

# Who Owns Your Knowledge?

This scenario was developed by P.M. Kohn and R.V. Hughson and cited in *Ethics in Engineering* by M. W. Martin and Roland Schinzinger. (New York: McGraw-Hill, 1989)

## Position One: Improve the Candy

Ken is a process engineer for Stardust Chemical Corporation. He has signed a secrecy agreement with the firm that prohibits his divulging information that the company considers proprietary (belonging to the company).

Stardust has developed an adaptation of a standard piece of equipment that makes it highly efficient for cooling viscous plastics slurry. Stardust decided not to patent the idea but to keep it as a trade secret.

Eventually, Ken leaves Stardust and goes to work for a candy-processing company that is not in any way in competition with Stardust. He soon realizes that a modification similar to Stardust's trade secret could be applied to a different machine used for cooling fudge, and at once has the change made.

Has Ken acted ethically?

Yes. Ken went to work for a company that doesn't compete with his previous employer. It is not likely that their adaptation of the fudge cooling machine will be used anywhere else. They are not planning on trying to make money by selling the idea to someone else.

Ken cannot be expected to partition his brain into segments based on the source of his knowledge. He has to use the knowledge he has accumulated and should not be expected to keep it a secret forever. The new company has the right to benefit from his skills, especially since the first company didn't patent the process.

## Position Two: Keep It a Secret

Ken is a process engineer for Stardust Chemical Corporation. He has signed a secrecy agreement with the firm that prohibits his divulging information that the company considers proprietary (belonging to the company).

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Eventually, Ken leaves Stardust and goes to work for a candy-processing company that is not in any way in competition with Stardust. He soon realizes that a modification similar to Stardust's trade secret could be applied to a different machine used for cooling fudge, and at once has the change made.

Has Ken acted ethically?

No. He signed a secrecy agreement with the requirement that the information was to be kept in that company. Honesty requires that he should honor that agreement.

Stardust will probably lose the opportunity for income because even if Ken's new company doesn't share the idea with anyone else, it's very likely that someone in the candy factory will move to a new company and will use it there. Ken has no control over where it goes.