

Tex. Civ. Prac. & Rem. Code § 134A.003

This document is current through the 2023 Regular Session; the 1st C.S.; the 2nd C.S.; the 3rd C.S. and the 4th C.S. of the 88th Legislature; and the November 7, 2023 general election results.

*Texas Statutes & Codes Annotated by LexisNexis® > Civil Practice and Remedies Code > Title 6
Miscellaneous Provisions (Chs. 121 — 150E) > Chapter 134A Trade Secrets (§§ 134A.001 — 134A.008)*

Sec. 134A.003. Injunctive Relief.

(a) Actual or threatened misappropriation may be enjoined if the order does not prohibit a person from using general knowledge, skill, and experience that person acquired during employment.

(a-1) On application to the court, an injunction shall be terminated when the trade secret has ceased to exist, but the injunction may be continued 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 upon payment of a reasonable royalty for no longer than the period of time for which use could have been prohibited. Exceptional circumstances include 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

Enacted by Acts 2013, 83rd Leg., ch. 10 (S.B. 953), § 1, effective September 1, 2013; Acts 2017, 85th Leg., ch. 37 (H.B. 1995), § 2, effective September 1, 2017.

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