

# Congress Weighs New Weapon in Fight Against Business Data Theft

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Theft of U.S. corporate trade secrets costs companies an estimated \$160 billion to \$480 billion annually. The Defend Trade Secrets Act, a bipartisan bill introduced by Senator Chris Coons (D-Del) and Senator Orrin Hatch (R-Utah) on April 29, would create a federal private right-of-action to combat these losses. “The intellectual property that drives the U.S. economy has never been more valuable, or more vulnerable. American companies are losing jobs because of the theft of trade secrets every day. Congress should step in now to stop the hemorrhaging of jobs and revenue being lost to the theft of trade secrets by passing the Defend Trade Secrets Act,” said Senator Coons. Unlike other forms of intellectual property, i.e. patents, trademarks, and copyright, there is currently no federal private right of action for trade secret misappropriation. The Defend Trade Secret Act would build upon the Economic Espionage Act to provide a uniform law across state boundaries and facilitate enforcement against international theft. Currently, the Economic Espionage Act only provides for criminal penalties. Under the existing law, just 25 criminal cases were brought by the U.S. Department of Justice for trade secret misappropriation last year. It is anticipated that the creation of a private right of action would cause the number of trade secret cases filed in federal court to soar and provide intellectual property owners with an effective tool to help them protect their valuable assets. The bill is supported by the U.S. Chamber of Commerce, the National Association of Manufacturers, and numerous U.S. corporations including Caterpillar, GE, DuPont, Eli Lilly, Boeing, Micron, Medtronic, Microsoft, P&G, 3M, and Boston Scientific.

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