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Book Review [Ideas in the Workplace]

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BOOK REVIEW

TITLE: IDEAS IN THE WORKPLACE
AUTHOR: H. CLARKE ANAWALT
SANTA CLARA UNIVERSITY SCHOOL OF LAW
SANTA CLARA, CALIFORNIA
PUBLISHER: CAROLINA ACADEMIC PRESS
ISBN #: 0-89089-315-2

Reviewer: Josephine Parry*

Ideas in the Workplace is a fundamental tool for both employers and employees in the environment of creative development. It is a quick, simple and easy guide to the analysis of ideas, inventions and developments, and how each can be protected. Professor H. Clarke Anawalt has produced a book which covers all the necessary legal doctrines, practical guidelines, and references to equip both the employer and employee in dealing with the complex problems of sorting out the rights and obligations associated with ideas in the workplace.

The structure and organization of the book is textbook oriented with general chapter headings, headings, subheadings and conclusions. The conclusions are extremely helpful in reviewing the material covered in each chapter. The result of this textbook style is a product which is informative, logical, and useful as a practical tool. The "Practical Applications of the Legal Rules" and "Planning" chapters are especially useful to the layperson in structuring contractual relationships between the employer and employee. For an attorney who must deal with these issues on a daily basis, the practical solutions provided can be shared with businesspersons.

Inclusion of selected portions of the patent statutes—the U.S. Copyright Act, Uniform Trade Secrets Act, U.C.C. and Labor Code—allow the reader to reference the law directly. Anawalt's explanations and applications of the statutes to actual fact situations (cases are cited throughout) give the reader insight into what the

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courts are currently ruling. Thus, Anawalt has created a setting that enables the reader to efficiently review the law and its application, in a manner which the reader can easily apply to his own particular situation.

Anawalt provides the reader with a simple solution to the complex issue of protection of ideas. He presents this information in an easy, concise and understandable style that enables an inventor, a businessperson and a lawyer to quickly absorb the material. His description and explanation of the foundations of the protection of ideas and inventions are bolstered with citations and descriptions of cases and the manner in which courts have analyzed inventors' rights. By scrutinizing the relationship between employer and employee, and advocating steps for protection of each, the reader obtains a clear, sensible and broad overview of the issues of protection and a reasonable method of protecting all interests. His description of the steps to be taken to accomplish desired results, with examples and illustrations, make the book a handy reference guide.

Throughout the book, footnotes and references to other chapters covering the same or similar areas further assist the reader. A preliminary discussion of the issues to be covered are found in the beginning of each chapter. Again, this assists the reader in his use of the book as a reference tool. The inclusion of the cases and the legal doctrines represented by such cases are invaluable to the layperson and the attorney in the analysis of how, when, and if certain ideas are to be protected. This technique of using actual cases in explaining a particular principle is effective and efficient.

Since most of us, businessperson, inventor, and attorney, usually have volumes of reading material to keep us busy, Anawalt's book is refreshing in its simplicity, honesty, and straightforward approach. With so much confusion surrounding trade secrets, especially in the area of software development, all of us should be aware of the issues being reviewed by the courts and the applicable statutes. Although we can use our experiences as a guide, it is often difficult to find an easy reference guide that one can recommend to a layperson. I have no hesitancy in recommending this book to my clients, (management and employee), to assist them in better understanding patents, copyrights and trade secrets. I believe that any inventor will find this book extremely useful in sorting through the legal doctrines and in applying those legal doctrines to his particular situation especially since Anawalt has so thoughtfully provided us with practical guidelines allowing us to approach each situation in a logical, efficient and productive manner.