

Trade Secrets Protective Legal Regimes and Practices

Chinese Taipei
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Outline



Status and activities of legal regimes

Awareness campaigns of trade secret protection

Creating an environment for effective judicial remedies

Status and activities of legal regimes

Key provisions	Text of regulations	
<p>§2 Requirements</p>	<ol style="list-style-type: none"> 1. Confidentiality 2. Economic Feasibility 3. Equipped with Reasonable Confidentiality Measures 	
<p>§10-§12 Civil liability for infringement</p>	<ol style="list-style-type: none"> 1. Exclude or prevent infringement 2. Request for destruction of infringement 3. Request for damages 	
<p>§13-1 Criminal liability for infringement</p>	<ol style="list-style-type: none"> 1. A maximum of 5-year imprisonment or detention 2. A fine between NT\$1m and NT\$10m 3. A heavier fine within 3 times of the gain 	
<p>§13-2 A heavier punishment for using trade secrets in foreign jurisdictions</p>	<ol style="list-style-type: none"> 1. A maximum of 10-year imprisonment 2. A fine between NT\$3n and NT\$50m 3. A heavier fine within 2-10 times of the gain 	

Awareness campaigns of trade secret protection



2016 seminar on businesses' reasonable confidentiality measures

Overview of trade secret legal regimes

Overview of reasonable confidentiality measures and practices

Taipei



Taipei、Taichung、Tainan

2017 seminar on businesses' reasonable confidentiality measures

Overview of reasonable confidentiality measures and practices

Businesses' compliance in the investigation

Prosecution agencies' deliberation and co-investigation

- ✓ Awareness of trade secrets
- Reasonable confidentiality measures
- ✓

Judicial Practices

Difficulty in making a case

- Businesses having inadequate knowledge about trade secrets.
- Businesses not having a set of reasonable internal confidentiality measures.
- Businesses' compliance in the investigation is key to whether a case may be made.

Difficulty in investigation

- Difficulty in defining the scope of infringed trade secrets.
- Businesses' compliance in the investigation.
- Ensuring confidentiality during investigation.
- Judicial police is ill-equipped professionally given the professional techniques required in the determination.
- Difficulty in collecting and verify evidence relating to subject matters of infringed trade secrets.

Few criminal sentences

- Only 9 out of 38 cases have been given criminal sentences since 2013.

Creating an environment for effective judicial remedies



Judicial personnel attending seminars at private sectors

- Helping judicial personnel learn more about business practices to step up their investigation techniques.
- A total of nine seminars have been held at science parks since 2014.

Adding “precautionary matters on prosecution agencies handling major cases involving violation of the Trade Secrets Act”.

- Given the high degree of professionalism and confidentiality required for handling such cases, the provision stipulates that prosecution agencies appoint prosecutors to specifically handle major cases involving violation of trade secrets. The objective is to carry out appropriate, careful, and expedited investigations.

Ongoing training courses for prosecutors and judges carrying out trade secret investigations and trials.

- Ongoing courses on trade secret case investigation and disputes over practices will equip judicial personnel with necessary professionalism for investigation and handling of cases.

Thank You

