



TBB - Frequently Asked Questions

These answers to frequently asked questions are taken from the web site of Trevor Baylis Brands plc

We hope that they will help you answer any questions that you may have about TBB and what we do but as we have no knowledge of your circumstances we cannot accept any responsibility for their use or your reliance on them and they are offered to you on that understanding.

These answers are not legal or financial advice and you are strongly advised to take appropriate professional advice before committing yourself to any particular course of action.

Please visit our web site at www.trevorbaylisbrands.com to see the latest information. If you have any further questions please contact us at business@trevorbaylisbrands.com or call 05601 290240

The Questions and Answers are grouped under the headings of:

[Our Process](#)

[Finance](#)

[Patents and Intellectual Property](#)

[Products](#)

Our Process

Question	Answer
How long does it take?	<p>We endeavour to complete and return Non-Disclosure Agreements (NDA's) in 2 to 3 working days.</p> <p>For inventions submitted through our Inventor Service: If the assessment process is straightforward, you will normally receive our feedback within 8 weeks. If your idea is complex or if we need to contact experts as part of the evaluation it may take longer. In either case we endeavour to report to you at the earliest opportunity. If we cannot proceed with your idea commercially then we will let you know as soon as possible. The most common reason for this is that patents for the idea exist already.</p> <p>For inventions submitted through our Premier and PremierPlus Services: If the assessment process is straightforward we endeavour to report to you within 20 working days, from the date when your invention description and payment is received. If your idea is complex or if we need to contact experts as part of the evaluation or during particularly busy periods it may take longer. In either case we endeavour to report to you at the earliest opportunity.</p>
What is the success rate?	<p>Over 80% of the ideas submitted to us have been done before or are covered by existing Patents. About half the remainder have to be rejected because we can find no third-party commercial interest in the idea. The remainder may have some commercial possibilities. This does not guarantee success; it is really the start of the hard work. Our expectation is that only about 30% of these, or less than 5% of the original applications will have any commercial success and much fewer will generate any significant rewards for the inventor. You should also bear in mind that it can take a long time before any rewards are achieved.</p>
Do I have to accept the commercial agreement from TBB?	No. There is no obligation to accept our commercial agreement.
Under the standard commercial agreement terms, what share of benefits generated will TBB receive?	1/3 comes to TBB. The royalties are checked on a regular basis to ensure that the inventor is receiving the proper payments. We have the right to examine the books of any manufacturer concerned.
Who pays for the patent?	The initial patent application will not cost you anything if you apply yourself, and we can assist you with this. Of course, if you then take out the full patent, the costs are down to you. Sometimes a deal can be negotiated with the manufacturer concerned to assist / take-over the intellectual property.
What other costs would be involved and who pays for them?	Normally, the manufacturer will construct the prototype. If a stand-alone company is formed as the route to market, this will be negotiable.
When do I see a return?	This depends on the idea. It may need a lot of development work before it can be marketed. It always takes longer than expected. It can take at least two years for any significant commercial return. Commercial distributors usually plan a year ahead for their stock. So it can take at least a year between a commercial agreement and any revenue appearing.

Patents and Intellectual Property

Question	Answer
What is the address of the Patent Office Web Site? How can I find out more about protecting ideas?	The Patent Office (now referred to as the UK Intellectual Property Office) web site is at www.ipo.gov.uk .
Why do I need a Non-Disclosure Agreement (NDA)?	You cannot Patent your idea if it is in the Public Domain. Generally, your idea will go into the Public Domain if you disclose it orally or in writing to anyone who is not bound by a confidentiality agreement. An exception to this may be a Patent Attorney who is bound by professional regulations. If you disclose your idea to us without an NDA in place then you cannot Patent your idea. It also protects both you and TBB by making clear what is the nature of our agreement.
Will I lose the rights in my idea if I disclose it to TBB?	We insist that all applicants sign a Non-Disclosure Agreement (NDA) for their protection. All ideas are reviewed by our Patent Attorneys who are covered by their Professional Association rules. These measures ensure that the Inventor retains the rights in their intellectual property. You may lose your rights if you disclose your idea to anyone else without a non-disclosure agreement in place.
Do I need a Patent?	A patent provides commercial protection for your idea but it does not guarantee commercial success. Some ideas cannot be protected by UK patents. There are other forms of protection such as Registered Designs or Copyright that may be more appropriate. TBB has Patent Attorneys who can advise you as to the best form of protection for your idea. NB: Disclosure of an idea may also occur if it is shown in public or is the topic of a paper read to a learned society etcetera.
How do I search for a prior patent document?	You can search for prior patent documents on the Intellectual Property Office web site at www.ipo.gov.uk .
How much does it cost to present a patent application?	If TBB considers your idea has commercial merit we will help you to file an application. After filing you have a year to decide whether to get a full patent. The cost of this can depend on many factors such as the technology. A typical cost for a straightforward application through a Patent Attorney would be at least two thousand pounds. If appropriate TBB may be able to help you file your own application at a much lower cost. The UK Intellectual Property Office charge for processing an application is currently £200.
How long does it take to get a Patent?	It can take several years to get a full patent granted, but you get some protection as soon as you file for a patent. Our Patent Attorney can advise you.
How long does a Patent last?	Twenty years, upon payment of annuities after year 4.
Will my invention be published if I file a patent application?	Not necessarily; an application will only be published after 18 months and then only if you have complied with all the formalities.
Can I speed up publication of my patent specification and eventual Patent?	Yes, if there is good reason, e.g. someone is infringing the rights you may enjoy from your eventual Patent.
Can I disclose my invention to any third party after I have filed a patent application?	Yes, but it is strongly recommended that any disclosure is made under a Non-Disclosure Agreement.

Can I file a world-wide patent?	No, there is no such thing as a world-wide patent.
How can I protect my invention in other countries?	International Convention Applications, corresponding to a basic United Kingdom Application, may be filed in most overseas territories within twelve (12) months of filing the UK Application.
Can I withdraw my pending application to prevent publication?	Yes, a pending patent application may be withdrawn up to about 16 months from filing an application.
Do I have to file claims when I file my patent application?	No, it is not necessary to file claims when filing a patent application; however, it is recommended that claims are filed so that the results of a Novelty Search may be obtained in good time before consideration has to be given to continuing with the basic application and/or filing corresponding patent applications elsewhere.
What is a PCT application?	A PCT Application is a Patent Co-operation Treaty application, which facilitates the provisional filing of one application, which may eventually be extended to over 125 countries.
What is a European Patent application?	A European Patent application is a single application that may eventually be brought into effect in any one or more of the European countries that are signatories to the European Patent Convention.
If I require protection in France, do I have to file a European patent application and/or a French patent application in the first instance?	No, it is more economic to file in the UK initially and to file in France within 12 months under the International Convention. A European patent application would only be worthwhile if more than three (3) European territories were to be protected.
How can I protect my idea for a new website?	In the UK a website is protected by the laws of copyright and through use of a strong trade mark. For an example, there are a number of websites providing online auction services, however eBay is certainly the largest, and the most well-known and well-established. Consumers might look for the eBay name and trade mark to indicate a service that is preferred over other sites that offer a similar service.
What protection can I obtain without the expense of filing a patent application?	A-1. Depending upon the nature of your development, it may be that having prepared drawings of the development, you have established 'Copyright' in relation to the representations of the development. A-2. Some features of the development may automatically be protected by 'Design Right'. A-3. It may also be possible to seek 'Registered Design' protection for the development. All that needs to be done is the filing of an application for 'Registered Design' protection at the Designs Registry
If somebody copies my development and I have not filed for a patent or a registered design, can I take any action to redress the situation?	A-1. The short answer is yes, but only if it can be readily proven that any 'Copyright' and/or 'Design Right' has been infringed by the third party making and/or distributing and/or selling the infringing product; otherwise it may prove too costly to enter an action against the alleged infringer(s). A-2. The more complex answer is that, you may be best advised to make representation to the alleged plagiarist offering a licence on terms to be agreed between the parties. If the other party accepts your offer of a licence, you will avoid the costly and time consuming exercise of resorting to the law for redress of the situation.

<p>Should I take any action to record my 'Copyright' and or 'Design Right'?</p>	<p>A-1. Recording of 'Copyright' and/or 'Design Right' is not absolutely necessary; however, in order to be in a position to prove conclusively that any 'Copyright' and/or 'Design Right' belongs to you and any associate(s), you should ensure that all drawings, sketches, reports, schemes, produced electronically and/or in hard copy are marked and dated in respect of the rights you are claiming to yourself and any associate(s). Drawings may be marked by the conventional 'C' in a circle like this ©.</p> <p>A-2. You may deposit copies of any product designs with your solicitor; alternatively, you may seal copies of any product designs in an envelope and post it to yourself by registered mail. When received, the envelope should not be opened until any need arises; in the meantime, the envelope may be held by your solicitor or placed in a safety deposit box in a bank.</p> <p>A-3. There are other unofficial depositories for documents in relation to 'Copyright' and/or 'Design Right' and/or 'Registered Design Right'; however, it is not recommended that anyone should incur the extra cost of placing any documents and/or product(s) in such depositories, especially if they have taken the steps outlined above for the protection of their 'Intellectual Property Rights' i.e. their IPRs.</p>
<p>If my new product has been made by an outside 'design house' to my instructions, do I still own the IPRs, viz. the 'Copyright' and/or the 'Design Right' and/or the 'Registered Design Right'?</p>	<p>The answer should be yes; however, if the 'design house' has made any contribution no matter how inconsequential to the shape and configuration of the final product, it will be prudent to obtain an appropriate assignment from the proprietor of the 'design house' and any employee thereof who may have worked on the design. Such assignment should also include the assignment of rights from any person or persons who may have been contracted to the 'design house' in relation to development of the product design. NB! It is not sufficient for any prior contractual undertaking between you and a 'design house' to include an intent to assign any IPRs although this will be useful in the event that the parties fail to agree upon an assignment of the IPRs at some future date.</p>
<p>I have made up a 'Trade Mark' for my new development; should I file an application for protection of the Mark?</p>	<p>It is not recommended that you should go to the expense of filing an application for protection of the 'Trade Mark' you have devised; this is because:</p> <p>(i) unlike patents, it is not necessary to file an application for the protection of a 'Trade Mark' before publication of the new Mark; and,</p> <p>(ii) any third party, who may be interested in acquiring rights in your development, may have established 'Trade Marks' for ranges of products that would ultimately include your development.</p>

Finance

How much does it cost?	We charge fixed fees starting from £149 including VAT for UK residents. Please check with our web site for our current fees.
Are there additional fees?	TBB does not itself charge any additional fees for assessment or marketing. If a commercial agreement is made there may be fees to third parties such as the Intellectual Property Office or such things as the Inventor's own expenses. This will depend entirely on the nature of the idea and the route-to-market. Payment of these is entirely the inventor's decision subject to any commercial agreement.
What percentage of the proceeds will I receive?	If TBB believes that the idea can be turned into a sound commercial venture then typically the Inventor will receive two thirds of any proceeds and TBB will receive one third. Precise arrangements will depend on the product or service and the market. Please note that this is before any tax provisions. These will depend on individual circumstances.
Will TBB put money into my idea?	TBB does not normally provide funds itself. If TBB thinks the idea is commercially worthwhile it will approach other companies or organisations that could develop the idea and take it to market. Sometimes TBB will start a company with the Inventor.
Does TBB raise funds?	TBB does not normally raise funds for business finance or give financial advice. TBB will approach other companies on behalf of the inventor to get ideas developed. TBB may create a company in conjunction with the Inventor. It may be possible to get Business Angel funding
How do I get paid?	Depending on the commercial agreements in place the Inventor may get either a one-off payment for the idea, a share of the product revenues, or a combination of the two. If a company is created then Inventor gets a share of the equity.
Are fees returnable?	The initial assessment fee is not returnable. We encourage Inventors to check out the free services from the Intellectual Property Office and others to avoid disappointment.
Will I get the results of any Patent Search or Commercial Review?	If we decide not to go ahead with your idea we will return your original documents. At our discretion we will supply any patent or other information relevant to our decision. We may be precluded from doing this by confidentiality agreements with other people such as manufacturers and other inventors if there is a conflict of interest. For our Inventor Service, detailed information from the Patent Attorney's report and any detailed commercial information would only be provided as a result of entering into a commercial agreement with TBB.
Who checks how much I should be paid?	As part of its service, TBB will manage commercial agreements to ensure that proper records are kept and appropriate payments are made.
Will TBB provide financial or investment advice?	TBB does not offer any form of financial advice. You are encouraged to contact a professional financial adviser if you need this kind of help.

Products

Question	Answer
Will you look at any product?	Generally yes, but we reserve the absolute right to reject any application without reason. In such a case we would return your fees and any documents that you had sent us. Confidentiality agreements would of course remain in place unless the law compels us to do otherwise. Ideas that we would reject include those that we consider would be dangerous, harmful to the environment, potentially illegal or that would cause a conflict of interest. You can see a list of some of our products the web site.
Do you specialise in particular technologies?	No we will look at any idea irrespective of the technology.
Who will sell my product?	TBB will try to find the most suitable route to market for the product. Who this is will depend on many factors and ultimately the choice of whether to go ahead is down to the inventor.
What sort of products have commercial value?	Almost anything can have a commercial value. However to be interesting to manufacturers the potential sales must justify the setup and marketing costs, so products for very specialised applications are more difficult to sell. Have a look at our web site to get an idea of the range of things we get to look at.
Will you consider Perpetual Motion Machines?	No. Any machine or apparatus that promises to operate without an obvious source of energy or with an efficiency equal to or greater than 100% is a perpetual motion machine. Such ideas will always be rejected. Please check your idea carefully before submitting such an idea.