

Tex. Civ. Prac. & Rem. Code § 134A.004

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.004. Damages.

(a) In addition to or in lieu of injunctive relief, a claimant 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.

(b) If willful and malicious misappropriation is proven by clear and convincing evidence, the fact finder may award exemplary damages in an amount not exceeding twice any award made under Subsection (a).

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), § 3, effective September 1, 2017.

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