



Intellectual Property Attorney

Patent lawyers have chosen to specialize in the area of patent protection and uphold and represent the patent laws. These lawyers must be practicing in at least one US state and in one US patent office. There are patent agents who are lawyers who work in patent offices but do not practice in any of the state courts. There could be a patent agent on staff of a firm or business, who has not attended law school. These individuals have intensive technical backgrounds. The various aspects of who can represent what when it comes to patents, etc, is quite complex.

For example, a lawyer may be referred to as a **patent attorney**. These individuals do not practice before the Patent Office. They do practice patent litigation in conjunction with other legalities. These individuals may represent their clients but may not prosecute patent applications. The reverse of this is a **patent agent**, who may prosecute patent applications. The agent may not represent parties in patent litigation.

When it comes to determine if one should follow a career as an intellectual property attorney, there are many things to weigh that decision on. First, a clear understanding of what the requirements are, such as the ones, we have outlined here. Clearly, what is important to your career is to be able to write strong patent claims with the possibility of any litigation down the road.

An individual interested in becoming an **IP Attorney** must fully understand the definition of this type of **lawyer**. First, it must be realized what **IP lawyers** represent patents, trademarks, copyrights, trade secrets and, of course, patents. Some of the job duties entail obtaining the protection of the **patent** for example. Then there may be the litigation aspects and, naturally, the ability to supply advice by way of a patent strategy. Now this means technically that if, as an **IP lawyer**, you do any of these things outlined, you do not really have to take the patent bar exam. On the other hand, if you want to offer representation services for a client of the US Patent Office, then you must have passed the exam.

So it really is up to the patent lawyer which route he wants to take. Included in the decision making process of becoming involved with **patents** for example, is your planning on seeking employment strictly in a law firm that is classed as a **patent law firm**.

One of the questions often raised by a law student is do they have to take the patent bar exam to be able to work for patent **law firms**? Again, because of the complexity evolving around **IP attorneys**, there is no clear answer. Each law

firm interested in hiring **patent lawyers** will have different requirements.

There are some firms, which uphold **patent laws** and expect all of the **attorneys** on their staff to be qualified to do **patent prosecution**. In this case, applicants here will be expected to be able to take the patent bar exam within the next little while, or have already passed it. The same will apply for law firms that supply all types of services regarding intellectual property, for example, **patent rights** are represented, or **trademark protection** is offered.

Now, for firms that are broken down into departments, they may be open to candidates that have different credentials. If they have a patent department, they may require an individual to work only in that department which will deal with subjects such as patent rights or **patent licensing**.

Then there are law firms that are mostly involved in litigation. In the majority of these positions, it is not an issue whether the candidate has taken the patent bar exam.

If you really have no desire to take the patent bar exam, then you would be wise to seek out employment with IP firms that do not specialize in patent capabilities.

So, when it comes down to the question as to whether an individual even has to be a lawyer to take the patent bar exam, the answer is no. If one is planning to become an intellectual property attorney, then it is a wise move to take the exam before even graduating from law school.

If, as a law student who has a growing interest in **patent rights**, or **patent prosecution**, then it would probably help to review some of the job postings within this area. This will give you an idea as to what type of positions are in high demand and what types of law firms are requiring these types of lawyers.



Intellectual Property Career Feature

Trademark law is a separate entity, just like any of the other areas we have discussed. It would probably serve a young law student better if he were to pick the one major area of interest and focus his career on that aspect. There is always the possibility of changing direction further down the road if one determines their first choice was not a wise one. By

making the initial decisions early in your career, it affords you the time if you do decide to change your mind. You may have already set your sights on a few law firms that you really would like to work for. Ideally, what you should do is seek out what their potential requirements would be when and if they are in a hiring situation.

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