

10 M.R.S. § 1544

Current through Chapter 559 of the 2024 Second Regular Session and Chapter 1 of the Revisor's Report of the 131st Maine Legislature

Maine Revised Statutes Annotated by LexisNexis® > TITLE 10. Commerce and Trade (Pts. 1 — 15) > PART 4. Trademarks and Names (Chs. 301 — 317) > CHAPTER 302. Uniform Trade Secrets Act (§§ 1541 — 1548)

§ 1544. Damages

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.

1. Measurement of damages. Damages may 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.

2. Willful, malicious misappropriation. If willful and malicious misappropriation exists, the court may award exemplary damages in an amount not to exceed twice any award made under subsection 1.

History

Section History

PL 1987, c. 143 (NEW)..

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