

S.C. Code Ann. § 39-8-40

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South Carolina Code of Laws Annotated by LexisNexis® > Title 39. Trade and Commerce (Chs. 1 — 79) > Chapter 8. Trade Secrets (§§ 39-8-1 — 39-8-130)

§ 39-8-40. Recovery of actual damages; exemplary damages.

(A) A complainant is entitled to recover actual damages for misappropriation of trade secrets. A material and prejudicial change of position before acquiring knowledge or reason to know of misappropriation may render full monetary recovery inequitable and may form the basis for reducing monetary recovery.

(B) Damages may include both the actual loss caused by misappropriation or 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.

(C) Upon a finding of wilful, wanton, or reckless disregard of the plaintiff's rights, the court may award separate exemplary damages in an amount not exceeding twice any award made under subsection (A).

History

1997 Act No. 38, § 1, eff May 21, 1997.

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