

Look Up Full Text Find PDF Export... Add to Marked List

BUSINESS UNDER THREAT: THE CRIMINAL LIABILITY OF TRADE SECRET THEFT IN MALAYSIA?

By: [AbdJalil, J \(AbdJalil, Juriah\)^{\[1\]}](#); [Hassan, H \(Hassan, Halyani\)^{\[1\]}](#); [Abd Rahman, N \(Abd Rahman, Nasarudin\)^{\[1\]}](#); [Ali, RBRM \(Ali, Raja BadrolHisham Raja Mohd\)^{\[1\]}](#); [Mohamed, D \(Mohamed, Duryana\)^{\[1\]}](#); [Najib, A \(Najib, Ahmad\)^{\[1\]}](#)

INTERNATIONAL JOURNAL OF BUSINESS AND SOCIETY

Volume: 21 Pages: 49-65 Supplement: 1

Published:2020

Document Type: Article

Abstract

Maintaining and ensuring secrecy of valuable trade secrets offers competitive advantage to its owner over the competing rival. Because of this, the trade secret is often subject to various threats ranging from misappropriation, theft and corporate espionage launched by rivals and also the employee. Such threats can impede growth of the victimized firms and discourage further innovative and inventive endeavor. One of the ways to deter such offence is by providing specific criminal sanction for the theft of trade secret as practiced in the US and Japan. The US regards theft of trade secrets as a federal crime under the Economic Espionage Act 1996 and in Japan, theft of trade secret is a crime under the Unfair Competition Law. In comparison, Malaysian law does not provide any specific legislation criminalizing theft of trade. But being a member of the TPPA, Malaysia is required to criminalize such theft. This article analyzes the competency of the existing criminal, cyber and national security laws in Malaysia to address the issue. In doing so, the practice of the US and Japan is taken as example to shed light as to the proper implementation of criminal prosecution against the theft of trade secret.

Keywords

Author Keywords: [Trade secrets theft](#); [Misappropriation of business information](#); [Confidential information](#); [Corporate espionage](#)

Author Information

Reprint Address: AbdJalil, J (reprint author)

+ Int Islamic Univ Malaysia, Dept Legal Practice, Ahmad Ibrahim Kulliyah Laws, Kuala Lumpur, Malaysia.

Addresses:

+ [1] Int Islamic Univ Malaysia, Kuala Lumpur, Malaysia

E-mail Addresses: juriah@iium.edu.my

Funding

Funding Agency	Show details	Grant Number
Science and Technology Development Fund (STDF) Ministry of Higher Education & Scientific Research (MHESR)		

[View funding text](#)

Publisher

UNIV MALAYSIA SARAWAK, FAC ECONOMICS & BUSINESS, KOTA SAMARAHAN, SARAWAK, 94300, MALAYSIA

Categories / Classification

Research Areas: Business & Economics

Web of Science Categories: Business

Document Information

Language: English

Accession Number: WOS:000507226400004

ISSN: 1511-6670

Other Information

Citation Network

In Web of Science Core Collection

0

Times Cited

[Create Citation Alert](#)

15

Cited References

[View Related Records](#)

Use in Web of Science

Web of Science Usage Count

0

Last 180 Days

0

Since 2013

[Learn more](#)

This record is from:
Web of Science Core Collection
- Emerging Sources Citation Index

Suggest a correction

If you would like to improve the quality of the data in this record, please suggest a correction.

IDS Number: KC50I

Cited References in Web of Science Core Collection: 15

Times Cited in Web of Science Core Collection: 0

[See fewer data fields](#)

◀ 1 of 1 ▶

Cited References: 15

Showing 15 of 15 [View All in Cited References page](#)

(from Web of Science Core Collection)

1. **Wannacry ransomware attack in Malaysia confirmed** Times Cited: 1
By: [Anonymous].
The SUNDAILY Published: 2017
Retrieved at
URL: <https://www.thesundaily.my/archive/wannacry-ransomware-attack-malaysia-confirmed-YTARCH446003>
2. Title: [not available] Times Cited: 1
By: Brian, T. Y.
Protection of trade secrets: Overview of current law and legislation Published: 2016
Publisher: Congregational Research Service
URL: <https://fas.org/sgp/crs/secretary/R43714.pdf>
3. Title: [not available] Times Cited: 1
Group Author(s): Centre for Responsible Enterprise and Trade (CREATE)
Economic impact of trade secret theft: a framework for companies to safeguard trade secrets and mitigate potential threats Published: 2014
4. **The proposal for a directive on the protection of trade secrets in EU legislation** Times Cited: 3
By: Cook, T.
Journal of Intellectual Property Rights Volume: 19 Pages: 54-58 Published: 2014
5. Title: [not available] Times Cited: 1
Group Author(s): Department of Defense
Strategy for operating in cyberspace Published: 2011
6. Title: [not available] Times Cited: 2
Group Author(s): European Commission
Study on trade secrets and confidential business information in the internal market Published: 2013
Retrieved from
7. Title: [not available] Times Cited: 1
Group Author(s): Japan Patent Office
Outline of the Japanese unfair competition prevention law Published: 2008
Publisher: Asia-Pacific Industrial Property Center
8. **Japan: Summary of Japanese unfair competition prevention law 2015 as revised aiming at strengthening protection of trade secret**
By: Nakajima, M.
Mondaq Published: 2017
Retrieved from
Link to:
<http://mondaq.com/x/572206/Trade+Secrets/Summary+Of+Japanese+Unfair+Competition+Prevention+Law+2015+As+Revised+Aiming+At+Strengthening+Protection+Of+Trade>
9. Title: [not available] Times Cited: 1
Group Author(s): NUS Study
Cybersecurity risks from non-genuine software the link between pirated software sources and cybercrime attacks in Asia Pacific Published: 2017
Retrieved from
10. Title: [not available] Times Cited: 1
Group Author(s): Organisation for Economic Cooperation and Development (OECD)