

## § 417.457 R.S.Mo.

Current through 102nd General Assembly, 2023 1st Regular Session with changes from 2024 1st Regular Session received through May 16, 2024

*LexisNexis® Missouri Annotated Statutes > Title 26. Trade and Commerce (Chs. 400 — 421) > Chapter 417. Trademarks, Names and Private Emblems (§§ 417.005 — 417.467) > Uniform Trade Secrets Act (§§ 417.450 — 417.467)*

### **§ 417.457. Damages for misappropriation — punitive damages awarded, when**

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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 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.
2. If misappropriation is outrageous because of the misappropriator's evil motive or reckless indifference to the rights of others, the court may award punitive damages.

### **History**

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L. 1995 S.B. 80 & 88 § 4.

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