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## Ideas vs. Inventions

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1990 TEN article by Ed Zimmer, 734-663-8000, The Entrepreneur Network, Ann Arbor, MI.

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One of the major impediments to the success of independent inventors is a total lack of understanding of the difference between an *idea* and an *invention*

An idea is just a problem statement. An invention is a solution to that problem. Ideas aren't patentable -- only inventions are.

Assume, for example, that artificial Christmas trees didn't exist, and you've come up with the idea that an artificial Christmas tree might sell. People wouldn't have to go shopping for a new tree each year, they wouldn't have to keep it watered, or clean up fallen needles, and they wouldn't have the problems of disposing of it. And it would save trees, and relieve landfill clogging, etc., etc.

You feel this is a great idea, and you're afraid someone will steal it. So you go rushing off to a patent attorney (if you're lucky enough to miss the ubiquitous "Inventions Wanted" ads).

However, the attorney will inform you that you can't patent the *idea* of an artificial Christmas tree. You have to "reduce it to practice". What (and all) you can patent is an implementation of one, i.e., a design and construction that you work out.

So you go back and play around with different designs (in real or on paper) and finally come up with something that looks and feels pretty good to you. You rush back to the attorney, he does a patent search, and tells you it's "patentable". You tell him to go ahead, he gets a patent application filed, and you breathe a sigh of relief. Now you're "protected", and your fortune's made.

Friend -- you have a surprise coming! It's almost certain you've blown the time and money you've invested. You've let paranoia get in the way of common sense. In your fear of someone "stealing" your idea (and thereby losing you your golden opportunity), you've taken actions (and adopted a mind set) that virtually guarantees your loss of that opportunity. Yes, you've minimized some legal risk -- but at the cost of maximizing your business risk. That's a bad trade-off.

A better approach? Simply recognize the difference between an invention

and an idea -- *and quit trying to protect ideas.*

In the case of your artificial Christmas tree, it's not your idea that may be saleable (or licensable) -- it's your implementation of that idea. You need to come up with a "winning" design. Unless you're extraordinarily skilled (or lucky), you need outside input to have any chance of doing so.

How do you find that input? Simply get out and talk to potential customers about the idea -- and listen to what they have to say.

But won't people steal my idea and go develop their own? Yes, there's a risk. But there's also a risk you'll get killed driving to work tomorrow. Let's look at that risk in the harsh light of reality.

First, most people won't share your enthusiasm for your idea -- even if it's a good one. People mentally resist change -- they cling to the status quo. The overwhelming majority of people exposed to your idea will reject it out-of-hand. "It would ruin the spirit of Christmas", "I certainly wouldn't have one in my house", etc. The fact is your problem is more likely to be finding *anyone* who'll take your idea seriously enough to offer the input you need.

Second, the few people who may pick up on it and think it's a good idea are too busy to develop it themselves. There's a great deal of work required to go from an idea to a good design. They have their own priorities they're working on. Even if they think it's a promising idea, and want to be involved, why would they go charging off to do it themselves, or hire it done, when they have you chomping at the bit to do it for free? To save a 5% royalty? Get serious!

Let's look at what you lost in your first approach (of rushing off to the patent attorney), and what you gain in this approach.

In your first approach, after your attorney told you you needed a design, you went home and designed something. You probably recognized that its "realism" was important. So you played around with materials for the trunk and branches and bristles, and came up with something that looked pretty "real". And that's what you patented.

In the second approach, (hopefully) some of your contacts will talk with you. One of the first things you'll hear is, "This is a big, bulky item. How would you ship it? How would a store stock it? In fact, how would the user store it during the off-season?"

Oops! Maybe it has to be collapsible. Back to the drawing board, and you work out a design in which the branches are removable, and the user has to do a little assembly. And you may work out some methods for making the assembly a little easier and a little more fool-proof. And you may have to change some of your materials, e.g., use a springier material in your bristles so they'll pop back into shape after being crushed in the box.

Now that you've got an answer to that problem, back to your contacts. Even with a verbal description. They're not interested in how you did it -- only with the end result.

The next question you'll likely hear is, "Is it safe? Will it burn if there's an electrical short? How about a glass ornament that the sun shines through?"

Wow! If I make this thing inflammable, I've really got something! Back to the drawing board, some material changes, back to the contacts.

You get the idea. After you've cycled through your contacts (i.e., anyone who'll seriously listen), and satisfied their criticisms, or as many as you're able, that's the time you may want to talk with a patent attorney. And what do you want to talk to him about patenting? The features that provide the user benefits -- the removable branches, the springy bristles, the inflammability, etc.

Keep in mind that through this whole process, you haven't had to disclose how you did anything -- only the end result. For example, the "idea" of removable branches is not patentable. How you made them removable -- without compromising ease of assembly, sturdiness, etc., -- may be patentable.

Now which of these two approaches is more likely to result in a saleable (or licensable) product? You be the judge.

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## The Wrong Way Of Inventing

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The following is reprinted, with permission, from the May/June '90 issue of the Info/Ideas\$ newsletter published by Webco Publishing, POB 268, Stillwater, MN 55082, 612-430-1116 (6 issues per year, \$15). The article was written by Nels Jonnes, a successful Minnesota inventor and entrepreneur. It makes the same point as above from a different perspective. If that weren't convincing, maybe this will be.

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As a successful inventor with nineteen U.S. patents and two profitable companies to my credit, I must tell you that most of my life I did it wrong. This may be just another way of saying, "There's gotta be an easier way!"

I do believe now that creative, ambitious people should be discouraged from "inventing" things, and instead taught to look for problems and opportunities -- things other people want, and will pay for right now.

This will sound terribly obvious to most people -- those with common sense. But we inventors have not always been noted for having common sense.

Our American folklore is full of stories of single-minded inventors who stuck to their dream against all advice and opposition and eventually ended up with fortunes -- Chester Carlson of Xerox fame, Edison with the electric light, and many others.

It *is* possible to invent something and get rich. But it's not very likely and there are far better and easier ways to approach the matter than inventing and patenting a new product. Fewer than 2% of U.S. patents relate to profitable manufactured products -- an enormous waste of human talent and energy. I certainly wasted a lot of my time on it.

The fact is that the solution of problems, that is, the invention and creation of new products, is usually much easier than finding and identifying a good solid real problem in the first place. Many of us are marvelous problem solvers -- we're taught it in school and, with practice, become superb at solving particular kinds of problems.

Inventors, too often, may be creating inventions for which there is no market. When someone mentions a potential problem or we imagine one, our minds race to solve it and we quickly have an invention.

But did we have a real problem in the first place? This is the question which is frequently worked wrong way around -- first we create the solution to the problem -- and then we go out to see if anyone has that problem in need of our solution.

Sometimes this backward process works, but the most efficient way is to get a really good problem from a valid source, identify it clearly, and then solve the problem -- if you can.

Patenting and trademarking are details one can consider when you know, for sure, that you have a saleable idea (\$) -- despite what the patent attorneys will tell you.

Inventive technical people capable of solving the numerous problems of modern technology would be well advised to ally themselves with someone who is around the problems and the needs -- someone like a salesman or manufacturers' representative.

There really are opportunities. Almost every business has product wants which they cannot satisfy exactly from within. Try to find employment where you can associate with a technology in need of improvement.

Study the ways in which one little area could be improved. Even before inventing something, try to determine whether you could sell a solution to the problem at a profit, if you could solve it.

Sounds difficult doesn't it? It is. Most corporations are very poor at this and their failure rates are high. However, if you stick to the general concept of finding a buyer for your invention first, and inventing it second, you will

save yourself a lot of time and money.

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