This chapter studies breach of confidence. In the United Kingdom, the area of breach of confidence has traditionally been used to protect ideas and information, including trade secrets. The doctrine of breach of confidence is judge-made law, rooted in equitable principles. In consequence, it has developed in a piecemeal, and sometimes contradictory fashion, so that the rationale for the action has not always been clear. Nevertheless, the law of confidence is broad enough in the United Kingdom to encompass: the common definition of a trade secret (commercial, usually technical information); personal, private information which may also have a commercial value (including information which may be protected under the right to privacy under Art. 8 of the European Convention on Human Rights (ECHR)); and information protected by the state. The chapter then looks at the role of trade secrets in intellectual property law and considers the EU Trade Secrets Directive.

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