works of the copyrighted work. Advances in technology continue to create numerous issues on whether a new technology falls within the scope of a copyright holder's exclusive rights. Technological advances have also made enforcement of an author's exclusive rights more difficult due to the ease of copying and distributing different media internationally. Governments are responding by imposing criminal liability on infringers in addition to the civil liability which previously existed.

A more expansive discussion of copyright law is beyond the scope of this guide; however, there are numerous

references listed in the resource section of this guide that include comprehensive discussions of copyright law.

## **Patents**

Modern patent law was first introduced in Venice, Italy, in 1474 as a means to attract skilled merchants to the city-state. The inventor of a technique deemed novel was given a ten year right to its exclusive use, and infringers were fined 100 ducats.

Patent law has since become an internationally accepted means of protecting knowledge, with most countries granting patents on a national basis through the establishment of government patent offices. Although the laws differ on some details, the main tenets are similar due to the enactment of international treaties.

The Constitution of the United States authorizes Congress to enact laws “to promote the progress of science and useful arts.” With this express power, Congress created the patent system. The United States Patent and Trademark Office (USPTO) was given the power to scrutinize patent applications and to award patents to inventors. In exchange for public disclosure of the invention, an inventor is given the exclusive right to make, use, and sell the invention for a limited period of time. Currently, a patent’s exclusive rights are limited to 20 years from the date of filing of the patent application.

An invention is patentable if it satisfies three criteria: it is useful, novel, and non-obvious. Additionally, an invention must fall within patentable subject matter. The Supreme Court of the United States ruled that “anything under the sun made by man” is patentable. The scope of what is considered patentable subject matter has expanded greatly over the past half-century to include biotechnology, software,

Licensing Executives Society (LES) ([www.usa-canada.les.org](http://www.usa-canada.les.org))

LES is a “professional society comprised of over 6,000 members engaged in the transfer, use, development, manufacture and marketing of intellectual property.”

Practicing Law Institute (PLI) ([www.pli.edu](http://www.pli.edu))

PLI is another organization dedicated to providing accessible, high-quality, continuing legal education and resource materials to attorneys. Courses are frequently offered relating to intellectual property. PLI also offers a well-respected patent bar review course.

State and Local Bar Organizations

Most state and local bar organizations have intellectual property sections and encourage participation by law students and those interested in gaining a better understanding of intellectual property law. The Georgia Bar, for example, has very active Entertainment and Sports Law and Intellectual Property Law sections, both accessible through the Georgia Bar’s section websites ([www.gabar.org/sections/section\\_web\\_pages](http://www.gabar.org/sections/section_web_pages)). These Intellectual Property sections often sponsor high-quality continuing legal education and resource materials on intellectual-property-related topics.

## **C. Competitions**

There are also numerous student competitions that focus specifically on different areas of intellectual property law. These competitions can provide an invaluable opportunity for students to develop their legal writing skills or to hone their legal arguments.

Intellectual Property Owners Association (IPO)  
([www.ipo.org](http://www.ipo.org))

IPO “is a trade association for owners of patents, trademarks, copyrights and trade secrets. ... The association advocates effective and affordable Intellectual Property ownership rights and provides a wide array of services to members. It concentrates on: supporting members interests relating to legislative and international issues; analyzing current Intellectual Property issues; providing information and educational services; and disseminating information to the general public on the importance of intellectual property rights.”

International Intellectual Property Alliance (IIPA)  
([www.iipa.com](http://www.iipa.com))

IIPA is “a private sector coalition formed in 1984 to represent the U.S. copyright-based industries in bilateral and multilateral efforts to improve international protection of copyrighted materials. IIPA is comprised of seven trade associations, each representing a significant segment of the U.S. copyright community. These member associations represent 1,900 U.S. companies producing and distributing materials protected by copyright laws throughout the world.”

International Trademark Association (INTA) ([www.inta.org](http://www.inta.org))

“INTA’s Mission is to support and advance trademarks and related intellectual property as elements of fair and effective national, regional and international commerce. INTA supports this mission and its members through Policy Development & Advocacy and Education, Information & Services.”

and business method patents. As the scope of patentable subject matter has expanded, the USPTO has had to respond in kind with new rules for patent examination.

A more expansive discussion of patent law is beyond the scope of this guide; however, there are numerous references listed in the resource section of this guide which include more comprehensive discussions.

### **Trademarks**

Trademarks are marks that are used to identify the source of goods and services. Evidence of marking goods dates back to ancient Egypt, where an ancient Egyptian wall painting depicts the activity of branding cattle. In the Middle Ages, members of guilds were required to mark their goods with identifying symbols to make it easy to identify guild members who violated quality requirements.

Even in the United States trademarks remained largely a matter of local concern until after the Civil War due to the local nature of most economic activity. As the economy expanded in the late Nineteenth Century, the need developed for trademark laws that were national and more comprehensive. After several failed attempts at passing a national trademark law, Congress passed the first modern trademark registration act in 1905 under the authority of the Commerce Clause. However, the 1946 Trademark Act, known as the Lanham Act, greatly expanded the types of marks eligible for federal protection as well as the nature of that protection. Trademark protection is now available under both state and federal law.

Trademarks include a word, group of words, or logo, or any other device that is able to identify and distinguish a provider of goods and services. The courts have stated that

“trademark law ... can best be explained on the hypothesis that the law is trying to promote economic efficiency.”

A more expansive discussion of trademark law is beyond the scope of this guide; however, there are numerous references listed in the resource section of this guide which include more comprehensive discussions.

### **Trade Secrets**

A trade secret is an idea or information that retains its value because it is not widely known. Trade secret law protects the secret information from misappropriation by others.

Trade secret law arose from the English common law in the early Nineteenth Century, which addressed misappropriation of secret subject matter in numerous cases that typically involved breaches of confidence. U.S. courts considered this early precedent when deciding cases involving trade secrets in industrialized society.

Trade secrets are traditionally protected under state law. The majority of states have adopted the Uniform Trade Secrets Act. The federal government, however, also recognizes that misappropriation of trade secrets is a federal crime in the Economic Espionage Act of 1996.

Although there are numerous sources of trade secret law, many of the fundamental concepts are consistent. For information to gain protection as a trade secret, there are generally two requirements: there must have been reasonable efforts to maintain the secrecy of the information, and the information must derive commercial value from not being generally known or readily ascertainable. This information may take the form of business methods, processes, formulas, and techniques. Perhaps the best example of a successful and valuable trade secret is the Coca-Cola secret formula.

excellence and respect for the law.” The ABA has a active Intellectual Property Section that addresses issues of intellectual property law.

### American Intellectual Property Lawyer’s Association (AIPLA) ([www.aipla.org](http://www.aipla.org))

The “AIPLA was formed in 1897 to maintain a high standard of professional ethics, to aid in the improvement in laws relating to intellectual property and in their proper interpretation by the courts, and to provide legal education to the public and to its members on intellectual property issues.”

### Association of University Technology Managers (AUTM) ([www.autm.net](http://www.autm.net))

“The association was founded in 1974 as the Society of University Patent Administrators with the objective of addressing a concern that inventions funded by the U.S. government were not being commercialized effectively. Through the years AUTM has grown beyond this single objective and now provides professional development and networking opportunities for technology transfer professionals at all career levels and from established and newly forming organizations worldwide.”

### Federal Circuit Bar Association (FCBA) ([www.fedcirbar.org](http://www.fedcirbar.org))

FCBA “was organized to unite the different groups who practice within the legal community of the Federal Circuit. It seeks to strengthen and serve the Court through its Committees. The Associations offers a forum for common concerns and dialogue between bar and court, government counsel and private practitioner, litigator, and corporate counsel.”

Many opportunities for summer or semester internships also are available with the federal judiciary who are responsible for handling most intellectual property disputes. Students in the district courts observe legal proceedings and assist writing legal memoranda, jury instructions, and draft opinions. Students in the appellate courts primarily assist with legal research and the drafting of legal memoranda and opinions. Students may apply for judicial internships through their schools or by writing directly to the judge at least six months in advance of the time requested for an internship. Information regarding judicial internships and clerkships is available at [lawclerks.ao.uscourts.gov](http://lawclerks.ao.uscourts.gov).

Library of Congress (www.loc.gov):

The Library of Congress Office of General Counsel provides both summer and semester internship opportunities to first year and second year law students. Students undertake legal research and writing in virtually all areas of law, including intellectual property.

## **B. Professional Organizations**

Many practitioners also recommend becoming involved in organizations that focus on intellectual property law. The following is a list of many of them.

American Bar Association (ABA) (www.abanet.org)

One of the largest professional organizations in the world, the “mission of the American Bar Association is to be the national representative of the legal profession, serving the public and the profession by promoting justice, professional

Trade secrets have potentially perpetual protection, the information retains the status of a trade secret for as long as it remains a secret. Courts evaluate a number of factors to determine whether sufficient precautions were taken to maintain the secrecy of the information that is the subject of a trade secret. These efforts must generally include identification of the trade secret, reasonable efforts to notify others that it regards the information as proprietary, and reasonable efforts to protect against foreseeable intrusions.

Misappropriation of a trade secret can result in both criminal and civil liability. Misappropriation occurs where there is an improper acquisition of a trade secret. Additionally, courts have extended misappropriation to include breach of a confidential relationship. Unlike patents, however, trade secrets do not protect against the reverse engineering of a product sold on the open market.

A more expansive discussion of trade secret law is beyond the scope of this guide; however, there are numerous references listed in the resource section of this guide which include more comprehensive discussions.

## **III. What Job Opportunities Exist in Intellectual Property Law?**

There are a wide variety of jobs available for law graduates in the area of intellectual property law. These jobs are found in different market sectors (corporate, law firm, government, non-profit, etc.) and entail many different types of work (litigation, transactional, licensing, etc.). Many of the opportunities are legal jobs (i.e., those that involve the practice of law); others are business jobs (those that do not require the practice of law but for which a legal background is helpful).

## **A. Legal Jobs**

The nature of legal jobs in Intellectual Property can vary depending on the market sector of the employment. Regardless of the market, intellectual property attorneys are expected to handle a wide variety of matters.

### **1. Types of Legal Work**

#### **a) Transactional**

Transactional attorneys generally handle matters relating to obtaining and securing intellectual property rights and exploiting the intellectual property rights of their clients. Transactional matters include:

- preparation and filing of patents
- preparation and filing of trademarks
- license agreements
- joint development agreements
- clearance/freedom to operate opinions for patents and trademarks
- clearance/freedom to operate opinions for trademarks
- patentability opinions
- identification of technological areas in which opportunity exists for protection of intellectual property rights
- general management of company intellectual property portfolios
- filing for copyrights
- licensing of copyrights
- due diligence
- mergers and acquisitions

#### **Federal Reserve Bank of Atlanta**

The Legal Department of the Federal Reserve Bank of Atlanta supports all functions of the Reserve Bank, both as regulatory counsel and in-house corporate counsel. Students work on numerous matters relating to areas such as banking regulations, payments system, contracts and commercial law, technology law, intellectual property law, employment law, and litigation.

Opportunities for summer or semester internships also are available at the U.S. Copyright Office, the U.S. Patent and Trademark Office, and the Library of Congress in Washington, D.C.

#### **U.S. Copyright Office ([www.copyright.gov](http://www.copyright.gov))**

The Office of the Copyright General Counsel provides internship opportunities for second year, third year, and graduate law students. Students assist the Office in its various administrative, regulatory, and other legal work by assisting in the drafting of legislation and legislative reports, conducting rulemakings and issuing regulations under copyright law, and administering statutory licenses and review of legal determinations of the Copyright Royalty Board.

#### **U.S. Patent and Trademark Office ([www.uspto.gov](http://www.uspto.gov)):**

The Board of Patent Appeals and Interferences often offers summer or semester internships to students. Students work under the supervision of an Administrative Patent Judge, participating in the evaluation of patent appeals and/or interferences and drafting opinions relating to patent appeals and/or interferences.

networking opportunities. Finally, moot court and writing competitions focusing on different areas of intellectual property.

### **A. Internships**

Most law schools have internship programs that enable students to work in the field for class credit, and many of these programs include internships with organizations that have needs in intellectual property law. Georgia State University College of Law, for example, offers the following internship opportunities for students interested in intellectual property:

#### Georgia Lawyers for the Arts

Georgia Lawyers for the Arts is a nonprofit legal aid organization that provides \$1 million annually in free legal services to musicians, film makers, songwriters, galleries, non-profit arts organizations and literary and visual artists. Students interact with clients on a daily basis and write legal memos, draft contracts, and make recommendations on handling pro bono cases, giving the student exposure to entertainment and intellectual property law issues related to copyrights, trademarks, and related first amendment issues.

#### Centers for Disease Control and Prevention Technology Transfer Office

The Technology Transfer Office of the Centers for Disease Control and Prevention (CDC) handles all issues relating to the intellectual property rights of the CDC. Students review patentability of new technologies, marketability of inventions, licensing agreements, confidential disclosure agreements, royalty payments, marketing materials, and trademark and copyright applications.

### **b) Litigation**

Litigation attorneys generally handle matters relating to the protection of intellectual property rights or defense against the enforcement of intellectual property rights. These matters include:

- preparation of pleadings (e.g., complaints, answers, motions, etc.) for litigation
- production and review of documents relevant to the subject matter of the litigation during discovery
- preparation and taking of depositions during discovery
- research of legal issues
- trial

### **c) Technical**

Intellectual property attorneys require both technical and non-technical experience. For example, transactional attorneys handling patent matters generally have technical backgrounds in engineering and science. Technical backgrounds are necessary to communicate effectively with inventors and to understand the subject matter of the patent in both transactional matters and litigation.

### **d) Non-Technical**

Numerous opportunities exist for intellectual property attorneys without technical backgrounds. For example, a technical background is not required for transactional or litigation matters relating to trademarks and copyrights. Attorneys without technical backgrounds also are able to handle transactional matters relating to licensing and management of patent portfolios, as well as most litigation matters relating to patents.

## 2. Types of Legal Employers

Legal employers differ according to the clients they represent. For example, in a law firm, the client may be a large or small business or an individual. In the government, the client may be a government agency such as the National Institutes of Health, while in a corporation the client may be different business units within the corporation itself.

### a) Law Firms

Private law firms employ the largest number of employer of intellectual property attorneys. Law firms come in all different sizes and types, including large/medium/small and general/specialized. Within an individual firm, there may be still further divisions of intellectual property attorneys, such as litigation/transactional, patent/copyright/trademark, etc.

### b) Corporate

Corporate attorneys are generally responsible for the legal affairs of the corporation for which they work. This may involve personally handling numerous types of legal matters or overseeing the hiring of outside counsel to handle the corporation's legal issues.

### c) Government

The government also employs intellectual property attorneys to handle a variety of matters among the many different levels of government. Examples include being a patent examiner or trademark examiner at the U.S. Patent and Trademark Office, copyright attorney at the U.S. Copyright Office or the Library of Congress, or an intellectual property attorney in the general counsel offices for a government

The USPTO regulations are summarized in the Manual of Patent Examining Procedure (MPEP).

Numerous courses are available to prepare applicants for the patent bar examination. Several of the more commonly known review courses include:

PLI's Patent Bar Review  
([www.patentbarreview.com](http://www.patentbarreview.com))

BAR/BRI Patent Bar Review  
([www.patentbarbri.com](http://www.patentbarbri.com))

Patent Resources Group Review Course  
([www.patentresources.com](http://www.patentresources.com))

PATBAR.COM  
([www.patbar.com](http://www.patbar.com))

Many students choose to take the patent bar examination before graduating from law school. This may prove to be particularly beneficial to students who take the patent bar examination early in law school because there often are opportunities for part-time employment as a patent agent or scientific/technical advisor.

## VI. Extra curricular Activities

In addition to the typical courses available at law school, there are extracurricular opportunities from which to gain invaluable experience in intellectual property. Many schools offer the opportunity to intern for class credit. Also, numerous professional organizations dedicated to intellectual property that have informative meetings and valuable

### Antitrust

Analysis of federal trade regulation statutes, focusing on the competitive tension between the contemporary economy and the relationship between economic theory and antitrust policy.

### Regulated Industries

Governmental regulation of selected industries not subject to legal controls applicable to the economy at large, including mass communications.

## **V. The Patent Bar Examination**

The U.S. Patent and Trademark Office (USPTO) requires those who prosecute patent applications to take an examination known as the patent bar examination. Those wishing to take the patent bar examination do not need to be attorneys, but must have the requisite technical background. Generally, bachelors degrees in recognized technical subjects are sufficient to qualify for the patent bar. Those without degrees in technical subjects may qualify to sit for the patent bar examination if they satisfy sufficient other criteria to show possession of scientific and technical training. More in depth information discussing the qualifications to become a registered patent lawyer or agent is available from the USPTO ([www.uspto.gov](http://www.uspto.gov)).

The patent bar examination typically consists of approximately 100 multiple choice questions over the laws and regulations governing the prosecution and award of patents. Patent laws are governed by Title 35 of the United States Code, and patent regulations implementing those laws are detailed in Title 15 of the Code of Federal Regulations.

agency (e.g., Department of Energy, Environmental Protection Agency, Department of Defense, and Customs and Border Protection).

### **d) Academic**

As with any profession, intellectual property attorneys also work in academia, educating the lawyers of tomorrow on the nuances of the profession. Aside from their classroom responsibilities, professors spend significant amounts of their time researching and writing on legal issues relating to their particular field of expertise for publication in legal journals and for presentations at legal conferences around the world.

Universities also often employ intellectual property attorneys for their legal affairs or technology transfer offices to handle numerous legal matters relating to intellectual property.

### **e) Non-profit**

There generally are two types of non-profit organizations that seek to hire intellectual property attorneys: organizations that provide free legal representation to individuals and organizations that exist for a purpose other than the pursuit of money.

The first type of non-profit organization provides legal representation to clients who otherwise are unable to afford it. For example, organizations such as Georgia Lawyers for the Arts provide representation to artists in obtaining copyright and trademark protection for their works.

The second type of non-profit organization typically exists for an educational or charitable purpose. Examples include museums and orchestras, which provide cultural

enrichment and education to communities without the objective of making a profit to benefit individuals. Although the objective of these organizations is different from that of the business corporation, intellectual property attorneys representing corporations and non-profit organizations must address many of the same issues.

## **B. Business Jobs**

Like legal jobs, business jobs in Intellectual Property can vary depending on the nature of the business organization and the business opportunity.

### **1. Types of Business Work**

#### **a) Asset Building**

Most intellectual property business people typically build patents and trademark assets because the other types of intellectual property, such as copyrights and proprietary information, are protected rather easily under the law. Business people who develop intellectual property assets identify innovative opportunities, develop strategies for protecting these innovations, track and predict industry trends, and concern themselves with the financial returns based on investments in protecting these assets.

#### **b) Outmarketing**

Business people who work in intellectual property outmarketing typically license and sell intellectual property developed within a company. The three primary areas of Intellectual Property Outmarketing include patent, trademark and copyright (software/technology). Those in this field identify intellectual property assets in the company that may

## **E-Commerce**

Analysis of law which regulates electronic transactions, including sale of goods, licenses of software and information, and electronic payments.

## **Computers and the Law**

A survey of the unique legal problems arising from the creation, transfer, and use of computer software and hardware, including intellectual property rights in software, licensing, contracts for the acquisition of computer systems, and tort liability for system and software failures.

## **Law and the Internet**

Analysis of legal issues arising on the internet, including privacy, censorship, security, and email fraud.

## **Mass Communications Law**

Analysis of broadcast and cable rules and regulations, free press and fair trial, libel, privacy and the press, journalist's privilege, the law of news gathering, and access and reply to the press.

## **Law, Science, Technology Seminar**

A review of how our legal system regards technological and scientific hazards presently facing our society. Illustrative topics include genetic engineering and nuclear energy.

## **Administrative Law**

Analysis of problems confronting state and federal administrative agencies.

### International Intellectual Property Comparative Seminar

A comparison of the different areas of intellectual property law in the United States and internationally, particularly in Europe.

### Intellectual Property Law Seminar

An advanced study of intellectual property law issues and problems, with the opportunity to conduct in depth research and writing on a particular area of interest.

Other classes that may be offered at universities include Intellectual Property Litigation, Intellectual Property Management, and Valuation of Intellectual Property.

## **C. Courses Including Treatment of Intellectual Property Issues**

### Arts and Entertainment

A study of specific substantive areas of law as they relate to the arts. Such areas include copyrights, trademarks, rights of publicity, tax, contracts, agency, anti-trust, the continental doctrines of “droit moral” (moral rights) and “droit de suite” (resale royalties to the original artist or author), and the Visual Artists Rights Act of 1990.

### Sports Law

Analysis of the legal problems of athletes, teams, leagues, and associations and other regulatory concerns relating to sports as a commercial industry.

### Biotechnology

A seminar reviewing substantive areas of law relating to biotechnology law, policy, and ethics.

have potential value to another company, package them in a format that is presentable to another company, identify potential customers (licensees/buyers), contact and pitch customers on the intellectual property, and negotiate license and sale deals.

## **2. Types of Business Employers**

Business employers differ in the type of entities involved in the generation of profits from intellectual property. For example, corporations can profit from their intellectual property by licensing, selling and excluding others from using it, while consultants and agents/brokers can help the corporations achieve these goals.

### **a) Corporate**

Corporate business people are generally responsible for developing and executing strategies to build and leverage intellectual property assets. They typically work with business people from the top of the company to understand the corporate goals and missions, and people all the way to the bottom to execute their strategies. Corporate business people typically have specific measurable commitments, such as patent filings and patent issuances, as well as revenues/profits generated from the license/sale of intellectual property assets.

### **b) Consulting**

Consultants typically support corporate business people in building and leveraging intellectual property assets. Consultants’ responsibilities can include intellectual property strategy development, brainstorming facilitation, valuation, and licensing/sales support.

**c) Agents/Brokers**

Agents/brokers typically specialize in finding licensees and buyers for the license and purchase of intellectual property assets from an owner. Agents/brokers often have extensive networks of potential licensees/buyers and have strong customer development and negotiation skills.

**d) Academic**

Academics who use their intellectual property law background can teach in just about any unit of a university, including business, computers, biotech and art. Almost every area of a university has important intellectual property issues. Teachers with intellectual property backgrounds teach about them are valuable.

**e) Non-Profit**

Most non-profit organization opportunities revolve around technology or art. In most major urban cities, non-profit organizations exist to facilitate the growth in these areas and people with intellectual property law backgrounds are highly valued. A prime example is the Georgia Research Alliance, located in Atlanta, Georgia.

**IV. Curriculum for Intellectual Property Law**

Numerous courses offered in most law schools that focus directly on intellectual property law or focus on related areas of law. The following is a brief listing and description of typical classes in intellectual property.

**A. Core Intellectual Property Curriculum**

Intellectual Property Law

A survey of federal copyright, patent, and trademark statutes and how they relate to each other.

Copyrights

The study of federal copyright law as it pertains to works of art, motion pictures, music, literature, and computers.

Trademarks/Unfair Competition

The study of common law and federal trademark law, including the acquisition, maintenance, and enforcement of rights as well as remedies available for infringement.

Patent Law

An introduction to patentability, patent infringement, and patent and trademark licensing.

**B. Advanced Intellectual Property Curriculum**

Advanced Patent Law

An in-depth study of patentability and patent infringement under the federal patent statute, including the drafting of patent claims and applications.

Intellectual Property Licensing

A study of business agreements involving patents, trade secrets, trademarks and copyrights, and the negotiation and crafting of such agreements.