

TRADE SECRET CHECKLIST

Critical Points: (1) Is it a secret in the industry? (2) Is it valuable to you (does it give you a competitive edge in your business)? (3) Do you keep it a secret? Do you treat it as a secret?

COMMON TRADE SECRETS:

- Customer or client lists
Prospective customer lists
Lists of suppliers/vendors
Employee records
design and manufacturing procedures and specifications
marketing plans
R & D plans
R & D results (interim and final)

For each class or type of secret or confidential information, complete the following:

Describe the secret: \_\_\_\_\_

List everyone who has access to the secret: \_\_\_\_\_

Are they officers or managers? Yes \_\_\_ No \_\_\_

Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_ Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_
Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_ Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_
Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_ Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_

For non-officers/managers, do they need access to the trade secret to do their job? Yes \_\_\_ No \_\_\_

Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_ Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_
Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_ Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_
Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_ Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_

Recommend: all employees involved in design and/or engineering sign the enclosed Employment Agreement. Do you have a signed Employment Agreement (p. 9) on file? Yes \_\_\_ No \_\_\_

Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_ Date \_\_\_\_\_
Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_ Date \_\_\_\_\_
Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_ Date \_\_\_\_\_

Recommend: if you do not have a signed agreement, tell them that the trade secret belongs to your company and that they should not use it for anything but genuine company business.

Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_
Date of Conversation \_\_\_\_\_
Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_
Date of Conversation \_\_\_\_\_
Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_

Date of Conversation \_\_\_\_\_  
 Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_  
 Date of Conversation \_\_\_\_\_  
 Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_  
 Date of Conversation \_\_\_\_\_  
 Name \_\_\_\_\_ Yes \_\_\_ No \_\_\_  
 Date of Conversation \_\_\_\_\_

If they do not need access to the trade secret to perform their assigned responsibilities,  
 Recommend limiting access by:

- locking documents in a cabinet      -protecting computer-based information with a password
- marking documents/files CONFIDENTIAL      -keeping a log of people who access the data
- telling the employee that they are not to use the trade secret without your permission

Are they all employees? Yes \_\_\_ No \_\_\_

For Non-Employees: Recommend all non-employees sign the Consultant Agreement (p. 10).

Subject of Trade Secret: \_\_\_\_\_

Project Name on Agreement/Contract: \_\_\_\_\_

Contractor/Non-employee: \_\_\_\_\_ Date of Agreement: \_\_\_\_\_

Does Agreement/Contract have a CONFIDENTIALITY or a TRADE SECRET clause? Yes \_\_\_ No \_\_\_

Recommend use of enclosed Confidentiality Agreement (p. 11) for people or companies you intend to do business with. For example, potential investors, new manufacturers, prospective partners, etc.

Subject of Trade Secret: \_\_\_\_\_

Project Name on Agreement: \_\_\_\_\_

Other Party (Recipient): \_\_\_\_\_ Date of Agreement: \_\_\_\_\_

Do you have a copy of the Agreement? MARK papers CONFIDENTIAL or SECRET. Yes \_\_\_ No \_\_\_

Do you have a written record of trade secrets explained to the Other Party? Yes \_\_\_ No \_\_\_

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**MANAGER'S TRADE SECRET TABLE Yes/No Checklist**

Trade Secret Description:

Name Person/Company	Employment Agreement	Consulting Agreement	Confidentiality Agreement	Date-Copy in file?
_____	yes/no	yes/no	yes/no	_____ yes/no
_____	yes/no	yes/no	yes/no	_____ yes/no
_____	yes/no	yes/no	yes/no	_____ yes/no
_____	yes/no	yes/no	yes/no	_____ yes/no
...	...	...	...	...

Trade Secret Description:

Name Person/Company	Employment Agreement	Consulting Agreement	Confidentiality Agreement	Date-Copy in file?
_____	yes/no	yes/no	yes/no	_____ yes/no
_____	yes/no	yes/no	yes/no	_____ yes/no
_____	yes/no	yes/no	yes/no	_____ yes/no
_____	yes/no	yes/no	yes/no	_____ yes/no
...	...	...	...	...

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_____	yes/no	yes/no	yes/no	_____ yes/no
_____	yes/no	yes/no	yes/no	_____ yes/no
_____	yes/no	yes/no	yes/no	_____ yes/no

Kain & Associates, Attorneys at Law, P.A. Suite 100, 750 Southeast Third Avenue, Ft. Lauderdale, Florida  
[www. ComplexIP.com](http://www.ComplexIP.com)