



Q: Dear Legal Eagle,

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What is the story with intellectual property law? Signed . . .Future IP Attorney

A: Dear Future IP Attorney,

While many law firms today prefer attorneys with a technical background for their intellectual property department, a majority of these firms are smaller, highly specialized boutique firms. These firms tend to require that most of their associates have a technical background in engineering or a computer related field despite the fact that it is not really necessary to have such a background to practice trademark and copyright law. Unfortunately, in approaching these types of firms a technical background can be an informal requirement for the practice.

On balance, though, most copyright and trademark attorneys do not have technical backgrounds. Therefore, your goal of finding a firm where you can have such a practice without a technical degree is certainly attainable, and not having a technical background should not deter you if your heart is set on practicing in this area. There are several ways in which you can identify those firms with a copyright and trademark practice. First, you may want to focus your search on general practice firms with a significant trademark and copyright practice. Larger general practice firms typically don't require that their trademark and copyright associates have a technical background. General practice firms tend to make a clear distinction between patent prosecution and litigation associates, who must have a technical background, and trademark, copyright, and transactional intellectual property associates, who do not.

However, you should be aware that as a general rule, general practice firms typically don't have their associates focus exclusively on copyright and trademark work, especially at the more junior level. Trademark and copyright law are both fairly narrow fields, so an associate will typically handle that work along with another specialty. Most associates at larger general practice firms doing trademark and copyright work usually join the firm as either a corporate or litigation associate. We highly recommend being open to starting with a broader background that includes intellectual property law among other practice areas. This is ultimately in your best interest because it's important as a junior associate to receive exposure in different kinds of legal work, while building a strong base in either corporate or litigation law.

Accordingly, it is also important to find a firm that allows their litigation and/or corporate attorneys to do some trademark and copyright work. In fact, I joined a large general practice firm in their corporate department and expressed an interest in copyright and trademark work. Fortunately, the firm had enough trademark work that they could allow me to dedicate 50% of my practice to advising clients on the selection, registration and protection of their marks, while still gleaning significant experience in the litigation department. It can be difficult to ascertain the amount of trademark work a firm has based on their clients because such work cuts across all industries. However, certain



industries have more copyright legal demands than others, for example, general practice firms with clients in the publishing, media, software and advertising areas are usually rife with various intellectual property work.

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To locate firms that meet this criteria there are many avenues for searching. You may work with the recruiting office at your law school, or you may contact the intellectual property committee of your state bar association, or the ABA, for information on general practice firms with trademark and copyright practices. Also, don't forget that your law school professors may have insight that can steer you in the right direction. Good luck with your search and let us know if we can be of more assistance.

You too can have your job search questions answered by the Legal Eagle. Please send any questions to asktheeagle@legalauthority.com. If your question is chosen and published in our next issue, you will receive a free SOMETHING!

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