



The **OPRI**'s services

The Belgian Intellectual Property Office

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Protection of **trade secrets**

What is a trade secret?

A trade secret is business information and/or know-how which:

1. is not generally known or accessible;
2. has commercial value because it is secret;
3. is protected by physical, digital and legal measures preserving the secrecy.

Some examples hereof are: a soft drink recipe, an online search engine's algorithm, a client database or a unique marketing concept.

How do I protect my trade secret?

Protecting a trade secret is easy. No application or registration is needed. To protect business information and know-how as a trade secret, you need to comply with the above-mentioned **conditions**. In concrete terms, you must take certain **measures** to maintain the secrecy of your trade secret, e.g.:

- physical protection using a safe or separate archives;
- efficient digital protection, e.g. through passwords;
- non-disclosure declarations with business partners;
- employment contracts with non-compete clauses and non-disclosure clauses;
- storage of your trade secret in a digital vault like BOIP's **i-DEPOT**.

Unlike a classic intellectual property right protection, the trade secret protection is **not limited in time**.

In order to protect your *creations*, you can choose to keep confidential business information *secret*, instead of protecting it through classic intellectual property rights. Since 2018, the law provides in a (more) powerful instrument to act against the unlawful acquisition, use or disclosure of your trade secrets. It is a big advantage that the rules of the game are now equal throughout Europe. Thanks to this, as a trade secret holder, you have more legal certainty about when and how you can *act against infringement*.

How can I deal with an infringement?

The Code of Economic Law provides companies, inventors and entrepreneurs with a number of **possibilities to protect** themselves against unlawful acquisition, use or disclosure of a trade secret. You can refer to the business court in case of:

- injunction or prohibition of the use of your trade secret;
- prohibition to put infringing goods on the market or request for their destruction;
- damage claims.

Go to: economie.fgov.be/en/opri
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