

# 5 steps for creating an invention you can patent



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## Key Points

- Inventions are the bedrock of innovation
- Patents can be vital for protecting inventions from being copied, manufactured or used without permission and give inventors the option to sell or license them to third parties
- Products have to meet eligibility criteria (e.g. new, inventive) before being granted a patent
- The patent application process is long and can be expensive
- To help ensure success, it's essential to: do a patent search, spend some time on planning and prototype design, take documentation seriously, protect your Intellectual Property, and seek legal advice.

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While some might say that imitation is the highest form of flattery, it's undoubtedly every creative's worst nightmare. Creating an invention you can patent becomes that much more desirable as it reduces the risk of your design being copied without your permission and increases the chances of getting solid returns on the time, money, and effort you invested in developing it. The patent application process is lengthy, complicated, and expensive, but you can increase your chances of success with careful planning and research. To [patent your invention in the UK](#), your product must be:

1. New
2. Inventive
3. Something that can be made and used, a technical process or method
4. Useful and not obvious to someone working in a related industry

Depending on what your invention is and how attached you are to controlling it, getting a patent may - or may not - be your best option. In the UK, for example, you're [automatically covered by Design Right](#) as soon as you create your idea (provided each stage of your product's development is documented), and you don't have to pay a fee.

However, if your goal is to sell or license your idea to third parties, or if you want exclusive rights to how your invention is made, used, or sold, then an invention you can patent is likely to be critical. If this is the case, the following steps are crucial to ensuring success.

## Step 1: Do a patent search

Research is essential when developing any product idea, and a comprehensive patent search is the first step to creating one you can patent. This will help you identify existing products with similar

features or components to your idea. In the UK, [Espacenet Patent Search](#) is an ideal starting point to check for published applications and registered patents.

Knowing what's already out there means you can develop something unique so that your creation stands out from the competition and is eligible for a patent as per the four criteria listed above.

## Step 2: Prototype design and planning

Planning is another vital step when creating a product; [prototype design and user testing](#) are integral to this journey. Because your product's design and functionality are likely to change, evolve, and improve over time, this step will ensure you also consider future iterations and potential features associated with your design.

Before you jump the gun and submit your patent application too soon, take the time to develop the [design and user-test a prototype](#) to ensure that it works as expected.

## Step 3: Take Documentation Seriously

Documentation is essential if you pursue a patent for your invention. Keep records of all progress made during development stages, along with sketches and diagrams detailing plans for future iterations. This helps demonstrate that work has been consistently conducted and won't raise any suspicions from the examiners reviewing your patent application. In addition, it's also useful for reference should any issues arise during the development stages too!

## Step 4: Protect Any Intellectual Property (IP)

[Intellectual Property](#) (IP) such as trade secrets should always be protected: this includes processes, formulas, techniques and algorithms which would give another company access to confidential information if exposed. Ensure IP isn't shared without all parties' consent to protect any ideas from potential competitors. [Download and use our free non-disclosure agreement](#) template for an added security layer to keep your product ideas safe.



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## Step 5: Consider Legal Advice Before Applying For A Patent

A patent is a legal document, so before applying, it's worth [getting the advice of a patent attorney](#) or intellectual property lawyer. They can explain the likelihood of your invention receiving patent protection before you invest too much of your time and money. In addition, they can help you submit a detailed application to ensure your chances of a successful patent grant – or even craft an application that gives you a more valuable patent!

### To patent, or not to patent?

Creating an invention you can [patent has its advantages and disadvantages](#). On the one hand, having a patent helps you to stop others from copying, manufacturing, selling, or importing your invention without your permission. In addition, if you're an inventor who loves developing new ideas but not getting them to market (e.g. manufacturing, sales and marketing, product launch etc.), a patent can be very lucrative: it can be sold or licenced to third parties to develop while you collect royalties and move on to creating more inventions you can patent!

On the other hand, getting a patent costs upwards of £2,000 (excluding lawyer fees) and can take up to five years. How much will the target market have changed by that time? Could your invention be made obsolete by another technology in that time? In addition, a patent application makes certain technical information publicly available – withholding it might be more effective at keeping your competitors at bay. Would the time and money spent on a patent application not have been better used on launching the original and best product on the market and trademarking it?

## Final thoughts on creating an idea you can

# patent

Creating an idea you can patent is challenging and has its drawbacks. However, even though the process is time-consuming, it's not a waste of time. All the steps listed above - market research, prototype design and planning, documentation, protecting IP and getting legal advice - come into play for more than just patent applications. The information and insights gathered could also help you with marketing and product pricing, testing and product validation, applying for compliance certification etc.

Have you received a patent for one of your inventions? Share your journey in the comments, and let us know if we need to include any steps!

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