

N.D. Cent. Code, § 47-25.1-03

Current through all legislation from the 68th Legislative Assembly - Special Session (2023).

North Dakota Century Code Annotated > *TITLE 47 Property (Chs. 47-01 — 47-38)* > *CHAPTER 47-25.1 Trade Secrets (§§ 47-25.1-01 — 47-25.1-08)*

47-25.1-03. 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 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 method, 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.

History

S.L. 1983, ch. 508, § 3; 1989, ch. 558, § 2.

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