



NEW YORK STATE SENATOR

Jessica Ramos

## Ramos, Bores Pass Legislation to Defend Tech Worker's Intellectual Property Rights

JESSICA RAMOS June 6, 2023

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| COMMITTEE: **LABOR**

**ALBANY, NY - Senate Labor Chair Jessica Ramos (D, SD-13) and Assemblymember Alex Bores (D, AD-73)** moved legislation in the final weeks of session to protect the intellectual property rights of workers in the tech sector. Currently, any side project created by a worker while under the employ of a large tech company can be claimed as the employer's intellectual property, even if it was not created on company time or with company-owned resources.

Modeled after California's Labor Code Section 2870, [S05640/A05295](#) aims to protect the creativity and innovation of tech workers by ensuring that any project developed on their own time remains under their control. Workers organizing with the NYT Tech Guild and Alphabet Workers Union-CWA have expressed support for the bill, viewing it as a legislative change that could eliminate one topic of negotiation in ongoing organizing efforts. The legislation also received the backing of the Freelancers' Union, CWA Local 1101, Mason Tenders' District Council, the NYC District Council of Carpenters, CSEA, the Computer & Communications Industry Association, and TechNet.

*“These expansive intellectual property clauses don’t help companies, but they do stifle innovation,” said Assemblymember Alex Bores (D, AD-73). “By letting workers retain the rights to their inventions that are unrelated to their day job, we encourage them to explore ideas that become future products and companies that benefit New Yorkers. I am proud that industry and unions have come together to support this important bill.”*

*“There have to be limits to an employer’s reach,” said Senate Labor Chair Jessica Ramos (D, SD-13). “Allowing employers to claim ownership of side hustles and pet projects only stifles innovation. Workers should be entitled to own the fruits of their creativity. I’d like to thank Assemblymember Bores for taking the initiative to modernize New York’s intellectual property laws in a way that defends working people. I look forward to seeing this bill move across the Governor’s desk.”*

*“Today, the New York Assembly and Senate voted to promote innovation and to end corporations’ right to our labor outside of work. Most importantly, they voted to protect workers. For that, a million thank yous are due. This bill is an affirmation of a collective struggle that every worker does not owe corporations our intellect, soul, spirit, and personhood—we only owe the labor we trade for fair and dignified wages. I, alongside my over 1,400 fellow Alphabet Workers Union-CWA members, am proud to celebrate this milestone in workers’ rights for all New York workers and urge our Governor to sign this bill into law,” said Harrison Bronfeld, Software Engineer and New York Chapter Coordinator of the Alphabet Workers Union-CWA.*

The bill passed both houses with bipartisan support. It now moves to Governor Hochul’s desk.

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## 2023-S5640

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Provides that employment provisions that require an employee to assign certain inventions shall be unenforceable

March 10, 2023

Signed by Governor

Sponsored by **Jessica Ramos**

Do you support this bill?

NAY