

765 ILCS 1065/4

Statutes current with legislation through P.A. 103-585 of the 2024 Regular Session of the 103rd General Assembly.

Illinois Compiled Statutes Annotated > *Chapter 765 PROPERTY (§§ 5/0.01 — 1085/35)* > *Illinois Trade Secrets Act (§§ 1065/1 — 1065/9)*

765 ILCS 1065/4 [Damages for misappropriation]

(a) In addition to the relief provided for by Section 3 [765 ILCS 1065/3], a person is entitled to recover damages for misappropriation. Damages can 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. If neither damages nor unjust enrichment caused by the misappropriation are proved by a preponderance of the evidence, the court may award damages caused by misappropriation measured in terms of a reasonable royalty for a misappropriator's unauthorized disclosure or use of a trade secret.

(b) If willful and malicious misappropriation exists, the court may award exemplary damages in an amount not exceeding twice any award made under subsection (a).

History

P.A. 85-366.

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