

## **R.R.S. Neb. § 87-502**

Current currency: Code: Current through Acts of the 2nd Regular Session of the 108th Legislature (2024): LB 1, LB 16, LB 16A, LB 20, LB 20A, LB 43, LB 51, LB 52, LB 52A, LB 61, LB 62, LB 71A, LB 78, LB 83, LB 94, LB 102, LB 102A, LB 126A, LB 126, LB 130, LB 130A, LB 139e, LB 140, LB 140A, LB 144, LB 146, LB 147, LB 151, LB 152, LB 164, LB 164A, LB 184, LB 190, LB 196, LB 196A, LB 198e, LB 204, LB 204A, LB 247, LB 252, LB 257, LB 262A, LB 279, LB 287A, LB 299e, LB 303, LB 304, LB 308, LB 317, LB 358A, LB 399, LB 461, LB 484A, LB 569e, LB 600A, LB 605, LB 607, LB 624, LB 628, LB 631A, LB 644, LB 644A, LB 658A, LB 664, LB 686, LB 716, LB 731, LB 771e, LB 771Ae, LB 829A, LB 839e, LB 844, LB 847, LB 848, LB 851e, LB 854, LB 857, LB 857A, LB 867, LB 867A, LB 870A, LB 876A, LB 880, LB 894, LB 895, LB 903, LB 904A, LB 905, LB 905A, LB 906, LB 908, LB 909e, LB 926, LB 936, LB 937A, LB 938, LB 940, LB 989, LB 992e, LB 992A, LB 1004e, LB 1017, LB 1023A, LB 1027, LB 1030, LB 1031A, LB 1035A, LB 1051, LB 1069, LB 1074A, LB 1087, LB 1087A, LB 1088, LB 1102, LB 1104e, LB 1108, LB 1118, LB 1143, LB 1167, LB 1188e, LB 1195, LB 1200A, LB 1204A, LB 1214, LB 1215, LB 1270, LB 1284A, LB 1300A, LB 1301A, LB 1306A, LB 1313, LB 1317A, LB 1326, LB 1329A, LB 1344, LB 1344A, LB 1355A, LB 1368A, LB 1394, LB 1394A, LB 1402A, LB 1412, LB 1413; and 2024 ballot propositions.

*Revised Statutes of Nebraska Annotated > Chapter 87 Trade Practices (Arts. 1 — 8) > Article 5 Trade Secrets Act (§§ 87-501 — 87-507)*

### **§ 87-502. Terms, defined.**

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As used in the Trade Secrets Act, unless the context otherwise requires:

- (1) Improper means shall mean theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means;
- (2) Misappropriation shall mean:
  - (a) 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
  - (b) Disclosure or use of a trade secret of another without express or implied consent by a person who:
    - (i) Used improper means to acquire knowledge of the trade secret;
    - (ii) At the time of the disclosure or use, knew or had reason to know that his or her knowledge of the trade secret was:
      - (A) Derived from or through a person who had utilized improper means to acquire it;
      - (B) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or

§ 87-502. Terms, defined.

(C) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

(iii) Before a material change of his or her position, knew or had reason to know that the information was a trade secret and that knowledge of it had been acquired by accident or mistake;

(3) Person shall mean a natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity; and

(4) Trade secret shall mean information, including, but not limited to, a drawing, formula, pattern, compilation, program, device, method, technique, code, or process that:

(a) Derives independent economic value, actual or potential, from not being known to, and not being ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

## History

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Laws 1988, LB 337A, § 2; Laws 1993, LB 121, § 560.

Revised Statutes of Nebraska Annotated  
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