



The Center for Intellectual Property Understanding

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Manager and Entrepreneur IP Experience: The Limitations of On-the-Job Learning

*When and how to equip tomorrow's leaders with the background necessary to
navigate the intellectual property environment – 15 interviews with professionals*

IP Experience for Managers and Entrepreneurs: The Limitations of On-the-Job Learning

I. Introduction

Intellectual Property (IP) engagement is not only for lawyers. It encompasses a dynamic spectrum of management and creative roles that extend beyond the traditional legal frameworks. While IP has been traditionally thought of as the exclusive domain of lawyers, it touches nearly every facet of modern innovation, business, and creative expression. IP-related engagement includes not only the enforcement and protection of patents, trademarks, and copyrights, but also the strategic management, commercialization, and technological development that underpins these rights.

As such, it is not surprising that this ever-expanding field includes professionals such as engineers, business executives, marketing strategists, and creatives, all of whom play vital roles in managing and leveraging IP assets.

To explore the educational and professional development experiences of those working in this diverse field, CIPU conducted a series of fifteen in-depth interviews with IP professionals. The participants represent a broad range of expertise, roughly evenly divided among the appropriability regimes of Patent, Trademark, and Copyright work—and several had applicable experience across multiple areas. These professionals were asked to share their IP educational and career journeys, their first encounters with IP rights, and the motivations that drove them to deepen their understanding of these rights. They also discussed the common issues they face in their daily work, how they navigate these challenges, and the advice they would give to the next generation of innovators in their field.

The interviews revealed several key themes regarding how IP education is accessed and perceived, the traditional and current state of practical guidance materials, and the pressing need to evolve our educational and professional development systems to better suit the needs of the modern IP ecosystem. In the year 1975, intangible assets accounted for less than twenty percent of the total value of the S&P 500 companies; today, intangibles like IP account for more than ninety percent of these assets—and this figure is climbing.¹ As IP continues to play an increasingly pivotal role in the global economy, the insights from these interviews highlight the urgent need to prepare professionals for the complex and interdisciplinary nature of IP work. The goal of this project is for it to serve as a resource for professionals, educators, and creators who are considering or are currently engaged in a career in IP or IP-adjacent work.

¹ Intangible Asset Market Value Study conducted by Ocean Tomo. <https://oceantomo.com/intangible-asset-market-value-study/>. Intangible assets in this study were defined as goodwill, software, and intellectual property – such as patents and brand value. While it should be noted that IP was not the entirety of this asset class, the increased importance of IP in the modern economy has played an indisputable role in bringing about this market shift.

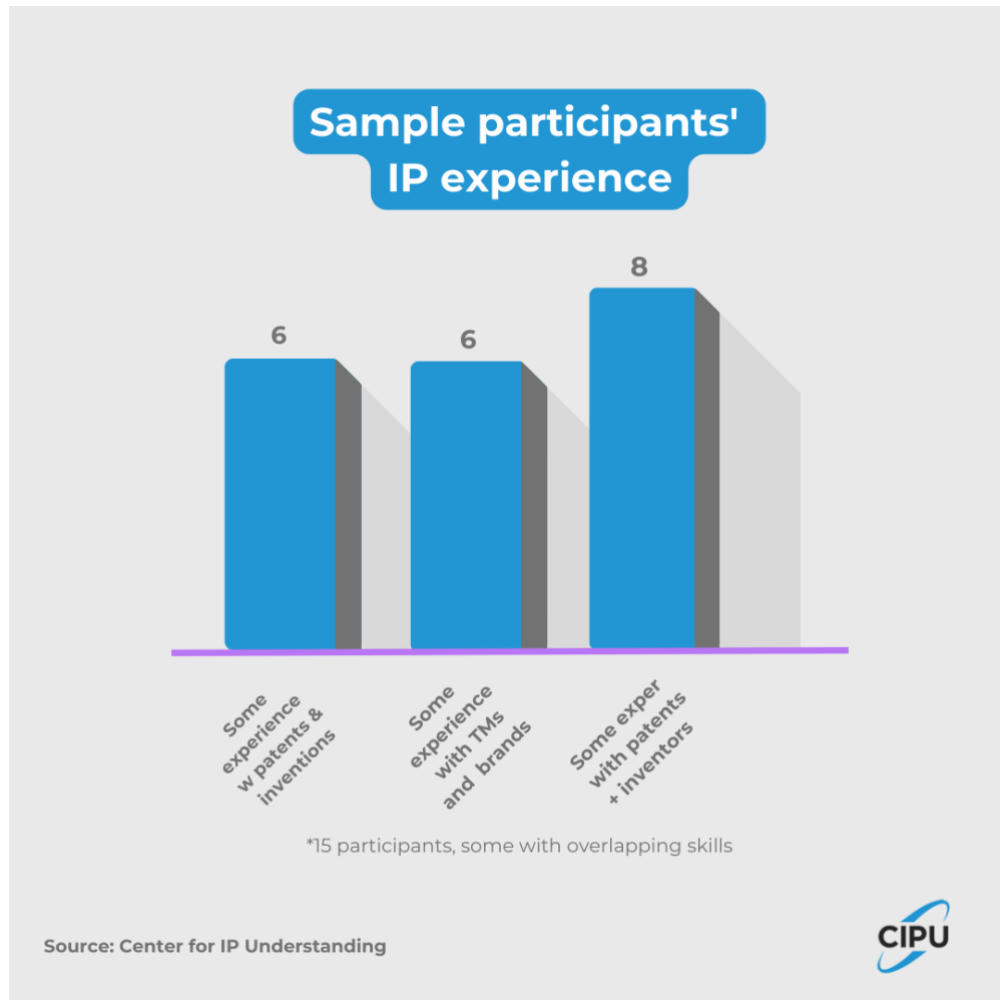


Figure 1: The fifteen professionals, creatives, and executives that participated in this sample study possess experience in all areas of IP, with some having overlapping skillsets.

II. Patent Professionals

A. Overview of Patent Work

Patents serve as a cornerstone of innovation, providing inventors and organizations with the legal protections necessary to secure exclusive rights to their novel ideas and inventions. The patent system is an outgrowth of the property and moral rights of inventors, and may provide them with a powerful incentive, not only to develop their innovations, but to disclose and ultimately surrender them to the public domain. Just so, this system fosters new technologies and helps bolster and invigorate the economy while also working to advance the public good. In a rapidly evolving technological landscape, patents play a crucial role in fostering creativity, encouraging investment in research and development, and driving economic growth. Patent professionals, including patent attorneys, agents, engineers, and managers, are at the forefront of this complex process, navigating the intricate pathways of patent law, strategy, and enforcement.

The work of patent prosecution professionals extends far beyond the filing of patent applications. These individuals are responsible for understanding the nuances of the inventions they protect, crafting detailed patent claims, and ensuring that these claims stand up to rigorous scrutiny by patent offices and, if necessary, in court. Their expertise must bridge the gap between technical knowledge and legal acumen, making them indispensable players in the innovation ecosystem. Additionally, other patent professionals often engage in strategic decision-making and IP valuation methodologies, advising companies on how to build and manage their patent portfolios to gain competitive advantages in the marketplace.² Given the interdisciplinary nature of patent work, professionals in this field must possess a deep understanding of both the technical subject matter of their patents and the legal frameworks that govern intellectual property. This dual expertise is critical not only for the protection of individual inventions, but also for the broader strategic goals of the organizations they serve. As the global economy becomes increasingly reliant on technological advancements, the role of patent professionals continues to expand, encompassing responsibilities that range from litigation and licensing to advising on mergers and acquisitions where intellectual property is a key asset.

B. Educational Backgrounds

The demand for skilled patent prosecution and management professionals has never been greater, yet the pathways to entering this field are often unclear. While many patent professionals come from technical backgrounds in engineering or science, the transition to a role that requires significant legal knowledge can be challenging. This challenge is compounded by the fact that formal education in intellectual property law is often limited, with specialized IP courses typically offered as electives rather than core requirements in only some academic programs. As a result, many patent professionals find themselves learning on the job, relying on practical experience and mentorship to build the expertise necessary for success. The trend of either elective or absent IP curriculum holds especially true at the undergraduate level of education, and even many elite business schools—as CIPU previously reported in 2021.³

It is perhaps unsurprising that the majority of patent interviewees possessed a background in engineering. “Patent workers are increasingly in-demand across the board,” says Jacob Dobson, a patent agent at K&L Gates who holds degrees in both electrical and computer engineering, “but this is especially the case for engineers who are interested in patents. The very nature of working in patent prosecution requires that you have the ability to quickly assess what a new technology is, how it works, and explain that technology in a legally relevant way. Engineering is especially good at preparing you for the technical aspects of that.” His fellow engineer and colleague at K&L Gates, Holden Carroll, expressed a similar sentiment when

² Fisher III, William W., and Felix Oberholzer-Gee. ["Strategic Management of Intellectual Property: An Integrated Approach."](#) California Management Review 55, no. 4 (Summer 2013): 157–183.

³ *Intellectual Property Education at Business Schools: An Evolving Landscape*. The Center for Intellectual Property Understanding (2021). <https://ipclosure.com/2021/04/27/elite-business-schools-do-not-require-students-take-a-single-ip-course-latest-cipu-report-finds/>

explaining how he first started in the patent field: “It is interesting and fulfilling work for anyone with a technical background—despite the fact that many would argue the MPEP is the *opposite* of engineer-friendly.”⁴ However, both Carroll and Dobson made sure to note that the field is not exclusive to engineers by any means. The patent bar exam, which grants admittance to practice in patent cases before the United States Patent and Trademark Office (USPTO), can only be taken if certain undergraduate STEM credit requirements are met. This can sometimes be seen as a prohibitive barrier for many people potentially interested in patent work, but this need not be the case. It is worth noting that while Dobson has taken the exam, Carroll has not.

Several other IP professionals with engineering backgrounds helped contribute to this study, including biotechnology startup specialist Aris Theologis, technology and innovation manager RC Ramaswamy, and entrepreneur Tim Cunningham.

Depending on the area of interest, there is no shortage of patent-related roles that do not strictly require patent bar admittance, as the prosecution of patents is just one area of this system. There exists a critical niche for anyone who can understand both the technical and business strategy components which are essential for patent management roles. Phil Hartstein, a managing partner of the IP investment firm Soryn Capital, is a prime example of an IP professional who fits this description. Graduating with a Bachelor of Science in Industrial Technology and beginning work at a boutique IP law firm, Hartstein was initially dismayed to learn he was precluded from taking the patent bar exam due to the science and technology credit requirements. Undeterred, he acquired a copy of the MPEP and taught himself patent procedural rules and methodology. “I really had to brute force myself to the level of competency needed to do this work,” he recalls, “but coming out of a traditional business and engineering background, I had a unique opportunity.” First serving as a patent engineer and then later transitioning to working for a startup, Hartstein found that his ability to bridge the gap between technical patent knowledge and traditional financial know-how had made him an indispensable asset in his field. Prior to his current role with Soryn Capital, Hartstein served as president and CEO of the San Francisco area patent-focused company, Finjan Holdings. “In a way, I was Soryn’s first investment, and it was because I was able to link these respective sides,” he said.

A common theme that emerged from interviews with patent professionals was the absence of non-elective IP courses throughout their formal education, despite the clear applicability of their STEM backgrounds to patent-related work. For many, the lack of IP education at any stage of their academic journey came as a surprise, especially in retrospect, given the central role IP plays in their professional lives. Aris Theologis, a biochemistry and biophysics

⁴ The Manual of Patent Examining Procedure (MPEP) is a document published by the United States Patent and Trademark Office which details the laws, regulations, and methodologies that must be adhered to when conducting patent prosecution. The substantive component of the patent bar examination tests an applicant’s ability to “build a mental map” of this document, as characterized by Jacob Dobson. Regardless of choosing to take the patent bar, a working knowledge of the MPEP rules is a major asset in this field of work. <https://www.uspto.gov/web/offices/pac/mpep/index.html>

graduate of Stanford University who went on to earn his MBA from Harvard Business School, stands out as one of the few who was able to engage with IP teaching early on. He recalled seeking out an elective “IP in the Life Sciences” course during his undergraduate studies, recognizing the critical role IP knowledge would play in his future field. His foresight is admirable, but it also underscores the rarity of such exposure and the necessity of having a prior understanding of IP’s importance in order to seek it out in the first place.

In contrast, most of the other professionals interviewed echoed a common refrain: IP education was either completely absent, or available only to those who already knew its value. Thus, learning was an on-the-job experience, often as a result of a transaction of a dispute. As RC Ramaswamy, who holds bachelor’s and master’s degrees in chemical engineering from institutions in both India and the United States, remarked, “There was never any appreciation for the IP aspect,” adding that “most engineers coming out of school are not prepared for how much of a role IP can play in their work, particularly in those first two years of your career which are very critical.” This lack of formal IP education often led professionals to feel that their early years in the workforce were more challenging than necessary, as they had to learn about IP issues on the job, without any foundational knowledge from their academic training.

Patent technical specialist Holden Carroll, who primarily works with energy-sector clients, shared a similar experience, noting that his first real encounter with IP rights occurred when he had to sign them away as part of a senior design project at his university. “I never had any exposure to these concepts otherwise,” he explained, highlighting how disconnected his academic experiences were from the realities of his eventual field of work. This sentiment, repeated by many of the interviewees, underscores a significant gap in education that leaves STEM graduates unprepared for the important role IP can—and will—play in their professional careers.⁵

Tim Cunningham, who holds degrees in both biology and engineering from Brown University, had a varied career path, including work in retail and law enforcement, before moving into the corporate world. Along the way, he learned key principles of business as well as an understanding of the differences between the public and private sectors, which allowed him to bring a unique perspective to entrepreneurship later in his career. Like many others, he had no formal IP education during his academic career. It was only during his time at AT&T, when the company “was prosecuting 3-4 new patent applications per day,” that he began to develop an understanding of how intricately linked IP was with corporate strategy. By the time he left AT&T for the startup world, Cunningham had developed four patentable concepts as part of his work, but his knowledge of IP had been acquired almost entirely through hands-on experience rather than formal education. Like many others interviewed, Cunningham also emphasized the

⁵ USPTO report finds industries that intensively use intellectual property protection account for over 41% of U.S. gross domestic product, employing one-third of total workforce. Report dated to March 2022. <https://www.uspto.gov/about-us/news-updates/latest-uspto-report-finds-industries-intensively-use-intellectual-property-0>

importance of having colleagues in the legal profession to be able to consult when faced with the inherent learning curve of IP engagement.

Across the board, these professionals exemplified a “learning by doing” approach when it came to IP. Despite the clear relevance of IP to their STEM backgrounds, they had to seek out or develop this knowledge on their own, either through personal initiative or by gaining experience in the workplace. Their testimonies highlight the need for more structured and mandatory IP education in STEM fields, so that future generations of professionals are better equipped to navigate the complexities of intellectual property from the outset of their careers.

C. Professional Challenges and Responses

Patent prosecution specialists Dobson and Carroll emphasized that one of the most persistent challenges in their work involves communication barriers between technical designers and IP strategy teams. According to Dobson, “Miscommunications can cost time and money and derail the goals of the application entirely. While you can usually get *something* issued, there will be questions as to how useful or commercially viable that allowance will be.” One common example is the difficulty of determining patentability, especially in areas like business methods, which can lead to disagreements or confusion. Carroll added, “The challenge is to cater to the needs of the client, while also toeing the line with the 'educated guessing' that inevitably will go on when facing a § 101 rejection, for example.”⁶ Ensuring clear, effective collaboration between teams is critical to avoiding these setbacks and to secure strong, enforceable patents.

RC Ramaswamy offered insight from his time as a technology and IP portfolio manager at Eastman Chemical Company, reflecting on the lack of accessible IP education and its effect on communication between teams. “Once I got into the tech manager role, my work compelled me to learn more about these rights. In addition to not having much prior instruction on IP, I found that the majority of available resources were catered for lawyers.” His experience highlights a broader issue – many of the resources available for understanding IP are written “by lawyers, for lawyers,” leaving non-legal technical professionals underprepared to engage with IP strategy effectively. This is an assessment that Tim Cunningham agreed with, saying that “Free resources are becoming more common than they were previously, but they are very concept-specific. If you are genuinely trying to innovate, it’s still very much the wild west with respect to what’s available to non-lawyers.” As he continued working in an IP role, Ramaswamy noted that many technical design specialists did not fully grasp things like “the important difference between inventorship and ownership, respecting non-disclosure agreements, and how to properly leverage provisional

⁶ 35 U.S. Code § 101 - Inventions Patentable <https://www.law.cornell.edu/uscode/text/35/101> This statute governs what qualifies as patentable subject matter. A common area of misunderstanding relates to the patentability of business methods, a topic that several high-profile modern cases have centered on, such as *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* (1998) and the infamous *Alice v. CLS Bank* (2014), which held that business methods may not be patented by themselves.

filings.”⁷ These misunderstandings can lead to missteps that undermine the value of a patent or create legal complications.

Phil Hartstein and Tim Cunningham focused on another prevalent issue in patent work: the valuation of intellectual property. Hartstein pointed out that “The main issue with IP valuation today is that practical valuation isn’t being applied to intangibles—it’s mostly traditional methods and probabilistic models that are being used.” Traditional valuation models, developed for tangible assets, often do not account for the unique case-by-case aspects of IP, leading to misguided assessments of value. Hartstein cited the example of Aon IP Solutions, which in 2021 secured \$400 million in funding backed by its IP assets,⁸ only to have to abandon them earlier last year when those assets were found to be overvalued, with outdated models being a likely culprit.⁹ “IP valuation needs to get with the times,” Hartstein argued, underscoring the need for more nuanced approaches to valuing intangible assets like patents.

Tim Cunningham expanded on this issue by discussing the challenges of IP valuation within large corporations. He noted that many companies rely on compensation models that assign value to patents as a class without considering their individual merit. This prescribed compensation approach, Cunningham argued, benefits neither the inventors nor the company in the long term. “The rigidity of those models doesn’t reward true innovation and can stifle creativity,” he explained. In fact, Cunningham’s dissatisfaction with these systems played a role in his decision to leave the corporate world for more dynamic environments. He believes that companies should adopt more flexible, individualized valuation models to better reflect the real potential of their IP and foster innovation.

D. Practical Recommendations

Both patent prosecution and strategy professionals agreed that one of the most critical skills for entering the IP field is the ability to “speak multiple languages.” In patent prosecution, technical knowledge is essential, but it is not the primary skill that sets a proficient patent specialist apart. Dobson emphasized, “The best skill you can have going into this job isn’t the technical knowledge. It’s being able to explain concepts in these different languages to cross the bridge between the technical and legal strategy perspectives.” In other words, successful patent professionals must become adept translators between “legal-ese” and “engineer-ese.” Dobson

⁷ “Provisional filings” refers to the practice in patent prosecution of submitting a provisional patent application. 35 U.S. Code § 111 (b) describes the basic requirements for these filings, which entitle the applicant to a grace period—typically one year—to file an official non-provisional application that can lead to a patent allowance. In effect, these filings serve as strategic placeholders to limit the scope of “prior art” that innovations are judged against for determining novelty and non-obviousness.

⁸ In 2021, Aon secured \$400 million in funding with the support of insurer Markel, the funding being secured against the firm’s IP assets. https://www.insuranceinsider.com/article/28cev873smrwtxn6qct1c/aon-raises-400mn-in-funds-to-deploy-in-markel-backed-credit-fund?zephrr_sso_ott=hGH2Qv

⁹ Earlier last year, Aon was forced to sell off its IP assets, and Hartstein points to this abandonment of assets as evidence of outdated IP valuation practice at work. <https://www.iam-media.com/article/aon-ip-solutions-breaking>

also advises that to avoid miscommunication issues, especially with inventors and design teams, “overexplaining at the outset will pay dividends in patent prosecution.” Many designers and inventors are highly intelligent people but lack formal IP education, so simplifying and explaining IP strategy concepts in fundamental terms is key to successful collaboration.

Carroll echoed Dobson’s advice but underscored the importance of recognizing the client’s role in the process. “At the end of the day, this is a client services industry,” he explained. “Sometimes clients pursue business strategies that may not align with what you understand as ideal patenting practices, and it is part of the job to navigate those situations with respect to the client’s approach.” For aspiring patent agents, Carroll highlighted the value of mentorship, noting that “much of what you learn will be through the act of doing patent prosecution, since very few people are ever formally educated to do this job.” Seeking guidance from experienced professionals is crucial to developing the skills needed in this field. As a suggestion, Carroll introduced the idea that engineers would greatly benefit from visual and interactive practical guidance materials to teach IP concepts by way of simulations, and that there is a potentially untapped market for such a service.

When discussing practical recommendations, both Aris Theologis and RC Ramaswamy emphasized the importance of understanding and leveraging trade secrets. Trade secrecy, though not discussed previously in this report, is a vital component of the broader IP ecosystem. In many cases, certain technologies or business methods are either not patentable or are better kept as trade secrets. Unlike patents, which require public disclosure in exchange for legal protection, trade secrets are protected as long as they remain secret.¹⁰ This form of intellectual property is crucial because it allows companies to safeguard valuable information without time limits, avoiding the expiration dates that patents impose. Knowing when to differentiate between assets that should be disclosed and protected through patents versus those best retained as trade secrets is a crucial skill for IP management. Theologis, reflecting on his own experience, rightfully took pride in never having faced an IP infringement lawsuit, which he attributes to having a respect for the complexity of the patent landscape and how damaging IP infringement can be, leaving aside a pool of capital to fund IP legal support, and applying a methodical use of trade secrets.

Theologis also offered advice for those considering a career in life sciences IP, stressing the importance of recognizing the significant role of these protections. “Know what you are signing up for going in and be aware of how big of a deal IP is in the field of biotech,” he urged, advising professionals to “find the best possible IP attorney you can—and pay them well.” He added that while strategy is crucial, it is equally important to ensure that all parts of a given strategy are properly aligned. “At the end of the day, strategy is merely a direction you can go. You need to keep in mind all the constituent parts of that strategy.” For professionals entering the

¹⁰ The Defend Trade Secrets Act of 2016 is currently the governing law for the practice of trade secrecy. In addition to the provisions of the federal criminal code, there is now a private civil cause of action for the misappropriation of trade secrets. <https://www.congress.gov/bill/114th-congress/senate-bill/1890>

life sciences IP field, a clear understanding of the strategic value of both patents and trade secrets, combined with the right legal guidance, is essential for long-term success.

In describing the responsibilities inherent in his field of work, Ramaswamy made sure to point out that while patent strategy is often discussed, “most things in these industries are trade secrets that must be maintained. Confidentiality is very important.” When asked what advice he could provide for engineers interested in working in IP management and IP-adjacent design roles, he reiterated that, “The first two years of an engineer’s career are critical for developing an understanding of the value of IP. Know how your employment agreement is structured with respect to inventorship and ownership. Remember to keep filing applications as an invention develops into new iterations—it buys you incredibly valuable time.” Speaking more generally, Ramaswamy supported Theologis’ claims about strategy as well. “IP is a business tool, not only a legal tool. Every good firm should have a multifaceted strategy where business strategy is paramount and in agreement with IP strategy.”

For those interested in the IP valuation field, Phil Hartstein offered the following, “Curiosity will draw you into the tech field, that curiosity will help you understand how markets move, and you will see that we are a knowledge economy. Focus on marrying the technical side with the business side of things; familiarize yourself with hedge funds and the established players in this area and try to understand the shareholder’s perspective.” A common theme that Hartstein drove home was to champion practical valuation by “protecting against every possible downside scenario” and “always being realistic about the net present value of your IP asset class.”

Tim Cunningham shared insightful advice for the next generation of innovators, focusing on both the creative and collaborative aspects of innovation. He acknowledged the wealth of inspiration available today, noting, “We live in a creative world, the access we now have to a myriad of sources will inevitably lead us to ideation.” However, he cautioned that the road to innovation in intellectual property can be difficult, especially for engineers: “You have to acknowledge that at times it will be an uphill battle to innovate in IP.” Cunningham also emphasized the importance of collaboration, advising against working in isolation. “Going on your own is challenging,” he explained, adding that “as inventors and innovators, we sometimes like to think we exclusively have the best version of an invention or the best idea.” His key recommendation to aspiring innovators was to “always remember to get more perspective,” as collaborating with others can significantly enhance the development and success of new ideas. Ultimately, innovation thrives through diverse input and shared expertise, and the willingness to seek collaboration can often be the difference between an idea’s success and stagnation. By embracing this approach, future innovators can better navigate the complexities of the IP landscape and bring their creations to fruition.

III. Trademark Professionals

A. Overview of Trademark Work

Trademarks are the lifeblood of brand identity, serving as critical assets that distinguish goods and services in an increasingly crowded marketplace. More than just logos or slogans, trademarks embody the reputation, quality, and trust that companies cultivate over time, making them essential tools for building and maintaining consumer loyalty. Trademark professionals, including attorneys, brand managers, and marketing strategists, are tasked with the vital role of protecting and enhancing these valuable assets, ensuring that a company's brand remains unique, recognizable, and legally defensible.¹¹

The scope of trademark work is broad, encompassing everything from the initial selection and clearance of a trademark to its registration, enforcement, and ongoing management. Trademark professionals must navigate a complex legal landscape that varies significantly from country to country, making global brand protection a particularly challenging aspect of their work. They are responsible not only for securing trademark rights but also for monitoring and defending these rights against infringement, dilution, and other forms of misuse that could harm a brand's value. Beyond legal protection, trademark professionals play a crucial role in brand strategy. They collaborate closely with marketing teams to ensure that trademarks are not only legally sound but also aligned with the company's overall brand vision and business objectives. This requires a deep understanding of both the legal and commercial implications of trademarks, as well as the ability to anticipate and respond to market trends and consumer behavior. As businesses increasingly rely on strong brand identities to compete in global markets, the strategic management of trademarks has become a critical function within organizations of all sizes.

The importance of trademarks in the modern economy cannot be overstated. As noted previously, the value of intangible assets, including trademarks, has skyrocketed in recent decades. Among the IP components of those intangible assets, brand—which is enforced by trademark source identifiers—certainly provides a massive contribution to the trend. This shift underscores the growing significance of brand-related intellectual property and the essential role that trademark professionals play in safeguarding these assets.¹² It has been shown that a company with a high rate of trademark registration relative to its assets is positively correlated with higher profitability and stock return value.¹³ By ensuring that brands are effectively managed and protected, trademark professionals help companies maintain their competitive edge and drive long-term business success.

¹¹ Desai, Deven (2011). *From Trademarks to Brands*. Florida Law Review.

https://www.researchgate.net/publication/256031891_From_Trademarks_to_Brands

¹² According to the Kantar BrandZ Top 100 Most Valuable Global Brands 2024 report, the aggregate value of the top 100 brands in the world grew by 20% in the past year alone, now amounting to a total value of some \$8.3 trillion dollars. <https://www.kantar.com/campaigns/brandz/global>

¹³ Po-Hsuan Hsu, Dongmei Li, Qin Li, Siew Hong Teoh, Kevin Tseng (2022) Valuation of New Trademarks. *Management Science* 68(1):257-279. <https://doi.org/10.1287/mnsc.2020.3887>

B. Educational Backgrounds

The trademark professionals interviewed for this report come from a diverse range of backgrounds, each with unique educational journeys and experiences in intellectual property. Compared to patent work, where there can be certain STEM and bar passage requirements, trademark work may be approached from a wide range of educational backgrounds. Rachel Drucker, who will later appear in the copyright section, began her career in trademark licensing. She translated her personal passion for scuba diving into a professional pursuit, working to license scuba brands and later managing trademarks for well-known companies like Maytag. Having no formal IP education, Drucker learned the value of brand protection through her work experience, which solidified her understanding of trademarks' importance in enforcing brand identity.

Zeeger Vink is currently the Intellectual Property Director at MF Brands Group, which owns brands such as Lacoste, Gant, and Aigle. He trained as an attorney at the University of Amsterdam, where after mandatory classes in foundational legal principles he was able to opt into IP specialization. Starting out working for a law firm, Vink made the gradual transition into managing a large panel of IP assets, eventually specializing in trademark work in the luxury fashion industry. He cited his lifelong personal interest in design and art as a major contributing factor to this decision. Before his current job with MF Brands, Vink has worked in brand protection for L'Oréal, taught a course on IP at the Paris Institute of Political Studies, authored a book on IP strategy,¹⁴ and served as president of the International Trademark Association (INTA).

Todor Stojanov is a fashion designer and the co-founder of the premium fashion brand Leap Concept. He received his education in Fashion Design and Engineering from Donghua University, Shanghai, and initially worked in product development and quality assurance. Never having encountered formal IP education despite the nature of his work, he is yet another IP professional who "learned by doing" and recalled that in his field fashion engineers are very reliant on legal teams to give them impromptu general training. Stojanov has since gone independent, working hard to grow his own fashion brand. Motivated by necessity, he has had to actively and routinely seek out professionals to consult with to make up for the lack of training on IP rights, "Tax advising was actually my first point of contact with IP concepts, those advisors were able to refer me to IP professionals." Registered in Europe, his brand sells both business-to-business and business-to-consumer in the United States, Canada, the UK, and possibly expanding to Japan, Korea, and China.

Fan Yang, a legal assistant specializing in trademark management for Sol-Millennium, a Chinese healthcare company, brings a global perspective to her work. Yang stated that her initial interest in IP came from the intersectional nature of these rights, as well as the pronounced uptick in filing trends during her own lifetime, with Chinese inventors now having the highest rate of

¹⁴ Vink, Z., & Nurton, J. (2020). *The Great Catapult: How Integrated IP Management Will Shoot Your Brand to Success*. Frangipani.

patent filings anywhere in the world.¹⁵ After completing her early education in China, Yang moved to the U.S., where she earned a bachelor's degree in computer science and a master's degree in law from Northwestern University, focusing on IP topics. With no prior IP education before her graduate studies, Yang's experience spans both American and Chinese IP ecosystems, having previously worked for Intel Corporation in the United States and now managing trademarks for a major Chinese company in the healthcare industry.

Much like the patent professionals, trademark experts emphasized that the need to learn about IP rights was driven largely by workplace demands rather than formal education. Many professionals entered the field without a strong foundation in IP, acquiring knowledge as they faced real-world challenges. Those who had received some degree of formal IP education, such as Vink and Yang, offered a useful contrast. They acknowledged feeling more prepared than colleagues who had to navigate the complexities of trademarks on the job, yet they also pointed out that even their formal education lacked comprehensive, practical training in IP enforcement and management. Both Vink and Yang, along with their peers, agreed that the trademark field would benefit significantly if more professionals had some form of exposure to IP rights before entering the workforce. Early contact with these concepts, they argued, could help avoid costly mistakes, improve brand protection strategies, and enable smoother communication between legal and business teams. This would, in turn, strengthen the industry's ability to safeguard trademarks and combat infringement more effectively.

C. Professional Challenges and Responses

Trademark professionals often face a range of challenges in enforcing and protecting brand rights across various markets. Zeeger Vink emphasized the complexity of navigating the luxury fashion industry, where counterfeit products pose a major threat. Vink highlighted that the damage from counterfeit goods extends far beyond the lost revenue on specific items: the real harm lies in brand dilution – the perceived weakening of a brand's value.¹⁶ Maintaining a valid trademark requires active maintenance and enforcement; refuse to enforce, and you risk losing your exclusive rights. Vink's work involves not only taking legal action against infringers but also coordinating with public authorities to combat the circulation of fake products. The sheer volume of counterfeit goods in online marketplaces makes enforcement even more difficult, especially when balancing legal action and maintaining the company's global reputation. Vink highlighted the massive role that the development of the internet has played in his area of practice, pointing out that technologies like email have increased the efficacy of communication with infringing parties, but that the digital age has also seen the rate of infringement multiply to a significant degree.

¹⁵ Snyder, Alison. (2024). *Patent Applications from Chinese Inventors Pass U.S. for First Time*. AXIOS. <https://www.axios.com/2024/03/01/china-us-patents-science-tech>

¹⁶ Loken, Barbara. (2010). "When Do Bad Things Happen to Good Brands?: Understanding Internal and External Sources of Brand Dilution." *Brands and Brand Management : Contemporary Research Perspectives*.

For smaller businesses, the challenges of trademark enforcement can be even more daunting. Todor Stojanov shared his experience with an unexpected legal threat early in his company's development. After receiving a cease-and-desist letter from a German company with a similar brand name—and lacking any formal education on the severity of trademark disputes—Stojanov initially dismissed the seriousness of the situation. However, he was soon forced to "lawyer up" and fight a lawsuit that posed an existential threat to his brand. Fortunately, his company was registered first and operated in a different category of business, allowing him to avoid liability for any infringement. This experience underscored the importance of having a solid legal understanding in protecting brand rights, motivating Stojanov to learn more about his options in preventing future threats. He now focuses on how to mitigate risks, exploring questions such as: "How can I protect my brand moving forward? What are the merits of counterclaiming?"

Fan Yang discussed the unique challenges of protecting brand rights in the rapidly evolving Chinese market. The healthcare and medical devices sector is growing at a tremendous pace in China, creating significant opportunities for innovation and branding.¹⁷ However, Yang pointed out that the comparative ease of acquiring intellectual property rights and China's substantial manufacturing capabilities also makes it easier for competitors to infringe on trademarks and flood the market with counterfeit goods. The fast pace of industry growth means that trademark enforcement is an ongoing challenge, particularly as companies must navigate the differences between various regulatory environments. Yang's role often involves balancing these regulatory challenges while ensuring that her company's brands are not undermined by competitor infringement or counterfeit operations—both domestically and internationally.

The challenges of trademark enforcement are diverse, varying significantly depending on the size of the business and the market in which it operates. A common through-line discussed in these interviews was how technological advancement is constantly altering the status quo regarding the acquisition of exclusive brand protections and the active enforcement of those rights. Several professionals described the rate of growth in this area as being a "double-edged sword." However, the common goal will always remain ensuring that trademarks are actively protected and that the associated brands remain strong in the face of both legal and competitive threats. There is often a need to determine which approach works best within a business' strategic framework: to leverage trademark assets in brand licensing or brand extension for revenue, or to attain value by way of "cease and desist" enforcement. This second approach can have its merits but may be difficult to quantify—and is not without its own risks.¹⁸

¹⁷ Huld, A. (2023, June 12). *Understanding China's Rapidly Growing Healthcare Market*. China Briefing News. <https://www.china-briefing.com/news/understanding-chinas-rapidly-growing-healthcare-market/>

¹⁸ Poler, Emily Alexandra (2024). *When to Desist Before Telling Someone Else to Cease*. Business Law Today. https://www.americanbar.org/groups/business_law/resources/business-law-today/2024-august/when-desist-before-telling-someone-else-cease

D. Practical Recommendations

Rachel Drucker emphasized the inevitability of infringement as a brand grows. “Sometimes, you just know you are going to be sued for brand infringement. It’s something you plan for and are prepared to prevent, but also to respond to,” she explained. Drucker noted that large companies often anticipate brand infringement lawsuits and incorporate them into their business strategy. “Keep in mind that many companies simply consider infringement litigation a cost of doing business, and make strategic decisions knowing they will be sued,” she added. Her advice to up-and-coming trademark professionals was to always remain vigilant and proactive in preparing for litigation, as it has become an unavoidable aspect of brand protection in today’s competitive market. By treating litigation as a strategic component, companies can minimize disruption and ensure they stay ahead in maintaining their brand’s exclusivity.

For those considering a career in trademark work, Zeeger Vink emphasized the importance of working with an integrated IP strategy in mind. “People today encounter brands in so many new ways, not just at a storefront anymore. As a result, managing these consumer touchpoints—which continue to multiply—is the most important and fundamental responsibility you will have.” As for what this might look like in practice, Vink added, “You must widen your gaze, and adjust your strategy such that it becomes fully integrated.” He stressed that in a world where competitors are constantly finding new ways to ride upon the coattails a given brand’s success, it is incumbent upon trademark professionals to always strive to keep pace with—and ideally stay one step ahead of—these infringers. Another practical recommendation Vink offered was that the information gap between lawyers and non-lawyers needs to be more adequately addressed: “It is true, there is an information gap. As lawyers, it can be very difficult for us to step out of our legal domains and networks, and we are faced with the challenge of how to best transmit our ideas to the public at large – we still have lots of work to do.” Ultimately, Vink addressed the role of IP education in both the American and European systems: “Training IP awareness at an early stage is critical, and this needs to start in our schools and educational institutions.”

Todor Stojanov wholeheartedly agreed with Vink’s assessments about integrated IP strategy, and advised business owners who seek to grow their own brands from the ground-up to “never underestimate the value of your brand, particularly in the early stages. IP will be a critical part of your development, and at every stage of your growth. Think long-term, plan around your IP strategy, and make an effort to register and protect what you have worked so hard to develop.” Stojanov encouraged an innovative mindset for business owners, explaining how his company plans to value and prioritize an ability to explain their supply chain to consumers, which can be very useful for startup brands to distinguish themselves and build goodwill with consumers. Additionally, he discussed the benefits of a multifaceted strategy, acknowledging that brand has a positive feedback relationship with other IP regimes, such as utilizing the patent system for advantageous technical innovations—another avenue that Stojanov intends to pursue in the future.

In recent years, the Chinese government has made IP education a high priority, reflecting the nation's growing focus on innovation.¹⁹ Fan Yang was able to attest to this trend, “The government has really been making strides in recent years. Global markets require an emphasis on IP, and the economic importance of these rights is being recognized.” Through her work, Yang quickly learned the importance of securing IP rights early, noting that delays in protecting one's assets can lead to significant challenges later on. Yang also emphasized the need for open-mindedness in navigating different IP regimes, especially for professionals operating across borders. As someone who has lived and worked in multiple countries, she acknowledged the inherent difficulty of comprehensively grasping cultural differences, but stressed the importance of making a good faith effort to understand and engage with foreign IP systems. “It's not just about learning the rules,” she explained, “it's also about understanding the philosophy behind those IP regimes.” In her view, this approach is far more productive in the long term when addressing cross-border IP challenges. Yang's experience has also led her to conclude that certain fundamental skills will always transcend cultural boundaries. She believes that individuals who can see both sides between different legal and cultural frameworks will play a vital role in the future of global IP. As she put it, “We need more people who not only understand their own regimes but are also willing to engage with other systems.”

IV. Copyright Professionals

A. Overview of Copyright Work

Copyrights are the foundational legal protections that safeguard creative works, ensuring that artists, musicians, writers, and other creators maintain control over how their work is used and distributed. Generative artificial intelligence (GAI) is dependent on copyrighted content which is used to train large language models (LLMs), making these IP rights extremely timely in an era when GAI has made content copying and “fakes” an increasingly pressing issue.²⁰ While the scope of copyright is very large, the interviewees for this project had experience that was largely relevant to two areas in particular: the music industry and professional photography. In these industries, where original content is both the primary product and the primary asset, copyright protection is not just a legal formality—it is essential for sustaining livelihoods, fostering creativity, and enabling the commercialization of artistic endeavors. Copyright professionals, including attorneys, licensing agents, and rights managers, are at the forefront of this critical task, working to protect the intellectual property of creators while navigating the complex and rapidly evolving digital landscape.²¹

¹⁹ *China's National IP Strategy Plan*, AFD China (2015)

<https://www.afdip.com/index.php?ac=article&at=read&did=2551> In recent years, Chinese IP administrative authorities have established information exchange programs, resulting in increases in public awareness of IP.

²⁰ Douglass, S. M., & Rota, D. (2024). *The Fast-Moving Race Between Gen-AI and Copyright Law*. Baker Donelson. <https://www.bakerdonelson.com/the-fast-moving-race-between-gen-ai-and-copyright-law>

²¹ *The Impact of the Digital Age on Copyright Law*. The Green Firm. <https://gspattorneys.com/impact-digital-age-copyright-law/>

One of the primary responsibilities of copyright professionals is to help creators and businesses navigate the complexities of copyright law. This includes understanding the scope of copyright protection, determining whether a particular work qualifies for protection, and advising clients on how best to enforce their rights. Copyright experts also play a key role in drafting and negotiating licensing agreements, which are essential for monetizing creative works. By granting permission to others to use their work under specific terms, creators can generate revenue while maintaining control over how their intellectual property is used. In addition to licensing, copyright professionals frequently deal with infringement claims, representing clients in legal disputes to protect their rights or defend against accusations of unauthorized use.

In recent years, the nature of copyright work has been profoundly impacted by technological advancements and the rise of digital platforms. The internet has opened up vast opportunities for creators to share their work with a global audience, but it has also introduced new challenges. Issues such as piracy, illegal streaming, and unauthorized reproductions have become prevalent, requiring copyright professionals to stay ahead of rapidly evolving technologies and develop innovative strategies for enforcement. The rise of digital content has also blurred the lines between traditional copyright law and newer forms of creative expression, forcing copyright professionals to constantly adapt to the changing landscape.

B. Educational Backgrounds

While Rachel Drucker may have begun her career in the world of trademark licensing, she eventually found her way to copyright work. The culmination of this part of her career was her role as the custodian of records for the world-famous Playboy Estate. Similar to how her educational background had neglected to teach her about trademark protections, her knowledge of copyright was “only in a very elementary sense. I had an understanding that copying artistic works amounted to stealing.” In her role as custodian of records, she was required to manage copyright assets strategically and work to prevent lawsuits. While the Playboy brand has more recently transitioned its focus away from publishing, the firm is still recognized for being one of the most well-known lifestyle and entertainment publishers. Given that the Playboy brand has a high level of global recognition not unlike Apple, Nike, and Coca-Cola, this inevitably entailed a massive portfolio of copyright assets; while the modeling aspect was certainly more infamous, a large amount of these assets were exclusive interviews with public figures and famous personalities. Playboy magazine was also the most lucrative platform for publishing short literary works for decades. One such publishing was the critically acclaimed *Fahrenheit 451* by Ray Bradbury. Drucker recalled that “Not many people know that Hefner and Ray were actually best friends. When people think Playboy, they probably wouldn't assume that there are still hours and hours of unreleased one-on-one talks between those two still in the records somewhere. My job was just as much about managing those kinds of assets as it was collaborating with models and photographers.”

In professional photography, copyright is inseparable from the trade itself. This legal protection serves as the fundamental mechanism photographers use to protect their creative

vision and maintain control over the distribution and use of their images. For Barbara Bell, photography was a lifelong passion before it was her profession: “I remember being about five years old, I always had a Polaroid with me. This was a hobby first.” After an early job working in a camera store, Bell maintained her interest in photography as she pursued an education background in her undergraduate and graduate-level studies. After being hired to take photos at an event, she began practicing what she loved in a professional capacity. Over time, and especially as the world became increasingly digital, copyright implications inevitably came into the picture. Bell recalled that her educational background never covered the subject of IP rights, and that she had to acquire the ability to make strategic decisions around copyright over time, consulting other more seasoned photographers, and especially the Professional Photographers of America (PPA). She has since taught a class on entrepreneurship and became a council member of the PPA as well, demonstrating her desire to confer the knowledge she has gained.

Blake Morgan is a recording artist, writer, multi-instrumentalist, and the owner of the New York-based record label, ECR Music Group. A graduate of the Berklee College of Music, Morgan has spent his life as a professional artist and began writing and recording works from a young age. “There is something special about artistic expression which we often romanticize, this idea that we can add to the universe or ‘the fabric of existence,’” he said, adding that this sentiment is part of why artistic creations should always be backed by adequate legal protections. During his time in music education, Morgan attended several classes on copyrights, but this was not the only reason that he had an early understanding of the value of IP rights: “Both of my parents were writers, so I had the benefit of their professional experience. I made sure to copyright my work early and often, even at a young age.” While Morgan had received some formal schooling on the matter, when he eventually came to own his own record label, he discovered that doing so required an entirely different level of competency in IP rights. The way he has structured the ECR record label reflects what he has learned throughout this process.

Jackson Iturbide and Michael Heilbronner are both musical artists based in the Chicago area and have been working in the vibrant EDM genre there for the past several years. While Heilbronner is a product of the local Columbia College of Music, Iturbide pursued musical education at several west coast conservatories, specializing in sound engineering. Both espoused a lifelong connection to music and creative expression in general. When asked about their first interaction with the concepts of IP rights and protections, both artists described a somewhat negative sentiment. “Throughout my education there were always professors who would tell ‘horror stories’ about either themselves or someone they knew losing the rights to their own property or being given a bad deal,” Heilbronner recalled. “IP was something we were supposed to be aware of, but there were never any required classes about it.” Iturbide concurred about the lack of mandatory IP courses and shared a personal anecdote about an artist close to him who was harmed by a lack of prior knowledge on IP rights: “It was the group’s first record deal, and they had a great album. But they didn’t know what they were giving up when they signed the 360

deal.²² They had a bad agent, and because they weren't educated about their rights, they ended up making a fraction of what they were owed." Music copyrighting can be an incredibly complex process, even for some lawyers. The six different licenses which can be attained are: synchronization, public performance, mechanical, master recording, print, and blanket licenses—and a single copyright may not cover all of them, instead requiring several copyright filings.

Michael Gastala is an educator at Columbia College of Music as well as a sound engineer at Falcon Picture Group and the executive producer of the radio broadcast program *Hollywood 360*. Having a technical background in audio engineering, multimedia studies, and sound-for-picture work, Gastala has worked in numerous professional capacities from education to large budget projects for corporate clients—and everything in between. Speaking on his own education, he noted that he only ever took one elective course on IP and added that "All the opportunities I've ever had in this field have come from learning by trial and error, and from an IP perspective that is especially the case. Much like the average student, I felt unprepared to address those types of issues." Gastala now finds himself in the interesting position of also having been on the educator's side of this dynamic, and commented on how the teaching approach to IP and business management has shifted. While he believes things are gradually starting to change because of technological advances and the rise of streaming, IP should be a greater priority in all areas of education.

C. Professional Challenges and Responses

Copyright professionals face a unique set of challenges that require a nuanced understanding of the ever-evolving nature of copyright protections. Rachel Drucker emphasized that successful copyright professionals must think beyond the present, strategically considering the future of copyright assets. "Any medium, known or unknown, in perpetuity – that's the breadth of scope available to be claimed, but management requires someone who is able to anticipate," she explained. Drucker's approach highlights the importance of predicting technological advancements and future media formats that might utilize copyrighted materials based on assets available today. Managing a large portfolio, as Drucker's experience with the Playboy Estate illustrates, necessitates a balance between vigilance against infringement and a practical understanding of when to assert legal action. This nonstop battle against copyright piracy exists within the context of Fair Use Doctrine, which adds a level of nuance and additional complexity to this work.²³

²² For artists, a 360 deal can mean greater access to funding and resources for growth, but it also involves giving up a healthy share of their income across diverse areas, sometimes as much as 70-90%. While 360 deals can offer advantages for emerging artists seeking comprehensive support, they require careful negotiation to ensure fair terms and avoid an excessive loss of control over the artist's IP. <https://bartdaylaw.com/360-deals/>

²³ Fair Use Doctrine (<https://www.copyright.gov/fair-use/>) permits parts of copyrighted materials to be used without the owner's authorization. Anti-Circumvention laws grant additional protection to copyright owners by giving them exclusive rights over their work for a certain period of time, excluding the public from gaining access to it. However, these laws are not applied in all countries and jurisdictions, India being a prominent

Barbara Bell highlighted the rise in public awareness around copyright since the digital era began. “There was a certain point where clients would start asking me, ‘Can I have the copyright on that?’” she recalled, noting how copyright was once rarely discussed openly. As her career progressed, Bell came to appreciate the vast options available for managing intellectual property as a photographer, but also the risks of signing over ownership without fair compensation. “Be mindful of clients who request copyright ownership, and know what you’re giving up,” she advised, “Know the significance of works made for hire.”²⁴ With the growing complexity of digital technologies, Bell emphasized the need for photographers to remain vigilant, as copyright protections for digital images have become increasingly challenging to enforce. With digital platforms facilitating rapid sharing and reproduction, the protection of photographic copyright has only grown more complex. Bell advocates for awareness of IP options and protections, urging photographers to understand the ramifications of compensation models that involve surrender of copyright.

In a similar vein, Blake Morgan discussed how having been a music artist first and foremost before owning a record label has helped him to gain a particular appreciation for the copyright challenges facing music artists today. Morgan founded the viral “I Respect Music” campaign, a movement in support of the American Music Fairness Act of 2023.²⁵ A common issue that Morgan discussed, which this act would help prevent, is the fact that American artists are not compensated for terrestrial radio airplay. A number of factors, the streaming consumption model looming large among them, have resulted in an environment where a select few artists are able to be adequately compensated for their IP, but the vast majority are denied fair pay for their work. “This isn’t really a new problem, either.” Morgan clarified, “The shape changes, but it’s always the same thing. Obfuscation of rights benefits a select few stakeholders in any industry.” He also called out major corporations for being complicit in artists having their IP exploited: “Be it piracy, or the ‘legal piracy’ of streaming, artists are left wondering: why is it *my* responsibility to police *your* platform?” Morgan’s characterization of the unfair distribution of benefits in the streaming era seems apt given the context of a streaming model which is continuing to grow the industry as a whole, but most artists seeing only a fraction of that profitability.²⁶

example. <https://www.globalipconvention.com/blog/challenges-to-copyright-protection-in-the-current-age-of-digitalisation>

²⁴ One critical exception to the general rules of copyright ownership is “works made for hire.” When photographs are created as “works made for hire,” the employer or commissioning party is considered the author and owns the copyright to the images rather than the photographer. The images may still be registered as a group if all the photographs were created for the same employer, the employer is named as the author of each photograph, and the photographs are identified in the application as “works made for hire.”

<https://www.copyright.gov/engage/photographers>

²⁵ H.R.791 - American Music Fairness Act of 2023. <https://www.congress.gov/bill/118th-congress/house-bill/791>

²⁶ An aggregated data table of the current payout per-stream rates for artists on the major streaming services. <https://virpp.com/hello/music-streaming-payouts-comparison-a-guide-for-musicians/>

Music artists Jackson Iturbide and Michael Heilbronner were able to testify to these challenges, particularly with ensuring access to fair royalty payments and trying to gain a foothold on streaming services like Spotify, where not being among the top percentages of artists makes profitability a very difficult proposition.²⁷ Iturbide commented on the misconceptions about money in the music industry, noting that “Sometimes people don’t see the whole picture, they look at a record deal on its face without considering that this money has to go towards so many things—mastering, mixing, studio time, tours—none of which come cheaply.” Both artists emphasized that the tight profit margins for emerging artists, combined with insufficient streaming royalties, make copyright protection essential to their livelihoods. Heilbronner, who also pursues patents and trademarks as an inventor and entrepreneur, observed, “It often feels like an uphill battle just to understand my rights—and this is true for all types of IP I’ve dealt with—they seem obscured from the average person.”

Michael Gastala discussed the complexities of terrestrial radio and streaming in relation to copyright, acknowledging the challenges artists face with outdated legal frameworks. “Terrestrial radio is a different beast than streaming, and both can have their disadvantages,” he explained, noting that as the rapid evolution of technology outpaces copyright law, solo artists are left particularly vulnerable. Reflecting on his career, Gastala noted that navigating today’s complex IP environment is especially difficult for independent musicians without the support of major labels and concurred with Morgan’s assessment that terrestrial radio puts artists at a disadvantage compared to songwriters and publishers.

From Rachel Drucker’s insights into the necessity of forward-thinking strategies and vigilant portfolio management to Barbara Bell’s advocacy for photographers to understand and retain control over their IP, it is clear that copyright work demands both foresight and adaptability. The increasing complexity of digital platforms has only heightened the need for vigilance, as the ease of sharing and reproducing copyrighted material often outpaces the law’s ability to keep up. In the music industry, Blake Morgan, Jackson Iturbide, and Michael Heilbronner highlighted how systemic issues and obfuscation of rights continue to put artists at a disadvantage, while Michael Gastala emphasized the compounded difficulties for independent artists navigating these challenges alone. Collectively, these perspectives demonstrate that successful copyright professionals must combine legal expertise with creative problem-solving, advocacy, and a proactive approach in order to secure and protect the rights of creators.

D. Practical Recommendations

For persons who find themselves in copyright management roles, Rachel Drucker emphasized the importance of being collaborative, “You need to be able to bring together different people in order to fill gaps. You are not a barrier.” Drucker also discussed key

²⁷ The top 1% of artists on Spotify account for 54% of all physical album sales and receive a large share of streams. In fact, the top 10% of artists receive almost all the streams on Spotify. <https://www.rollingstone.com/pro/news/top-1-percent-streaming-1055005/>

competencies for copyright asset management, such as knowing how to navigate Fair Use standards and how to differentiate between strategies used for editorial content and those for advertising content. As a concluding note, she reiterated how important it is to be exhaustive with your efforts in these management roles. Drucker cited the rigorous application of permission policies and general meticulousness, such as carefully checking the background of every photoshoot for potential copyright infringement, as factors for how she was able to avoid any successful claims against Playboy during her tenure as custodian of records.

Barbara Bell's advice for professional photographers was twofold: "Know your value and find a community." Building on her previous statements, she urged younger professionals to ensure that they handle their IP rights in agreement with their business strategy. "Early in your career, it often makes sense to take a 'low price, high volume' approach by giving up some of your IP rights. If that works for you—go for it. Just don't be afraid to transition to a different model as your career progresses." She likened this process to periodically applying a gap analysis.²⁸ As a council member of the PPA, Bell highlighted the value of professional community, "Be the best you can be and work together with others to share what you know."

Blake Morgan emphasized that understanding IP is not optional for artists navigating today's music industry—it is foundational. "As a musician, if you're not into IP, then you have no rights. It's as simple as that," he stated, underscoring the critical connection between IP knowledge and creative autonomy. Morgan likened artists to "canaries in the coal mine" for property rights in general, signaling the broader health of the institutions that protect them. "Do not stop at the water's edge of creativity—aim for artistry. While it may not be convenient to the tech industry, artistry is knowing when mistakes are worth keeping." This artist-first philosophy is reflected in the structure of ECR Music Group, which guarantees all their affiliated artists ownership of their masters—a stark departure from the traditional model—and ensures that all management positions are occupied by artists. Morgan argued that this commitment to artists' rights is not just a moral stance but a necessity for fostering long-term innovation and fairness in the industry. He believes the music industry has become a battleground for property rights, where the struggle over ownership and control of IP mirrors larger societal debates. For Morgan, the future of music and the creative industries at large depends on the ability of artists to not only understand but actively defend their intellectual property.

When asked what advice he would give to others working in the music industry who may not be informed on their IP rights, Michael Heilbronner said to "Seek the relevant advice. I know many people who are brilliant at what they do, but don't know when to get legal advice. Unfortunately, most of the available content on these subjects is made for lawyers. I don't anticipate that changing, but I would love to be proven wrong." Jackson Iturbide advocated for a

²⁸ Applying a Gap Analysis is a business and project management strategy that seeks to compare the difference between the current operation of an activity and the activity vision, the difference between actual and theoretical targets, or the difference between actual performance measures and world class benchmarks. <https://www.projectmanagement.com/wikis/233055/gap-analysis>

diligent approach to collecting royalties, “While my creative approach as an artist has not changed since the start of my career, the way I submit music has completely changed. If you are not familiar with ASCAP or BMI, look into those options.”²⁹ Overall, both artists encouraged those entering the music industry to continue to focus on making the music they want to hear and to try to develop a solid understanding of IP rights. Michael Gastala agreed, “If you have the opportunity, seek out IP education. In a producer role this can be done for the benefit of your clients, but it can be just as beneficial for protecting your own work.”

In navigating the complexities of copyright management, professionals across industries emphasize the indispensable role of collaboration, education, and adaptability. Rachel Drucker underscores the importance of teamwork and exhaustive attention to detail, demonstrating how meticulous practices in copyright asset management can prevent disputes and uphold a brand's integrity. Barbara Bell encourages photographers to align their intellectual property decisions with their career stages, emphasizing both strategic flexibility and the value of professional communities for mutual support and growth. Meanwhile, Blake Morgan highlights the critical relationship between intellectual property knowledge and creative autonomy in the music industry, framing artists as key figures in the broader battle over property rights. His vision of a more equitable industry, rooted in IP awareness and advocacy, is shared by artists who champion proactive approaches to rights management and royalty collection. Together, these insights reveal that the future of copyright work hinges on a combination of foresight, education, and a steadfast commitment to safeguarding artistic contributions.

V. Conclusions

A. The State of IP Education

These interviews underscore a consistent theme: formal IP education is rarely required and is often encountered only as an elective or through workplace necessity. Patent professionals like RC Ramaswamy and Jacob Dobson shared that their engineering degrees lacked any substantive exposure to IP concepts, despite the clear relevance to their current work. Ramaswamy recalled that during both his undergraduate and graduate studies, “there was never any appreciation for the IP aspect,” leaving him unprepared for the critical role IP would play in his career. Similarly, Holden Carroll described his first introduction to IP rights as signing them away during a senior design project, without fully understanding their implications. This lack of foundational knowledge often left professionals feeling overwhelmed as they navigated IP issues for the first time in the workplace.

In creative fields like photography and music, the absence of IP education was equally evident. Barbara Bell emphasizes the steep learning curve she faced in understanding copyright protections as a professional photographer, while Blake Morgan stressed that artists who do not

²⁹ ASCAP and BMI are both performing rights organizations (PROs) that collect and distribute performance royalties to music creators any time their work is performed publicly. <https://soundcharts.com/blog/bmi-vs-ascap#what-are-performance-royalties>

actively educate themselves about IP are at a severe disadvantage. Morgan’s assertion that “if you’re not into IP, then you have no rights,” encapsulates the frustration many creatives experience when they realize too late how vital IP knowledge is to their careers. These testimonies reveal the same pattern: professionals across industries often encounter IP concepts only when their work demands it, leaving them underprepared to navigate complex rights issues.

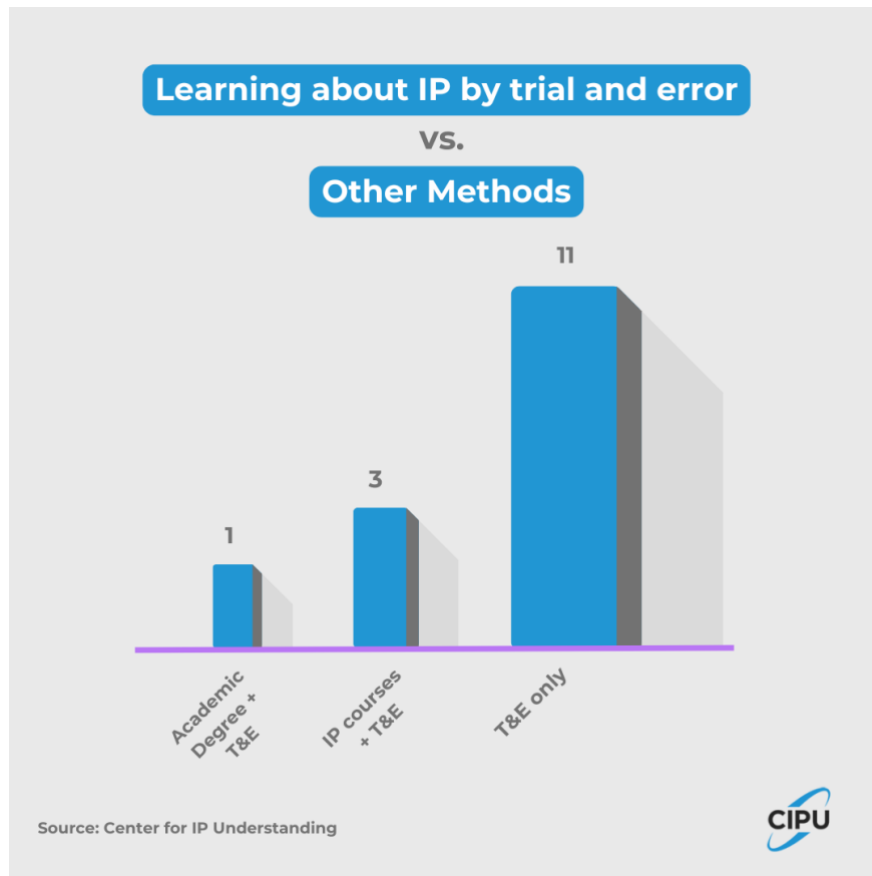


Figure 2: The trend described above is seen in the data from the sample study participants—a clear majority developed their IP skillsets exclusively from trial and error.

The few professionals who benefited from early exposure to IP concepts, such as Zeeger Vink, emphasize its value in their careers. Vink’s elective coursework in IP law at the University of Amsterdam provided a solid foundation for his later roles in trademark management, allowing him to specialize effectively. This contrast highlights the critical importance of integrating IP education into core curricula across disciplines. Early exposure to IP concepts could better equip professionals to manage the rights and responsibilities inherent in their work, ultimately fostering a more knowledgeable and capable workforce.

B. The Argument for Increased IP Curriculum

The lack of required IP education has significant consequences for professionals across fields, particularly in STEM and creative industries (STEAM). Patent professionals like Tim Cunningham and Jacob Dobson emphasize the necessity of translating technical concepts into legal language, a skill that could be cultivated through more comprehensive IP education. Cunningham notes that his understanding of IP came almost entirely from on-the-job experience, reiterating the need for formal training that bridges technical expertise and IP strategy. Dobson’s advice to “overcommunicate at the outset” when working with design teams reflects the challenges caused by insufficient IP literacy, which often leads to miscommunications that could be avoided through foundational education.

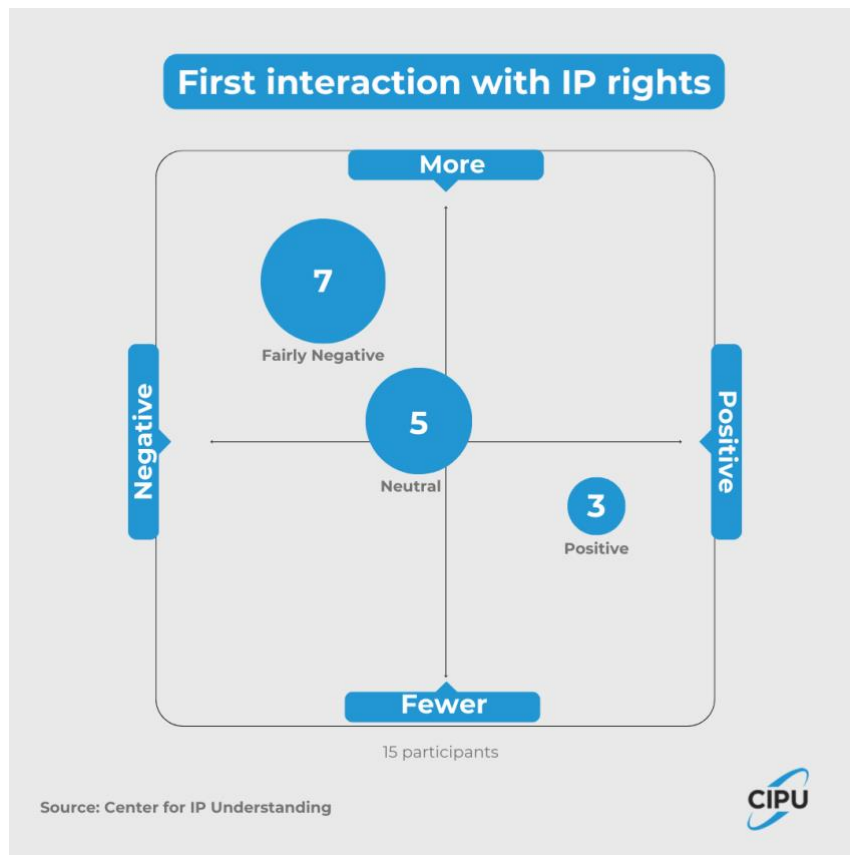


Figure 3: Participants were asked to evaluate their initial interactions with IP rights; the largest group reported that this first encounter was “fairly negative.”

Creative professionals face similar challenges, particularly in industries where the economic value of IP is paramount. Rachel Drucker, for instance, described the meticulous strategies required to manage Playboy’s vast copyright portfolio, from adhering to Fair Use standards to safeguarding against infringement. Her ability to avoid successful claims during her tenure was the result of extensive self-education and workplace training. Similarly, Barbara Bell emphasizes the importance of aligning copyright decisions with business strategies, an area where formal education could have provided valuable guidance. The absence of structured IP

education leaves many creatives to learn through trial and error, sometimes at great cost to their careers.

Incorporating IP curriculum into undergraduate and professional programs would help address these gaps and create a generation of professionals better equipped to navigate intellectual property issues. For example, Fan Yang’s exposure to IP topics during her master’s program at Northwestern University allowed her to effectively manage trademarks in diverse markets. Yang’s experience highlights the advantages of formal training, particularly in a globalized economy where IP regimes vary significantly. Expanding IP education as a core requirement would not only benefit individuals but also strengthen industries by reducing inefficiencies, fostering innovation, and ensuring that professionals are prepared to manage the complexities of a world economy that increasingly relies on IP assets.

C. Practical Guidance: From Lawyers to Non-Lawyers

A recurring theme in the interviews was the inadequacy of accessible IP resources for non-lawyers. RC Ramaswamy pointed out that he believed most practical guidance materials are created “by lawyers, for lawyers,” leaving engineers and other technical professionals to navigate IP challenges without user-friendly resources. Michael Heilbronner echoed this sentiment, noting that even having worked with patents, trademarks, and copyright, he often found it difficult to understand his IP rights. His advice to “seek the relevant advice” reflects a broader need for resources that demystify IP concepts for non-specialists, enabling professionals to address issues independently or communicate more effectively with legal teams.

Creative professionals face similar obstacles in accessing practical IP guidance. Barbara Bell advises photographers to “know your value and find a community,” emphasizing the importance of learning from peers in addition to seeking professional advice. However, the lack of tailored resources for photographers and other creatives makes this process more challenging. Blake Morgan’s frustration with the exploitation of artists’ IP highlights the consequences of this gap. His campaign for fair compensation reflects a broader call for tools and resources that empower artists to understand and defend their rights in a rapidly evolving industry.

To address these challenges, the development of accessible, user-friendly IP resources is essential. Workshops, interactive tools, and case studies tailored to non-legal professionals could bridge the gap between legal expertise and practical application. Fan Yang’s emphasis on understanding not only the rules but also the philosophies behind IP regimes illustrates the value of resources that go beyond basic compliance. By providing practical, approachable guidance, the IP community can empower a broader range of professionals to manage their rights effectively, fostering a more equitable and innovative intellectual property landscape.

VI. Final Thoughts

The research presented in this report highlights the critical intersection of IP education and professional success across patent, trademark, and copyright environments. Despite the

undeniable importance of IP in the modern economy, the findings demonstrate a pervasive gap in formal IP education, leaving many professionals to learn key concepts reactively through workplace necessity. From STEM graduates unprepared for the complexities of patent work to creatives navigating copyright challenges without foundational knowledge, the absence of structured IP education creates barriers that professionals must work diligently to overcome.

While the challenges faced by these professionals vary by industry, a common thread is the need for proactive IP strategies and accessible resources. The experiences conveyed by the interviewees reveal the significant advantages that early exposure to IP concepts can provide. Professionals like Aris Theologis and Zeeger Vink, who sought out elective courses or specialized training, benefited from a stronger foundation that allowed them to approach IP work with greater confidence and efficiency. Conversely, others shared stories of trial-and-error learning, underscoring the importance of integrating IP education into broader academic and professional training programs. The insights gained from this research also emphasize the importance of collaboration and adaptability in navigating the evolving IP landscape. The professionals interviewed consistently highlighted the value of interdisciplinary thinking and community academic support.

Of the fifteen persons that participated in this study, none of them are practicing lawyers in the United States. Their example serves as a reminder that IP is not just a legal concept, but a vital tool used by a wide range of professionals in fostering innovation, protecting creative contributions, and ensuring equitable participation in the global economy. Looking forward, this report advocates for significant changes in the way IP education is approached. By embedding IP concepts into undergraduate and professional programs, expanding access to practical, non-exclusive legalistic resources, and fostering a culture of IP literacy, institutions and industry stakeholders can empower the next generation of innovators, creators, and leaders. The stories and perspectives shared in this report illuminate the path toward a more informed, inclusive, and dynamic IP landscape. It is not simply a matter of adapting to current challenges, but of preparing for the opportunities and complexities that lie ahead in a world increasingly defined by intangible assets and intellectual property.

VII. Appendix

A. Contributors

Aris Theologis – Founder and CEO, the Baxter Group; 15+ years leading operations, business development, strategy, and finance functions for cutting-edge life-science and healthcare companies; investor.

Barbara Bell – Research Operations Manager, UNC Eshelman School of Pharmacy; professional photographer and council member of Professional Photographers of America.

Blake Morgan – Musician, singer, songwriter, music producer, ECR Music Group label owner; signed a seven-record deal with Phil Ramone’s N2K Sony/Red label; founder of the “I Respect Music” campaign.

Fan Yang – Trademark professional, Sol-Millennium Medical Group, a manufacturer of needles and syringes as well as medical PPE equipment; previously worked with Intel Corporation.

Holden Carroll – Patent Technical Specialist, K&L Gates; specializing in industrial patents; previously worked with power plants in combustion and performance testing, and plant control logic analysis at power stations across the United States.

Jackson Iturbide – Dubstep producer and DJ. His act, “Dead Weight,” was featured on his debut EP, “Raise the Black Flag,” topping 100k streams on Spotify within the first month of release.

Jacob Dobson – Patent Agent, K&L Gates; specializing in IP Procurement and Portfolio Management; has worked in reliability engineering in the papermaking industry; has experience with power generation and transmission, electric motors, protective relays and other power electronics, embedded/IoT devices, virtual machines, reciprocating steam engines, internal combustion engines, and musical instruments, among other fields.

Michael Gastala – Executive Producer for *Hollywood 360* and an Instructor at Columbia College, Chicago’s Audio Arts & Acoustics program; also serves as sound engineer at Falcon Picture Group.

Michael Heilbronner – Music Producer and Audio Engineer at 4835 Studios; is actively working on projects involving copyrights, trademarks, and patents; Head of Growth and Brand Strategy at SkyTails.

Phil Hartstein – Managing Partner, Soryn Capital, IP investing; previously, President and CEO of publicly-held Finjan Holdings, acquired by Fortress Investment Group.

RC Ramaswamy – Leader of Application Research for MonoSol, an industry leader in sustainable packaging and containers; previously, 14 years at Eastman Chemical.

Rachel Drucker – Technology Transfer Officer, Loyola University of Chicago; experience includes IP management, licensing, negotiation, integrated marketing strategy, promotional law, social media compliance and IP rights.

Tim Cunningham – Entrepreneur specializing in business development and emerging technologies; previously worked at AT&T for both patenting practice as well as marketing and

corporate strategy; developed four patentable concepts as part of work in telecommunications industry; currently advising for climate engineering and renewable energy startups through Texas A&M University.

Todor Stojanov – Founder and CEO, Leap Concept premium fashion brand; ex-Senior Quality Assurance Coordinator for Tommy Hilfiger and Calvin Klein.

Zeeger Vink – IP Director for MF Brands Group (Lacoste, Gant); Immediate Past-President of the International Trademark Association, representing 6,700 organizational members and 37,000 professionals.

B. Additional Thanks

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Alastair Gray, *Director, Anticounterfeiting* – International Trademark Association (INTA)

Efrat Kaznik, *President* – Foresight Valuation Group; fmr Chairperson, LES SV

Maysa Razavi, *Director, Global Brand Protection* – Johnson & Johnson; Moderna

Pamela L. Cox, *Partner and Chair, IP Transactions* – Marshall, Gerstein, & Borun LLP

This report was researched and written for The Center for Intellectual Property Understanding by Andrew Tylka, a law student at The University of North Carolina School of Law and a graduate of Northwestern University Pritzker School of Law.