

ORS § 646.463

Current through amendments effective on March 27, 2024

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646.463 Enjoining misappropriation; payment of royalties; affirmative acts.

- (1) Actual or threatened misappropriation may be temporarily, preliminarily or permanently enjoined. Upon application to the court, an injunction shall be vacated when the trade secret has ceased to exist, but the injunction may be continued for an additional reasonable period of time in order to eliminate commercial advantage that otherwise would be derived from the misappropriation.
- (2) In exceptional circumstances, an injunction may condition future use upon payment of a reasonable royalty for the period of time for which use could have been prohibited. Exceptional circumstances include, but are not limited to, a material and prejudicial change of position prior to acquiring knowledge or reason to know of the misappropriation that renders a prohibitive injunction inequitable.
- (3) In appropriate circumstances, the court may order affirmative acts to protect a trade secret.

History

1987 c.537 § 3.

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