

30-14-404, MCA

Current through all 2023 legislation, inclusive of the final Chapter 783 of the 68th Legislature's concluded Regular session.

LexisNexis® Montana Code Annotated > *Title 30 Trade and Commerce (Chs. 1 — 23)* > *Chapter 14 Unfair Trade Practices and Consumer Protection (Pts. 1 — 28)* > *Part 4 Uniform Trade Secrets Act (§§ 30-14-401 — 30-14-409)*

30-14-404 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 use of a trade secret.

(2) If willful and malicious misappropriation exists, the court may award exemplary damages.

History

En. Sec. 4, Ch. 104, L. 1985; amd. Sec. 2, Ch. 269, L. 1995.

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