

WIPO SYMPOSIUM ON TRADE SECRETS AND INNOVATION

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A Protective Orders

B Application by Courts

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A. Protective Orders

- Secrecy (Sec. 16 TSA)
 - ◆ in trade secret disputes classifying information as confidential if it may be a trade secret

- Further court restrictions (Sec. 19 TSA)
 - ◆ restricting access to documents and/or oral hearing to a certain number of reliable persons
 - weighing up all circumstances
 - at least one natural person of each party and legal representative or another representative
 - ◆ other orders at the discretion of the court

B. Application by Courts

- Request for secrecy order
 - ◆ clearly indicating the trade secret
 - ◆ substantiation of the request
 - demonstrating trade secret
 - crux: reasonable confidentiality measures

- Request for limitation order
 - ◆ at least one person from each party
 - ◆ concrete naming of the persons who will have access



Thank you very much for your attention!





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