

C.R.S. 7-74-104

Statutes current through Chapter 52 of the 2024 Regular Session, effective as of April 4, 2024. The 2024 legislative changes are not final until compared and reconciled to the 2024 work product of the Colorado Office of Legislative Services later in 2024.

Colorado Revised Statutes Annotated > *Title 7. Corporations and Associations* > *Trade Secrets (Art. 74)* > *Article 74. Uniform Trade Secrets Act (§§ 7-74-101 — 7-74-110)*

7-74-104. Damages.

- (1) 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. 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) If the misappropriation is attended by circumstances of fraud, malice, or a willful and wanton disregard of the injured party's right and feelings, the court or the jury may award exemplary damages in an amount not exceeding the award made under subsection (1) of this section.

History

Source:L. 86:Entire article added, p. 461, § 1, effective July 1.

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