Index

ACCESS

By visitors, 8:13

To equipment, 8:12

To information, 8:10 et seq., 8:11

AMERICAN AUTHORITIES

Generally, **3:2**, **3:3**

AWARENESS OF DUTIES

Generally, 8:1

BALANCE OF PROBABILITIES

Generally, 5:1 et seq.

BREACH OF CONFIDENCE ACTION

Generally, **5:6 et seq.**, **5:8**Difference from fiduciary duty, **5:8**Relationships covered, **5:7**

CANADIAN UNIFORM TRADE SECRETS ACT

Generally, 3:3

CIVILACTIONS

Generally, 5:1 et seq.

Claims against third parties, **5:19 et seq.**

CIVIL LAW

Generally, 1:5

COMMERCE

Generally, 1:4

COMMERCIAL AGE

Generally, 1:4, 1:7

COMMON LAW

Generally, 2:1, 2:3

COMPANY MANUALS AND DOCUMENTS

Generally, **8:8, 8:17 et seq.**

COMPUTER INFORMATION

Generally, **8:14**

CONFIDENCE

Generally, 3:5 et seq.

CONFIDENTIAL BUSINESS INFORMATION

Definition, 3:2, 3:3, 3:4 et seq. Legal bases for protection, 2:1 Modern concept of, 1:13

Versus patent protection, 1:20

CONFIDENTIALITY

Action for breach, 5:6 et seq.
And fiduciaries, 4:28, 4:30

During employment, 4:5

Following end of employment, **4:6** Ou?bec law, **4:34**

CONTRACT

Generally, 1:4, 1:5, 1:16, 1:19, 2:1, 2:8 et seq., 2:10 et seq., 2:11

Breach of, 5:2 et seq.

Confidentiality agreements, 8:28

Express terms of, 5:4

Implied provisions, 5:5

COPIES OF DOCUMENTS

Generally, 8:3

COPYRIGHT

Generally, 1:4, 1:9, 1:10, 1:12, 1:13, 1:17, 1:20, 1:27, 2:2 et seq.

CREDIBILITY

Generally, **3:18**

CRIMINAL

Generally, 1:13, 1:22, 5:22 et seq.

CRIMINAL, 1:13

Fraud, **5:23**

Mischief, 5:24

Theft, 5:22

CUSTOMERS

Generally, 4:1

DAMAGES

Generally, 7:19 et seq., 7:20-7:22, 7:25, 7:26, 7:1340, 7:1350

DEFENCES

Acquiescence, 6:17

Breach of the law, 6:12

Contrary to public interest, **6:11**

Duty not owed to person, 6:6

Information not confidential, **6:2**

Justice administration initerest, 6:14

Knowledge and skill, 6:5

Laches, 6:16

Limitation periods, 6:15

No improper use or disclosure, 6:9

No longer a secret, 6:3

Not a fiduciary, 6:8

Obligation of confidence, 6:7

Public policy, 6:10 et seq.

Public right, 6:13

Relationship between parties, **6:7 et**

Restraint of trade, 6:10

Reverse engineering, **6:4**

Unclean hands, 6:11

DEFINITIONS

Generally, 3:2, 3:3, 8:6

DISCLOSURE AS BREACH

Generally, 3:10 et seq.

ECONOMIC THEORIES

Generally, 1:24 et seq.

EMPLOYERS AND EMPLOYEES

Ability to compete, 4:1

Actions against employees, 5:13

Balancing of interests, 4:1, 4:56,

4:57

EMPLOYERS AND EMPLOYEES

—Cont'd

Circumstances of, **4:56**

Corporate opportunities, 4:1

Covenants entered during relationship, **4:23**

Creation of information by, 4:11

Customer connections, 4:1

Departing employee, 8:22

Duty of confidentiality, 4:4 et seq.

Duty of good faith, 4:2 et seq.

Factors to consider, 4:56

Fiduciary obligations, 4:1, 4:7 et seq., 4:25 et seq., 5:9 et seq.,

8:21

Implied obligations, 4:10

Issues to be addressed, **4:57**

Know-how and, 4:10

Knowledge and skills, **4:10**, **6:5**,

Memory test, 4:12

Non-competition clauses, **4:1, 4:16**

et seq., 4:17 et seq., 5:3, 8:18, 8:20

Non-solicitation clauses, **4:20**

Post-employment obligations, **4:7 et seq.**

Pre-departure activities, 4:31

Protection of information, 4:6

Quebec law, 4:33

confidential information, 4:34

restrictive covenants, **4:35-4:37** Restrictive covenants, **4:1, 4:16** et

seq., 4:17 et seq., 4:20, 5:3, 8:18, 8:20

Reviews with employees, 8:17 et seq.

Securing livelihood, 4:1

Solicitation of employee, **4:15**

Subjective versus objective information, **4:10**

Treatment of information, 3:16 et seq.

EMPLOYMENT

Generally, 1:5, 1:13, 1:27, 2:8 et seq.

EQUITY

Generally, 1:4, 1:5, 1:21, 2:1, 2:2 et seq., 2:3, 2:8 et seq.

ESPIONAGE

Generally, 2:16, 7:28

ETHICS

Generally, 1:21, 1:28

EVIDENCE

Generally, 3:18, 8:1, 8:27

INDUSTRIAL AGE

Generally, 1:5, 1:7

INDUSTRIAL DESIGN

Generally, 1:8 et seq.

INDUSTRY PRACTICE

Generally, 3:16, 8:23

INFORMATION

Access to, 8:10 et seq., 8:11 Business element of, 3:2, 3:20 et seq.

Capable of protection, **3:4 et seq.**Commonplace components, **3:21**Competitive advantage and, **3:22**Confidential element of, **3:2**, **3:5 et seq.**

Confidential marking of, **3:18** Definitions, **3:2**, **3:3**

Degree of secrecy, 3:7

Economic benefit of, 3:22, 8:26

Expenditure of resources, 3:21

Form of, 3:19

Freedom of information legislation, **8:6**

Identifiable and distinct, 3:13

Independent effort, **3:21**

Ingenuity and discovery, 3:21

Instructions and warnings regarding, **3:16**, **4:5**

Intentional public disclosure, **3:9**

International issues and, 8:16

Know-how and, 4:10

Known to others, 3:7

INFORMATION—Cont'd

Known within industry, **3:7**

Labelling of, **3:18**

Limited access to, 3:16

Memory and, 3:19

Monitoring of, 8:1

Nature of protected, 3:13 et seq.

Of substance, 3:14

Original, 3:13

Partly public and partly private, 3:11

Personal disclosure and, 3:18

Practice of the trade and, 3:16

Protection of, **4:6, 8:1**

Quality of confidence, 3:6 et seq.

Reduced to writing, 3:19

Separation of, 8:15

Subjective versus objective, **4:10**

Sufficiently developed, 3:15

Treatment of information, 3:16 et seq., 8:8 et seq.

Trivial, **3:14**

Undeveloped, 3:15

Unintentional disclosure of, 8:4

Widely disclosed, **3:16**

INFORMATION AGE

Generally, **1:6, 1:7**

INJUNCTIONS

Generally, 1:4, 7:2 et seq., 7:3-7:7, 7:9, 7:10, 7:10 et seq., 7:12

INSTITUTE OF LAW RESEARCH AND REFORM

Generally, 3:3

INTELLECTUAL PROPERTY

Generally, 1:1 et seq., 1:4, 1:5, 1:14 et seq., 1:19, 1:23-1:25, 2:6

INTERNATIONAL ISSUES

Generally, 7:28, 8:16

LEGAL BASES FOR PROTECTION

Generally, 2:1

LEGISLATION

Generally, 3:2, 3:3

American Economic Espionage Act of 1996, **7:28**

American Restatement of the Law of Torts, **3:3, 7:28**

American Uniform Trade Secrets Act, **3:3, 8:6**

Canadian Uniform Trade Secrets Act. **3:3**

MISCHIEF

Generally, 5:24

NATURAL RIGHTS

Generally, 1:22 et seq.

NON-COMPETITION CLAUSES

Generally, **4:1, 4:16 et seq., 4:17 et** seq., **5:3, 8:18, 8:20**

NOTICE OF RESIGNATION

Generally, 4:3

PATENT

Generally, 1:2, 1:4, 1:9, 1:12, 1:13, 1:18, 1:20, 1:24, 2:2 et seq., 2:6

PERSONNEL FILES

Generally, 8:9

POLICY

Generally, 1:21 et seg., 2:6, 2:10

PRACTICAL ADVICE

Generally, 8:1

PRIVACY

Generally, 1:13, 1:22

PROPERTY

Generally, 1:2-1:5, 1:7, 1:19, 1:23, 2:1, 2:2 et seq., 2:5, 2:13

PROTECTION OF INFORMATION

Generally, 8:1, 8:6

QUEBEC LAW

Generally, 4:33, 4:35-4:37

REASONABLE PERSON TEST

Generally, **3:10**

REMEDIES

Account of profits, 7:17

Anton Piller order, 7:13

Constructive trust, 7:15

Criminal sanctions, 7:27

Damages, 7:19 et seq.

appropriation of property, 7:20

breach of contract, 7:21

equitable duty, 7:1340

fiduciary duty, 7:1340

generally, 7:19 et seq.

punitive, 7:1350

quantum, 7:25

tort, 7:22

type of information, 7:26

Declaratory relief, 7:16

Delivery up, 7:14

Equitable relief, 7:2 et seq.

Fiduciary duty, 4:38 et seq.

Generally, 7:1

Injunctions, 7:2 et seq.

balance of convenience, 7:5

irreparable harm, 7:6

permanent injunctions, 7:9

prima facie test, 7:3

serious issue, 7:4

special considerations, 7:10 et

seq.

springboard, 7:11

third parties, 7:12

undertakings, 7:7

International developments, 7:28

Preservation of property, 7:14

Punitive damages, 7:24

RESTRICTIVE COVENANTS

Generally, 4:1, 4:16 et seq., 4:17 et seq., 5:3, 8:18, 8:20

REVERSE ENGINEERING

Generally, 1:13, 1:20, 2:6, 3:12, 6:4

ROMAN AGE

Generally, 1:2, 1:7

SOLICITOR CLIENT RELATIONSHIPS

Generally, 5:16

SPRINGBOARD

Generally, **3:15**, **7:11**

TERMINOLOGY

Generally, 3:2

THEFT

Generally, 5:22

TORT

Generally, 1:19, 2:8 et seq., 5:21

TRADE-MARK

Generally, 1:8 et seq., 1:11, 1:22

TRADE SECRETS

Generally, 3:1 et seq., 3:2, 3:3, 8:6

UNFAIR COMPETITION

Generally, 1:19, 1:21, 1:23, 2:7

UNJUST ENRICHMENT

Generally, **5:18**, **5:20**

WEALTH

Generally, 1:1 et seq., 1:3, 1:4, 1:7, 1:25