

Title:

Does Your New Product Qualify For A Patent

Word Count:

573

Summary:

If you've created something unique and something you believe to be marketable the subject of patents should be of immense interest to you. Without a patent your idea could be stolen from you. With a patent in place the concept, and its financial rewards, are yours for a minimum of 17 and a maximum of 20 years.

Does your new product qualify for a patent, however? To determine this you'll need to not only prove its uniqueness but to also make sure it's not disqualified for c...

Keywords:

patents, inventions, inventor, computers, hardware, software, business, devices, equipment

Article Body:

If you've created something unique and something you believe to be marketable the subject of patents should be of immense interest to you. Without a patent your idea could be stolen from you. With a patent in place the concept, and its financial rewards, are yours for a minimum of 17 and a maximum of 20 years.

Does your new product qualify for a patent, however? To determine this you'll need to not only prove its uniqueness but to also make sure it's not disqualified for category.

In the United States, for example, the issuing federal agency is the U.S. Patent and Trademark Office. This agency offers utility patents, the most common form of patent, on brand new designs that can prove usefulness. They can even patent new varieties of foliage such as plants.

What cannot be patented, however, are new pharmaceuticals that are determined to be unsafe, nuclear weapons, phenomena theoretical in nature, inventions that aren't operable, non-operational changes such as aesthetic improvements, inventions whose primary purpose would be seen as illegal, and those considered by the patent office as "whimsical," i.e., serving no serious purpose. As of this writing the patent office also refuses "immoral" patents, but a change is

in the offing that will eliminate this category from patent refusal.

One of the criteria used by the US PTO to determine uniqueness and thus eligibility for a patent is whether someone who is considered an expert in the field in which you're introducing a new product would consider the product not only useful but also unique. You will, therefore, delay your application for a patent until you've determined that the answer to this is yes. You'll want to provide the PTO with the name or names of experts who have attested to the usefulness and unique nature of your creation.

This is where you must be careful. Sharing your idea prior to its patent could result in its theft if you don't take precautions. Besides carefully studying the credibility and ethics of those from whom you seek a professional opinion of your new idea or product, you'll also want to carefully document your step-by-step creation - from original concept to completion.

Purchase a notebook. It doesn't need to be anything fancy - just a diary sort of concept that notes each and every move made and every idea generated that helped to bring your concept and product to fruition. While in this day and age you're probably more prone to use a word processing system to do so (and that's a great idea for backup since you can not only keep it on your hard drive but save it to CD, DVD or disk) you'll first want to record these steps, in your own handwriting, in your notebook. Make sure you date each step as well.

The process for earning a patent from initial application averages two years. However, while that process is pending you will still have proof that you're the inventor by showing the PTO documentation of application number and official date of filing. If applying online, you'll have this information in minutes. If you apply by mail, the documentation should arrive within eight weeks.

Once you've received your patent, you'll have protected your new product or idea from infringement. What this means is that were anyone to try to claim it as their own, or to duplicate it and use or sell that duplication, you could sue for damages.