

Patents and Trademarks

The most important thing to know first is that you can perform a tremendous amount of work yourself for free without needing to involve an expensive patent attorney or any other service organization. Also, be aware that getting a patent is not simple. Instead it is a time-consuming, iterative and expensive process and you will want to be as certain as possible that your invention has the major characteristics of patentability before embarking on a formal application.

If you are considering filing for a trademark or patent, the best place to start is www.uspto.gov. If you accidentally type in www.uspto.com, you will be taken to a bunch of hyperlinks to organizations that promote their services for a price. Most of the capabilities offered there can be done for free at www.uspto.gov, the official site of the U.S. Patent and Trademark Office. If you do see something at www.uspto.com that interests you, tread carefully and NEVER reveal your idea on-line even if the website you visit has a Confidentiality Agreement of Non-Disclosure Agreement for you to fill out.

If you want to protect a trademark, go to <http://www.uspto.gov/trademarks/basics/>, read all the content and listen to the entire video. If you want to quickly determine if your trademark is already taken, just click on “Trademark Search” on the left of the screen and select the search option that is best for you. You probably want to start with the simplest “Basic Word Mark Search (New User)”.

Type in your proposed trademark and view the search results. Let’s try “hyperion”. You will immediately see a long list of trademarks using just “hyperion” and additional trademarks using “hyperion” and another word or phrase. Also notice that several of the trademarks are listed as Dead. Try going to each of those first to see if the Dead trademark covers the area of interest to you. If so, the trademark is available for that specific area and you may file for trademark protection in your specific area of interest. If none of those Dead trademarks cover the area of interest to you, review all of the Live trademarks and see if any one of them covers your area of specific interest. If not, you can file for trademark protection.

If you’re interested in filing a patent, start at <http://www.uspto.gov/patents/index.jsp> or <http://www.uspto.gov/patents/process/search/index.jsp> if you want to do a search immediately. However, your time will be better spent moving through the several links provided on the right side of the page. Once you have read all of the content, you will be in an excellent position to start doing a patent search to see if your specific invention is already covered by a patent or, more likely, what patents may have claims that are similar or identical to your own that may interfere with your ability to patent your invention using the claims you have initially selected.

In the Milwaukee area, a patent firm that has been recommended to us is Andrus, Scales, Starke and Sawall where you can ask to speak to Aaron Olejniczak at [414-271-7590](tel:414-271-7590) or Tim Newholm at [414-225-1667](tel:414-225-1667). SCORE does not specifically endorse either this or any other firm, but it is a place for you to start and have an initial conversation at no charge.