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May 9, 2010

Patents Aim to Protect an Innovator's Ideas

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Among business assets that fall into the category of intellectual property are the ideas and concepts that lead to the invention of new designs, devices and methods of doing something. If the idea is likely to lead to a commercially marketable product, an inventor should consider protecting it with a patent.

Inventors and innovators can take some steps to decide if patent protection is warranted, but specific legal advice from a qualified attorney or legal expert is essential when applying for a patent.

Is it an exclusive idea?

The U.S. Patent and Trademark Office grants patents to the creators of new, useful and unobvious apparatuses and methods (utility patents) and new and unobvious ornamental designs (design patents). Examples of utility patents include those on the laser, the transdermal nicotine patch and the software cryptographic method known as public key encryption. Examples of design patents are those on many models of basketball shoes and that on the Rolls Royce hood ornament.

A patent gives the inventor or creator the exclusive right to make, use and sell her invention in the United States for 20 years after the filing date for a utility patent and 14 years from the date the patent is issued for a design patent.

Before applying for a patent, entrepreneurs should search the trade literature and existing patents to see if someone else has already described the invention or something close to it. One place to do this research is The University of New Mexico Centennial Library, which can be reached by phone at (505) 277-4412. Another resource is the U.S. Patent & Trademark Office website at www.uspto.gov.

Lawyer up

Patent applications are difficult and complex documents both technically and legally. Applicants are urged to contact a patent attorney or agent to assist in filing a patent application or deciding if the idea is potentially lucrative enough to make the application worthwhile. The total cost of acquiring a utility patent will ordinarily be at least \$10,000, so only inventions likely to have

significant commercial potential should be protected. It currently takes at least three years to obtain a patent.

Since 1995, patent filers have had the option of applying for a provisional application. These aren't as formal as a utility patent application and are relatively inexpensive to file (about \$1,000 to \$3,000 with the help of an attorney). After filing a provisional application, the inventor has a year in which to find adequate funding for the rest of the project. "Patent pending" status applies during this year.

Take notes

Inventive people should keep journals in which to record notes and drawings on potentially patentable concepts. Pages with important material should be reviewed, signed and dated by two people who understand the material as a first step toward protecting and corroborating the inventor's concepts.

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