Identify if there is an intellectual property at issue here. If so, what type?

The type of intellectual property demonstrated in this scenario is;

Trade Secrets

Many firms would like to learn trade secrets of their competitors. For example, according to a recent article in the Financial Times "workers in a subsidiary of a U.S. pharmaceutical company Johnson & Johnson were given 'Inspector Clouseau' and 'Columbo' awards for snooping on competitors" (Tyler, 1997). Many times, there are more subtle ways to learn the competitors' trade secrets, for instance by hiring a competitor's senior manager. In 1993, an affair surrounding the defection of Jose Ignacio Lopez, the chief of purchasing for General Motors (GM), to Volkswagen (VW) received a lot of media attention. Lopez, and several other former GM executives he took along, allegedly brought to VW lists of suppliers, prices, terms of delivery, and other trade secrets regarding the GM German subsidiary Adam Opel. To settle the affair, VW agreed out of court to pay GM $100 million in damages. Even though the Lopez case is not a typical one, as it involves allegations of outward stealing, it gives an idea of how much can be in stake if a company's key executive officer defects to competition. Quoting again from the same article in the Financial Times "The problem is the loyalty-or lack of it-of employees in a world of short contracts, rapid turnover and big inducements."

Trade secret is a type of intellectual property whereby companies keeps process, device, formula, or other business information private in order to give them an advantage over their competitors. Some examples of these trade secrets include:

Soda formulas

Customer lists

Survey results

Computer algorithms

Business uses restricted access to any confidential information, post-employment restrictive covenants, non-disclosure agreements, and other security practices to keep trade secrets.

Since, the scenario involves Sam and employee of ABC Paper Co. revealing the lists of customers to XYZ Paper Co. it involves breaking of non-disclosure agreement which has been used by ABC Paper Co. to maintain trade secrets which is a type of intellectual property.

Where Sam actions ethical? and why or why not

no Sam's actions where not ethical

New and improved products and processes which cannot be copied provide the much needed competitive advantaged, to an enterprise. Continuously finding ideas that are creative or inventive is a perpetual challenge. Some enterprises are even willing to unscrupulously steal competitors' employees with the objective of accessing their creative and inventive abilites, as well as their knowledge of the secrets of success of the competitor. Most disclosures or use of confidential information are done by current employees and especially by former enterprise.

When working in an enterprise there is always a "psychological contract" between the employer and the employee. Different from a formal legal contract, it is a set of expectations that both employees and employers have concerning each other's contributions to the enterprise and the incentives they will receive for their contribution[5].These expectations are mostly learned and understood while working in the company. As employees gradually come to understand a company's culture, it becomes clear to them as to what is acceptable or not, what are their duties and what they owe to the company and what the company owes them.

An employee automatically owes confidentiality to the employer. However, in an environment where employee mobility is high, "psychological contracts" are no longer reliable; it implies that giving formal legal contracts a greater importance becomes important. Such contracts or clauses in contracts enhance legal protection of trade secrets and provide an enterprise security in case of litigation. There are several types of contractual clauses in employment agreements that an enterprise can enter with its employees to protect its confidential information.

First and foremost are the mutual non-disclosure clauses, where both parties agree not to disclose any confidential information covered by the contract. Such clauses should be included in all types of contracts, be it regular employees, interns, temporary staff, shareholders, customers or any one else likely to come into contact with the enterprise's trade secrets.

Another clause that is also popular is the non-compete clause that prevents employees from pursuing a similar profession or position with the employers' competitors or even pursuing personal business using the enterprise's information. A non-competition provision should include a duty not to moonlight, not to compete with the employer, not to organize a competing company, and a duty not to solicit fellow employees to leave the company to undertake competitive employment. In some countries, however, such clauses are prohibited altogether; while in most others, the restrictions have to be reasonable in terms of duration and geography.

why not ethical

1. it was wrong for him to shove off his boss as this is lack of respect to his superiors
2. after signing the non disclosure agreement with ABC it was unethical of him to "steal" the clients list from his current boss (ABC)
3. He lacks self respect, he was not forced to sign the non disclosure , but he was willing to breach it when he knew it existed in current employment contract

Also what kind of Tort did he violate if any and did he commit and crime?

Business torts are a common aspect of commercial disputes, taking place when there is intentional interference with another business' economic interests, a misappropriation of a business' proprietary information and/or goodwill or a breach of duty owed to the business by its directors, officers, and employees. Furthermore, business tort claims carry the potential for punitive damages, which create additional exposure for companies.

A breach of duty occurs when one person or company has a duty of care toward another person or company, but fails to live up to that standard. A person may be liable for negligence in a personal injury case if his breach of duty caused another person's injuries.

Causation is a basic requirement of tort liability. Whether the victim has been injured by intentional or negligent conduct, the injurer will not be held liable unless a court finds that the injury, for which the victim sues, was caused by the injurer's conduct. In negligence lawsuits, causation is one of the basic elements that the plaintiff must demonstrate in order to prevail.

Negligence consists of four components: duty, breach, causation, and damages. Although duty is typically not a difficult matter in most cases, the burden of proof rests with the plaintiff to establish each of these components in a negligence lawsuit. This means that if the facts are too uncertain for a court to be able to say, at the end of a trial, that it is more likely than not that the defendant's negligence caused the plaintiff's injury, the plaintiff's negligence lawsuit will fail.

the tort he committed include breach of duty(leaving work and violation of non disclosure agreement) and injury to his boss Natalie

he also did commit crime, for instance he did inflict injuries on Natalie and also causation(stealing documents with intetaion to give to a competitor)

Did any other parties commit any Tort

another party that did commit tort was XYZ paper

The tort they committed was causation, trying to steal clients from ABC using sam

Information based on this scenario;

- Sam breached the non-disclosure agreement by agreeing to take the list of his clients at ABC Paper Corp to XYZ Paper Co. The non-disclosure agreement states that the information is confidential and should not be revealed to a third party.
- Sam acted selfishly and unethically by accepting the job offer by XYZ Paper Co. in exchange for the list of clients
- XYZ Paper Co. acted unethically and broke the code of ethics for businesses when it approached Sam for the list of clients in exchange for employment in the company
- ABC Paper Co. is likely to suspend or fire Sam from the company because of the incident that occurred
- Sam is not a loyal employee and neither ABC Paper Co. nor XYZ Paper Co. should trust him
- ABC Paper Co. and XYZ Paper Co. are competitors

- Based on the information it means ABC Paper Co. is performing well in the market and XYZ Paper is Co. is struggling to survive and that is why it is looking for a way of getting ABC clients
- Sam should be held liable for the concussion that Natalie suffered
- Companies should put more security measure in protecting the details of their clients and should not entrust it to one employee

solution

iability is the obligation regarding a wrongdoing and for the punishment society demands for the wrongdoing. Another word for obligation is responsibility. This clarifies the buzzword that a man who has carried out a wrongdoing must "pay her obligation to society." A wrongdoing is seen as a damage to the general public that has taken a toll it something (not really in dollar terms) and the criminal brought about the obligation for that cost. Society represents the obligation by forcing a punishment upon the criminal, for example, jail time.

A man might be discovered obligated for a wrongdoing if the indictment demonstrates that she a) perpetrated the criminal demonstration, (for example, taking property that was not hers), and b) had the obliged goal to consider her responsible, (for example, for burglary, plan to deny the proprietor of the property).

Aim or "mens rea"

Keeping in mind the end goal to consider somebody answerable for a wrongdoing, the prosecutor must demonstrate that she harbored the required level of criminal goal (called mens rea). In the case over, the prosecutor must demonstrate that the litigant proposed to wrongfully deny the legitimate proprietor of the property when she took of ownership of it.

In a common case, by difference, no criminal purpose is required. In fact, numerous common activities include assertions that the respondent acted just carelessly, hurting the offended party. The explanation behind the qualification is that common cases include question between people, not acts against the state, and the conceivable punishment to the litigant is generally entirely money related.

Vicarious or inferred obligation

Normally, criminal obligation rests upon the individual who specifically carried out the demonstration. Be that as it may, obligation for a wrongdoing may reach past those straightforwardly required in a criminal demonstration. For instance, "lawful offense kill" laws make those included in a lawful offense that outcomes in a passing, (for example, the getaway driver who helps assistants escape a messed up furnished theft) subject for the passing regardless of the possibility that they didn't "pull the trigger" or generally specifically cause the casualty's end.

Strict risk

So as to convict a man of a wrongdoing, the state should more often than not demonstrate obligation notwithstanding the way that a demonstration happened. At the end of the day,

keeping in mind the end goal to demonstrate burglary, the state must demonstrate that the respondent took property having a place with another and that the litigant brought the property with the aim to deny the proprietor of it. Be that as it may, by basically captivating in certain lead, a man might be discovered criminally at risk for a few violations paying little respect to expectation. An illustration is the wrongdoing of statutory assault. A man might be indicted statutory assault regardless of the possibility that the casualty assented to the sexual contact (and, in a few states, regardless of the possibility that the litigant did not know the casualty was under age). Accordingly, the arraignment require not demonstrate that the respondent proposed to assault the casualty with a specific end goal to convict the litigant; the very reality of the sexual lead (the demonstration alone) is adequate to bolster a conviction.

Mindful yet not obligated—insufficiency to frame criminal goal

Criminal risk law additionally perceives circumstances in which the individual who by and by, straightforwardly occupied with the criminal demonstration ought not be held obligated for the wrongdoing. Basically, despite the fact that specific individuals carried out a criminal demonstration, they ought not be considered responsible for it. The most clear case is that of a man who is not liable of a wrongdoing by reason of mental insufficiency. Another gathering exempted from certain criminal risk is minors. The method of reasoning for exempting such people from obligation is that these individuals can't shape the kind of purpose required to make it reasonable for consider them answerable for the wrongdoing.