Intellectual Property Lawyer interview questions

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What to expect

Interviews for Intellectual Property Lawyer roles typically assess your technical knowledge, client advisory skills and ability to manage complex matters under pressure. Expect a mix of substantive IP questions and practical scenarios.

- **Technical knowledge:** Questions on patent, trade mark, copyright and design law, including recent cases and legislative changes.
- **Behavioural:** Questions about how you have handled client relationships, deadlines or ethical dilemmas.
- **Scenario-based:** Hypothetical situations such as infringement claims, opposition proceedings or licensing negotiations.
- **Client-facing:** How you explain complex concepts and manage expectations with non-specialist clients.
- **Process:** Walk-throughs of prosecution, litigation or transaction workflows.
- **Ethics and regulatory:** Questions on conflicts of interest, confidentiality and professional conduct rules.

The process usually begins with a screening interview with HR or a recruiter, followed by a panel interview with partners and senior associates. You may be asked to complete a written exercise, such as drafting a client memo or reviewing a patent claim. Some firms include a business development discussion, where you talk about your network and ability to attract clients. Final rounds often involve meeting the team and discussing your technical background in more depth.

1. Can you explain the key differences between patent protection and trade mark protection, and when you would recommend one over the other?

Why they ask

This tests your foundational knowledge of two core IP rights and your ability to give practical advice.

How to structure your answer

Define each right, compare their scope and duration, then give a scenario-based recommendation.

Example answer

“Patents protect new and inventive products, processes or methods, giving the owner a monopoly for a limited term, usually up to 20 years. Trade marks protect brands, logos, slogans and other signs that distinguish goods or services, and can last indefinitely if renewed. If a client develops a new medical device, I would recommend a patent because the invention itself needs protection. If they are launching a service under a distinctive name, a trade mark is the right choice. In practice, many clients need both, and I would advise on a combined strategy.”

2. Tell me about a time you had to advise a client against a course of action they were keen to pursue.

Why they ask

This explores your judgement, client management and ability to deliver difficult advice.

How to structure your answer

Situation, Task, Action, Result (STAR). Focus on how you communicated the risk and maintained the relationship.

Example answer

“A client wanted to launch a product that I believed infringed a competitor's patent. They were eager to proceed and felt the risk was low. I prepared a detailed freedom-to-operate analysis, explained the specific claims that were likely to be infringed, and outlined the potential costs of litigation and an injunction. I also suggested design-around options that would avoid the patent. The client decided to delay launch and redesign the product. They avoided a claim and still brought the product to market successfully.”

3. A client contacts you on Friday afternoon. They have received a letter of demand alleging their new product infringes a competitor's patent, and they want to launch on Monday. How do you handle it?

Why they ask

This tests your ability to think on your feet, prioritise risk and manage a client under pressure.

How to structure your answer

Acknowledge urgency, gather facts, assess immediate risk, communicate options, and plan next steps.

Example answer

“First, I would calm the client and explain that we need to understand the allegation before making any decisions. I would ask for the letter, the patent number and details of their product. Over the weekend, I would conduct a quick infringement analysis and check the patent's status and claims. If there is a real risk, I would advise delaying launch until we have a clear strategy. I would also consider whether to seek a legal opinion or open negotiations with the competitor. By Monday, the client would have a clear recommendation and a plan.”

4. How do you explain complex IP concepts to a client who has no legal or technical background?

Why they ask

This assesses your communication skills and client empathy.

How to structure your answer

Simplify, use analogies, check understanding, and link back to business goals.

Example answer

“I start by asking what the client already knows and what they want to achieve. Then I use plain language and analogies. For example, I might explain a patent as a deal with the government: you disclose your invention and in return you get exclusive rights for a period. I avoid jargon and check in regularly to make sure they understand. Finally, I relate the advice back to their business: how it affects their budget, timeline and competitive position.”

5. Walk me through your process for drafting and prosecuting a patent application from invention disclosure to grant.

Why they ask

This tests your technical prosecution skills and knowledge of the patent process.

How to structure your answer

Walk through the steps in order, highlighting key decisions and client touchpoints.

Example answer

“I begin with an invention disclosure meeting to understand the invention and its commercial context. Then I conduct a prior art search using Derwent Innovation and Espacenet to assess patentability. If we proceed, I draft the specification with claims of varying scope, aiming to secure broad protection while anticipating examiner objections. I file the application with IP Australia and later coordinate foreign filings via the Patent Cooperation Treaty or Paris Convention. When the examiner issues a report, I review the citations and either amend the claims or argue against the objections. Once accepted, I manage renewal fees and advise on enforcement.”

6. What are your obligations regarding conflicts of interest when a client asks you to review a licence agreement that may benefit them at the expense of a co-owner?

Why they ask

This probes your understanding of professional conduct and regulatory compliance.

How to structure your answer

Identify the conflict, explain your duty to disclose, outline how you would manage or withdraw, and mention relevant rules.

Example answer

“I would first identify whether there is a current or former client conflict. If the co-owner is also a client, or if I have confidential information from them, I cannot act without informed consent from both parties. I would disclose the conflict to my client and explain that I may need to cease acting. If the conflict is unmanageable, I would withdraw and refer them to independent counsel. I would also check the relevant Law Society or Law Institute rules and the Legal Profession Uniform Law to ensure I comply with my obligations.”