Kluwer Patent Blog

To patent or not to patent, is that the question?

Beatriz San Martin (Fieldfisher) · Tuesday, February 16th, 2016

A technology driven company whether large, medium or small and at every stage of its life cycle or development will need to consider the question of whether to patent or not to patent. Often a business chooses to refrain from filing a patent application at a particular point in time and instead relies on the law of confidential information and trade secrets as a form of protection.

Whilst trade secrets are the most intangible of intangible assets, they are nonetheless valuable business assets that play an important role in fostering innovation and in creating a competitive edge. Not surprisingly, there is significant commercial value in protecting trade secrets.

Many innovative companies are increasingly relying on trade secrets to give them a competitive advantage but the legal landscape in Europe is not that easy to navigate.

So are trade secrets an alternative to patent protection – should the question that you ask be: to patent or not to patent? should you rely on trade secrets and confidential information instead of patents?

This article explores the benefits of relying on trade secrets and confidential information, in addition to, or instead of, patent protection. It also looks at the current position on trade secrets and confidential information in the UK versus the rest of Europe and how the law is evolving through the new draft Trade Secrets Directive in an attempt to harmonise the law in this area across Europe.

To read the full White Paper please leave your name and email and download the file.

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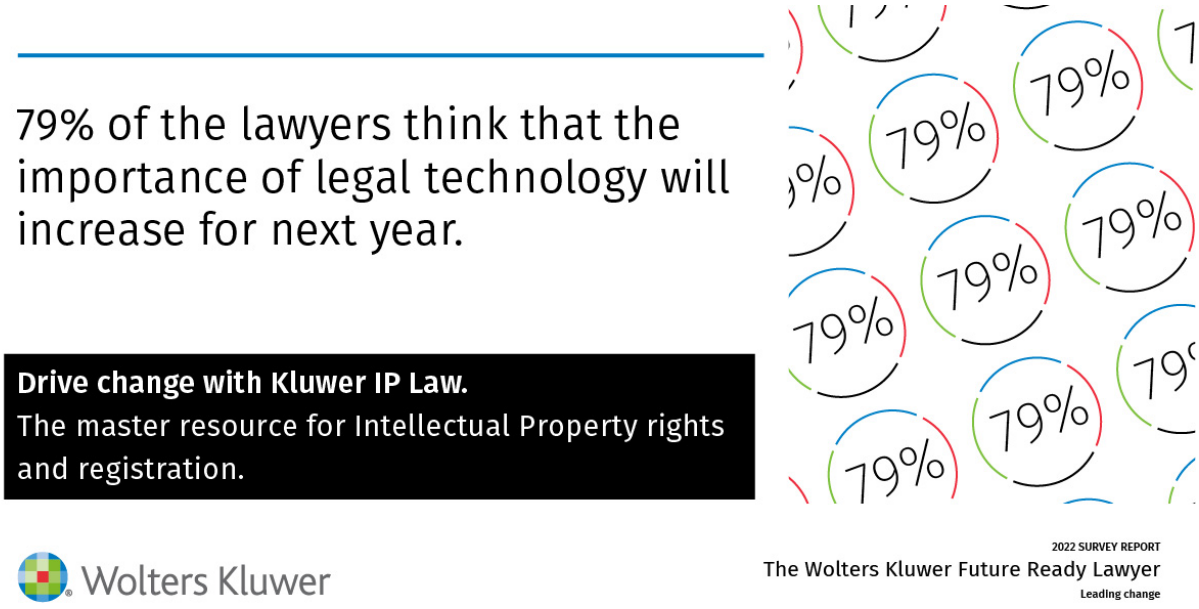

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