

Research Article

# Protecting Trade Secrets Arises from Artificial Intelligence in UAE and Jordanian Legislation

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Submitted: 08 January 2025 | Revised: 29 April 2025 | Accepted: 22 May 2025 | Published: 30 June 2025

**Abstract:** The main objective of the paper is to examine the level up to which Jordanian law properly takes in the protection of trade secrets that result from the exploitative use of artificial intelligence (AI). Its root problem emanates from the fast-spreading use of AI technologies in many industries, specifically in the realms of business where intelligence systems find themselves more and more able to create outputs that could potentially serve as trade secrets. Its root problem is in identifying if trade secrets resulting from outputs generated by AI could somehow equal the trade secrets that result from direct human innovative or industrial creation. Therefore, a separate legislative system to regulate trade secrets generated by artificial intelligence is currently urgently needed, distinct from the general provisions of Jordanian law. This is because these general provisions are not appropriate for the typical characteristics of AI products, as they lack specific provisions addressing this purpose. As for personal data protection law, the interference with trade secret administration created confusion BETWEEN THE TWO SEQUENCIES. In addition, cyberspace confidentiality needs digital barriers to implement these confidentiality obligations effectively. This study concluded with a number of recommendations associated with enforceable trade secrets and protecting them with a special law. It also highlights that it is essential to keep up with international developments with a new, complete, and competitive digital trade intellectual property system in Jordan. Inactivating such recommendations would allow for the best exploitation of innovations, as well as fair completion that underlies the national economy, under the umbrella of protecting rights. Creating a protecting intellectual rights system with the law would encourage creativity, activate innovation, and build a knowledge-based economy globally while allowing exports that go beyond mere resources and manufacturing techniques.

**Keywords:** Trade Secrets, Digital Trade, Artificial Intelligence, Law, Jordanian Legislation, and Legal Protection.

## 1. Introduction

Artificial intelligence has rapidly reshaped markets and the digital economy by elevating intangible assets such as training datasets, model weights, architectures, and MLOps pipelines into core competitive resources. Contemporary trade secret law was designed to protect “a wide range of know-how and business information” within a “generally applicable, technology neutral regime of protection,” which in principle can extend to many AI artifacts when the classic elements of secrecy, commercial value because of secrecy, and reasonable steps are satisfied [1].

In Jordan, trade secrets are primarily governed by virtue of the Unfair Competition and Trade Secrets Law No. 15 of 2000, enacted when AI technologies had not yet attained their present level of ubiquity. Though such law treats the protection of confidential business information in broad brushstrokes, it is not express in matters of outputs generated by AI. Such vagueness gives rise to interpretative issues in identifying how trade secrets generated through machine learning or automations ought to be addressed [2]. There are similar shortcomings in the United Arab Emirates and similar regional regimes, in that such legislations remain fixed on traditional conceptions of business information and confidentiality that do little justice to the realities of AI-driven worlds [3; 4].

At the international level, treaties such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) affirm the protection of confidential information. Their extension, nevertheless, is deemed irrelevant when it is transported from such a background to that of AI, particularly at the intersection of trade secrets and data protection as

well as rights of consumers [5; 6]. As per some scholars, such a lack of proper norms of secrecy in cybernetic media creates both possibilities as well as regulatory dilemmas at such a place of intersection of technologies of AI as well as trade secrets' law [7; 8]. Trade secrets produced by AI also present strategic value that goes beyond the realm of economics and is shaped in geopolitical terms. For example, programs like China's Digital Silk Road in the Middle East and North Africa (MENA) region exemplify the role that technological governance and developing technological practices of diplomatic kind have in shaping digital trade agreement building and intellectual property regulation [9]. From this broader perspective, the protection of outputs produced by AI is inextricably linked to innovation policies, competitiveness in the national context, and developing knowledge-oriented economic growth [10].

Its value is that it closes the gap between established trade secret protection and the conditions of commerce that have been shaped by the technologies of artificial intelligence. With the use of comparative analysis of law, conceived in the past to work beneficially in regulation regarding growing technologies like digital money, it is possible to identify gaps and put forward adaptive law models suitable for absorbing innovative technological advancements [11]. Furthermore, just noted by Al-Sharieh [12], states modernizing and upgrading their intellectual property regimes achieve certain advantages in world markets for law, namely, attracting capital and innovation [13].

Against this backdrop, the current study examines if trade secrets produced by AI are properly safeguarded in Jordanian law. It considers the intersection of trade secret law, data protection, and intellectual property, drawing comparative comparisons with global regimes and selected

overseas states. While doing this, it contributes to wider discussion on modernisation of law designed to safeguard rights while facilitating the growth of fresh trends in the digital economy.

## 2. Methodology

This paper uses a descriptive-analytic approach instead of focusing mainly on a comparative law method in investigating the level of protection offered by the legislative regimes in the United Arab Emirates and Jordan for trade secrets produced by artificial intelligence. Methodologically, it is informed by two core aims. First, it reviews current national provisions in an effort to see if these are sufficient for tackling products churned out by artificial intelligence software, and second, it compares these provisions using international instruments and pick-and-choose alien practices in an effort to establish the shortcomings, deficits, and voids in the law of the Emirates and Jordan.

### 2.1 Descriptive - Analytical Approach

The descriptive component of this methodology is employed to provide a structured account of the legal provisions regulating trade secrets in Jordan and the United Arab Emirates. In Jordan, this is primarily derived from the Unfair Competition and Trade Secrets Law No. 15 of 2000, while in the UAE it is drawn from civil, commercial, and intellectual property legislation. These texts are initially presented in their literal form and subsequently interpreted with regard to their relevance to the regulation of AI. The analytical component focuses on examining these legislative provisions in order to evaluate their applicability to digital outputs in practice. Particular attention is directed to the statutory requirements of trade secrets, namely confidentiality, economic value, and the obligation to adopt reasonable measures for protection, and how these criteria may extend to AI-generated materials such as algorithms, datasets, and predictive models. By identifying shortcomings, ambiguities, and areas where the legislation lacks precision, the analysis seeks to clarify how traditional frameworks for trade secret protection operate within a digital, AI-driven environment.

### 2.2 Comparative Legal Method

The comparative legal method is adopted in an attempt to complement the descriptive-analytical method. This aspect involves the evaluation of the concept of trade secrets, in general, in relation to those created using AI technology in international instruments such as the TRIPS Agreement, in addition to other comparative systems internationally. Even though the core objective of carrying out this research is essentially on the legislation in Jordan and the UAE, the comparison helps identify international best practices for possible formulations in later legislations. The comparison aspect also sheds more light on the other disparities in scope, definition, and enforcement in relation to Jordanian legislation, Emirates legislation, and international instruments. Specifically, it also addresses the gaps in Jordanian legislation in regard to safeguarding AI-related outputs in addition to indicating that even though they appear disjointed in the UAE legislation, other forms of legal safeguarding have been provided for in civil, criminal, and other legislations.

### 2.3 Sources of Data

The study relies exclusively on documentary and legal sources, including:

- National legislation – Jordanian and Emirati statutes relating to trade secrets, unfair competition, intellectual property, civil law, and penal law.
- International intellectual property treaties, with particular emphasis on the TRIPS Agreement.
- Judicial decisions and legal interpretations, especially from Jordanian courts, that illustrate the practical application of trade secret provisions.
- Regulatory and institutional materials on commercial products and services from both jurisdictions, including official documents and guidelines indirectly linked to AI-based commercial outputs.

No empirical data collection methods, such as surveys or interviews, were employed, as the study is centred on doctrinal and theoretical analysis of legislative texts and case law.

### 2.4 Scope of the Study

Temporal Frame of Reference: The paper is based on the current state of legislation as of 2025, with recognition that both AI technologies

and legal frameworks are undergoing continuous and rapid development.

The methodological framework sets boundaries in terms of scope and relevance. It identifies the jurisdictions over which consideration is made, namely Jordan and the United Arab Emirates, and keeps the investigation within the bounds where there is a direct nexus with the issue of protecting trade secrets in relation to artificial intelligence. In so doing, it is ensured that the investigation stays focused, remains organized, and remains within the doctrinal nature of the research investigation, without any need to wander into other areas.

#### Jurisdictional Scope

The scope is restricted to Jordanian legislation, as well as legislation in the UAE, with only limited references to international sources for comparison where appropriate.

Scope of Study: The research is specifically focused on trade secrets associated with AI applications, including algorithms, datasets, and predictive models. Other intellectual property rights such as patents and copyrights are excluded, except in cases where conceptual intersections necessitate examination.

Temporal Frame of Reference: The research relies on the present status of legislation in 2025, with due regard for the fact that both the technology behind AI and legislation continue to evolve at a rapid pace.

### 2.5 Rationale

There is justification for using the dual methodological approach in relation to the novelty and complexity of the problem under research. The need for adopting the two approaches is that the Jordanian and Emirati legislations concerning trade secrets do not yet have provisions in relation to the issue concerning AI-generated trade secrets. The descriptive-analytical research approach helps in reviewing the existing legislations appropriately, yet it also enables the evaluation in relation to the international best practices in the matter.

### 2.6 Limitations

The weakness in the research is the lack of specific legal rules in either the Jordanian or Emirati legal systems in regard to the issue of AI output in terms of trade secrets. Therefore, the research remains within the borders of interpretive reasoning devoid of specific legal rules to rely on. Another weakness in conducting research on the topic is the limited number of precedents on the topic from the judiciary in regard to trade secrets in the case of AI technology.

## 3. Results

Drawing on the descriptive-analytical and comparative examination of Jordanian and Emirati legislation, this study develops several conclusions regarding the effectiveness and limitations of the current legal frameworks in safeguarding AI-generated trade secrets.

### 3.1 Limited Regulatory Clarity for AI-Generated Trade Secrets

The study makes it clear that neither Jordanian nor Emirati legislation contains specific rules for covering trade secrets that can be derived from the employment of AI technology. Despite the presence of specific legislation for protecting trade secrets in these two legal systems, these legislations were actually framed in relation to conventional trade secrets made by a human being, with no special reference to the unique nature of trade secrets derived from the employment of AI technology, such as algorithms and predictive analytics. As such, there is an ambiguity with regard to the legal security for businesses derived from trade secrets made by AI technology.

### 3.2 Continued Dependence on Traditional Conditions of Confidentiality

The research reveals that the criteria for trade secrets in Jordanian law, like in Emirati law, are classical: (a) the information has to remain undisclosed, (b) its commercial value has to flow from its secrecy, (c) the information's owner has to make a reasonable effort to maintain its secrecy. Though these criteria look perfect, they cause immense difficulties in the context of AI-generated content. In the digital world, it is difficult to establish the secrecy of a large dataset or an ML algorithm in the same manner in which a formula in a manual could be considered secret. It is clear that these criteria have never been interpreted in practice in a manner that would take into account the specifics of AI-generated content, which could partially rely on publicly available information, be built on open-source

components, or utilize aggregated user data.

### 3.3 Trade Secret Deposited Rights and the Overlap With Data Protection

Another key implication is linked to the intersection between the regulation of data privacy and trade secret protection. Because AI systems commonly involve the processing of personal/sensitive information, the same result could fall within the scope of trade secrets and data protection laws concurrently. Taking the example of a predictive health algorithm, which is commercial in value yet protected by data privacy laws at the same time, it is found that neither Jordanian nor UAE law gives any conclusive guidance on the manner in which these conflicting norms would be applicable in a situation where they hamper each other.

### 3.4 Judicial Interpretation is Still Narrow and Traditional

The analysis of the jurisprudence of Jordanian Courts finds that the Courts have been interpreting provisions of trade secrets in restrictive terms, limiting them to traditional forms of commercial information. There is not much to show that the Courts have been willing to expand such protection even to AI-generated content. For example, in decision No. 2251/2021, the Jordanian Court of Cassation defined trade secrets on the assumption that the information had its genesis in human creation. It concludes that in the absence of innovation in the Courts, the Courts remain poorly placed to decide contests relating to AI-generated trade secrets.

### 3.5 Piecemeal Protection in UAE

Unlike in Jordan, the UAE lacks an integrated legislative structure for the protection of trade secrets. Rather, protection is fragmented and scattered in different legislative tools, such as civil law, commercial law, penal provisions, and intellectual property law. While such pluralistic structure in theory is supposed to achieve wider coverage, it in practice leads to fragmentation and legal ambiguity. The analysis shows that UAE companies find it hard to decide on which legal path, civil, criminal, or regulatory, is best suited for the protection of AI-related trade secrets. Moreover, even if special jurisdictions offering more sophisticated rules, like the Dubai International Financial Centre (DIFC), do exist, these prove to be scopes-limited and geo-limiting.

### 3.6 Inadequate Standards for "Reasonable Measures"

Under Jordanian and UAE law, the owner of a trade secret must take reasonable steps to ensure its secrecy. Interestingly, in the present study, it is observed that both juridical systems do not specify or delineate "reasonable steps" in the virtual sphere. This vagueness gives rise to confusion among companies who wish to protect their trade secrets generated from artificial intelligence, since it is uncertain whether modern technological safeguards like encryption, block chain authentication, or access control mechanisms constitute the threshold of the enactment. Absence of definitive norms leaves companies at the mercy of the court, which may not synchronise with present-day deployable technological norms.

### 3.7 Difficulties Attaching Legal Title to AI Products

Another problem that is unearthed in the research is the question of establishing the ownership of trade secrets produced by AI. Common law doctrine imagines trade secrets as products that are produced by recognisable corporate or human actors. On the other hand, the products of AI are produced in many cases autonomously or semi-autonomously, and the question is whether the ownership should belong to the developer, trainer, or the user of the system of AI. Currently, Jordanian and UAE law does not deal with this, and thus, much confusion is created in terms of distributing the rights and identifying liability in the case of misusing or misappropriating the trade secret.

### 3.8 Judicial and Institutional Deficits

Further, the research indicates the non-existence in Jordan and in the UAE of special judicial or administrative tribunals competent enough to hear matters related to trade secrets generated through artificial intelligence. Hearsay courts today do not possess adequate technical expertise to analyze intricacies in information systems that may be artificial-intelligence based, and thus, such proceedings end up being heard by

judges who do not have adequate working knowledge of the technological minutiae concerned. As such, inconsistent determinations, slow hearing, and weaker efficacy in trade secret protection enforcement are likely to result.

### 3.9 Regional Weaknesses in Comparison

By comparing and studying both the UAE and Jordanian systems in the field of digital innovation and artificial intelligence, our study shows that while trade secret protection has been adequately addressed in both systems, they still lack progressive reforms in the digital and artificial intelligence fields. Failure to address these gaps could lead to companies specializing in intellectual property rights for AI-generated products being reluctant to invest in the Jordanian and Emirati markets. Consequently, these companies will turn to other countries that handle AI-generated intellectual property in a more transparent and sophisticated manner. All of this will lead to a decline in the competitiveness of both countries in terms of encouraging innovation and attracting capital.

## 4. Discussion

In this section, we will discuss the most important judicial and regulatory issues related to the protection of trade secrets for AI programs in both the United Arab Emirates and the Hashemite Kingdom of Jordan. Ambiguous legislation that does not include any protection for any AI-generated products represents a doctrinal flaw that emerges from the failure of the legal structures of both countries to keep pace with new technologies, as emphasized by [14]. The main points of discussion in this regard can be summarized as follows:

- Trade secret protection in both countries still relies on traditional elements such as confidentiality, commercial value, and reasonable protective measures.
- Existing laws are still sufficient for human-made products, but they do not adequately reflect the characteristics of AI-generated products.
- The absence of explicit legislative rules not only undermines the ambiguity of rights in the law but also weakens the incentive for innovation in knowledge-based economies [15].
- Liability for damages caused by autonomous systems still relies on outdated legal theories with limited modern use.
- In Jordan, customary intellectual property laws criminalize trademark counterfeiting, but these mechanisms are ineffective in countering the digital manipulation and reproduction enabled by AI technologies [16].
- The ease with which AI-generated content can be copied, altered, and commoditized raises fundamental questions about copyright and civil rights, especially when human authors risk losing control over the patents on their creations [17].
- These challenges raise questions about the interrelationship between intellectual property and trade secret issues in regulating AI.
- Globally, companies must adhere to codes of ethics that place great importance on transparency, accountability, and adherence to the right to privacy [18].
- In both the UAE and Jordan, the absence of binding legal provisions leads to ethical compliance being neglected and primarily subject to internal company policies.
- Internal policies are less enforceable than the law, thus creating loopholes that render effective oversight ineffective.
- Jordanian law prohibits cyber espionage, but the scope of these provisions remains insufficient to target manipulation of digital systems using artificial intelligence (AI) [19].
- In the UAE, the pursuit of innovation surprisingly blends with the need for effective regulatory intervention—not only to protect trade secrets, but also the economy and administration more broadly [3].
- Comparative commentaries suggest that such issues are symptoms of broader regional trends in innovation governance. For example, fintech regulation in the Middle East is a common occurrence in many jurisdictions, often resulting in market innovation lagging behind [20].
- A gap exists in the IT crime law. While legal tools were initially designed to deter established forms of unauthorized access and fraud, they remain undesirable given the high-tech violations involved in AI technologies [21].
- Higher-level encryption and data protection methods should be used as mitigating solutions to protect confidential information in e-commerce [22]. However, Jordanian and Emirati courts have yet to specifically recognize these technological approaches to embody the "reasonable steps" test required for trade secret protection.
- The UAE's unregistered perfume trademark law reveals challenges to traditional legal rules regarding new types of intellectual property—mirroring similar issues regarding AI-generated content [23].
- Jordan and the UAE lack dedicated judicial or administrative

structures capable of handling disputes related to AI-generated trade secrets.

- This institutional vacuum undermines investor confidence in the digital economy, given companies' uncertainty about the courts' technical expertise in handling advanced technological disputes.

As discussed above, these gaps undermine both countries' ambitions to establish themselves as leaders of innovation and embody the global question of the effectiveness of prevailing intellectual property systems around the world in keeping pace with the pace of technological progress [14; 15].

## 5. Conclusion

This article has reflected on the level to which Jordanian and UAE law safeguard trade secrets from artificial intelligence outputs. Analysis proved that, whilst both codes identify confidential business information, both do not specifically discuss outputs from AI such as algorithms, data sets, or forecast models. This non-regulation leaves an empty space in law, diminishing certainty for innovators and drawing into question the competence of traditional rules in moderating sophisticated technologies. Further, the study exposed that the traditional requirements of secrecy, commercial value, and reasonable protection measures prove hard to implement in online settings. Questions of how to maintain the confidentiality in virtual settings, how to assign rights of ownership to outputs autonomously produced in intelligent systems, and what is reasonable protection in highly technological settings remain unanswered. Furthermore, interplay among trade secret law, intellectual property, and data protection leaves confusion in identifying the regime in conflict applying in outputs from AI disputes.

While both the United Arab Emirates and the Hashemite Kingdom of Jordan do not recognize the contribution of artificial intelligence to innovation, the judicial approach contributes to this by relying on outdated interpretations that believe trade secrets are a figment of the human imagination. Both countries (although the Jordanian system is more unified than its Emirati counterpart) lack specialized judiciaries and specialized committees to adjudicate disputes arising from trade secrets related to AI-generated products. The rapid development of AI in various fields requires legislative bodies capable of making qualitative leaps in changes that are not merely a rehash of old principles. Therefore, implementing such changes requires the following:

1. Introducing the concept of products made using AI into trade secret protection explicitly.
2. Establishing specific cyber confidentiality norms.
3. Developing an institutional mechanism whereby expertise in technology would be included in decision-making with regard to efficiency and effectiveness.
4. The reforms could then gain more legitimacy if they were made compatible with existing international standards.

In conclusion, from our research, it is apparent that the existing legal system in both nations is less effective in dealing with issues in AI-related trade secrets. We would like to conclude with a starting principle whereby it is recommended that it is time for the two nations to make radical transformations in the adjustments made in their judiciary system in order to help it cope with weakness in this area to remain competitive in terms of capital attraction and innovation.

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