

Practice Contact

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Trade Secrets and Confidentiality

Trade secrets are among our clients' most valuable assets. We assist our clients in protecting and policing the proper use of customer and client lists, processes, formulas, product plans, designs, research data, programs, marketing strategies, financial data, pricing strategies and policies, and any other business or technical information that has economic value because it confers a competitive advantage to the owner by virtue of not being widely known.

In some cases, patent, copyright, and trade secret protection overlap. In those instances, it may be more appropriate to maintain a discovery or process as a trade secret than to file for patent or copyright protection, because trade secrets potentially never expire. We assist our clients in understanding the costs, benefits and risks of different strategies for protecting their intellectual property, so that they can make intelligent decisions about when, and how, to protect their intellectual property. Our attorneys advise clients on the many legal and practical considerations involved in the decision as to whether to file for patent or copyright status or to maintain a property as a trade secret. If our clients decide to pursue trade secret status, we help them take the steps necessary to maintain that status.

Confidentiality agreements often are the first step in protecting proprietary information. We help our clients prepare such agreements, in order to emphasize to every person having access to the trade secret – whether employees, independent contractors, vendors, clients, or any other person or entity to whom the trade secret information is disclosed in the course of business – that such information is valuable and must be kept secret. Our attorneys also help develop broader programs for protecting and managing intellectual property through proper information management and the use of appropriate confidentiality, employment, non-competition, and non-solicitation agreements. In addition, we counsel clients on methods that may limit or eliminate potential liability when the clients are considering hiring their competitors' employees.