

## Idaho Code § 48-803

Statutes current through all legislation from the 2024 Regular Session and effective prior to July 1, 2024.

*Idaho Code* > *Title 48 Monopolies and Trade Practices (Chs. 1 — 20)* > *Chapter 8 Idaho Trade Secrets Act (§§ 48-801 — 48-807)*

### 48-803. Damages.

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(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 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. 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 willful and malicious misappropriation exists, the court may award exemplary damages in an amount not exceeding twice any award made under subsection (1) of this section.

### History

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I.C., § 48-803, as added by 1981, ch. 240, § 1, p. 483; am. 1990, ch. 274, § 2, p. 774.

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