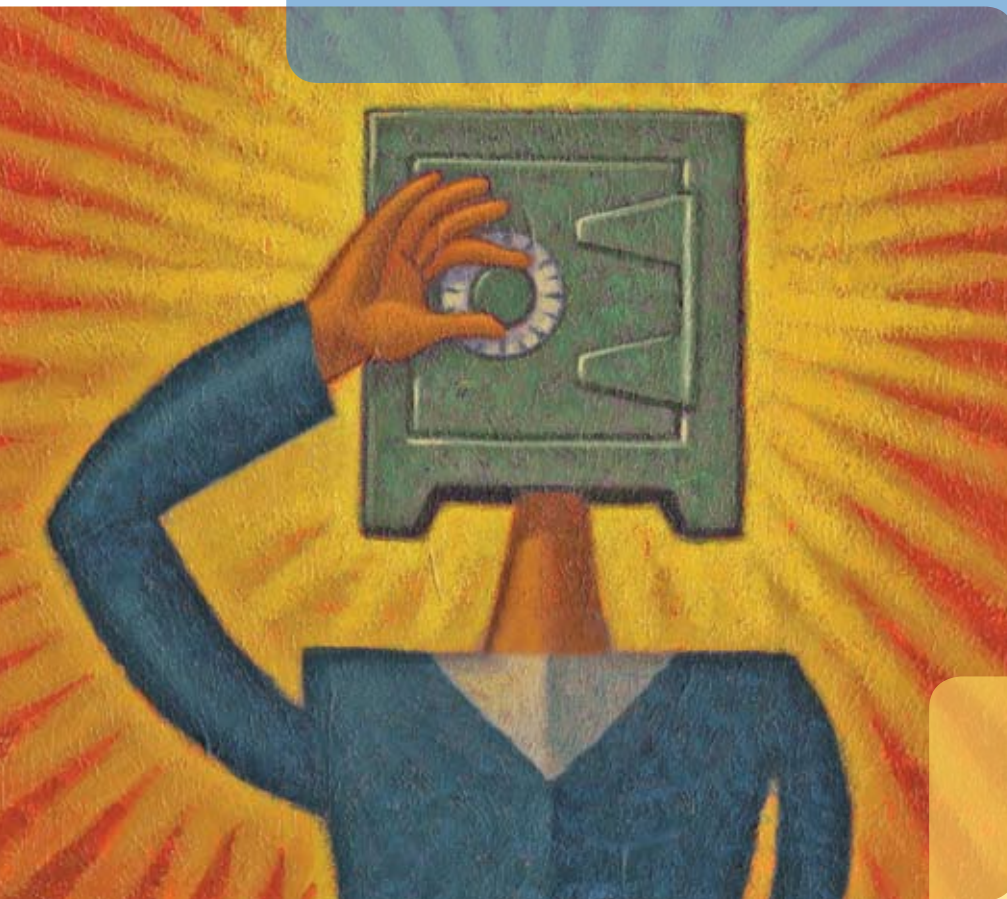




# Protect Your Great Ideas for Free!



Free Steps for  
Protecting the  
Valuable Ideas  
Generated by Every  
Business Owner,  
Entrepreneur,  
Inventor, Author,  
and Artist

J. Nevin Shaffer, Jr., Esq.

Your Plain-Speaking Attorney

*"Without the advice provided in this book, our company would never have survived. I guarantee you will learn something and have a good time while you're at it!"*

— Brad Armstrong, Recipient of "Entrepreneur of the Year" awards from Ernst & Young, Merrill Lynch, and Inc. magazine.

## Advance Praise

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*“Without the advice provided by Nevin as set forth in his book, our company would never have survived and would cease to be profitable! Nevin tells you what to do to protect your great idea and how to do it in a way anyone can understand. I guarantee you will learn something when you read his book and have a good time while you are at it!”*

—Brad Armstrong, J.D., Recipient of many awards including, Entrepreneur of the Year® sponsored by Ernst & Young, Merrill Lynch, and *Inc.* magazine.

*“Nevin has been giving great advice to our students for years. The information found in Nevin’s fast-paced, detailed, and funny book arms our graduate students with countless critical questions for the new businesses they start or join about how the businesses have protected their great ideas.”*

—Gary M. Cadenhead, Ph.D., Director of the MOOT CORP Program and a Senior Lecturer in Entrepreneurship at the McCombs School of Business at the University of Texas at Austin.

*“Having difficulty finding a patent/intellectual property attorney who speaks English? Nevin’s your man. Using examples of intellectual property that everyone knows and recognizes, Nevin lays out this complex area with spirit and fun and without the typical lawyer gibberish. Nevin’s book will give you all the information you need to protect your great idea; just don’t get him started on the glory days of Navy football.”*

—Dr. Ray Smilor, President, Foundation for Enterprise Development, La Jolla, California.

# Protect Your Great Ideas for Free!

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Every Business Owner, Entrepreneur, Inventor, Author,  
and Artist*

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*Your Plain-Speaking Attorney*



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# Introduction

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A great idea is not funny. It is as serious as a heart attack to the person who came up with it! Still, an awful lot of arcane jargon is usually employed to describe how to protect your idea, and believe me, you would rather have a root canal without gas than have to wade through the normal intellectual property information to find out what to do! So understand as we get started that this book is intended to be informative and fun. If you want to become a patent attorney or practice intellectual property law, go to law school! This book is for those who want simple instructions for complex procedures with as little legal jargon as possible! And just because I kid around here and there does not mean that I don't know how important your great idea is to you!

## **The Importance of Leverage**

Standing there in my underwear watching the rockets arch across the sky in my general direction made me very aware of the need for leverage. The Viet Cong had fired the rockets not at us, my seasoned captain assured me, but at the fuel pier somewhat farther up the Mekong River, upon which our patrol gunboat was trapped. We were held tight against the pier where we were docked by the mighty force of that rushing river, and nothing we could do at that moment was going to get us free. So we just watched and waited. Eventually the “attack” ended and I returned to my stateroom to put on some clothes. So ended my first day in Vietnam.

When clients ask me what good intellectual property protection is, I tell them it is powerful leverage, powerful enough to resist being pinned against a pier while their competitors take shots at them! This book will help you understand what types of intellectual property your great idea represents and how to use intellectual property law to protect your great idea. My objective is to give you the information necessary for you to decide what amount of leverage is best for you and what steps you must take to ensure you do not lose your great idea to a competitor. My hope is that when it comes time to fight for your great idea's life, you will have all the leverage you need to make the other guy surrender! And oh yes, you will learn how you can start protecting your great idea for free!

## **Where Have All the Patent Attorneys Gone?**

I sat alone in a humongous room in a federal building in San Antonio, Texas, taking the patent bar exam while the bored imperial proctor looked down on me from a metal desk high above. The good news was that, unlike the dental aptitude test, there was no chalk to carve, and the better news was that I passed the exam on the first try!

I have been a practicing patent attorney since 1980. A “patent attorney” is an attorney licensed in a state and also by the federal government. My bachelor of science degree from the Naval Academy qualified me to take the patent bar exam. Every patent attorney has some sort of technical degree. (The next time you meet a patent attorney, you can wow him or her by asking, “What technical degree do you have?”)

Anyway, we used to just call ourselves “patent attorneys,” but then someone had the idea that that didn’t sound too cool, so why don’t we call ourselves “intellectual property” lawyers? Now, I really like that because even though I am not too intellectual (as you can tell from reading just this far), it sure sounds neat and I think it helps get the clients in the door! Also, in addition to sounding highfalutin (as they used to say in the old days), I think it does help folks know that we do more than just patent work. The field of intellectual property law includes the three other major means by which individuals and businesses with great ideas can protect them from their competitors. Not every person or business has a patent, but if you get to the point where you are marketing your great idea, you will have trademarks, copyrights, and trade secrets. This book looks at all four of these basic forms of intellectual property, one at a time, and tells you what steps you must take to prevent your competitors from taking your great ideas!

## But I Don't Have Any Great Ideas Worth Protecting—Or Do I?

**I**n this chapter you will discover that pretty much every living person, and some dead ones, have protectable ideas! People in business, inventors, software developers—all of these people have ideas, some of them great! Don't be surprised if you see yourself in most, if not all, of the types of idea generators discussed in this chapter.

### **Everyone Has Ideas...Period!**

Are you in business? Have you ever made something to solve a problem because you couldn't find it at WAL-MART? Have you ever written a poem or drawn a picture? If you answered yes to any of these questions, you have ideas. Your ideas are the gold from your mind, your "intellectual property." Unless you are a total slug and have never done anything in your entire life, you have intellectual property. Everyone does! And chances are, some (perhaps a great deal) of your intellectual property is well worth protecting—even if you don't realize it yet (and many don't until it's too late). It's a shame that more people don't realize how easy and inexpensive it is to protect their great ideas. What you will learn in this book is what kind of intellectual property your great idea represents and the steps you can take to protect your great idea for free!

### Why Should You Protect Your Ideas Anyway?

What is the point in protecting your great idea? The simple answer is that your ideas are what make you money and/or keep you in business! The more you protect your ideas, the longer you can stay in business; and the longer you stay in business, the more valuable your ideas become! I have heard it said that we are now in the “information age,” and in this “high-tech,” Internet-connected age what is important are ideas! It’s no longer “bricks and mortar” buildings that are important but rather the new ideas a business has, and must have, to stay in business in today’s twenty-first-century global market! Well, excuse me if I pour a little water on that campfire. In my opinion, no matter what the century, *it has always been the person or business with the new idea that has set the pace!* How would you like to have cornered the market on that “wheel” invention way back when? Anyway, then and now, ideas rule. Because that is true, a prudent plan for people with ideas includes taking steps to protect a new idea as soon as possible. How sad would it be if you lost your great idea because you didn’t know how to protect it from day one? Trust me: it is a sad thing to see. I have had to give many clients over the years the bad news about how they had lost their idea to the public because of the things they did before they came to me. The even sadder part is that they could have protected their idea for free, if they had only known how.

I was going to war. Really. I was the engineering officer on the USS Gallup (Figure 1.1), and as we steamed out of port in Guam on the first leg of the long trip to Vietnam, I had the “conn.” In navy talk, this means I was the officer in charge of where the ship went. The captain had gone below, and I was in charge of the lead ship in a group of three. The Gallup set the course and the others followed. It was my first trip to Vietnam on a gunboat and we had a long way to go, but already I was nervous. *I am going to WAR* is what kept going around in my mind. Anyway, all of a sudden I was pitched forward against the window glass as the Gallup came to a screeching stop—or at least as close to a screeching stop as you can get with a ship. Being the new guy, my first thought was “Uh oh! What did I touch?” I looked around the bridge. No one said anything, and no one had a clue what had happened. In the meantime, the other two ships sailed on by, leaving us wallowing in their combined wake, their crews waving happily in response to our misfortune, whatever it was. Well, the captain called the bridge and asked in a very rude manner what was going on. I said I didn’t know. That didn’t help things much, and he suggested quite rudely that I, as engineering officer, inquire about why “his” ship had stopped moving. So I called the engine room and asked rudely (think stuff flowing downhill)



---

**Figure 1.1.** The USS Gallup (PG 85).

why we had stopped. There was a short pause, and then they said, “Doc caught a fish!” Doc was Frank Martin Ivey (Dr. Ivey—What a great name for a doctor!), the squadron medical officer and an avid fisherman. While I was fretting about going to war, he had set up his lawn chair on the fantail and gone fishing! He caught a dolphin (the fish kind), and then yelled down the hatch to the engine room, “Stop the boat! I caught a fish!” and they did! When I told him what had happened, the captain said, “Oh, well, when he gets it in, catch up to the other guys.” And I thought, now that’s power! That’s leverage! No one in the Navy ever messed with the medical officers; likewise, no one will mess with your great idea once you have done what I advise! You will have “legal leverage” after you have protected your great idea for free. Let’s start by looking at where these ideas come from.

## **The Overlooked Protectable Ideas in Every Business**

The president of a Pensacola business group asked me what I did, and I told him I was in the protection business. “What kind of protection do you provide

#### 4 Protect Your Great Ideas for Free!

for businesses?” he asked. I said, “I help businesses identify and protect their intellectual property—you know, patents, trademarks, copyrights, and trade secrets.” “Oh,” he said. “We don’t have any of that here.”

The fact is, if you are in business—even in sunny, scenic Pensacola, Florida (the paradise of the universe, as far as I am concerned!)—you *do* have intellectual property, even if you think you don’t. For example, if you sell anything—goods or services—you call the things or the services you sell *something*, don’t you? Well, the words, symbols, and slogans you use to identify and distinguish your things from all the other similar things being sold are your **trademarks**. And, surprise, your great ideas for your trademarks are valuable intellectual property! Figure 1.2 shows one familiar example of a trademark, the APPLE Computer logo.

Or have you ever had a great idea for an ad and created an original ad for the thing you are selling? Well, guess what. Original works of authorship, i.e., advertisements, software, and such, are protected by **copyrights**, and copyrights are also valuable intellectual property! Figure 1.3 shows an example of copyrighted software, offered by the MICROSOFT Company on its Web site.

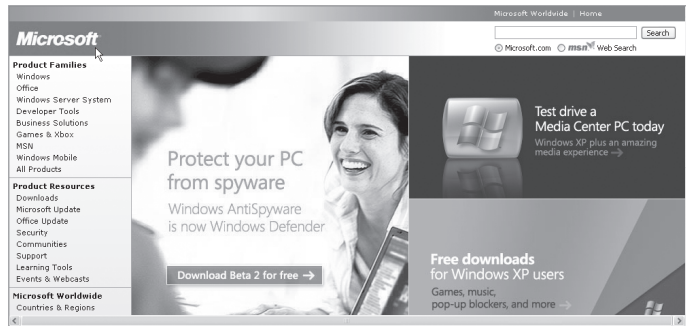
Or does your business have a list of customers or material providers or assembly tricks or great pricing strategies that only you and your employees know about? Watch out! These “secrets” may not be rocket science, but they are **trade secrets**, and (can you guess?) trade secrets constitute even more valuable intellectual property that you or your business own! Figure 1.4 illustrates two of the most famous owners of trade secrets (ingredients, in this case): COCA-COLA and KFC.

The take-home point here is, again, if you are in business, your great business ideas are valuable intellectual property. You may have overlooked your

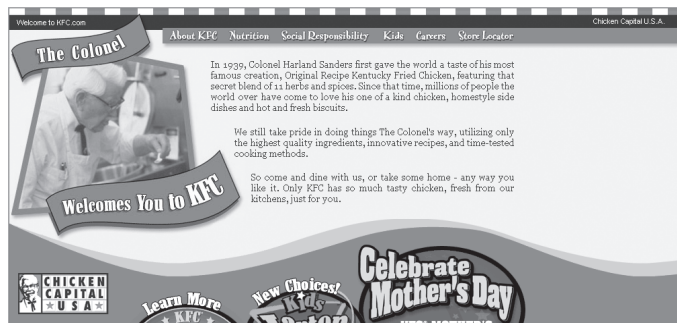


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**Figure 1.2.** The APPLE Computer logo.



**Figure 1.3.** The MICROSOFT Web site offers copyright protected software.



**Figure 1.4.** COCA-COLA and KFC are examples of companies with trade secrets.

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intellectual property up until now because you didn't know you had it. Now that you know your great ideas are valuable intellectual property, however, you will learn in Chapter 2 how to protect your business ideas so that you don't lose them.

### **Inventors Have Protectable Ideas Too!**

“Turn it off, Jack, the pig's turning blue!” These are the immortal words spoken to Jack Cover, inventor of the Taser nonlethal weapon, also called a “stun gun,” during an early test of his patented invention. The rest is history!

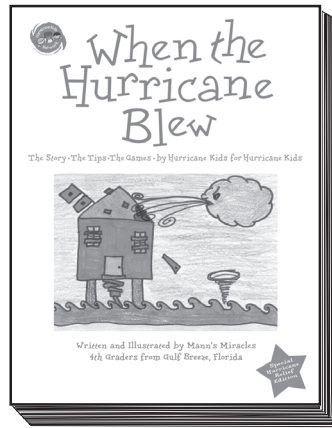
Not every inventor has a business, and not every business has inventors. Nonetheless, if you have ever faced a problem, were unable to solve it with the resources readily available to you, and then had an idea as to how to solve it yourself, you are an inventor! Even if you just put together part A from RADIO SHACK and part B from TOYS-R-US, it is still an invention and you are an inventor. So now what? Well, if your great idea for an invention is useful and new, and not just an improvement that anyone could have done to solve the problem, then your great idea is protectable by a **patent**!

A patented invention is very powerful intellectual property in its own right, but inventors also have other intellectual property. Thomas Edison kept all of his failed light bulbs because he said they represented a thousand great ideas he knew for sure would not work. Kept confidential, an inventor's failures are trade secrets that may be worth more than the final invention! Obviously, many businesses have been founded on patentable great ideas, but inventors have lots of intellectual property even without having patents.

Knowing you are an inventor is the first step! Knowing what to do to protect your great idea is the next! You will learn what inventors must do to protect their great ideas in Chapter 3.

### **What About Authors and Artists? Do They Have Protectable Ideas?**

My son's fourth-grade class wrote a book about Hurricane Ivan. Each student contributed to the short story and drew a picture about the hurricane. The book, *When the Hurricane Blew* (see Figure 1.5), is now available at BARNES & NOBLES and AMAZON.com, and my son, Nevie, has met the governor of Florida and had several book signings! The book is a big success! Since he was



**Figure 1.5.** The book, *When the Hurricane Blew*.

little, I have told Nevie that every original work of art and authorship that he creates is protectable by copyright, but I never thought he would beat me to the market with a book of his own!

Here is the point. It does not matter how old or young you are; if you have a great idea and create an original work of art or write an original software program, story, poem, song, movie, or ad, you have created valuable copyright intellectual property. You are an artist, an author, and an intellectual property owner! The question is, will you take steps to protect your great idea or not? You will learn what authors and artists must do to protect their great ideas in Chapter 4.

## **Ignorance Is Not Bliss!**

It's hot in any engine room, but it is really hot in the engine room of a ship sailing during the summer in the South China Sea. I know because I was there as the engineering officer on that patrol gunboat I mentioned earlier. The good news was that as we patrolled the Vietnamese coast, we were always running over stuff—fishing nets, lines, and things. It was good news because it gave me an excuse to tell the captain, "Strange noise in the reduction gear. I'd better check it out!" Most of the time the captain would say OK, and two of us would get to scuba-dive around for a half an hour or so, pulling stuff off and banging

## 8 Protect Your Great Ideas for Free!

on the bottom of the boat and generally having a good time, while everyone else sweated it out topside. There was usually plenty of sea life swimming with us too, including these cute little sea snakes. Now I knew that snakes were more afraid of me than I was of them, and I never gave them a thought until one day we exchanged magazines with another ship. The *National Geographic* article I read explained that the sea snakes common to the South China Sea were the deadliest snakes in the world, and the only reason people weren't killed all the time was because they have little mouths! Well, that ended my goofing off in a hurry because I knew it would be just my luck to run into some big-mouthed snake! After that I let the navy divers clean the bottom whenever we got into port, no matter how much stuff we were dragging around!

Here's the point: Ignorance is *not* bliss, because you could die from it! If you read this book, you will learn what kinds of little things can kill your great idea. You will also learn how to protect your great idea for free, and once you have taken the steps to protect your great idea, something neat happens. You have even more options on how to maximize the value of your great idea and how to end threats to your idea. Your idea won't die—it will thrive!

# Turn Your Great Ideas into Valuable Assets!

You have great ideas—whether you know it or not! If you are in business, then you have brands, trademarks, trade secrets, and more that are well worth protecting—and it's free, but you have to do it right! If you are an inventor, then you have ideas that need protecting—but you don't have to spend thousands of dollars to do so. In fact, artists, authors, journalists, songwriters, poets, Web site designers, programmers, employees, podcasters, bloggers, and just about anyone else all have great ideas to protect—and this book tells you exactly how to do it in easy-to-understand terms. In this fast-paced and humorous book, you will learn how best to use the many tools for turning your great ideas into assets such as trademarks, copyrights, patents, trade secrets, licenses, and more so that you don't lose control of your great ideas.

There are other books written by various inventors, entrepreneurs, journalists, artists etc. But protecting your great ideas must be done correctly, so you need the advice of an experienced professional, not an amateur or ivory tower lecturer. That is, you need this book written by J. Nevin Shaffer Jr.—a popular and plain-speaking intellectual property attorney who has specialized in helping everyone from individuals to Fortune 500 companies protect their great ideas—without wasting money. His whimsical style makes it a pleasure to get the vital information you need to protect your great ideas for free.

Included with the book is a personal password necessary for accessing the companion Web site, which leads you to additional resources to help you protect your great ideas. This book/Web site combination is unbeatable!

## About the Author

J. Nevin Shaffer, Jr., Esq. is a licensed intellectual property attorney with over 26 years' experience helping individuals and businesses of all sizes make the most of their great ideas. Nevin is an Eagle Scout, one of the few people who actually bought a ticket to Woodstock, and a retired Navy Commander who served in Vietnam. He has an engineering physics degree from the United States Naval Academy, has an MBA from the University of Houston, and earned his Juris Doctorate degree in law from St. Mary's School of Law in San Antonio, Texas. Nevin lives in Gulf Breeze, Florida, with his wife Norma, two children Ellen and Nevie, and two goofy cats named Tony and Chico.

*"Nevin Shaffer will give you all the information you need to protect your great ideas; just don't get him started on the glory days of Navy football!"*

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