B LIST
Dear,

Attached a revised version of the Final Study, in mark-up for your perusal and hereinafter out replies to your comments.

[REDACTED]
We trust the revised version addresses all of your comments and tomorrow we will send you the definitive our package.

Kind regards,

Francesca
Dear Francesca, dear Lorenzo
For the rest of the document, see doc. 124
Document 128a: removed
Dear Francesca,

We are now ready for approval; please send the study.

Kind regards,

European Commission
Internal Market and Services DG
D3 - Fight against counterfeiting and piracy
Rue de Spa 2, B-1049 Brussels
Tel: (+32) 22 95
mailto: jean.europa.eu
For the rest of the document, see doc. 128
Dear,

Please find attached the Trade Secrets Study, final version. The Appendixes to the Study will follow with separate messages to allow smoother transmission.

With best regards,
Francesca

Francesca Gaudino
Counsel
Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: +39 02.76.231.501

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Document 130a : removed
131
Second message.

Appendixes 1 to 4.

Francesca Gaudino
Counsel
Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: + 39 02.76.231.501

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Documents 131a, 131b, 131c and 131d:

Published in website.
Third message.

Appendixes 5 to 8.

Francesca Gaudino
Counsel

Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: +39 02.76.231.501

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Documents 132a, 132b, 132c and 132d:
Published in website.
Fourth message.

Appendixes 9 to 12.

Francesca Gaudino
Counsel
Studio Professionale Associato a
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20121 Milan, Italy
Tel: +39 02.76.231.1
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Documents 133a, 133b, 133c and 133d:
Published in website.
Fifth message.

Appendixes 13 to 15.

Francesca Gaudino
Counsel

Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: + 39 02.76.231.501

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Documents 134a, 134b, 134c and 134d:
Published in website.
Sixth message.

Appendixes 16 to 18.

Francesca Gaudino
Counsel

Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: +39 02.76.231.501

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Documents 135a and 135c:
Published in website.
Dear "

All the package is on the way to you.

Kind regards,

Francesca

Francesca Gaudino
Counsel
Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: + 39 02.76.231.501

Do you really need to print this e-mail?
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Thank you Francesca

Have you sent the hard copies by post?
Please note that according to contract each deliverable will be submitted in five copies, in paper version, and we will also need the translation of the executive summary into French and German.

Regards

EUROPEAN COMMISSION
Internal Market and Services DG
D3 - Fight against counterfeiting and piracy
Rue de Spa 2, B-1049 Brussels
Tel. (+32) 22 22 22 22
From: Gaudino, Francesca [mailto:Francesca.Gaudino@bakermckenzie.com]
Sent: Tuesday, April 30, 2013 4:44 PM
To: de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT)
Please find attached the Trade Secrets Study, final version.
The Appendixes to the Study will follow with separate messages to allow smoother transmission.

With best regards,
Francesca

Francesca Gaudino
Counsel
Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: + 39 02.76.231.501

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Dear [MARKT],

I just tried to call you. The study has been sent by post and should be with you shortly. If you are available, we can speak early this afternoon.

Kind regards,
Francesca

Francesca Gaudino
Counsel

Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: + 39 02.76.231.501

---

Do you really need to print this e-mail?
Think twice and protect the environment, now.

---

Dear Francesca,

I have tried to call you, could you please call me back tomorrow?

Kind regards.

EUROPEAN COMMISSION
Internal Market and Services DG
D3 - Fight against counterfeiting and piracy
Rue de Spa 2, B-1049 Brussels
Tel (+32) 22 9
mailto: ec.europa.eu

---

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Dear [Name],

This is to confirm that the whole Study (5 copies, including relevant Annexes) has been sent to you today and it should be with you shortly.

Attached please find a revised version of the Study – we added the percentage of respondents on page 15 as to the need to gave trade secrets protected during court proceedings. We are also sending the French and German translations of the Executive Summary.

Please acknowledge safe receipt of the package when you receive it.

With kind regards,
Francesca

Francesca Gaudino
Counsel
Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: +39 02.76.231.501

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Documents 138a, 138b and 138c:
Published in website.
138bis
Dear Francesca,

We have received the boxes with study

Kind regards

[European Commission]
Internal Market and Services DG
D3 - Fight against counterfeiting and piracy
Rue de Spa 2, B-1049 Brussels
Tel. (+32) 22

From: Gaudino, Francesca [mailto:Francesca.Gaudino@bakermckenzie.com]
Sent: Wednesday, May 15, 2013 4:17 PM
To: (MARKT)
Cc: de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT)

Subject: Trade Secrets Study - Final - Delivery

Dear

This is to confirm that the whole Study (5 copies, including relevant Annexes) has been sent to you today and it should be with you shortly.

Attached please find a revised version of the Study – we added the percentage of respondents on page 15 as to the need to gave trade secrets protected during court proceedings.

We are also sending the French and German translations of the Executive Summary.

Please acknowledge safe receipt of the package when you receive it.

With kind regards,

Francesca

Francesca Gaudino
Counsel
Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: +39 02.76.231.501
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Dear

This is to confirm we are working on Annex 17.

Kind regards,

Francesca

Francesca Gaudino
Counsel
Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: + 39 02.76.231.501

---

Dear Francesca

We received annex 17 as it is now it cannot be published.

PS I will be away this week but will be here.

EUROPEAN COMMISSION
Internal Market and Services DG
D3 - Fight against counterfeiting and piracy
Rue de Spa 2, B-1049 Brussels
Tel. (+32) 279 231
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Dear All,

Please find attached the re-worked Appendix 17 - Full Survey Report.
We will send you 5 paper copy of the same.

We trust that this issue is now closed.

Kind regards,
Francesca

Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>
21 May 2013 18:45
Annex 17
Appendix 17 - Full Survey Report.pdf

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Document 140a
Published in website
Subject: Study on trade secrets and confidential business information in the internal market

Dear Mr De Martinis,

I am pleased to inform you that the Commission's services can accept the final version of the study on trade secrets and confidential business information in the internal market, that you submitted on 17 May in the framework of contract nr MARKT/2011/128/D.

Yours sincerely,

Kerstin Jorna

Contact:

Telephone: +32 229- e@ec.europa.eu

cc.

(DG Markt)
Milan, May 31, 2013

Messrs.
European Commission
Directorate General for Internal Market and Services
Unit A2 - SPA2 01/046
B-1049 Brussels
Belgium

Re: Contract nr MARKT/2011/128/D - Study on trade secrets and confidential business information in the Internal Market

Dear Sirs,

We enclose herewith our invoice no. If your payment is made by bank transfer, please forward it to:

Yours sincerely,

[Signature]

End invoice no. ţj

[Signatures of other attorneys]

Studio Professionale Associato a Baker & McKenzie is a member of Baker & McKenzie International, a Swiss Verein.
Milan, May 31, 2013

European Commission
Directorate General for Internal Market and Services
Unit A2 - SPA2 01/046
B-1049 Brussels
Belgium

Invoice No.: 1

Contract nr MARKT/2011/128/D - Study on trade secrets and confidential business information in the Internal Market

EURO

TOTAL DUE

400.000,00

Place of taxation for VAT purposes: Italy.
All services are in principle subject to VAT which is not applied pursuant to Articles 3 and 4 of the Protocol on the Privileges and Immunities of the European Union - Article 72, comma 1, letter C of Italian Presidential Decree 633/1972.

Duty Stamp € 1,81 on original.

Our Ref. 1

REDACTED
141ter
Brussels, 10 July 2013
Markt/A2/JG/(2013)279033

Studio Professionale – Backer & Mckenzie
Mr. Lorenzo Di Martinis
Piazza Filippo Meda, 3
IT-20121 MILAN


Dear Mr Di Martinis,

Please find enclosed the necessary form in order to justify before your taxation authorities the non-payment of VAT for the invoices arising from the above mentioned contract.

Yours sincerely,

Enclosure: VAT and excise duty exemption certificate
## 1. ELIGIBLE BODY/INDIVIDUAL

<table>
<thead>
<tr>
<th>Designation/name</th>
</tr>
</thead>
<tbody>
<tr>
<td>European Commission – Dg Markt</td>
</tr>
<tr>
<td>Rue de la Loi, 200</td>
</tr>
<tr>
<td>Postcode, place</td>
</tr>
<tr>
<td>B – 1049 Bruxelles</td>
</tr>
</tbody>
</table>

(Host) Member State

| DG MARKT |

## 2. COMPETENT AUTHORITY RESPONSIBLE FOR STAMPING (name, address and telephone number)

| Administration de la fiscalité des Entreprises et des Revenus |
| Services centraux – Sector TVA Direction III/2 |
| Av. du Roi albert II, 33 Boîte 25 – B – 1030 Bruxelles |

## 3. DECLARATION BY THE ELIGIBLE BODY OR INDIVIDUAL

The eligible body or individual hereby declares:

- (a) that the goods and/or services set out in box 5 are intended for:
  - foreign diplomatic mission
  - a member of a foreign diplomatic mission
  - foreign consular representation
  - a member of a foreign consular representation
  - an international organisation
  - a staff member of an international organisation
  - a European body to which the Protocol on the privileges and immunities of the European Union applies
  - the armed forces of a State being a party to the North Atlantic Treaty (NATO force)
  - the armed forces of the United Kingdom stationed in the island of Cyprus

  
  designation of the institution) (see box 4) 

- (b) that the goods and/or services described at box 5 comply with the conditions and limitations applicable to the exemption in the host Member State mentioned in box 1, and

- (c) that the information above is furnished in good faith.

The eligible body or individual hereby undertakes to pay to the Member State from which the goods were dispatched or from which the goods and/or services were supplied, the VAT and/or excise duty which would be due if the goods and/or services did not comply with the conditions of exemption, or if the goods and/or services were not used in the manner intended.

Name and status of signatory

Place, date

Signature

## 4. STAMP OF THE BODY (in case of exemption for personal use)

<table>
<thead>
<tr>
<th>Stamp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and status of signatory</td>
</tr>
</tbody>
</table>

Place, date
5. DESCRIPTION OF THE GOODS AND/OR SERVICES, FOR WHICH THE EXEMPTION FROM VAT AND/OR EXCISE DUTY IS REQUESTED

A. Information concerning the supplier/authorised warehousekeeper

1. Name and address: Studio Professionale Associato Baker & Mckenzie – Piazza Filippo Meda, 3 – 20121 Milan

2. Member State: Italy

3. VAT/excise number or tax reference number:

B. Information concerning the goods and/or services:

<table>
<thead>
<tr>
<th>No</th>
<th>Detailed description of the goods and/or services (or reference to the attached order form)</th>
<th>Quantity or number</th>
<th>Value excluding VAT and excise duty</th>
<th>Currency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>MARKT/2011/28/D3/ST/OP Study on trade secrets and confidential business information in the Internal Market</td>
<td>400 000</td>
<td>400 000</td>
<td>Euros</td>
</tr>
</tbody>
</table>

Total amount: 400 000 Euros

6. CERTIFICATION BY THE COMPETENT AUTHORITIES OF THE HOST MEMBER STATE

The consignment/supply of goods and/or services described in box 5 meets:

☐ totally

☐ up to a quantity of (number)

the conditions for exemption from VAT and/or excise duty

Name and status of signatory

Place, date Stamp Signature

7. PERMISSION TO DISPENSE WITH THE STAMP UNDER BOX 6 (only in case of exemption for official use)

By letter No: ET 76430

Dated: 22/12/1992

Designation of eligible institution: The European Commission

Is by Administration TVA, enregistrement et des domaines

Competent authority in host Member State: Belgium

Dispensed from the obligation under box 6 to obtain the stamp

Name and status of signatory

Place, date Stamp Signature
Finally, and it looks great! Thank you for the news
Talk soon.
Best regards,
Lorenzo / Francesca

Lorenzo de Martinis
Partner
Studio Professionale Associato a
Baker & McKenzie
Piazza Filippo Meda, 3
20121 Milan, Italy
Tel: +39 02 76231 334
Fax: +39 02 76231 501

Protect the environment: do you really need to print this e-mail?

Dear Francesca, dear Lorenzo

I am pleased to announce that your study has now been released on the web.

Regards

http://ec.europa.eu/internal_market/iprenforcement/trade_secrets/index_en.htm
143
Caro

Grazie anche da parte mia per la veloce risposta e per le informazioni.

Buon pomeriggio,

Francesca

Francesca Gaudino
Local Partner
Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: + 39 02.76.231.501

---

Cara Francesca,

Grazie per questa risposta rapidissima.

The agency in question is JETRO and their intention would be to publish, once translated, the report in their website. So, once translated, we will have access to it. As soon as we know about it, we will pass the information to you.

Best regards,

---

Hi

I hope you are doing well.
I confirm you can translate the Study in Japanese and, more generally, that the Study does not contain copyrighted material. It is nice knowing that the Study will be made known in Japan as well. Would it be possible to have reference/copy of the translated material?

Have a nice day,
Francesca

Francesca Gaudino
Local Partner
Studio Professionale Associato a Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: +39 02.76.231.501

Do you really need to print this e-mail?
Think twice and protect the environment, now.

From: ___________@ec.europa.eu [mailto:___________@ec.europa.eu]  
Sent: lunedì 22 luglio 2013 14:47  
To: Gaudino, Francesca  
Cc: ___________@ec.europa.eu  
Subject: question - study on trade secrets - translation into Japanese?

Dear Francesca,

I guess that I already told you that the study on trade secrets you prepared has been published.

I am contacting you because a Japanese public agency has seen the study and wants to translate it (I suppose without annexes...) into Japanese, for the benefit of the business community in Japan. Apparently, they already did the same with the Hogan Lovell's study. This agency is asking for our authorisation.

We have the intention to allow them to translate the text (my understanding is that the Commission is the copyright holder), but before doing so, I wanted to ask you if you have any inconvenience about this. I guess not...

Also, I wanted to double check with you if there is any third-party protected material within the text. I guess that there is none. My reading is that references to others' works (e.g. in the literature review) are done under the right to citation etc. But, could you please confirm this?

Thanks for your reply.

Best regards,

European Commission
Directorate General Internal Market and Services
Unit D3 – Fight against counterfeiting and piracy
1049 Brussels, Belgium
office: SPA2  al.: +32-2-  
e-mail: ___________@ec.europa.eu  
Find us on the web: http://ec.europa.eu/internal_market

99 goals and 31 red cards - 2
Hi
probably you are already aware, in any case I am sending you the attached as it is the first decision of
the Supreme Court on trade secrets after a long time of 'silence'.

Buona giornata,
Francesca

Francesca Gaudino
Local Partner
Studio Professionale Associato a
Baker & McKenzie
3, Piazza Filippo Meda
20121 Milan, Italy
Tel: +39 02.76.231.1
Fax: + 39 02.76.231.501

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rispondendo a questo messaggio e provvedendo quindi a cancellarlo dal vostro computer. Visitate
www.bakermckenzie.com/disclaimer_italy per ulteriori importanti informazioni riguardanti questo
messaggio.
The rest of document 144a has been removed
Muito obrigado, this is very good. We look forward to hearing from you next week.
Have a great weekend!
Regards,
Lorenzo

Hi Lorenzo,
Here is the link to Tajani’s team with the respective contacts;
It is perfectly ok for you to contact them directly and most probably they would be interested.
I can try to see who in the team would be best placed for you to contact – but I have to leave now and I will be back on Tuesday.
I can back to you next week.
Regards

http://ec.europa.eu/commission_2010-2014/tajani/about/team/index_en.htm

I will be away for some days (be back on Tuesday).

Dear
All is well here, hope the same with you. Thank you for the great news! Regarding Mr. Tajani, is it appropriate for you to put us in contact with him and/or his staff? We were thinking on organizing dissemination event/activities to raise awareness. Of course we count on D3 first, but coordinating with Mr. Tajani may be a plus for visibility in Italy.
Talk to you soon.

Kindest regards,
Francesca / Lorenzo
Dear Francesca, dear Lorenzo,

I hope all is well with you.

This is to let you know that the Commission will adopt this Thursday a proposal for a Directive on trade secrets. The proposal will still have to be negotiated with and adopted by the EU Parliament and the Council. The proposal comes from here D3 as you know – but the Commissioner for Industry and Enterprise, Mr Tajani, on the last minute asked if it could be associated with it; meaning that the proposal will be presented as being an initiative both from Barnier and Tajani. This I suppose may give some visibility to the project in Italy.

Kind regards

EUROPEAN COMMISSION
Internal Market and Services DG
D3 - Fight against counterfeiting and piracy
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Dear Francesca, dear Prof. Franzoni

I hope you are well.

Francesca may remember that earlier this year I contacted her about the translation of your study into Japanese. A Japanese public entity (JETRO) asked our European Publication Office for a licence to do so. We granted the licence.

We have just been informed that the translation into Japanese of the study has been published. It is a translation of the main points and the appendices have been omitted.

Here are the links:

To the document:

and to the JETRO patent information news website:
http://www.jetro.go.jp/world/europe/ip/

I hope you may find this translation of interest.

I also take this opportunity to recall you that tomorrow the Commission should formally adopt a legislative proposal on trade secrets misappropriation. The proposal will be made available in our website in the course of the day, I hope. I think that my colleague had already advanced this information to Francesca.

Best regards,

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The views expressed in this e-mail are my own and may not, under any circumstances, be interpreted as stating an official
position of the European Commission.