Research note — non-compete clauses

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Published case law · conditions of validity

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Leading authority

Cass. soc., 10 juillet 2002, n° 00-45.135, reported.

A non-compete clause is lawful only where it is essential to protect the legitimate interests of the business, limited in time and in space, takes account of the specifics of the employee's role, and obliges the employer to pay the employee financial consideration — **these conditions being cumulative**.

Condition	What it requires
Legitimate interests	The clause must protect a real interest of the business
Limited in time	A defined and proportionate duration
Limited in space	A circumscribed geographical scope
Specifics of the role	The function the employee actually performed
Financial consideration	Consideration paid by the employer

Each decision cited links to its full text on Légifrance, with its docket number.

The decisions are listed, not commented on. Relating them to the firm's four matters — first among them Sorène, struck down for want of consideration — is the solicitor's analysis to make.

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