Five Functional Requirements for an Automated Trade Secret Asset Management System

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Taxonomy
Automated trade secret asset management systems start with a taxonomy easily understood by everyone in the organisation. One taxonomy that works is [subject] [format] [product]. "Has anyone seen the Engineering Specifications for the Model 5750?"

Engineering is the Subject, Specifications is the Format, and the Model 5750 is the Product.

Scoring
The trade secrets must be scored by some method that reflects legal standards and is easy to use. All trade secrets are not created the same. Some are better than others. The Restatement Six-Factor litmus test provides an automated means for scoring trade secret assets using a one-to-five scoring mechanism in which each of the six factors is scored from one (low) to five (high). Everyone is familiar with a one-to-five scoring system from grades in school to film review ratings.

Metadata
The automated trade secret asset management system contains no trade secrets. Like a library card catalog, which contains no books, an automated trade secret asset system contains no trade secrets. A method of asset management should not reduce the value or security of the assets themselves. A library card catalog, which contains no books, an automated trade secret asset system contains no trade secrets.

History
The automated trade secret asset management system must retain all the metadata about trade secrets and be able to reproduce the metadata in effect at any time in the past. The period of interest in trade secret litigation may be two or three years in the past. One cannot litigate a case based on today’s environment; one must litigate based on the evidence during the period of interest. Proof of reasonable measures also requires historical records. The automated trade secret asset management system must retain all the metadata about trade secrets and be able to reproduce the metadata to prove that reasonable security measures have been taken to protect the trade secret.

Proof
The automated trade secret asset management system must contain methods for proving that historical metadata is contemporaneous with the period of interest and not an artificial construct prepared for trial. This is now possible with blockchain technologies. The blockchained metadata is irrefutable, tamper-free, and self-authenticating.

Automated trade secret asset management systems will usher in another period of dramatic intellectual property growth by providing effective ways to identify, classify, protect and value trade secrets assets. The time is now.