

Protect Yourself Against Invention Promotion Scams

Do you have a great idea for a new product? Are you looking for a company to assist you with obtaining a patent or marketing your invention? This resource provides information to assist independent inventors on how to protect themselves against improper and deceptive invention promotions.

Every year independent inventors pay thousands of dollars to unscrupulous invention promotion firms. These firms make false claims about market potential and exaggerate promises to obtain valuable patents but ultimately provide little or nothing for their fees.



Invention Promotion Scam Warning Signs

- 1. Ads on radio, television, internet, newspapers, and magazines offering a free inventor's kit or free preliminary review of your invention.** These ads target independent inventors with offers of free information to lure you into contacting the invention promotion firm.
- 2. Salespersons telling you their firm needs to complete a market evaluation of your idea, which may cost several hundreds of dollars.** Actual research may not be completed, yet the firm may produce a falsely positive evaluation of the idea in an effort to sell other services to the inventor.
- 3. Refusal to respond to your questions in writing signed by a company official.** Legitimate companies will provide the answers in writing. Do not accept verbal promises, assurances, or representations.
- 4. You are told to describe your idea in writing, mail it to yourself, and not to open the envelope.** This is worthless advice.
- 5. You are only promised a patent search but no follow-on opinion of patentability is provided.** This should be provided to you.
- 6. You are guaranteed to get a patent or your money back.** No one can guarantee issuance of a patent.
- 7. You are advised to apply for a design patent.** A design patent covers the ornamental appearance of an article and not the operation of the article; therefore, this type of patent may have limited applicability to most inventions.
- 8. You cannot reach salespeople or company officials without leaving many messages.** Maybe there is no real office location or company.
- 9. You are told that your idea is guaranteed to be commercially successful.** Probably every client of this company is told that. Be skeptical.
- 10. Refusal to provide client references.** Get at least five names to contact and beware of contacts that have been hired to provide a favorable reference.
- 11. Copies of forms and agreements.** Have an attorney review any forms or agreements before signing them.

UNITED STATES
PATENT AND TRADEMARK OFFICE

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Required Information Disclosure from Invention Promoters and Promotion Firms

By law (35 U.S.C. § 297), before an invention promoter or promotion firm can enter into a contract with you, it must disclose to you in writing the following information about its past business practices:



1. **The total number of inventions evaluated** by the invention promoter for commercial potential in the past five years, the number of those inventions that received positive evaluations, and the number of those inventions that received negative evaluations.
2. **The total number of customers** who have contracted with the invention promoter in the past five years, excluding those who have purchased trade show services, research, advertising, or other non-marketing services from the invention promoter, or who have defaulted in their payment to the invention promoter.
3. The total number of customers known by the invention promoter to have received a **net financial profit** as a direct result of the invention promotion services provided by the invention promoter.
4. The total number of customers known by the invention promoter to have **received license agreements** for their inventions as a direct result of the invention promotion services provided by the invention promoter.
5. **The names and addresses** of all previous invention promotion companies with which the invention promoter or its officers have collectively or individually been affiliated in the previous 10 years.

Check the Invention Promoter or Promotion Firm's Reputation Before Committing

1. Visit the Federal Trade Commission (FTC) website (www.ftc.gov/search/site) to conduct a search to see if the company has been investigated or fined by the FTC. Type in the word "invention" in the search box to conduct the search.
2. Look for complaints listed on the United States Patent Office (USPTO) Published Complaints web page: www.uspto.gov/patents-getting-started/using-legal-services/scam-prevention/published-complaints/published.
3. Consult the Better Business Bureau.
4. Consult the Chamber of Commerce in your area.
5. If you have hired a patent attorney or agent, asked them about the invention promoter or promotion firm.

Registering a Complaint Against an Invention Promoter or Promotion Firm

To register a complaint, visit the USPTO's Scam Prevention web page at www.uspto.gov/patents-getting-started/using-legal-services/scam-prevention.

While the USPTO does not investigate complaints or participate in any legal proceedings against invention promoters/promotion firms, the USPTO will:

1. Accept complaints filed against invention promoters or promotion firms.
2. Forward these complaints to the invention promoters or promotion firms for response.
3. Make the complaints and responses publicly available.

Contact Us

For more information about scam prevention, contact the USPTO Office of Innovation Development at innovationdevelopment@uspto.gov or 1-866-767-3848.

