

## § 417.453 R.S.Mo.

Current through 102nd General Assembly, 2023 1st Regular Session with changes from 2024 1st Regular Session received through May 16, 2024

*LexisNexis® Missouri Annotated Statutes > Title 26. Trade and Commerce (Chs. 400 — 421) > Chapter 417. Trademarks, Names and Private Emblems (§§ 417.005 — 417.467) > Uniform Trade Secrets Act (§§ 417.450 — 417.467)*

### § 417.453. Definitions

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As used in sections 417.450 to 417.467, the following terms mean:

- (1) “Improper means” includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means;
- (2) “Misappropriation”:
  - (a) Acquisition of a trade secret of a person by another person who knows or has reason to know that the trade secret was acquired by improper means; or
  - (b) Disclosure or use of a trade secret of a person without express or implied consent by another person who:
    - a. Used improper means to acquire knowledge of the trade secret; or
    - b. Before a material change of position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake; or
    - c. At the time of disclosure or use, knew or had reason to know that knowledge of the trade secret was:
      - i. Derived from or through a person who had utilized improper means to acquire it;
      - ii. Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or
      - iii. Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use;
- (3) “Person”, a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, governmental subdivision or agency, or any other legal or commercial entity, whether for profit or not for profit;
- (4) “Trade secret”, information, including but not limited to, technical or nontechnical data, a formula, pattern, compilation, program, device, method, technique, or process, that:
  - (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and

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(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

## History

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L. 1995 S.B. 80 & 88 § 2.

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