

ORC Ann. 1333.63

Current through File 21 of the 135th General Assembly (2023-2024).

Page's Ohio Revised Code Annotated > Title 13: Commercial Transactions — Other Commercial Transactions (Chs. 1301 — 1355) > Chapter 1333: Trade Practices (§§ 1333.01 — 1333.99) > Uniform Trade Secrets Act (§§ 1333.61 — 1333.69)

§ 1333.63 Damages recoverable.

(A) 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 in a civil action 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 that is equitable under the circumstances considering the loss to the complainant, the benefit to the misappropriator, or both, for a misappropriator's unauthorized disclosure or use of a trade secret.

(B) If willful and malicious misappropriation exists, the court may award punitive or exemplary damages in an amount not exceeding three times any award made under division (A) of this section.

History

145 v H 320. Eff 7-20-94.

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