Road Study Complete

Equipment and road weight have become a major issue for commercial applicators and farmers in several counties this fall. Enforcement of existing laws has been heightened in Manitowoc, Marathon and Wood Counties, with issues cropping up in other counties as well. Farmers and commercial applicators have received fines for exceeding the 80,000 pound gross vehicle weight, per axle weight limit (see http://www.dot.wisconsin.gov/business/carriers/forms/sp4075.pdf), posted weight limits and exceeding the maximum length (train of equipment) allowed under state law.

At this time, state law and court precedent are very clear - weight limits do apply to farm equipment (implements of husbandry), no matter who is operating it.

To develop a long-term solution, PNAAW is hosting a meeting on December 20, partnering with manure applicator associations from 4 states, ag organizations (PDPW, Farm Bureau, etc.), equipment manufacturers (Husky, Houle, etc.), tractor manufacturers (AgCo, CNH, Deere), tire companies (Alliance, Firestone/Bridgestone, Michelin, Titan) and others. This group will be charged with developing a long-term strategy (options include legislation changes on a multi-state basis, equipment/tire redesign, etc.) and determining the best way to move forward.

Dana Cook (608.963.5447) is the PNAAW lead on the meeting along with Nick Schneider (920.232.1970) and Cheryl Skjolaas (608.265.0568) with UW-Extension.
Health Insurance Survey Reminder

At the 2011 annual meeting, the membership asked the Association to pursue group health insurance options. A survey was sent via email and regular mail to firms in Wisconsin earlier this fall, and about 20% of applicants have returned it.

If you have not done so, please return the paper copy or complete the online version at: http://tinyurl.com/pnaawhealth

Iowa Training

If you plan to apply manure in Iowa, you will need to complete the Iowa certification. UW-Extension is cooperating with Iowa to offer the training in two Wisconsin locations on January 5: Baraboo and Chippewa Falls. To register contact Nick for Baraboo at 920.232.1970 or Jerry for Chippewa Falls at 715.726.7950.

Deadline to register is December 29, 2011

Annual Meeting

Mark your calendar the annual meeting will be held January 23-25 at Chula Vista in Wisconsin Dells. A flyer will be mailed in December. Of note (schedule subject to change):

Monday, January 23, 2012: Level 1 training Pump School (Pump school is limited to 25 per session, offered at both 1:00 pm and 4:00 pm.

Tuesday, January 24, 2012: GPS, extending tanker life, regional manure applicator discussion.

Wednesday, January 25, 2012: Business meeting, road study conclusions, regulations update, dragline management tips family budgeting on a variable income.

Business Tip: Patenting your ideas

A patent gives you the right to exclude someone else (or some other company) from making, using, or selling the property you have created and patented for a period of 17 years. To receive this protection, you have to file for a patent through the Patent Trademark Office (PTO). With a patent application, you must pay both filing fees and maintenance fees. Three maintenance fees must be paid 4, 8, and 12 years after the patent grant, or the patent will expire before 17 years.

Although it is commonly believed that you have to hire a patent attorney to file a patent application, this is not the case. Actually, regulations require the PTO to help individuals who do not use an attorney. Hundreds of patents are granted each year to inventors who navigate the process solo. But just because you can complete the patent process without legal counsel, does that mean you should attempt it? It depends - particularly on factors like your comfort level with processing “red tape”. Patent attorneys charge $3,000 to $5,000 to prepare a patent application. How many earth changing widgets must you sell to cover that kind of overhead? If you are unsure of what the market for your widget will be, books like, Patent It Yourself, by David Pressman, contain all the instructions and forms you need to do it yourself. Doing as much as you can yourself, while checking periodically with an attorney throughout the process, may be a reasonable compromise to offer you both expertise and cost savings.

Three types of patents exist. The most common type is the utility patent, which covers inventions that provide a unique or new use or function. If you could come up with a new way to keep shoes on people’s feet without using laces, buckles, Velcro fasteners, zippers or other ways currently used, you would need to file for a utility patent.

Whereas utility patents cover use, design patents protect unique or new forms or shapes. If the new shape also changes the function of the object, then you need to apply for a utility patent. If looks alone are different, you need a design patent. For example, if you were to design a ballpoint pen that looked like a fish, but which served no other function than that of a ballpoint pen, you would file for a design patent on your invention. The third patent type is a plant patent. Such a patent covers living plants, such as flowers, trees, or vegetables that can be grown or otherwise reproduced.
The PTO reviews each application and decides whether to grant a patent on the basis of four tests, which come from the following questions:

- Does the invention fit a statutory class?
- Is the invention useful?
- Is it novel?
- Is it non-obvious?

The invention must fit into one of the five statutory classes—which means that you must be able to call it a machine, process, manufacture, chemical composition, or combination of those terms. The invention must provide some legal utility. That is, must be useful in some way. If the invention has some commercial value, this test shouldn’t be difficult to pass. If it doesn’t you will have a hard time building your small business on it. The invention must be possible to build and be workable to be granted a patent. You have to be able to show the examiner that the invention will operate as you say it will.

The invention must be novel. It must be different from all other things that have previously be made or described anywhere else in the world (called prior art). Meeting this test can be difficult since the definition of novelty may be confusing to everyone involved. Three types of novelty that meet this requirement are those created by (1) physical difference, (2) a new combination of existing parts, or (3) the invention of a new use.

The invention must be non-obvious. Although this rule is also difficult to understand, it is an important one. It means that the difference between your invention and other developments (or prior art) must not be obvious to someone with common knowledge in that field. The novelty of your invention needs to produce new or unexpected results.

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**Business Tip: Five Common Business Mistakes You Must Avoid**
Deron J. Andre, Atty.

When you are running a business, you naturally want to focus on the positive aspects of the business, such as attracting new customers and increasing revenues. That’s only human nature. However, there are some pitfalls to watch out for, and mistakes which can severely damage, if not destroy your business. Fortunately, these pitfalls can be avoided by taking some fairly simple steps.

**MISTAKE NO. 1: OPERATING AS A SOLE PROPRIETOR.** If you are operating your business as a sole proprietor, take immediate steps to set up a limited liability company or a corporation. I have discussed this in the past, but it is so important that it bears constant repetition. While it is simple and inexpensive to start operating as a sole proprietor, the risks to your personal assets are protected from your business creditors. While there are costs involved with setting up an LLC or a corporation, the expense is well worth it, especially in light of the importance of protecting your personal assets.

**MISTAKE NO. 2: FAILING TO OBTAIN INSURANCE.** Understandably, you want to keep your costs down. However, there are certain expenses that must be considered essential, and the cost of insurance in clearly one of those. Remember that if you are operating your business from home, (or farm) your homeowner’s (farmowners) policy most likely will not provide the coverage you need. Whether you operate from your home or own or lease facilities, a business insurance policy can provide a broad range of coverage's, including business interruption coverage which may mean the difference between staying in business and closing up shop. *Emphasis added*
MISTAKE NO. 3: IGNORING THE BOOKS. Depending upon the source consulted, studies show that businesses lose between $40 billion and $250 billion a year to employee theft, and between 30 to 60% of all business failures are caused by employee theft. These are sobering statistics, and a harsh reminder that you should keep an eye on your books and your employees. A few stolen pens may not bury your company, but forged checks to non-existing vendors can add up fast.

MISTAKE NO. 4: FAILING TO PROTECT CONFIDENTIAL AND PROPRIETARY INFORMATION. You may not think that your small business has any proprietary information worth protecting, but you may very well be wrong. Even the smallest business has competitors who would love to know its pricing strategies, unit costs, and other financial data that could give them a competitive advantage. In certain industries, product designs, manufacturing processes, or service methods are vital information that can and should be protected. Make sure that in appropriate cases, your employees, vendors, and others sign confidentiality and non-disclosure agreements, and don't be afraid to enforce those agreements, in court if necessary.

MISTAKE NO. 5: NOT READING THE FINE PRINT. Although it may be easier said than done, always read every document before you sign it, and make sure that you understand it. Whether you are signing loan papers or a contract with a new vendor, do not ignore the fine print. For example, a bank will almost certainly require a personal guaranty on a loan, and many vendors are beginning to require them as well. Do not sign the paperwork until you know what you are signing, why you are signing it, and what the implications are if you fail to comply with the terms and conditions.

No one is perfect, and everyone makes mistakes, but addressing these issues will go a long way toward improving your business and the quality of your sleep at night.


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