# **9 V.S.A. § 4603**

Current through Act Nos. 104 and M-21 of the 2023 Adjourned Session of the 2023-2024 Vermont General Assembly

***Vermont Statutes Annotated* > *Title 9 Commerce and Trade (Pts. 1 — 8)* > *Part 8. Discrimination (Chs. 139 — 152)* > *Chapter 143. Trade Secrets (§§ 4601 — 4609)***

**§ 4603. Damages**

**(a)**

**(1)** 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.

**(2)** 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.

**(3)** 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.

**(4)** A court shall award a substantially prevailing party his or her costs and fees, including reasonable attorney’s fees, in an action brought pursuant to this chapter.

**(b)** If malicious misappropriation exists, the court may award punitive damages.

**History**

Added 1995, No. 90 (Adj. Sess.), § 1; amended 2013, No. 199 (Adj. Sess.), § 17.

Vermont Statutes Annotated

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