

TRADE SECRETS: PROTECTION AND ENFORCEABILITY

Definition and scope, implications for International trade and how to protect it

1st panel:

Definition and scope for Trade Secrets. The protection of Trade and Business Secrets in comparative law. Special attention to the EU and the USA new regulations.

The EU Directive UE 2016/943, of 8 June 2016, relative to the protection of the technical knowledge and undisclosed business information (trade secrets) against its obtainment, use and illicit disclosure.

The existence of different kinds of Business Secrets and the specific meaning of Trade Secrets. The concept of trade secret in the EU Directive 2016/943.

The protection of innovation: Intellectual Property rights and the alternative protection of Business Secrets.

Ways of protecting Business Secrets and the importance of its protection.

When things go wrong: enforceability and trades secret protection in commercial disputes

2nd panel:

Legal actions in protection of trade and business secrets. Protection available in different jurisdictions laws in the framework of unfair competition and protection resulting from the Directive UE 2016/943.

Comparison with the protection outside of the European Union. The protection of trade and business secrets with respect to employees.

Litigation resulting from breaches of covenants to keep secrecy or confidentiality, problems of proof of violation and of proof of damage.

The protection of trade and business secrets and, in general, of confidential information in litigation and arbitration. Implications in this respect of the regulation contained in articles 5 to 8 about disclosure of evidence in the Directive UE 2014/104, from 26 November 2014, on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union, and of the transposition of this Directive in the different member states.

