

9 V.S.A. § 4603

Current through Act Nos. 104 and M-21 of the 2023 Adjourned Session of the 2023-2024 Vermont General Assembly

Vermont Statutes Annotated > Title 9 Commerce and Trade (Pts. 1 — 8) > Part 8. Discrimination (Chs. 139 — 152) > Chapter 143. Trade Secrets (§§ 4601 — 4609)

§ 4603. Damages

(a)

- (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.
- (2) 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.
- (3) 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.
- (4) A court shall award a substantially prevailing party his or her costs and fees, including reasonable attorney's fees, in an action brought pursuant to this chapter.

(b) If malicious misappropriation exists, the court may award punitive damages.

History

Added 1995, No. 90 (Adj. Sess.), § 1; amended 2013, No. 199 (Adj. Sess.), § 17.

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