

D.C. Code § 36-401

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District of Columbia Official Code > Division V. Local Business Affairs. (Titles 25 — 37) > Title 36. Trade Practices. (Chs. 1 — 6) > Chapter 4. Trade Secrets. (§§ 36-401 — 36-410)

§ 36-401. Definitions.

For the purposes of this chapter, the term:

- (1) “Improper means” means theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means.
- (2) “Misappropriation” means:
 - (A) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or
 - (B) Disclosure or use of a trade secret of another without express or implied consent by a person who:
 - (i) Used improper means to acquire knowledge of the trade secret; or
 - (ii) At the time of disclosure or use, knew or had reason to know that the trade secret was:
 - (I) Derived from or through a person who had utilized improper means to acquire it;
 - (II) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use;
 - (III) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or
 - (iii) Before a material change in his or her position, knew or had reason to know that the information was a trade secret and knowledge of the trade secret had been acquired by accident or mistake.
- (3) “Person” means a natural person, corporation, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.
- (4) “Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:
 - (A) Derives actual or potential independent economic value, from not being generally known to, and not being readily ascertainable by, proper means by another who can obtain economic value from its disclosure or use; and

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(B) Is the subject of reasonable efforts to maintain its secrecy.

History

(Mar. 16, 1989, D.C. Law 7-216, § 2, 36 DCR 519.)

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