



Questions or Comments?

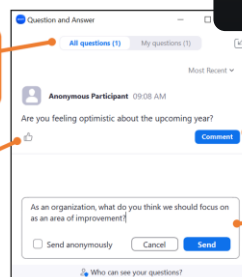
Use Zoom's Q&A feature to add to the queue.

View all questions or just your own

Upvote question

Comment on question

Submit new question



"Why can't I use the chat feature?"

Chat is reserved for one-way messages from ACS staff to attendees like links to the slides and announcements.

1

1



Where is the Webinar Recording?



All Registrants

Watch the unedited recording linked in the Thank You Email for 24 hours.



ACS Members w/Premium Package

Visit the [ACS Webinars® Library](#) to watch the edited and captioned recording.

2

2



www.acs.org/acswebinars



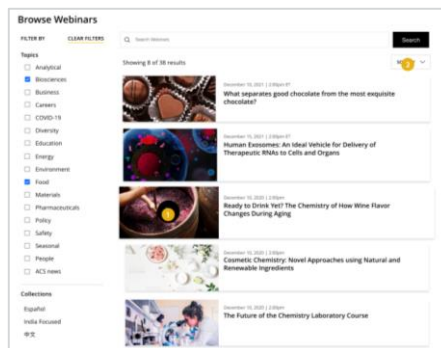
Explore the new and improved ACS Webinars® Library!

Familiar search, sort, and filtering tools have been added to help find the recording you are looking for

Accurate captions for accessibility

Improved granular topics and collections

Exclusive for ACS Members with the Premium Package



Visit www.acs.org/acswebinars to discover hundreds of recordings!

3



www.acs.org/membership



BECAUSE PEOPLE LIKE YOU CREATE GREAT CHEMISTRY

You belong here

Join ACS

Renew Membership

Have a Different Question?
Contact Membership Services

Toll Free in the US: [1-800-333-9511](tel:1-800-333-9511)

International: [+1-614-447-3776](tel:+1-614-447-3776)

service@acs.org

| Premium | Standard | Basic |
|---|--|---|
| Access to all benefits. The best option for students, professionals, or retired, now at a better price. | A new option featuring a slimmed-down set of benefits at half the price. | Introductory set of complimentary benefits. |
| \$160 Regular Members & Society Affiliates | \$80 Regular Members | \$0 Community Associate |
| \$80 Recent Graduates* ⓘ | \$40 Recent Graduates* ⓘ | |
| \$55 Graduate Students | | |
| \$25 Undergraduate Students | | |
| \$80 Retired | | |
| \$0 Emeritus | | |

4

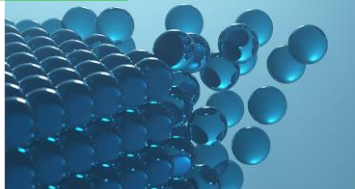
4



www.acs.org/acswwebinars



en español



Miércoles, 26 de Febrero, 2025 | 2pm-3pm ET

Desarrollando Materiales Orgánicos para Aplicaciones Bio-electrónicas y Electroquímicas

Co-producido con la Sociedad Química de México

NEXT WEEK!



Thursday, February 27, 2025 | 2pm-3:15pm ET

How to Break Through to Reach Science Deniers

Co-produced with ACS Committee on Public Relations and Communications



Wednesday, March 5, 2025 | 11am-12:30pm ET

Disrupt & Destroy: Starving Tuberculosis with Smarter Science

Co-produced with ACS Publications

Register for Free

Browse the Upcoming Schedule at www.acs.org/acswwebinars

5

5



www.acs.org/acswwebinars



THIS ACS WEBINAR® WILL BEGIN SHORTLY...

👋 Say hello in the questions window!



6

6



www.acs.org/acswebinars



What Every Industrial Chemist Should Know: Ethics and Legal Considerations



JONATHAN KENNEDY, JD

Speaker

Patent & Litigation Attorney, McKee,
Voorhees & Sease, PLLC



STEWART WITZEMAN, PhD

Speaker

Independent Innovation Consultant
and former Chemical Research
Director, Eastman Chemical Company

This ACS Webinar® is co-produced with the ACS Committee on Ethics and ACS Division of Chemistry & The Law.

7

7



Ethical and Legal Issues for the Industrial Chemist

ACS Webinar – February 19, 2025

Jonathan Kennedy - McKee, Voorhees and Sease

J. Stewart Witzeman – HB Innovation Consulting

*On behalf of the ACS Ethics Committee (ETHX) and
Division of Chemistry and the Law (CHAL)*

8

8

Webinar Objective

This webinar will discuss some of the key ethical and legal issues associated with employment in industry.

9

9

Disclaimer

These materials have been prepared solely for educational purposes and are not intended as legal advice. Every employment circumstance is unique, individual and fact specific; accordingly, information in this presentation may not always be applicable or encompass all obligations. The information presented is intended to help participants engage some of the issues associated with early career decisions and understand the obligations associated with employment. No attorney-client relationship is formed by this presentation.

10

10



11

Agenda

- Introduction
- Differences in types of job by sector/nature of company
- Expectations of industrial career
 - Confidentiality/Non-disclosure
 - IP ownership
 - Restrictions on outside work
 - Other employment obligations
- Questions/Discussion

11



12

Differences in types of job by sector/nature of company

| Area | Academia | Industry |
|----------------------------|---------------------------|------------------------------|
| Research Area | Significant latitude | Driven by business needs |
| IP | Sharing of revenue | Assigned to employer |
| Other work | Allowed (e.g. consulting) | Restricted |
| Funding / Resources | Must obtain | Provided |
| Publication | Great freedom | Review and approval required |
| Disclosure of work | Significant latitude | Restricted |

12



Other Factors to Consider

- Company sector
- Company size
- Location
- Company maturity

13

13

Employee Agreement – Typical Sections

In consideration for employment with many companies, including the compensation, benefits and training, Scientists are asked to agree...

- **Confidential information**
 - Acknowledge relationship of trust & confidence
 - Non-disclosure
 - Return of info upon separation
- **Inventions**
 - Prompt disclosure
 - Assignment
- **Noncompetition**
- **Other legal terms** (governing law etc.)

14

14



Audience Survey Question

ANSWER THE QUESTION ON THE INTERACTIVE SCREEN IN ONE MOMENT

Confidentiality and Non-Disclosure: How long can confidentiality requirements extend?

- The length of your job
- No more than 5 years
- After your job, in perpetuity

* If your answer differs greatly from the choices above **tell us in the questions panel!**

15

15



Confidentiality and Non-Disclosure

- Expected to keep proprietary information confidential
- Extends beyond employment
- Includes work from collaborative research with other companies and universities
- If/when publicly disclosed (published, patented, etc.) restrictions may no longer apply
- Some companies have policies around 'need to know' which restricts disclosure within company

16

16

Confidentiality and Non-Disclosure (continued)

Trade Secrets

Special category of IP and subject to high level of security

Obligation to protect trade secrets extend beyond employment (in perpetuity)

17

17

IP Ownership

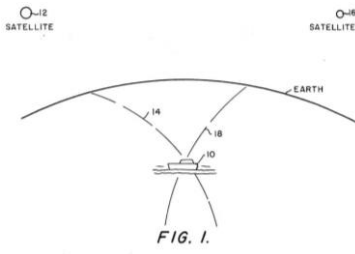
- Company ownership of all work results including inventions expected and non-negotiable
- Definition - Intellectual Property (IP):
 - *Patents*
 - *Trade Secrets*
 - *Trademarks*
 - *Copyrights*
 - *Data Rights*

18

18

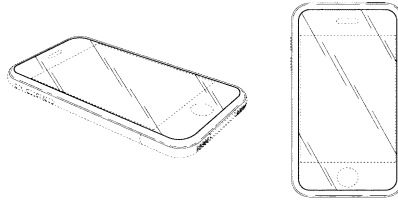
Types of IP - Patents

Utility Patents



U.S. Pat. 3,789,409

Design Patents



US. Pat. D627,769

Plant Patents



U.S. Plant Pat. 139

19

19

Types of IP – Trade Secrets



Information:

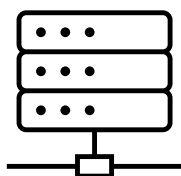
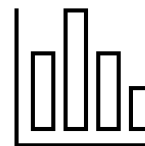
- (1) having economic value in not being known, and
- (2) is subject to reasonable efforts to be kept secret.

- *Uniform Trade Secrets Act* §1.4

20

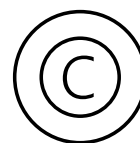
20

21



Types of IP

Copyrights, Trademarks, and
Data Rights



21



Audience Survey Question

ANSWER THE QUESTION ON THE INTERACTIVE SCREEN IN ONE MOMENT

What Intellectual Property are each of these potentially protected by (select all that apply)?

1. Coca-Cola?
2. Music Record?
3. New airplane design?

- A. Copyright
 - B. Trademark
 - C. Trade Dress
 - D. Patent
 - E. Trade Secret




*** If your answer differs greatly from the choices above tell us in the questions panel!**

22

22

Intellectual Property (IP)


Patent Protection



Trademark, Design Patent & Trade Secret




Copyright





polkadotchair.com 23


23



Impact of Corporate IP

- 

Compensation and career path recognize contributions
- 

Publication and presentation of work requires prior approval
- 

Published patents are public records and can be listed on your CV

24

24



Restrictions on Outside Employment (Conflict of Interest)

- Employment with third parties in competition to employers 'business interests' prohibited.
- Outside of employer's field such as restaurants, services may be allowed.
 - It is advisable to communicate this with supervision.

25

25



Audience Survey Question

ANSWER THE QUESTION ON THE INTERACTIVE SCREEN IN ONE MOMENT

What kind of penalties for violating conflict of interest or sharing trade secrets? (Select all that apply)

- Loss of employment
- Monetary penalties
- Criminal prosecution for trade secret violation

* If your answer differs greatly from the choices above **tell us in the questions panel!**

26

26



27

A few examples include:

- [Former Applied Materials Employee Convicted of Trade Secret Theft](#)
- [Former Coca-Cola Employee Convicted of Stealing Trade Secrets for the Chinese Government](#)
- [Former Merck employee arrested for stealing trade secrets on cancer research](#)
- [Chemist sentenced to 14 years for stealing Eastman, other companies' trade secrets](#)

27

Non-Compete Provisions in U.S.

- Restrict going to competitor for some period of time
- FTC under Biden banned most non-competes
- This is an evolving area:
 - FTC ban was paused due to lawsuit
 - Unclear how Trump administration will handle
 - Typically, subject to state specific laws
- Obligations of confidentiality and trade secret protection continue regardless of noncompete



<https://www.vecteezy.com/free-png/contract>

28

28

Other Obligations

- Professionalism and legal compliance
- Periodic training and certification of compliance (maintain competency)
 - Compliance training (safety, environmental, workforce, diversity/non-discrimination)
 - Insider trading
 - Continued affirmation of employment contract
 - Internet and cyber security
 - Reporting/whistleblower provisions
- Important to recognize the obligations implied

29

29

Best Practices

- Understand what is confidential
- Understand obligations to protect and manage
- Understand policies on internal vs external disclosure (i.e. need to know)
- Understand company policy on trade secret management and trade secrets exposed to as well as their level of sensitivity



<https://www.vecteezy.com/free-png/business-team>

30

30

About the ACS Ethics Committee

ETHX Vision

- Enabling Trust, Honesty and Integrity for Chemistry and Society
- E.T.H.I.C.S.

ETHX Mission

- Promoting professional conduct through awareness, education and recognition.

CHAL

- ACS Division of Chemistry and the Law
- Focused on the intersection of chemistry and the law



31

31



ENGAGEMENT

- ACS Ethics Committee webpage
<https://www.acs.org/about/governance/committees/ethics.html>
- Ethics Committee website <https://acsethics.org/>
- Ethics Committee LinkedIn
<https://www.linkedin.com/company/81951801/admin/dashboard/>
- Division of Chemistry and the Law (CHAL) website
<https://chemistryandthelaw.org/>

32

32

Your Presenters

Jonathan Kennedy:

Jonathan's technical training is in chemistry which he further supplemented with a law degree and a Master's degree in Bioethics. His practice is in intellectual property law, including, patents, trademarks, copyrights, and trade secrets.

J. Stewart Witzeman:

Stewart Witzeman is an independent consultant who works with clients on matters related to innovation strategy, intellectual property, partnerships and partnership strategy. Prior to starting his consultancy, Stewart had a thirty-year career with Eastman Chemical Company where he managed a variety of Research and Development organizations.

Both Jonathan and Stewart are active in the ACS Ethics (ETHX) Committee. Jonathan is also active in the ACS Division of Chemistry and the Law (CHAL) and currently serves as Treasurer for CHAL.

33

33



ACS
Chemistry for Life®

www.acs.org/acswebinars



THE LIVE Q&A IS
ABOUT TO BEGIN!

Keep submitting your questions
in the questions window!

34

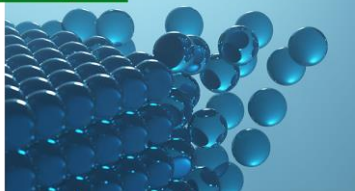
34



www.acs.org/acswebinars



en español



Miércoles, 26 de Febrero, 2025 | 2pm-3pm ET

Desarrollando Materiales Orgánicos para Aplicaciones Bio-electrónicas y Electroquímicas

Coproducido con la Sociedad Química de México

NEXT WEEK!



Thursday, February 27, 2025 | 2pm-3:15pm ET

How to Break Through to Reach Science Deniers

Co-produced with ACS Committee on Public Relations and Communications



Wednesday, March 5, 2025 | 11am-12:30pm ET

Disrupt & Destroy: Starving Tuberculosis with Smarter Science

Co-produced with ACS Publications

Register for Free

Browse the Upcoming Schedule at www.acs.org/acswebinars

35

35



www.acs.org/membership



BECAUSE PEOPLE LIKE YOU CREATE GREAT CHEMISTRY

You belong here

Join ACS

Renew Membership

Have a Different Question?
Contact Membership Services

Toll Free in the US: [1-800-333-9511](tel:1-800-333-9511)

International: [+1-614-447-3776](tel:+1-614-447-3776)

service@acs.org

| Premium | Standard | Basic |
|---|--|---|
| Access to all benefits. The best option for students, professionals, or retired, now at a better price. | A new option featuring a slimmed-down set of benefits at half the price. | Introductory set of complimentary benefits. |
| \$160 Regular Members & Society Affiliates | \$80 Regular Members | \$0 Community Associate |
| \$80 Recent Graduates* ⓘ | \$40 Recent Graduates* ⓘ | |
| \$55 Graduate Students | | |
| \$25 Undergraduate Students | | |
| \$80 Retired | | |
| \$0 Emeritus | | |

36

36



www.acs.org/acswebinars



Learn from the best and brightest minds in chemistry!

Hundreds of webinars on a wide range of topics relevant to chemistry professionals at all stages of their careers, presented by top experts in the chemical sciences and enterprise.



Edited Recordings

are an exclusive benefit for ACS Members with the Premium Package and can be accessed in the ACS Webinars® Library at www.acs.org/acswebinars



Live Broadcasts

of ACS Webinars® continue to be available free to the general public several times a week generally from 2-3pm ET. Visit www.acs.org/acswebinars to register* for upcoming webinars.

*Requires FREE ACS ID

37

37



www.acs.org/acswebinars



ACS Webinars® does not endorse any products or services. The views expressed in this presentation are those of the presenter and do not necessarily reflect the views or policies of the American Chemical Society.

Contact ACS Webinars® at acswebinars@acs.org



38

38