
Balanced trade secret protection? Search for an equilibrium with the freedom to conduct a business

A Data Management Plan created using DMPonline.be

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Funder: Fonds voor Wetenschappelijk Onderzoek - Research Foundation Flanders (FWO)

Template: FWO DMP (Flemish Standard DMP)

Grant number / URL: 1151123N

ID: 198340

Start date: 01-11-2022

End date: 31-10-2026

Project abstract:

Every company has its own internal kitchen that co-determines the value of the company. For these kitchen secrets, called 'trade secrets' in legal jargon, intellectual property protection is often impossible or inappropriate. In order to be able to invoke this intellectual property protection, the information must be made public and over time the competitive advantage is lost. However, trade secrets also leave the internal kitchen of the company when employees start their own business or join another company. This tension between trade secret protection and the freedom to conduct a business is at the heart of the proposed research: after all, the trade secret regime can stop this information flow, but only if the necessary conditions are met. However, those conditions are vaguely defined, making it difficult to determine whether they are met, and current doctrine offers little clarification. This research therefore examines (1) which safeguards for the balance between trade secret protection and the freedom to conduct a business the trade secret regime (as it is currently interpreted) provides, (2) how these safeguards and their interpretation can be explained, (3) to what extent the current Belgian safeguards create a balance between trade secret protection and the freedom to conduct a business and (4) in which way this balance can be improved.

Last modified: 05-04-2023

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FWO DMP (Flemish Standard DMP)

1. Research Data Summary

List and describe all datasets or research materials that you plan to generate/collect or reuse during your research project. For each dataset or data type (observational, experimental etc.), provide a short name & description (sufficient for yourself to know what data it is about), indicate whether the data are newly generated/collected or reused, digital or physical, also indicate the type of the data (the kind of content), its technical format (file extension), and an estimate of the upper limit of the volume of the data.

				Only for digital data	Only for digital data	Only for digital data	Only for physical data
Dataset Name	Description	New or reused	Digital or Physical	Digital Data Type	Digital Data format	Digital data volume (MB/GB/TB)	Physical volume
DS 1	Books, journal articles, legislation and case law available online (textual data) data are stored in different maps (per jurisdiction and per source) and alphabetically.	Reuse existing data	Digital	NA	.pdf	<100GB	NA
DS 2	Scanned images of books, journal articles or case law if only physically available (textual data) data are stored in different maps (per jurisdiction and per source) and alphabetically.	Reuse existing data	Digital	NA	.pdf	<100GB	NA
DS 3	Own legal analysis (published journal articles as well as doctoral dissertation) of aforementioned sources (textual data) data are stored in map "doctoraat" on personal drive	New data	Digital	NA	.pdf and .docx	<100MB	NA

If you reuse existing data, please specify the source, preferably by using a persistent identifier (e.g. DOI, Handle, URL etc.) per dataset or data type:

DS 1: online databases (jurisquare, jura, stradalex, limo, SSRN, beckonline, legalintelligence, westlaw international, etc.)
DS 2: library (mainly KU Leuven), courts' archives

Are there any ethical issues concerning the creation and/or use of the data (e.g. experiments on humans or animals, dual use)? Describe these issues in the comment section. Please refer to specific datasets or data types when appropriate.

- No

Will you process personal data? If so, briefly describe the kind of personal data you will use in the comment section. Please refer to specific datasets or data types when appropriate.

- No

Does your work have potential for commercial valorization (e.g. tech transfer, for example spin-offs, commercial exploitation, ...)? If so, please comment per dataset or data type where appropriate.

- No

Do existing 3rd party agreements restrict exploitation or dissemination of the data you (re)use (e.g. Material/Data transfer agreements/ research collaboration agreements)? If so, please explain in the comment section to what data they relate and what restrictions are in place.

- No

Are there any other legal issues, such as intellectual property rights and ownership, to be managed related to the data you (re)use? If so, please explain in the comment section to what data they relate and which restrictions will be asserted.

- No

2. Documentation and Metadata

Clearly describe what approach will be followed to capture the accompanying information necessary to keep data understandable and usable, for yourself and others, now and in the future (e.g., in terms of documentation levels and types required, procedures used, Electronic Lab Notebooks, README.txt files, Codebook.tsv etc. where this information is recorded).

- 1) All reused existing data will be documented in a pdf file and categorized:
 - per source (legal scholarship, case law or legislation);
 - per country for my legal comparison (Belgium, the Netherlands, France, Germany, United States and a section "international sources");
 - alphabetically;
- 2) All new generated data will be documented in a Word and pdf file with careful reference to the reused existing data according to the V&A-reference rules for legal research.

Will a metadata standard be used to make it easier to find and reuse the data? If so, please specify (where appropriate per dataset or data type) which metadata standard will be used. If not, please specify (where appropriate per dataset or data type) which metadata will be created to make the data easier to find and reuse.

- No

3. Data storage & back-up during the research project

Where will the data be stored?

The data will be stored on my KU Leuven personal network drive as well as on the KU Leuven central network drive only accessible for other researchers at the Centre for Methodology of Law.

How will the data be backed up?

The data will be stored on the central server accessible for researchers at the Institute for Contract Law with automatic daily back-up procedures.
The data will be backed up on a personal external drive once a year.

Is there currently sufficient storage & backup capacity during the project? If yes, specify concisely.
If no or insufficient storage or backup capacities are available, then explain how this will be taken care of.

- Yes

The shared network drive offers sufficient capacity for me to restore data used or generated.

How will you ensure that the data are securely stored and not accessed or modified by unauthorized persons?

No personal data are used. If unpublished case-law will be used to produce new data, all personal information will be anonymized.
Non-personal data are secured through password protection.

What are the expected costs for data storage and backup during the research project? How will these costs be covered?

No costs

4. Data preservation after the end of the research project

Which data will be retained for at least five years (or longer, in agreement with other retention policies that are applicable) after the end of the project? In case some data cannot be preserved, clearly state the reasons for this (e.g. legal or contractual restrictions, storage/budget issues, institutional policies...).

The KU Leuven (research data management policy) expects that relevant research data generated are retained for a period of minimally 10 years after the end of the project.
The relevant data (i.a. doctoral dissertation) will thus be preserved for minimally 10 years with no specific limitations applying to my research project

Where will these data be archived (stored and curated for the long-term)?

The data will be stored on my personal I-Drive and on the shared J-Drive.
After the end of the project, a back up of all the relevant data will be made in a timestamped master copy of all data on the J-drive of the KU Leuven online drive system.

What are the expected costs for data preservation during the expected retention period? How will these costs be covered?

No expected costs

5. Data sharing and reuse

Will the data (or part of the data) be made available for reuse after/during the project? In the comment section please explain per dataset or data type which data will be made available.

- Other, please specify:
- Yes, in a restricted access repository (after approval, institutional access only, ...)

DS 1 and 2 (reused existing data) will not be made available again, but will be referenced to in the doctoral dissertation according to the V&A reference rules, so other researchers or legal practitioners can consult these existing data themselves.

DS 3 (i.e. the doctoral dissertation) will be made available on LIRIAS (institutional repository) and possibly through open access. Non-official reused existing data will only be made available upon request by mail to me.

If access is restricted, please specify who will be able to access the data and under what conditions.

Cf. LIRIAS policy

Are there any factors that restrict or prevent the sharing of (some of) the data (e.g. as defined in an agreement with a 3rd party, legal restrictions)? Please explain in the comment section per dataset or data type where appropriate.

- Yes, Intellectual Property Rights
- Yes, Privacy aspects

Where will the data be made available? If already known, please provide a repository per dataset or data type.

- In a restricted access repository
- Upon request by mail

All generated data will be made available on LIRIAS (institutional repository) and possibly through open access.

Non-official reused existing data will only be made available upon request by mail to me.

When will the data be made available?

Immediately after ending the project

Which data usage licenses are you going to provide? If none, please explain why.

NA

Do you intend to add a PID/DOL/accession number to your dataset(s)? If already available, you have the option to provide it in the comment section.

- No

What are the expected costs for data sharing? How will these costs be covered?

No expected costs

6. Responsibilities

Who will manage data documentation and metadata during the research project?

As PhD researcher I am responsible for data documentation. Professor Bernard Tilleman (main supervisor) and professor Marie-Christine Janssens (cosupervisor) will supervise this.

Who will manage data storage and backup during the research project?

As PhD researcher I am responsible for data documentation. Professor Bernard Tilleman (main supervisor) and professor Marie-Christine Janssens (cosupervisor) will supervise this.

Who will manage data preservation and sharing?

As PhD researcher I am responsible for data documentation. Professor Bernard Tilleman (main supervisor) and professor Marie-Christine Janssens (cosupervisor) will supervise this.

Who will update and implement this DMP?

As PhD researcher I have the day-to-day responsibility for updating & implementing this DMP. My supervisor (prof. Bernard Tilleman) bears the end responsibility.

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