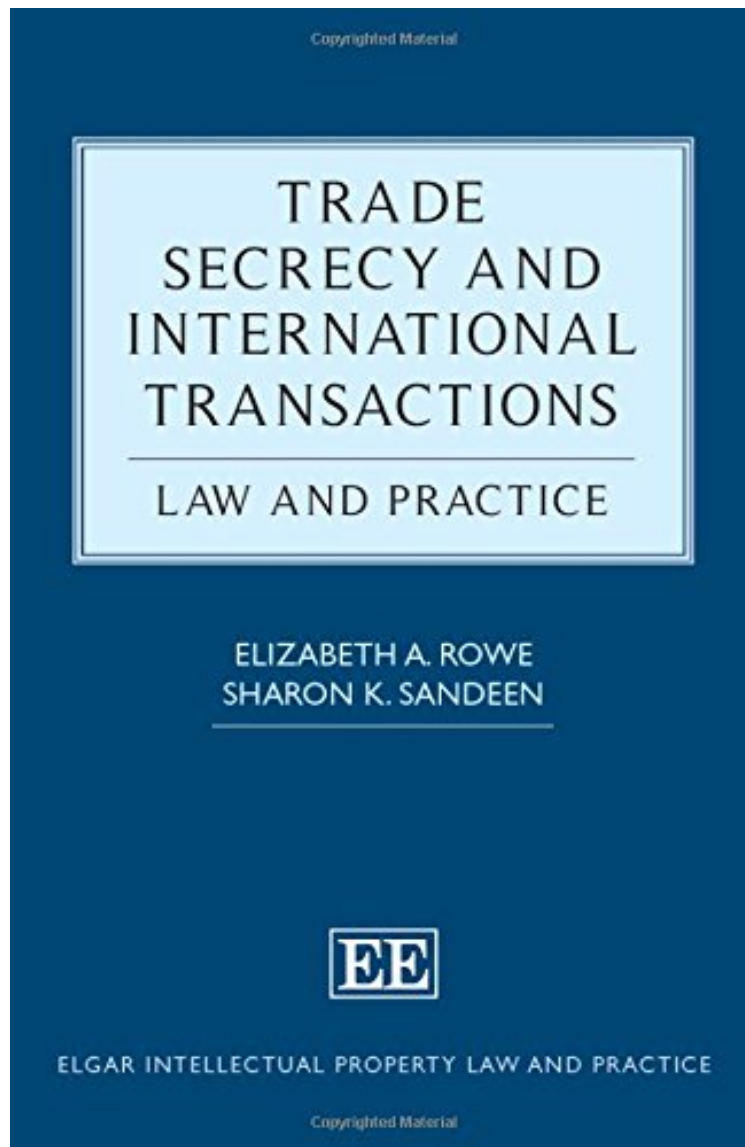


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Trade Secrecy and International Transactions: Law and Practice (Elgar Intellectual Property Law and Practice Series)

Elizabeth A. Rowe, Sharon K. Sandeen
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'The great virtue of this work is found in its excellent structure. The first part provides a neat introductory road map for fundamental trade secrets concepts, then considers the TRIPS obligation, the trade secret law of the United States with well explained sections on trade secrets in business transactions, employment relations, enforcement and litigation, government secrets and data exclusivity. The second part provides country overviews with sections for common law and civil law countries and the appendices examine aspects of the proposed EU Directive. This is a comprehensive, sensible, practical, intelligently balanced, thoroughly researched and well written work that will be of real value to anyone interested in this increasingly important area of commercial law.'- Ping Xiong, University of South Australia

"This book makes a remarkable contribution to the understanding of the legal foundations and main features of trade secret law in several jurisdictions. It also provides useful guidance to deal with practical issues concerning trade secrets protection. While carefully addressing the balance between the protection of private interests and the principles of free competition, the book examines recent initiatives to fight cyber-espionage and their implications for the configuration of trade secrets law, the enforcement of rights and professional practice."- Carlos M. Correa, University of Buenos Aires, Argentina

Trade secret protection has long been of critical strategic importance to business interests and globalization of commerce has driven an increasing need to govern the preservation of confidentiality in international business transactions. This book offers an authoritative and unparalleled resource on US and international trade secret law and identifies optimal practices for securing trade secrets in varying jurisdictions. Defined as the international standard for trade secret protection, the United States' trade secret laws are explained in depth, illustrating their capacity and impediments. The proposed EU Trade Secret Directive and the impact this will have on international transactions is also closely examined, along with overviews of the laws in common law, civil law and mixed-law countries. The book combines detailed substantive analysis with clear practical guidance on questions such as how businesses can avoid misappropriation and maintain data exclusivity when engaging in global commerce, through the utilization of alternative self-help strategies.

Key features:- Presents a roadmap for understanding trade secrets, including requirements for, defences to, and remedies.- Covers both business-to-business and employment relationships.- Authoritative commentary on US and EU trade secrecy laws in addition to coverage of the UK, India, China, Mexico, Brazil, Canada and Japan.- Dependable analysis from two leading scholars in the field.- Practical advice on overcoming the challenges businesses face when engaging in international transactions, including strategies for avoiding misappropriation.- Clear guidance on enforcement mechanisms and litigation procedure.

This well-organized reference work will benefit legal practitioners in the commercial field across many jurisdictions, particularly those advising on business transactions or implementing protection strategies for trade information. Policymakers will find the definition of trade secret law characteristics for multiple countries, alongside the consideration of the proposed EU Trade Secret Directive, pragmatic and informative.

'Two powerful forces push against each other in the high-stakes world of modern commerce. First, innovation is key, because the competition for old, established products is fierce. Second, commerce today is inherently and relentlessly global. Because innovation is often best protected through trade secrecy, this body of law has taken on enormous importance throughout the world in recent years. But the effective protection of trade secrets varies significantly from country to country. So what to do? The authors of this essential book provide practical and detailed answers to this crucial question. They begin by emphasizing the inclusion of trade secrets in the TRIPs Agreement, and the model for TRIPs-level protection, the US Uniform Trade Secrets Act (UTSA), which serves as a "baseline" for protection around the world. They then describe in detail the importance of contractual protection and self-help measures as crucial adjuncts to formal legal protection. They provide a concise summary of trade secret laws in all important trading partner countries in the world. And they describe practical strategies for effective trade secret protection. The long and short of it is that this book is an excellent, practical resource for lawyers needing to know how best to navigate the tricky but essential waters of global trade secret protection.' -- Robert Merges, University of California, Berkeley, US

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About the Author
Elizabeth A. Rowe, Professor of Law, University of Florida, Levin College of Law, US and
Sharon K. Sandeen, Professor of Law, Hamline University School of Law, US