



Intellectual Property Advisory Committee
Delegate Joe T. May, Chairman
Tuesday, August 6, 2013 2:00 p.m.
5 West Conference Room, General Assembly Building

The Intellectual Property Advisory Committee held its second meeting on August 2, 2013 in Richmond. Mr. Gilbert participated in the meeting electronically due to a medical emergency, pursuant to subsection B of § 2.2-3708.1 of the Code of Virginia.

The group began the meeting by discussing invention development legislation. The committee had some concerns that the proposal presented in HB 1738 (2013) would have unintended consequences. Because no subject-matter expert was present, the committee decided to delay further discussion until the next meeting.

The committee then turned its discussion to trade secrets, and HB 2064 (2013). The trade secrets act is fairly old, and has not been updated in some time. Mr. Woolston shared that the genesis of the bill was a project at George Mason University concerning how to attract businesses and high-paying jobs to Virginia. The goal of the legislation was to showcase that "Virginia is for Inventors."

Mr. Arnold, representing Micron, indicated that while he appreciated the motivation behind the bill, it was important to maintain uniformity across the states, and to keep laws equally protective of plaintiffs and defendants in trade secret cases. Concerns expressed by other members of the committee asked if a departure from uniformity would have the unintended consequence of making Virginia a less-attractive place for large companies to do business. The group decided that instead of pursuing legislative change in Virginia regarding trade secrets, the Uniform Laws Commission that promulgated the original Trade Secrets Act, should be asked to review the law to see if any updates are needed.

The committee next turned its attention to the possibility of creating a registration process for trade secrets. Questions regarding security of the information submitted for registration was discussed, and whether the actual trade secret would need to be filed or just notice that a trade secret existed. Proposed legislation would have the function performed by the State Corporation Commission, similar to the existing process for registering trademarks. A registration would serve as prima facie evidence in a lawsuit that a trade secret existed. Some members, however, questioned the role that registration would serve, and asked what problem such a registration system would attempt to solve. The committee agreed to continue to discussion at the next meeting.
