

Bird & Bird

& Trade secrets
protection in the
food and beverage sector



Trade secrets protection in the food and beverage sector

The introduction of the European Union's Trade Secret Directive will recognise the importance of know-how and increase the level of protection to trade secrets. Our Food and Beverage Trade Secrets Protection team is well prepared to help make sure your assets are appropriately protected.

The food and beverage sector is becoming increasingly technology driven. Novel and functional foods are carefully engineered, often at a molecular level, and packaging and dispensing systems may make all the difference in competition. Developing such innovations require considerable investments which need protecting.

Likewise, restaurant businesses are continually developing their business formats and recipes to ensure that they enjoy an edge over their competitors, but are unable to take advantage of a monopolistic right over them.

As a result, confidentiality has become a key way of protecting valuable commercial know-how in all parts of the food and beverage sector. Trade secrets on protecting formulae, sales and franchise methods, systems, recipes, machinery operations, and the interplay between food and life sciences are the most effective way to protect product innovations in the food sector.

As one of the world's leading technology law firms which for many years has had a food and beverage sector focus, we fully understand the importance of protecting trade secrets to our food and beverage clients. We have therefore developed an integrated, sector-focused cross-border approach to confidentiality and trade secrets issues which comprises of experts drawn from our IP, Employment, IT/Cybersecurity, Dispute Resolution and Commercial practice groups.

Assist you in every step of your way

Our Food and Beverage Trade Secrets Protection team provides a one-stop service and can assist you at all stages from helping with preventative measures, including approaches that integrate HR, legal, compliance, training and IT solutions into a set of cohesive measures to minimize the threat of loss, through to defensive strategies such as obtaining injunctions in single or multiple jurisdictions and other types of enforcements.

When it comes to exploring the commercial exploitation and monetization of trade secrets, our lawyers are at the leading edge of developments in this area.



Exceptional performance

Our sector expertise means that we know the technical and business issues that confront the food and beverage sector, as well as the legal and commercial imperatives that underpin them.

Our work includes audits and preventive advice on protecting valuable information and data in an organized and integrated way, the exploitation of trade secrets, and prosecuting and defending the various types of actions that arise in this sensitive area (which can include injunctions, search orders, disclosure orders, delivery up and destruction orders, as well as damages actions, and account of profit remedies). Our experience also encompasses trade secret protection in the context of the following:

- Breach of confidentiality actions, including protective and restraining orders
- Computer hacking (unauthorized access or interference) actions
- Drafting and enforcement of restrictive covenants and IP/confidentiality agreements
- Customer solicitation and employee poaching cases
- Recovery of company property, including seizures
- Know-how transfer agreements
- Franchising, licensing and multi-channel strategies

Theft and insider threat

Irreparable harm can be caused if your trade secrets are used by others. Besides protecting your trade secrets from being stolen and used by your competitors, one of the most common threats to trade secrets and confidential information come from inside your business and has much to do with the loyalty of employees, contractors and business partners who have built up knowledge or have had access to your systems and data. Knowledge and data are easy to carry and duplicate and must be prioritized by management as a risk factor.

Our group can help by offering best-practice legal and technological advice for mitigating the risk of insider threats, whether as part of a severance or exit, a more routine business review or a security setting policy. When insiders compromise your systems, we are on hand to guide you through the issues involved in forensic investigation, surveillance and the tactics and reality of court action.

Reputation management

Dealing with any trade secrets breach attracts unwelcome attention and adverse comments from the media and investment communities. We can help you to manage that risk by using legal tools to control third party communications about the breach and any subsequent dispute.



Contact us

Please contact us for more information on how we can help your business.



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