



European IP Helpdesk

Stay ahead of the innovation game.

Patents and Trade Secrets

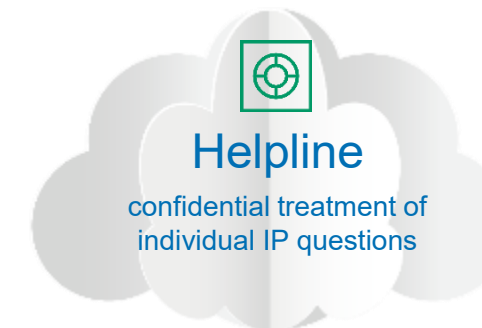
European IP Helpdesk 28.05.2026





European IP Helpdesk

- Service initiative of the European Commission
- Addressing **current and potential beneficiaries of EU-funded projects, researchers and EU SMEs**
- Free-of-charge first-line support on intellectual property (IP)
- Hands-on IP and innovation management support
- International pool of IP experts from various thematic fields
- Unique cooperation scheme with the Enterprise Europe Network: 43 ambassadors from 26 EU countries



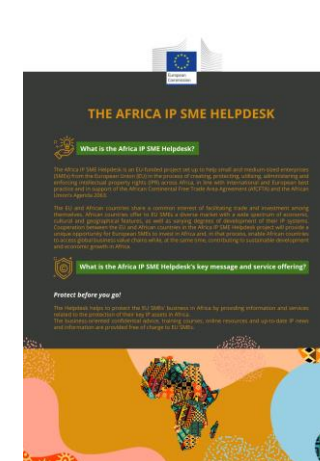
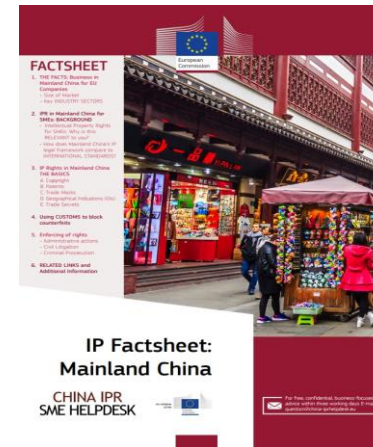
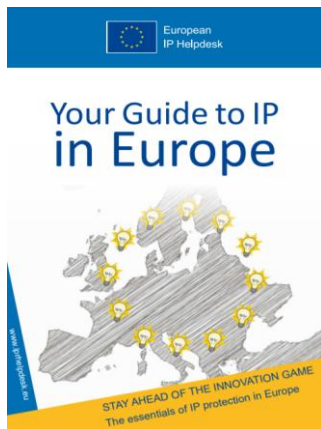


The EC IP Helpdesks





EC IP (SME) Helpdesk Hub – Gateway to Information

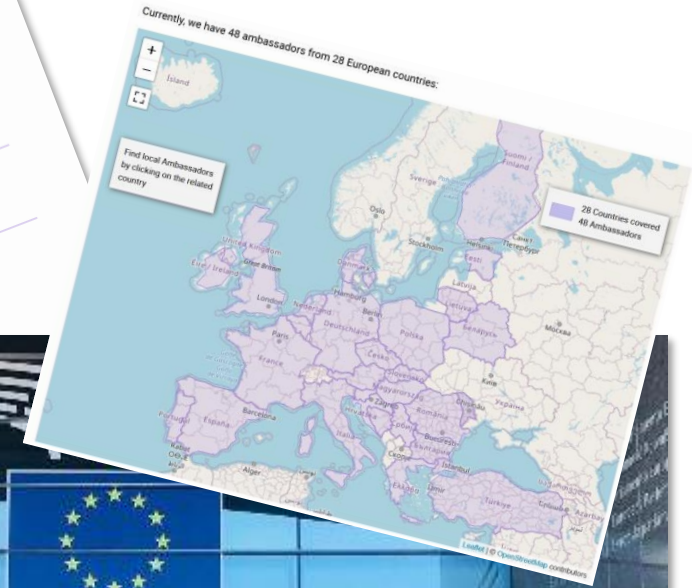
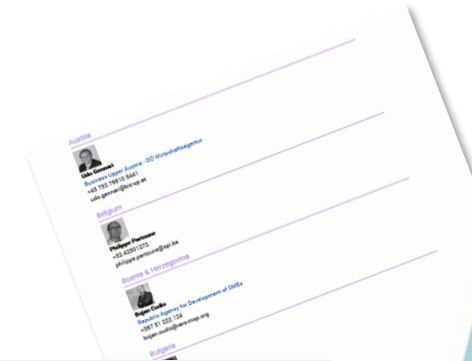


- E-learning modules & more
- Guides / Topic, country, sector-specific factsheets / Infographics
- Case studies



Ambassador Scheme

- **Cooperation scheme** with the Enterprise Europe Network (EEN): 43 ambassadors – 26 countries
- **Building IP capacities** among European SMEs
- **Overcoming language barriers**
- Making the topic **more accessible**
- Exchange and feedback from ambassadors on **needs of SMEs**
- Local awareness and **training events**





Upcoming events



25
MAY
2026

Training and workshops
[EU - Webinar : Unitary Patent](#)

⌚ Live streaming available

05
JUN
2026

Training and workshops
[EU - Webinar: Finding Patents](#)

⌚ Live streaming available

17
JUN
2026

Training and workshops
[EU - Webinar: Maximizing the Impact of Horizon project results](#)

⌚ Live streaming available

23
JUN
2026

Training and workshops
[EU - Webinar AI Act](#)

⌚ Live streaming available

28
MAY
2026

Training and workshops
[EU - Webinar: Patents and Trade Secrets](#)

⌚ Live streaming available

09
JUN
2026

Training and workshops
[EU - Webinar: Addressing IP impact and innovation in EU projects](#)

⌚ Live streaming available

18
JUN
2026

Training and workshops
[EPO Training Coop: From Lab to Market - Building Strategic Options with IP](#)

📍 Online only

⌚ Live streaming available

24
JUN
2026

Training and workshops
[Protect your IP in health technology: Focus on robotics and health appliances](#)

⌚ Live streaming available



Thank you!

- www.ec.europa.eu/ip-helpdesk
- helpline@iprhelphdesk.eu
- training@iprhelphdesk.eu
- Twitter [@iprhelphdesk](https://twitter.com/iprhelphdesk)
- LinkedIn [/european-ipr-helpdesk](https://www.linkedin.com/company/european-ipr-helpdesk)





Roadmap

Patents and Trade Secrets, Differences?

Timing

Balancing IP and Open Science

Patents or Trade Secrets?

Trade Secret Management

Patents and Trade Secrets Combined

HEU Obligations



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Recap-What is Intellectual Property?

- Ideas
- Product of mental creation
- Inventions
- Works of art
- Literature





Recap - What are Intellectual Property Rights?

Registrable Rights

- Industrial Property Rights
- Patents
- Trademarks
- Industrial designs
- Utility models
-
-

Non Registrable Rights

- Trade Secrets
- Confidential Information
- Know-how
- Show how
- Goodwill
-
- Authors rights, performance rights
- Copyright



Recap - What are Intellectual Property Rights?

- Protection



- Reward



- Exclusionary



- Not secret



What are trade secrets?

Confidential

Commercially valuable

information,

knowledge,

expertise





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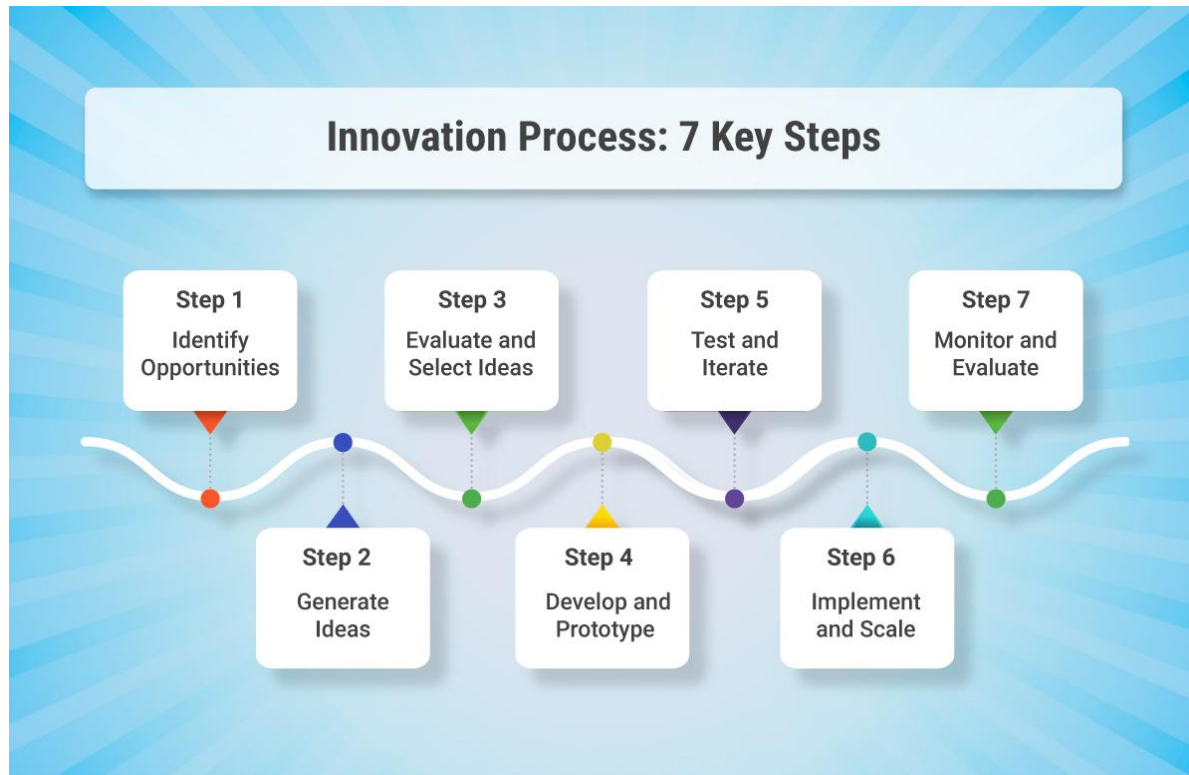
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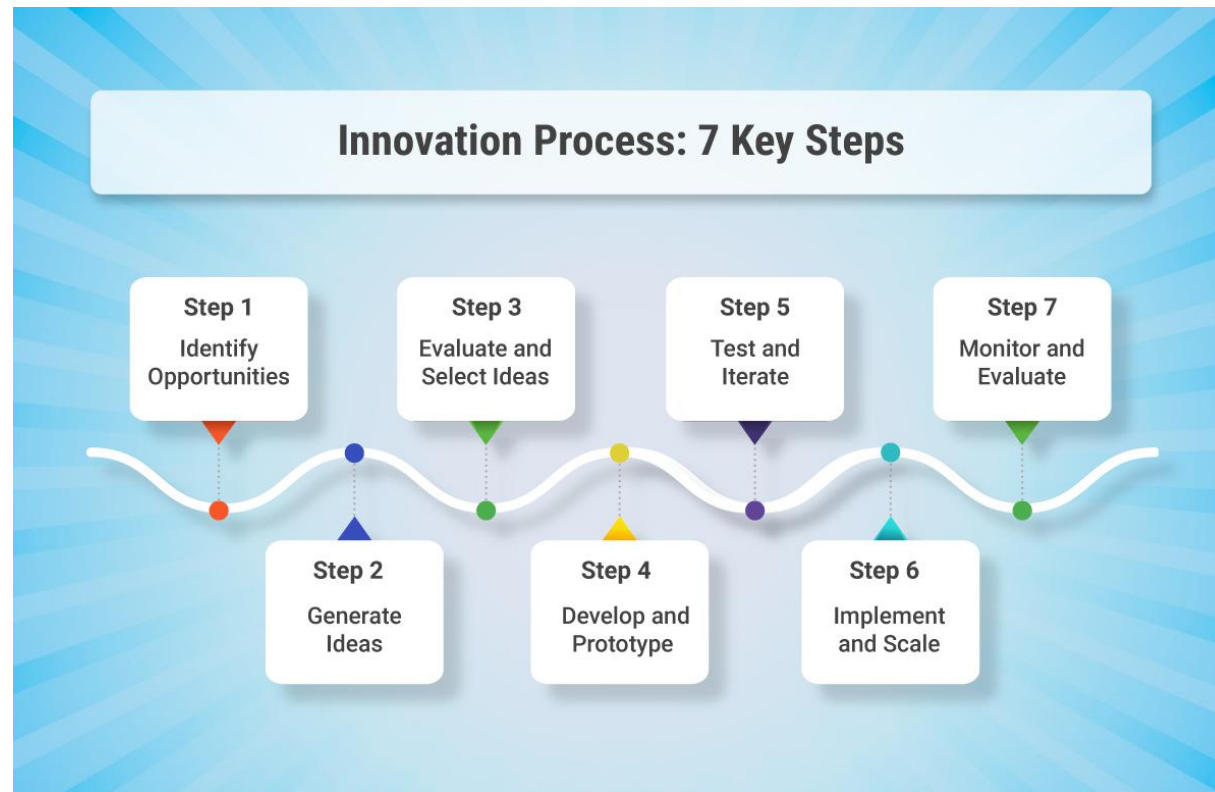
Patents and Trade Secrets in Technical Innovation



<https://ideascale.com/blog/what-is-innovation/>

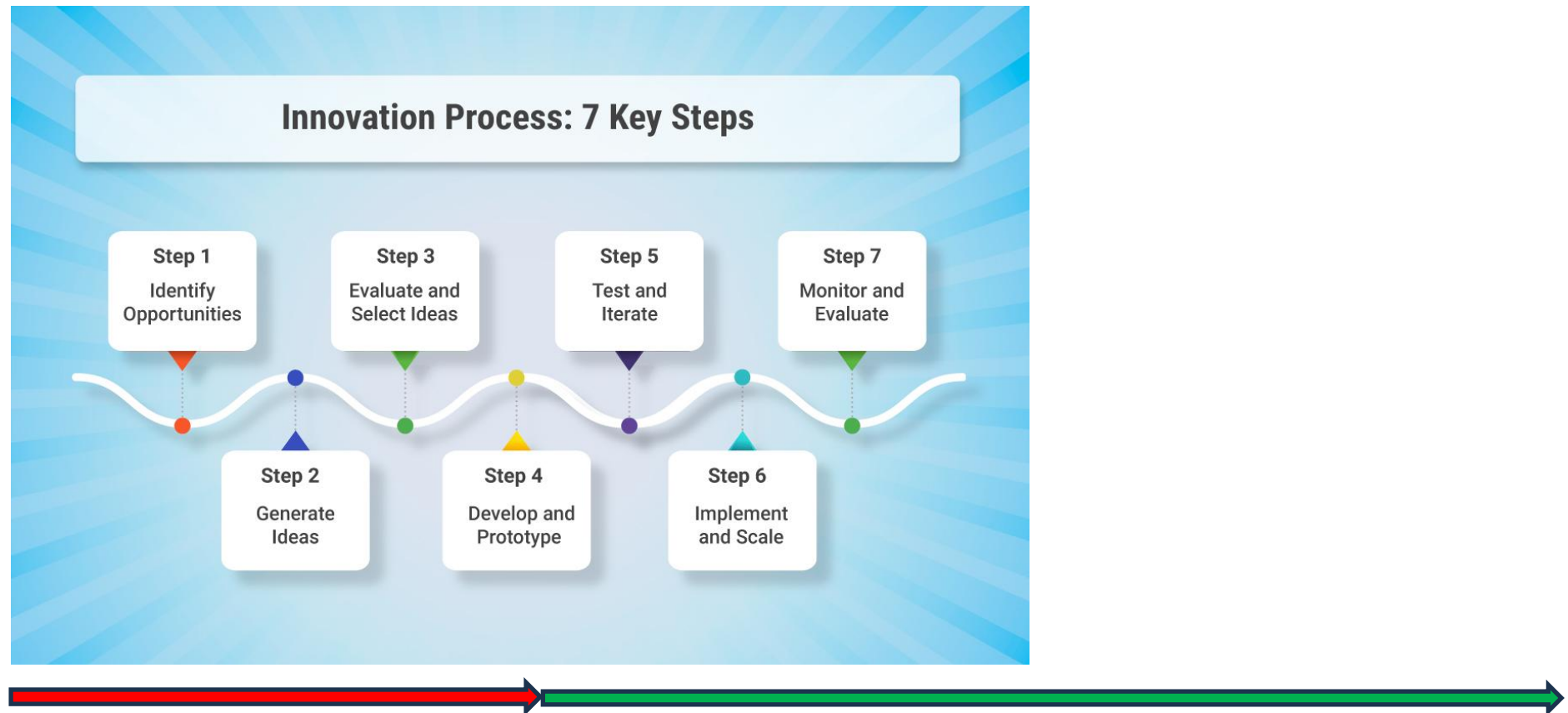


Timing – trade secrets





Timing – patents





As open as possible, as closed as necessary... ...a cautionary tale

Dodging the pitfalls when
commercialising research





The Muscle Growth Factor Story

Children with the growth hormone deficiency have a slow rate of growth, usually less than 2 inches a year. In older children, the condition can result in delayed puberty or the absence of puberty. In adults, symptoms include: Decreased energy.





The Muscle Growth Factor Story

- Academic 30 years research in MGF – filed patent applications
- Pharma company invested through the university 's TTO and spinout company
- University hired academic as a consultant with pharma company 's investment
- After 9 months pharma company withdrew funding – labs closed – mice killed
- Patent applications unlikely to be granted
- (Academic had published work at a conference)

<https://www.chemistryworld.com/careers/dodging-the-pitfalls-when-commercialising-research/3006792.article>



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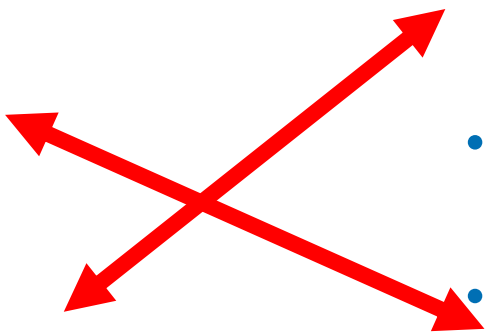
HEU Obligations



- Intellectual Property
- A ***legal system*** (to reward and encourage innovation)
- Based on ***law***
- Open Science
- A ***movement*** (to support and enhance innovation)
- Backed up by ***culture***



Open Science *cf* IP

- Open Science
 - Open as possible
 - Closed as necessary
- 
- Patents
 - Filing, Search examination
 - Patent Application
 - Substantive examination
 - Grant
 - And beyond



Open Science *cf* IP

- Open Science data
 - FAIR
 - Findable
 - Accessible
 - Interoperable
 - Reusable
- IP (e.g.) EPO data
 - ACTUS
 - Accurate
 - Complete
 - Timely
 - Useable

Wilkinson, M., Dumontier, M., Aalbersberg, I. et al. The FAIR Guiding Principles for scientific data management and stewardship. Sci Data 3, 160018 (2016). <https://doi.org/10.1038/sdata.2016.18>

Nigel S. Clarke Oct 2024



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HEU Obligations



Acknowledgement

- Dr Sara Holland
- <https://www.linkedin.com/in/sarahollanduk/>
- <https://www.potterclarkson.com/>



Patents

- Published 18 months after filing
- Can last up to 20 years (extendable in some cases)
- Costs; official and professional fees throughout lifetime
- Excludes third parties
- But can share



Trade Secrets

- Trade secrets must be kept secret. And public disclosure destroys secrecy
- Can last indefinitely
- No external fees, but internal management costs and effort
- Protection as long as it remains secret.
- But can share (CA/NDA)



When to choose patents

- Technical inventions
 - Novel
 - Inventive
 - Useful
- Could be copied
- Could be reverse engineered



When to choose trade secrets

- Technical inventions
- Can be kept secret
- Minimal risk of third party discovery



When to choose patents - example

- Imagine a new enzyme – Everythingase
- Intended for diagnosis, therapy, remediation
- Sold as part of a kit.
- Third parties could sequence Everythingase
- No longer secret – so choose patent protection



When to choose trade secrets - example

- Everythingase
- Only used in dedicated laboratory under own control
- Not released to third parties
- Can ensure confidentiality in employees and clients
- Choose trade secrets.
- <https://www.hsfkramer.com/insights/reports/2025/unlocking-competitive-advantage-the-strategic-role-of-trade-secrets-in-ip-protection>



A word about enforceability

- Patent
 - Product, Process, Apparatus, Use
- Process patents difficult to enforce
 - => Trade secret



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HEU Obligations



Trade secret management

- Identification
- Physical protection
- Electronic protection
- Monitoring
- Contractual protection
- Education
- Misappropriation
- <https://www.hsfkramer.com/insights/2025-10/protecting-what-matters-how-to-secure-and-monitor-your-trade-secrets>



Identification

Description: Clear identification of materials containing trade secrets

Examples/Methods:

- Cataloguing
- Use of central registers
- Labelling ("strictly private and confidential" and/or IP notice and/or restrictions on reproduction/distribution)
- Version control
- Numbering and tracking physical copies tied to specific recipients



Physical Protection

Description: Physically restrict access to material and opportunity to misappropriate

Examples/Methods:

- Hold master materials in vaults
- Restrict access to areas in factories/facilities where trade secrets are in use/visible
- Limiting circulation of confidential material (in both hard copy and electronic)
- Allow inspection or review only in a controlled environment when disclosing to third parties



Electronic Protection

- **Description:** Deploy electronic protections and restrictions
- **Examples/Methods:**
- Restrict access on "need to know" basis
- Use network segmentation to prevent general access
- Ensure appropriate electronic protections such as passwords or encryption and ensure password cycling
- Use appropriate restrictions on printing/copying/sharing/downloading, electronic watermarks
- Restrict access to AI/generative AI systems
- Enforcing employee/end of contract exit procedures with return of materials and/or ensure access blocked



Monitoring

- **Description:** Monitor access to show reasonable steps taken
- **Examples/Methods:**
 - Traditional access monitoring such as sign in/out of key locations or files
 - Monitoring using cameras or electronic session monitoring for software tools
 - Automated auditing tools
 - Reviewing and retaining logs
 - Monitoring employee activities/emails (however consider data protection/privacy law/specific rules for the protection of employees for all monitoring)



Contractual protection

- **Description:** Confidentiality provisions in contracts
- **Examples/Methods:**
- Confidentiality restrictions in employment contracts and contractor agreements.
- Consider use of non-compete provisions where possible
- Use of non-disclosure agreements, confidentiality
- Appropriate confidentiality clauses in commercial agreements
- All of the above backed by a confidentiality policy



Education

- **Description:** Educate staff and partners on value and protection of trade secrets
- **Examples/Methods:**
- Regular training sessions as appropriate to organisation/type of trade secret
- Reinforce with employment/confidentiality policies
- Use entry/exit interviews to ensure education of key employees, especially those in-bound/out-bound to competitors



Misappropriation

- **Misappropriation**
- Reasonable steps
- Embedding a culture of respect for trade secrets
- Raise vigilance in the workplace,
- Dangers
- The growth of technology,
- The use of own devices
- Work from home culture
- Hacks, Cyber attacks (external)



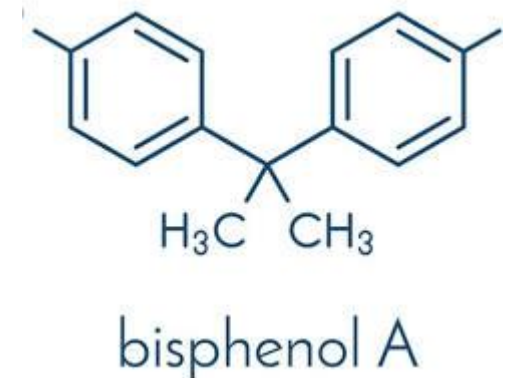
Trade secret management – think about:

- Do I need to let many different people know my secret? Can I control them? Can I control who knows what?
- Is the secret going to be sold? Can it be reverse engineered?
- Is it a patentable invention at all? Think databases, pricelists, competitor info – not patentable but valuable trade secrets
- Do I need to impress investors – they 're impressed by patents rightly or wrongly.
- Patents take time, will my secret still be worth something by the time the patent is granted?



Trade secret case study

- Coca Cola can
- Internal Coating not containing bis-phenol A
- Engineer resigned intending to use trade secret info to start business in China
- Sentenced to 14 years in prison
- <https://patentco.com/recent-criminal-case-involving-the-theft-of-coca-cola-trade-secrets-is-a-cautionary-tale-for-current-or-departing-employees/>





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Examples of famous trade secrets



https://www.wipo.int/en/web/trade-secrets/tradesecrets_faqs



Patents and trade secrets

- **BMW's Engine Design**
- BMW's engine design involves a distinctive combination of engineering, design, and technology to create high-performance engines. Their trade secrets are so coveted in fact, that BMW was the victim of an attempted hacking campaign in 2019. Thankfully, the would-be hackers weren't able to gather any useful information before being discovered.
- <https://patentlawyer.io/famous-examples-of-trade-secrets/>



Patents and trade secrets

Result list

Select all (0/25) Compact Export (CSV | XLS) Download covers Print

More than 10,000 results found in the Worldwide database for:
BAYERISCHE MOTOREN WERKE as the applicant
Only the first 500 results are displayed.

1 ▶

Results are sorted by date of upload in database

1. Selection Device for Driver Assistance Functions of a Vehicle With Adaptation of an Operating Element of a Multifunctional Steering Wheel, Vehicle, and Method

★ Inventor:	Applicant:	CPC:	IPC:	Publication info:	Priority date:
KAGERER WALTER [DE]	BAYERISCHE MOTOREN WERKE	B60K2360/782	B60W30/14	US2025376181 (A1)	2022-06-22
PLATTEN FREDERIK [DE]	AG [DE]	B60K35/10	B60W50/08	2025-12-11	
(+1)		B60K35/22	B60W50/14		
		(+9)	(+1)		

2. Motor Vehicle, in Particular Motorcycle or Tilting Vehicle

★ Inventor:	Applicant:	CPC:	IPC:	Publication info:	Priority date:
HIRN ARMIN [DE]	BAYERISCHE MOTOREN WERKE	B62J17/00	B62J17/02	US2025376232 (A1)	2022-09-14
KOTTMANN MATTHIAS [DE]	AG [DE]	B62J17/02	B62J17/10	2025-12-11	
(+1)		B62J17/10			

3. Method for operating a lane guidance assistant of a vehicle according to environmental conditions, lane guidance assistant and vehicle

★ Inventor:	Applicant:	CPC:	IPC:	Publication info:	Priority date:
GOETZ ALEXANDER [DE]	BAYERISCHE MOTOREN WERKE	B60W10/20	B60W10/20	US2025376159 (A1)	2022-06-24
	AG [DE]	B60W2552/05	B60W30/12	2025-12-11	
		B60W2552/53			
		(+13)			

4. Fastening Arrangement of a Lighting Device on a Structural Element of a Vehicle, and a Vehicle

★ Inventor:	Applicant:	CPC:	IPC:	Publication info:	Priority date:
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Bayrische Motoren Werke



Patents and trade secrets

- **L'Oreal Skincare Formula**
- L'Oreal's skincare formulation is a closely guarded trade secret that involves a unique combination of natural and synthetic ingredients. The process has been refined over the years to create effective skincare products that are gentle on the skin.
-
- <https://patentlawyer.io/famous-examples-of-trade-secrets/>



Patents and trade secrets

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More than **10,000** results found in the Worldwide database for:
oreal as the applicant
Only the first 500 results are displayed. 1 ▶

Results are sorted by date of upload in database

1. WATER CONDITIONING UNIT FOR A WASHING DEVICE

★ Inventor: PERRIN VICTOR GANSHOF VAN DER MEERSCH NICOLAS (+4)	Applicant: OREAL	CPC: E03C1/0405 E03C1/046 E03C1/08 (+1)	IPC: E03C1/04 E03C1/046 E03C1/08	Publication info: ES3048770 (T3) 2025-12-11	Priority date: 2020-11-20
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2. Skin brightening compositions with thiopyridinone compound

★ Inventor: CHIOU CATHERINE [US] LIN HUNGTA [US] (+3)	Applicant: OREAL [FR]	CPC: A61K2800/28 A61K2800/5424 A61K8/345 (+3)	IPC: A61K8/34 A61K8/46 A61K8/49 (+1)	Publication info: US12491146 (B1) 2025-12-09	Priority date: 2024-12-20
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3. Composition nettoyante de coacervat avec particule minérale

★ Inventor: CHEN CHANGLONG [US]	Applicant: OREAL [FR]	CPC:	IPC: A61K8/29 A61K8/44 A61K8/60 (+4)	Publication info: FR3162985 (A3) 2025-12-12	Priority date: 2024-06-10
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4. COMPOSITION NETTOYANTE SOUS FORME DE MOUSSE STABLE ET PROCÉDÉS D'UTILISATION

★ Inventor: LIN HUNGTA [US] SINHA RITESH KUMAR [US]	Applicant: OREAL [FR]	CPC:	IPC: A61K8/20 A61K8/34	Publication info: FR3162982 (A3) 2025-12-12	Priority date: 2024-06-10
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Oreal



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HEU Obligations



General Obligation to Disseminate and Patents

- A patent is **not secrecy** — it is **controlled public disclosure, it:**
 - Publishes the invention
 - Teaches the skilled person how to reproduce it
 - Makes the knowledge permanently public
 - Dissemination happens **after protection is secured**

Public accessibility
Findability and identifiability
Sufficient informational content
Durability and long-term availability



General Obligation to Disseminate and Trade Secrets

- Trade secrets are the opposite of dissemination relying on **non-disclosure**, not publication, they are:
 - Not generally known
 - Commercially valuable because it is secret
 - Subject to reasonable confidentiality measures
- How are trade secrets legit under the GA:
 - The Grant Agreement explicitly allows protection
 - Trade secrets are recognised IP assets
 - Projects are not required to self-sabotage exploitation

“As open as possible, as closed as necessary”



General Obligation to disseminate: Dangers

- Dissemination is mandatory — but **uncontrolled dissemination can irreversibly destroy value.**
- Risky for Patents:
 - Patents require absolute novelty
 - Any public disclosure before filing eliminates patentability
- Even Riskier for Trade secrets:
 - Protection exists only as long as secrecy exists
 - Once disclosed, protection is lost permanently
 - There is no way to “re-protect” a trade secret