



Trade Secret

The law in Serbia

LL.M Ljubomir Kljajic, **patent
attorney** and **IP expert**

Subject and legal framework

- Institute of common law
- The Law on Trade Secret Protection (Official Gazette of the RS”, No. 53/2021)
- Harmonization with EU Directive (EU) 2016/943 or “The Trade Secret Directive”

Trade Secret- conditions?



an undisclosed
information



has commercial
value



kept secret by its
proprietor (holder)
by reasonable
measures



TS holder – natural
or legal person

**The Law on Trade Secret 2021*

Trade Secret-how long can it run?

When does it start, and when does it end?

The Law on Trade Secret 2011 (**repealed**)

The Law on Trade Secret 2021 (**in force**)

**The Law on Trade Secret 2021*





Trade Secret- Case Law

- The basic court in Nis, decision no. K 65/14 dated 23.04.2014, confirmed by decision of the Supreme court of Cassation, Kzz 793/2015 dated 21.09.2015.
- The basic court in Novi Sad, decision no. P1 1083/2012, overruled by the decision of the Supreme court of Cassation, Rev2 361/2015.



Summary

- Trade secret is a right that protects undisclosed, valuable information from unlawful disclosure, use and commercial exploitation
- It is considered a „soft“ IP right; by legal nature, it is an obligatory relationship (right)
- Civil (restitution of damages) and Criminal Protection (criminal offence Ar. 240 CD) of Trade Secret
- Enforceability and duration



Thank You!

- LL.M Ljubomir Kljajic
patent attorney and IP expert
- Email: ljubomirkljajic@gmail.com
- IPSystems Novi Sad