

How to Protect A Great Idea

Even a great idea is not worth much unless you protect it adequately. Every inventor and designer must certainly be at least a little concerned that someone out there might steal his/her brilliant ideas. Here's how to make sure that your terrific idea remains *yours*.

- **Determine if your idea is potentially patentable.** If you believe that your

idea has patent potential—meaning that it is *new and useful*—initiate a patent search.

You can do this yourself at the Patent Public Search Room in Arlington, Virginia...or at one of the 74 Patent and Trademark Depository Libraries around the country.

Drawback: Doing it yourself can take 20 to 30 hours.

Alternative: Hire a professional patent searcher for about \$500. You can find these professionals listed in the Yellow Pages or through a local inventors group.

- **If the patent search reveals no competing inventions, you can then file a patent application.** Do this before discussing the idea with anyone. You don't need to produce a functional prototype to file a patent. In fact, sometimes it pays to seek protection as soon as you have complete drawings.

It costs \$340 to file a *utility patent* application for a working invention. A *design patent* application costs \$140 to file.*

You can prepare and file the application without consulting a patent attorney, but you have to be sure that your drawing, description of the invention and product claims are complete, clear and specific.

It is also important to make certain that you define the invention broadly enough in the claim so that minor "ingredient" substitutions would not allow someone else to take advantage of your idea.

Send your patent application to Commissioner of Patents and Trademarks, Washington, DC 20231.

Note: There is no formal patent application form. A helpful book to guide you is *Patent It Yourself* (Nolo Press, 950 Parker St., Berkeley, California 94710, \$36.95).

- **If you decide to use an attorney,** you'll probably have to pay \$2,500 to \$4,000—or perhaps more—in addition to the filing fee, depending on the complexity of the invention or idea. You can often negotiate a flat fee instead of an hourly rate. To find a lawyer, get referrals from colleagues or other inventors, or ask the patent office for a list of attorneys in your area.

- **If you don't seek patent protection, be vigilant about disclosure.** Tell all others, including potential investors

*A *utility patent* covers subject matter that is useful and practical. It requires a written description. A *design patent* covers anything that is ornamental and is usually presented in drawings.

and your friends, about your idea *only after they each sign a confidentiality agreement*. A short, simple agreement outlining the terms will do just fine.

Neglect this step, however, and you may jeopardize protection of your idea in the US—and you will certainly jeopardize it abroad. If you've publicly disclosed your idea before filing a US patent application, you can't get an enforceable patent in Canada or anywhere in Western Europe.

In the US, you'll be barred from getting a valid and enforceable patent if you disclose your idea publicly or put an item on sale even one day more than a year before you file a patent application. ■