



MindGrove Checklists
Inventions and Ideas – Employees,
Patent Agents and Invention Promoters

Revision 2 - January 06

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Note: The MindGrove website has additional useful working and training materials on its resource pages.

| Document | | | |
|---|--------------|-----------------|------------|
| Document | | Template | Size |
| MindGrove Checklist - Inventions | | Manual 2005.dot | 145408 |
| Status | Final | Version | Format |
| Issue | 1 | 26 | A4 |
| Change History | | | |
| Author | Component | | Date |
| MnD | This version | | January 06 |
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Inventions and Ideas – risks to the organisation ...

Organisations often experience problems when trying to protect their inventions and ideas... Use this checklist to help ensure you've considered and covered, at least, these commonly occurring risks.

| The organisation may be at risk because... | We will manage these issues through these controls and countermeasures.. |
|--|--|
| <p>About employees, the organisation, inventions and intellectual property rights...</p> <ul style="list-style-type: none"> ▪ Failure to include fair and legally binding terms in employment and engagement contracts to deal with discoveries, inventions and innovation made by employees, contractors and consultants during or after their period of engagement by the organisation. ▪ Failure to provide advice and to have protocols to encourage employees, contractors and consultants to bring innovation and ideas to the attention of the organisation. ▪ Failure to provide advice, guidance and help to management and employees as to what and when they may disclose to third parties in relation to innovation, invention or ideas, including colleagues in other organisations, user groups or special interest groups, at meetings, seminars, conferences, or in any publically accessible written form. ▪ Failure to understand the differences in law between ideas, theories, inventions and innovation, and the different rights available to protect intellectual property, including patent law, copyright law, trade and service marks. <p>About Patent and Intellectual Property Protection Agents....</p> <ul style="list-style-type: none"> ▪ Failure to use available free services and sources of information about the protection of intellectual property before entering into a contract and appointing an agent. | |

| The organisation may be at risk because... | We will manage these issues through these controls and countermeasures.. |
|--|--|
| <ul style="list-style-type: none"> ▪ Failure to locate appropriately qualified, accredited and regulated agents. For example, in the UK the Chartered Institute of Patent Agents, http://www.cipa.org.uk/pages/home is the professional organisation for patent agents. ▪ Failure to identify, scope, agree and clearly map out the extent of the organisation and the agent's responsibilities. ▪ Failure to agree and sign a non-disclosure and confidentiality agreement prior to disclosing intellectual property to an agent. ▪ Failure to identify, agree and specify payment amounts and processes to cover each stage of the work of the agent, from initial concept through to completion of the intellectual property protection programme. ▪ Failure to talk to recent clients of the agent to determine their degree of satisfaction or dissatisfaction with the service. ▪ Failure to determine which countries' laws and within which countries the agent is operating successfully. ▪ Failure to conduct comprehensive searches of the marketplace and patent registers before filing for intellectual property protection. ▪ Failure to properly examine the commercial aspects of an idea before filing extensively for protection. <p>Invention Promoters...</p> <ul style="list-style-type: none"> ▪ Failure to thoroughly examine the commercial aspects of an idea internally before engaging an invention promoter. ▪ Failure to validate the data on which third party claims that the idea will be commercially successful are based. ▪ Failure to check that the services of an invention promoter extend to those countries in which you would like to exploit your invention. ▪ Failure to check the success rate of an invention promoter with other reference clients. | |

| The organisation may be at risk because... | We will manage these issues through these controls and countermeasures.. |
|--|--|
| <ul style="list-style-type: none"> ▪ Failure to check and validate the claims of an invention promoter that they have clients, or a manufacturer who would be interested in making, licensing, distributing or otherwise promoting your interests. ▪ Failure to properly assess and control the costs of invention promotion through third parties by not having a clear understanding, agreement and contract defining what will be promoted, how it will be promoted, and what costs apply to each stage of promotion. | |

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