

A.R.S. § 44-402

Current through chapter 1 of the 56th Legislature's 2nd Regular session (2024), including all legislation enacted through March 1, 2024

LexisNexis® Arizona Annotated Revised Statutes > Title 44 Trade and Commerce (Chs. 1 — 40) > Chapter 4 Uniform Trade Secrets Act (Art. 1) > Article 1. General Provisions (§§ 44-401 — 44-407)

44-402. Injunctive relief

A. Actual or threatened misappropriation may be enjoined. On application to the court, the court shall terminate an injunction if the trade secret has ceased to exist, but the court may continue the injunction for an additional reasonable period of time in order to eliminate commercial advantage that otherwise would be derived from the misappropriation.

B. In exceptional circumstances an injunction may condition future use on payment of a reasonable royalty for no longer than the period of time for which the use could have been prohibited. Exceptional circumstances include, but are not limited to, a material and prejudicial change of position before acquiring knowledge or reason to know of misappropriation that renders a prohibitive injunction inequitable.

C. In appropriate circumstances, affirmative acts to protect a trade secret may be compelled by court order.

History

Laws 1990, 2nd Reg. Sess., Ch. 37, § 1.

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