Even Albert Einstein Started out as a Patent Agent

Intellectual property is a phrase that describes some creation of your mind, or rather, intellect. It can refer to a way of doing business, like accepting thumbprints as payment rather than credit cards. This then can also refer to a specific kind of manufacturing or development that is used by a company. There was a type of intellectual property in use the first time an assembly line was used to build cars or when a new model T was constructed. In the truest definition, intellectual property can be found in any artistic creation such as a movie, song, sculpture, or book.

Once you have created a type of intellectual property, it’s time to protect it. Should you use a copyright or a patent? A copyright will offer some protection to your specific idea, but it still doesn’t stop someone from doing something very similar and signing their own name to the work. For example, a songwriter will want to copyright a particular arrangement of musical notes and lyrics so no one else steps in and makes money from the free use of his original ideas.

But let’s say that this songwriter wants to now sell CD’s with his song on it; and he also wants his song to be used in commercials and movies. How does that work? This is where the patent comes into play and where the laws and attorneys who deal in the area of intellectual property protection get very specific.

Let’s say that the songwriter has his CD with his collection of original songs on it—but now he wants other companies to pay him for the right not only to listen to the music, but to use these songs in their own particular way. The songwriter can do this by using the rights that belong to him with his intellectual property patent. A patent is a grant of ownership that says in effect, "This idea of yours is now more than just an idea or a random thought; it has now become an actual property."

As with all property such as homes, offices, or condominiums, the songwriter can now sell his song to whomever he chooses, or he can "lease" it out so that others may use it in public for a specific term of time. Just like a renter will temporarily use a living space, the song may be used for a certain time or occasion by another company. Filmmakers may pay to use songs in one movie, but while they are allowed to use it, this property may not belong to them for use in other films, unless specific arrangements have been made.

Caution is always the word of the day when you attempt to acquire a patent for your intellectual property or when you bring your idea into the public. A few years ago a man in Chicago had an idea and went to an attorney’s office, whereupon he told them the idea for which he wanted a patent.

He was swiftly turned away, having been told that his idea was not original and not eligible for a patent. That office then filed for a strikingly-similar patent, and the man suddenly lost a potential fortune as well as the creation that he had thought of first. This is a reason that you should always consult with people that are intellectual patent attorneys.

A woman who frequented the Victoria Secret retail stores wondered why they didn’t offer a certain type of bra that she and others desired. After checking around, she learned that no one offered this type of bra and so she sketched her original design, thoroughly explained its unique characteristics, and obtained an intellectual property patent for it. Only then did she approach Victoria Secret executives with her idea, but then these people said, "No thanks." They told her that the idea was not a viable business project.

You may have already guessed what happened. A few months later, this lady was walking through the stores and what did she find? One of her patented bras was proudly sitting on a display shelf and being offered for sale. Thankfully, she had taken the steps of visiting an intellectual patent attorney and had protected her idea first. If there is no settlement for this case beforehand and the dispute actually goes to court, there will be a serious uphill battle facing the company.

Her attorneys have done an excellent job and made sure that her ideas and designs were registered to her and no
one else has the right to take them for their own use, or even make a similar copy unless they have her permission. Intellectual property patents can be extremely useful because even if your idea is not marketable at this moment, there is no reason why that might not change in just a few weeks or months. With your patent no one else can claim your brilliant inspiration and vision as their own.

"Ideas are like buses," remarks Sir Richard Branson. "There's always another one coming."