
Practical Guide for Inventor

by Daniel Paquette

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How can you verify whether or not your idea for an invention is feasible? Talk to the people around you and observe their reaction when you start explaining your idea. It is a simple test but it worked for me and it will work for you if you have a keen sense of observation. Obviously your friends and relatives will not want to disappoint you and will probably say that your idea is good. However trust your instinct to detect their true feelings in their initial response.

If your idea concerns a special field of interest, then talk to people who have some knowledge of the subject. For example, when I wanted to find out what people thought of the Jog'O, I had to speak to people who ran or jogged.

When you get a positive reaction from the people concerned by a particular problem, then you are on the right track and may pursue your goal. On the other hand if their reaction is negative, be weary although it may be that they did not quite understand your idea. You can test your product further of course but keep in mind that you can drop the idea if it does not work out. There is no sure way of validating an idea. Do you remember Pepsi's "*uncola*". It had been tested and market studies had been done but still, when the product was launched, it was a total failure.

Maybe you do not have a concept yet in which you are willing to invest both time and money but it could be just a question of time. First you must identify a problem in your immediate environment and work at finding a solution. Most ideas for inventions begin to form as you try to find a solution to a daily problem. Your first concept may not be perfect but as you work on it and think it through, more and more ideas will come to mind. Some months I will have two or three ideas worth developing going around in my head.

There are many ways to exercise the brain, develop your imagination and concentration. My suggestion to anyone who asks me how to find a good idea for an invention is to choose a favourite subject to create a board game. For example, take the 100 meter race as a starting point. I need a large

cardboard on which I will draw five or six 100 meter race tracks each divided in sections of one meter. I will add playing pieces each representing a famous sprinter and the rules of the game will pop up as I am working on the project. I will continue to use my imagination to add educational value to my game and to make it fun and competitive.

It is easy and possible for anyone to use this method and create games using such ideas as building a house, having a boat race or a police investigation. While having fun, you are training your brain to prepare for your first invention.

When you are ready to devote time and money on a potentially interesting idea that could be put on the market, you must first establish the criteria that will distinguish your product. You must determine the price, size, weight, the construction material and write down all the details in a notebook. You will be able to revise your criteria from time to time and check if they are respected. As you memorize them, your brain will work on finding solutions according to these criteria.

Actually this is the most painstaking step when working on an invention. There is no set time limit; you will face deceptions, frustrations and also elation when the solution finally appears. You must learn to be patient and repeat to yourself that the solution does exist and that you can find it. It is at this stage that a person becomes an inventor but remember that as long as you have not found the solution to each problem, you cannot go on to the next step. This is one error that I made when I brought the bicycle rack to Anchor Plastics even if I was not entirely satisfied with the results.

Remember to always have your notebook on hand so that you can write down any solution that comes to mind unexpectedly. I remember that I found the solution for the Jog'O while on patrol at three o'clock in the morning when I noticed the big "D" on the Dominion store. Solutions appear when you least expect them, so if you have pencil and notebook on hand you can jot it down and make a proper sketch later. When your solutions correspond exactly to your basic criteria and you are perfectly satisfied with the results, then you can go on to the next step, the sketch.

THE SKETCH

After the problems are all solved, it is time to make a preliminary sketch of your invention. It is important to remember to include all the solutions in this sketch. It is a good idea to have a sketch book but make sure to keep it in a safe place so that no one will try to steal your idea.

You do not have to be an expert in drawing to do your preliminary sketches since they only serve to help you improve the final design or the mechanism for your invention. I have no talent in drawing but I was always able to draw the exact form of the object I was working on. Most people have a hard time imagining a product if you cannot show them a detailed sketch. So your sketch book will prove useful when you want to get someone's opinion about your project. A word of advice: have them sign on the page of the sketch they looked at. This signature could be used eventually if you had to defend your rights.

You should also write notes in your sketch book. Make sure to write all the details concerning your sketches, the changes you make as you improve your product. Later, it will be easier to remember why you decided to include or leave out a particular element. Persevere until you are totally satisfied with the final sketch. You may have to make a dozen sketches or more but as long as you are not convinced that it is perfect, you cannot go on to the next step.

THE FIRST PROTOTYPE

The first prototype is built according to the final sketch. This is an important step and one of the most rewarding moments for an inventor since it proves that his invention really works and that it brings a solution to the original problem. At this point, you need not worry about the design or the size or the price. The only thing that counts is that the product corresponds to the need for which it was created.

Since it is an elementary object, use whatever material you have on hand. Do not spend too much money on this initial object or buy special tools. It is wiser to save your money at this point and to rent any tools you need.

As you start working on your prototype you may notice that it is not so easy to build it according to your sketch, even if you are a good handyman. Do not hesitate to ask a friend or relative to help you if you are stuck with a certain aspect of the project. They will be flattered that you asked them for advice and happy to contribute to your invention.

Your prototype may not be entirely satisfactory. If it fails to meet your requirements, go back to the drawing board. It can be frustrating to have to look for another solution but it is better to do it immediately and avoid rejection from manufacturers. This is what happened with the bike rack. I was pressed for time and presented an inadequate prototype. Then I had to start all over again. On the other hand, if you are quite content you're your prototype you can proceed to the next step.

A word of advice at this point: think it through carefully. I am not trying to discourage anyone but you must realize that you are about to embark on a long, stressful journey to develop and market your product. Of course, if your project is crowned with success, all the worries and hard work will be forgotten and you will feel on top of the world.

However before you reach this final step, you must ensure that you are ready to face the many challenges involved with creating a product. Ask yourself

if you truly believe in your product enough to devote so much time and money to bring it to market. Look back and analyse people's reactions to your invention. Were they truly enthusiastic or did you decide to continue despite some negative comments? What about your spouse? Is he or she confident enough to let you invest a large sum of money not knowing if there will be a profitable return?

If you have thought about all the aspects involved carefully and are confident that you can do it, then proceed. On the other hand, if you are not sure that you can make it on your own, it may time to try to sell your invention at this point but do not expect to make a fortune with it.

THE PROTECTION PHASE

In this chapter I will describe how Inventarium can help you protect, develop and market an idea for an invention. Between that time you had a flash of genius and the day you see your invention on the market, there are a number of important steps. You must go through step successively. There are no shortcuts. Read on and find out the importance of each step.

If you believe you have a good idea for an invention, you must first protect your idea with a provisional patent before you talk about it openly or show it to the public. There are three preliminary steps before filing for a provisional patent: the file opening kit, the evaluation of your idea and a patent search.

At Inventarium the first step is to order a file opening kit. This is the confidential disclosure form, an eight page document which includes a confidentiality agreement signed by an authorized agent of Inventarium

THE EVALUATION

It is with the evaluation that you will find out if your invention is feasible and can be put on the market. You may learn that certain laws or safety standards do not allow the sale of a product. For example, if your product contains a gas that has been banned by the Kyoto Protocol, there is no use obtaining a patent since the product cannot be sold. It is better to find out such details before you have invested time and money to protect and develop such a product.

At this point it is also interesting to get a professional opinion concerning different aspects of your invention. With this report in hand, it is easier to decide whether you should continue work on your project or drop the idea.

The evaluator studies the details contained in the confidential disclosure form and produces a report in which you will find his comments, suggestions and recommendations. The report includes:

- A description of the invention
- The business opportunities
- The social factors
- Introduction on the market
- The competition
- A summary of opportunities and obstacles
- The conclusion

He is very experienced and his observations and comments are objective and formulated to help you decide what you want to do next. The results of the evaluation must not be taken as a guarantee of success but should serve as a reference throughout the whole process.

The evaluator will also identify and enumerate the characteristics of your invention, the source codes, categories and classifications which will be studied by patent agents conducting the patent search.

THE DESCRIPTION OF THE INVENTION

Having read the confidential disclose form, the evaluator will write the description of the invention. If there is something he does not fully understand, he will contact the inventor to get more explanations. It is extremely important that the description be precise so that the patent search agent and later the patent writer have a complete understanding of the product. This is also the reason we ask the inventor to sign a document that confirms that the description is true to the invention before going to the next step, the patent search.

BUSINESS OPPORTUNITIES

In this section, the evaluator gives his opinion on the following points;

- The potential market
- The range of products
- The self-life of a product
- The commercial life-cycle
- Research and development
- Immobilization
- Production

Potential market

It is highly important for an inventor to get to know and analyse the potential market for his invention. He has to know who the potential customers are, how to approach them, what is the best time of the year to sell his product, etc.

The Range of Products

A complete range of products may follow the initial invention. You could consider marketing similar or complementary products of different style or quality.

Shelf-life of a Product

How long a product will last on the market depends on its use, how often it is needed and how it is made.

Commercial Life-Cycle

The commercial life-cycle of a product is how long it will sell which means that demand for the product must be maintained.

Research and Development

Research and development are of utmost importance if you want to increase your chances of success in sales. It is strongly recommended to build at least one functional prototype that you will test in real life situations to evaluate its strong points as well as its weak points.

Immobilization

Immobilization represents the initial amount of money needed to manufacture a new product. The expenses include land, buildings, machinery, intellectual property, etc.

Production

If you want to incite customers to buy the new product it must be attractive and sell for a reasonable price. For this reason, production costs must be kept to a minimum and you have to choose wisely the materials used and the manufacturing process.

SOCIAL FACTORS

Legal Considerations

Many products are controlled by laws, regulations or standards. Institutions such as CSA, ULC and ISO have rules and regulations that must be applied

if you want to be able to sell your product. It is extremely important to learn if and how they apply to your invention.

Safety

As mentioned in the previous paragraph, some products are strictly controlled. These regulations apply to protect the consumer yet it is possible that your product is not regulated but could represent a danger depending on its use.

The Community

Some products correspond to the exact needs of consumers and are significant enough to make them change their habits.

The Environment

In recent years, protecting the environment has become an increasingly important subject. Consumers are changing their habits to restore a better balance with nature. This new awareness has a direct influence on sales and must be taken into account when you decide to launch a new product.

The policies

Institutions such as the Human Rights League, Green Peace and La société Saint-Jean-Baptiste have also influenced consumer habits and should be taken into consideration. Obviously it is preferable that new products conform to their ideas rather than confront them.

INTRODUCING A NEW PRODUCT ON THE MARKET

Advertising

It is important to advertise a new product if you want the consumer to recognize it and make him want to buy it.

The Needs

Some products will drastically transform our way of life while others will answer to lesser needs. In any case, it is important to note that the sales potential of a product does not depend only on the type of need but how it meets the consumer's need.

Learning to use the product

You should always take into consideration that the consumer's reaction to your product will depend on how easy or difficult it is to use. If he cannot understand the operating mode quickly and efficiently, chances are he will leave it on the store self.

Distribution

The cost and difficulties related to the distribution of a new product depend mainly your ability to contact and access specific network agents.

Consumer Loyalty

When a new product is advertised, many consumers are eager to buy it out of curiosity. If they find it satisfactory they will probably become regular customers and they will tell their colleagues, family and friends about it who in turn will become customers.

After Sales Service

When buying a new product, the wise consumer will take into account the cost of after sales service and replacement parts. There are laws to protect the consumer that specify that a sufficient number of replacement parts must be readily available.

THE COMPETITION

Independence

There are some products which can be used only with specific complimentary products. For example, you need a compact disk player to listen to your CD.

Current Competition

Similar products compete according to their price, output, appearance and durability. How easy or difficult it may be to launch a new product depends on the competition. It is important to try to find out how your competitors will react so that you are in a better position to face up to their strategies.

Operating Functions

Consumers usually prefer a product that is easy to understand and operate. Your product may be better than the competition but if it is more difficult to understand or use, then probably it will not sell as well.

Durability

The wise consumer knows that it is worth it to pay more for a product that will last longer than the competition's cheaper version.

SUMMARY OF OPPORTUNITIES AND OBSTACLES

Based on his vast experience, the evaluator will list the opportunities as well as the obstacles you will face throughout the following steps, from the patent search to the development and marketing of the product.

THE CONCLUSION

In his conclusion, the evaluator will define the pertinence of your invention for the consumer. If he believes your invention can be patented, you will be invited to go on to the next step, which is the patent search. Finally he will give you advice, make suggestions and recommendations.

THE PATENT SEARCH

The patent search is a crucial step as it will confirm whether your invention is truly unique or if, on the contrary, someone has already obtained a patent for a very similar object.

Some intellectual property firms still offer to conduct a patent search in the United States patent database only. It contains about 70% of patents registered everywhere in the world.

As you probably know there can be only one inventor in the world who can register a particular invention. Therefore a patent search conducted only in the United States is not conclusive since a patent similar to your invention may have been filed in another country and could be cited in opposition to yours by the patent examiners. In this case, your request for an official patent would be refused. This is the reason we, at Inventarium, offer the international patent search.

Our patent search agent will closely analyse all patents pertinent to your invention and will draft a detailed report containing the results of his search. The report will include:

- A description of his mandate
- A description of the invention
- The characteristics of the invention
- The search for other similar patents
- The description of these patents in relation to your invention
- The analysis of these relevant patents
- The criteria for requesting an official patent
- The conclusion

DESCRIPTION OF THE PATENT SEARCH AGENT MANDATE

He conducts a patent search for your invention using all the information included in the confidential disclosure form as well as the description of your invention, the list of source codes, categories and classifications provided by the evaluator.

While conducting this search he will record all patents that describe structures or mechanisms that are similar to your invention and could be used legally to contest your request for a patent. Once you are aware of these patents, you will be able to compare the technologies already used and you can use this information to improve the technical aspect of your own invention.

Take note that the patent search agent does not have to list all the patents related to your invention since his search is over as soon as he finds a patent that describes an invention identical or very similar to yours. In this case, it would be impossible for you to request an official patent.

THE DESCRIPTION OF THE INVENTION

In order to certify that the agent has conducted his search using the proper description of your invention, this description is exactly the same as the one provided on the evaluator's report. This is the same document that you will have received and signed confirming that the description corresponds exactly to your invention.

In this section, the patent search agent will list all the characteristics of your invention which he used to conduct his search.

THE SERACH FOR SIMILAR PATENTS

In this section the agent will list the principal classes and sub-classes of all documents he consulted during the patent search.

THE DECRPTION OF RELEVANT PATENTS

Here the agent will identify all patents relevant to your invention. For each patent, he will describe the characteristics that correspond to characteristics of your invention.

THE ANALYSIS OF RELEVANT PATENTS

Following the analysis of patents judged to be relevant to your invention, the agent will formulate his conclusion concerning the characteristics of your invention that could potentially be patented. In order to obtain an official patent, your invention must contain a new element which has not been listed in a previous patent. If one or many characteristics of your invention appear new or unique then you should be able to obtain a patent.

However if the patent search reveals that some characteristics have already been patented, your chance to obtain a patent is slight although not impossible. In fact, it may still be possible to obtain an official patent if you can prove that the technique used to achieve similar or better results is truly distinctive. If you believe this is so after you have closely analysed all the details of your invention, then we will suggest that you file for a Provisional Patent which grants a priority date and protects your invention for a period of 12 months.

The provisional patent is an official document sent to the United States patent offices and contains all the information concerning your invention. Once you have been granted a provisional patent, then you may talk openly about your invention and decide to develop it, improve it or conduct a market search.

Sometimes, as it happens in the field of inventions and innovation, you cannot get a patent for your initial project but as you work on its development you find out that it can be patented. This is what happened with the Urgenstop, my auxiliary emergency system for traffic lights.

In the beginning all the elements I intended to use were common (power failure detector, flashing light, battery charger, rechargeable batteries, etc). The patent search determined that these were not new elements. However, while developing the product, we had to create a power failure detector specifically for traffic lights; therefore I was able to obtain an official patent for this invention.

You should note that if the modifications to your invention are in any way significant, it may be useful to conduct a complimentary patent search for these new elements before applying for the official patent. If none of the characteristics described in the provisional patent can be patented, then your provisional patent is useless. The patent agents will study only the new characteristics when you file a request for an official patent.

CRITERIA TO OBTAIN A PATENT

Before they grant an official patent for an invention, the patent examiners must determine if the invention meets the following criteria:

- it must be an object that is conventional
- it must be useful
- it must be a novelty on a worldwide scale
- it must not seem obvious to the experts in the field of inventions

These criteria are cumulative and each and every one of the requirements must be fulfilled if the invention is to be patentable. The patent search agent is not a substitute for the patent examiners and he cannot declare that the official patent will be granted or rejected. The patent examiners make that final decision.

CONCLUSION

Although our patent search agent is as thorough as possible, he could have missed a detail. At the international level, there are millions of patents filed under different classifications and sub-classifications. In fact there are over 140 000 zones of classifications. The United States patent offices employ over 4000 people to file documents and how each document is filed can vary from one individual to the next.

So, despite his efforts to give you a most accurate report, the patent search agent cannot guarantee that he has examined all the patents and it is possible that some documents may have been misfiled or lost.

Also, it is possible that references pertinent to the invention be revealed at a later date. There may be another inventor who filed for a patent for an invention similar to yours but the information was not available at the time of the search. The request for an official patent is not made public for a period of 18 months after it has been filed and the agent cannot access this information.

The search is limited to the identification of existing patents. It is always possible that other documents (in catalogues, Internet sites, magazines, newspapers) be cited in opposition to the invention by a patent examiner.

Still the results of the patent search provide a good reference to help the inventor decide what he wants to do next.

FILING THE PROVISIONAL PATENT

When you learn from the patent search that your invention could be patented, the next step is to file for a provisional patent. Filing for a provisional patent grants you a priority date valid for a 12 month period and it is recognized by all the countries who have signed the PCT treaty (over 140 countries including Canada and the United States). This priority date will be claimed when the request for official patents is filed as long as this is done before the expiry date for the provisional patent.

The provisional patent can be filed in the United States or England. At Inventarium we prefer to file in England for practical and economic reasons. The provisional patent is never published or examined. It is accepted automatically as long as it conforms to the requirements of the patent office.

If you are not ready, either technically or financially, to file for the official patent before the end of the 12 month delay, then you may file for a second provisional patent. In this case you lose the first priority date and it is the new priority date which is in effect. This means that if someone else has requested an official patent for an invention similar to yours before your new priority date, then it will be granted to this person and you will have to abandon your project.

The main advantage of the provisional patent is that it allows you to verify the pertinence of your product before you start investing large sums to develop and launch the product. Also, considering that the official patent

is rather costly, if at this point you find that the response to your project is not entirely satisfactory, then you may decide to give it up and begin work on your next invention.

The provisional patent is drafted by our patent writer. He uses the information contained in the official disclosure form. He includes a description of the invention, a general claim, the technical drawings and a summary. The inventor must supply the technical drawings. However if he has none Inventarium offers this service at a very reasonable price. Our draftsman works in close collaboration with the patent writer so that he will draw the exact figures according to his specifications.

As soon as the provisional patent has been filed, you will be informed of the priority date and the registration number. From that moment you are free to talk openly about your invention, you can begin to develop the project, conduct a market study, find financial partners, etc. It is strongly recommended that any manufacturer or investor you meet sign a confidentiality agreement.

You should receive the acknowledgement of receipt for the provisional patent within five to ten days. you may order one or more certified copies of the document. This document, sealed by the patent office, could be useful when you meet with investors, manufacturers, etc.

It is important to work on your project earnestly during this one year period so that it is completed and you are ready to request an official patent before the expiry date of the provisional patent.

DEVELOPMENT PHASE

PLANS AND QUOTATIONS

The presentation of a product can be compared to a passport. A product can be perfect on all points and very useful but if it is not interesting to look at or to use, then the consumer will be reluctant to buy it. This is the professional designer's job: to find the ideal presentation for a given article.

The designer does not work blindly. He has to know exactly what is the purpose of the object, who, when and where it will be used. Is it safe to use and will it be made to last? How many individuals will handle the object, what material will be used to make it? Style, quality and dimensions are also important elements to take into consideration.

Once he has gathered all the necessary information, he will prepare the plans and quotations to build the final prototype. It is important to examine every last detail of his plans to make sure there is not the slightest error. We also recommend you show the plans for the final model to a few people around you to get their opinion. After all, it is the inventor and not the designer who has the last word. If you find his work satisfactory, it is time to create the final prototype.

The industrial designer can also help you with the packaging of the product. The package must be as eye-catching as the product itself if you want to attract customers. When the consumer looks at a product on the store self, he must understand the purpose of the product in just a few seconds or else he will turn his attention elsewhere.

At Inventarium, we offer the following types of industrial designs:

- Models and 3D animations
- Realistic illustrations of the presentation
- Drawings for assembling with details for manufacturing

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- Drawings for electrical, hydraulic and cable diagrams
 - Architectural and structural designs
 - 3D colour impression of a prototype

THE FINAL PROTOTYPE

This is the most exhilarating part of the process. Usually you reach this stage after months of waiting. The prototype must be made according to the designer's exact plans and be identical to the finished product. In other words, it must look and function the way you want it. It takes an expert to build the prototype and he is usually easy to find as most designers work with model makers. Inventarium offers this service.

With a prototype in hand, you can sell your invention or license the manufacturing rights to the company of your choice. It is this prototype that the manufacturer will use to determine the exact cost of production. You can also use it to conduct a market study. Such a study will let you know whether you should modify your product. Do not hesitate to make the necessary changes at this point even if this means additional costs.

Remember that once production has begun you cannot make changes. If the consumer does not like your product it is doomed because you neglected to listen to their opinion as exposed in your market study. During my career as an inventor I have met several inventors who were not successful for this very reason. They may have had a good idea to start but the end result failed to satisfy the needs of the customer.

THE OFFICIAL PATENT

The ultimate goal, when inventing a new product, is not so much to obtain a patent but make it a commercial success. If you truly believe you have a winning product, then it is a good idea to have the exclusive privilege to market the product. The final step of the intellectual property process is to register for the official patent.

The official patent represents added value for your product since no one can manufacture, sell or even use your product without your permission. However, this monopoly is valid only in the countries where your patent is filed and granted. Large companies are always looking for novelty objects before the competition finds out about them and are willing to pay a very good price for a patented product.

You can decide to sell your invention or market it yourself. Obviously if you do not find a manufacturer interested in your product or if you realize that it may not have the commercial success you had hoped for, then it may be a good idea to abandon the project immediately. On the other hand, if your invention proves to be successful then you must request an official patent before the priority date set by the provisional patent. You must also decide in which countries you want to file for the official patent.

The official patent can be described as a pact signed with the government of a country who issues legally protected exclusive rights to an invention for a period of twenty years. After this time, anyone can manufacture, sell or use your invention without your permission and without having to pay royalties. Note that it can take two to three years to obtain the official patent.

A patent will be granted if your invention respects the following criteria :

- A novelty: an invention must not have been disclosed to the public
- either in newspapers, magazines, on television or in trade shows, etc. If you must discuss your project with potential partners (bankers, industrial or commercial associates) then you must have them sign a confidentiality agreement.
- The invention must be useful and innovative: its use must show ingenuity in its field and the end product must be something that did not exist before.
- It must be something that can be manufactured; a scientific concept, a work of art, a theory, etc. cannot be patented.
- It must not be obvious to someone of average skill in the field of invention.

Unless you have the qualifications and technical and legal knowledge to write and file for a patent, I do not recommend that you try. I have heard many testimonies about inventors who spent large amounts of money for a patent that was not well drafted and therefore refused. A professional patent writer is required and we have one at your disposal.

At this stage Inventarium will propose three options. You may file your request for a patent:

- In Canada and the United States simultaneously
- In Canada and the United States along with the international PCT
- An international PCT only

Our patent writer will draft the specifications for your invention and the patent agent will prepare the claims. These documents will be submitted to you for your approval and signature. Then they will be sent to the Canadian and United States patent offices. There is an eight to twelve week delay before you receive the official acknowledgement of receipt.

The patent examiners will conduct an exhaustive study and will submit a report outlining the objections within 12 to 24 months. You may receive

several such claims reports during this time lapse. Our patent agent will study each report and evaluate your chances of obtaining a patent. This information will be sent to you along with the examiner's report.

If you decide to proceed, our agent will draft the documents covering the arguments and amendments to meet the examiner's requirements. When the patent is granted, you will receive a document from the examiner stating it is accepted. If the results are not in your favour, you may decide to abandon the process and save unnecessary expenses. It usually takes from 24 to 36 months before the whole process is completed and your patent is granted.

THE INTERNATIONAL PCT

The international treaty, the PCT (Patent Cooperation Treaty) provides a unified procedure for filing patent applications to protect inventions in each of its contracting states (over 140 countries). It is similar to the provisional patent in that it allows you to obtain a further 18 month delay to decide whether or not you want to file a patent in one or more of these countries. The PCT must be filed at the latest 12 months after the priority date obtained with your initial patent, be it the provisional or official patent.

The main advantage of a PCT is that it allows you to market your product outside Canada and the United States. Having a PCT also makes it easier to negotiate with companies who want to buy your rights to sell the product on an international scale. There are three steps to the PCT procedure: filing a request, a preliminary international examination and the national phase.

At the same time as he prepares the documents to file for the Canadian and American patents, our patent agent will draw up the required documents for your international PCT. The PCT is filed at the same time as you file for the Canadian and American patents, unless you have decided to file an international PCT only.

In the initial phase, the Receiving Office, in this case the CIPO, will produce a report based on the search of international patents and the patent search agent will provide a written opinion regarding the patentability of the invention.

It is possible to make some required amendments in response to claims before applying for the preliminary international examination. This examination must be requested before the 20th month following the priority date set by the provisional patent. You will receive the preliminary examination report, including the examiner's comments, suggestions and recommendations about the 28th month following the priority date.

The PCT application for the national phase must be filed before the 30th month from the priority date or else it will be considered as abandoned. Following reception of the preliminary examination report and before the deadline, you must choose in which countries you wish to apply for an official patent. The cost for each application for a patent in a country or group of countries, such as the European Union, is determined by our partners in each country and will vary depending on the current exchange rate for each country at the time of application.

THE INDUSTRIAL DESIGN

Sometimes a patent search will show that your invention cannot be patented however it is still possible to protect it with an industrial design.

The industrial design registration is a legal document which gives you a monopoly for fifteen years in the United-States and ten years in Canada. It is then renewable for another five year period. The complete process to obtain an industrial design can take up to twelve months or more. Once you have the industrial design patent, no one can make, sell or use your invention without your permission. This monopoly is valid only in the countries where the patent has been granted.

The industrial design is an intellectual property that covers the shape or aesthetic features of a product. In other words, it is only the product features that are protected. Take for example a new car model. The manufacturing and operating mode are public knowledge. Another example is my Gourd'O. I did not invent the flask but I gave it a new shape. A new appearance can make all the difference. Remember when Lee Iacocca created the Ford Mustang in 1964. The model was so successful that the Ford company outsold most of the competition.

There is no set time limit to file for an industrial design as long as it has not been made public. If the invention has been shown to the public the inventor must file within twelve months or else he loses his exclusive rights.

Once you have filed for an industrial design, it will take from eight to twelve weeks to receive the official acknowledgments from the Canadian and American patent offices. The patent examiners study all the requests and if the industrial design is accepted, the examiner sends an acceptance notice before the patent is granted.

THE TRADEMARK

Some inventions, such as Coca-Cola, do not need to be patented. The inventor never patented the recipe for this soft drink; consequently he never had to reveal it. However he did protect his trademark.

The trademark is a word, a symbol, a design (or a combination of these elements) which distinguishes the products or services offered by a person or a company.

The trademark is a very important intellectual property as it represents the person's or company's reputation.

The application process for a trademark is relatively the same in Canada and the United States, except for the taxes which have to be paid and the duration. In Canada, a registered trademark grants you exclusive rights for a period of 15 years and is renewable every 15 years as long as the trademark is still being used. In the United-States, the exclusive rights are granted for a period of 10 years and may be renewed every 10 years.

It usually takes a few weeks following application to receive the official acknowledgment of receipt from the patent office. The Trademark office will conduct of search to confirm that your trademark is available and cannot be confused with someone else's. Then the request will be examined to make sure it conforms to the trademarks legislation.

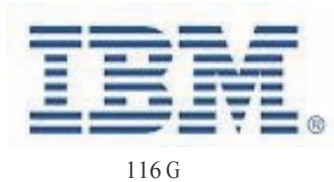
The application is then published in the Trademarks Journal leaving time for opposition (challenges). If no one raises objections, the trademark is granted.

We always ask the inventor to choose three trademark names on the disclosure form. Our agent will proceed in numerical order. If the first trademark is not available or suitable, he will use the second one and so on.

You have to be creative when choosing a trademark and avoid descriptive names as these will be automatically refused. For example, you cannot ask for a trademark with a name that describes the product or service; if your product is a bag to hold bread, you cannot ask for the trademark *bread bag*. The same applies to '*accounting services*' if these are the services you offer.

You must also avoid choosing three similar names for a trademark. If the first name is similar to one already in use, chances are the other two will not be recommended. For example, if the trademark **Wall Street Master Game** is already used for a board game, the name **Wall Street Game** would be refused as it could create confusion in the consumer's mind and could lead to lawsuits.

With Internet, the trademark is extremely important since people will readily identify your product when they look it up on their search engine. A popular trademark adds value to your product. A recent study in the United States identified the following as the most valuable trademarks:



THE COPYRIGHT

A copyright applies to creative works such as poems, photos, artistic drawings, a musical piece, board games and computer programs. Some artistic works will sell for a fortune but not all of them. Whatever the quality or their commercial value, under Canadian law, they can be protected with a copyright.

When you own a registered copyright, you are legally protected. No one can copy your work without your permission. Like all other intellectual property, a copyright protects and encourages creative achievements. You value your creative work and it is to your advantage to protect your intellectual property.

MARKETING YOUR INVENTION

Once you have the final prototype on hand and have requested an official patent, the real work begins. If you want to make money with your invention, you have to make it known to the public. There is only one way to do this: a good marketing plan.

When we speak of marketing, it involves much more than just having the product for sale on store shelves. Before you begin the marketing campaign you must target your customers, decide on the presentation and packaging of the product, have advertising leaflets printed, prepare an ad campaign and come up with a sales strategy especially adapted to your product.

Still, before all this, the inventor must decide what he wants to do with his invention. He can sell it to a manufacturer for a fixed price or license the product in exchange for royalties, meaning he will receive a percentage of sales. The other option is to start his own company to make and sell his invention to retailers.

A large number of inventors will opt for the first choice and sell their invention to a company who handle all the details, from production to distribution. The inventor can then start working on his next project. Indeed most inventors have not completed one invention and already they have set their mind working on another one.

This first solution seems the most simple and profitable. However it is not that easy to convince a manufacturer. He knows who his customers are and what they want. So you must start by conducting a market study to show that customers will be interested in your product. This can be prove to be a rather difficult task.

Inventarium can prepare a marketing plan especially for you. A market study is a long and arduous process where only experts in the field have access to special search engines.

As subscribing to these programs is rather expensive, it is probably cheaper for you to ask our expert to do the research for you. I believe that a marketing plan is absolutely necessary if you are seriously considering going ahead with your project.

The first step is to meet with our marketing consultant. In keeping with our policy to give you the best services at the lowest cost, the first consultation is conducted over the telephone. There is no set time limit to the conversation and our expert will take the time needed to answer all your questions. He will also give you information on the following points:

- The importance of targeting your customers
- How to add value to your invention
- How to determine the features of your product
- Is it necessary or not to have a prototype made?
- The traps and unnecessary expenses to avoid
- The usefulness of preproduction
- The importance of the packaging
- Should you market the product yourself or sell your idea?
- Important things to know about manufacturing
- How to prepare to meet with manufacturers
- Royalties and auditing
- Which companies to approach and which ones to avoid

He will also give you some preliminary information on contract negotiations, marketing, publicity and the sale of a new product.

No matter what you decide, to market or license the product, you will need some specific information on the subject. Our marketing specialist has prepared a marketing plan designed for you at this stage.

You will find answers to the following:

- The definition of a new product's features
- How to identify your target customers

-
- Finding out about similar products already on the market
 - Who are the manufacturers for the product?
 - Which ones should be approached and which ones should be avoided?
 - Are they already working on a similar product?
 - Their licensing policies
 - The internal and external barriers and influences of these companies
 - How to approach these companies

The marketing plan is divided in nine specific sections:

- The approach
- The industry
- The tendencies
- The product
- The events
- The distribution
- Solicitation letter
- List of manufacturers

THE APPROACH

Many things have to be considered before you launch a product. The purpose of a marketing plan is to give you the tools and information to be successful. The report is prepared especially for you to maximize your chances of success. Each industry has its own way of doing business, calculating profits, selling to retailers and respecting government criteria.

The first part of the report deals with the industry related to your invention. The most pertinent questions are: Which manufacturers of such products could be interested in mine? How do I approach them? What are the actual tendencies of this industry? Are there some obstacles I should know about before I launch my product? Are the distribution channels easily accessible?

In this section of the report, you will have an overview of the industry. It will help you understand your potential customers, why they buy such a product, how much they are willing to spend, etc. With this information on hand, you will be in a better position to make an offer to manufacturers. The other sections of the marketing plan contain comments, suggestions and information concerning the targeted customers, the companies and the retailers.

Each industry has its own rules, methods and personality. Just like individuals, the industries can be aggressive or conservative. So it is important to have a basic awareness of the industry's philosophy before you start marketing a new product.

You need to know every aspect concerning your field of invention so the report will give you information about the products, sales, tendencies and evolution of the industry. You will also find our expert's comments, suggestions and recommendations resulting from his observations while conducting his research.

THE TENDENCIES

The tendencies in any specific field are very significant. A good example is the green shift. Organic products are increasingly popular. If you try to market a product that does not meet with the industry's tendencies, you will have a hard time convincing them that you have a good product.

For example: when the government of Quebec required that all vehicles be equipped with winter tires, the government of Ontario followed suit. This tendency created business opportunities – new services, increased tire sales, etc. Sometimes a product is neutral, meaning that there is no actual tendency and customers have no adverse opinion about it.

In this section, our expert reports his observations concerning the tendencies of the industry in the field of your invention.

THE PRODUCT

A final prototype is extremely useful. It proves that the product is functional. It helps you determine the costs of advertising, packaging. You can begin advertising with a prototype. Remember my story about the Gourd'O. I was able to convince the buyer for the Quebec Carnival even though I only had a wooden prototype. You will find that companies are hesitant to buy an idea if you do not have a functional prototype. In 10% of cases a product will not work as expected and the idea has to be abandoned. Therefore with a working prototype, no one will doubt your credibility.

Before you start investing time and money to make a finished product, you must examine the external obstacles. You could find out that there are regulations imposed by the CSA, ISO and ULC requiring that the product be tested for quality and safety. Whatever may be the tendencies, the qualities or weaknesses of a product, when it is first introduced to the market, it is the competition that determines its success or demise.

First of all, even if your product is excellent and works better than your competitor's, the consumer will not go out and buy it if he already has something similar of good quality. Where does your product stand? Is the market saturated? On the other hand, if customers are dissatisfied with the existing product, then the door is open.

In this section are the comments, suggestions and recommendations of our expert concerning your prototype. He covers as well all the aspects concerning your product versus the competition.

THE EVENTS

If you really want to know how your product will do on the market, the best place to start is at a trade show. There you can see all the new products and find out if one similar to yours is already being sold. There is a good chance of making contact with businessmen at these trade shows.

You will also meet members of associations working in the same field as you. They will provide much useful information. You could join these associations and attend meetings to learn about marketing your product.

The market plan includes a list of trade shows, events and associations related to your field of invention.

LIST OF MANUFACTURERS

Here you find a list of manufacturers, companies and contacts relating to your invention along with their addresses and other contact details.

WEB PAGE FOR YOUR INVENTION

Our marketing specialist will also suggest that a web site is a good place to show your product to increase your chances of finding companies or investors. Inventarium offers this service, including hosting your web site on our server.

You can choose a web page with photos only or with photos and a video. If you choose the latter, you must provide an explicit short video. It is better to have a silent video that anyone can understand just by watching. If you do not have a video, Inventarium can provide one at a very affordable cost. You can see an example at www.inventarium.com/3311.

A FIRST RATE TOOL

While conducting his study, our expert will have access to programs that are not readily accessible to the public. There is no doubt that a marketing plan is an essential tool to learn as much as possible about the field of your invention.

Once you have your marketing plan and your web page, you are ready to start looking for companies or investors who could be interested in your product. It is important that you read carefully your marketing plan and understand all the details. You may also want to search the Internet to find out more.

For example, if our specialist mentioned one or more products that could compete with yours, it is important know about them so that you can point out the advantages of your invention. The same applies to the companies listed in the report. Find out which ones are worth contacting. It is easy to check their reputation, turnover, number of employees, the width and scope of their market, etc. You can also find out if they have been involved in lawsuits. An easy way to do this is to go to Google and write down the name of the company followed by the word ‘lawsuit’.

There is no way around it. The winning formula is to learn as much as you can about the field of your invention. When you feel that you have all the answers ready, you can begin negotiations.

If you choose to sell your distribution rights, here are a few words of advice. Large companies rarely talk about money at the onset. They are looking to find out as much as possible about your invention before they decide to invest or not. You may be called to several meetings before you discuss the financial clauses of a contract. For large companies, details are more important than money.

It is a bit like wedding preparations. People never discuss the cost of the ceremony at the first meeting. If they did, chances are there would not even be a second meeting. The same applies to business if you do not want to ruin your chances of signing a deal.

There are many details to cover on both sides before discussing the financial aspects. In a large company, the development and marketing of a new product can involve several departments.

This can affect the operation of one or more partners or divisions around the world where these companies operate. Board meetings are held to vote on these decisions. A serious error can ruin a person's career. When Coca-Cola introduced its 'improved soft drink' the company almost went bankrupt within a few months. The marketing director who had proposed the idea was fired.

Getting back to the marriage example, the more you take your time, the more you know you are taking the right decision, what kind of marriage you want, how much you are willing to spend on the ceremony and where you want to go on your honeymoon. The same thing applies to financial negotiations; they will be easier if you have done your homework. Be open and responsive from the very beginning.

Do not be dogmatic, arrogant and avoid ultimatums. If you want do business, both parties have to be under the impression that they have signed a good deal. Remember that during the course of negotiations, it is easy to perceive the difference between intelligence and arrogance.

Reasonable and logical people rarely miss out on a good business deal. They will sign long-term agreements with profitable return. So, when you get an offer that you find satisfactory, forget about what others may say about it, it is *your deal*. However if you are not happy with the offer, go to another company. Remember that you will have to live with your decision.

After you have sent your solicitation letters, if one or more companies seem interested in your invention but you feel that you cannot undertake negotiations alone, our specialist can help you. Since he is the one who set up your marketing plan, he knows all the details about your invention and will be able to handle the situation.

Of course, if there are several companies interested in your product, your bargaining power is greater. Keep in mind that it is not just a matter of money. You will find that companies who show a greater interest in your product are easier to work with even if their offer is somewhat less.

Be patient and study the offer carefully before you sign with a company or partner. Take the time to get to know the people with whom you will be doing business.

When the time comes to sell your invention, hire a lawyer specialized in commercial law. He will be very helpful throughout the negotiations and in understanding the clauses and consequences of the contract. We have a law to help you if you need him.

Despite a few personal bad experiences, I believe most businessmen to be honest and reasonable. However business contracts are complex and need some explanations as legal documents are often difficult to understand. Never forget that the contract you are signing may bring in important sums of money for some time to come, so it is worth spending a little to make sure you understand the details and are getting your fair share.

I already wrote about the businessman who never paid royalties on the sale of my Jog'O. I had signed the contract despite my lawyer's advice and was finally able to get out of it even though the contract was still valid for two years. A wise and honest businessman will appreciate that you have sought the advice of a lawyer. You will be confident that the contract is fair to both parties.

Having signed the agreement, you will have another decision to make. The company can offer a lump sum for your invention meaning that you are selling your production rights along with the invention. Any patent you possess or have requested become the exclusive property of the buyer. Even if your invention sells like hot cakes, you will receive nothing more than the sum paid to you when you signed the contract. On the other hand, if it does not bring in as much as expected, you do not have to give a penny back.

Most inventors are reluctant to sell their rights, thinking that it will be a huge success and that they will miss out on the profits. That is why they would rather license their invention. In that case both parties are taking the risk together.

If sales are good, the manufacturer will get his share of the profit and the inventor will receive a percentage of sales. The greater the sales, the more profit for each party. But if the consumer scorns the product, both the manufacturer and the inventor lose.

If you decide to engage in such negotiations, you should be aware that most companies will pay between 2% and 7% in royalties unless there are several companies vying for your production rights. In that case, be patient and wait for the offers. It is possible that one of them will be willing to pay a lump sum as well as royalties.

As it usually takes some time between the signature of the contract and the beginning of production, the manufacturer can give the inventor an advance. This advance means that you receive nothing until the manufacturer has made profits totaling the sum paid for your rights plus the amount of the advance. In other word, if you get \$5000 when you sign over your production rights, you will receive another amount only when sales have generated more than \$5000 in royalties. However, if the experience fails, you will not have to reimburse the advance. There is no predetermined fixed advance. During negotiations, the inventor will try to get the maximum amount while the manufacturer wants to invest the least...

In some contracts involving royalties, you will find a clause requiring a minimal performance on the part of the manufacturer. This means that he has to pay a minimum amount in royalties to the inventor each year, notwithstanding the amount of sales. This clause is favourable since it forces the manufacturer to put the product on the market in as little time as possible and to advertise it.

After he has signed the contract based on royalties, the inventor can start dreaming of sales and profits and becoming a millionaire. Most inventors would rather license their product than sell their rights because they want the royalties. They have spent months and even years of their lives on their invention. It is absolutely normal that they should believe in it once they have signed a contract...

For those who sell their rights, it is time to start working on another invention. Many inventors, like me, are very happy when working on a number of projects. Of course, some inventions become outdated and must be replaced by new products to meet the needs of our fast-paced society...

You can always invent your future by creating your own enterprise to make and distribute your products. This is a very ambitious project which involves a lot of time and money. You also need to adapt rapidly to changes in a field in which you are not too familiar. You require human qualities as much as technical abilities. You have to become a keen organiser and a wise businessman to handle your invention successfully.

Still if this is your choice, then listen carefully to the manufacturers you meet. All their comments on the method used to make your product, its design, packaging and marketing are very important. These people know what they are talking about and you will learn a lot from them. After all they have marketing experts working for them and they know exactly what the customer wants.

Anyone who opens a new business is full of enthusiasm and optimism, however less than 25% of these commercial or industrial projects survive the first year. And after two years in operation, this number decreases. Luckily some do succeed like my friend Paul Gallant who invented the 3D puzzles. His products continue to sell around the world. It takes motivation, perseverance, hard work and money to make it come true.

At one point I decided to create my own company, Hicom Novelties, with my associate Guy Cloutier to market many of my inventions. I do not pretend to have the magic formula for success but I know that I can outline a good business plan. If you are interested, there are a number of excellent references on the subject.

A market study is essential before you launch a new product. It helps you target the right customer and identify the characteristics that make him choose one product over the next. The market study will also let you know

if the consumer finds your product appealing or not and can help determine the price they are willing to pay for this product.

Keep in mind that the consumer always has the last word. People will not pay more than they think the product is worth. The price set by the inventor is usually the price the customer is willing to pay. We call it the “psychological price”. As you have seen in the previous chapters, I always had a price in mind when inventing a new product and it often became an obsession to reach this goal.

Go back to the survey to make better decisions when it comes to marketing your product. It is essential to know what potential customers think about your product. Although there are companies who will conduct these surveys for you, I always preferred to test the market myself by attending trade shows.

Use your market study to identify the advantages your product has over that of your competitors. Once you have defined the differences, start advertising your product with leaflets. Make sure it is well packaged. It is surprising to see the kind of impact a good quality package has with the public. Think of your own habits as a consumer. Are you not attracted to a product well-presented and well packaged?

Another way to introduce your product on the market is to present it at trade shows. It may cost a little more but inventions fairs are a great place to show off a new product. You can take this opportunity to conduct a market study and to analyse the public’s reaction to your product. You will also meet people who are in the manufacturing business and can get their immediate opinion on your invention. There are more and more of these inventions fairs and they attract thousands of visitors. It is to your advantage to be seen there. Plus, if your invention attracts attention and wins a prize, you can be sure of its success.

Next you have to find a place to store your product and determine how to deliver it. It is important at this point to establish costs.

There are many ways to distribute the product. You could have a sales representative who would add it to his list of products. You could also associate yourself with a distributor and do part of the work or decide on direct sales either by Internet, infomercials or even by catalogue. It all depends on your goals and your target customers. A careful study of each new product should give you a good indication on the best way to distribute your product.

It is often said that in business, you have to surround yourself with competent people if you want to be successful. This is so true and I can say that I learned from personal experience that it is foolhardy to try to do everything by yourself. Unless you are a well advised businessman, I recommend that you find a reliable partner who will manage the business and look after the accounts. You have to anticipate the operating expenses and fix a sales price on your product that will guarantee a normal profit. This may sound simple but it is a lot more complex than you can imagine.

Finally draw up a marketing plan and set deadlines. It is imperative to respect your schedule. Always, always keep a watchful eye on your business and, last but not least, make sure that the morale of the troops is constantly kept on the highest level.

The success of your business depends on it.