

How to protect your brilliant idea



(NC) A brilliant idea can strike at any time, like a new invention, a catchy slogan, or the perfect love song. Protecting your brilliant idea, however, can be a complex process.

“There are three main categories of intellectual assets,” says Ray Leclair, vice president of public affairs at LAWPRO[®], the provider of professional liability insurance for lawyers in Ontario, and TitlePLUS[®] title

insurance for home owners and lenders across Canada. “How an idea is protected depends on its nature – whether it’s eligible for a patent, trademark or copyright.”

A new invention for example (perhaps a device or a drug) may be eligible for patent protection, which basically grants exclusive rights to produce or sell your invention for a specified period of time. Patents essentially confer a reward for the time, effort and potential investment it may take to develop something original, or improve upon existing products or processes. Obtaining a patent can be a complicated and highly technical process, but a lawyer and/or patent agent can help you navigate the application and filing system.

A lawyer can also help you determine if a proposed trademark can be registered, and assist you with the registration process. A trademark can be distinctive words, logos, symbols or devices used to distinguish one provider’s goods and services from those of another. While a trademark can exist whether or not it is registered, registration offers more formal protection of your product, brand or organization.

Similarly, copyright protection exists without registration or doing anything to establish ownership, but registration provides proof of that ownership in the case of a dispute. Copyrights usually apply to expressions of ideas and artistic works such as music, literature and visual and dramatic arts.

It’s important to remember that legislation varies across the different types of intellectual assets, and that each protects a “bundle of rights” that is not necessarily complete, exclusive or permanent.

“Think about why you want to protect your brilliant idea – how and why it’s valuable to you – and then speak with a lawyer,” advises Leclair. “A lawyer can walk you through the process of registering your intellectual asset, and also provide insight and advice on how to enforce your rights if someone infringes upon them.”

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