

## **N.J. Stat. § 56:15-2**

Current through New Jersey 220th Second Annual Session, L. 2023, c. 280 and J.R. 18

*LexisNexis® New Jersey Annotated Statutes > Title 56. Trade Names, Trade-Marks and Unfair Trade Practices (Chs. 1 — 18) > Chapter 15. New Jersey Trade Secrets Act (§§ 56:15-1 — 56:15-9)*

### **§ 56:15-2. Definitions relative to misappropriation of trade secrets**

---

As used in this act:

“Improper means” means the theft, bribery, misrepresentation, breach or inducement of a breach of an express or implied duty to maintain the secrecy of, or to limit the use or disclosure of, a trade secret, or espionage through electronic or other means, access that is unauthorized or exceeds the scope of authorization, or other means that violate a person’s rights under the laws of this State.

“Misappropriation” means:

- (1) 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
- (2) Disclosure or use of a trade secret of another without express or implied consent of the trade secret owner by a person who:
  - (a) used improper means to acquire knowledge of the trade secret; or
  - (b) at the time of disclosure or use, knew or had reason to know that the knowledge of the trade secret was derived or acquired through improper means; or
  - (c) before a material change of position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired through improper means.

“Person” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

“Proper means” means discovery by independent invention, discovery by reverse engineering, discovery under a license from the owner of the trade secret, observation of the information in public use or on public display, obtaining the trade secret from published literature, or discovery or observation by any other means that is not improper.

“Reverse engineering” means the process of starting with the known product and working backward to find the method by which it was developed so long as the acquisition of the known product was lawful or from sources having the legal right to convey it, such as the purchase of the item on the open market.

“Trade secret” means information, held by one or more people, without regard to form, including a formula, pattern, business data compilation, program, device, method, technique, design, diagram, drawing, invention, plan, procedure, prototype or process, that:

§ 56:15-2. Definitions relative to misappropriation of trade secrets

- (1) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

## History

---

L. 2011, c. 161, § 2, eff. Jan. 5, 2012.

LexisNexis® New Jersey Annotated Statutes

Copyright © 2024 All rights reserved.

---

End of Document