



Trade Secret Protection & Restrictive Covenants

Overview

The ability to electronically capture and spread important, confidential company information and transfer customer relationships to a competitor, all with the click of a button, makes it increasingly difficult to keep trade secrets. Archer's Trade Secret Protection & Restrictive Covenants Group handles the myriad of legal issues that arise when a key employee leaves or threatens to leave to join a competitor. We counsel businesses before they hire an employee, implement agreements and policies during employment to protect against misappropriation, provide counsel when separation of employment occurs, and litigate when a former employee is poised to cause competitive harm. Our multidisciplinary group includes transactional and litigation attorneys who also represent clients in a variety of intellectual property areas.

Helping Businesses Protect Assets and Information

Working with both businesses and individuals, we provide the counseling needed to plan ahead, establish our clients' rights, and protect their interests, including:

- Analyses of the nature of an employer's business and its employees' duties to determine the need for non-compete agreements and confidentiality agreements, and the appropriate provisions of those agreements.
- On-site training for management and employees on how to safeguard confidential information.
- An identification of the warning signs of disloyal employees and a determination of the possible ramifications, remedies, rights of an employer in these situations.

Our prelitigation services are designed to help implement policies and agreements to protect company assets by negotiating, drafting and implementing a wide variety of policies and agreements designed to maximize legal protection and to help avoid future disputes, including:

- Non-compete, non-solicitation and nondisclosure agreements
- Anti-piracy agreements
- Confidentiality agreements between vendors
- Consulting agreements

- Severance agreements
- Invention, discoveries, “work for hire,” technology and “know how” agreements
- Restrictive covenants in the sale of business and mergers and acquisitions
- Strategic planning and counseling on properly handling employee transitions

Our litigation services include matters enforcing by way of injunctive relief:

- Non-compete agreements and confidentiality agreements
- Misappropriation of trade secrets
- Employee defection and piracy
- Breach of the duty of loyalty
- Inevitable disclosure claims
- Business torts
- Disparagement and defamation
- Anti-trust
- Restrictive Covenants in sale of business and mergers and acquisitions

Our attorneys also counsel companies who seek to hire talent from competitors. We assess risks, potential exposure, analyze the enforceability of any restrictive covenants the new employee brings with him and help develop procedures to minimize the dangers of bringing a rival’s employee aboard.

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