

Are Your Patent Drawings Secure?

By Bernadette Marshall + NBG Drafting & Design

This article is intended to present general knowledge and not legal or technical advice. Please consult with your legal and technology advisors.

Patents are a form of commercial property allowing the owner to negotiate with potential investors while preserving their intellectual property rights. They allow the owner the best opportunity to profit from the invention by preventing others from copying it.

Efforts should be made to secure all aspects of your invention from initial idea through the patent process.

Patent drawings are an integral part of patent applications. In the United States of America, "The applicant for a patent is required to furnish a drawing of the invention where necessary for the understanding of the subject matter sought to be patented"¹

The drawings illustrate the invention, showing every feature specified in the claims. They also illustrate embodiments (which are options or variations of the invention or a particular implementation or method of carrying out the invention)

Prior to a patent been issued, NDA's (Non-Disclosure Agreements) or confidentiality agreements may be used to prevent a third party from revealing any information about your invention.

NDA's are usually not required when presenting your invention to a patent attorney or agent as you are protected by client/attorney privilege.

Additionally, it is wise practice to keep a record of all correspondence (faxes, emails, phone calls and all exchanges) between receiving parties.

Online security is a relevant concern, since much business is done over the internet. It is prudent to have updated internet security software loaded and functioning on your computer system. Software packages offer anti-virus, anti-spam, and anti-spyware. They may also include firewall protection and features to detect and remove spyware and unwanted monitoring software. Effective software may help to block worms and hackers from accessing your computer. Cost for internet security software can vary. Options like "Windows Defender" are included with windows but may need to be installed/activated.

Be particularly careful of wireless connections. Hackers use unsecured Wi-Fi hotspots to steal information and take control of accounts.

If you are sending your drawings over the internet to investors, prototype, engineering, or drafting firms, make sure that you are uploading to a secure site.

Using services outside of the USA can be challenging. In places such as Indonesia, India and Philippines, patent drawings can be found for as low as \$20.00 a sheet. Drafters may offer their services for as low as \$5.00 per hour. Please be aware of risks involved with confidentiality and information security. Other risks may involve a lack of knowledge and experience in United States Patent & Trademark Office (USPTO) patent drawing rules.

Compromising confidentiality or having to correct or completely redraft the drawings may not worth the initial savings.

Conclusion:

Steps to protect your intellectual property range from fairly inexpensive to quite costly and help to avoid much greater costs and frustration due to loss. Take every possible precaution to protect and secure your invention from initial idea through to the market place.

ENDNOTES

1. Appendix R Consolidated Patent Rules, Title 37 - Code of Federal Regulations Patents, Trademarks, and Copyrights THE DRAWINGS § 1.81 Drawings required in patent application.(a)