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STATUTORY INSTRUMENTS

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**2018 No. 597**

**The Trade Secrets (Enforcement, etc.) Regulations 2018**

**Publication of judicial decisions**

**18.**—(1) In proceedings for the unlawful acquisition, use or disclosure of a trade secret, a court may order, on the application of the trade secret holder and at the expense of the infringer, appropriate measures for the dissemination of information concerning the judgment, including its publication in whole or in part.

(2) Any measure a court may order under paragraph (1) must preserve the confidentiality of trade secrets as provided for in regulation 10.

(3) In deciding whether to order a measure under paragraph (1) and when assessing whether such measure is proportionate, the court must take into account where appropriate—

- (a) the value of the trade secret,
- (b) the conduct of the infringer in acquiring, using or disclosing the trade secret,
- (c) the impact of the unlawful use or disclosure of the trade secret,
- (d) the likelihood of further unlawful use, or disclosure of the trade secret by the infringer, and
- (e) whether the information on the infringer would be such as to allow an individual to be identified and, if so, whether publication of that information would be justified, in particular in the light of the possible harm that such measure may cause to the privacy and reputation of the infringer.