



Trade Secrets: Asset Management and Protection

5 March 2024, online

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Agenda

Timetable

Speaker

Documentation of the speaker

Speaker: Donal O'Connell

About us

Current conferences

Seminar-No.: 24 03 1132

Programme schedule

- 09:00 CET Start of the online course
- 09:15 CET **Definition of a trade secret**
- Exploring the issues of secrecy, value and reasonable protection
 - Trade secrets in different jurisdictions - US, Europe, China, Japan, Russia
 - Exceptions
- 09:45 CET **The various changes taking place impacting trade secrets**
- Law changes in key jurisdictions
 - Increased litigation
 - Tax issues related to trade secrets
 - Patent reform
 - Open Innovation and the link to trade secrets
 - Changing nature of employment
 - Technology developments
 - Cyber crime
 - Trade wars
- 10:30 CET Coffee break
- 10:45 CET **Disputes and litigation**
- Some case studies
 - The anatomy of a trade secret court case
 - Reasonable particularity
 - Some facts and figures
- 11:30 CET **Current state within most companies**
- Recent studies and their findings
 - Benchmark data
- 12:15 CET Lunch break
- 13:15 CET **A+ companies**
- What is best in class

Programme schedule

- 13:45 CET **The importance of trade secret metadata**
- Definition of trade secret metadata
 - Examples
 - Use cases
- 14:45 CET **Diverse entities with an interest in trade secrets**
- IP Insurance
 - Litigation funders
 - Tax authorities
 - Investors
- 15:30 CET Coffee break
- 15:45 CET **The journey a company must take when it comes to trade secret asset management**
- Trade secret asset management maturity ladder
 - The initial baby steps
 - Pilot projects
- 17:00 CET End of the online course

The changes taking place

The neglected step-child of IP

- Trade secrets have up until recently be somewhat ignored ...
 - No included in many IP educational sessions.
 - Not included in IP conferences and seminars.
 - Not addressed by most IP Law Firms.
 - Not in the 'job spec' of many in-house IP functions.

Changes taking place (1 of 2)

- 1) Trade secret laws are changing:
- 2) Trade secret litigation is increasing.
- 3) The tax authorities are taking a greater interest in intangible assets.
- 4) IP reform in key jurisdictions is challenging other forms of IP.
- 5) Companies are embracing open innovation and sharing more with others.

Changes taking place (2 of 2)

- 6) The very nature of employment is changing, with people switching jobs more often.
- 7) Cyber criminals are trying to steal trade secrets.
- 8) Technology is changing (software, agile development, cloud based solution, data).
- 9) Trade wars
- 10) Covid-19 pandemic and disruption to business



Law changes

- Japan - Unfair Competition Prevention Act
 - Major update on 1 Jan 2016 following 5 incremental changes since 2003
- USA – Defend Trade Secrets Act
 - Signed into law on 11 May 2016
- EU – EU Directive on Trade Secrets
 - Passed on 8 June 2016, enacted by member states 9 June 2018
- China – Anti Unfair Competition Law
 - Updated 1 Jan 2018 and again on 23 Apr 2019