

Code of Ala. § 8-27-4

Current through the end of the 2023 First Special, Regular, and Second Special Sessions, but not including corrections and changes made to the 2023 session laws by the Code Commissioner.

Michie's™ Alabama Code > *TITLE 8 Commercial Law and Consumer Protection (Chs. 1 — 42)* > *CHAPTER 27 Alabama Trade Secrets Act (§§ 8-27-1 — 8-27-6)*

§ 8-27-4. Actual or threatened misappropriation of trade secret; remedies.

(a) The remedies available for actual or threatened misappropriation of a trade secret are:

(1) To the extent that they are not duplicative:

- a. Such injunctive and other equitable relief as may be appropriate with respect to any actual or threatened misappropriation of a trade secret,
- b. Recovery of any profits and other benefits conferred by the misappropriation that are attributable to the misappropriation (In establishing the misappropriator's profits, the complainant is required to present proof only of the misappropriator's gross revenue, and the misappropriator is required to present proof of his or her deductible expenses and the elements of profit attributable to factors other than the trade secret.), and
- c. The actual damages suffered as a result of the misappropriation;

(2) Reasonable attorney's fees to the prevailing party if:

- a. A claim of actual or threatened misappropriation is made or resisted in bad faith,
- b. A motion to terminate an injunction is made or resisted in bad faith, or
- c. Willful and malicious misappropriation exists; and

(3) Exemplary damages in an amount not to exceed the actual award made under subdivision (1), but not less than ten thousand dollars (\$10,000), if willful and malicious misappropriation exists.

(b) In addition to the civil damages and penalties provided in subsection (a), a person who intentionally remunerates or recruits a third person for actual or threatened misappropriation of a trade secret and any person who misappropriates a trade secret shall be guilty of a Class C felony. In any criminal prosecution under this subsection against an employer based on misappropriation of a trade secret by its employee, the term "intentionally" shall mean that the employer remunerated an employee with the intent that the employee would misappropriate the trade secrets of another. The trade secret that was misappropriated shall be clearly identified. Mere acceptance or receipt by an employer of a trade secret of another, by itself, shall be insufficient to prove criminal liability. Each act committed under this subsection shall constitute a separate offense.

History

§ 8-27-4. Actual or threatened misappropriation of trade secret; remedies.

Acts 1987, No. 87-669; Acts 2010, No. 10-499, § 1, July 1, 2010.

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