**What the work-from-home model means for company’s trade secret**

During the COVID-19 pandemic, remote working has been increasingly applied by employers to facilitate a safe workplace and, on the other hand, keep the continuity of business. According to a survey, before the outbreak of Covid-19 pandemic, many organizations had been already applying remoted working. Then, when the pandemic struck, 88% of the world’s organizations implement work-from-home model.[[1]](#footnote-1)

Although remote working becomes a hot topic due to the pandemic, it is believed that the pandemic has made working culture in many industries changed and teleworking model may be continually popular in post pandemic. Indeed, a survey showed that 60% of those working from home would like to continue to work from home after restrictions on businesses have been lifted.

Nonetheless, remote-based work settings may pose intentional and unintentional threats to employers’ intellectual property (IP). In this context, company’s internal agreements and policies related to IP management and protection that used to be designed based on a controlled traditional workplace environment may need to be modified in order to adapt the changed business environment.

Given that maintaining secrecy is one of the core requirements for trade secret title, the following practices that can be seen when an employee is remotely working may rise potential risks to trade secret status of information, including:

* The works may be popularly conducted on personal devices via unsecured connection (public wifi), such as personal cellphone, laptop, ... This may make important IP become vulnerable before cyber attacks.
* The works, internal meetings, or working call may be conducted in spaces wherein other persons (family members, roommates, visitors, ...) may easily access to IP (data, documents, reports, ideas, ...). For example in family guest room, bed room, ...
* Certain policies or company routines pertaining to IP may be adhered to in a more lax manner due to the weak control of companies over the IP management.

Thus, it is important for the company to take necessary steps to protect the secrecy of information. The following actions are suggested:

* Training employees working remotely on IP policies and repeatedly reminding employees about the importance of the IP rules.
* Requesting remote employees to use company-owned laptops, electronic devices, telephones, or other electronic equipment’s for working, if feasible. In certain situations, if employers must allow employees to use their own equipment, such equipment must be vetted for certain standards, such as having anti-virus software, only having licensed software.
* Deploying authentication and secure cloud tool to manage information. Besides, only software that requires a corporate email to login or digital signature to review attachments should be used. By saving data on the cloud, companies can easily and efficiently control the status and usage of information, while ensuring governance and compliance. In technology era, IP must be protected by technology means, amongst other things.
* If employees are tech lovers and are using home assistant devices (such as Google Home and Alexa), the company should require the devices to be turned off. It is common that these devices will constantly listen to their environment;
* Making employees understand that, although their family members or friend may not intend to stole the secret information, taking reasonable steps to protect secrecy is required by laws to maintain the trade secret status that is critical for the company to gain the protection tile of trade secret.
* Importantly, the company must introduce or revise work from home policies and relevant IP guidelines to ensure provisions for protection of IP in remote-based work model, mainly including: privacy policies, intellectual property rights, cyber security, employee agreements and internal labor regulations.

The remote working has demonstrated its advantages and benefits. Thus, this working model is predicted to be still here even if prior the ends of pandemic. Bearing this in mind, an attention should be shifted to maintaining the protection of IP outside of the corporate firewall.

1. https://review42.com/resources/remote-work-statistics/ [↑](#footnote-ref-1)