

REPUBLIC OF VANUATU

Assent 29 December 2000
Commencement

TRADE SECRETS ACT NO. 52 OF 2000

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TRADE SECRETS ACT NO. 52 OF 2000

An Act to provide for the protection of trade secrets and other undisclosed information

Be it enacted by the President and parliament as follows-

INTERPRETATION

1. In this Act, unless the contrary intention appears:

“Court” means the Supreme Court;

“owner”, for a trade secret, means the person entitled to the information that the trade secret consists of;

“trade secret” means any information that is:

- (a) not generally known among, or readily accessible to, persons who normally deal with information of that kind; or
- (b) about a person’s business or professional affairs and disclosure would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs;

and that has commercial value because of this.

PROTECTION OF TRADE SECRETS

2. A person who is the owner of a trade secret has the right to that secret remaining undisclosed.

REMEDY OF OWNER

3. (1) If a trade secret is acquired, used or disclosed by a person without the authority of the owner of the trade secret, the owner has the right to apply to the Court for a declaration that the trade secret has been acquired, used or disclosed without authority.
- (2) If the Court is satisfied that:
 - (a) the person is the owner of the trade secret; and
 - (b) ~~the~~

- (e) the effort and money spent by the owner in developing the information; and
- (f) the ease or difficulty with which others might acquire or duplicate the secret.

JURISDICTION OF COURTS

- 4. (1) The Court has jurisdiction to deal with matters under this Act.
- (2) An appeal lies to the Court of Appeal from a decision of the Supreme Court.

COMMENCEMENT

- 5. This Act commences on the day on which it is published in the Gazette.