

IMPROVING GENDER AND DIVERSITY IN IP AND INNOVATION

"If we want to include everyone, we have to help everyone develop their talents and use their gifts for the good of the community. That's what inclusion means- everyone contributes."

~ Melinda

Gates.¹

"Diversity is a fact, but inclusion is a choice we make every day. As leaders, we have to put out the message that we embrace and not just tolerate diversity."

~ Nellie Borrero (Managing Director, Senior Strategic Advisor – Global Inclusion & Diversity at Accenture)²

Abstract

Human life in its very essence encapsulates an embryo of possibilities, actualizations, and beauties, as a result of which the very meaning of humanity derives its origin or focal point in harmony, which apparently leads to inclusion. With absolute consideration of the reality of diversity, the echelon of actualizing immense felicity is embedded on the appreciation of such diversities and the utilization of the same to cater for and bring about novel fashion ideas, methodologies, and steps to nurturing and achieving such prospects.

It flows from the same light hence, that this dissertation stands to be a global discourse

¹Melinda Gates, 'The moment of Lift: How Empowering Women Changes the World', published 23 April, 2019.

²<https://solutionsdriven.com/resources/report/inclusive-leaders-the-secret-to-dei-success/#:~:text=%E2%80%9CDiversity%20is%20a%20fact%2C%20but,Global%20Inclusion%20%26%20Diversity%20at%20Accenture>

of sort which explores these innovative methodologies with analysis and data collection which inform policies and individuals on how to support women's participation in innovation, creativity, and IP. All the same addressing the persistent gap eminent between the two genders of males and females, in innovation.

Article 27 of the Universal Declaration of Human Rights (UDHR) provides that *"Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author"*. Despite this declaration as far back as 10th December 1948, women remain underrepresented in several areas of human life, intellectual property being not an exception.³ Recent research has proven that over the years, women have made a great progress in the workplace however, gender gaps in representation and achievements favouring men are still prevalent. A prominent area where such gender disparity thrives and is exacerbated is in the innovation related fields. In areas such as science, technology, engineering, and mathematics (STEM) women comprise of only 28% of the industry's workforce.⁴ This paper thus stands to identify both new and already existing indicators used in measuring women's participation in IP intensive sectors and also explore effective analytical strategies to be used in overcoming challenges faced by policy makers in bringing this dream to life.

Keywords

Gender Diversity, IP, and Innovation

³Oluwabusayo Ifonlaja, 'Gender Inclusivity As a Strategy To Drive Innovation and Creativity In Nigeria' [Lawrit Journal of Law Vol, 3(2)], October 2023

⁴JIN, Mengzi, 'Women in Innovation: Challenges and Opportunities', (Dissertations and Theses Collection, Singapore Management University) [2019] < https://ink.library.smu.edu.sg/etd_coll > accessed 2 October, 2024

Introduction:

Gender Diversity

Diversity refers to the existence of human differences on the grounds of colour, race, ethnicity, gender, identity, age, physical attributes, ethical values, nationality, education, personality, experiences, knowledge base and what have you.

Gender Diversity hence refers to the presence and representation of different gender identities, their expressions, and perspectives within a group, organization, or community. It refers to the proportion of females to males in an organizational structure be it school, workplace or business sector.

Intellectual Property

IP on the other hand, which stands for Intellectual Property, refers to creations of the mind such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce. It is that area protected in law by, for example: patents, copyright and trademarks, which enable people earn recognition or financial benefit from what they invent or create.⁵ The history of IP can be traced back to ancient civilizations, to the 6th century BCE, from Sybaris in ancient Greece where there were grants for yearlong exclusivity for bakers to make their culinary invention, to foster for ingenuity. Simply put, the origin of IP can be traced back to the making of bread.⁶

Innovation

Innovation derives from the verb "to innovate," which the dictionary renders, "to

⁵What is Intellectual Property? < <https://www.wipo.int/about-ip/en#> > accessed 19 May 2024

⁶'History and Evolution of Intellectual Property' ABOUNAJAIntellectualProperty, published 17 August 2020

introduce new things, ideas, or ways of doing something.” Innovation is the result of two primary components: an idea and its implementation. It is an action capable of altering reality. The OECD’s Frascati Manual states that innovation relates to information that is novel, creative, uncertain, systematic, and reproducible.⁷ According to the World Intellectual Property Organization (WIPO), Innovation means doing something new that improves a product.⁸ So innovation would mean bringing the innate to reality. These creations, ideas, and inventions could be in forms of literature, business idea or what have you. They are particularly protected and kept safe from abuse and illegal use by the Intellectual Property Rights (IPRs).

There is scarcely any field that does not involve innovation: medicine, management, teaching, media, transportation, security, law and so on. The quest for innovation is the very heart of commendable creations and sustainable living. As such, the eminent reorientation of the world’s system towards female participation in areas of continuous improvements remains at premium level.

Gender Gaps: The true leverage

Right from erstwhile times, the female gender has been one that has faced a lot of disregard, especially in areas of great essence to human life and progress such as; technology, business, innovation, and what have you. This morbid practice has over time eaten deeply into and plagued humanity for centuries. For centuries, women have been marginalized and excluded from such areas of great essence to humanity so much so that this cancer has resulted in a significant gender gap, hindering or better

⁷OECD, *supra* note 7, at 46-48

⁸WIPO “World IP Day: Innovation and Intellectual Property” (April 26th, 2018)

still curtailing the progress of humanity from reaching a more remarkable feat.

The origin of this gender disparity can be traced back to the periods whereby IP law was marked by male predominance and trades which could lead to IPRs where reserved for the same. Humans showed onto all of humanity how women who had expressed their innovation and creative faculties lost their creative works to men. E.g. Sybilla Masters and J.K. Rowling (Robert Galbraith) the very famous writer/producer of the Harry Potter franchise who both had to write under male pen names.⁹

Circumspectly, exterminating the high rate at which gender inequality has crept into the contemporary human hemisphere has now in concurrent years become a thing of conscious intent and is ardently faced with conspicuous challenges. The World Intellectual Property Organization (WIPO) research from 2017 showed that more than 70% of all international patents filed in that given year failed to include any female inventor(s). Thus proving a blustering affirmation to the innovation related achievement gaps prevalent between the male and female genders alike. The amusing thing about this very eminent gender disparity lies in the fact that it cuts across arguably all sectors, areas, and facets of the human explorations. It has been proven by research that the greater involvement of women (Gender Inclusivity) in IP could increase the GDP by 2.7%¹⁰ Women are constantly side lined, placed in hollows, and denied the opportunity to fly, flaunt their wings of creativity and bring to life their immaculate ideas.

In accounting for this very deranging effect of gender gaps and the loopholes it

⁹Jennifer Brant et al, 'Policy Approaches to Close the Intellectual Property Gender Gap'(2019) < https://www.arbiter.wipo.int/export/sites/www/ip_development/en/agenda/pdf/policy_approaches_close_the_ip_gender_gap.pdf > accessed 2 October, 2024

¹⁰Ibid (n.2)

creates, it's very pertinent that light be shed on the issue of *Gender Stereotypes* and the effect it stands to play in the actualization of idea novelty favouring men.

The human hemisphere tends to associate novelty and “outside the box” creativity with stereotypically masculine characteristics. The study of social judgement of women’s and men’s innovation showed that people tend to ascribe the “light bulb” metaphor to imply that ideas are instinctive, quick, and, unexpected, which suggests that people who come up with such ideas are high in their ability. Basically, they are “Geniuses.”

On the other hand, the metaphor of “seeds” implies an idea comes from nurturing, and people with such ideas are lower on their ability but might be compensated with “efforts”. A conspicuous research proved that when people were introduced with a novel invention, and they were made to believe the inventor was a male, they attributed the innovation to the “genius” nature of the inventor. In contrast, when people were asked to judge the same invention, but were made to believe the inventor was a female, they attributed the innovation due to “effort” from the inventor.¹¹

From this provision, it shows that high level of novelty is perceived as a stereotypically masculine trait and more congruent with gender role expectations of men. When women show a high level of novelty in their innovation, it will be perceived as a violation against their gender role expectations. In addition to this gender bias against women with high level of novelty, there is also a second-order bias against women whose innovation is associated with high level of novelty. It was specifically proven that the

¹¹JIN, Mengzi, 'Women in Innovation: Challenges and Opportunities', (Dissertations and Theses Collection, Singapore Management University) [2019] < https://ink.library.smu.edu.sg/etd_coll > accessed 2 October, 2024

demonstration of high level of novelty is associated with intelligence, wisdom, and individualism. Therefore, in the same light, one of the most established findings based on social judgment research is that gender stereotypes existed along the dimensions of competence and warmth qualities. Specifically, according to stereotypical gender beliefs, women are expected to be less competent and warmer compared with men. Therefore, to the extent that high level of novelty is signalling competence and high competence is stereotypically masculine, demonstrating novelty can be viewed as counter-stereotypical for women.

How delusional right?

Women and IP Registration Systems

It is pertinent that in the ambience of highlighting the issues facing the female gender as regards their participation in IP and Innovation, enough light be shed on the area of IP Registration Systems and how there exists a concerning level of low use of such systems by women in IP.

Simply put, IP Registration Systems refer to the processes and procedures for registering Intellectual Property Rights such as; patents, trademarks, and copyrights.

Below will be succinctly highlighted thus the factors backing up the rather persistent low involvement of the female gender in the use of such registration systems.

- a) **Lack of Awareness:** A saying goes; *"To be informed is to be transformed"* therefore, the amount of information and knowledge a person has plays a very significant role in determining his/her actions and the results he/she may bring forth. Limited knowledge about IPRs and Registration processes thus constantly

leaves the females at points of missed opportunities needed either to boost or protect their innovations and creative works. This same lack of awareness brings about the vulnerability of the said females with regards the issue of IP Infringements because they are ignorant of their rights or even how to enforce them. They become left with the inability of knowing how to even navigate the IP registration processes, including the requirements and costs.

- b) **Stereotypes and Biases:** As has been elaborated above, stereotypes and biases play a very big role in the persistent rise of low women participation in IP Registration Systems. In some African countries such as Nigeria, women face significant barriers in accessing intellectual property protection, including lack of awareness, limited access to funding and discriminatory attitudes towards women's roles in innovation and entrepreneurship.¹²

Women are stereotypically regarded as mere caregivers and homemakers rather than innovators or entrepreneurs. As such, they face a very unwelcoming atmosphere when they try to get involved. This thus leads to women giving up in the participation of IP, IPRs, and Innovation as a whole.

- c) **Lack of support infrastructure and mentoring for women:** A timely saying by John C. Maxwell goes thus; *"It is hard to improve when you have no one but yourself to follow."*¹³ This unfortunately remains the case in many parts of the world especially in Africa where women lack access to support systems in IP as;

¹²Nigerian Institute of Advanced Legal Studies (2019). 'Intellectual Property Protection for Women in Nigeria' < <https://www.nials.edu.ng/publications/intellectual-property-protection-for-women-in-nigeria/> > accessed 22 November, 2024

¹³Emmanuel Bulus Emmanuel, 'Attracting Life changing mentors', published 2023

IP lawyers and advisors who are saddled with the responsibility of educating, mentoring, coaching, and inculcating the women, the requisite knowledge and information needed to be able to guide their way about protecting their IP, registering them, and using them to achieve greater results. The insufficient encouragement discourages women from pursuing IP registration which thus leads to a decrease in women's participation and reduction of economic growth. In Rwanda, women face significant barriers in accessing intellectual property protection, including limited access to IP lawyers and advisors, insufficient resources and tools, and inadequate IP training and education.¹⁴

- d) **Lack of Economic Incentives:** Where there is no provision of financial incentives such as grants, subsidies, or tax credits to encourage the participation and registration of women in IP and Innovation, a greater number of women would be left with not much of an option than to withdraw, sit out, and watch their entrepreneurial dreams come to naught. A research conducted on some parts of South Asia such as India, showed that women face significant challenges in accessing economic incentives for IP Registration. A study by the Indian government in 2019 further proved that; women entrepreneurs in India face major barriers in accessing intellectual property protection, including limited access to financial resources, high costs of IP registration, and lack of awareness about intellectual property rights.

¹⁴Rwanda Development Board. (2019). 'Intellectual Property Protection for Women in Rwanda' < https://www.rdb.rw/uploads/tx_sbdownloader/Rwanda_IP_Protection_for_Women.pdf > accessed 23 November, 2024

When there is the presence of such cold attitude towards the female gender, it leads to the death of remarkable results.

United We Thrive: Empowering Women in IP

A WIPO estimation showed that at current rates, the gender parity among (Patent Cooperation Treaty) PCT-listed inventors will not be achieved before 2064.¹⁵ Taking intentional steps to equip and support women innovators now would absolutely lead to the unravelling of impeccable results both in innovation and in the ecosystems of economic growth.

Therefore, even amidst the inane existence of such unwelcoming approaches towards women's participation in IP, a growing sect of the innovation sector have begun to realize that there is a big lacuna to be filled, and hence in recent times, there has been exciting and intriguing developments within the field of innovation, creativity, and entrepreneurship. Considerable actions are being put in place to bring about greater and better engagement of women in the world of innovation and IP.

To keep the train of knowledge following and intact, we are going to delve right into some of these methodologies, approaches, and steps taken in order to alienate the rather cantankerous and pusillanimous practice of hindering the participation of women in IP and Innovation.

- a) **Rolling out initiatives aimed at supporting women in IP:** Multiple national IP offices around the globe are rolling out initiatives aimed at supporting women in

¹⁵Aikaterini Kanellia and Lisa Jorgenson, 'Together We Can: Approaches to Empowering Women in IP', WIPO MAGAZINE, March 2023. < https://www.wipo.int/wipo_magazine_digital/en/2023/article_0005.html > accessed 2 October 2024

their IP journey. These initiatives share a common goal, namely, to enable women's participation in the IP system by offering fee reductions and free legal assistance for the preparation and submission of patent application. Good examples of these includes the; Juana Patent and Juana Design Protection Incentive Program (JPIP) of the Intellectual Property Office of the Philippines (IPOP HL) which is saddled with the responsibility of helping women inventors and designers protect and enforce their IP rights. Also, in the United States, the Patent and Trademark Office (USPTO) has reduced its fees for small and micro entities by 60% and 80% respectively. Furthermore, this same USPTO's Pro Bono Program provides free legal assistance to inventors and small businesses, many of which are women-led, making it easier for them to bring their ideas to the market.¹⁶

b) Mentorship for women in IP and entrepreneurship: In the contemporary human world, the importance of mentorship and the advantages it brings can never be overemphasized. The provision of such opportunities help to advance the business goals, provide guidance, knowledge, and constructive resources to help women succeed in protecting and leveraging their IP assets for business growth. This proves to be true as encapsulated by the WIPO's IP for women Entrepreneurs Project which saw 70 women entrepreneurs in Uganda have registered trademarks to thus enable them effectively brand and promote their businesses and compete in the economic market.

¹⁶Aikaterini Kanellia and Lisa Jorgenson, 'Together We Can: Approaches to Empowering Women in IP', WIPO MAGAZINE, published March 2023. < https://www.wipo.int/wipo_magazine_digital/en/2023/article_0005.html > accessed 2 October 2024

In the words of IP and Innovation mentor Muribu Lilian Nantume, on inclusion and accommodation of women in IP, Innovation, and Entrepreneurship, she said *"We realized that these women are talented but not helped."*¹⁷ Therefore by creating mediums by which IP can be introduced and exposed to women at the grass root level, the project of empowering talented women and helping them advance their business goals and objectives, would be easily achieved and such actions would make a remarkable difference in paving the way for women innovators to reach and fully maximize their potentials.

- c) **STEM education and empowerment for the woman innovator:** The importance of education and empowerment for women in STEM undoubtedly would be the game changer even as regards the honing of magnificent remedies needed to accommodate and support the female gender in reaching her full potential in innovation.

Firstly, by ensuring access to education for the female child, it increases the chances of a gender parity IP future. The early exposure to STEM fields will go a long way in construing the mental and effectual mind sets and actions of the females in innovation. Achieving this would be done by accommodating the organization of programs for women, either in primary, secondary, or even tertiary institutions which would entail training workshops where they would be duly educated and led hands-on towards the path of IP and Innovation.

¹⁷Aikaterini Kanellia and Lisa Jorgenson, 'Together We Can: Approaches to Empowering Women in IP', WIPO MAGAZINE, published March 2023. < https://www.wipo.int/wipo_magazine_digital/en/2023/article_0005.html > accessed 2 October 2024

The empowering of such STEM goals can be achieved by providing resources in forms of government subsidy, grants, internship opportunities and scholarship programs which would be used to harness the creativity mind set of the said target audience/market.

- d) **No to Sociocultural Barriers and Biases:** A majority of what “biases” women face as regards innovation especially in African countries has its root in the mentality, beliefs and erstwhile practices of the region, clouding the minds of the people even in their present day activities. It’s however not the intention of this writer to debase or downplay the importance of ancient practices and beliefs. Nonetheless, it’s pertinent that in accounting for present day issues, present day actions and steps be put in utmost consideration. To do this, there definitely has to be a progressive acceptance of a new melody. In that light, the United Nations Population Fund (UNFPA), World Intellectual Property Organization (WIPO), International Telecommunication Union (ITU) and International Trade Centre (ITC) took on a project to accommodate and launch the innovative brilliance of females in innovation. They took on the “Empower Women and Girls Challenge” to further develop and position to scale innovative solutions that can help in disrupting inequalities and thus advance the empowerment of women and girls in all their diversity.¹⁸

Through the initiation of such a project as this, there would be the breeding, grooming, and implementation of innovative solutions introduced by women which would promote their empowerment and support these women centred

¹⁸UNFPA, Positioning to scale: Innovations to Empower Women and Girls. < <https://www.unfpa.org/innovation/joint-challenge-2022> > accessed 25 November 2024

innovations in ways that will have positive effects both on these women and the affected economies alike. Through this implementation, there would be the provision of both technical and intuitive assistance to women centred in innovation and IP in ways that would give enough room for their capacities to be fully recognized, honed, and established. In line with the provision of such initiatives as the “Empower Women and Girls Challenge”, there should also be the provision of laws and enactments which have in their topmost priority the intention of protecting women from such harsh speculations, stereotypes and what have you which prevent women from basking in the beauty of their creative panache.

Recommendations: Policy strategies and dispositions for policy makers

As rightly postulated by top flight American business woman and philanthropist Melinda Gates, she said *“If you want to lift up humanity, empower women. It is the most comprehensive, pervasive, high-leverage investment you can make in human beings.”*¹⁹

This spells out the need for an ardent rise in the renegotiation of women’s place in IP and Innovation which should eventually go on to improve not only the gender responsiveness but also, the current position of human innovative facets.

The process of such renegotiations and empowerment calls for complex, productive, and multi-layered solutions which if made exalted objectives of the different polities in the world by their different policy makers, would in due course, bring about the continuous efficient improvement of creativities in the human hemisphere. Therefore, in

¹⁹Melinda Gates, ‘The moment of Lift: How Empowering Women Changes the World’, published 23 April, 2019.

line with the actualization of this goal, the following recommendations should be implemented across the various polities in the world.

- a) Introduction and ardent implementation of policy strategies as the African Continental Free Trade Area (AFCFTA) which go about the implementation of IPR Protocols which carry on their shoulders women economic empowerment as goals to be achieved at reasonable costs.
- b) Improved IP governance: For an idea to be actualized, there has to be the implementation of constant effort aimed at seeing it grow and flourish to such reasonable standards as predestined by its creator(s). Therefore there is need for constant and efficient increase in the building, improving, and coordinating of IP and Innovation regimes. (Both already existing and yet to be in existence). In the light of this would be the rise of various cooperation's which would help to redefine, streamline, exchange, and even modify IP Policies in such a way that they could be shared amongst various polities to hence bring about coordinated mechanisms which live to see the thriving of support and enforcement of women's participation in IP and Innovation.
- c) The implementation of Gender-sensitive policies, monitoring gender disaggregated measures which hinder and curb the effective progress of women's participation and inclusion in IP and Innovation should be constantly given enough room to thrive.
- d) There should be the inclusion of a sector called the "women empowerment sector" under the national budgets of various polities and governments. The

import of this is that it makes things much easier for various polities to be able to support the growth of women participation within their polities and economic systems because by taking this approach, countries already set aside financial and technical support which would be needed for the women participation in IP and Innovation under every fiscal year. It saves the given polities the shock of being taken unawares or by surprise.

Women's participation in IP is not a phenomenon to be easily struck out hence in order to be able to bring about a realization of gender sensitization plans aimed at improving the creative skills of women in IP, various polities should work towards achieving this ardently.

- e) Imperative efforts aimed at addressing and eliminating the system barriers women entrepreneurs face as regards IP, Innovation, IP Rights, its protection and what have you, should be overtly overemphasized and implemented by various polities who want to experience the positive shift women inclusion can bring.

Conclusion

The inclusion, accommodation, and empowerment of women in IP and Innovation is a project which should be tendered with great care and intent both domestically and internationally. The realization of the lacunas and loopholes existent within this innovative and creative sector brings about a true sense of responsibility upon all persons, leaders and followers alike.

Harnessing and tapping into the intellectual prowess of all of humanity definitely would lead to the actualization of incredible results. It's therefore of utmost importance that

practical and thought provoking steps be put in place in order to accommodate this sense of responsibility with that of forging ahead.

Circumspectly, it remains important that every member of the human society becomes reoriented or enabled to understand that we all have roles to play as regards achieving the results we speak of. The whole process is likened to a puzzle. It may take time and harbour a lot of challenges but with time, as everyone places his/her piece on the table, the results will begin to flow in.

The earlier the woman's participation in IP is improved, the faster and better humanity gets to experience impeccable advancements.