

Unfair Competition & Trade Secrets

In order to meet the needs of clients in fast changing markets at home and abroad, Shin & Kim's Intellectual Property Practice Group provides one-stop services to its clients in the field of unfair competition and trade secrets by representing clients' interests in negotiation, litigation and post-litigation enforcement and also by providing general legal advice. The members of the team include former Chief Judges of the Patent Court, patent attorneys, and experts with academic backgrounds in the areas of medicine, mechanical and electronic engineering, chemical engineering and industrial engineering who work closely with each other to provide the optimal solutions for clients.

Given that product labeling, business labeling, product design, domain name and other end products constitute valuable assets of clients derived from significant investment and effort, the team offers solutions to clients to protect such assets even if the applicable trademark or design is not registered as the illegal use of such trademark or design may constitute an act of unfair competition.

Furthermore, certain technological or management information constitute trade secret and certain technology constitutes industrial secret that may be protected by laws even if such assets are not registered as patents or utility models. As such, advising clients on the protection and infringement of such assets is crucial given the importance of such assets.

Development of technology constantly poses new issues that require creative solutions. The capabilities of experienced professionals of our Intellectual Property Practice Group enables Shin & Kim to provide optimal solutions to clients.

Key Services

Shin & Kim provides services in the following areas in relation to unfair competition & trade secrets:

Unfair Competition

- Preliminary injunctions against unfair competition and related civil cases seeking compensation for damages
- Criminal investigations and trials
- Lawsuit preparation, including searches for similar trademarks, goods or services and preparation of cease and desist letters

- Violation of contracts, laws and regulations and establishment of strategies to minimize legal risks
- Claims against unfair exercise of rights, license grants and negotiation strategies

Trade Secret

- Preliminary injunctions and civil cases regarding infringement of trade secrets and industrial technologies
- Criminal investigations and trials involving infringement of trade secrets and industrial technologies
- Lawsuit preparation, including searches for similar technologies and digital forensics
- Establishment of systems to protect corporate trade secrets and non-disclosure agreements and employment and resignation agreements (preparation, negotiation and execution)
- Non-competition and confidentiality agreements and establishment of strategies to minimize legal risks
- Claims of unfair exercise of rights, technology transfers and licensing and negotiation strategy

Experiences

Unfair Competition

- Defendant Company D, in a successful defense invalidating a preliminary injunction against production of broadcasting programs accused of format plagiarism of a variety show (the 1st case on format plagiarism of variety shows involving Article 2(1)J. of the Unfair Competition Prevention and Trade secrets Protection Act)
- Hankook Ilbo, in a successful preliminary injunction against use by others of trademarks and domain names held by Hankook Ilbo online (involving Article 2(1)B. of the Unfair Competition Prevention and Trade secrets Protection Act)
- KBS, in a successful defense invalidating a preliminary injunction against production and broadcasting of a TV drama titled “The King’s Face” (involving Article 2(1)J. of the Unfair Competition Prevention and Trade secrets Protection Act)
- CJ O Shopping and Dongyang Magic, in a successful case regarding a preliminary injunction against broadcasting of advertisements for a certain massage chair (involving the Act on Fair Labeling and Advertising)

Trade Secret

- Shinseng Industrial, in the successful resolution of a trade secrets dispute regarding cemented carbide
- Dongjin Semichem, in the successful resolution of a trade secrets dispute regarding raw materials for semiconductors
- EIS Global, in the successful resolution of a trade secrets dispute regarding ultrasonic diagnosis equipment
- Newzen Solution, in the successful resolution of a trade secrets dispute regarding a tax/accounting program
- Samsung Display, in a trade secrets dispute against LG Display and filing for prosecution which led to a settlement
- Defendant Company D, in the successful resolution of a trade secrets dispute regarding the manufacturing process for a chemical compound

Awards and Rankings

- Tier 1 Law Firm in Intellectual Property
Asia Pacific Legal500 2015-2018

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