

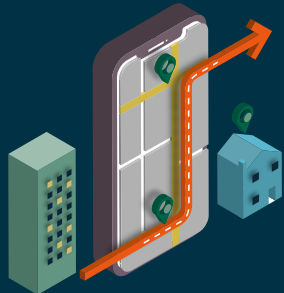
Future of Work: Mitigating IP & Commercial Risks



Future of Work

New remote working models are changing the way we work and the risks to which businesses are exposed.

Whether you are reducing office/business space or introducing flexible solutions like hybrid working, pay as you go spaces, co-working or working at customers' premises, you are being exposed to new commercial and legal risks. Here we set out some of the key risks arising from the move to these new working models and, crucially, a 3 step approach to help you minimise and manage those risks.



Step 1: Audit

Auditing existing arrangements will identify gaps and required actions. For example:

- **Checking technology contracts are fit for purpose:** Do your technology systems offer effective solutions for hybrid working? Have you reviewed early termination options to minimise financial exposure when moving to a new solution?
- **Safeguarding confidential information and IP:** Do your employment contracts provide necessary protections for the business in a hybrid working world? Have you taken the “reasonable steps” legally required to protect trade secrets, such as key data and valuable information?
- **Software licences:** Are you at risk of under-licensing? Do your licences allow remote access, particularly by employees outside of the UK?

Step 2: Strategy

The results of the audit will help you to develop and implement a clear and simple strategy to reduce key risks.

- **Technology service interruption:**
When implementing new technology, plan how you will address liability and the costs of workaround solutions in case of delays, failure to meet service levels and outages.
- **Shared workspace arrangements:**
We can help you to implement a shared workspace strategy to ensure the business has access to equipment, facilities and on-demand workspaces to reduce the risk of disputes.
- **Preserving your intellectual capital and trade secrets:** Having identified, through an audit, where these valuable assets may leak out of the business, we can help you to put in place focused procedures to reduce this risk.

Step 3: Training

Light touch, practical training can bring your new strategy to life. For example:

- **Training to protect your intellectual capital:** We can give your employees bespoke training to identify IP and trade secrets as they are created and to retain the value of those assets within the business.
- **Preventative measures: spotting and dealing with disputes:** We can deliver a tailored workshop to help you spot and avoid disputes in the context of your new/proposed way of working. This may cover the cause of commercial disputes, spotting the early warning signs and proactive steps to minimise risks.
- **Managing and terminating contracts:** We can give your team training to help them identify the risks involved in the changes they intend to make and to reduce risks through transition planning.

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About Osborne Clarke

Our expertise

At Osborne Clarke we have a dedicated team of commercial and IP disputes lawyers, who can advise on managing risks in your new/proposed way of working. Our team works closely with experts in other aspects of remote and hybrid working, like our employment lawyers.

To discuss any of the risks identified or to find out more about how Osborne Clarke can help you, please contact your usual Osborne Clarke contact or one of our experts.

Please note that cyber security and data security risks have not been covered here, but our specialist teams would be happy to provide you with information on how Osborne Clarke can help you to navigate these risks: [osborneclarke.com](https://www.osborneclarke.com)

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