

Client Alert: Safeguarding Company Trade Secrets in a “Work from Home” Environment

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By: Debbie Berman, Amit B. Patel, Andrew W. Vail

In response to the unprecedented COVID-19 outbreak, many state and local governments have issued shelter-in-place orders. As a result, millions of Americans—most of whom have spent their careers working from an office—are now working from home (WFH) for the first time. The sudden shift to widespread WFH poses unique challenges for businesses seeking to protect their trade secrets and confidential information. Companies must be vigilant in taking steps to train employees about potential security concerns for trade secrets and other confidential information in the WFH environment or risk losing protection over such information.

While many companies diligently train their employees on how to protect their trade secrets and confidential information, the training often focuses on securing such information in the workplace. WFH, however, presents a whole host of potential unique challenges to protecting trade secrets and confidential information, many of which the average worker might never contemplate despite having been trained on workplace-related risks. Federal and state laws afford protection for trade secrets only when the trade secret owner has taken reasonable measures to safeguard the trade secrets. Businesses that fail to take such reasonable steps during WFH may later find that these trade secrets have lost their protected status.

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Related Attorneys



Debbie Berman

Partner

dberman@jenner.com

+1 312 923 2764



Amit B. Patel

Associate

apatel@jenner.com

+1 212 407 1779



Andrew W. Vail

Partner

avail@jenner.com

+1 312 840 8688

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