



# Cease and Desist Form Letter - Unfair Business Practices and Infringement of Trade Secrets

This letter serves as notice to a person or company that it has illegally obtained confidential trade secret information from another company and is to discontinue obtaining and/or disclosing such information or be subject to applicable penalties. This document contains standard language but has opportunities for customization, such as describing how confidential information was obtained, or whether additional intellectual property rights were violated. This document is useful to a small business who believe that another company is using its trade secrets but this letter is not meant to be used in instances of employees who have obtained such information and are using it despite a non-compete agreement.

\_\_\_\_\_ **[Instruction: Insert Company letterhead.]**

\_\_\_\_\_ **[Instruction: Insert date.]**

\_\_\_\_\_ **[Instruction: Insert addressee name.]**

\_\_\_\_\_ **[Instruction: Insert addressee address.]**

\_\_\_\_\_ **[Instruction: Insert addressee city, state, zip code.]**

Re: Infringement of \_\_\_\_\_. **[Instruction: Insert trademark being infringed.]**

Dear Sir or Madam:

We are the owner of certain intellectual property which is confidential and has not been publicly disclosed. Recently, despite our security precautions, it has come to our attention that you, or a person or entity under your control or dominion, has \_\_\_\_\_ **[Instruction: State how party has accessed confidential information, including by what means (for example, unauthorized computer network access or otherwise).** The confidential information accessed pertains to \_\_\_\_\_ **[Instruction: State specifically the type of confidential information which was accessed.]**. There is no legal manner in which you could have obtained this confidential information. *Optional Language:* **You have posted this information, in whole or in part without authorization at \_\_\_\_\_.** **[Instruction: Insert web address where information posted.]** We demand that you remove this confidential information immediately and delete it from your site and any other site where such information may have been posted by you, or any person or entity under your control or dominion. *Comment:* **If additional intellectual property rights are also being infringed, for example, copyrighted material is being posted online with the confidential information, same should be addressed here in detail as to what copyrighted material was used, and in what manner.**

In any event, any continued possession and/or disclosure of this confidential information by you, or any person or entity under your control or dominion is illegal. This letter shall serve as notice that all such confidential information was illegally obtained. Notwithstanding any involvement you, or any person or entity under your control or dominion may have had in the theft of this information, your continued access to or disclosure of such confidential information will subject you to liability. Your possession and/or disclosure of such confidential information have/has already damaged us, and any continued possession and/or disclosure will only further such damage. You must immediately cease and desist from any such access and/or disclosure of such confidential information.

The unauthorized access, use, display and/or misappropriation of any of our confidential information may subject you, or any person or entity under your control or dominion to civil remedies and criminal penalties pursuant to the following statutes that address the unauthorized access of proprietary computer systems as well as \_\_\_\_\_ **[Instruction: Insert brief statement of any other applicable statutes. Also, delete the below if inapplicable.]**

(1) the federal Computer Fraud and Abuse Act, 18 U.S.C. § 1030, which provides for a fine or imprisonment up to ten years, or both, for a first offense;

(2) the federal Electronic Communications Privacy Act, 18 U.S.C. § 2701, which provides for a fine or imprisonment up to one year, or both, for a first offense; and

(3) ***[Instruction: Insert any applicable state statutes.]***

These statutes clearly render such conduct unlawful, and could result in liability for your complicity in distributing, using, displaying or otherwise making available our trade secrets and confidential information. These statutes could also establish the predicate wrongful conduct for asserting civil claims against you under various civil statutory and tort theories.

We request that you immediately and permanently cease and desist from accessing, posting, distributing or otherwise making available any and all of our trade secrets and confidential information, and provide us with written confirmation regarding the same. If necessary, we are prepared to pursue any and all applicable civil and criminal penalties in this matter to the fullest extent permitted by applicable law, and to seek not only injunctive relief, but also actual, statutory and punitive damages, as well as attorneys' fees.

***Optional Language: Notwithstanding the foregoing, please recognize that we are providing you with further notice to preserve all evidence and other information relating to this issue while we investigate the matter further. Your failure to preserve such evidence and/or information and/or your alteration, concealment, or transfer of any such evidence and/or information pertaining to this matter is considered spoliation of evidence and could subject you to both civil and criminal liability. This letter is not intended to contain a complete statement of fact with respect to the subject matter hereof.***

This letter shall not serve as a waiver of any legal and/or equitable right or remedy available to us, all of which are herein expressly reserved.

We look forward to hearing from you promptly.

Very truly yours,

***[Instruction: Insert signature block.]***

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