

intellectual property and, in some instances, its outright misappropriation by colleagues.

The commercial value of any technology may depend directly on the inventor's or research team's ability to protect it from indiscriminate disclosure and use by third parties. Colleagues and employees should be educated about these issues and sensitized to them. Confidentiality or non-disclosure agreements should be considered for the members of a research team as well as for third parties.

Articles that describe research, planned discussions at seminars, and the like should be reviewed with colleagues who know the technology (perhaps a committee composed of management and co-workers) in advance, and then with a patent agent or with legal counsel, in order to avoid premature disclosure of research. There may be legal as well as commercial reasons for holding back. In many cases disclosure could make it impossible for the owner to obtain patent protection, or to protect the information as valuable know-how to be licensed.

In addition to applying the "need to know" principle, all materials — lab notes, drawings, reports, research materials, computer software — should be clearly marked as confidential. A rubber stamp that states something like "Confidential, proprietary information of XYZ Research Ltd., not to be reproduced or used for any purpose without the prior written consent of XYZ Research Ltd." could be used for this purpose. Of course, this and all other recommendations for protecting confidentiality should be reviewed with your own patent agent or legal counsel for suitability to your circumstances.

When confidential information must be disclosed and there is no written contract between the parties, the recipient should be clearly informed of the confidential nature of the information, preferably in writing, at the time of disclosure or before. When you disclose information, be sure to track confidential documents, keep a record of who has received copies, and request the return of all copies.