

78 Okl. St. § 88

This document is current with emergency effective legislation through Chapter 300 of the Second Regular Session of the 59th Legislature (2024) with exceptions to Chapter 182.

Oklahoma Statutes, Annotated by LexisNexis® > Title 78. Trade Marks and Labels (§§ 1 — 105) > Uniform Trade Secrets Act (§§ 85 — 95)

§ 88. Recovery of Damages for Misappropriation

A. Except to the extent that a material and prejudicial change of position prior to acquiring knowledge or reason to know of misappropriation renders a monetary recovery inequitable, a complainant is entitled to recover damages for misappropriation. Damages can include both the actual loss caused by misappropriation and the unjust enrichment caused by misappropriation that is not taken into account in computing actual loss. In lieu of damages measured by any other methods, the damages caused by misappropriation may be measured by imposition of liability for a reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret.

B. If willful and malicious misappropriation exists, the court may award exemplary damages in an amount not exceeding twice any award made pursuant to the provisions of subsection A of this section.

History

Laws 1986, HB 1914, c. 85, § 4, eff. November 1, 1986.

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