# **ORS § 646.461**

Current through amendments effective on March 27, 2024

***LexisNexis® Oregon Annotated Statutes* > *Title 50 Trade Regulations and Practices (Chs. 645 — 650)* > *Chapter 646- Trade Practices and Antitrust Regulation (§§ 646.010 — 646.992)* > *Trade Secrets (§§ 646.461 — 646.510)***

**646.461 Definitions for ORS 646.461 to 646.475.**

As used in ORS 646.461 to 646.475, unless the context otherwise requires:

**(1)** “Improper means” includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy or espionage through electronic or other means. Reverse engineering and independent development alone shall not be considered improper means.

**(2)** “Misappropriation” means:

**(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;

**(b)** Disclosure or use of a trade secret of another without express or implied consent by a person who used improper means to acquire knowledge of the trade secret;

**(c)** Disclosure or use of a trade secret of another without express or implied consent by a person who, before a material change of position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake; or

**(d)** Disclosure or use of a trade secret of another without express or implied consent by a person, who at the time of disclosure or use, knew or had reason to know that the 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

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

**(3)** “Person” means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency or any other legal or commercial entity.

**(4)** “Trade secret” means information, including a drawing, cost data, customer list, formula, pattern, compilation, program, device, method, technique or process that:

**(a)** Derives independent economic value, actual or potential, from not being generally known to the public or to 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**

1987 c.537 § 2.

LexisNexis® Oregon Annotated Statutes

Copyright © 2024 All rights reserved.

**End of Document**