

A comparative analysis between the European Union Trade Secrets Directive 2016/943 and the United States' Defend Trade Secrets Act 2016

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Abstract:

Enhancing the level of protection for trade secrets, achieving a harmonization of trade secret law across the different jurisdictions in the United States (US) or the European Union (EU) and acknowledging the importance of trade secret protection on the social and economic development are considered as the difficult challenges. In this context, the US enacted the Defend Trade Secrets Act (DTSA) and the EU adopted Directive 2016/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (Directive) in 2016. This paper will not only provide a general review of key rules but also a comparison among them under these two systems.

Keywords: Trade secrets, the Defend Trade Secrets Act, the EU Trade Secrets Directive 2016/943, harmonization, trade secret protection.