

REPUBLIC OF VANUATU

BILL FOR THE

TRADE SECRETS ACT

NO. _____ OF 1999

Explanatory Note

This Note does not form part of the Bill

The purpose of this Bill is to provide for the protection of trade secrets and other undisclosed information.

The Bill reflects international trends towards greater uniformity in the field of the protection of trade secrets. In particular, the Bill conforms with the minimum standards and principles prescribed for the protection of trade secrets in the international Agreement on Trade-related Aspects of Intellectual Property Rights.

The Bill defines what is meant by a trade secret, states that the owner of a trade secret has the right for it to remain undisclosed, and sets out the remedies available to the owner if the trade secret is acquired, used or disclosed without authority.

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Arrangement of sections

1. Interpretation
2. Protection of trade secrets
3. Remedy of owner
4. Jurisdiction of Courts
5. Commencement

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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:

(a) any information:

(i) that is not generally known among, or readily accessible to, persons who normally deal with information of that kind; or

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 trade secret has been acquired, used or disclosed without the person's authority; and
 - (c) the person has taken reasonable steps to prevent the unauthorised acquisition, use or disclosure of the trade secret;the Court may:

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.