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## **WIPO SYMPOSIUM ON TRADE SECRETS AND INNOVATION**

organized by  
the World Intellectual Property Organization (WIPO)

**Geneva, May 23 to 24, 2022**

PROGRAM

*Prepared by the International Bureau of WIPO*

Monday, May 23, 2022

*Trade Secrets in the IP system: Confidentiality and its Limits*

9.00 – 10.00 Registration

10.00 – 10.10 **Welcome Address**

Mr. Daren Tang, Director General, World Intellectual Property Organization (WIPO), Geneva

10.10 – 10.30 **Keynote Speech**

Mr. Andrei Iancu, Partner, Irell & Manella, Washington D.C., United States of America

10.30 – 11.45 **Topic 1**

**Trade Secrets in Innovation Policies and IP Strategies – Recent Developments**

The cross-cutting nature of trade secrets implies that the role and impact of trade secret protection on national innovation policies and IP strategies are multi-faceted. In setting the scene, the speakers of this Panel will provide a bird's eye view of the significance of trade secrets in any business relationship (including business disputes) in both service and technology sectors. They will also illustrate recent developments and trends in this area.

Speakers: Mr. Mark Schultz, Professor of Law, University of Akron School of Law, Akron, United States of America

Mr. Maximiliano Santa Cruz, Director, Santa Cruz IP, Santiago, Chile

Ms. Jeon Jeong Hwa, Researcher, Korea Institute of Intellectual Property, Seoul, Republic of Korea

Ms. Lena Pauschenwein, Legal Officer, Directorate-General GROW - Internal Market, Industry, Entrepreneurship and SMEs, European Commission, Brussels, Belgium

11.45 – 12.00 Coffee Break

12.00 – 13.00 **Topic 2**

**Navigating Trade Secret Systems in the Changing IP and Innovation Environment**

Trade secret systems operate in the wider context of the IP system as a whole and of knowledge creation and dissemination, which constantly evolve. Unique characteristics of trade secrets in comparison to other forms of IP require special attention. At the same time, these characteristics

provide opportunities for integrating them in the overall IP and business strategies. The Panel will address these specificities and intersection of trade secrets and other IP, particularly patents. It will also illustrate business cases that successfully built a complementary relationship between trade secret protection and various other appropriation mechanisms.

Moderator: Mr. Carsten Fink, Chief Economist, Department for Economics and Data Analytics, IP and Innovation Ecosystems Sector, WIPO, Geneva

Panelists: Mr. James Pooley, Attorney, California, United States of America

Mr. John Sykei, Head of IP and Technology, Bowmans - Coulson Harney LLP, Nairobi, Kenya

Mr. Andy Luo, Partner, Dentons, Ningbo, China

13.00 – 15.00 Lunch Break

15.00 – 16.30 **Topic 3**

### **Balancing Legitimate Interests in the Trade Secret System**

In order to ensure effective protection against unfair competition and to facilitate generation and sharing of valuable information among market players, designing a trade secret system requires striking a delicate balance among competing interests of various stakeholders. At the heart of such consideration may be the public interest underlying the legal protection of trade secrets. The Panel will address these issues, and discuss whether there are any particular challenges in this regard due to the unique characteristics of trade secrets.

Moderator: Ms. Lisa Jorgenson, Deputy Director General, Patents and Technology Sector, WIPO, Geneva

Panelists: Ms. Sharon K. Sandeen, Professor, Director of the IP Institute, Mitchell Hamline School of Law, St. Paul, United States of America

Mr. John Hull, Solicitor of the Supreme Court (England); Teaching Fellow, Queen Mary, University of London, United Kingdom

Ms. Jayashree Watal, Consultant, New Delhi, India

Mr. Gabor Faludi, Senior Of Counsel, Szecskay Attorneys at Law, Budapest, Hungary

16.30 – 16.45 Coffee Break

16.45 – 18.00 **Topic 4**

#### **Trade Secrets and Digital Data**

Digital data are becoming the central feature of an increasingly digitalized economy. Potential significance of artificial intelligence in a wide range of activities also points to the importance of understanding their impact. This Panel will consider whether and how digital data can be protected as trade secrets. It will focus on various types of data and look into the scope of protection and its potential implications to the innovation ecosystem.

Moderator: Ms. Ulrike Till, Director, IP and Frontier Technologies Division, Infrastructure and Platforms Sector, WIPO, Geneva

Panelists Ms. Tanya Aplin, Professor of Intellectual Property Law, King's College London, London, United Kingdom

Mr. Josef Drexl, Director, Max Planck Institute for Innovation and Competition, Munich, Germany

Ms. Yuka Onizuka, Deputy Director, Intellectual Property Policy Office, Economic and Industrial Policy Bureau, Ministry of Economy, Trade and Industry (METI), Tokyo, Japan

Ms. Ewelina Jarosz-Zgoda, General Counsel CD PROJEKT S.A., Warsaw, Poland

Tuesday, May 24, 2022

*Trade Secrets in Action: Secrecy, Confidence and Knowledge Sharing*

10.00 – 11.30 **Topic 5**

#### **Trade Secrets in the Value Chain**

This Panel will discuss practical aspects of generation and licensing of trade secrets in a collaborative and sustainable innovation ecosystem, which involves various players having specific expertise, such as research institutions, start-ups, manufacturing companies and distributors. Bringing their strength together, public-private-partnerships have become a well-established innovation model. The Panel will explore the use of trade secret systems in supporting innovation and sharing of knowledge through business cases. It will also address issues relating to non-disclosure agreements that serves multiple purposes for engaging with business partners and collaborators.

Moderator: Mr. Mark Schultz

Panelists: Ms. Muthu De Silva, Reader (Associate Professor) in Entrepreneurship and Innovation, Birkbeck, University of London, London, United Kingdom

Mr. Emmanuel Gougé, Partner, Pinsent Masons, Paris, France

Ms. Madelein Kleyn, CEO & Founder of Mad K IP Consulting, and Director Technology Transfer, InnovUS, Stellenbosch University, South Africa

Mr. Richard Thurston, Principal, RLT Global Consulting LLC, New York, United States of America

11.30 – 11.45 Coffee Break

11.45 – 13.00 **Topic 6**

### **Trade Secret Management**

Management of trade secrets is vital for maintaining the trade secret protection, which are not granted through government registration. The Panel will discuss best practices for identification and protection of company's trade secret assets, validation of such assets and management tools, including the adequate measures of safeguarding undisclosed information. It will also explore some of the contemporary issues, such as management of trade secrets in increasingly virtual working environment and against the backdrop of mobility of employees.

Moderator: Ms. Caterina Strippoli, Head of Intellectual Property, Enel SpA, Rome, Italy; Vice Chair of ICC Intellectual Property Commission

Panelists: Mr. Héctor E. Chagoya-Cortes, Founder, Mexstrategy, CDMX, Mexico

Mr. R. Mark Halligan, Partner, FisherBroyles, LLP, Chicago, United States of America

Ms. Charlotta Ljungdahl, ABB Head of IP, Group Senior Vice President, ABB, Zurich, Switzerland

Mr. André Gorius, Partner, Winnotek, Paris, France

13.00 – 15.00 Lunch Break

15.00 – 16.15 **Topic 7**

### **Trade Secrets in Action: Development and Dissemination of Medical Technologies**

The possibility of protecting research outputs by trade secrets, patents and other appropriation mechanisms is available in all technological fields. Nevertheless, the role of trade secrets in the innovation cycle of medical technologies has increasingly been put in the limelight. For example, technological advancement of biologics and biotherapeutics that are generally not as easy to reverse engineer as traditional small-molecule innovations may influence industrial organization of this sector. Based on their real world experiences, the Panelists will discuss how trade secrets relate to the development and dissemination of medical technologies. They will highlight key issues in this complex innovation process supported by a mix of private and public engagements.

**Moderator:** Ms. Amy Dietterich, Director, Global Challenges Division, Global Challenges and Partnerships Sector, WIPO, Geneva

**Panelists:** Mr. Stefan Horstmann, Vice President Patents B2B, Patents and Scientific Services, Merck KGaA, Darmstadt, Germany

Mr. Sandeep Rathod, Vice President – Legal, J B Chemicals and Pharmaceuticals Ltd, Mumbai, India

Mr. Benny Spiewak, Partner, SPLAW Advogados, São Paulo, Brazil

Ms. Emma Wheatley, Director of Access and Private Partnerships, Deputy General Council, Coalition for Epidemic Preparedness Innovation (CEPI), London, United Kingdom

16.15 – 16.30 Coffee break

16.30 – 17.45 **Topic 8**

### **Enforcement of Trade Secrets and Defense against Allegation of Misappropriation: Litigation and Alternative Dispute Settlement Mechanisms**

Because of the unique characteristics of trade secrets, there are specific challenges relating to trade secret disputes. The complexity of such challenges may increase when a dispute has a cross-border character. Understanding not only the litigation strategies but also potential alternative measures to effectively settle a dispute involving trade secrets may benefit all parties. The Panelists

will discuss key issues that are particularly relevant to trade secret enforcement and defense against allegation of trade secret misappropriation, especially in international disputes. They will also explore the potential benefits of arbitration and mediation in settling trade secret disputes.

Moderator: Ms. Eun Joo Min, Director, WIPO Judicial Institute, IP and Innovation Ecosystems Sector, WIPO, Geneva

Panelists: Mr. James Pooley

Mr. Ignacio De Castro Llamas, Director, IP Disputes and External Relations Division, WIPO Arbitration and Mediation Center, WIPO, Geneva

Mr. Benny Spiewak

Mr. Ivan Dimitrov, Partner, HOYNG ROKH MONEGIER, Düsseldorf, Germany

17.45 – 18.00 **Close of Sessions**

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