

Tenn. Code Ann. § 47-25-1702

Current through Chapter 900, with the exception of Chapter 688 secs 79, 80, and 83, of the 2024 Regular Session. The commission may make editorial changes to this version and may relocate or redesignate text.

Those changes will appear on Lexis Advance after the publication of the certified volumes and supplements. Pursuant to TCA sections 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not TCA.

TN - Tennessee Code Annotated > Title 47 Commercial Instruments And Transactions > Chapter 25 Trade Practices > Part 17 Uniform Trade Secrets Act

47-25-1702. Part definitions.

As used in this part, unless the context requires otherwise:

- (1)** “Improper means” includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy or limit use, or espionage through electronic or other means;
- (2)** “Misappropriation” means:
 - (A)** Acquisition of a trade secret of another by a 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 another without express or implied consent by a person who:
 - (i)** Used improper means to acquire knowledge of the trade secret; or
 - (ii)** At the time of disclosure or use, knew or had reason to know that that person's knowledge of the trade secret was:
 - (a)** Derived from or through a person who had utilized improper means to acquire it;
 - (b)** Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or
 - (c)** Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or
 - (iii)** Before a material change of the person's 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;
- (3)** “Person” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity;

(4) “Trade secret” means information, without regard to form, including, but not limited to, technical, nontechnical or financial data, a formula, pattern, compilation, program, device, method, technique, process, or plan 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

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

History

Acts 2000, ch. 647, § 2.

TENNESSEE CODE ANNOTATED

Copyright © 2024 by The State of Tennessee All rights reserved