



**Oxford Intellectual Property Research Centre
Invited Speaker Seminar Series
Trinity 2019**

The Dorfman Room, St Peter's College at 5.15pm

Convenors: Dev Gangjee & Robert Pitkethly

Week 2: **Professor Nari Lee**, Hanken School of Economics, Helsinki, Finland
Thurs 9 May *Third Party Liability in Patents and Trade Secrets*

Trade secrets protection extends the liability of misappropriation not only to those who directly engage in unlawful conducts but also to third parties. As primary actors often misappropriate trade secrets to disclose them to a third party who would then (say) actually use them, such third party liability is believed to be essential for meaningful protection of trade secrets and preventing dishonest commercial practices. In intellectual property, third party liability is distinguished from primary liability on the basis of subjective requirements: knowledge and intent. Primary infringement is traditionally conceived as a strict liability regime, with knowledge and intent playing a limited role. The absence of a good faith infringement defence in patent law, for example, is a strong indication of this. However, as trade secrets misappropriation is conceived around the prevention of commercial dishonesty, knowledge and intent play an important part. Art 4(5) of the EU Trade Secrets Directive has created new types of misappropriation liability, which arguably may shift trade secrets misappropriation under EU law closer to patent infringement since it allows tracing of liability through goods embodying trade secrets.

****Directions to the seminar room from the Porter's Lodge****
Refreshments provided

(Please direct enquiries to jennifer.hassan@law.ox.ac.uk)

For further details please refer to our [website](#)