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Protect this house: The benefits, pitfalls and costs of filing for a patent

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Patenting your invention is the best way to prevent others from copying it, allowing you to recover the costs of R&D, manufacturing and marketing. If your invention is complex, it will require such protection, but it's also important to file a patent if your product is easily reverse-engineered. However, not every invention is patentable: ideas that are artistic or do not have a direct practical use will not be considered by the patent office. Here's a primer on what to expect.

> **Whom to file with**

There are two types of business that can help you file your patent: law firms and patent agents. Law firms typically charge between \$5,000 and \$10,000, depending on the type and complexity of your invention. Patent agents may be more cost-effective, but make sure the agent has technical qualifications in the field in which you are filing. If a patent isn't filed properly, the idea isn't adequately protected.

> **Where to file**

To ensure sufficient IP protection, file for a patent in every country your product is marketed in. Canadian patents apply only in Canada. U.S. patents are generally, but not necessarily recognized and honoured in Canada so consider filing in both countries if you want Canadian and U.S. protection. In most countries, patents are awarded to the first person to file a patent application for a particular product, although the U.S. is an exception to this rule. This means you should file a patent before publicly disclosing the nature of your invention.



> **Related costs**

The first cost associated with filing a patent is a patentability search, identifying patents that are similar to yours and potential challenges from other patent holders. This usually costs between \$500 and \$1,500.

Other costs include application preparation (at least \$2,000), government filing fee (\$220-\$600) and technical drawings (\$500-\$5,000). These costs apply to filing with a patent agent in the U.S.; using a law firm to file will likely cost

more. In addition to the fees your law firm or patent agent charges, the Canadian Intellectual Property Office (CIPO) will charge you for filing with them. A full range of government fees can be found on the CIPO website.

> **Potential pitfalls**

If someone challenges your patent application or if it's rejected by the patent office, you may also need to pay prosecution fees in order to pursue your patent. These are similar to legal fees in that they can vary a great deal depending on who is representing you. However, if the objection from the other party is not refuted, you will not be able to patent your idea.

Whether you're filing through a law firm or patent agent, it is important to get the best possible advice. The patent process is very complex, and an improper filing can cost you the right to patent your invention.

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