

# Bird & Bird TOOL - Digital TS Register



# Presentation

As we are well aware, Law 1/2019, of 20 February, on Trade Secrets has had a significant impact on our business reality, as it has speeded up the implementation of a new way of managing sensitive information and the strategic knowledge of organisations, a change to which Bird & Bird has not been oblivious.

In coherence with our commitment to our clients, at BIRD&BIRD we present an **agile, dynamic, simple and effective** tool to protect trade secrets through tangible piece of evidence

## What need does it cover for companies?

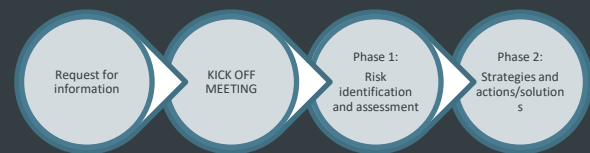
In contrast to intellectual property rights, the acquisition of the right to a trade secret does not arise through a valid registration in a public register. In Spain, Trade secrets protection is provided under the legal framework set forth by Law 1/2019 February 20th 2019 on Trade Secrets, which requires an active conduct by the holder aimed at identifying the subject-matter to be protected, its scope and requires that the information or knowledge in question is secret (not generally known by or readily accessible to persons belonging to the circles in which the type of information or knowledge in question is normally used), has an actual or potential business value and has been subject to reasonable steps by the holder to keep it secret.

However, the Law does not provide guidelines on how to protect the information. Through the "Digital Trade Secrets Register ", we provide our clients with an agile and simple digital tool to prove at any time the existence and content of any technological, scientific, industrial, commercial, organisational or financial information or knowledge that can be protected as a trade secret and compliance with the protection requirements, maintaining the confidentiality of the information at all times as it is not a public register, but is kept by Bird & Bird for its clients. .

## What does our TS Digital Register service protect?

1. The recording of information, data and datasets using the hash function of cryptography.
2. Advice on compliance with protection requirements as a trade secret.
3. Custody of the files resulting from the application of this technology for its delivery to the client in the event that the client needs to prove the existence, content and date of creation or protection.

## What is our methodology?



## What is the ultimate goal?

The identification of evidence in digital format on the date of creation and contents of intangible assets eligible for protection under the trade secret system.

*March 2021.*

# Our team

## Mariano Santos

Partner

Tel: +34917906017  
mariano.santos@twobirds.com



I am one of the leading experts in IP Prosecution and Strategy in Europe and Latin American countries.

My career began as an IP lawyer in one of the leading Spanish IP boutique IP firms focused on the Spanish and Latin American markets, where I created and developed the Intellectual Property Consultancy Department.

During my twenty years of professional experience I have advised and developed multiple IP consulting projects in national and international companies, acquiring extensive experience in all aspects related to the strategy, administration, management and defence of IP portfolios.

My main area of work is 'IP Prosecution' and in particular, applications, maintenance, management and defence of trademarks, patents and designs, formulation of oppositions, appeals, investigations, advice on strategies and negotiations in national, EU and international proceedings.

My professional activity has been completed with teaching practice in Public and Private Entities such as ISDE (Law School). I am currently one of the members of the Board of Directors of LES Spain and Portugal.

*I am currently recognised in the main international directories for IP Prosecution practice such as Legal500 and World Trademark Review. (wtr 100)*

## José Miguel Lissén

Partner

Tel: +34917906009  
jose.miguel.lissen@twobirds.com



I am a partner in the Madrid office specialising in Intellectual Property and Trade Secrets.

I advise entities and companies on the protection and commercialisation of intangible assets; on the negotiation and drafting of licensing and assignment agreements for trademarks, patents, utility models, designs, intellectual property rights and trade secrets.

I have 22 years of experience in industrial and intellectual property and trade secret litigation, in legal proceedings involving infringement and validity of patents, trademarks, utility models, industrial designs, copyrights, trade secret infringement and unfair competition.

I advise companies and entities operating in all fields of technology, with particular emphasis on the fields of life sciences, new technologies and communications. I have extensive experience in drafting and negotiating FRAND licences on patents essential to technical standards and in their legal defence.

Before joining Bird & Bird in 2020, I was a partner in two Spanish firms.

*I am a member of the Board of Directors of LES International and LES Spain and Portugal and EPLAW.*

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