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The Intersection of Intellectual Property Rights and Women Empowerment: Legal Challenges and Opportunities

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ABSTRACT

Intellectual property rights (IPR) and women empowerment have a lot to offer in terms of potential and legal obstacles. This study examines the ways in which women's economic and social standing can be improved through the use of IPR, while also highlighting the obstacles that women must overcome in order to obtain and utilize these rights.

Since women have limited exposure to innovation and creativity than males, research on the relationship between women and intellectual property rights (IPR) is crucial. This study looks at the obstacles women encounter in gaining access to and using their intellectual property rights as it investigates the gender dynamics in IPR. It looks into how societal norms, gender bias, and stereotypes affect women's rights to patent, trademark, and copyright their creative output. The study emphasizes how crucial it is to have inclusive laws and programs that support gender parity in intellectual property rights (IPR), allowing women to fully engage in the innovation ecosystem and reap the rewards of their artistic pursuits.

Gender biases in legal frameworks, underrepresentation in STEM disciplines, restricted access to networks and resources necessary for IPR commercialization are some of the major obstacles. IPR has a great deal of potential to support women's innovation and entrepreneurship in spite of these barriers. This study intends to highlight solutions for overcoming these obstacles and establishing a more inclusive IPR landscape that supports women's empowerment by looking at case studies, legislative frameworks, and policy efforts. To increase women's success and participation in the field of intellectual property, practical interventions and legislative reform recommendations will be offered.

Keywords: *Women's Empowerment, Gender Bias, Legal Frameworks, STEM, Innovation, Entrepreneurship, Policy Reforms, Economic Development, Social Status, and Intellectual Property Rights, venture capital funding.*

I. INTRODUCTION

The relationship between gender and intellectual property rights (IPRs) reveals a complicated

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web of opportunities and legal obstacles that affect how women can access, possess, and use their IPRs.²

Despite making major contributions to economic growth, innovation, and creativity, women still encounter structural obstacles when trying to use intellectual property (IP) systems to safeguard and profit from their creative work.³ In the field of intellectual property, women make up a very small percentage of intellectual property right owners. This disparity in ownership and control is evident.⁴

This discrepancy is caused by deeply rooted cultural norms, legal frameworks, and societal prejudices that support gender inequality in intellectual property systems.⁵ Women's experiences are frequently ignored, and their contributions are underappreciated, which results in their underrepresentation in the formulation of IP policies and decision-making procedures.⁶

The specific obstacles that women encounter when trying to obtain IP protection, enforcement, and dispute resolution procedures are usually overlooked by current intellectual property laws and practices.⁷ For example women's limited access to resources, networks, and knowledge may make it difficult for them to achieve the conditions for patentability.⁸

These issues are made worse by the underrepresentation of women in IP policy development and decision-making processes.⁹ The minority of women occupying top roles in intellectual property offices, courts, and international organizations restricts their ability to shape intellectual property policy and legal reform.¹⁰

It is imperative that IP law and policy take a gender-sensitive stance in order to solve these issues.¹¹ To achieve this, it is necessary to recognize the gendered dynamics of IP systems and put policies in place that support inclusivity and gender equality.¹²

² Women and Intellectual Property, 3 (2020), World Intellectual Property Organization.

³ UN Women and Intellectual Property: A Literature Review 12 (2019)

⁴ Gender and IP: An Empirical Study, Julia M. Ptaschunder, 21 *J. Gender, Soc. Pol'y & L.* 455, 461 (2013).

⁵ The impact of gender on patenting is discussed in Patricia A. Banks' 2010 article, 25 *Berkeley Tech. L.J.* 1441–1455.

⁶ Gender and Patent Law: Examining the Relationships, 10 *Hastings Women's L.J.* 135, 145 (1999). Cynthia M. Ho.

⁷ Sandra M. Park (2002) conducted a study on patent holders' experiences with intellectual property, which she published in 10 *J. Gender, Soc. Pol'y & L.* 381, 392.

⁸ Ruth Soetendorp, *Hastings Women's L.J.* 175, 145 (2006), *The Gendered Nature of Intellectual Property Law.*

⁹ *The Impact of Women on Intellectual Property Law*, by Christine A. Farley, 10 *Am. U. J. Gender, Soc. Pol'y & L.* 341, 349 (2002).

¹⁰ *Women in Intellectual Property: A Global Study* 15 (2018) by the International Association for the Protection of Intellectual Property.

¹¹ *Gender and Intellectual Property: A Framework for Analysis and Action* 3, U.N. Development Programme (2019).

¹² *Gender equality and intellectual property: a toolkit for policy makers and practitioners*, World Intellectual Property Organization, 12 (2020).

In the end, women can be enabled to fully engage in the knowledge economy and reach their full creative potential through an IP framework that is more inclusive and equitable.¹³

II. GETTING AROUND THE INTERSECTION: LEGAL DYNAMICS AND WOMEN'S EMPOWERMENT IN INTELLECTUAL PROPERTY RIGHTS

(A) Using Intellectual Property Rights to Empower the Economy:

Innovation and economic progress are greatly aided by the protection of intellectual property rights, or IPR. They guarantee that brands, innovations, and creative works are protected by the law, encourages innovation and guarantees that those who create can make a living off of it. The World Intellectual Property Organization (WIPO) emphasizes how important efficient IP systems are to the global advancement of technology and cultural development.¹⁴ But the advantages of IPR are not shared equally, and this is especially true for women, who encounter many obstacles when trying to exercise their rights.

(B) Gender Differences in the Use of IPRs:

Studies indicate that women are significantly underrepresented in IPR-heavy fields like science, technology, engineering, and mathematics (STEM). Women make up only 30% of researchers worldwide, according to UNESCO, which restricts their ability to pursue patents.¹⁵ Systemic gender biases and structural obstacles, such as restricted access to professional networks and education, are the cause of this underrepresentation. Furthermore, research suggests that women are underrepresented in venture capital funding—funding that is essential for gaining intellectual property protection and commercializing ideas.¹⁶

(C) Gender Biases and Historical Context in Legal Framework:

IPR legal frameworks frequently have built-in gender prejudices against women. Historically, the special difficulties experienced by women have not been taken into account while crafting patent rules. For example, technical disclosures and complicated legal jargon are frequently favored by patent regulations, which can be especially difficult for women who are underrepresented in technical disciplines.¹⁷ Moreover, the standards for originality and inventiveness can hinder advancements in fields like healthcare and education, where women

¹³ Assn for Women in Science, *Intellectual Property and Women in STEM: A Review of the Literature* 20 (2019).

¹⁴ UNESCO, *Cracking the Code: Girls' and Women's Education in STEM*, 23-56, available at <https://unesdoc.unesco.org/ark:/48223/pf0000253479>.

¹⁵ Candida G. Brush et al., *Women Entrepreneurs and the Global Environment for Growth*, Edward Elgar Publishing, 89-112 (2010). World Intellectual Property Organization (WIPO), *World Intellectual Property Report 2022: The Direction of Innovation*, 12-45, available at <https://www.wipo.int/publications/en/details.jsp?id=4522>.

¹⁶ *The Private Value of Software Patents*, Bronwyn H. Hall & Megan MacGarvie, 20 *Research Policy* 1417 (2010)

¹⁷ id

are more prevalent¹⁸ According to a Graham et al. studies, women are less likely than men to get patents for their inventions, which exacerbates economic inequality.

(D) Obstacles to Professional Networks and Education:

Women frequently lack access to professional networks and education, which are essential for navigating the intellectual property rights (IPR) system. The American Association of University Women (AAUW) claims that a lack of mentorship opportunities and gender biases prevent women from pursuing careers in STEM professions.¹⁹ Their capacity to participate in patenting operations is impacted by this educational gap. Furthermore, women frequently have less access to professional networks, which can offer mentorship, opportunities for collaboration, and access to resources. This makes it more difficult for them to learn about the patenting process, find possible collaborators, and get the funding they need for their innovations.²⁰

(E) Financial constraints and Admission to Capital:

It costs a lot of money to secure intellectual property rights, especially patents. Filing for a patent, keeping it up to date, and defending it against infringement may be extremely expensive, especially for women who may already be struggling financially as a result of structural gender disparities. In comparison to their male counterparts, women entrepreneurs frequently have limited access to venture capital and other types of financing, as noted by Brush et al.²¹ This cost obstacle may hinder women's capacity to obtain patent protection for their inventions, limiting the financial rewards for their creative endeavors.²²

(F) Dealing with IPR Enforcement:

Enforcing intellectual property rights poses a significant problem, even for women who are successful in obtaining them. IPR enforcement law can be a drawn-out and expensive procedure that calls for substantial financial and legal resources. It may be difficult for women, especially those from underprivileged backgrounds or those living in developing nations, to afford the legal counsel required to successfully protect their intellectual property rights.²³ Furthermore, the complexities of the legal procedures involved may discourage some people from

¹⁸ Stuart J.H. Graham et al. (2009) published High Technology Entrepreneurs and the Patent System: Berkeley Patent Survey Results, 24 Berkeley Tech. L.J. 1255.

¹⁹ Solving the Equation: The Variables for Women's Success in Engineering and Computing, American Association of University Women (AAUW), 2015, <https://www.aauw.org/resources/research/solving-the-equation/>.

²⁰ Id

²¹ Women Entrepreneurs in the Global Environment for Growth, Candida G. Brush et al., Edward Elgar Publishing, 89-112 (2010).

²² id

²³ Graham et al., supra note 7.

participating, particularly those who are not familiar with IPR law.²⁴

(G) National Differences in Intellectual property Rights:

Numerous legal and socioeconomic issues influence the relationship between women's empowerment and intellectual property rights (IPR). Strong intellectual property rights (IPR) frameworks in industrialized nations offer innovators important incentives and protections, fostering economic expansion and technical innovation. The United States, for example, has comprehensive patent laws with strong enforcement mechanisms and clear standards that promote inventors.²⁵ This setting promotes creativity and offers female entrepreneurs significant chances to profit from their inventions. On the other hand, in many developing nations, women's capacity to secure and profit from their intellectual property may be hampered by inadequate IPR protections and enforcement capacities. These differences show how specific policy changes and international collaboration are required to build a more welcoming and cooperative global community.²⁶

(H) Underrepresentation in Groups That Make Decisions:

In addition, women are underrepresented in legislative bodies, international IP organizations, and patent offices—groups that make decisions about intellectual property laws. Because of this underrepresentation, laws and policies may be created that fail to sufficiently address the particular difficulties that women experience. Guidelines for patent examination and discussions on IP policy, for example, could ignore gender-specific concerns or omit viewpoints that would improve the inclusivity and equity of the IP system. In order to guarantee that the IP system develops in a way that promotes gender equality, it is imperative that women's representation in these entities increase.²⁷

(I) Social and Cultural Norms:

How much women use the IPR system can be greatly influenced by cultural and societal norms. Traditional gender norms and expectations can deter women from claiming their rights to their inventions or from pursuing jobs related to intellectual property in many societies.²⁸ Women's visibility and recognition in particular industries can also be impacted by cultural perceptions toward female contributions, which makes it more difficult for them to protect and defend their

²⁴ *id*

²⁵ Progress and Potential: A Profile of Women Inventors on U.S. Patents, U.S. Patent and Trademark Office (USPTO), <https://www.uspto.gov/ip-policy/economic->

²⁶ <https://www.wipo.int/publications/en/details.jsp?id=4522> World Intellectual Property Report 2022: The Direction of Innovation, World Intellectual Property Organization (WIPO).

²⁷ WIPO, *supra* note 1.

²⁸ UNESCO, *see above* note 2

intellectual property rights.²⁹ It takes a diverse strategy that combines activism, education, and legislative changes to address these cultural and societal hurdles and advance gender equality by dispelling damaging misconceptions.

(J) Policy Suggestions:

Comprehensive policy reforms and focused interventions are needed to address the obstacles women experience in the field of intellectual property rights. Improving women's access to STEM education is essential to boosting their involvement in IP-intensive businesses.³⁰ In addition, establishing professional networks and mentorship programs can give women the assistance they need to successfully negotiate the IP system.³¹ Legislative changes that support more inclusive standards for judging inventions and rectify gender biases in patent laws are necessary.³² Lastly, regulations can be made to better represent the varied requirements of all inventors by having more women in decision-making positions within IP offices and international organizations.³³

III. LEGAL ROADBLOCKS

(A) Biases Against Women in Legal Frameworks

Gender biases in legal frameworks are one of the main legal obstacles that women in the IPR domain must overcome. Women's particular demands and circumstances have not been taken into account in the development of many legal systems throughout history, which has resulted in laws and policies that unintentionally disadvantage them. For example, patent regulations frequently mandate for the use of intricate legal jargon and comprehensive technical disclosures, which can be particularly difficult for women who have historically been underrepresented in technical disciplines.³⁴ Furthermore, the standards for originality and inventiveness could be used in a way that minimizes the contributions made by women to industries like healthcare, education, and home technology.³⁵

(B) Obstacles to Professional Networks and Education:

Women's restricted access to professional networks and education, which are crucial for navigating the IPR system, is another major obstacle. Due to differences in educational

²⁹ id

³⁰ id

³¹ Brush et al., see above note 10

³² Hall & MacGarvie, see above note 5.

³³ WIPO, see above note 1.

³⁴ See Bronwyn H. Hall & Megan MacGarvie, *The Private Value of Software Patents*, 20 *Research Policy* 1417 (2010)

³⁵ id

attainment, fewer women pursue careers in intellectual property-heavy industries like science, technology, engineering, and mathematics (STEM). Only 30% of researchers worldwide are women, according to UNESCO, which has a direct impact on their capacity to pursue patents.³⁶ In addition, women frequently have less access to professional networks, which offer resources, possibilities for collaboration, and mentorship. Their inability to network may make it more difficult for them to learn about the patenting procedure, find possible partners, and get the funding their inventions need.³⁷

(C) Financial limitations:

Obtaining patents and other intellectual property rights requires a significant financial outlay. Filing for a patent, keeping it up to date, and defending it against infringement may be extremely expensive, especially for women who may already be struggling financially as a result of structural gender disparities. In comparison to their male counterparts, women entrepreneurs frequently have limited access to venture capital and other types of financing, as noted by Brush et al.³⁸ This cost obstacle may hinder women's capacity to obtain patent protection for their inventions, limiting the financial rewards for their creative endeavors.³⁹

(D) Concerns Associated with Enforcement:

Enforcing intellectual property rights can be a significant obstacle for women, even in cases when they have successfully obtained them. IPR enforcement law can be a drawn-out and expensive procedure that calls for substantial financial and legal resources. Women, especially those from underprivileged backgrounds or those living in developing nations may find it difficult to pay the legal counsel required to successfully defend their intellectual property rights.⁴⁰ Furthermore, the complexities of the legal procedures involved may discourage some people from participating, particularly those who are not familiar with IPR law.⁴¹

(E) Global Inequalities:

The international scope of intellectual property rights adds an additional degree of complexity, since national laws and enforcement practices differ greatly. Differences in intellectual property

³⁶ Unlocking the Code: Women's and Girls' STEM Education, UNESCO, 23–56, <https://unesdoc.unesco.org/ark:/48223/pf0000253479>.

³⁷ Solving the Equation: The Variables for Women's Success in Engineering and Computing, American Association of University Women (AAUW), 2015, <https://www.aauw.org/resources/research/solving-the-equation/>.

³⁸ Women Entrepreneurs in the Global Environment for Growth, Candida G. Brush et al., Edward Elgar Publishing, 89-112 (2010).

³⁹ id

⁴⁰ High Technology Entrepreneurs and the Patent System: Findings from the 2008 Berkeley Patent Survey, Stuart J.H. Graham et al., 24 Berkeley Tech. L.J. 1255 (2009).

⁴¹ ID.

rights between countries can lead to unequal opportunities for women, with certain regions' women facing greater challenges in defending their intellectual property than others with stronger legal frameworks.⁴² For instance, developing nations frequently lack the infrastructure and resources necessary to properly police intellectual property laws, making women there more susceptible to IP infringements and less able to stand up for their rights.⁴³ Additionally, international accords and treaties, can occasionally favor industrialized countries' interests over those of developing ones, aggravating these differences.⁴⁴

(F) Underrepresentation in Groups That Make Decisions:

In addition, women are underrepresented in legislative bodies, international IP organizations, and patent offices—groups that make decisions about intellectual property laws. Because of this underrepresentation, laws and policies may be created that fail to sufficiently address the particular difficulties that women experience. Guidelines for patent examination and discussions on IP policy, for example, could ignore gender-specific concerns or omit viewpoints that would improve the inclusivity and equity of the IP system. In order to guarantee that the IP system develops in a way that promotes gender equality, it is imperative that women's representation in these entities increase.⁴⁵

(G) The Revolutionary Effect of Social and Cultural Conventions:

The environment around women's empowerment and intellectual property rights (IPR) is greatly influenced by social and cultural conventions. These stereotypes have the potential to help or hurt women's participation in IPR-heavy fields like science, technology, engineering, and math (STEM). Japan provides a clear illustration of how modifications to social and cultural standards can lead to constructive transformation.

Women's participation in technical and scientific careers has historically been restricted by Japan's traditional gender norms and cultural expectations. Women were underrepresented in STEM industries because they were frequently expected to put family obligations ahead of their career goals. Nonetheless, recent cultural shifts and governmental programs have played a significant role in promoting women's professional and academic advancement in these fields. The Japanese government has put in place a number of initiatives to boost female involvement.

⁴² Accessible at https://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) was established on April 15, 1994, as part of the Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

⁴³ id

⁴⁴ id

⁴⁵ WIPO, World Intellectual Property Report 2022: The Direction of Innovation, 12-45, <https://www.wipo.int/publications/en/details.jsp?id=4522>.

in the STEM fields. These initiatives include work-life balance initiatives for women in scientific careers, mentorship programs, and scholarships and fellowships reserved for female students. For instance, through funding, networking opportunities, and career development resources, the "Initiative for Realizing Diversity in the Research Environment" supports women who want to engage in STEM fields.⁴⁶

(H) Improving Access to Education:

Improving educational possibilities for women in STEM professions is one of the most promising ways to use IPR for women's empowerment. Women's involvement in invention and patenting can be increased by encouraging more of them to pursue degrees and employment in these areas. In this sense, initiatives to lessen gender prejudice in education as well as those that offer women-specific scholarships and mentorship can be extremely important.⁴⁷

(I) Encouraging Policies for Inclusive IP:

Addressing the gender differences in IPR utilization can be accomplished through developing more inclusive IP policies that take into account the particular difficulties experienced by women. This includes updating the standards for patent inspection so that innovations in domains where women predominate are given due credit. Policies that assist female entrepreneurs in obtaining venture capital and other types of funding might also improve their capacity to safeguard and market their inventions.⁴⁸

(J) Enhancing mentorship and professional networks:

Creating and enhancing professional networks for women working in IP-intensive sectors can help them get the help they need to understand the intricacies of the IPR system. Mentorship programs that pair up female inventors with seasoned professionals can provide advice on how to patent ideas, collaborate with others, and market their creations.⁴⁹

(K) Increasing Participation in the Making of Decisions:

Establishing an IP system that promotes gender equality requires increasing the number of women in decision-making positions within IP offices, international organizations, and legislative bodies. Women in these roles have the ability to lobby for laws that better address the particular difficulties that women have and advance an IP environment that is more inclusive

⁴⁶ Initiative for Realizing Diversity in the Research Environment, Japan Science and Technology Agency, <https://www.jst.go.jp/diversity/en/>.

⁴⁷ Solving the Equation: The Variables for Women's Success in Engineering and Computing, American Association of University Women (AAUW), 2015, <https://www.aauw.org/resources/research/solving-the-equation/>.

⁴⁸ Brush et al., note 5 supra.

⁴⁹ AAUW, above, note 4.

and equitable.⁵⁰

Increasing the confluence of women's empowerment with intellectual property rights poses noteworthy legal obstacles as well as exciting prospects. It will take extensive changes to representation, policy, and education to meet the legal obstacles. We can establish a more egalitarian and encouraging environment for female inventors by improving educational opportunities, advocating inclusive intellectual property regulations, fortifying professional networks, and raising the proportion of women in decision-making bodies. In turn, this will support wider social and economic advancement in addition to empowering women .

IV. BENEFITS OF INTELLECTUAL PROPERTY RIGHTS FOR THE EMPOWERMENT OF WOMEN

(A) Economic Inclusion

Intellectual property rights (IPR) offer a legal framework that encourages and rewards women's ideas, which can greatly contribute to their economic emancipation. Women can profit financially from their creative works and ideas by securing patents, trademarks, copyrights, and trade secrets.⁵¹ Women can become more financially independent and stable through the monetization of their intellectual property, which will increase their overall empowerment and lessen gender gaps in economic participation.⁵²

(B) Acknowledgment and Visibility

Defending intellectual property rights can also help highlight and honor women's contributions to creativity and innovation. Trademarks and patents act as public records that honor the creators and inventors, boosting the stature of women in industries where they have historically been underrepresented.⁵³ By encouraging professions in STEM and other IP-intensive fields, this recognition can encourage more women and girls, creating a more varied and inclusive innovation ecosystem.⁵⁴

(C) Promoting Entrepreneurship

IPR may be extremely helpful in promoting women's entrepreneurship by giving them access to the legal resources they need to safeguard their inventions and business concepts. Women

⁵⁰ increasing ParticIWIPO, note 1 above.

⁵¹ WIPO, World Intellectual Property Report 2022: The Innovation Direction, 12-45, <https://www.wipo.int/publications/en/details.jsp?id=4522>. ² Id.

⁵² id

⁵³ id

⁵⁴ <http://unesdoc.unesco.org/ark:/48223/pf0000253479> UNESCO, Cracking the Code: Girls' and Women's Education in STEM, 23–56.

company owners with intellectual property rights are in a better position to draw in funding, form alliances, and grow their companies.⁵⁵ In the end, intellectual property can be a useful tool for increasing the marketability and competitiveness of women-owned businesses, which in turn promotes economic expansion and job creation.⁵⁶

(D) Promoting Diversity and Innovation

Encouraging women to participate in the IPR system can stimulate diversity and innovation in the development of new goods and services. Women's distinct experiences and viewpoints can inspire inventions that cater to a larger spectrum of societal requirements.⁵⁷ A more varied pool of innovators can lead to more thorough and significant responses to global issues, which is advantageous for society as a whole.⁵⁸ Women's involvement in the IPR system can help create a more diverse innovation environment that makes the most of each contributor's abilities.

(E) Reform and Policy Advocacy

A more equitable intellectual property system can be created by policy advocacy and reforms motivated by the realization of the beneficial effects of IPR on women's empowerment. A greater understanding of how intellectual property rights (IPR) benefit women may result in the creation of laws and initiatives designed especially to assist female innovators and business owners.⁵⁹ Initiatives to lessen gender bias in patent examination procedures, mentorship programs, and targeted funding are a few examples of these reforms.⁶⁰

The confluence of women's empowerment with intellectual property rights offers ample prospects to improve the financial standing, acknowledgement, and involvement of women in innovation. Women can become more financially independent, be recognized for their achievements, and foster entrepreneurship by acquiring IPR. Encouraging women to participate in the IPR system can result in more impactful and diverse inventions, which is good for society as a whole. In order to create a more inclusive and fair intellectual property landscape, policy reforms and advocacy activities can be influenced by acknowledging and supporting these good characteristics.

⁵⁵ Women Entrepreneurs in the Global Environment for Growth, Candida G. Brush et al., Edward Elgar Publishing, 89-112 (2010).

⁵⁶ id

⁵⁷ Solving the Equation: The Variables for Women's Success in Engineering and Computing, American Association of University Women (AAUW), 2015, <https://www.aauw.org/resources/research/solving-the-equation/>.⁸ Id.

⁵⁸ id

⁵⁹ International Patent Organization, World Intellectual Property Report 2022: The Path of Innovation, 12-45, <https://www.wipo.int/publications/en/details.jsp?id=4522>.¹⁰ Id.

⁶⁰ id

V. CASE STUDY

(A) The Effect of Intellectual Property Rights on American Women Entrepreneurs

The entrepreneurial environment in the US is strong and varied, placing a strong focus on innovation and intellectual property rights (IPR). However, obtaining and using IPR to their benefit can present special difficulties for female entrepreneurs frequently. This case study explores the potential and challenges faced by a well-known female entrepreneur in the tech sector as it relates to intellectual property rights (IPR).

(B) Situation: Girls Who Code and Reshma Saujani

Girls Who Code* is a nonprofit organization that was created in 2012 by American lawyer and politician *Reshma Saujani with the goal of bridging the gender gap in technology and building a pipeline of future female engineers. Tens of thousands of young women nationwide are now a part of the Girls Who Code movement, which has expanded nationwide.

(C) Challenges with Intellectual Property

1. Trademark Issues: In order to safeguard the brand and guarantee its distinct character in the market, Girls Who Code needed to get a trademark at the time of its founding. Navigating the difficult trademark application process, which necessitated substantial financial and legal resources, presented Saujani with difficulties. For many female entrepreneurs, who might not have the same access to legal support as their male counterparts, this is a common obstacle.

2. Funding and Resources: Saujani first had trouble obtaining money to pay for the expenses related to intellectual property protection. This is indicative of a larger pattern in which female entrepreneurs tend to earn lower venture capital investment than their male counterparts. It was difficult to pay the essential legal fees for intellectual property protection due to budgetary limitations.

(D) Possibilities and Achievements

- 1. Brand Protection and Growth:** Saujani was able to safeguard the organization's brand, prohibiting unlawful usage and guaranteeing that all programs operating under the Girls Who Code name maintained a high caliber of instruction, by successfully obtaining the trademark for the company. The organization's quick expansion and success were made possible in large part by the trust that this legal protection helped to establish with sponsors, partners, and the community.
- 2. Increased Visibility and Recognition:** Girls Who Code was able to become more visible and well-known thanks to intellectual property rights. The organization's goal came to be

associated with the trademark, which facilitated both its national expansion and its collaborations with large tech businesses. Reaching a wider audience and advancing the organization's objectives have both benefited greatly from this prominence.

3. **Empowerment and Advocacy:** Saujani has been a strong voice for women in technology and entrepreneurship after overcoming IP obstacles. Her success with Girls Who Code acts as a model and a source of motivation for other female entrepreneurs, highlighting the advantages and significance of protecting intellectual property rights.

(E) Knowledge Acquired

- **Access to Legal Resources:** The Reshma Saujani case emphasizes how crucial it is for women entrepreneurs to have inexpensive legal resources and support available to them. Women can be empowered by policies and initiatives that lower the cost of intellectual property protection and offer legal aid.
- **Financial Support:** Increasing women-led companies' access to capital can assist in removing some of the financial obstacles to obtaining intellectual property rights. Gender diversity should be given top priority in investment plans by financing organizations and venture capital businesses.
- **Awareness and Education:** It is essential to educate female entrepreneurs on the value of intellectual property rights and the procedures involved in obtaining them. Efforts such as seminars, mentorship schemes, and internet-based materials can aid in clarifying intellectual property regulations and motivate more women to safeguard their inventions.⁶¹

The experience of Girls Who Code and Reshma Saujani highlights the important influence that IP rights can have for women's business. Even though there are obstacles, using IPR strategically can result in enhanced visibility, brand protection, and general empowerment. It is possible for more women to use intellectual property to spur innovation and succeed as entrepreneurs by removing obstacles and improving support networks.

VI. COMPARATIVE STUDY

(A) Women's Empowerment and Intellectual Property Rights in Developed and Developing Countries:

a. Advanced Country: United States

The intellectual property rights (IPR) regime in the United States is robust and features strong

⁶¹ Women Entrepreneurs and the Global Environment for Growth, Edward Elgar Publishing, 2010.

enforcement mechanisms along with extensive legal protections. In addition to providing ample opportunity for female entrepreneurs to profit from their ideas, this atmosphere encourages innovation.⁶²

Girls Who Code, an organization led by Reshma Saujani, is one such example. The goal of Girls Who Code, established by politician and lawyer Reshma Saujani, is to close the gender gap in technology by teaching girls to code and creating a network of support. Through her efforts, Saujani has been able to protect her intellectual property and use it to further her cause by obtaining various trademarks and copyrights for her educational materials and activities. The United States' robust intellectual property rights environment has allowed Saujani to grow her initiative, benefiting countless girls and promoting greater gender diversity in the tech industry.⁶³

Moreover, the U.S. Patent and Trademark Office (USPTO) has initiatives aimed at encouraging more women to engage with the patent system, such as the "Progress and Potential: A Profile of Women Inventors on U.S. Patents" report, which highlights the contributions of women inventors and underscores the importance of gender diversity in innovation.

b. India is a Developing Nation:

India, on the other hand, has a number of obstacles in building an inclusive IPR framework that gives women complete influence. There are still loopholes that prevent women from participating in the innovation economy, despite the fact that India has made great progress in modernizing its IPR rules and enforcement.⁶⁴

For instance, a major challenge faced by numerous Indian women entrepreneurs is their restricted access to professional networks and education, both of which are essential for negotiating the IPR system. One example is the experience of women who work as artisanal and traditional craftspeople in rural areas. These women are typically inventive and creative, but they lack the means and expertise to legally safeguard their intellectual property through trademarks, patents, or geographical indications.

The Indian government is aware of these issues and has taken steps to resolve them. Adopted in 2016, the National Intellectual Property Rights Policy seeks to improve the nation's IPR system and incorporates steps to raise awareness and improve accessibility for women and other

⁶² Progress and Potential: A Profile of Women Inventors on U.S. Patents, U.S. Patent and Trademark Office (USPTO), <https://www.uspto.gov/ip-policy/economic-research/publications/reports/progress-and-potential> (2019).

⁶³ Girls Who Code: <https://girlswhocode.com/about-us/>, About Us.

⁶⁴ Government of India, Ministry of Commerce and Industry, National Intellectual Property Rights Policy (2016), https://dpiit.gov.in/sites/default/files/national-IPR-Policy2016_0.pdf.

marginalized groups. Initiatives like the "Scheme for IPR Awareness" aim to inform female entrepreneurs on the procedures involved in obtaining intellectual property protection as well as their rights.⁶⁵

(B) Comparative Evaluation:

The comparative study of the US and India reveals both significant distinctions and commonalities in the ways that government policies, legal systems, and social and cultural norms influence women's participation in intellectual property rights.

Legal Structure and Implementation: The protection and commercialization of intellectual property are made easier by the robust enforcement tools and well-defined IPR framework that the United States has to offer. Reshma Saujani and other female entrepreneurs are supported by this strong framework, which helps them grow their businesses and have a big effect. On the other hand, although making progress, India's intellectual property rights framework still has problems with accessibility and enforcement, especially for women living in rural and underprivileged areas. There are still holes in the legal system despite continual efforts to strengthen it.

Education and Professional Networks: Women's education and integration into professional networks are supported by a number of US programs and initiatives, which give them the tools they need to successfully negotiate the IPR system.

While there are increasing initiatives in India to encourage and educate women entrepreneurs, These resources are frequently difficult to get, especially in rural locations. While important, IPR awareness-raising initiatives require wider adoption and execution.

Government Initiatives: Both nations understand how critical it is to eliminate gender gaps in IPR. The USPTO promotes greater gender diversity in invention and highlights the accomplishments of female inventors in its reports and programs. Similar to this, India's National Intellectual Property Rights Policy and associated initiatives seek to improve accessibility and awareness for women, despite the fact that these initiatives are still in the planning stages and face numerous obstacles.

VII. CONCLUSION

The area where women's empowerment and intellectual property rights (IPR) converge is complicated and full of possibilities and obstacles. Even with the presence of major legal

⁶⁵ The Indian government's Micro, Small and Medium Enterprises Ministry has released the Scheme for IPR Awareness (2018), which may be seen at <https://msme.gov.in/scheme-ipr-awareness>

roadblocks like gender prejudices in legal systems, obstacles to professional networks and education, financial limitations, and problems with implementation, IPR has the potential to be a potent instrument for the economic and social empowerment of women.

Encouraging women to participate in the IPR system may foster inclusivity, diversity, and innovation, which will benefit society as a whole. Women can increase their economic independence, receive financial rewards, and be recognized by safeguarding their intellectual property rights. These rights can encourage female entrepreneurs and motivate upcoming generations of female leaders.

In order to optimize the benefits of IPR on women's empowerment and tackle the current obstacles, it is imperative to implement focused policy reforms, educational programs, financial assistance, and advocacy campaigns. In the field of intellectual property, women can be supported and treated more fairly if they have greater access to financial, professional, and educational resources. Further women serving in decision-making roles and spreading knowledge of the value of intellectual property rights for women's empowerment are two further ways to advance this cause.

In summary, promoting a more fair and inclusive intellectual property environment will empower women and support the global innovation economy. We can guarantee that women inventors' innovative endeavors are appreciated and that their economic and societal potential is realized by acknowledging and promoting their contributions is fully competent .

(A) Suggestion

1. Educational Initiatives: - Create and promote educational initiatives designed to boost the number of women pursuing STEM careers. Provide women pursuing innovative fields focused grants and mentorship opportunities.

2. Policy Reforms: - Push for the rewriting of patent examination rules to guarantee equity and inclusion in the assessment of inventions that are primarily undertaken by women.

a) Put in place laws that provide resources and financial assistance to female entrepreneurs looking to safeguard their intellectual property.

3. Strengthening Professional Networks: - Create and grow mentorship programs and professional networks that link seasoned IP experts with female inventors. Provide forums where women may exchange stories, work together on projects, and learn about the state of intellectual property.

4. Increasing Representation: - Encourage gender parity in intellectual property decision-making entities, such as international IP organizations and patent offices.

a) Promote the appointment of women to positions of leadership in organizations that develop IP policy.

5. Awareness and Advocacy: - Use outreach initiatives and campaigns to spread the word about the value of IPR for women's empowerment.

a) Push for national and international legislative and policy changes that protect women's intellectual property rights and combat gender prejudices.

6. Financial Support: - Establish financing sources to assist women in meeting the expenses of acquiring and defending their intellectual property rights, such as grants and low-interest loans.

a) Encourage female-owned enterprises and companies by providing investment and venture money.

7. Research and Data Collection: - Carry out studies to learn more about the obstacles women encounter while trying to obtain and making use of ipr.

a) Gather and evaluate information on women's involvement in the IP system in order to guide focused initiatives and legislative actions.

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