



Invention & Industry

# Misappropriation of Trade Secrets

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## Trade Secret – Misappropriation

With trade secrets ...

- We speak of "misappropriation" rather than "infringement"

### Forms of misappropriation:

- Improper disclosure.
  - E.g., violating confidence, breaching contract
- Improper use.
  - E.g., breaching contract, violating business norms, violating reasonable expectations
- Improper acquisition.
  - Includes criminal actions, contract breach, and torts, but need not be any of those

### Things that are not improper acquisition:

- Reverse engineering.
- Independent discovery.
- Getting from patent or published patent application.
- Getting through a business deal or license.