

## SESSION II: ALTERNATIVE SCENARIOS - IMPROVING THE EXISTING LEGAL FRAMEWORK

### **Know-how protection and Big Data: ‘data protection for companies’ in a networked economy**

**Dr Michael Dorner**

**GRUR meets Brussels Workshop | Brussels | 15 June 2016**

Towards a connected Digital Single Market - what about a new ‘industrial data protection right’ for companies?



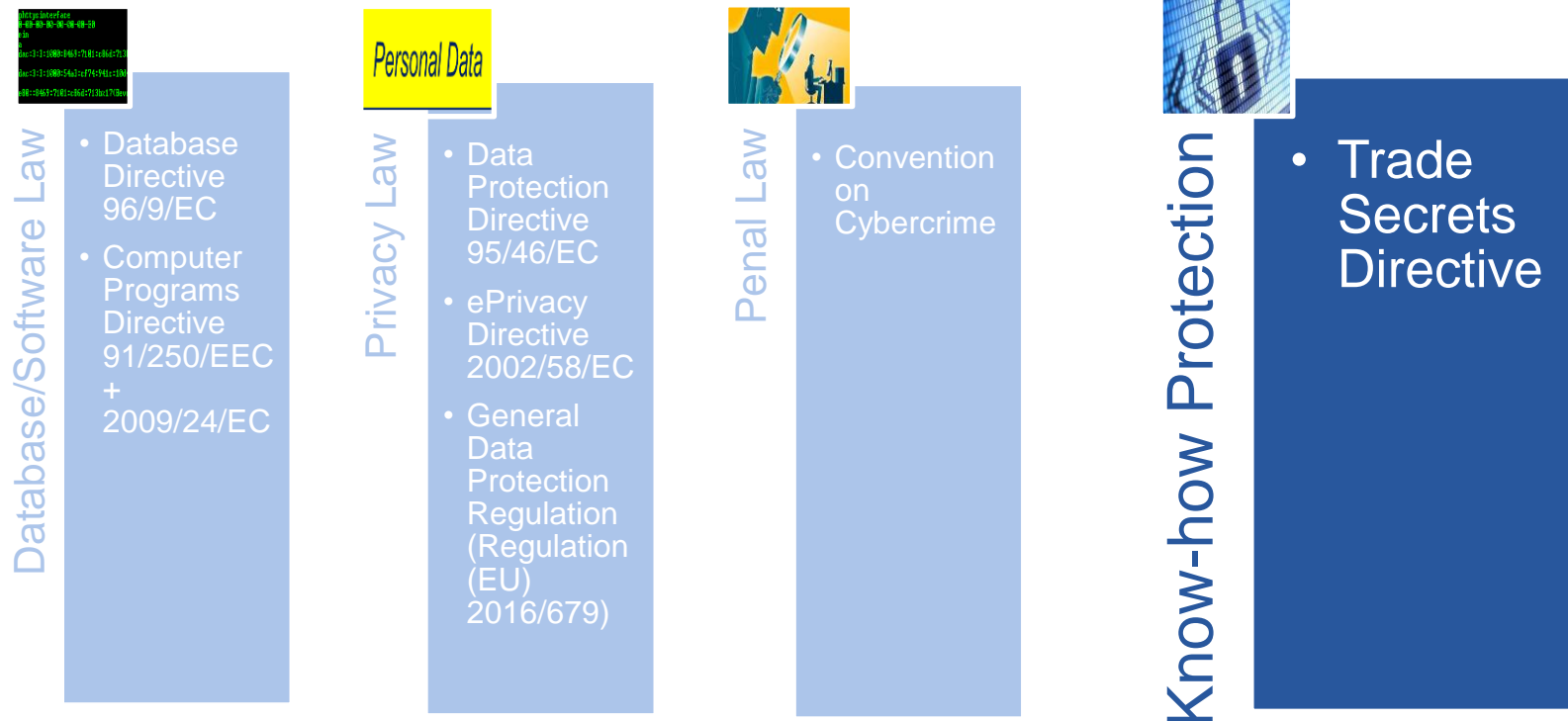
# Agenda

Dominance of Know-How Protection in the Current Legal Framework


Is the EU Trade Secrets Directive Fit for (the Digital) Purpose?

Conclusions & Challenges

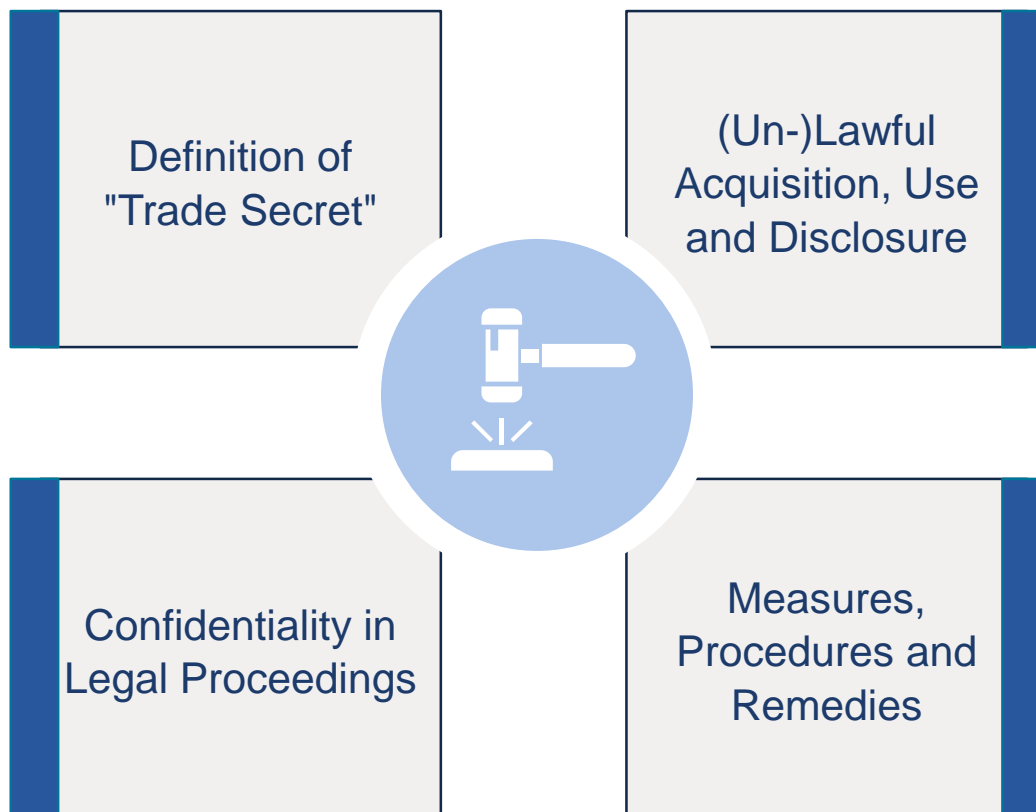
# Dominance of Know-How Protection in the Current Legal Framework



# Trade Secrets Directive | Background & Objectives

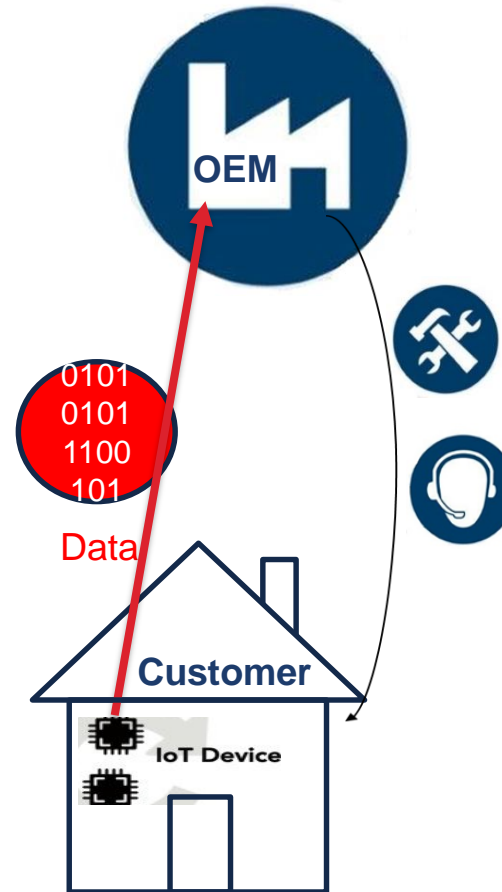
	
<b>EUROPEAN UNION</b>	
<b>THE EUROPEAN PARLIAMENT</b>	<b>THE COUNCIL</b>
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	Brussels, 26 April 2016 (OR. en)
2013/0402 (COD)	PE-CONS 76/15
	PI 107 CODEC 1766
<b>LEGISLATIVE ACTS AND OTHER INSTRUMENTS</b>	
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Subject:	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure
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## Trade Secrets Directive | Essential Regulations



# Trade Secrets Directive | Digital Business

Predictive  
Maintenance  
Scenario



## Trade Secrets Directive | Application

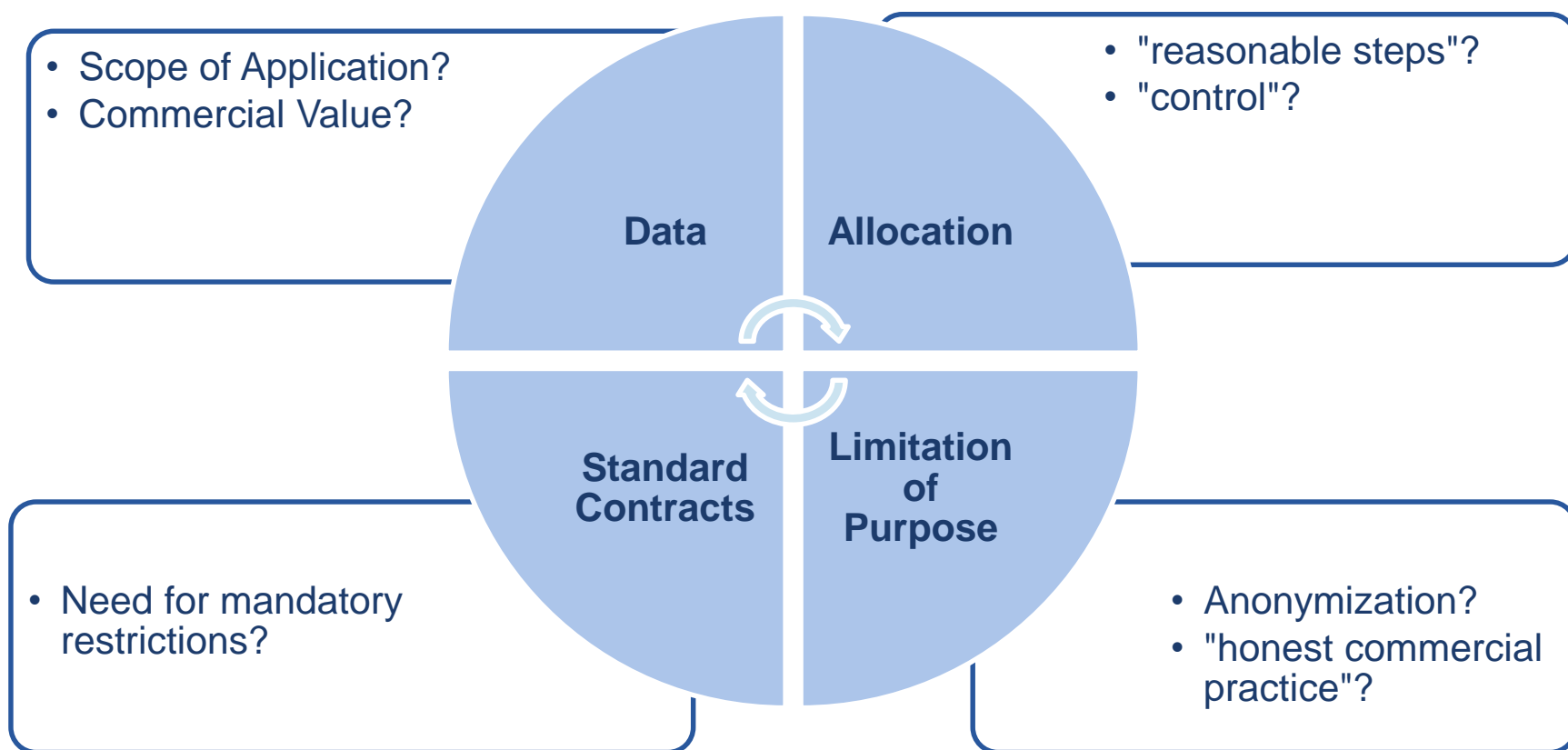
"trade secret"  
means ...

... **information** which is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question;

... has **commercial value because it is secret**;

... **has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.**

## Trade Secrets Directive | Pending Questions





# Know-how Protection and Digital Business Conclusions and Challenges

No exclusive rights to information/data protected as a trade secret

Increasing importance of know-how protection

Legal concepts of an analog world for the challenges of the digital age

Who to fill the gap - if also identified by an economic assessment?

For the time being, market players to proactively implement safeguards to gain access to and to protect their most valuable assets (Data Compliance)

Many thanks for your attention!

## Dr Michael Dorner

Attorney-at-Law | Technology, Media and  
Communications (TMC)

CMS Hasche Sigle, Munich

T +49 89 23807 163

E [michael.dorner@cms-hs.com](mailto:michael.dorner@cms-hs.com)

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