EASY GUIDE TO PROTECTING YOUR INVENTION

Disclaimer

The Author has strived to be as accurate and complete as possible in the creation of this book, notwithstanding the fact that he does not warrant or represent at any time that the contents within are accurate due to the rapidly changing nature of the subject.

While all attempts have been made to verify information provided in this publication, the Author assumes no responsibility for errors, omissions, or contrary interpretation of the subject matter herein.

Contents

Introduction

Have you ever wondered why big technology companies, software enterprises and major brands opt for patent, trademarks and copyrights for their ideas, even before they launch them into the market?

While the thought of theft and robbery is only associated with things, ideas also get stolen. And the theft of ideas is what can make a major difference in the success and failure of a business to wow their customers.

An idea is a unique creation, and the creator of the idea or the concept has the right to work on it, design prototypes, and launch a successful product in the market, with or without the help of a partner. Throughout the process, the idea has individual rights, and the creator holds the rights to work on their concept if they take proper steps to avoid any kind of infringement on their work.

The new ideas and concepts are explained as intellectual properties, which are different from tangible possessions in the sense that they are the main grounds on which software, technology or a product may be developed later on. Intellectual property is a term which is used to refer to the ideas and creations in the mind, which includes artistic concepts, inventions, designs, literary work, names, symbols and any images used for commerce or other purposes.

If you are wondering why protection of intellectual property is all the hype, the idea can be explained through a simple concept. The unique idea is considered to be the property of an individual, who has developed and cultivated the plot to some literary work, researched a technology or done some research work, explored a new trend in artistic genius, or came up with solutions to pressing problems. The main idea and all the work put into it later for developing it, demands that no one is able should be to swindle or rob the creator of their efforts. If a person has spent much time and effort into cultivating a concept, they have all the liberty to exercise rights for its usage, until they see fit to pass on the rights to someone else or make the idea open for public use.

The protection of intellectual property rights is thus, the way to secure the rights of the creator of an idea or concept to an idea that is their brainchild. In a world, where everyday new inventions, developments and ideas are being developed and progress is critical, anyone who comes up with a unique idea, needs to seek intellectual property protection or risk being robbed of their rights to all their hard work and ideas.

Having established the relevant importance of intellectual property protection, it is essential to safeguard your rights to the new invention or solution devised to an issue. This book will help you understand how you can ensure intellectual property protection for your invention, how the law helps you secure rights and what legal details you need to know while thinking of seeking property rights to your new idea.

Importance of Invention

What would the world be like if there hadn't been any inventions made by some of the greatest thinkers of all time? Some thinkers introduced ideas which were too incredible for that age, while others came up with technology and artistic genius which still amazes minds decades later. Each mind is unique, and that is how new ideas and solutions are sought to make life easier and improve the quality of living for all.

Inventions in the fields of science and technology, healthcare, infrastructure and construction, development and all other fields have developed life to what it is today. If you wonder at the importance of inventions, just think where we would be, without all the unique ideas and inventions which are the brainchild of some very talented and hardworking people through the ages. Take the most important invention of all time, the wheel, without which no development would have been possible. So, inventions are key to progress, without which civilization is sure to come to a standstill.

Since invention is such an integral component of progression, it is likewise essential to grant the inventors the security they need to claim ownership of their new idea. If inventors of new inventions, technologies, scientific methods, research concepts, creative and artistic trends, and anything created anew and the result of unrelenting effort, are to be motivated; their rights to their ideas is essential.

But are we offering the inventors belonging to a wide spectrum of fields, the rights they can claim to their creation? Can an inventor hold rights to their idea and prototype development? Can a musician hold rights to their new symphony? Can an artist or a researcher introduce a new idea with their name in the industry? The rights of inventors are offered intellectual property protection in order to inspire and motivate creators to come up with solutions which mankind needs, and that broadens their horizon.

Want to know how you can protect rights to your invention?

Understanding the Inventors Act Of 2011

An act was passed in the year 2011, which is considered to be a major leap for the protection of patents and copyrights that inventors can enjoy for their creation. As an inventor, it is important that one understands what protection the law has to offer, so that by choosing to be under the umbrella of the Inventors Act of 2011, you can ensure complete patent rights to your work, with no fear that someone may rob you of your original creation and leave you with no way to establish your rights to your work.

The Inventors Act of 2011 is also referred to as the Leahy Smith America Invents Act or AIA, which was passed as a federal statute by the Congress and duly signed as part of the legislation by President Obama. This legislative move ensuring guardian rights was passed on the 16th of September in 2011. The passing of this law is seen as one very distinctive notion of improving and organizing the U.S. patent system, ever since work done in 1952.

This Act brought about some major changes in the processing and format of offering patent protection rights in the country, by switching the concept from, being the 'first to invent', to one of 'being the first inventor to file in the system'. This act was designed to reduce and possibly end all interference proceedings. The central provisions of this important act were put into effect on September 2012, and March 2013.

It is relevantly important that you are aware of the most critical elements of the Inventors Act so that you have an idea of how you can protect rights to your invention as per the law provisions in effect since 2011. With the law on your side, it is good that you have prior knowledge and some understanding of the different provisions, so that patent protection is ensured with no room for any errors which anyone can violate, robbing you of your rights to ownership to a creation or an invention.

Following are some important concepts and details in the Act law, which you need to understand as an inventor. Further help can be taken from legal professionals who have expertise in handling cases related to patent protection.

The First Inventor to File Provision

According to the 2011 provisions, there has been a switch from offering legal protection to an inventor's claiming to be the first to create and invent, to ensuring legal protection to an inventor who has claims

to be the first one to file for a patent application for registration. This is referred to as the first inventor to file provision, and is part of the Act under section 3.

Assignee Filing Procedure

Another entity can file for a patent on behalf of the inventor, yet the patent rights will still belong to the creator. The flexibility in filing for a patent is part of section 4 of the act.

Penalties Imposed For Paper Filing

Within 60 days of the enactment, an inventor will be liable to pay the penalty of $400, with $200 penalty charged to all small entities, if any filings are made through paper filing procedures. If the paper filing is not transferred to electronic filing, a penalty will be imposed. This was made part of the act to give an incentive to inventors and filers to opt for electronic mode of filing for patents. This is section 10 of the act.

The Best Mode Requirement

The new act diluted any requirements of the inventor to disclose the best mode for completing his invention. According to the act, the inventor is under no such obligation to disclose the best mode for the creation of the invention. Any failure to satisfy the best mode for creation requirements is not considered to be enough to invalidate an inventor's right to filing of a patent. This is part of section 15 of the act.

Grace Period for the Inventor

According to the inventor grace period ruling, the meaning was extended to include that the grace period benefit was not available to any inventor, who published any claimed invention, which fell short of being 1 year in the market. The publication should be one year before the filing for patent registration is done and considered viable. This is part of the section 3, 102 (b).

Expanded Definition Of Prior Art

A new definition was introduced under section 102, for prior art. It included prior art as being any public display of the invention, or sales, patented, published or made available to the public in any way.

The expanded definition also includes any patents, applications, as well as any joint research agreements made.

Defense of Prior Use Rights

According to this part of the act, if any inventor starts work on an invention around 1 year before the subsequent inventor makes a legal patent filing for the similar invention, then the user working on the invention can continue to do so. They are allowed to continue the work on the invention even after the subsequent inventor has filed for and gained ownership to the patent. This is held valid only if the user working on the invention did not in any way acquire the invention from the subsequent inventor who has already filed for a patent and claimed ownership rights to the invention.

It is important to note that the prior user rights are subject to transferability and are quite limited in scope. There is limited application for all patents which are held by the universities under this ruling.

The Post Grant Opposition System

According to the new post grant opposition ruling as per section 6 (d), a review proceeding is allowed which validates a party's rights to seek any kind of cancellation for rights to patents, on the basis of any valid cause, that which is raised under section 282(b), paragraphs 2 and 3.

It is essential to note that a petition for post grant review needs to be filed, within 9 months of the actual issue of the patent. It is granted that the USPTO may be able to grant a review for post grant, where it is a likelihood that at least one claim will be unpatentable. It is also possible in the case, where a petition gives rise to the question of an unsettled legal problem or novel situation, which is held to be quite important to the patent applications and the patents as well.

The ruling which was passed in September of 2012 was found to be applicable to all patents, which were granted on, before or maybe after this date.

The Inter Partes Reexam Reform

As per this ruling, the owner of the patent has the right to place a petition with the USPTO for the review of the inter partes for a patent. This can be done to ask for the cancellation of around 1 claim found to be unpatentable, as prescribed under the sections 102 and 103, based on the printed publications or patents.

A petition for the review of the inter partes can be filed, for around 9 months, after the review or the post grant proceedings have been duly terminated. There is also the chance that the USPTO may grant a review of any patent, which offers a great likelihood that there is a chance for the petitioner to successfully prevail, if there is at least one challenged claim.

One other condition is that the review has a chance of not being instituted, if any filing for civil action has been done by the petitioner, which gives due cause to pose a question as to the validity of the patent. Another reason may be if the patent has been filed for a period of more than a year, right after the petitioner has been provided with a complaint, which includes sufficient grounds that allege infringement.

As per another stipulation, the review of the inter partes may be put on hold if there is proof that the petitioner has filed for a civil action which challenges the validity of the petitioner. This condition will also hold true if the petition has been filed for around more than a year, up until the petitioner is actually served along with a complaint that alleges infringement.

All the above mentioned rulings and legal parts of the act that have been mentioned above are important for any inventor who wants to file for the ownership of a patent. The procedure has been modified and introduced with changes and alterations, which have been done to provide due protection to the inventors of ideas, works of art or innovative methods and concepts.

To make sure that no creator is deprived of all their original efforts and ideas, the law has been installed with certain rulings, and penalties which make sure that there is minimum dispute over an idea and invention which is applied for patent.

In order for you to protect your rights to a patent, it is imperative that you understand all details of the law proceedings relevant to patent rights, so that no errors are made. Professional help from a legal expert is also a good option to minimize chances of any intrusion on a patent.

Importance of Patent Search with Legal Opinion through a U.S. Patent Attorney before Filing For a Patent

When you come up with an idea, and want to work on it to develop it as a new invention or a latest method, it is essential for you to be aware of the legal complexities linked with the Inventor Act.

Some understanding of the legalities is essential, since it plays a critical role in the opportunity for you to protect your patent idea and invention. Before applying for and filing for a patent, it is essential to engage in some form of patent search. This way, it would be possible to avoid any kind of penalties and legal consequences, which you might have to face in case of any infringement or use of a patent protect as per legal rights, under the ownership of another inventor.

Seeking help of a patent attorney in the country is a way to make sure that you don't make any major errors or engage in patent infringement. Also, with the help of legal experts, you can file for a patent for an invention or an idea that is original to your thinking. Before you file for a patent, it is imperative to opt for a patent search, and seek the help of a legal attorney who specializes in patent filing and registration. That way, you will be able to protect your invention and have it patented, to restrict others from using the same idea or anything similar and refrain from infringement on your idea.

There are many questions which crop up in the mind of every inventor and corporation who have designed a creation which they want to protect under the patent act. In order to understand the importance of opting for a patent search before filing for a new patent for an invention, it is essential to get suitable answers to these questions. The questions include ones like, what is the right time to apply for a patent, is patent search mandatory before filing, and why don't many inventors opt for patent search before filing. One other vital question is that do you or do you not need the help of a patent lawyer to help you with the patent search process. By finding answers to these questions, you will be able to understand the relevant importance of seeking legal opinion from a patent attorney, before you file for a patent under the U.S. Patent Act.

Right Time For Filing For A Patent

Most inventors and corporations wonder what is the right time to file for a patent? Do they start patent search and file for a patent as soon as they finish up their invention, or when they start working on the idea? When is the right time to engage in the filing process, and is prior search for similar patents necessary?

This is one question which can be aptly explained to you by a patent lawyer who practices patent law in the U.S. While you may file for a patent at the very start of your invention process, you are still unaware of what changes your ideas will take place during the invention process. Also, failing to get your invention, creation or idea registered as a patent at an early stage, can mean that by the time you file for a patent, it might already been registered by someone else working on the same idea.

The best time to file for a patent and engage in patent search, depends upon your invention and the industry as well. Most patent lawyers will advise you to opt for a patent search before you file for a patent application, as it is the best course of action to take in the industry.

As per the rules, you can do a search both before and after the filing of a provisional patent application, but it is not allowed to do patent search after you have filed for a non-provisional patent application with the authorities. Your patent lawyer will advise you about the best actions to take and the most opportune time to opt for a patent search, and get your patent registered if there are no complexities involved in the matter. This point outlines the importance of seeking help from an experienced patent lawyer in the U.S. before engaging in patent search.

What Is The Purpose Of A Patent Search As Per Law

To better understand the concept of patent search, and all that it encompasses under the law, it is important to ask a patent attorney to explain the purpose of opting for a patent search before filing for a registration process.

According to the law, engaging in the attempt to do a patentability search, would mean to develop a proper estimation of the scope of protection that will be afforded to a patent by the authorities. To explain the idea, your invention maybe eligible for patent in the broad concept, but it is so if the prior art, does not display or show the generic concept of the invention.

In the case of there being a number of art references, patented prior to your invention, which are quite similar to your idea or creation, then you might be able to apply for and get limited patent protection for your invention.

As your patent attorney will explain to you, the attempts at patent search will help to find the most closely linked and relevant references to your idea. Your attorney will inform you that any inventor has no obligation by law to engage in search of prior art, before they resort to the filing of a patent application on any idea or invention.

Why To Opt For Patent Search With The Help Of A Patent Attorney

While it is not required of any inventor to opt for a patent search before they resort to the patent filing procedure, there are certain benefits to be enjoyed by seeking opinion of a specialized attorney about resorting to the patent search step.

The benefits include,

- Chance of proper insight regarding the patent protection scope, which will be granted to you, under the USPTO, United States Patent and Trademark Office.
- The results of the patent search are likely to serve as the grounds on which you will be able to decide the amount of additional time you are willing to invest, as well as the project funds that you will be willing to put into the invention project. These may include elements like, the legal fees, tooling costs and the equipment purchased etc.
- Also, the patent search process results in aiding your patent attorney to write down your patent application for processing. In case any prior art is found during the search which is similar to the invention you have, then your employed patent attorney will actually draft the application for the patent, to suitably distinguish the invention from any case of prior art. This way, it will result in improving your chance to obtain a patent protection as per statutes of the law.
- The patent search will help the drafter of the patent application to prepare an application which is able to define the overall inventive contribution of a new product or invention in a better way, over the prior art.
- The search results also help to speed up the prosecution process through the act of preempting all the rejections of the examiner.
- Ensure and improve the protection of any future patent, simply by stressing that the examiner resorts to consider one of the most relevant prior arts, throughout the prosecution process.
- It has been found that by conducting a patentability search, you can actually improve your chances of getting patent protection for your invention or creation.

By seeking help from an experienced and specialized patent attorney, you will be able to avoid any kind of infringement or patent violation on your side, and also make sure to draft a patent application which protects your rights to a patent completely, as per law. Since, the law is quite complex to understand

sometimes, and you need to foolproof all processes to get a patent protection which restricts others from stealing your ideas or inventions, it is best to seek help from specialized professionals in the industry.

Understand the importance of opting for a patent search with the aid of legal opinion from a patent attorney, and ensure complete patent protection for your unique idea, creation and invention.

Importance of Researching the Merits of the Invention before Filing for Patent

You have a great idea in mind, and have developed a step by step procedure on how you plan to manufacture and launch a new product or creation in the market, but have you filed for its patent rights yet? While many would advise you to opt for patent registration application as soon as possible, there are a couple of other things you need to do before you file for a patent. You will want to get a patent search done for the benefits as discussed in the previous section of this book, and you will want to do proper research to establish the merits of your new invention, before you start effort to get it filed for a patent in the industry.

You are sure to ask like most inventors about the probable reason for doing any kind of research work, related to the merits of your proposed invention before you get involved in the entire patent registration process.

One main reason for ensuring the probable merits of the new invention is that the patent application process is one long and costly procedure. Depending upon the type of your invention, the patent process can be quite complex and certain technical and legal details may be involved. This means that you have to satisfy the authorities about the originality of your idea and invention, before they will approve your request for patent protection.

Also, many times the patent examiners may pose certain arguments and raise objections during the patent examination by the concerned authorities. This warrants you to respond with the required details and convince the authorities through legal and invention details about the original concept of your idea. Also, in some cases, the help of a patent attorney is vital since they have to draft the patent application with respect to your invention's connection with any prior act.

Since you will have to face and handle such a long list of difficult tasks and responsibilities before trying to get your patent protected, it is therefore recommended to ensure the merits of your invention before you opt for the entire patent application and filing procedure.

Wouldn't you want to know if your invention has enough value to get it merit in the industry? Also, by engaging in research work, you will be able to know what are the features of other inventions, related to the prior art. This way you will know what kind of draft to prepare for the patent application process.

By knowing about the proposed merits of the invention, you will be able to identify the differing elements between yours and the different prior arts. This will help to ensure that there is no possibility of copyright infringement or violation of patent rights by you.

Also, you will be in a better position to gauge if your invention proposes sufficient merits to prompt you to get it filed and registered for a patent or not. Patent application and registration is quite an expensive process. Also, if you opt for patent search before application and get the opinion of a patent attorney for creating the draft and offering guidance throughout the patent application procedure, then it will become a very costly business for you.

Add to all that the hassle of proving that the invention is not infringing on any prior art or patented idea, and the uncertainty of getting objections from the patent examination committee. Before going through all these processes you would want to be well aware of the merits of your invention and the value it will bring to you later. The effort you are to make should be justified in the results, otherwise all time, effort and money will be wasted and be of no value.

All the long tiring application procedures, the enormous amounts of cost involved, and the patent search efforts involved, merit that you conduct proper research into the value of your invention, before making a final decision of getting it registered for a patent application process.

By being aware of all that the invention has to offer, you will also make the patent application process easier for you, and will be able to assist your patent attorney in creating drafts and convincing patent authorities about any objections they present.

Understanding the Different Patent Applications

Up till now, the different segments of this manual have illustrated the fact in a very detailed and elucidating manner, that patent protection is a complex process, as well as being immensely important.

If you are an aspiring inventor about to launch a product or an idea, or are maybe working on the design board or prototype of an invention, then you need to understand how important it is for you to make sure that your creation is offered complete protection as per the patent law act. Any negligence or carelessness on your side during the initial critical phase where you are obliged to file and register for a patent, can mean that your idea may be used by another who can flaunt full rights to the work for which you had preceded him in work, idea and effort.

This is sure to prove distressing for an individual who has strived to make their idea work, and when all their efforts bear fruit, they come to know that the patent for the idea is already owned by someone else, which restricts them from introducing their creation into the industry. A lot of legal work and careful planning is required to find out how to file for a patent then, and also to ensure whether or not you can get any patent protection under the circumstances or not. That is why, it is essential to be on your toes, and seek legal help from a patent attorney to help you with the patent search and filing procedures, drafting a patent protection application and getting it approved and legal patent protection for you in time.

To be able to do all that, you need to be aware of the various laws and rules which have been circulating in the industry and that have been introduced and updated by the patent authorities with time. It would never do to be unaware of a new act which requires you to take certain legal steps to get a patent filed in time. Remember, time and expediency is of the essence in patent protection filing cases, and any delay can cost you years of efforts. So, make sure that you keep yourself aware of the latest modifications and updates taking place with respect to patent protection, so that you are not caught unawares.

You also need to understand the different patent application procedures. Do you know that there are different types of national patent applications which one can file, to get their patent registered? Each type of patent application is specific to a particular need, and you need to have suitable knowledge of the procedures to know which national patent application will be the one for you.

While there are both national and international patent application filing procedures, you need to know about the different types of important national patent applications first. The national patent applications are filed under the 35 U.S.C. 111 (a), and include different forms like the, design patent applications, the non provisional utility patent application, plant patent, divisional and reissue applications along with a number of others. The provisional patent applications are recognized to be different types of patent applications, and are therefore filed under the 35 U.S.C. 111 (b).

For now, we will discuss the national patent application details of provisional, design and utility patents, since they are important and highly relevant to the registration process which is necessary for most inventors.

Provisional

Before we discuss the provisional patent application, it is important to understand the difference between a provisional and a non-provisional patent application. This way, you will be better able to understand which application is most suited to your needs.

Some applications like the design and utility patents are referred to as non-provisional, in order to differentiate them from the provisional ones. Whenever you file for a design patent application, it will be by default, a non-provisional one. Why is there a difference between a provisional and a non-provisional patent application?

It is essential to understand that a non-provisional patent application is recognized to be a part of the domestic U.S. patent application. These patent applications have the possible chance to eventually mature into a U.S. patent that is issued, only after the complete examination by the patent examiner. The examiner makes sure that all patent requirements have been met before they approve the patent. In this way all non-provisional patent applications can possibly mature into approved patents with time.

To understand the concept behind the provisional patent application, it is essential to note that the provisional patent is effective in putting a stop on the ticking clock on the statutory bars. It also means that with the filing of the provisional patent application, you get the status of ‘patent pending’.

.

Why to Opt for a Non Provisional Patent Application

Also referred to as the complete utility non-provisional patent application, it is considered to be the most effective patent choice if one needs to protect the rights to an invention or a creation. A provisional patent application does not receive any patent status, which means that if one wants an individual idea or unique creation to be covered under the intellectual property protection act, then it is necessary to opt for a provisional patent application.

Filing for a provisional patent doesn't secure patent protection, therefore to enjoy all legal rights and protection afforded under the law, it is necessary to secure a non-provisional patent status for your invention.

Since very few provisional patents mature to become patents, filing a non-provisional patent is essential. A non-provisional patent is like setting a thing in rock and securing legal rights to a property. Also, by filing for a non-provisional utility patent in the first place, one can avoid the double fees and only file an application for a patent which will actually mature to ensure patent protection.

The reason why you need to opt for a non-provisional patent like a utility patent is that it ensures you foolproof rights to your creation, and the time limit of the patent is for 20 years compared to just 1 year in a provisional patent application.

Also, with a patent, an inventor can pursue licensing opportunities, and with maturity into a patent, easily share information with the public which was not communicated before.

It is better to file for a non-provisional patent like the utility patent, if you can afford the patent application fees. Why? Because it is a sure way of securing complete legal rights to all claims. It is recommended and highly necessary to submit claims, drawings and details of the invention to be patented, and get it secured within the legal boundaries to ensure protection of your intellectual property. This way, no one will be able to rob you of your ideas and you will not run a risk of being charged with infringing upon the rights of another patent.

If you want to do a complete job of filing for a patent application, and secure comprehensive rights to the invention for the next 20 years, then to set it out in stone and make it legal, filing for a non-provisional patent application is the answer.

Design

A design patent is recognized to be much easier to obtain compared to a utility patent. While a design patent cannot offer protection over the mechanical structure of the invention or creation, but it ensures complete protection of rights over the actual design of your product or invention. So, while the basic structure and configuration of different items might be same, their design will be different. If the appearance and presentation of any invention or functional item is found to be unique, then there is

high probability that you will be able to get your creation protected under the design patent application provision.

A design patent is a non-provisional patent application, which signifies that once you have filed for patent, you cannot make any kind of subject changes or modifications in the design. A design patent in essence provides protection of the actual appearance of a product and not of its functional procedures.

Experts suggest that design patents should not be filed individually. They recommend that filing for a design patent as part of a comprehensive patent strategy is a good idea, but thinking that only a design patent protection would be enough is a flaw. The rights granted to you under the patent would be disappointing. You can get approved for and get protection for your design patent, for around 6 to 8 months. But as getting a patent takes 3 or maybe more years for processing, it is better to have a patent in the meantime in the form of a design patent, than nothing at all.

You need to understand that a design patent can prove to be a very useful tool within your intellectual property strategy, as it can help you create some overlapping protection, which will in turn facilitate you to develop a portfolio for intellectual property protection.

While design patents are a great option to ensure protection, there are certain limitations linked to them. A design patent is not used to actually protect any idea or an invention. Rather, it is used to ensure legal rights and protection of the ornamental design of the product, and its appearance. This signifies that they are weaker compared to the utility patents, but since they are so easy to get, it is recommended to have them as part of your patent protection portfolio. Your design patent will ensure your rights over the exterior of the product and not its inner workings. You can still use the status of patent pending while having applied for a design patent.

Some essential points to note about design patents include, that your patent application is completely dependent on your patent illustrations so they need to be detailed and professional. Also, the official term for a design patent is around 14 years till now. Once a design patent has been issued to you, there will be no additional financial obligation or fees, for the interim period for which your design patent remains valid.

Utility

A utility patent is a protection which is considered to provide coverage for an invention or a product. By applying for a utility patent, you seek protection for devices, software programs, compounds and methods linked to an invention, product or creation.

If you need to file for a utility patent, it is essential that you file a non-provisional utility patent application. It is necessary to have your patent application mature over time to offer you protection, to file for a non-provisional patent.

The application process includes a review of all sections of the application, along with the filing fee. You will need to fill out a Utility Transmittal Form along with many others, and have everything that will be required for you to file for a patent. Also, you need to design a patent application draft and also have a written description of patents, with patent drawing and patent claims to be filed later on. It is essential to know that as per the law, you are restricted from adding in any new subject matter once the application has been filed. It is not permitted to allow the addition of any kind of information to the application which might have been left out at the time of filing.

One thing to note is that utility patents require an increasing amount of patent maintenance fees. This fee is due to be paid around 3.5, 7.5 and also 11.5 years after the issuance of the patent. This fee is mandatory if you want to keep using the utility patent, and make sure that it is kept out of the domain of the public.

To design a patent application draft and take care of all the legal patent affairs, you will need a professional attorney for the job. A patent attorney can charge you high expenses for services, which depend upon the type and nature of the invention for which you are seeking a utility patent application. To file a non-provisional utility application, you may have an invention or creation which might be categorized as being relatively simple, minimally or moderately complex, as well as relatively or highly complex. The fees of your legal attorney will vary from one invention category to the other.

While it is much easier to apply for a design patent, a utility patent is much more effective. A utility patent provides due protection which prevents others from using, making, importing or selling any product which has the same functions that have been patented for your invention. Even if the invention does not appear similar to your product design, or the drawings, you will be afforded protection on the basis of functionality. Due to these reasons, a utility patent ensures stronger and better protection.

If you want protection for your invention and its unique function, then a utility patent is the ideal choice.

Make sure that you discuss your invention in detail with your patent attorney before you decide what kind of patent application you want to file for. You may even want to apply for a couple of patent applications at a time as part of your comprehensive patent application and intellectual property protection strategy.

A design and utility patent filed for your invention will ensure you rights as to the structure, appearance and functionality of your invention, which means that you can enjoy complete protection of your invention and idea, throughout the validity of the patent.

If your invention is under construction and you intend to make further changes in it from time to time, then make sure that you apply for a provisional patent application for the time being. This will allow you to file for another application in case of any modifications and changes you wish to do. Seek the advice of a professional attorney and keep in mind the costs and expenses linked with the entire patent filing and application procedure.

Warning on Invention Promotion Companies

Every inventor wants to protect their rights to their unique idea or invention. They want all exclusive rights to the use, function and design of their creation. For this, patent protection is vital.

Many inventors take their ideas to a company for promotion and enter into agreement to have their new idea or creation promoted and advertised to the customer market. While it is a way to reach out to a target market, there are certain things you need to keep in mind before getting into contact with any invention promotion companies.

Are you certain about the credibility of the invention promotion company? Take care to establish if the company can be trusted with the details of your invention or not. Don't neglect the possibility that the company might try to swindle you out of your rights to the invention. If your invention is not protected by a patent, then there is a high probability of patent infringement or stealing of your idea.

Over the years there have been many instances, when inventors and creators of new ideas and products have come forward with a grievance against the invention promotion company they had selected for help. There have been cases reported when inventors have pressed charges against different invention promotion companies for scamming them, and presenting their prospects in the wrong light. Each case is unique and involves some different injustice on the part of an invention promotion company, but the fact which remains same is that you and every other inventor out there like you, needs to be wary when entering into contract with any company which promises to help them launch their invention and help them make big profits guaranteed.

Many experts recommend being very cautious when entering into contract or any kind of promotional service agreement with any invention promotion company. There are a few things you need to watch out for and be wary of, if you intend to employ the services of a promotion company for advertising your new invention.

Following are some important things you need to watch out for, and which can serve as red flags for you that the company has dubious intentions regarding serving you.

- ## Be Wary Of the Inside Connection Story

Many invention promotion companies spin their clients a very convincing yarn of how they have contacts and connections with certain companies in the industry which will be very interested in their

new invention. They also assert that only they enjoy such close connections with these companies, and by entering into contract with them, you could be doing yourself heaps of good. They tell that their connection companies are always on the lookout for inventions like yours to buy or offer license.

Don’t fall prey to all these sweet stories which are in most cases nothing but a definite scam. In most cases, the invention promotion company has no contacts with any such company, and entering into contract with them will not give your invention any more opportunity than if you were to try and get the license yourself.

The Importance of Finding a Marketing Agency to Market Invention on Contingency Basis

While entering into contract with an invention promotion company is out of bounds, you can still make sure that your new creation gets due exposure in the market. Keep in mind that a market promotion company will most probably make you an offer which will lead to disappointment and much frustration in the future. You will need to be extra cautious and check references and watch out for any aforementioned red flags or signs that the company is trying to pull a scam on you. But all in all, it is nevertheless important to market your new invention.

To make sure that the customer market is made aware of your new offer and an invention which will probably add value to their lives, it is a good idea to find a reliable marketing agency to get the job done for you.

You can try out to prepare a contract, in which the marketing agency will make efforts to market and launch your invention, and the contract services will be for a contingency basis. This way, you can be sure of not entering into any kind of scam or fool deal, and being fully secure of protecting your rights to your invention.

If the marketing agency you choose to market and promote your invention in the future does not allow services on contingency basis, then it is ideal to rethink the situation and look for another company which will get the job done as per your terms.

Don’t add any extra stress to your work, and avoid becoming an easy prey to all those self proclaimed patent and promotion companies out there in the market, which are just looking for opportunities to scam a new inventor like you. Enter into invention marketing contract with a service company on a contingency basis on your terms, or not at all.

Guard your invention and your rights to it, and don’t be led on by people just waiting to scam you with great prospects which they can’t hope to deliver.

Conclusion

This manual has been prepared with the focus of helping all new inventors and dynamic creators out there who have much potential and new ideas to share with the world. Most of the time, many of their distinguishing creations and exciting ideas get stolen and are used by others who have no right to do so. The reason? The lack of proper protection of the idea or creation, results in scams, stealing of ideas, infringement and downright swindling one of the rights they have as a creator of presenting their invention with their own name into the market and earning any profits thereof.

The only way to deal with such a situation is to file for a patent for your new invention, creation or idea. Without proper patent protection you can't hope to hold any kind of legal rights to your work, since you won't be able to prove in court that the idea or creation was originally yours, and that someone had actually robbed you of all your hard work.

This manual is a guide for all inventors out there who need to know about intellectual property protection, and equip themselves of the details on how to do so. The patent act is discussed in detail, informing all readers of the kind of legal protection they can hope to get, if they file for a patent with the concerned authorities.

This guide also provides due information about the different types of patent applications you can file for, and which ones will be ideal for you. Moreover, the importance of seeking help from an experienced patent attorney is also stressed, while new inventors have been advised to steer clear of getting into any contracts with an invention promotion company.

All the details and advice in the manual, has been designed to inform readers of the importance of filing for a patent, to protect their rights to their idea or invention. Seeking legal help is advised as the patent filing and application process is quite complex and you will need sound legal guidance and assistance on how to devise application drafts so that no one can swindle or rob you of your ideas and all your creative efforts.

We hope that this manual proves to be of assistance and helps many budding inventors with the complex method of filing for patents and ensuring foolproof intellectual property protection.