

OVERVIEW OF NATIONAL AND REGIONAL TRADE SECRET SYSTEMS

JORDAN

1. Sources of Law

While many countries in the Middle East and Northern Africa (MENA) region do not have separate statutes on trade secret protection but rely on contracts, competition law or partly on criminal law provisions, Articles 4 to 7 of the Trade Secrets and Unfair Competition Law of 2000 (the Law)¹ explicitly regulates trade secret protection in Jordan.²

2. Definition of a trade secret

According to Article 4, paragraph (A) of the Law, any information is deemed a trade secret if it is secret in the sense that it is not generally known in its final form or its precise components among, or readily accessible to, persons within the circles that normally deal with this kind of information in question. Additionally, it needs to have commercial value because it is secret, and has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.

According to Article 4, paragraph (B), the provisions of the Trade Secrets and Competition Law does not apply to trade secrets that are contradictory to general system or public morals.

3. Scope of trade secret protection

Article 6 of the Law regulates the scope of trade secret protection. It states that any person obtaining, using, or disclosing trade secrets in violation of the honest commercial practices, without the consent of the person lawfully in control of such trade secrets, is deemed to misuse the trade secret.³ In Article 6, paragraph (B) of the Law, violation of honest commercial practices are defined as:

- breach of the contracts;
- breach of trusted secrecy of information and inducement to breach; and
- acquisition of trade secrets by a third party who knows or is able to know that such party's acquisition of such secrets was a result of violating honest commercial practices.

4. Exceptions

Further, Article 6, paragraph (C) of the Law, individual access to trade secrets or access through reverse engineering is not deemed violation of honest commercial practices.

5. Civil remedies

According to Article 7, paragraph (A) of the Law, the person lawfully in control of trade secrets may claim compensation for the damages caused to him/her as a result of misuse of the trade secret.

According to Article 7, paragraph (B) of the Law, the person lawfully in control of trade secrets may request through a civil lawsuit:

- to stop misusing the trade secret;

¹ Available at: <https://www.wipo.int/wipolex/en/text/587652>.

² This document aims to provide an overview (June 2024). It is not a complete review of the legal situation and case law. For further information, interested readers may consult: Saoussan El Hourri in Trade Secrets throughout the World (Jager *et.al.*), 2023, Chapter 27. Middle East and North Africa.

³ Article 4, paragraph (A) of the Trade Secrets and Unfair Competition Law.

- precautionary impoundment of the articles that include misused trade secrets, or the products that resulted of misusing the trade secret, wherever it was;
- reserving the related evidence.

It is to be noted that Article 7, paragraph (B) requires that the request is accompanied by bank or cash security accepted by the court.

Further, Article 7, paragraph (C) of the Law states that the provisions and procedures provided in Article 3 relating to unfair competition apply, *mutatis mutandis*, to trade secrets.

6. Criminal sanctions

The Trade Secrets and Unfair Competition Law does not refer to criminal sanctions.

7. Trade secret protection in judicial proceedings

The Trade Secrets and Unfair Competition Law does not contain provisions regarding trade secret protection in judicial proceedings.

8. Procedural provisions

No special provision regarding competent courts, burden of proof, or statute of limitation is found in the Trade Secrets and Unfair Competition Law.