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# THE LAW AND PRACTICE BLOG 1<sup>ST</sup> NATIONAL ESSAY WRITING COMPETITION

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## Theme

### TRADE SECRETS AND DATA PROTECTION IN INDIA

Submissions must be mailed at [contact@lawandpracticeblog.com](mailto:contact@lawandpracticeblog.com)

Last Date of Submission: **February 10, 2018**

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## Prizes

First Prize: INR 5000/-

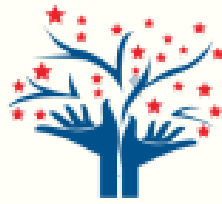
Second Prize: INR 3000/-

Third Prize: INR 2000/-

Participation certificate for each entry

Contact us on [contact@lawandpracticeblog.com](mailto:contact@lawandpracticeblog.com)

Visit us at [www.lawandpracticeblog.com](http://www.lawandpracticeblog.com)



## *The Law & Practice Blog*

### **ABOUT THE BLOG**

The Law & Practice Blog has been setup with an objective of reaching out to all legal luminaries, academicians and law students to share their priceless practical knowledge with the readers. Our vision is to bridge the gap between theory and practice of law.

In the absence of any source exclusively dedicated to the practical aspects of law, we felt the need to take the initiative to make a repertoire of information, which is never found in books, pertaining to the practice of law.

#### **Objective**

- to provide a platform to law students, practitioners, and academicians for sharing their priceless practical knowledge;
- to un-cloud the know-how of law practice for a layman;
- to encourage out-of-the-box thinking;
- to encourage academic research by providing “permanent and transparent forum for the presentation, scrutiny, and discussion of research; and
- to share new knowledge as widely as possible.

## ABOUT THE COMPETITION

As Law & Practice bloggers, our primary aim is to share such information which is not found in books, that is to say, information which is practical in nature, if not anything else. The Law & Practice Blog's National Essay Writing Competition is one of our steps towards achieving our vision of bridging the gap between theory and practice of law. This essay writing competition is contemporary in nature as it is directed towards filling the void that exists in Indian legislations.

This competition is the Blog's *sui generis* competition. **The theme for this version of essay competition is *Trade Secrets and Data Protection in India*.** The objective of this essay writing competition is to create a repertoire of information pertaining to trade secrets in India, in absence of a trade secret legislation in India. The purpose of this essay competition is to compile all the selected entries in the form an e-journal which shall serve as a toolkit for trade secret protection in India. This is a great opportunity for every law student to fill the void that exists in our legislature by contributing their diligence in the form of an essay.

The Law & Practice Blog takes the opportunity to call for essays for its 1st National Essay Writing Competition. We expect professional, creative and thought-provoking essay from our participants.

*It's time to be a part of something greater!*

## THE LAW & PRACTICE BLOG'S 1<sup>ST</sup> NATIONAL ESSAY WRITING COMPETITION

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### 1. Eligibility Criteria

- The Competition is open to students pursuing three/five/six year law course (LL.B)/ LL.M/ Ph.D. from any Indian University.

### 2. Theme for the Essay

- Trade Secrets and Data Protection in India

### Issues for consideration

*It is to be noted that the list of issues is not exhaustive and the participants are free to identify additional issues.*

- What are trade secrets?
- What is confidential information and know-how? How is it different from trade secrets?
- Whether trade secret, confidential information, and know-how are same, and protected likewise?
- Who all are eligible for trade secret protection in India?
- What is the present jurisprudence of trade secrets in India, as per the existing judicial precedents?
- What issues have till date not been adjudicated by Indian Courts with regard to trade secrets?
- Which statutes currently have provisions that deal with trade secrets/confidential information?
- What type of information qualifies as a trade secret?
- Are there any pre-requisites for the proprietor of an information for protecting the information as a trade secret?
- What does not constitute trade secret infringement in India?
- What are the defenses available to a trade secret infringer?
- As a defense, can the validity of an information be challenged in a suit for infringement on the basis that the information does not qualify as a trade secret?
- Whether criminal remedies should be extended to misappropriation of trade secrets in India? What criminal recourse is currently available to an aggrieved party?
- In a suit for infringement how the trade secret should be valued in order to ascertain damages?
- Whether Indian Courts have employed any methodology for valuation of trade secrets for ascertaining damages?
- What all things should be kept in mind while drafting an employment contract in order to protect trade secret/confidential information?
- When are employment contracts in restraint of trade? Whether negative covenants for reasonable periods post-employment are valid?

- Whether the knowledge and skill gained by an employee during the course of his employment are considered as trade secret?
- What is the *ratio* behind employee's liability to maintain confidentiality of information during the course of employment? Why it is not considered an unreasonable restraint?
- What all precautions must be taken by the proprietor in order to protect its trade secret?
- Whether Indian Courts have prescribed any minimum level of protection that must be employed by the proprietor to protect its trade secrets?
- How would you relate protection of trade secret/confidential information with digital piracy? Whether the Indian IT Act provides any safeguard to the proprietor of trade secret?
- Is there any inter relation between misappropriation of confidential information and economic espionage? What is the jurisprudence in India?
- How should trade secrets be protected in the internet era? Identify issues and challenges.
- Whether India needs a data protection legislation or not?
- How would a data protection legislation be beneficial for protection of trade secrets?
- Whether the Indian IT law is sufficient to cope up with challenges posed by data theft?

### 3. Guidelines for submission

- Participants must register themselves at

[www.lawandpracticeblog.com/register](http://www.lawandpracticeblog.com/register). The last date for registration is **January 02, 2018**.

- There is **no registration fee**.
- Last date for receiving submissions is **February 10, 2018**.
- All participants are required to attach a plagiarism report (preferably Turnitin®) along with their submission.
- Footnotes must conform to OSCOLA (4th ed.) authoritative standard rules of legal citation and must include a description of each authority adequately to allow a reasonable reader to identify and locate the authority in a publication of general circulation.

### Length of the essay

- Essays (excluding footnotes) should be at least **2500 words**.
- The content of the **abstract, if any**, should not be more than **200 words** including the title and keywords.

### Format requirement

- Essays are to be submitted in .doc/.docx format only with **12pt font size** and **1.5 line spacing** on **Times New Roman** Font. Footnotes shall have **10pt font size** and **no line spacing**.

### Electronic submission

- Co-authorship to a maximum of **two authors** is permitted. Submissions both as co-author and single will be treated as multiple submissions. In case of such submissions the single

submission will be rejected and disqualified as an entry to the competition.

- All submissions must be mailed at [contact@lawandpracticeblog.com](mailto:contact@lawandpracticeblog.com) with cc to [s24bhumika@gmail.com](mailto:s24bhumika@gmail.com) and subject line as “Submission\_Essay\_Name of author(s)”.
- The submissions must include three attachments, namely a cover letter, essay document, and **Turnitin® plagiarism report**.
- The cover letter shall consist of the name of the author(s), course, year of study, name of college/university, phone number, email-id, address, and a proof of enrolment (student ID card).
- The first page of the essay file should identify all the case laws that have been analysed by the participant (Indian, Foreign cases), and all the statutes that have been referred by the participant.
- Only original essays will be considered for the competition. No part of it should have been published earlier nor should it be under consideration for publication or a contest elsewhere. Any form of plagiarism will result in disqualification of essay and notification of the same on website.
- **Identification mark must not be found in any part of essay, not even on the first page.**

## 4. Prizes

- **First Prize:** INR 5000/-
- **Second Prize:** INR 3000/-
- **Third Prize:** INR 2000/-

## 5. Publication

Top 15 selected essays will be published in the form of an e-Journal titled “**Toolkit for Trade Secret Protection in India**”. The list of the selected papers will be displayed on The Law & Practice Blog.

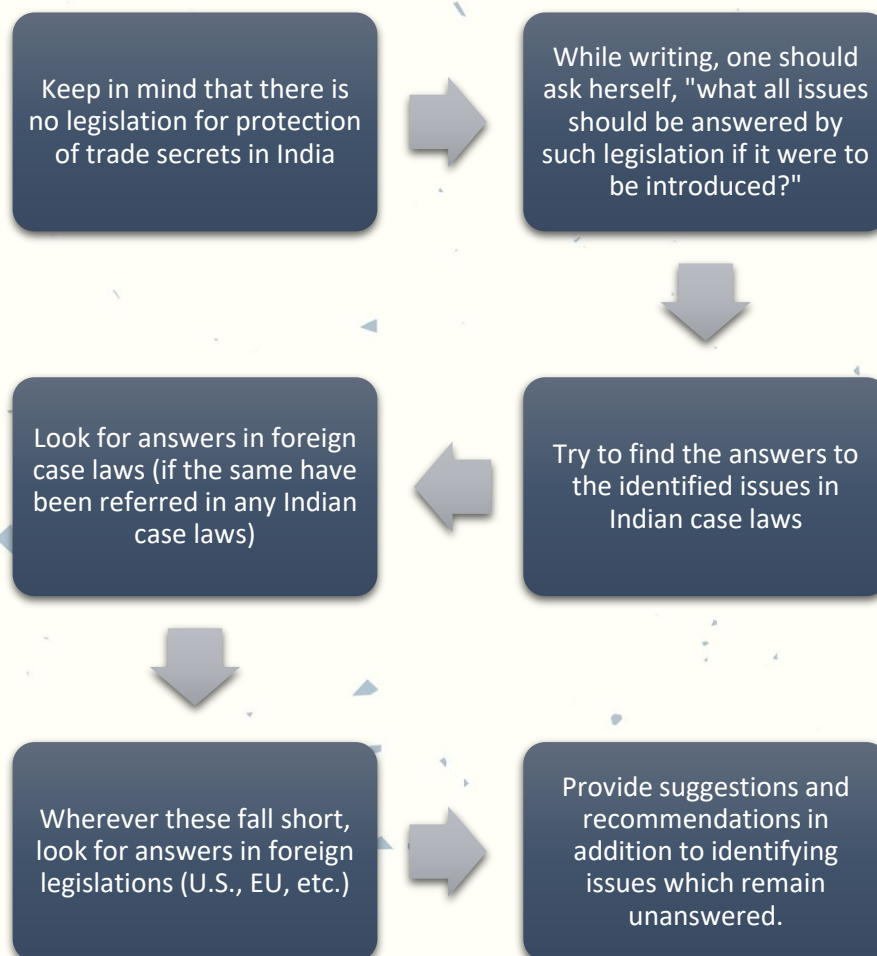
## 6. Miscellaneous

- The administration of the contest including determination of eligibility of a participant or essay, standard of essay, evaluation of essay and awarding of the prizes is within the sole and absolute discretion of The Law & Practice Blog.
- The Law & Practice Blog assumes no responsibility for delayed or incomplete entries or a technical malfunction of server, traffic congestion or a combination thereof.
- The rights of submitted essay including rejected and disqualified submission will vest solely with The Law & Practice Blog.
- Certificate of participation shall be awarded to all participants. All the certificates will be E-Certificates (including those of winners). A letter of recommendation shall be given to the first and second prize holders.

## WRITING NOTE FOR PARTICIPANTS:

Since this competition is slightly different from conventional essay writing competitions, the participants may follow the following guidelines in order to satisfy the requirement of “Toolkit for Trade Secret Protection in India”.

- While writing their submissions, all the participants must keep in mind the issues that have been raised as a part of the sub-themes.
- All participants should make an attempt to answer maximum number of identified issues in their expositions.
- Additional issues identified by participant are also welcomed.
- Since most of the jurisprudence regarding trade secrets is found in case laws, the submissions could also be in the form of multiple case analysis – however such case analysis should necessarily answer the issues raised.
- The issues must not be answered as a questionnaire, but in the form of an exposition.



## Contact



*The Law & Practice Blog*

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