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<b>Indices</b> <small>Data delayed at least 15 min</small>	S&P/TSX	Dow Jones	NASDAQ	TSX Venture	GOOG (USD)
	12,085.34 -93.32 (-0.77%)	13,051.78 -22.97 (-0.18%)	3,080.97 12.85 (0.42%)	1,484.17 -14.97 (-1.00%)	\$632.06 -\$3.09 (-0.49%)

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### Toolkit: Protective custody

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#### In the court of law, ideas are free, execution is priceless

There are two aspects of an invention: the first is the idea, the second is the implementation. If you suspect somebody has stolen your idea, the first thing to discover is what was actually stolen. People frequently have “great ideas,” but they also have to have concepts on how to make those ideas work, otherwise they’re no better or protected by the courts than idle thoughts.

Here’s an example: “I have an idea to control the weather. If we can make it rain in the desert, we can grow crops and feed millions.” Okay, how are you going to do that? “I don’t know.” If someone else comes up with a method to control the weather and make it rain in the desert, does that mean the idea was stolen? Almost certainly not – even if you suggested the idea to the person who figured out how to make it work. However, if you have an idea to control the weather and make it rain in the desert by doing x, y and z in a given sequence, and you told somebody about it and he then subsequently produced exactly what you had proposed, then he may well have stolen your idea.



The problem now is to prove whether the idea was really stolen. This can be costly, time consuming and close to impossible if you didn’t take the right steps to protect your idea along the way. I always advise inventors to not discuss their ideas with too many people, particularly casual friends and work colleagues. Even when brainstorming with close friends, never disclose the full details of your idea.

You should also fully document and date your idea before you enter any discussions, and you should sign a non-disclosure agreement (NDA) with any

individual or professional organization before you reveal your idea. It might also be wise to patent your idea before you disclose it. In Canada, this is done through the Canadian Intellectual Property Office. Although filing a patent requires a substantial time and cash investment, you acquire the right to prevent others from making or selling your invention without your permission.

If you have taken the above steps to protect yourself, you might be able to mount a challenge in court. Your chances of winning depend on many factors though, not the least of which being who you are suing. If it is a big company, or a person with extensive finances, be prepared for many counter allegations, delaying tactics and possibly years before the case is heard – and a huge legal bill. One alternative might be to simply make the threat of taking someone to court, and then negotiate for a licence fee or royalty on the product that results.

*Av Utukuri is the CEO/CTO at Nytric, a Canadian innovations company*

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