



Mesmer & Deleault, PLLC
41 Brook Street, Manchester, NH 03104

Happy Thanksgiving!



“Tip of the Month”

Your Trade Secrets: Are They Properly Protected?

When a company attempts to institute a policy or procedures to protect the confidentiality of trade secrets, a number of general principles of trade secret law must be kept in mind. First, only individuals needing to know trade secret information in order to perform their jobs properly should have access to such information. Second, strict procedures in a few areas are not as important as an overall combination of security elements. Third, companies must realistically determine and identify the information deserving to be protected as a trade secret. Fourth, companies must determine and identify the protective steps to be implemented.

There are a few essential elements that go into a trade secret protection plan. The essential elements are:

- 1) Memorialize the company’s secrecy policy in writing. The company should maintain a written statement of its trade secret security policy.
- 2) Inform employees of which information is trade secret. A trade secret protection plan must include a program to ensure that employees are made aware of the trade secret status of information and to periodically remind them of their confidentiality obligations.
- 3) Restrict access to trade secrets. If possible, a company should physically separate trade secret information from other information.
- 4) Institute physical security measures. Companies should use locks on gates and doors leading to rooms, and desks and cabinets housing trade secrets.
- 5) Label trade secret documents. All trade secret documents should be labeled clearly with a proprietary notice.
- 6) Maintain computer secrecy. A computer system containing proprietary information should have restricted access such as through the use of password codes.
- 7) Restrict public accessibility to the facility. If tours are provided, ensure that plant tours are controlled and institute formal procedures for facility visits.
- 8) Screen speeches and publications. Require that all publications, articles and speeches be reviewed and approved by the company prior to submission to a publisher or for presentation.
- 9) Deal cautiously with third parties. Use contracts such as confidentiality agreements before disclosing any trade secrets.

We can provide you with the necessary review and recommendations for your companies trade secret protection plan. To set up a review, call us at 668-1971 or contact us through the internet at *Meslaw @ aol.com*.

Frank B. Mesmer, Jr., Esq.
Robert R. Deleault, Esq.

(603) 668-1971

Fax (603) 622-1445

E-mail: Meslaw@aol.com

Website: www.biz-patlaw.com