

Protecting Ideas While Time Is on Your Side

Introduction

Once an idea starts gaining momentum, decisions around confidentiality and intellectual property loom large.

This theme is interwoven through the pages of *Skiing Uphill: The Innovation Black Run* and explored in more depth within this guide. All quotes shown in *blue italics* throughout this guide are extracted from the book.

If you've landed here you're likely considering how to protect your idea, which immediately raises the question, why would you want to formally secure your IP and seek the accolade of Inventor?

In reality there are only two rational explanations, both rooted in entrepreneurship.

Either you are intent on developing the concept into a manufactured product that you will launch to the market and exploit to create future wealth.

Or alternatively, you are seeking to license, or sell the IP to a third party, who will do that for you.

Either way, you are clearly determined to bring to life a product that will ultimately be judged in the real world.

And that's important because *"Real validation doesn't come from the patent office; it comes from the market."*

If neither path applies, then this guide is probably not for you.

This guide has been created to help early-stage innovators use time, money and opportunity wisely while reducing avoidable mistakes before costs escalate. We will explore the ideal time to file before considering how best to exploit the freedom afforded by the priority year following submission.

The pursuit of a patent requires investment in both time and money. Provided you have a clear purpose and intent, the path before you remains within your control; investment is phased and, as clarity is gained, there is always the opportunity to pause and reflect before funding the next stage.

So, if you're ready, let's set the stopwatch running and explore how protection becomes more valuable when the opportunity becomes clearer.

Decision Matrix

The decision matrix below is designed as a practical reference framework in its own right, helping innovators understand how protection, validation and commercial confidence should ideally develop together over time.

Stage	What You're Learning	What's At Risk	The Key Question
Pre-Filing Confidentiality	Whether the idea is worth discussing further	Accidental disclosure	Should this remain confidential for now?
Pre-Filing Proof of Concept	Whether the core principle genuinely works	False confidence and premature investment	Is the concept truly viable?
Pre-Filing Prior Art	What already exists and where the novelty may sit	Duplication and weak positioning	Is the idea sufficiently different?
Filing Event Filing Strategy	Whether the opportunity has sufficient substance to justify protection	Premature filing or delayed disclosure	Is it time to start the clock, with a provisional* or full application?
Priority Year Q1 Refine the Prototype	Which aspects of the product create genuine value	Weak claims, poor usability and technical failure	What is truly worth protecting?
Priority Year Q2 Understand the User	Whether users genuinely care about the problem being solved	Solving the wrong problem	Does the opportunity deserve further investment?
Priority Year Q3 Test Commercial Reality	Whether the product can sustain protection commercially	Over-investment and weak commercial return	Is the opportunity commercially defensible?
Priority Year Q4 Stay Local or Go Global	Where protection is realistically justified	Expensive overreach and unnecessary complexity	Should protection expand or remain focused?

* It's important to appreciate that, from the perspective of the patent office, the ideal filing event is usually a comprehensive submission supported by professionally drafted claims.

In reality, entrepreneurs do not always have two things readily available at the same moment:

- ... the funds required to invest heavily in professional patent support whilst still continuing to develop the concept into a working prototype,
- ... or complete clarity around the claims themselves before the idea has matured sufficiently through refinement, testing and user feedback.

As explored later in this guide, the strongest claims often emerge as the product evolves and confidence in the opportunity becomes clearer.

What is perhaps less widely understood is that a perfectly viable and often appropriate path towards securing an application date may involve submitting a skeletal framework of descriptions and diagrams sufficient to establish the core principles of the invention.

Naturally, this approach creates an important tension. A weak or poorly considered submission may limit future protection. That is not what is being advocated, far from it. Capturing the essence of the invention is the first critical step, whilst the claims ultimately define the scope of any protection granted. However, there is equal jeopardy in delaying a filing until every detail feels resolved, potentially exposing an idea to unnecessary disclosure risk before the opportunity has properly matured.

Importantly, protection can only ultimately extend to what has been properly disclosed within the original submission. Broad inventive principles may therefore lend themselves more naturally to early-stage filings than innovations where novelty emerges progressively through later refinement, geometry, interaction or feature development.

In some cases this may lead to revised claims, supplementary applications or even allowing an earlier filing to lapse in favour of a stronger and more commercially mature submission as understanding of the opportunity evolves.

This is precisely why professional support matters. However, so too does the timing of that engagement and the ability to fund it whilst still continuing to develop the product itself.

And there, perhaps, lies the real entrepreneurial quandary.

If your own Innovation Clock is already ticking, you'll probably recognise that tension immediately.

For many innovators, this lesser-known approach creates valuable breathing space, particularly where public disclosure, exhibitions, competitions or commercial discussions are becoming necessary in order to move the opportunity forward.

Importantly, this should not be viewed as an alternative to professional support, but rather as a pragmatic staging point within a broader innovation journey where investment, confidence and technical clarity are all still evolving.

So, there you have it, an insight born from experience. Let's now move on and explore the pre-file phase in more detail.

Pre-File Phase

The decision to strengthen your IP as an asset is an important one, so it's worth taking steps to reduce as much uncertainty as possible, before filing that all-important patent application and setting the Innovation Clock ticking.

That doesn't mean waiting for perfection. It means building enough confidence in the idea to justify disclosure, formal protection and further investment.

Before meaningful funds are allocated to securing a patent, attention should ideally focus on four important areas:

- ... conscious confidentiality,
- ... proof of concept,
- ... prior art research,
- ... understanding what may genuinely be worth protecting.

Confidentiality Matters

One of the easiest ways to weaken future protection is through accidental disclosure.

That doesn't mean inventors should become secretive or fearful. It simply means disclosure should be deliberate.

Insisting upon a Non-Disclosure Agreement (NDA) can feel unnecessary, perhaps even slightly awkward, particularly when enthusiasm and momentum are building around a new concept. In reality it's simply the first practical step to protect your Intellectual Property (IP) without incurring any cost.

Equally important, the reaction to an NDA often tells you something useful. The right collaborators will usually understand why protecting an early-stage idea matters.

It's important to appreciate that public disclosure, intentional or not, can include:

- ... exhibitions
- ... competitions
- ... social media
- ... website articles and blogs

- ... crowdfunding
- ... portfolio sharing
- ... informal supplier discussions

As you navigate your own *Innovation Black Run*, it's proportionate and sensible to disclose ideas in confidence under NDA to help ensure *"Nothing's Disclosed Accidentally."*

Proof of Concept Matters

Before triggering the cost and time pressures associated with patent filing, it's vital to prove the core function first.

A proof-of-concept prototype does not need to be polished or production ready.

Its role is to:

- ... validate the principle
- ... expose weaknesses
- ... reduce uncertainty

"Physical reality will always prove more valuable than conceptual possibility."

Focus on whether the concept performs the task it was intended to achieve, whether interaction feels natural and intuitive, and whether the core principle can be repeated consistently and reliably without unexpected failure.

At this stage, confidence comes from understanding how the idea behaves physically, where weaknesses begin to emerge and whether the concept genuinely has the potential to evolve into a robust and commercially credible product.

This body of work underpins the decision to proceed with a patent or design registration application. The objective is not to strive for perfection, but knowledge and insight that will determine the path to follow.

"Confidence should be built on learning, not assumption."

Prior Art Research Matters

Armed with the confidence that your idea works in principle, and that the novel design principle or feature has genuine value, conducting research on prior art becomes a meaningful next step.

Good research won't eliminate uncertainty entirely, but it will often improve the quality of the decisions that follow.

Useful starting points include:

- ... Google Patents
- ... Espacenet
- ... UK IPO Patent Search

What quickly becomes apparent is that finding relevant prior art is rarely as straightforward as typing in the exact product name you have in mind.

The challenge often lies in understanding:

- ... how similar ideas may have been described,
- ... what language has been used within existing claims,
- ... and whether the true novelty sits within the overall product or a specific feature, interaction or mechanism.

This process can feel frustrating at first, but it often becomes highly valuable because clarity begins emerging not only around what already exists, but also around what may genuinely be different, protectable and commercially important.

Importantly, this level of research should not be viewed as a replacement for the more comprehensive searches later conducted by an experienced patent attorney. However, the insight gained through exploring prior art yourself will almost certainly prove valuable to both of you as the idea continues to evolve.

"Clarity often emerges through challenge and feedback rather than certainty at the beginning."

Clarity Matters

One of the less obvious challenges during early-stage innovation is recognising when an idea has matured sufficiently to justify formal protection. That point rarely arrives as complete certainty.

Instead, confidence usually grows progressively through stress testing alternate concepts, honing those that stand up to user interaction, and developing a clearer understanding of what aspects of the idea genuinely appear novel and commercially valuable.

"Remember, please don't rush to protect, unless of course money is no object. The optimum time to file is when the design has substance, a degree of validation that embodies confidence, and the solution is not only viable, but preferable to others you have discarded after due consideration."

Once the core concept begins proving itself, an early-stage patent application may help establish a filing date before wider disclosure takes place.

A skeleton filing may include:

- ... a written description,

- ... sketches or CAD images,
- ... diagrams,
- ... explanations of how the invention works.

What Could a Simple Skeleton Filing Contain?

In many cases the objective at this stage is not to create a perfect legal document, but to establish a dated record of the core inventive principle before wider disclosure occurs.

For some innovators, until professional services are engaged, an initial submission may simply consist of:

- ... a written explanation of the problem being solved
- ... sketches, CAD images or annotated diagrams
- ... a description of how the concept functions
- ... notes explaining what appears novel or different
- ... alternate concepts or refinements explored during development

The submission does not need to prove the product is finished. It simply needs to communicate the inventive concept clearly enough for the filing date to establish a meaningful starting point.

Importantly, the objective at this stage is often less about creating a perfect patent submission and more about securing valuable time whilst the opportunity continues to evolve.

That filing date matters because it starts the priority year, the period in which decisions around development, investment and wider protection become increasingly time sensitive.

The optimum time to file is when the combination of proof of concept, refinement and prior art research demonstrates that *"There's plenty to do before starting that particular clock ticking."*

So, pause for pace and focus on the product, not the patent.

Timing Matters

Once filed, the position changes.

The application buys time, but it also fixes a deadline that now begins shaping the development programme itself.

In many ways the filing event represents a summit within the innovation journey. Reaching that point can feel significant because the idea is no longer simply a concept under development. It now carries a formal filing date, public disclosure

may become unavoidable and the decisions that follow begin carrying greater commercial consequence.

Until this point the pace of innovation has largely remained within your control. The priority year changes that dynamic because clarity, confidence and commercial understanding must now accelerate against a fixed timeline.

The priority year creates time to:

- ... refine the concept
- ... test usability
- ... understand customer needs
- ... assess commercial viability
- ... decide whether broader protection is genuinely justified

What happens next determines whether the opportunity deserves further investment or whether the idea is best allowed to pause, pivot or conclude before costs escalate further.

Visibility Matters

Patents can become valuable commercial tools, but they also tell competitors where the opportunity may exist. If the product proves successful, others will often innovate within the cage you have set, working around the protected claims in an attempt to achieve similar outcomes through alternate means.

"Protect only what you're realistically prepared to defend commercially and strategically."

Claims may evolve too. Sometimes entirely new protectable features emerge during development, leading to stronger revised claims or even separate patent applications covering distinct aspects of the innovation.

"There is no doubt this is an area of great expertise, entwined with its own technical language, not a linguistic one but a cipher code that even Alan Turing might have to re-read for clarity."

"So please seek professional advice; someone who clearly grasps your idea and understands how best to frame it to smooth the path to grant."

Protection may now be in place, but the most important commercial decisions often begin after the filing event itself.

Layers Matter

Protection takes many forms. Patents are only one part of the wider intellectual property toolkit.

Depending on the nature of the innovation, value may also emerge through:

- ... design registration protecting visual appearance,
- ... trademarks protecting brand identity,
- ... copyright protecting creative content,
- ... or simply building commercial advantage through speed, quality and execution.

In many cases these layers of protection work together rather than independently.

For example, a patented principle may sit alongside registered product aesthetics, distinctive branding and carefully developed user experience, each contributing differently towards commercial differentiation.

This can become particularly relevant within consumer products, games and toy-related innovation where interaction, appearance and brand recognition may all contribute towards long-term value.

Importantly, different forms of protection often operate to different timescales, costs and strategic objectives. As confidence in the opportunity grows, understanding which combination is most appropriate simply becomes part of the wider commercial decision-making process.

"So, think about layers of protection to secure your brand identity and don't feel too disheartened if one of them isn't a patent. Focus on being first past the post, consistently leading the field, setting the pace just fast enough that your competition is always hurting as they endeavour to edge past you."

Decisions Matter

Filing a patent application can feel like a major milestone.

In reality, it's usually the point where the questions become more important.

The priority year is not simply a legal timeline. It's a structured period of learning where technical understanding, user feedback and commercial reality gradually combine to reveal whether the opportunity genuinely deserves further investment.

At this stage fear, uncertainty and hesitation can easily slow progress, yet *"Fear causes hesitation, and hesitation will cause your worst fears to come true."*

To avoid that hesitation, the quarterly framework that follows is intended to help guide those decisions before time, cost and complexity begin accelerating unnecessarily.

Quarter 1 | Refine The Prototype

This phase is less about asking:

“Does it work?” and more about asking: “Could this become a real product?”

The objective during Q1 is to use the breathing space created by the filing event wisely, refining the concept into something more reliable, repeatable and intuitive before wider user feedback begins shaping the next stage of development.

Attention should focus on improving reliability and repeatability, whilst refining usability and developing a clearer understanding of where weaknesses still exist within the concept.

At this stage seemingly small refinements in geometry, interaction, materials or assembly can significantly influence not only how the product performs, but also what aspects of the innovation ultimately prove most valuable and protectable.

As confidence in the product grows, so too can clarity around the claims that genuinely strengthen your IP position. In some cases entirely new protectable features may emerge, whilst weaker or less relevant aspects of the original concept naturally begin falling away.

The objective here is not simply to refine the product, but to strengthen both the opportunity and the intellectual property that underpins it.

“Physical reality will always prove more valuable than conceptual possibility.”

Quarter 2 | Understand the User

By Quarter 2 the focus begins shifting from the product itself towards the people expected to use it.

The objective during this phase is to understand whether the problem being solved is meaningful enough for users to notice, value and ultimately pay for.

At this stage the product should be sufficiently refined to allow more meaningful interaction and feedback. Attention should therefore focus on observing how users naturally respond to the concept, what aspects resonate most strongly and where confusion, friction or unexpected behaviours still exist.

Importantly, users will often reveal value in areas the innovator did not originally anticipate. Features initially considered secondary may become highly desirable, whilst others assumed to be important may attract surprisingly little interest.

This learning process can significantly influence both product direction and intellectual property strategy. As user priorities become clearer, so too can understanding around which elements of the innovation genuinely create differentiation and commercial value worthy of stronger protection.

The objective here is not simply to seek approval, but to better understand the behaviours, preferences and expectations that will ultimately determine whether the product succeeds commercially.

"Behaviour reveals unmet needs better than words, often starkly contrasting what people claim, with how they act."

Quarter 3 | Test Commercial Reality

By Quarter 3 the focus usually begins shifting from proving the product works towards understanding whether the opportunity can succeed commercially.

At this stage the conversation often broadens beyond the innovation itself and into the realities of manufacturing, pricing, margins, scalability and route to market.

Attention should focus on understanding whether the product can realistically be produced, positioned and supported in a way that creates sustainable commercial value. Small decisions around materials, assembly methods, tooling, packaging or distribution can now begin carrying significant financial consequence.

Importantly, this phase often influences intellectual property strategy just as much as commercial direction. As the commercial model becomes clearer, so too does understanding around which aspects of the innovation genuinely justify broader protection, continued investment or potentially revised claims.

By this stage the claims themselves should also begin maturing into a more robust and professionally considered position. Whilst early-stage filings may create valuable time for learning and refinement, professionally drafted claims will usually provide the strongest foundation for examination, grant and future enforcement.

Importantly, this process should ideally begin no later than Quarter 3. Leaving claim development too late within the priority year can create unnecessary pressure, limiting the time available to refine the application, respond to prior art findings and properly prepare for broader territorial decisions where appropriate.

A patent may create protection, but the product itself must ultimately generate sufficient value not only to justify securing that protection, but also maintaining and, where necessary, defending it commercially.

Features that appeared important earlier in development may prove commercially irrelevant, whilst seemingly smaller refinements may emerge as the true drivers of competitive advantage and market differentiation.

The objective here is not simply to validate the product, but to strengthen confidence that both the opportunity and the intellectual property supporting it are commercially credible and worth defending.

“Protect only what you're realistically prepared to defend commercially and strategically.”

Quarter 4 | Stay Local or Go Global

By Quarter 4 the innovation clock is approaching an important commercial decision point.

The priority year was designed to create time for learning, refinement and evaluation. The objective now is to decide whether the opportunity genuinely justifies broader international protection or whether a more focused territorial strategy represents the stronger commercial path.

Attention should therefore focus on understanding where the product is most likely to succeed, how future manufacturing and distribution may evolve, and whether the commercial opportunity realistically supports the increasing cost and complexity associated with wider patent coverage.

At this stage intellectual property strategy should begin aligning more closely with commercial reality. Market geography, route to market, licensing potential, manufacturing partnerships and competitive positioning can all significantly influence where protection is most valuable and where investment may ultimately be wasted.

Importantly, broader protection is not automatically a stronger strategy. Expanding internationally introduces ongoing cost, administrative complexity and potentially significant future enforcement obligations. The objective is therefore not simply to protect more territory, but to protect the right territory for the opportunity being pursued.

The strongest decisions are usually grounded in growing commercial confidence rather than optimism alone.

“Investing and spending are not the same thing.”

Final Thought

A patent application can create protection, but protection alone rarely creates value.

What ultimately matters is whether the innovation continues earning the right to greater investment as clarity, confidence and commercial understanding develop over time.

The Innovation Clock is not simply about filing quickly. It's about using time wisely.

The strongest innovators use the priority year to learn faster, refine smarter, and strengthen their position more deliberately.

Along the way the product may evolve, the claims may strengthen and entirely new opportunities may emerge. Equally, some ideas may reveal that broader protection or continued investment is simply not justified.

Both outcomes represent progress when decisions are grounded in learning rather than assumption.

The objective is not to protect everything at any cost, but to build confidence that the opportunity is commercially meaningful, strategically defensible and genuinely worthy of the journey ahead.

Because filing the application only starts the clock.

My four simplest and most accessible actions for early-stage innovators would probably be:

Keep discussions confidential under NDA until a patent application has been filed.

Add TM alongside your brand identity early, then consider formal trademark registration once genuine traction begins emerging.

Consider design registration within twelve months of public disclosure if visual appearance, shape or form are integral to the product.

Be deliberate about the timing of any patent filing and, where urgency exists, consider whether a provisional-style submission may create valuable breathing space before professional services become essential.

If you approach these decisions through a structured priority year implementation plan, you will already be ahead of where many early-stage entrepreneurs ultimately find themselves.

Disclaimer

This guide has been created to share practical innovation insight and general observations around intellectual property, product development and staged decision-making under the core principle that confidence, protection and commercial reality should strengthen together over time.

It should not be considered legal advice, patent advice or a substitute for professional support from a qualified patent attorney or intellectual property specialist.

Innovation journeys, commercial circumstances and intellectual property strategies will vary significantly between projects, technologies and territories. Readers should therefore seek appropriate professional advice before making formal filing, investment or commercial decisions.

Innovation rarely follows a straight line and sometimes a short conversation can save weeks or even months of unnecessary complexity.

If you need support navigating your own Innovation Clock, feel free to get in touch.

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