

# The Trade Secrets Directive—Italy

*les Nouvelles - Journal of the Licensing Executives Society, Volume LIV No. 3, September 2019*

4 Pages Posted: 6 Sep 2019

**Mattia Dalla Costa**

CBA Studio Legale e Tributario

**Gianluca De Cristofaro**

LCA Studio Legale

**Dario Paschetta**

Frignani Virano e Associati Studio Legale

Date Written: July 15, 2019

## **Abstract**

Legislative Decree no 63/2018, (the “Decree”), implemented the trade secret directive (the “Directive”).

In Italy, trade secrets are intellectual property rights (“IPRs”) and are protected both under the civil law (art. 98, 99, 120, 124, 126, 128, 129, 131 of the Italian Code of Industrial Property, “ICIP”) and under criminal law (art. 623, Italian Criminal Code, “ICC”).

## 2. Definition

The definition of trade secrets is provided in art. 98 ICIP:

“Trade secrets include commercial information and technical-industrial experience, also the commercial ones, subject to the legitimate control of the owner, whether such information:

- a) Is confidential, in the sense that as a whole or in its precise configuration and combination of its elements it is not generally known or easily accessible for experts and operators in the field;
- b) Has an economic value inasmuch as it is confidential;
- c) Is subject, to the persons to whose legitimate control it is subject, to measures to be considered reasonably adequate to keep it confidential.

Protection shall also be granted to data relating to tests or other confidential data, whose processing entails a considerable effort and whose presentation is conditional upon the marketing authorization of chemical, pharmaceutical or agricultural products implying the use of new chemical substances.”.

**Keywords:** Italy trade secrets, legislative decree, directive

**Suggested Citation:**

Dalla Costa, Mattia and De Cristofaro, Gianluca and Paschetta, Dario, The Trade Secrets Directive—Italy (July 15, 2019). *les Nouvelles - Journal of the Licensing Executives Society, Volume LIV No. 3, September 2019*. Available at SSRN: <https://ssrn.com/abstract=3420363>