

VIEWS ON AN EVOLVING AUTOMOTIVE INDUSTRY - USING TRADE SECRETS TO PROTECT INNOVATION

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Legal Briefings

With the emergence of new technologies and innovation, we explore the key issues relating to the use of trade secrets to protect innovation.

With the emergence of new technologies and innovation, such as connected autonomous vehicles and EVs, the use of trade secrets has grown in importance due to the immediacy of the protection trade secrets law offers and its ability to cover all types of information.

Where other intellectual property ("IP") rights require registration and lengthy application procedures, as long as the internal right policies are in place, trade secret protection can be invoked as and when needed and adapted as required. Trade secrets laws are therefore well suited to the protection of fast-paced innovation, and the information and data generated in this context. Indeed where other IP rights fail in enforcement terms, businesses can often fall back on trade secrets protection as a backstop.

It is now common for a small group of key employees to hold significant know-how extremely desirable to any competitor. Trade secrets provisions are also one of the main rights relied on to prevent dissemination of such know-how. Practical and technical restrictions should be put in place around how these sorts of employees can share key data and knowledge while in a business' employment, as well as restrictions around the use of such knowledge once the employee leaves the business. In light of the increased prominence of trade secrets in the automotive industry, this article in our series "Views on an evolving automotive industry", provides an overview of key issues relating to the use of trade secrets to protect innovation, including setting out what constitutes a trade secret in the UK, Germany (EU), Australia and China, discussing employee risks, and advising on establishing a trade secrets protection strategy to reduce and police the risks of the loss of business critical know-how, and enforce rights in trade secrets.

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For more on intellectual property issues facing the automotive sector see:

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