



THE CENTER FOR  
INTELLECTUAL PROPERTY  
UNDERSTANDING



**GIPC**  
GLOBAL INNOVATION POLICY CENTER

What: Briefing – ***Unlocking the Secret to Trade Secrets –  
What People Need to Know Today***

When: Wednesday, May 29, 2019

Where: U.S. Chamber of Commerce headquarters, Washington, D.C.

Who: Presented by the Center for IP Understanding (CIPU) in conjunction with the  
Global Innovation Policy Center (GIPC)

### Summary

Trade secrets, also known as know-how or “show-how,” are among intellectual property’s most valuable and misunderstood rights.

In 2016 came under federal law. US-China trade negotiations have been at the center of what is considered acceptable trade secret practice.

*Unlocking the Secret to Trade Secrets – What People Need to Know Today*, a luncheon briefing, will help to put these critical intellectual property rights into context.

It will clarify (1) what trade secrets are, (2) why they are more important today, (3) how they are used and (4) their impact on innovation, competition and trade. Panel coverage will include:

- Trade secrets’ role in promoting commerce and security
- The hidden value of “negative” know-how
- How trade secrets compliment patents and trademarks; their drawbacks
- U.S., China and trade secrets today

Speaker: Assistant Attorney General Makan Delrahim  
for the Anti-Trust Division of the U.S. Department of Justice (invited)

Speaker: Q. Todd Dickinson  
Former Undersecretary of Commerce for Intellectual Property, USPTO  
Director, Chief IP Counsel, General Electric, and AIPLA Executive Director

Panelists: - F. Scott Kieff (U.S. ITC Commissioner, 2013-2017)  
- James Pooley (Deputy Director General, World IP Organization, 2009-2014)  
- Brian Hinman (Aon IP Solutions; former Sr. IP Exec, Philips, Verizon, IBM)

Moderator: Bruce Berman, Chairman & Founder, CIPU

## Agenda

12:00 – Registration –Lunch - Networking

12:30 – Welcome (GIPC, Patrick Kilbride; CIPU, Bruce Berman)

Overview – “The Growing Importance of Trade Secrets”

Q. Todd Dickinson, Undersecretary of Commerce for Intellectual Property,  
USPTO Director, 1998-2001; Senior Partner at Polsinelli

1:15 – Trade Secrets Panel – “Unlocking the Secret to Trade Secrets”

2:15 – Audience Questions

2:30 – Concluding remarks

2:35 – Coffee/ Networking

## Briefing Supporters and Partners



## Speaker

### Q. Todd Dickinson

Q. Todd Dickinson is Senior Partner at the law firm Polsinelli, PC, in Washington DC, where he heads the Intellectual Property Public Policy practice group. With almost 40 years of experience, Mr. Dickinson has a broad and unique background in all aspects of IP.

He previously served as the Undersecretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office under President Clinton. He was also Vice President and Chief IP Counsel of the General Electric Co., and most recently as the Executive Director of the American Intellectual Property Law Association (AIPLA), one of the largest IP organizations in the world. Having wide-ranging international IP experience, he is a frequent lecturer on IP topics and advisor to IP owners and policy makers around the world. Among many honors, Mr. Dickinson has been named to the IAM *Intellectual Property Hall of Fame* and has been listed a number of times as one of the “50 Most Influential People in IP”.

## Panelists

### F. Scott Kieff

The Honorable F. Scott Kieff served as Commissioner of the U.S. International Trade Commission from 2013 to 2017. In 2017 he returned to his academic posts as a professor at George Washington University Law School and was a senior fellow at Stanford University’s Hoover Institution.

He previously served as a faculty member of the Munich Intellectual Property Law Center at Germany’s Max Planck Institute; a visiting professor in the law schools at Northwestern, Chicago, and Stanford; and a faculty fellow in the Olin Program on Law and Economics at Harvard. Since entering academia in 1999, he has maintained a private practice as a mediator, arbitrator, and consultant for resolving disputes involving intangible assets. Before attending law school at the University of Pennsylvania, he studied molecular biology and microeconomics at the Massachusetts Institute of Technology and conducted research in molecular genetics at the Whitehead Institute for Biomedical Research in Cambridge, MA.

### James Pooley

Mr. Pooley is highly recognized attorney, author and educator specializing trade secrets. He has served as a senior partner at several large firms where he focused on trade secret and patent litigation. In 2009, he was appointed by the White House to become Deputy Director General of the World Intellectual Property Organization, an agency of the United Nations. Based in Geneva, he was responsible for the international patent system (PCT) and spent five years as the U.N.’s top U.S. diplomat for IP, advocating for the rights of IP owners, fair enforcement and dealing with increasing concern about cybersecurity.

His first business book, “Trade Secrets,” was published in 1983. In 1997 he introduced his legal treatise by the same name, which has become part of the IP canon. More recently, Mr. Pooley is author of “[Secrets: Managing Information Assets in the Age of Cyberespionage](#)” (Verus Press, 2015). He has taught for many years as an adjunct professor of law and is an active lecturer and speaker. In 2015 he

was invited by the U.S. Senate Committee on the Judiciary to testify as an expert on trade secret law, discussing the proposed Defend Trade Secrets Act. (His testimony can be found [here](#).) Mr. Pooley has served as President of the American Intellectual Property Association (AIPLA) and is the current chairman of the selection board of the National Inventors Hall of Fame (NIHF). In 2016, he was inducted into the IP Hall of Fame.

### **Brian Hinman**

Mr. Hinman is Senior Managing Director and Chief Innovation Officer for Aon Intellectual Property Solutions. He has more than 30 years of experience in the field of innovation and intellectual property, Mr. Hinman has held various senior IP positions within Fortune 50 companies and large multi-national corporations. He was named to the CIPU board of directors in 2017 and is an IAM 300 top IP strategist.

Most recently, he served as Chief Intellectual Property Officer and CEO, Philips Intellectual Property and Standards, for Royal Philips in the Netherlands. He is a recognized global leader in IP, having held positions as Vice President of IP and Licensing for IBM, Verizon, and InterDigital, and is also an entrepreneur, having founded Allied Security Trust and co-founded Unified Patents. Mr. Hinman served as a Captain in the United States Air Force.

### **Bruce Berman (moderator)**

Bruce Berman is founder and chairman of [the Center for Intellectual Property Understanding](#), an independent non-profit established in 2016 dedicated to increasing awareness of intellectual property and its impact on people's lives. CIPU provides outreach and an educational framework to facilitate ideas, promote competition and deter theft. He is managing director of [Brody Berman Associates](#), a management consulting and communications firm that works with innovative businesses, service providers and investors. Since 1988, Brody Berman has supported 200+ businesses, IP portfolios and strategies, as well as many law firms and their clients.

Mr. Berman is responsible for [five books](#) about the business of IP rights, including *From Ideas to Assets*, and has written *The Intangible Investor* column for IAM magazine since 2003. *IP CloseUp*, an update on trends that he publishes, has generated more than 215,000 visits and is read in more than 50 countries. He holds a masters' degree film scholarship from Columbia University, where he taught for four years in the graduate program and completed course work for the Ph.D.

## **Partners**

### **The Center for Intellectual Property Understanding**

The Center for Intellectual Property Understanding (CIPU) is an independent non-profit organization dedicated to increasing awareness of intellectual property and its impact on people's lives. The Center holds events, provides outreach, partners with other organizations and businesses, and provides an education framework for IP to facilitate ideas, promote competition, create jobs and deter theft. For more information visit [www.understandingip.org](http://www.understandingip.org).

## **The Global Innovation Policy Center**

The U.S. Chamber of Commerce's Global Innovation Policy Center (GIPC) – established in 2007 as the Global Intellectual Property Center – works around the world to champion innovation and creativity through intellectual property standards that create jobs, save lives, advance global economic and cultural prosperity, and generate breakthrough solutions to global challenges. GIPC strives to secure fair value for innovation around the globe, build a shared purpose among industry leaders, advance economics of innovation in the developing world, and safeguard the U.S. market for innovators.

<https://www.theglobalipcenter.com/>

## **AON Intellectual Property Solutions**

Aon Intellectual Property Solutions helps clients protect and create value for their most valuable asset in today's business world – their intellectual property. Aon brings the best minds and strongest analytical tools to provide a comprehensive approach to IP strategy, valuation, and risk management across a client's intellectual property portfolio. We go beyond the legal frameworks to connect intellectual property to a business' overarching strategy. To learn more, please visit [www.aon.com/intellectualproperty](http://www.aon.com/intellectualproperty).

## **Open Invention Network**

Open Invention Network With more than 2,000 participants, Open Invention Network (OIN) is the largest patent non-aggression community in history and supports freedom of action in Linux as a key element of open source software. OIN acquires patents and licenses them royalty free to its community members which, in turn, agree not to assert their own patents against Linux and Linux-related systems and applications. <https://www.openinventionnetwork.com/>

## **The Tusher Center for the Management of Intangible Assets**

The Tusher Center for the Management of Intellectual Capital, a part of UC Berkeley's Walter A. Haas School of Business, engages in research, teaching, and outreach on management and policy issues involving intangible assets and firm competitiveness. The intangible assets under study include intellectual property, know-how, relational capital, brands, and corporate culture.

<http://businessinnovation.berkeley.edu/intellectual-capital/tusher-center/>

## **The Center for the Protection of Intellectual Property**

The Center for the Protection of Intellectual Property (CPIP) at George Mason's Antonin Scalia Law School is dedicated to the scholarly analysis of intellectual property rights and the technological, commercial, and creative innovation they facilitate. CPIP explores how stable and effective property rights in innovation and creativity can foster successful and flourishing individual lives and national economies. CPIP brings together scholars, industry leaders, inventors, creators, and policymakers to examine foundational questions and current controversies concerning patents, copyrights, and other intellectual property rights. <https://cpip.gmu.edu/>

## **Kellogg School of Management**

The Center for Research in Technology & Innovation (CRTI) at the Kellogg School of Management, Northwestern University, plays a pivotal role in understanding, solving and forecasting the most pressing issues that innovators in business will face today and tomorrow. At the point where business issues and academic endeavor intersect, CRTI leadership, faculty and staff apply their experience and expertise in marketing, invention, engineering, strategy and law to address management's toughest challenges, offering a synthesis of perspectives through their research, teaching and collaborative endeavors. CRTI leadership, faculty and staff stimulate innovation activities by creatively combining and managing diverse inputs toward a common purpose. <https://www.kellogg.northwestern.edu/research/crti/>

## **Trade Secrets – News & Perspectives**

Visit [Understandingip.org](http://Understandingip.org) under “Events” for access to the links.

[Trade Secret Policy](#), three-minute video from the Global Intellectual Property Academy that explains the importance of trade secrets, **USPTO**.

[Protecting Trade Secrets – Recent EU and US Reforms](#), Guidance for businesses and policy makers worldwide, **International Chamber of Commerce**.

[China respects others' trade secrets — unless it wants something, experts say](#), China's IP protection framework has, in fact, shown improvement, but state control means foreign companies face difficulties when their interests collide with China's, **CNBC**.

[A better way to protect trade secrets](#), Senators Orin Hatch and Chris Coons, **Politico**.

[Defend Trade Secrets Act: Bi-Partisan Bill Passes Senate](#), interview with Sen. Coons, “Squawk Box,” **CNBC-TV**.

[Choosing Between Patents and Trade Secrets, A Discussion Worth Revisiting](#), James Pooley, **IP Watchdog**.

[Failure – the most underrated IP asset](#), by Bruce Berman, the Intangible Investor, **Intellectual Asset Management** (re: the value of “negative” know-how).

[How Trade Secrets Hurt Innovation](#), by Andrea Contigiani and David H. Hsu, Wharton School of Business, University of Pennsylvania, **Harvard Business Review**.

[Trade Secrets and Innovation: Evidence from the 'Inevitable Disclosure' Doctrine](#), Iwan Barankay, Andrea Contigiani and David H. Hsu, **Strategic Management Journal**.

[Trade Secrets Watch](#), news blog, **Orrick Law Firm**.

[The Rising Importance of Safeguarding Trade Secrets](#), Euromoney Thought Leadership survey (for **Baker McKenzie**), 2017.

[Trade Secret Litigation Report 2018](#), **Lex Machina**.