

Criminal Attempt of Improperly Acquiring Trade Secrets Under the Trade Secret Act —A Lesson from the Concept of “Attempt” Under the United States Criminal Law

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Abstract

This article provides the definition of criminal attempt of stealing trade secrets under the Trade Secret Act through studying the United States' Economic Espionage Act and criminal attempt under Model Penal Code § 5.01. This article argues that a person shall be held criminally liable for his attempt to acquire other's trade secret by an unjust measure, as long as he knew the stolen information was a trade secret. Such knowledge may be inferred from circumstances showing that the owner has implemented reasonable measures to protect its trade secrets.

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