



## **Practice Areas**

### **Trade Secret**

Trade secrets are information confidential to your firm which help you obtain a competitive advantage. They can be formulas (think Coca-Cola or Tabasco sauce), business or manufacturing processes, methods of operation, or compilations of information (your customer list, for example), as well as other matters.

Trade secrets are not patented or copyrighted, but they can nevertheless be protected as intellectual property valuable to your firm. Since they are not subject to patent or copyright, both of which have limited lives, trade secrets can, in principle, be protected in perpetuity.

To protect your firm's trade secrets, you will have to take reasonable steps under the circumstances to keep them from falling into the hands of competitors or the general public. You can do this by, among other things, requiring employees given access to trade secrets to sign confidentiality or non-disclosure agreements, and/or binding them to non-compete clauses.

In today's global economy, with increasing employee mobility, and a proliferation of start-up firms, it's more important than ever to identify your protectable trade secrets and establish a comprehensive program for keeping them confidential, including educating your own people about their value and the critical need to avoid inadvertently disclosing them to unauthorized people.

We have created just such "inventories" of trade secrets and have established thorough and effective programs to keep firms' trade secrets suitably confidential. Importantly, we understand that any program that is burdensome will not survive long in today's fast-paced world: So our programs aren't.

We can counsel you regarding what information to deem trade secrets, design training programs for your employees, craft nondisclosure agreements, and review your security procedures—as well as defend your trade secrets from misappropriation by competitors should they be inadvertently disclosed.



In today's "cut and paste" world, your valuable trade secrets have never been more at risk of disclosure; count on the lawyers at Amster, Rothstein & Ebenstein LLP to help you navigate these waters.

#### **Industries Served**

- Computer Hardware and Software
- Consumer Electronics
- Financial Services
- Green Technology and Energy
- MEMS & Semiconductors
- Motors, Machinery & Other Mechanical Devices
- Retailing & Apparel
- Life Sciences & Biotechnology
- Toys & Games
- Universities & Research Institutions
- Mobile Devices & Wireless

#### **Professionals**

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