



Intellectual Property Workshop
Friday, 17 October 2014
Track A Discussion Topics

Room: SALON VENDÔME (3rd floor, breakout session room)

Topic #2: Trade Secret Protections and Legislative Developments in the United States and European Union

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Introduction

Trade secrets and proprietary information are an often overlooked form of intellectual property in some countries or not considered intellectual property in others. Nevertheless, many companies derive tremendous value from such information, and litigation often ensues when misappropriation or breach occurs. Additionally, advances in technology continue to facilitate and encourage the proliferation of information.

Proposed legislation in the United States and a proposed Directive in Europe seek to increase trade secret protections and the uniformity of trade secrets laws.

Will increase protections for trade secrets stifle creativity and employee mobility?

This IP workshop will discuss the proposed legislation, the various interests involved, and the pros and cons of such legislation, its chances of success, and it will facilitate a lively discussion of the basic principles any legislation should contain.

Discussion

- What are considered protectable trade secrets in the United States?
- How are trade secrets currently protected in the United States?
- What is the proposed federal United States trade secrets legislation?
- What are the key differences between the two federal United States trade secrets bills?
- Do we need federal trade secrets legislation?
- Pros and cons of such legislation
- What are considered protectable trade secrets in Europe?
- How are trade secrets currently protected in Europe?
- What are the highlights of the proposed European Commission Directive for trade secrets protection?
- Do we need the Directive?
- Pros and cons
- Are trade secrets deserving of greater protection?
- Are there significant issues with the existing laws?
- Is uniformity desirable and obtainable?
- What are the threats to trade secrets? Can legislation adequately address that?
- What are the basic components that should be part of any uniform legislation?
- What remedies should be universal?

Outcome

- Critical assessment of trade secrets, how they are presently protected, and how the United States and Europe are proposing to increase protections for trade secrets.
- A greater insight on the pros and cons of providing greater protections for trade secrets, while still promoting creativity and innovation.