# Objective

Following a series of EU trilogue meetings, a provisional agreement on new rules to provide legal redress against theft or misuse of trade secrets was reached by the Council of Ministers in December 2015 and endorsed by the European Parliament on 14 April 2016.

The aim of this seminar is to give an overview of the main features of the EU Directive on Trade Secrets and to offer a discussion platform on its impact in practice for companies and their employees.

### **Key topics**

- Scope of protection and limitations of the EU Directive on Trade Secrets
- Main consequences in practice as regards workers' rights and mobility, and their freedom of expression
- Ensuring the right balance between protection of trade secrets and disclosure of information
- Definition of trade secrets, burden of proof and reverse engineering
- Trade secrets in national court proceedings

### Who should attend?

Lawyers in private practice, in-house counsel and other practitioners of law dealing with labour law, patent law and industrial property law; Representatives of national intellectual property offices and ministries.

## **Speakers**

Tanya Aplin, Professor, King's College London

**Mariano Fernández-Salas**, Policy officer, DG GROW, European Commission, Brussels

**Emmanuel Gougé**, Partner, Pinsent Masons, Paris

Martin Jefflén, President, EUROCADRES, Brussels

**Lorenzo de Martinis**, Managing Partner, Baker & McKenzie, Milan

Elise Melon, Director, Intellectual Property Policy, EFPIA (European Federation of Pharmaceutical Industries and Associations), Brussels

Ralph Nack, Partner, Noerr, Munich

**Alain Strowel**, Professor, Louvain and Saint-Louis University, Brussels; Lawyer at the Brussels Bar

**Bruno Vandermeulen**, Partner, Bird &Bird, Brussels

**Jean-Yves Verslype**, Partner, Claeys & Engels, Brussels

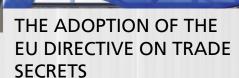
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Europäische Rechtsakademie Academy of European Law Académie de Droit Européen Accademia di Diritto Europeo



- FIRST ASSESSMENT
- IMPLICATIONS IN PRACTICE
- JUDICIAL REDRESS

Brussels, 16 June 2016 Rue de l'Aqueduc 118 1040 Brussels

Organiser:

Florence Hartmann-Vareilles, ERA

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	Thursday, 16 June 2016
08:45	Arrival and registration of participants

09:10 **Welcome and introduction** *Florence Hartmann-Vareilles* 

Chair: *Alain Strowel* 

I. THE EU DIRECTIVE ON TRADE SECRETS: SETTING THE SCENE

09:15 Overview of the EU Directive on Trade Secrets and the way forward Jorge Novais Gonçalves, Mariano Fernández-Salas

09:45 **First assessment of the Directive** *Ralph Nack* 

10:15 Discussion

10:30 Coffee break

### II. CHALLENGES FOR PRACTICE

11:00 The impact of the Directive in practice:

- Workers' mobility and employees' rights
- Whistleblowing
- Reverse engineering Martin Jefflén, Jean-Yves Verslype, Alain Strowel

12:00 Discussion

12:30 What should companies do to prepare before the transposition of the Directive on Trade Secrets?

Bruno Vandermeulen

13:00 Discussion

13:15 Lunch

#### III. TRADE SECRETS IN COURT PROCEEDINGS

14:30 Between confidentiality, fair trial and other considerations: exchange of best practices before national courts

UK, France, Germany

Emmanuel Gougé, Ralph Nack

15:30 Discussion

15:45 How to prove trade secrets and usurpations?

Lorenzo de Martinis

16:15 Discussion

16:30 Coffee break

17:00 Remedies, exclusion of liabilities and alternative measures

Tanya Aplin

17:30 Discussion

#### IV. IMPACT FOR BUSINESS

17:45 Public access to documents v commercial confidential information

Flise Melon

18:15 Discussion

18:30 End of the seminar and reception

#### SAVE THE DATE

Brussels, 2-3 June 2016 Annual Conference on European Media Law 2016

Trier, 27 June– 1 July 2016
Summer Course on European Intellectual
Property Law

Trier, 20-21 October 2016

<u>Annual Conference on Trade Marks and Designs in Europe 2016</u>

Trier 17-18 November 2016

Annual Conference on European Copyright
Law 2016

Programme may be subject to amendment. For programme updates: <a href="https://www.era.int">www.era.int</a>