

# Starter Kit

Four essential tools to start  
developing and protecting  
your idea



**DARCELL WALKER, J.D.**

Do you have an idea for a new product or service but are unsure what steps to take to turn the concept into a commercial product? This resource provides information to persons who have ideas for commercial products and want to know additional actions to take to develop and commercialize the product. Included in this resource is an inventor memorandum form. This form provides questions that will help the inventor better analyze how the invention will work, other potentially competitive products, and the market the product will impact.

During the development of an idea, an inventor may need the assistance of others. As part of that process, the inventor will need to discuss their idea with anyone who may assist them. Included in this kit is a sample non-disclosure agreement (NDA) that covers an initial meeting between an inventor and a person or entity that may assist the inventor in developing the product(s) based on the invention. In addition, this NDA can provide guidelines for what issues one needs to include in an agreement to protect the inventor's creation.

Some inventors are hesitant to pursue their ideas because they do not know the steps in the product development process. This resource contains a flow diagram that explains the six steps in the product development and commercialization process. Each step includes an explanation of its purpose and the actions that occur during that step. The flow diagram gives an inventor or creator an idea of the activities that arise during this process, the stage in which the activity may occur, and the sequence of activities and actions involved in this process.

Many different inventors, authors, and entrepreneurs struggle to understand how to protect their idea or other creative work. They are not sure if they need a patent, copyright, or trademark to protect their work. Different ideas require different forms of protection. In addition, choosing the wrong form of protection for an idea can result in a loss of resources and no protection. An intellectual property chart illustrates patent, copyright, trademark, and trade secret protection and the types of ideas protection under each.

This resource will give the reader a better understanding of how the idea development process works and the initial steps to take to initiate this process.

## First Things First

With this journey of developing your idea and turning it into a commercial product, there are some initial actions to take. These actions do not require you to spend any money. However, they will require your time.

1. **Document your idea** – write down anything and everything about your idea

Describe its purpose

Describe its components and how it works

Describe the ideal user

Describe all of the actions you have done to date

These items are just some of the information you can journal about the idea. This exercise helps you think through the idea, better understand the idea and identify issues to address.

2. **Keep your idea confidential**

People get excited when they have a new and naturally want to share their excitement. However, before you share you with someone, know who they are and why you are sharing this idea with them. If the person is not going to assist you in the development of the idea, you may want to reconsider sharing the idea with them.

3. **Determine the actions you can perform and the actions you will need assistance to perform.**

Developing an idea is a process. Several actions will be necessary. Some actions you can do and others will require some assistance. Every idea is different and some of the actions will vary. It is important to identify actions you may need assistance to perform.

## Idea Memorandum Form

This form provides questions to help an inventor examine and explain the structure, function, and application of the invention. The invention structure refers to the components that comprise the invention and how they connect to form the physical invention. The function refers to how the connected components work together to perform the tasks of the invention. If the invention is a method or series of steps, the questions focus on each step, the function the step performs and how that specific functions fits into the larger process. The application of the invention relates to the types of tasks one would use the invention to perform and accomplish. Depending on the development point, an inventor may not have sufficient information to answer a question adequately. In those instances, the question raises an issue the inventor should consider.

1. Background: What is the problem solved by your invention? Describe known solutions to this problem (if any). What are the drawbacks of such known solutions, or why is an additional solution required? Cite any relevant technical documents or references.

2. Summary of Invention: Briefly describe the core idea of your. Describe the advantage (s) of using your invention instead of the known solutions described above.

3. Description: Describe how your invention works, and how it could be implemented, using text, diagrams and flow charts as appropriate.

4. What are the significant markets where the invention is likely to have impact? (i.e. demographic, geographic, industry)

5. Have you performed an online product search to determine if there are similar products currently being sold?

6. Have you ever disclosed your invention to anyone, or do you plan to do so in the future?

**Yes / No**

If Yes, whether the disclosure was (or will be) made, how made (or to be made), and whether or not there was (or is) a confidential disclosure agreement (CDA) in place covering the disclosure?

# Non-Disclosure Agreement

THIS AGREEMENT is between \_\_\_\_\_, whose mailing address is \_\_\_\_\_  
\_\_\_\_\_, herein referred as “Discloser” and, \_\_\_\_\_ whose address is \_\_\_\_\_  
\_\_\_\_\_ herein referred to “Recipient”.

The parties to this Agreement plan to meet to discuss Recipient’s interest in assisting Discloser in developing a prototype of Discloser’s protected product concept. During this meeting to be held on or about (Date of meeting), Discloser plans to disclose information to Recipient that is considered to be confidential and proprietary to Discloser (hereafter referred to Confidential Information). Therefore, to allow for Discloser’s complete openness with Recipient, Recipient agrees not to disclose the Confidential Information to others or use the Confidential Information for any purpose other than for the benefit of the Discloser. In addition, Recipient agrees to keep confidential any past information received from Discloser concerning the subject matter to be discussed in this meeting. Recipient may disclose this Confidential Information to other parties if necessary for the sole purpose of determining whether any additional party can assist Recipient and Discloser. Recipient agrees to inform any party(s), to which Recipient discloses the Confidential Information, of the confidential nature of the information and to secure the agreement of any other party(s) to abide by the confidentiality and use restrictions terms of this agreement.

Of course, it is not the intention that Recipient’s confidentiality obligations extend to information which Recipient possessed prior to its receipt of the Confidential Information or to information which is already in the public domain or which enters the public domain without breach of this confidential obligation to Discloser or to information which Recipient acquires from another party who has no obligation to keep this information confidential.

Please be aware that Discloser does not wish to have Recipient reveal to Discloser any information which Recipient regards as proprietary. Discloser will assume that any information Recipient discloses to Discloser is free of proprietary and confidentiality restrictions. The signature of the Recipient below indicates that Recipient understands its obligations on disclosing to and using the Confidential Information on behalf of others.

## DISCLOSER PARTY

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## RECIPIENT PARTY

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

This type of non-disclosure agreement covers an initial meeting between two entities. Typically, before entities form a long-term relationship, there is a determination of whether the entities are interested in doing business with each other. An initial meeting usually occurs to facilitate this determination. In that meeting, entities may exchange confidential and proprietary information. The agreement shown above covers these types of initial information exchanges. Following any discussion, it is also a good practice to summarize the information exchanged during the session. The entities participating in the information exchange will then review and agree to the summarization. This approach ensures all participants are clear about each entity's information received and disclosed during this initial meeting. If, after the initial meeting, the entities decide to pursue a long-term relationship, they will execute a more formal agreement that will contain terms covering the confidentiality of any existing and future information exchanges between the entities. If after the initial meeting, the parties conclude that there is not a match and decide not to move forward working together, this initial agreement will serve to protect the transfer of information during that initial meeting.

# Product Development and Commercialization Process

## Idea Perception

This step is the first action in this process. This step is where the light comes on and one recognizes an idea that will address an existing need. A key to successful product commercialization is to identify product solutions that improve efficiency and reduce costs. In this step, the invention will determine idea concept (how the idea will work to solve or address a problem or issue).



## Idea Perfection

Once there is a concept for a product, the next step is to develop a specific way to implement the concept. This action will involve creating a design for the product idea. The inventor will determine how a product based on the idea will function. The inventor will identify the different components of the product or the different steps of a process idea will function. In this step, the inventor may build a prototype (model) of the product and test it to ensure the product works as designed.



## Idea Protection

A vital step in this product development process is the protection of the idea. It is important to properly and adequately protect the product concepts, designs and design variations from others who may want to compete with you in the market place or may want to use your ideas without your permission. Different forms of protection are available, but the appropriate form of protection will depend on the type of idea one has. The basic forms of protection include prudent business practices and trade secret protection. Formal forms of protection include patent, copyright and trademark protection. This process of protecting an idea can begin during the idea perfection stage. In order to protect an idea with a patent, it is necessary to describe at least one general way to implement the idea.



These first three steps comprise the development phase of the product development and commercialization process. These steps are less familiar to people but need to be performed before going into the commercialization phase of the process. For persons who have ideas, but are not interested in starting a business to commercialize the idea and just want to license or sell it to a company or investor for them to develop, the commercialization steps are not essential. The commercialization steps are more commonly known by people and many people already have knowledge about them and the actions that occur during them. However, the remainder of this flow diagram will go into the details of these steps.





### **Idea Production**

In this step, an inventor addresses issues related to how to produce/manufacture the product. For persons with method ideas, your task is to determine how to implement the idea. Do you want to take these steps and turn them into some form of automated process or do you want to start a service business where you perform these steps for a client. Regarding product manufacturing, one issue may be whether to manufacture in the United States or in another country. Depending on the product, one may need to decide whether to use one manufacturer or have multiple manufacturers. Another issue will be the amount of time required to make the product. Manufacturing cycles are critical. For manufacturing abroad, the cycle will be longer. One has to weigh this longer production time against cost savings for international manufacturing against the probable higher costs but smaller production time for domestic production.



### **Idea Promotion**

Product marketing in many cases is the most important component of commercial success for a product. Marketing is the process of letting consumers know about your product and how to get it. In today's marketing a website will be very beneficial to introduce your product to potential buyers and users. A social media presence is another important tool to use to inform consumers and to communicate with them. In addition to these approaches, there are other longstanding and established methods for marketing your product to the public. Regardless of the approach, one needs to have a marketing and production strategy for their product or service.



### **Idea Distribution**

In this step, the inventor addresses the issue of getting the product to the consumers. This step can work with the idea production step in many cases. The inventor needs to decide whether the manufacturer will also be the distributor of the product. Will the product be sold whole sale or retail? Will sales be only at stores or will there be online sales as well. The inventor also should decide how much involvement they want to have in this process. Will there be one entity to make the product and a different entity to sell and distribute it? Will the inventor just manage the two entities? As mentioned, some inventors want to be involved in the day to day activities of the product. Other inventors want to have someone else manage the entire commercialization process.

## **Types of Intellectual Property**

<b>Form of Protection</b>	<b>Subject Matter</b>	<b>Area of Protection</b>	<b>Examples</b>
<b>COPYRIGHTS</b>	<b>Creative works and literary works</b>	<b>Copyrights protect expressions of ideas, images, and artistic creations</b>	<b>Books, poems, movies, brochures, paintings, photographs, WebPages, technical papers, scientific and research papers</b>
<b>TRADEMARKS</b>	<b>Words, symbols slogans, acronyms that communicate the source of a product</b>	<b>Trademarks protect the goodwill and reputation built into a brand name or product identity; Protects the use of words, symbols, slogans and acronyms associated with a product</b>	<b>Nike, the Nike swoosh, the slogan 'Just Do It' Tide, Crest, Starbucks coffee, Burger King, Who Wants to be a Millionaire</b>
<b>PATENTS</b>	<b>Inventions and discoveries</b>	<b>Patents protect a very broad area of inventions and includes: electrical and mechanical devices, computer related products, methods and processes for performing tasks electrically or mechanically, chemical compositions and chemical processes and biomedical technologies</b>	<b>Oilfield or automotive products; electronic communication products and networks; signal processing methods, motor oil additive packages and pharmaceutical products</b>
<b>TRADE SECRETS</b>	<b>Secrets - Information intentionally kept out of the public domain</b>	<b>Trade Secrets protect various types of internal company information: Company proprietary information; Information that can give a company a competitive advantage</b>	<b>Internal product manufacturing processes; factory facility design; research data and results; developed technology and product designs prior to publication and/or commercialization; client lists; business strategies</b>

# Start Pursuing Your Passion Today!



“Start Pursuing Your Passion Today” is an instructional workbook and resource that explains and guides an individual through the various phases of the product development process. The workbook section has an exercise containing over 30 questions related to the reader’s idea. The questions help the reader more thoroughly evaluate their idea and identify issues that need to be addressed in the development of your idea. The reader uses these answers to help formulate a plan for the development of the idea. The questions help:

- 1) identify various products based on the idea;
- 2) identify advantages of products based on the idea;
- 3) determine best way(s) to protect the idea (patents, copyrights, trademarks, contracts);
- 4) determine strategies for commercializing products (i.e. licensing) and presenting the idea to companies and investors;
- 5) identifying areas in the process where assistance from others is necessary.

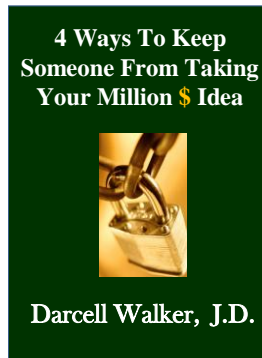
The information from this exercise will enable the reader to develop action plans for each step of the product development process. “Start Pursuing Your Passion Today” also has a reference section that provides additional written materials that further explain each of the five development steps. This product provides detailed information and discussion about patent, copyright, trademark and trade secret protection. Also included is a section on presenting an idea to a company or investor. Start developing a plan to turn your dream idea into reality.

**Total cost for a PDF version: \$30.00**

**Total cost for a hardcopy notebook version: \$50.00**

Visit: <https://darcellwalker.com/product/start-pursuing-your-passion-today/> to order this product

# 4 Ways to Keep Someone from Taking Your Million \$ Idea



## **Audio/ Visual PowerPoint presentations**

- Trade Secrets and Prudent Business Practices
- Copyright Protection
- Patent Protection
- Trademark Protection
- Presenting Your Idea to a Company

Each presentation includes a set of slides and audio commentary for each slide.

## **Idea development exercise**

This exercise comprises over 30 questions related to your idea/product that you will answer or consider. Depending on where you are in the process, you may not have an answer for every question at this time. These questions will help you think through the five phases of product development and help you generate a plan to develop and commercialize your idea.

## **Product Development Reference Materials**

This section has over 100 pages of reference material that will supplement the slide presentations. The reference materials include information for each phase of the product development process. The user can refer to this material throughout the entire process and use it as a guide for future projects.

## **Sample Contractual Agreements**

- Sample Non-Disclosure Agreement
- Sample Services Agreement
- Sample Business Agreement
- Sample Proof Reading and Editing Agreement
- Issues related to negotiating a royalty agreement for your idea

## **Guidelines for Working with Invention Development Companies**

## **25 Questions an Investor will Ask You About Your Idea**

## **Copyright Registration Forms for Text**

## **Business Entity Considerations - LLC; Corporation; DBA Forms**

**Total Cost = \$249.99 (includes shipping) or Digital Format \$199.99**

Send an email to: [dw@darcellwalker.com](mailto:dw@darcellwalker.com) for information on ordering this for your idea.

**Subject line: 4 Ways**

## **Product explanations**

### **Start Pursuing Your Passion Today!**

This resource helps a new inventor gain a basic understanding of the steps in the product development process and the actions and information needed to achieve each level. The questions in the product development exercise reveal key issues and challenges the inventor will need to address during this process. This product will show the inventor actions that are generally required and the proper sequence of these actions. The information the inventor will gain from this resource will help the inventor move forward from a position of knowledge instead of a place of ignorance.

### **4 Ways to Keep Someone from Taking Your Million \$ Idea**

Fear of someone taking their idea is the main reason many people do not pursue their ideas. In addition, most people do not understand the process of developing an idea and turning it into a commercial product. This resource contains substantial information and explains business practices, formal registrations, and legal agreements one uses to protect his or her idea. The main focus of this product is on the protection of an individual's idea; however, this product also describes the steps in the process of turning an idea into a commercial product. This resource further contains information need for presenting your idea to a company or investor.