

Partner Jason Bradford Discusses AI and Trade Secret Protection with *Law360*

Publications

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Partner Jason Bradford was quoted in a recent *Law360* article discussing the evolving landscape of artificial intelligence and trade secret protection.

The article examines how companies are increasingly turning to trade secrets as an alternative to copyrights and patents when protecting AI-related innovations, given that trade secret protection doesn't require a human author.

Jason offered insights on how companies are navigating employee use of third-party generative AI systems, noting a significant shift in organizational approaches.

"What we're seeing now is a shift from initial 'Don't use these tools' policies to more nuanced approaches that include proper licensing agreements, contractual protections to maintain control over data, and clear employee guidelines on permissible tools and usage," he told *Law360*.

He addressed the uncertainty surrounding AI inventorship requirements in patent law, emphasizing the importance of documentation.

"If you're pursuing patent protection for AI-related innovations, it's critical to document the human inputs — how you selected datasets, customized prompts and refined outputs — to demonstrate creation by a natural person — if the invention is patentable at all," he said.

He also noted that given the current ambiguity in patent and copyright law, "many companies are finding trade secret protection a more reliable path."

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