

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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THE ADOPTION OF THE EU DIRECTIVE ON TRADE SECRETS

- FIRST ASSESSMENT
- IMPLICATIONS IN PRACTICE
- JUDICIAL REDRESS

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

Organiser:
Florence Hartmann-Vareilles, ERA

Language:
English

Event number:
216D119



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**
Elise 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
[Annual Conference on Trade Marks and Designs in Europe 2016](#)

Trier 17-18 November 2016
[Annual Conference on European Copyright Law 2016](#)

Programme may be subject to amendment.
For programme updates: www.era.int
