



(RE) THINKING INTELLECTUAL PROPERTY

FUNDAMENTAL QUESTIONS AND NEW PERSPECTIVES

The Europeanisation of Trade Secret Protection: Overdue or Threatening?

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Commentators:

Jacques de Werra, Professor of Contract Law and Intellectual
Property Law at the University of Geneva

Barton Beebe, Professor at the New York University School
of Law

Tuesday, March 18, 2014 at 5.30 pm
CEIPI– Amphithéâtre 23
11, rue du Maréchal Juin BP 68
67046 Strasbourg

The conference will be held in English and followed by a debate with the audience,
moderated by Christophe Geiger, Director General of the CEIPI. Free admission subject to
availability.

Event validated by the continuing training programme for lawyers

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Abstract:

So far, there are no common European standards of trade secret protection. National legal approaches differ widely. We do not know whether the Enforcement Directive is applicable, probably it is not. On the one hand this causes significant problems, because trade secrets do not stop at borders. On the other hand trade secret law is closely connected to general tort law, and a harmonisation might have the unwelcome effect of turning trade secrets into "absolute" intellectual property rights. On 28 November 2013 the Commission has tabled its long-awaited proposal for a directive on trade secret protection. We will (i) look at the present state of law (ii) analyse the proposal and (iii) discuss if and how the law of trade secrets should be harmonised.

Bio:

Ansgar Ohly

Prof. Dr. Ansgar Ohly (born 1965) studied law at the universities of Bonn (First State Exam, 1991) and Cambridge (Trinity Hall: LL.M., 1992). As a scholar of the Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich, he wrote his doctoral thesis on methods of legal reasoning in English and German unfair competition law. After his bar exam at the Munich Court of Appeal (= Second State Exam, 1996), he was a senior researcher at the Max Planck Institute from 1997 until 2001, heading the Commonwealth section of the Institute from 1998 onwards. In 1997 he was a visiting researcher at UC Berkeley.

From 2002 until 2012 he held the Chair for Private law and Intellectual Property Law at the University of Bayreuth, where he was also the speaker of the German Research Foundation (DFG) graduate school "Intellectual Property and the Public Domain". In October 2012 he was appointed Professor of Civil Law, Intellectual Property and Competition Law at the University of Munich. Since the winter semester of 2003/04 he has been a member of the Faculty of the Munich Intellectual Property Center. In 2009 he joined the University of Oxford Law Faculty as a Visiting Professor, he is also a Research Associate of St Catherine's College, Oxford.

Ansgar Ohly's main fields of academic interest are the law of contract and torts, intellectual property law, the law of unfair competition and the rights of personality and privacy. He is especially interested in the comparison of civil law and common law systems.

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Jacques de Werra

Jacques de Werra is professor of contract law and intellectual property law at the Law School of the University of Geneva, Switzerland and Faculty Fellow at the Berkman Center for Internet & Society at Harvard University. He authored a doctoral thesis in Swiss and comparative copyright law which he completed as a visiting scholar at the Max-Planck Institute for Intellectual Property, Competition and Tax Law in Munich in 1996. Admitted at the Geneva Bar, he practiced law in large law firms in Zurich and Geneva. He obtained an LL.M. degree from Columbia Law School in New York City in 2001 and was admitted to the New York bar in 2002.

Professor de Werra researches, publishes and speaks on topics related to various aspects of intellectual property law, contract law, particularly on the commercialization of intellectual property assets by way of transfer of technology, licensing and franchising, IT and Internet law, as well as on alternative dispute resolution mechanisms for IP and technology disputes. He is the coordinator of the WIPO - University of Geneva Summer school on Intellectual Property for the University of Geneva. Jacques is the editor of a scientific books series (propriété intellectuelle - intellectual property, www.pi-ip.ch), in which the proceedings of annual intellectual property law conferences held at the University of Geneva are published (Journées de droit de la propriété intellectuelle).

Among other duties, he is a member of the Commission arbitrale fédérale pour la gestion de droits d'auteur et de droits voisins and is an expert in domain names dispute resolutions appointed by the WIPO, as well as by the Asian Domain Name Dispute Resolution Centre (Hong Kong). He is a member of various professional organisations related to his fields of expertise: the Swiss group of Licensing Executives Society (LES), Association Littéraire et Artistique Internationale (ALAI), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) and Association Suisse d'Arbitrage (ASA).

Barton Beebe

Barton Beebe is the John M. Desmarais Professor of Intellectual Property Law at New York University School of Law and Co-Director of the Engelberg Center on Innovation Law & Policy at NYU.

He has been the Anne Urowsky Visiting Professor of Law at Yale Law School and a Visiting Professor of Law at Stanford Law School. Professor Beebe has also taught courses at the Centre d'Études Internationales de la Propriété Intellectuelle at the Université de Strasbourg, the Munich Intellectual Property Law Center, and the State Intellectual Property Office of the People's Republic of China. He specializes in the doctrinal, empirical, and cultural analysis of intellectual property law.

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