

Are Your Ideas Your Own?

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As you take a break from work to look out the window and daydream on a beautiful summer afternoon, are you daydreaming of writing a novel or screenplay, working out a new invention, starting your own business, or just thinking of where you go next and how you take your customers with you?

For most employees, and often for independent contactors, if someone is paying you to work for them, you are what is referred to as a “work for hire.” Sounds simple enough, but legally it means that whatever you create or develop on the clock and every customer you sell is owned by your company. So if you are researching your next job, creating a business plan or making notes on the next great novel, how do you protect yourself?

- Don't use any company time or resources. As inviting as it might be when the boss is away on summer vacation to spend time at work writing your business plan or talking to clients about where you are headed next, avoid the temptation.
- Don't save any documents to your work computer about your plans. Everything on the computer network, your hard drive, even a laptop if it is owned by the company, belongs to the company, not you.
- Set up a separate personal email account for anything related to your new job or opportunity. Your employer can review all of your emails at any time.
- Use your cell phone for any phone calls and avoid answering your phone at work.
- Review any employment contracts or agreements you signed including a non-competition or non-solicitation provision. This could affect what you can or cannot do as you leave your employment.

If you want to take clients with you, the best way to approach this is to talk outside the office with key clients about whether or not they would consider following you. Don't take customer lists from your work computer, as this can easily be considered misappropriation of company assets. Do carefully plan your move and invest in an hour of an attorney's time if you have specific questions.



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