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Invention Development, Licensing and Promotion - Hiring the Right Person For The Job

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So you have an idea and you want an invention promoter or marketer to "take the ball run with it" - bringing you back a lucrative licensing agreement and contract for royalties at the end of the day?

Ultimately, the value any invention service provider brings to the inventor begins with the inventor's selection of the right people for the job at hand. THAT begins with understanding specific titles, skill-sets and services being offered by these service providers.

Whether scam or real, it would appear that there is still a woefully low 'success rate' among them. The field of invention marketing and invention licensing is indeed fertile for scammers. However, before an inventor can hire a service provider, they must understand the skill sets, credentials and performance standards of the various professions before they can hire the right profession for the task.

When we think of 'doctor', 'dentist', of 'barber', we immediately understand services which that professional provides to their clients and customers. However, inventors do not all come from an engineering or product development background, so it is easy for them to become confused by fast-talking, deceptive promoters with "Official" sounding titles.

First, let's start off with a list of TITLES the inventor is most likely to be confronted with:

- (CAUTION) Invention Marketing Agent or Marketer
- (AVOID !) Invention Promoter
- (AVOID !) Invention Developer
- (OK TO USE) Product Designer / Product Engineer
- (OK TO USE) Product Developer
- (OK TO USE) Invention Licensing Agent

* Internet listings of the legitimate professionals are included at the end of this article.

Now, let's work through them so we can understand which ones identify LEGITIMATE PROFESSIONS that offer qualified value, and which titles are SUGGESTIVE of a profession.

INVENTION MARKETING AGENT OR MARKETER

AVOID: Persons sporting the INVENTION MARKETING AGENT or MARKETING AGENT title.

OK TO USE

MARKETER, MARKETING CONSULTANT, or MARKETING PROFESSIONAL:

These are professionals who research a market for a client with the goal of identifying potential market opportunities, and who develop a strategic plan to address those opportunities. Now this is **MARKETING**, not sales. However, the marketing professional may also be responsible for developing a distribution channel, setting up sales reps, establishing product price points, developing marketing materials, product packaging, advertising strategy, budgets, etc. for the client.

If marketing is what you need, hire a Marketing Professional, A.K.A:

LOOK FOR: 'Marketing Consultant'. Usually College Degree in Marketing and/or Business. To further qualify a marketer, you may want to look for members in good standing of the American Marketing Association.

The services provided by a Marketing Consultant are typically FEE BASED, not commission-based as many sales positions are. Marketing Consultants or Marketers normally do NOT offer invention licensing services.

INVENTION PROMOTER

AVOID: persons holding themselves out as INVENTION PROMOTERS

The IMPLIED services offered by invention promoters is that they will promote (or present, or submit) your invention to industry. In reality, YOU can promote your invention to industry with little time and money. "Promoting" includes little more than sending out fliers to a mailing list of manufacturers.

Manufacturers usually do not respond to offerings to licealign="CENTER"> INVENTION DEVELOPER

AVOID: Invention Developer is also an incredibly suggestive and confusing title.

Some "professionals" hold themselves out to inventors as "invention developers". They profess to be capable of handling everything from product development through invention licensing. There are simply not enough experts in all these professional areas to offer themselves as a ONE-STOP-INVENTOR-HELP-STOP. THIS is the area where the fraudulent invention promoters hang out -- since inventors unfortunately often times want the easy way out, and the one-stop-shop sounds good.

If a single individual *were* to have credentials and expertise in product engineering and design, manufacturing methods, strategic marketing AND invention licensing, then this individual *may* rightly claim such a title. In reality, the inventor should *shun individuals sporting this title* and search out professionals who are specifically expert at the various stages of "invention development".

Be caution of Invention Development FIRMS that profess to have a staff of experts in the various fields. Be mindful that if the goal of the FIRM is to collect revenue from the inventor, there will likely be internal conflicts of interest between engineer (who feels the invention is not really novel enough to warrant engineering expense) and the marketer (who doesn't want to hear anything by what a great idea it is -- because that's the premise they sold the inventor on).

OK TO USE for designing your prototype or product.A Product Design or Design Engineering Firm (or individual) is professionally schooled and trained to design and engineer a product based on certain performance, cost, function etc. parameters that the inventor would provide to them. They can also help develop functional prototypes.

Usually, Product Designers and Engineers use Computer Aided Design systems (CAD), and employ the latest in prototype methods such as Selective Laser Sintering (SLS), Stereo Lithography

(Stereolith), Computer Aided Machining centers (CAM), and other leading design and engineering technologies to create prototypes and final engineered drawings of a product idea.

If you need assistance with getting a product designed (or "developed"), hire a product designer, design engineer, or industrial designer. Usually

LOOK FOR: Degreed Engineer, Industrial Designer, they will have earned their BSME or MSME (Mechanical Engineering), Bachelors of ID (Industrial Design), or a Bachelors degree in Civil, Chemical, Materials or Industrial Engineering. Look for their credentials and Professional Trade Association Membership. They work on a FEE basis, usually by the project (budget, quote and contract), or hourly.

PRODUCT DEVELOPER

OK TO USE for designing your prototype or product.

A Product Developer is one who has attributes of Product Designer and Marketer. The Product Developer's skill set includes identification of various features that should be included on a particular product, what the product should look like to appeal to the broadest customer base, how it should be packaged and boxed for shipment and retail sale, and should understand cost tradeoffs of features verses potential loss of market appeal.

LOOK FOR: The product developed usually migrated from an Engineering or Strategic Marketing background, and will usually have a college degree in one or more of these disciplines.

Their credentials should include a list of PRODUCTS they have successfully developed and helped get to market, so ask for a biography and references.

LICENSING AGENT

A Licensing Agent is someone you HIRE to sell or license something. Think of 'Real Estate Agent' or 'Insurance Agent'. They SELL something. And since SALES is usually a commissioned occupation, one immediately assumes that Invention Licensing Agents should also be commissioned -- NO LICENSE -- > NO MONEY.

When you hire a licensing agent, you expect that agent to SELL or LICENSE your invention, and to use due diligence in preparing and personally presenting your invention to qualified potential licensees.

Do they Work On Commission?

Because of the unfortunate scamming by pre-paid fraudulent invention promoters, I have seen a knee-jerk reaction by many who automatically tell inventors: "Don't Pay Any Up Front Fees" - make them work for a commission on the royalties. The theory is that if an invention licensing agent does not require the inventor to pay advance fees, then they are NOT scammers. NOT SO!

By the same token, don't assume that one who DOES charge fees in advance is legitimate. That's no more true then assuming the no-advanced fee agent is a scam.

You MUST do your homework in investigating which licensing agent is legitimate, and which one will properly perform the task you contract them to do.

LOOK FOR: I am 99% AGAINST automatically hiring a commissioned-based (also known as PERFORMANCE-BASED) licensing agent on the assumption they must be legitimate, and here's why.

a) licensing agent thinks they will only get the business as long as they advertise "performance-based" payment, so licensing agent scours the inventor hang-outs (Internet forums, invention organizations, etc.) to pick up new clients.

b) licensing agent tries promoting MANY inventions across a wide field of product types, technologies, industries, but they have few real contacts in companies in those industries -- so many inventions get VERY LITTLE ATTENTION. Yet, as in ANY sales profession, they have to "play the percentages", so they invariably have to have a LOT of inventions in their bag, just in case a hot licensee comes along.

c) licensing agents - especially those in the first few years of 'business', have to work from their personal savings since even when the mood and stars line up correctly, it can take a loooong time to close a REAL deal -- and even then, if their payment is based on a %-age of royalties, they may not receive income for more than a year. (Can YOU work for a whole year without an income?)

d) as a percentage, invention licensing agents end up actually closing very few licensing deals -- they are stretched too thin financially because of payment 'on the come', and they will naturally gravitate to the easiest licensing deal, letting the other inventions fall by the wayside.

So, it is MY opinion that if an inventor needs a licensing agent to HELP get their invention licensed, that they do the following:

- 1) have a third party invention assessment completed to determine whether you REALLY have a lice
- 2) seek out and HIRE FOR MONEY a licensing agent with specific expertise in the particular industry or product field of you invention. And get NO LESS THAN SIX inventor references for whom they have obtained satisfactory licensing deals.
- 3) under a Licensing Contract, include PERFORMANCE clauses, along with a TERMINATION PERIOD. Be prepared to sign an agreement that gives the licensing agent exclusivity for a period of time, and allows them to reap the benefits of having one of their contacts who may want to license directly with you after the license agreement terminates.

I am still a firm believer in the axiom "You Get What You Pay For". Too many inventors' ideas simply fizzle out because they try to find the 'cheapies', 'freebies', or 'work for a piece of the action' professional service providers.

(BTW: If any inventor knows of a licensing agent that fits the FEE-based, high success rate criteria above, please let me know of them. If you DON'T know of any licensing agents with a proven, 'able to get references' high success rate, maybe you are still looking for the freebies.)

Regarding 'licensing agents': I remain a little dubious of their performance as a whole as I have gone round-n-round with them regarding a Standards of Ethics and Standard of Performance -- I am not totally satisfied with the current level of performance and accountability. Quite possibly, Inventor Service professionals have a ways to go in order to develop that clear understanding in the inventor's mind of "what they do". Until that day, inventors must rely on qualifying the service provider using the Checklists and recommendations of these quality organizations:

NOTE TO PATENT PROFESSIONALS:

IT IS MY OPINION that if more inventor advocates and patent professionals would begin telling inventors to seek out PROVEN licensing agents, and PAY THEM for professional services, more invention licensing agents would begin to get serious about producing results for a smaller group of clients - and the success rates would go up.

"Caveat Inventor" (let the inventor beware). Keep a sharp mind and unclouded vision in order to succeed.