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Reviewing the U.S. Economic Espionage Act —With the Extending Comments on the 2013 Amendment of Taiwan’s Trade Secret Act

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Abstract

“Technology, economic and national security,” these three words seem to be irrelevant on the surface; however, they are tightly bounded by the existence of the word—trade secret. The federal government of the U.S. passed the Economic Espionage Act in 1996 in an attempt to create a “comprehensive and systematic” approach to address trade secrecy misappropriation, drawing a clear line between economic espionage and theft of trade secrets through federal criminal justice system. It is established to prevent trade rivals from stealing other business’s most precious property—trade secret, and to protect the national economy, security from any harm. While the Economic Espionage Act has been implemented for 19 years, there are only few cases brought in a verdict of guilty, which seemingly contradicts to the legislative purposes. Therefore, this article aims to analyze the predicament

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of the Act, and to give constructive propositions. Furthermore, the Trade Secret Act in Taiwan was revised in 2013. It mainly referred to the Economic Espionage, adding article 13-1 to 13-4. In order to compare and assay, this article will also probe into the amendment in 2013.

Keywords: Economic Espionage, Trade Secret, Criminalization