

The Intellectual Property Risks of GenAI

Media Mentions

November 01, 2024 | *InformationWeek* | 1 minute read | Washington, DC

With so much of the attention being paid to the business competitiveness aspect of GenAI, Bracewell's **Brad Chin** told *InformationWeek* that companies should also focus on the potential risks of its usage in protecting intellectual property.

According to Chin, using the company's data, and perhaps others' data, in a GenAI tool raises the question of whether the company's trade secrets are still protected.

"We don't have a lot of court precedent on that yet, but that's one of the considerations courts look at in a company's management of its trade secrets: what procedures, protocols, practices they put in place, so it's important for C-suite executives to understand that risk is not only of the information their employees are putting into AI, but also the AI tools that their employees may be using with respect to someone else's information or data," said Chin. "Most company NDAs [non-disclosure agreements] and general corporate agreements don't have provisions that account for the use of generative AI or AI tools."

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