

Non-Competes and Protection Against Unfair Competition

Business information and good will often are a company's most significant assets, but—unlike equipment and physical assets—employees and others can easily move this information and take client relationships with them to competitors.

Overview

We offer employers a multi-disciplinary approach to help confront all forms of unfair competition, both through appropriate agreements and policies and in courts across the United States and beyond. No matter what the client's particular situation, we bring to bear a wealth of knowledge, experience and practical solutions that make business sense.

By advising clients with respect to preventive strategies that protect their interests in confidential information and customer good will, we help clients minimize the risk of unfair competition and maximize their ability to defend against the unlawful appropriation of invaluable assets. When preventive efforts fail, we aggressively litigate claims in forums ranging from state, federal and bankruptcy courts, to securities industry and American Arbitration Association tribunals.

Trade Secret Protection Programs

The key to preventing unfair competition is an effective Trade Secret Protection Program that guards against the loss of confidential information, deters employees from unfairly competing, and enhances the employer's ability to prevail in litigation. At Jackson Lewis, we have decades of experience advising clients in all aspects of an effective Trade Secret Protection Program, including the following:

- Drafting non-competition agreements, non-disclosure agreements, assignment

- of invention agreements and similar documents;
- Preparing executive and individual employment agreements;
- Consulting on electronic information retention and security policies; and
- Training employees on policies regarding confidential information, non-competes and other protective measures.

Litigating Unfair Competition Claims

Members of our Non-Competes and Protection Against Unfair Competition Practice Group have prosecuted and defended all types of unfair competition claims in courts across the United States. With offices in major locations throughout the country, we can file or respond to injunction matters on minimal notice in state and federal courts with teams of experienced attorneys knowledgeable about local rules. In addition to injunction proceedings, we represent employers in other workplace unfair competition claims, including theft of trade secrets, employee raiding, breach of fiduciary duty, and violations of state unfair competition laws. Many of our cases have been at the forefront of emerging legal trends ranging from the inevitable disclosure doctrine to the enforcement of non-competition agreements with a worldwide scope. We also have extensive experience handling the complex computer forensics and e-discovery issues that arise in unfair competition litigation.

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Upcoming Events

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