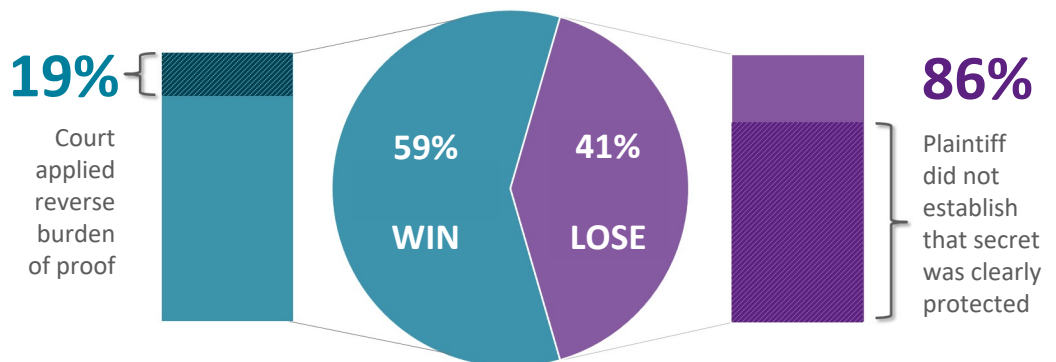


TRADE SECRET LITIGATION: CHINA'S COURTS GETTING TOUGH

Trade secrets have always been challenging to enforce in China's courts. Our data shows fewer cases overall, and lower win rates in comparison to other types of IP. However, following legislative amendments in 2019 and 2020, the courts now have more muscle to apply, including significantly higher damages and reversal of the burden of proof onto the defendant, a vital measure to uncover if, and to what extent, secrets were misappropriated.

WIN RATE OF TRADE SECRET DISPUTES



Chris Bailey, Principal, Rouse Consultancy



“As we come up to 3 years since the amendments to the Anti-Unfair Competition Law that improved protection for trade secrets, our CIELA team have reviewed 105 senior court decisions to see what impact these changes have had. Some recent cases where exceptionally large damages awards were imposed are very encouraging. There is also more clarity for IP owners on what measures they should take internally to ensure that their secret information will receive protection in the courts, as well as mistakes to avoid.”

TOP 10 DAMAGES AWARD

