

N.J. Stat. § 56:15-4

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

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§ 56:15-4. Entitlement to recovery of damages; exceptions

- a. Except to the extent that circumstances, including 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.
- b. If willful and malicious misappropriation exists, the court may award punitive damages in an amount not exceeding twice any award made under subsection a. of this section.

History

L. 2011, c. 161, § 4, eff. Jan. 5, 2012.

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