



Protect Your Big Idea

“Put all your eggs in one basket,” said Mark Twain. “Then watch that basket.”

Engineering new and creative designs for products or technology is hard enough. But just being “better” isn’t sufficient: Your innovation has to actually work in production. Then it has to sell, ship and — most importantly — bring home some bacon.

To complete this process of converting your original idea into actual value, you must protect it. Piracy is big business from the Indian Ocean to New York databases, and if your idea is worth something, consider it a target.

The greatest innovation in the world won’t contribute to your bottom line unless you can keep it from those who would steal it.

Physical security and virtual fortresses can only go so far. When your new subassembly rolls off the line, a competitor (one you never heard of, possibly) may show it to his gearheads, who’ll reverse engineer it with glee. Then your new competitor will make it, or something close — and sell it at half your price.

A patent is a legal instrument that grants a company a monopoly, for a given length of time, on its product or technology. It’s also been called a “license to sue” — which it is. Establishing and defending patent rights is central to a company’s ability to generate value from new ideas.

Expertise, Due Diligence, Patience

It's not required, but an innovator is well advised to engage a patent attorney early in the process. A seasoned guide who can research, write and show the way over this specialized terrain is a strong asset.

Be sure no one has already executed your great idea. You'll avoid infringing on their patent, and you can modify your own design to make it unique. The U.S. Patent and Trademark Office maintains a Web site that makes searching easy, but for a few hundred dollars a patent lawyer can execute a better-structured search, with more detailed and comprehensive results.

If your idea is complex, an effective patent application can take months to write. You and your advisers must explain all your ideas clearly and cover the foreseeable applications of your innovation.

China, Again

One big problem, of course, is China. When it comes to patents and piracy, taming the wild east has proven to be a tough job. Illegal knock-offs of apparel and DVDs are highly visible — just take a walk down New York's Canal Street, or your city's version of it — but all kinds of manufactures and processes are vulnerable.

China's planned entry into the World Trade Organization in 2007 is predicated, among other things, on the country's ability to crack down on intellectual-property theft. No one expects perfect compliance, but trade penalties with teeth have been effective in drying up the wellsprings of patent violations elsewhere.