

**Outline of Speech**  
**“Protection of Intellectual Property in A Global Environment”**  
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**The Uniform Trade Secrets Act**  
**in the United States**

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- I. Hypothetical Fact Situation
- II. Historical Development of Trade

**Secret Law**

- a. Roman Law
- b. Early 19<sup>th</sup> Century English Law
- c. Late 19<sup>th</sup> Century American Law
- d. First Restatement (Early 19<sup>th</sup> Century)
- e. 1979 U.S. Conference of Commissioners on

## Uniform State Laws

### III. No Singular Underlying Legal Theory for the Protection of Trade Secrets

- a. Inadequacies of Property Law Theory
- b. Restatement's General Duty of Good Faith
- c. Patent Law Theory to Benefit Inventors and  
Investors

### IV. Distinguish Trade Secret Law and Patent Law

- a. Concept of patent is universally known and  
utilized. Underlying concepts of trade secret law  
is not.
- b. Compare Subject Matter.
- c. Standards for Protection
- d. Perfecting the Right to Patent or Trade Secret
- e. Right of Owner
- f. Costs of Protection

### V. The Uniform Trade Secrets Act in the

# United States

## a. Introduction

1. Enacted in 42 of 50 states
2. 1985 Amendments
3. Numerous state variations

Statutory and case law

## b. Definition of Trade Secrets as Set Forth in the Act

1. Not specific, exact definition

Broader than patent law

2. Trade secret must have economic value
  - a. Actual or potential
  - b. Need not be substantial
  - c. Give competitive advantage
3. Examples

The Scientology Case

## c. Secrecy

1. Not being generally known
2. Not being readily ascertainable
3. Reasonable efforts to maintain secrecy

Examples

- d. Other Significant Provisions of the Act
  - 1. Injunctive Relief Authorized
  - 2. Damages
    - a. Actual loss
    - b. Unjust enrichment
    - c. Royalty
      - American Sales Case
    - d. Punitive
  - 3. Attorneys Fees
  - 4. Preservation of Secrecy by Court During Proceeding
  - 5. Statute of Limitations
  - 6. Effect on Other Laws

## VI. Conclusion

Attachment: Copy of the Uniform Trade Secrets Act with 1985 Amendments