

Company secrets tough to protect

Firms get patent tips

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SHELTON — Every company, no matter its size or the type of business it conducts, has at least one piece of information that is confidential and should remain so in order to keep a competitive edge.

So how does one go about protecting that information — whether it's intellectual property or a product — in a global economy where few people stay with one company throughout their work experience and in which some unscrupulous people are willing to sell trade secrets?

Three intellectual property experts from the law firm of Carmody & Torrance provided some answers Thursday in a workshop titled "Preventing Company Property from being Pirated: What Businesses Need to Know to Protect Their Patents, Trade Secrets and Trademarks."

The workshop, sponsored by the Connecticut Business & Industry Association at The Courtyard by Marriott in Shelton, attracted 45 people from about 40 companies throughout the state.

Arthur Schaier, Jennifer Calcagni and Nick Zaino, all partners with Carmody & Torrance, defined intellectual property as inventions, discoveries, innovations, designs, logos, trademarks, servicemarks and literary and artistic work. They explained the types of patents available through the government, how to determine if an invention is patentable and what it takes to get through the patent application process.

They also discussed the state statute on the Uniform Trade Secrets Act, confidentiality agreements and policies, non-compete clauses and other security measures companies should implement for initial protection but also in the event of litigation resulting from inadvertent disclosure or theft of property.

"You may be asked at a trial what things the company has done to guard the information from disclosure, [such as] limit access to a certain number of people, have it encrypted on a computer, have multiple layers of security. The infrastructure you have in place makes it easier to defend or prosecute," Zaino said.

John Tomich, a professor at the University of Connecticut and supervisor of UConn's Intellectual Property and Entrepreneurship Clinic, was impressed with the seminar. "It educated businesses about the value of their intellectual property assets. Those are sometimes the most valuable assets of a company. Anybody can put up a building or buy a machine, but your intellectual property differentiates you from your competitors," Tomich said.

Often people or companies don't recognize the value of their intellectual property until it's too late to get a patent for it, Tomich said.

Once intellectual property is divulged to the world, for example, at a trade show, the government is less likely to grant a patent, Schaier said. The U.S. allows companies to apply for a patent up to one year after publicly sharing information they want protected. "Other countries are less forgiving," he said.

Calcagni, a former patent examiner at the U.S. Patent and Trademark Office who also once worked as a chemical and environmental engineer, offered insight into the patent filing process. The company whose patent is approved retains rights to that intellectual property for 20 years from the filing date. After that, it goes to the public domain, she said.

America's early leaders considered patents so important they were included in the U.S. Constitution, "the idea being to promote the sciences," Schaier said. "The framers recognized if they provided a mechanism to let inventors reap rewards [from sharing information via the patent process] they would stimulate innovation. If I keep a trade secret nothing will be disclosed and technology wouldn't progress."

Brian Roche and Gerald Pia, partners in Roche Pia LLC, a Shelton law practice focusing on cyber law, both attended the CBIA seminar. "Given the ever-changing nature of the industries involved, we think it's a good idea to listen to other perspectives, not only from the legal side, but also to meet the people who confront the business side of these issues every day. We thought the seminar was informative," Pia said.

"A lot of our clients are in the technology industry and they often have general questions relating to patent law. Our practice focuses more on high technology and the Internet and how those new media apply to these sometimes age-old legal concepts," Pia said.