# **12 Pa.C.S. § 5304**

Pa.C.S. documents are current through 2024 Regular Session Act 13; P.S. documents are current through 2024 Regular Session Act 13

***Pennsylvania Statutes, Annotated by LexisNexis®* > *Pennsylvania Consolidated Statutes (§§ 101 — 9901)* > *Title 12. Commerce and Trade (Pts. I — IX)* > *Part IV. Commercial Protection (Chs. 51 — 57)* > *Chapter 53. Trade Secrets (§§ 5301 — 5308)***

**§ 5304. Damages.**

**(a) Monetary damages. —** 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. 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 imposition of liability for a reasonable royalty for a misappropriator’s unauthorized disclosure or use of a trade secret.

**(b) Exemplary damages. —** 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**

Act 2004-14 (S.B. 152), P.L. 143, § 1, approved Feb. 19, 2004, eff. in 60 days.

Pennsylvania Statutes, Annotated by LexisNexis®

Copyright © 2024 All rights reserved.

**End of Document**