# **ALM GL ch. 93, § 42B**

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

***Annotated Laws of Massachusetts* > *PART I ADMINISTRATION OF THE GOVERNMENT (Chs. 1 - 182)* > *TITLE XV REGULATION OF TRADE (Chs. 93 - 110H)* > *TITLE XV REGULATION OF TRADE (Chs. 93 — 110H)* > *Chapter 93 Regulation of Trade and Certain Enterprises (§§ 1 — 114)***

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

**(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**

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

Annotated Laws of Massachusetts

Copyright © 2024 All rights reserved.

**End of Document**