

e (GROW)

**From:** [REDACTED] (GROW)  
**Sent:** 21 October 2014 10:05  
**To:** [REDACTED] (GROW); 'A [REDACTED] ermckenzie.com; I [REDACTED] @bakermckenzie.com); [REDACTED] @iccwbo.org  
**Subject:** RE: Trade Secrets - Proposed EP Briefing

Dear [REDACTED]; dear all;  
 As I [REDACTED] said, the fact that JURI will organise a hearing does not prevent other events from taking place. However, having two of those between middle November and middle December may be odd. The Parliament's work on the file is just now starting and so we are at the beginning of the exercise. So, you could consider having your event on February; between the presentation of Le Grip's report and the voting, that is, at a time where amendments are being discussed.  
 Best regards

EUROPEAN COMMISSION  
 Internal Market and Services DG  
 D3 - Fight against counterfeiting and piracy  
 Rue de Spa 2, B-1049 Brussels  
 Tel. [REDACTED]  
 mailto:[REDACTED]@ec.europa.eu

**From:** [REDACTED] (MARKT)  
**Sent:** Tuesday, October 21, 2014 9:52 AM  
**To:** [REDACTED] @bakermckenzie.com; [REDACTED] (France [REDACTED] @bakermckenzie.com); [REDACTED] @iccwbo.org  
**Cc:** [REDACTED] (MARKT)  
**Subject:** RE: Trade Secrets - Proposed EP Briefing [REDACTED] views]

Dear [REDACTED]; dear all,

Thank you for your message.  
 The JURI Committee decided, at its meeting of 13 October, to organise a "hearing" on the trade secrets file. My understanding is that such hearing will take place before in November or December. I guess that this will be a formal hearing organised by the European Parliament secretariat. The rapporteur (Mme Le Grip) will possibly have a strong influence, but it will not be a Mme Le Grip's sponsored event or an EPP's sponsored event.  
 I do not know how the programme is established and/or who will be invited to speak.

It is not because the JURI Committee will organise a hearing that all other events on the trade secrets file are stopped. For instance, there is tomorrow a "debate lunch" on this file organised by the Kangaroo Group in Strasbourg and my director ([REDACTED] take part (<http://www.kangarooogroup.eu/E/index.lasso> - please note that the Kangaroo Group website is not fully updated).

It is not easy for us to judge on the added value of the event you intended to organise considering the upcoming JURI event. There may indeed be some redundancies, but we have not seen the programme of the other event. You will probably need to discuss this with Ms Comi. Perhaps your event could focus on the areas of the file which are of more interest to the IMCO Committee (e.g. the internal market dimension). Concerning the possible programme of your event, and with respect to the possible Commission participation, I must underline that the Commission services would not be comfortable with the idea of commenting on the Council common position in public. We have no mandate to comment on the Council text. As regards the possible presentation of the Commission proposal, please note that we have done that already at the formal meetings of the ITRE Committee (25 Sept.) and the JURI Committee (13 Oct.); and we will do so at the IMCO Committee meeting of 5/6 November. My impression is that the MEPs will know by now what the draft directive says...

Best regards,

**From:** [REDACTED] on@create.org]  
**Sent:** Monday, October 20, 2014 6:02 PM  
**To:** [REDACTED] ge (MARKT); [REDACTED] e (MARKT);  
[REDACTED] s@bakermckenzie.com;  
[REDACTED] io@bakermckenzie.com); [REDACTED] io (MARKT)  
**Cc:** [REDACTED] @iccwbo.org  
**Subject:** FW: Trade Secrets - Proposed EP Briefing

Dear Commission and Baker McKenzie colleagues,

I just received the attached email from Mme Le Grip's office, indicating that they planned to organise a trade secrets hearing and suggesting that our proposed briefing (with Mme Comi) would be 'redundant'. (I must say I was disappointed that we were immediately invited to participate in what they were planning!)

Have you had any information from Mme Le Grip's office about such a plan, and do you have any thoughts about the usefulness of our having a briefing separate from this hearing?

All the best,

[REDACTED]  
[REDACTED]  
[REDACTED]  
Intellectual Property Counsel

**CREATE.org**  
Center for Responsible Enterprise And Trade

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**From:** LE GRIP Constance [<mailto:constance.legrip@europarl.europa.eu>]  
**Sent:** 20 October 2014 16:36  
**To:** [REDACTED]  
**Subject:** RE: Trade Secrets - Proposed EP Briefing

Dear M. [REDACTED]

On behalf of Constance Le Grip, let me thank you for your kind proposal.

As you may have been informed, JURI Committee has decided to organise a hearing on Trade secrets. This event is currently under construction.

Therefore, despite the great interest that Mrs Le Grip has for your proposal, it seems that it would be quite redundant to make two events that would have similar characteristics as regards their content and their format.

Moreover, the context of JURI committee is more propitious to a greater attendance of MEPs and staff than an independent meeting.

Should you have any further input on this dossier, please do not hesitate to come back to us.

Thank you for your understanding.

Best regards,



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**From:** [redacted] [mailto:[redacted]@create.org]  
**Sent:** 09 October 2014 11:11  
**To:** LE GRIP Constance  
**Subject:** Trade Secrets - Proposed EP Briefing

Mme Constance le Grip  
Parlement européen  
Bât. Altiero Spinelli  
13E157  
60, rue Wiertz / Wiertzstraat 60  
B-1047 Bruxelles/Brussel

Dear Mme Le Grip:

I am writing to you and to Mme Comi of IMCO at the recommendation of the staff of Andreas Schwab MEP and others you have dealt with on intellectual-property related issues.

With the proposed Trade Secrets Directive coming up for discussion in the new session of the European Parliament, the International Chamber of Commerce (ICC/CCI) and the Centre for Responsible Enterprise and Trade (CREATe.org) would be interested in organising a **briefing on the issue of trade secrets for European Parliament members and staff**. We wondered if this would be of interest to you and whether you would be interested in acting as the host for such a briefing?

The basic idea is as follows:

**Date and place.** The target dates for such a briefing would be 17<sup>th</sup> November, 18<sup>th</sup> November, or possibly 20<sup>th</sup> November 2014, depending on what you think would be a workable time for you and other MEPs and staff who might be interested. We think that this should be done at the Parliament, in a 1-1/2 to 2 hour briefing as described below, which should give the opportunity to cover the most important points and have time for questions and discussion.

**Objective.** The objective would be to describe what trade secrets are, how they are different from patents and other forms of intellectual property, how they promote innovation and help SMEs in particular, how trade secret theft can destroy a small or large company's competitiveness, what industry best practices are being used to protect trade secrets, and what the proposed directive would do to help companies do what they simply cannot do themselves.

**Proposed agenda.** The suggested topics to be covered would be as follows:

1. Welcome and introduction – [Parliament sponsor]
2. The importance of trade secrets -- not an add-on to patent protection but an independent incentive for innovation, particularly for SMEs - [Company/industry views – ICC SME – ICC Research Paper]

3. The risks of trade-secret theft: A case study – [SME or other company rep]
4. Current state and importance of trade secret protection in Europe – [Hogan Lovells] [PwC] [B&M]
5. The Commission/Council common position – [European Commission]
6. The added value of the Directive across all industries and EU countries – [Company/industry views]
7. Industry's role – best practices in protecting trade secrets [CREATe.org]

The idea would be to make this primarily an informational meeting, particularly for new MEPs and staff that have not necessarily dealt with this issue before, and to give the opportunity for MEPs and staff to ask questions and discuss the issue with useful industry, SME and Commission counterparts.


Please do let me know if this would be of interest, what might work for you in terms of logistics, and if you have any suggestions or questions at all. We would be happy to discuss these with you or your staff at your convenience.


All the best,



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