



March 3, 4020

The Honorable Dereck E. Davis  
Economic Matters Committee  
Room 231, House Office Building  
Annapolis, MD 21401

**Re: HB 1466** – Labor and Employment - Employment Contracts - Intellectual Property –  
**Oppose**

Dear Delegate Davis:

HB 1466 would prohibit employment contracts that assign intellectual property rights to the employer for a piece of intellectual property developed “outside the scope of employment” on the employee’s own time without using the employer’s equipment, supplies, etc.

Current laws provide that generally any such intellectual property truly developed outside the scope of employment belong to the employee, not the employer. As such, this bill seems to be a solution in search of a problem. Further, without stating any criteria for determining what “outside the scope of employment” means, this bill will leave employers open to unnecessary litigation in defense of the very property such employees are hired to create.

The addition of the language “employee’s own time without using the employer’s equipment, supplies...” is ignorant of the realities of today’s workplace and today’s workforce. Many employees work from home and/or use their own devices. Including these elements will further cloud the determination of what is, or is not, created on the employer’s or the employee’s time, with the use of whose equipment, and supplies. It also ignores the reality of the creative process, which does not restrict itself to the hours between 9:00 a.m. and 5:00 p.m.

The Carroll County Chamber of Commerce, a business advocacy organization of over 600 members, opposes this bill. We therefore request that you give it an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads 'Mike McMullin'.

Mike McMullin  
President  
Carroll County Chamber of Commerce

CC: Delegate Haven Shoemaker  
Senator Justin Ready