

## ALM GL ch. 93, § 42B

Current through Chapter 59 of the 2024 Legislative Session of the 193rd General Court

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### **§ 42B. Recovery of Damages for Misappropriation of Trade Secrets.**

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(a) 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 of information qualifying as a trade secret. 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 the 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 exemplary damages in an amount not exceeding twice any award made under subsection (a).

### **History**

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2018, 228, § 19, effective August 3, 2018.

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