

Does the FTC Ban Apply to My Non-Compete?

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Rule 910

Generally makes it an “unfair method of competition” to enter into or enforce a “non-compete clause.”



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1. Did Company's cause of action accrue before 9/4/24?

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Rule 910.3 (b)

Existing causes of action. The requirements of this part do not apply where a cause of action related to a non-compete clause accrued prior to the effective date.

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2. Is the non-compete part of an agreement to sell a business?

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Rule 910.3 (a)

Bona fide sales of business. The requirements of this part shall not apply to a non-compete clause that is entered into by a person pursuant to a bona fide sale of a business entity, of the person's ownership interest in a business entity, or of all or substantially all of a business entity's operating assets.



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