

# B LIST



128

XXXXXXXXXXXXXXXXXXXX



(GROW)

128

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 29 April 2013 18:34  
**To:** (MARKT)  
**Cc:** (MARKT); (MARKT); (MARKT); de Martinis, Lorenzo  
**Subject:** RE: Final Study  
**Attachments:** Trade Secrets Study - Final Study.docx

Dear

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



REDACTED

REDACTED

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

Kind regards,

Francesca

**From:** [@ec.europa.eu](mailto:) [mailto:] [@ec.europa.eu](mailto:)

**Sent:** giovedì 25 aprile 2013 18:32

**To:** Gaudino, Francesca; de Martinis, Lorenzo

**Cc:** [@ec.europa.eu](mailto:);  
[@ec.europa.eu](mailto:)

**Subject:** RE: Final Study

[@ec.europa.eu](mailto:);

[@ec.europa.eu](mailto:);

↓ see

124

Dear Francesca, dear Lorenzo

**For the rest of the document, see doc. 124**





**Document 128a : removed**



129



GROW)

129

**From:** MARKT)  
**Sent:** 30 April 2013 15:47  
**To:** 'Gaudino, Francesca'  
**Cc:** (MARKT); (MARKT); (MARKT);  
**Subject:** RE: Final Study

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:ec.europa.eu>

**From:** Gaudino, Francesca [<mailto:Francesca.Gaudino@bakermckenzie.com>]

**Sent:** Monday, April 29, 2013 6:34 PM

**To:** (MARKT)

**Cc:** (MARKT);

(MARKT); de Martinis, Lorenzo

**Subject:** RE: Final Study

(MARKT);

(MARKT);

Dear

see 128

**For the rest of the document, see doc. 128**





130



(GROW)

130

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 30 April 2013 16:44  
**To:** (MARKT)  
**Cc:** de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT);  
**Subject:** Trade Secrets Study - Final  
**Attachments:** Trade Secrets Study - Final Study.pdf  
**Importance:** High


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





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131

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 30 April 2013 16:44  
**To:** (MARKT)  
**Cc:** de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT);  
(MARKT);  
**Subject:** Trade Secrets Study - Final - Appendixes 1 to 4  
**Attachments:** Appendix 1 - IP and Commercial Law - Country Reports.pdf; Appendix 2 - Competition Law - Country Reports.pdf; Appendix 3 - Criminal Law - Country Reports.pdf; Appendix 4 - References.pdf  
  
**Importance:** High

Second message.

Appendixes 1 to 4.

Francesca Gaudino  
Counsel

Studio Professionale Associato a  
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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.**



132

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132

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 30 April 2013 16:44  
**To:** (MARKT)  
**Cc:** de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT);  
**Subject:** Trade Secrets Study - Final - Appendixes 5 to 8  
**Attachments:** Appendix 5 - Legal Matrices.pdf; Appendix 6 - Country Specific Questionnaires - IP Commercial Law.pdf; Appendix 7 - Country Specific Questionnaires - Competition Law.pdf; Appendix 8 - Country Specific Questionnaires - Criminal law.pdf  
**Importance:** High

Third message.

Appendixes 5 to 8.

Francesca Gaudino  
Counsel

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



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**Published in website.**





133



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133

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 30 April 2013 16:44  
**To:** (MARKT)  
**Cc:** de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT);  
**Subject:** Trade Secrets Study - Final- Appendixes 9 to 12  
**Attachments:** Appendix 9 - List of Contributors.pdf; Appendix 10 - Summary Charts IP and Commercial Law.pdf; Appendix 11 - Summary Charts - Competition Law.pdf; Appendix 12 - Summary Charts - Criminal Law.pdf  
**Importance:** High

Fourth message.

Appendixes 9 to 12.

Francesca Gaudino  
Counsel

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134





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**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 30 April 2013 16:44  
**To:** (MARKT)  
**Cc:** de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT);  
(MARKT); 1 (MARKT)  
**Subject:** Trade Secrets Study - Final - Appendixes 13 to 15  
**Attachments:** Appendix 13 - Survey Questionnaire.pdf; Appendix 14 - Report on Pilot Survey.pdf;  
Appendix 15.1 Presentation of L. de Martinis.pdf; Appendix 15.2 Presentation of Dr. T.  
Respass.pdf; Appendix 15.3 Presentation of Prof L. Franzoni.pdf  
  
**Importance:** High

Fifth message.

Appendixes 13 to 15.

Francesca Gaudino  
Counsel

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20121 Milan, Italy  
Tel: +39 02.76.231.1  
Fax: + 39 02.76.231.501



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10



**Documents 134a, 134b, 134c and 134d :**

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135



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135

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 30 April 2013 16:44  
**To:** (MARKT)  
**Cc:** de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT);  
**Subject:** Trade Secrets Study - Final - Appendixes 16 to 18  
**Attachments:** Appendix 16 - Summary Report on Brussels Conference.pdf; Appendix 17 - Full Survey Report.pdf; Appendix 18 - Presentation on Trade Secrets Study.pdf  
**Importance:** High

Sixth message.

Appendixes 16 to 18.

Francesca Gaudino  
Counsel

Studio Professionale Associato a  
Baker & McKenzie  
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20121 Milan, Italy  
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Fax: + 39 02.76.231.501



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**Documents 135a and 135c :**

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**Document 135b : removed**



136



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136

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 02 May 2013 19:47  
**To:** (MARKT)  
**Cc:** de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT);  
**Subject:** RE: Trade Secrets Study - Final

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



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**From:** @ec.europa.eu [mailto: @ec.europa.eu]  
**Sent:** giovedì 2 maggio 2013 17:23  
**To:** Gaudino, Francesca  
**Cc:** de Martinis, Lorenzo; @ec.europa.eu; @ec.europa.eu;  
dec.europa.eu; @ec.europa.eu  
**Subject:** RE: Trade Secrets Study - Final

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  
mailto: @ec.europa.eu

---

**From:** Gaudino, Francesca [mailto:Francesca.Gaudino@bakermckenzie.com]  
**Sent:** Tuesday, April 30, 2013 4:44 PM  
**To:** (MARKT)  
**Cc:** de Martinis, Lorenzo; (MARKT); (MARKT)  
(MARKT); (MARKT)  
**Subject:** Trade Secrets Study - Final  
**Importance:** High

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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137



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137

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 15 May 2013 12:51  
**To:** (MARKT)  
**Subject:** RE: The final report

Dear        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



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**From:** @ec.europa.eu [mailto: @ec.europa.eu]  
**Sent:** martedì 14 maggio 2013 18:56  
**To:** Gaudino, Francesca  
**Subject:** The final report

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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138

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 15 May 2013 16:17  
**To:** (MARKT)  
**Cc:** de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT);  
(MARKT);  
**Subject:** Trade Secrets Study - Final - Delivery  
**Attachments:** Trade Secrets Study - Final Study.pdf; Executive Summary - German.pdf; Executive Summary - French.pdf  
**Importance:** High

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 give 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  
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**Documents 138a, 138b and 138c :**  
**Published in website.**



138bis



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13865

**From:** (MARKT)  
**Sent:** 17 May 2013 16:47  
**To:** 'Gaudino, Francesca'  
**Cc:** de Martinis, Lorenzo; (MARKT); (MARKT); (MARKT);  
**Subject:** RE: Trade Secrets Study - Final - Delivery

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 98 98 98  
<mailto:ec.europa.eu>

**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  
**Importance:** High

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 give 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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139





(GROW)

139

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 18 May 2013 17:33  
**To:** (MARKT)  
**Cc:** (MARKT); (MARKT);  
(MARKT); de Martinis, Lorenzo  
**Subject:** RE: Annex 17


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

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**From:** [@ec.europa.eu](mailto:@ec.europa.eu) [mailto: [@ec.europa.eu](mailto:@ec.europa.eu)]  
**Sent:** venerdì 17 maggio 2013 14:23  
**To:** Gaudino, Francesca  
**Cc:** [@ec.europa.eu](mailto:@ec.europa.eu); [@ec.europa.eu](mailto:@ec.europa.eu); [@ec.europa.eu](mailto:@ec.europa.eu)  
**Subject:** Annex 17

Dear Francesca

We received annex 17 ↩

REDACTED

↩. 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) 22 5  
[mailto: @ec.europa.eu](mailto:@ec.europa.eu)

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(GROW)

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 21 May 2013 18:45  
**To:** (MARKT); (MARKT)  
**Cc:** (MARKT); (MARKT); (MARKT);  
**Subject:** Annex 17  
**Attachments:** Appendix 17 - Full Survey Report.pdf

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

Francesca Gaudino  
Counsel

Studio Professionale Associato a  
Baker & McKenzie  
3, Piazza Filippo Meda  
20121 Milan, Italy  
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Ref. Ares(2013)1563734 - 31/05/2013



EUROPEAN COMMISSION  
Directorate General Internal Market and Services  
INTELLECTUAL PROPERTY  
The Director

Brussels, 31 MAI 2013  
MARKT/D3  
JN/na – ARES (2013) 1561071

Mr Lorenzo De Martinis  
Principal  
Studio Professionale Associato a  
Baker & McKenzie  
Piazza Filippo Meda, 3,  
20121 Milan  
ITALY

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-

[na@ec.europa.eu](mailto:na@ec.europa.eu)

cc.

(DG Markt)



**141bis**



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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. [REDACTED]. If your payment is made by bank transfer, please forward it to:

REDACTED

Yours sincerely,

Lorenzo de Martinis

Encl. invoice no. [REDACTED]

Avv. Claudio Camilli  
Avv. G. Franco Macconi  
Avv. Gerardo M. Bonello  
Avv. Gianfranco Di Garbo  
Avv. Aurelio Giovannelli  
Avv. Fabio Brombati  
Avv. Pierfrancesco Federici  
Avv. Alberto Berneri  
Avv. Alberto Fomeri  
Avv. Raffaele Giarda

Avv. Andrea Cicale  
Avv. Alfredo Lucenile  
Avv. Lorenzo de Martinis  
Dott. Comm. Massimo Giaccone  
Avv. Gianluca Benedetti  
Avv. Pietro Bernasconi  
Avv. Umberto Perchella  
Avv. Massimiliano Bionchini  
Dott. Comm. Francesco Pisciotto  
Dott. Comm. Carlo Gnetti

Avv. Guido Brocchieri  
Avv. Paola Colarossi  
Avv. Nicola Crispino  
Avv. Roberto Curzano  
Avv. Mario D'Avossa  
Prof. Avv. Eugenio della Valle  
Avv. Barbara Falini  
Avv. Pietro de Libero  
Avv. Francesco Florenzano  
Avv. Francesca Rubina Gaudino

Avv. Gaetano Iorio Fiorali  
Prof. Avv. Francesco Galsis  
Avv. Rodolfo Gherardo La Rosa  
Avv. Enrico Maria Mancuso  
Avv. Luigi Mantiscalco  
Avv. Rita Marchetti  
Avv. Raffaella Marzi  
Avv. Filippo Palmieri  
Avv. Domenico Mino Palumbo  
Avv. Giovanni Parillo

Avv. Riccardo Pennisi  
Avv. Andrea Perini  
Avv. Silvia Picchetti  
Avv. Giuliana Polacco  
Avv. Ludovico Erasmo Rusconi  
Avv. Valerio Salce





BAKER & MCKENZIE

141bis a

Piazza Filippo Meda, 3  
20121 Milano  
Tel: +39 02 762311  
Fax: +39 02 76231620  
milan.info@bakermckenzie.com

Viale di Villa Massimo, 57  
00161 Roma  
Tel: +39 06 440831  
Fax: +39 06 44063308  
rome.info@bakermckenzie.com

C.F. e P.IVA 05094740965

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\*Accredited Firm

Milan, May 31, 2013

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

Invoice No.: [ — ]

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

TOTAL DUE

EURO

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. [ REDACTED ]



REDACTED



141ter





EUROPEAN COMMISSION  
Directorate General Internal Market and Services

RESOURCES AND COMMUNICATION  
Financial Resources and Internal control

141 ter

Brussels, 10 July 2013  
Markt/A2/JG/(2013)2790338

**Studio Professionale – Backer &  
Mckenzie**

Mr. Lorenzo Di Martinis  
Piazza Filippo Meda, 3  
IT-20121 MILAN

**Subject: Vat exemption certificate – Contract – MARKT/2011/128/D3/ST/OP**

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,

[REDACTED]

Enclosure : VAT and excise duty exemption certificate

Contact:

☒ telephone(32-2) 291 ☒ mailto ☒

☒@ec.europa.eu

EUROPEAN UNION

VAT AND/OR EXCISE DUTY EXEMPTION CERTIFICATE<sup>(\*)</sup>  
(Directive 2006/112/EC - Article 151 - and Directive 2008/118/EC - Article 13)

Serial No (optional): <b>MARKT A.2 (2013)</b>						
<b>1. ELIGIBLE BODY/INDIVIDUAL</b>  Designation/name <b>European Commission – Dg Markt</b> Street and No <b>Rue de la Loi, 200</b> Postcode, place <b>B – 1049 Bruxelles</b> (Host) Member State						
<b>2. COMPETENT AUTHORITY RESPONSIBLE FOR STAMPING (name, address and telephone number)</b> <b>Administration de la fiscalité des Entreprises et des Revenus</b> <b>Services centraux – Sector TVA Direction III/2</b> <b>Av. du Roi albert II, 33 Boîte 25 – B – 1030 Bruxelles</b>						
<b>3. DECLARATION BY THE ELIGIBLE BODY OR INDIVIDUAL</b> The eligible body or individual <sup>(1)</sup> hereby declares (a) that the goods and/or services set out in box 5 are intended <sup>(2)</sup>						
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> For the official use of           <div style="margin-left: 20px;"> <input type="checkbox"/> foreign diplomatic mission  <input type="checkbox"/> foreign consular representation  <input type="checkbox"/> a European body to which the Protocol on the privileges and immunities of the European Union applies  <input checked="" type="checkbox"/> an international organisation  <input type="checkbox"/> the armed forces of a State being a party to the North Atlantic Treaty (NATO force)  <input type="checkbox"/> the armed forces of the United Kingdom stationed in the island of Cyprus           </div> </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> For the personal use of           <div style="margin-left: 20px;"> <input type="checkbox"/> a member of a foreign diplomatic mission  <input type="checkbox"/> a member of a foreign consular representation  <input type="checkbox"/> a staff member of an international organisation           </div> </td> </tr> </table>			<input checked="" type="checkbox"/> For the official use of <div style="margin-left: 20px;"> <input type="checkbox"/> foreign diplomatic mission  <input type="checkbox"/> foreign consular representation  <input type="checkbox"/> a European body to which the Protocol on the privileges and immunities of the European Union applies  <input checked="" type="checkbox"/> an international organisation  <input type="checkbox"/> the armed forces of a State being a party to the North Atlantic Treaty (NATO force)  <input type="checkbox"/> the armed forces of the United Kingdom stationed in the island of Cyprus           </div>	<input type="checkbox"/> For the personal use of <div style="margin-left: 20px;"> <input type="checkbox"/> a member of a foreign diplomatic mission  <input type="checkbox"/> a member of a foreign consular representation  <input type="checkbox"/> a staff member of an international organisation           </div>		
<input checked="" type="checkbox"/> For the official use of <div style="margin-left: 20px;"> <input type="checkbox"/> foreign diplomatic mission  <input type="checkbox"/> foreign consular representation  <input type="checkbox"/> a European body to which the Protocol on the privileges and immunities of the European Union applies  <input checked="" type="checkbox"/> an international organisation  <input type="checkbox"/> the armed forces of a State being a party to the North Atlantic Treaty (NATO force)  <input type="checkbox"/> the armed forces of the United Kingdom stationed in the island of Cyprus           </div>	<input type="checkbox"/> For the personal use of <div style="margin-left: 20px;"> <input type="checkbox"/> a member of a foreign diplomatic mission  <input type="checkbox"/> a member of a foreign consular representation  <input type="checkbox"/> a staff member of an international organisation           </div>					
<div style="text-align: right; margin-right: 100px;">(designation of the institution) (see box 4)</div> (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.						
<table style="width: 100%; border: none;"> <tr> <td style="width: 40%; text-align: right;">Place, date</td> <td style="width: 60%; text-align: right;">Name and status of signatory</td> </tr> <tr> <td style="text-align: right;">Signature</td> <td></td> </tr> </table>			Place, date	Name and status of signatory	Signature	
Place, date	Name and status of signatory					
Signature						
<b>4. STAMP OF THE BODY (in case of exemption for personal use)</b>						
Place, date	Stamp	Name and status of signatory  Signature				

**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:

No	Detailed description of the goods and/or services <sup>(3)</sup> (or reference to the attached order form)	Quantity or number	Value excluding VAT and excise duty		Currency
			Value per unit	Total value	
<b>1</b>	<b>MARKT/2011/128/D3/ST/OP</b>  <b>Study on trade secrets and confidential business information in the Internal Market</b>		<b>400 000</b>	<b>400 000</b>	<b>Euros</b>
Total amount			<b>400 000 Euros</b>		

**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)<sup>(4)</sup>

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





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(GROW)

142

**From:** de Martinis, Lorenzo <Lorenzo.deMartinis@bakermckenzie.com>  
**Sent:** 11 July 2013 16:25  
**To:** (MARKT); Gaudino, Francesca  
**Subject:** RE: Your study

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



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---

**From:** @ec.europa.eu [mailto: @ec.europa.eu]  
**Sent:** giovedì 11 luglio 2013 16:18  
**To:** Gaudino, Francesca; de Martinis, Lorenzo  
**Subject:** Your study

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](http://ec.europa.eu/internal_market/iprenforcement/trade_secrets/index_en.htm)

**EUROPEAN COMMISSION**  
Internal Market and Services DG  
D3 - Fight against counterfeiting and piracy  
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(GROW)

143

**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 22 Julv 2013 16:30  
**To:** (MARKT)  
**Cc:** (MARKT)  
**Subject:** RE: question - study on trade secrets - translation into Japanese?

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



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**From:** @ec.europa.eu [mailto: @ec.europa.eu]  
**Sent:** lunedì 22 luglio 2013 16:07  
**To:** Gaudino, Francesca  
**Cc:** @ec.europa.eu  
**Subject:** RE: question - study on trade secrets - translation into Japanese?

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,

---

**From:** Gaudino, Francesca [mailto:Francesca.Gaudino@bakermckenzie.com]  
**Sent:** Monday, July 22, 2013 3:58 PM  
**To:** (MARKT)  
**Cc:** (MARKT)  
**Subject:** RE: question - study on trade secrets - translation into Japanese?

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



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**From:** [ec.europa.eu](mailto:ec.europa.eu) [mailto:[ec.europa.eu](mailto:ec.europa.eu)]  
**Sent:** lunedì 22 luglio 2013 14:47  
**To:** Gaudino, Francesca  
**Cc:** [ec.europa.eu](mailto: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 tel.: +32-2-  
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144




**From:** Gaudino, Francesca <Francesca.Gaudino@bakermckenzie.com>  
**Sent:** 07 November 2013 16:09  
**To:** (MARKT)  
**Subject:** European Intellectual Property Review  
**Attachments:** EIPR13\_35(12)\_711-782.pdf

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

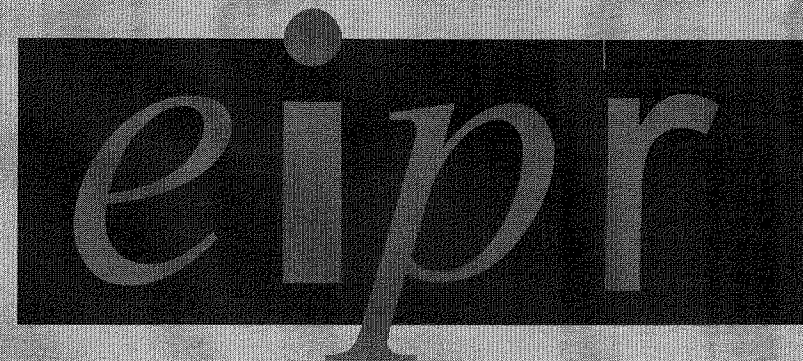
Studio Professionale Associato a  
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A journal concerning the management of technology, copyrights and trade names

## European Intellectual Property Review

### OPINION

*Novartis v Myriad: The Indian and US Supreme Courts on Patents and Public Health*  
*Madhavi Sunder*

### ARTICLES

*WIPO Proposed Treaty Development and Critical Legal Studies*  
*Muhammed Abrar*

*The Orphan Works Provisions of the ERR Act: Are They Compatible with UK and EU Laws?*  
*Eleonora Rosati*

*The Copyright Comedy*  
*Adrian Sterling*

*FTC v Actavis: Patent Validity, Schrödinger's Cat and Reverse Payments*  
*Richard H. Stern*

*Public Communication Right: Towards Full Harmonisation?*  
*Dr Katarzyna Kalkowska-Wasniowska*

*Bilateral Investment Treaties: A Remedy for SME?*  
*Jane Lambert*

### COMMENTS

*BSkyB v Microsoft: Actual Evidence of Confusion*  
*Paul Bicknell*

*Technical Trade Secrets in the Supreme Court*  
*John Hull*

*United States Supreme Court Decision in Kirtsaeng v John Wiley & Sons, Inc*  
*Suzanna M.M. Moraes*

*The Latest Italian Case Law on Cross-Border and Italian Torpedo Actions: The General Hospital Corp (Massachusetts General Hospital) and Palomar Medical Technologies Inc v Asclepion Laser Technologies GmbH*  
*Agata Sobol*

### BOOK REVIEWS

Sweet & Maxwell  
Publishers of  
Computer & Telecommunications Law Review  
Copyright and Designs Law  
Design and Copyright Protection of Products:  
World Law and Practice  
Encyclopaedia of United Kingdom and European  
Patent Law  
Entertainment and Media Law Reports  
Entertainment Law Review  
European Competition Law Review  
European Copyright and Design Reports  
European Patent Decisions  
European Patent Office Reports  
European Patents Handbook  
European Trade Mark Reports  
Fleet Street Reports  
Intellectual Property Quarterly  
International Intellectual Property Litigation  
Patent Cooperation Treaty Handbook  
Practical Intellectual Property Precedents  
The Trade Mark Handbook  
Trade Marks, Trade Names and Unfair  
Competition: World Law and Practice

EUROPEAN INTELLECTUAL PROPERTY REVIEW - ISSUE 12 2013

[2013] 12 EIPR



SWEET & MAXWELL

144a





**The rest of document 144a has been removed**



145

146

(GROW)

145

146

**From:** de Martinis, Lorenzo <Lorenzo.deMartinis@bakermckenzie.com>  
**Sent:** 28 November 2013 20:58  
**To:** (MARKT)  
**Cc:** Gaudino, Francesca  
**Subject:** RE: Trade secret proposal

146

Muito obrigado, this is very good. We look forward to hearing from you next week.  
Have a great weekend!  
Regards,  
Lorenzo

---

**From:** ,@ec.europa.eu [mailto: ,@ec.europa.eu]  
**Sent:** giovedì 28 novembre 2013 17:29  
**To:** de Martinis, Lorenzo  
**Cc:** Gaudino, Francesca  
**Subject:** RE: Trade secret proposal

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

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

ES  
EUROPEAN COMMISSION  
Internal Market and Services DG  
D3 - Fight against counterfeiting and piracy  
Rue de Spa 2, B-1049 Brussels  
Tel. (+32) 22 9F  
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**From:** de Martinis, Lorenzo [mailto:Lorenzo.deMartinis@bakermckenzie.com]  
**Sent:** Tuesday, November 26, 2013 8:27 PM  
**To:** (MARKT)  
**Cc:** Gaudino, Francesca  
**Subject:** RE: Trade secret proposal

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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

Lorenzo de Martinis  
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**From:** @ec.europa.eu [mailto: @ec.europa.eu]  
**Sent:** martedì 26 novembre 2013 16:56  
**To:** Gaudino, Francesca; de Martinis, Lorenzo  
**Subject:** Trade secret proposal

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**

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**From:** (MARKT)  
**Sent:** 27 November 2013 13:03  
**To:** Francesca.Gaudino@bakermckenzie.com; Luigi Alberto Franzoni (luigi.franzoni@unibo.it)  
**Cc:** (MARKT)  
**Subject:** Trade secrets - translation of your study into Japanese

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:

[http://www.jetro.go.jp/world/europe/ip/pdf/20131018\\_appendix.pdf](http://www.jetro.go.jp/world/europe/ip/pdf/20131018_appendix.pdf)

and to the JETRO patent information news website:

<http://www.jetro.go.jp/world/europe/ip/>

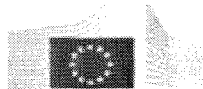
I hope you may find this translation of interest.

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,



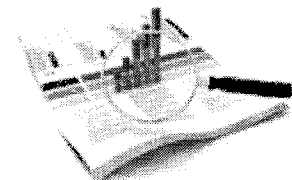
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