

News



Many of our engagements involve matters in which our clients face significant public attention. The following is a list of news stories about the firm, our clients, cases and the results we have achieved.

Kobre & Kim Panel: The U.S. Defend Trade Secrets Act and European Trade Secrets Directive of 2016

June 21, 2016

On April 27, Congress passed the Defend Trade Secrets Act (DTSA), which will establish powerful new remedies for trade secret owners, including the right to bring federal claims against those who misappropriate their confidential information. In the same month, the European Union passed its own Trade Secrets Directive (EUTSD), beginning the process of harmonizing trade secret law across its member states.

On Tuesday, June 21, Kobre & Kim hosted a discussion focused on the concrete steps businesses should now take to ensure that their critical confidential information is legally protected — and to avoid litigation under the new laws. The panel featured guest speaker James Pooley, former deputy director general of the World Intellectual Property Organization and an internationally recognized expert on trade secrets; Michael Ng, the head of Kobre & Kim's intellectual property litigation practice; and Andrew Stafford, a King's Counsel, English barrister, and frequent international trade secret litigator.

Trade secrets encompass a wide range of confidential business information — not just product designs and manufacturing techniques, but also strategic information, like client lists and pricing strategies. Those informational assets increasingly form the foundation of business value. With shifts in traditional forms of intellectual property protection, in particular patent law, companies now rely more on secrecy to protect the value of their innovations.

But trade secrets are vulnerable to attack. The Federal Bureau of Investigation (FBI) estimates that U.S. businesses suffer more than US \$13 billion a year in trade secret losses. With the institution of the new rules, it is now critical for businesses to review their trade secret practices to ensure that their confidential information is protected.

The panel addressed the following:

- what information qualifies as a protected "trade secret" under the DTSA and EUTSD;
- steps businesses should take to ensure their confidential information meets the requirements for legal protection under the new laws;
- protecting against threats: malicious attacks, departing employees hired by competitors, inadequate internal controls, and others; and
- what businesses can do to avoid litigation under the new laws.

For more information or to obtain a copy of the materials, please contact events@kobrekim.com.