



TSD implementation – polish perspective

WIPO Regional Seminar on Trade Secrets for Central European and Baltic States

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TKP

Trade secrets protection in Poland before the TSD

Act on Combating Unfair Competition (since 1993)

Some changes needed in order to implement TSD

Implementation -> doubts

Trade secret owners (Poland)

- Entrepreneurs,
- employees,
- artists,
- academics of universities and research institutes,
- amateur inventors



Lack of transposition of art. 9.2

- Art. 9 2. Member States shall also ensure that the competent judicial authorities may, on a duly reasoned application by a party, take specific measures necessary to preserve the confidentiality of any trade secret or alleged trade secret used or referred to in the course of legal proceedings, (...) e.g.
 - (a) **restricting access to any document** containing trade secrets or alleged trade secrets submitted by the parties or third parties, in whole or in part, to a limited number of persons;
 - (b) **restricting access to hearings;**
 - (c) **making available a non-confidential version of any judicial decision, in which the passages containing trade secrets have been removed or redacted.**

New model of IP courts in Poland

Introduced in 2020

5 Special courts dedicated inter alia for the cases of trade
trade secrets' violations

Chance to „repair” the implementation by the judiciary

„We have to acknowledge the progress we made, but understand that we still have a long way to go. That things are better, but still not good enough.”

Barack Obama



Thank you!



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