



Resolution of the Executive Committee, Barcelona, Spain, 2 to 5 November 2014

“Protection of trade secrets in the European Union (EU)”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Barcelona, Spain, 2 to 5 November 2014, passed the following Resolution:

Noting that there are important differences between countries, in particular also between Member States of the European Union (EU), in the legislation and jurisdiction as regards to the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use or disclosure by other persons, for example concerning the scope of protection or civil law remedies;

Noting with interest that the Council of the EU is currently taking steps to harmonise the legislation of its Member States concerning protection of trade secrets by way of a EU-Directive for which already drafts are under discussion;

Agreeing with the EU Council that trade secrets are valuable assets of innovative companies, institutions and individuals that need to be protected in order to use such trade secrets efficiently in the course of cooperative innovation, especially on an international level;

Also agreeing that the need to rely on trade secrets in legal proceedings often creates undue obstacles to ensure fair and equitable legal proceedings and judgements, in particular due to the lack of harmonization in their definition;

Observing that some important issues, such as the general definition of trade secrets and the appropriate handling of trade secrets in the course of legal proceedings, are addressed in the planned EU-Directive in a general manner that needs to be developed by further (EU-) legislation and jurisdiction;

Welcomes and supports the project to harmonise the protection of trade secrets within the EU by way of the planned EU-Directive as a major further step in a EU-wide and world-wide harmonisation process for legal protection of trade secrets.