

Vira M. Aliyeva-Baranovska, Olha F. Sirenko. Comparative characteristics of trade secret in the legislation of foreign countries and in international law. The purpose of the article is to investigate the place of trade secrets in regulations, international treaties, foreign legislation, and key means of protecting trade secrets in accordance with these regulations. A comparative analysis of current norms and provisions of the system of legislation of foreign countries in terms of protection of trade secrets. An analysis is performed of international treaties and the legal framework of foreign countries, namely, the Paris Convention for the Protection of Industrial Property, the Stockholm Convention establishing the World Intellectual Property Organization of 1967 in terms of protection of trade secrets in order to improve national legislation in this area.

It has been emphasized that the definition of trade secrets is similar in the Civil Code of Ukraine and in the TRIPS Agreement, which enshrines three criteria of trade secrets: secrecy, commercial value and taking adequate measures to ensure secrecy. It is noted that legal protection provides for and requires the owner of the commercial secrecy to take appropriate measures to ensure the protection of relevant information from unfair commercial use. Sometimes the misappropriation of a trade secret is the result of industrial espionage, when a person provides classified information to a competitor for monetary or other remuneration.

The main provisions of the North American Free Trade Agreement (NAFTA) on trade secrets are analyzed in comparison with the EU legal system, according to which patent law provides additional incentives for the application of the commercial secrecy regime to protect confidential information. Four approaches to understanding this legal regime in the doctrine of Anglo-Saxon legal systems are analyzed: the theory of contractual obligation, the theory of fiduciary (trust) relations, the theory of misappropriation and the theory of unfair competition. It is concluded that the applied criteria for classifying information as a trade secret are similar, in relation to actions that are not appropriation of a trade secret, in particular, in relation to the 'legalization' of reverse development, which is relevant for the information technology industry. Ukraine has the prospect of including in its legislation an important legal act – the Law of Ukraine on Trade Secrets, which will have a positive impact on the business climate, promote investment attractiveness, and meet the needs of businesses and the state.

Keywords: *trade secret, intellectual property, international treaties, EU law, foreign law, comparative law.*