

Trade Secrets Legislation Introduced

July 10, 2009

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The bill sets forth available remedies for trade secret misappropriation, including injunctive relief and/or damages for both the actual loss suffered by the plaintiff *and* for any unjust enrichment of the defendant caused by the misappropriation. Damages also may include the imposition of a reasonable royalty for unauthorized disclosure or use. The bill also provides for punitive damages in cases of “willful and malicious” misappropriation, which are limited to an amount not exceeding twice that awarded for actual damages and unjust enrichment. Under certain circumstances, attorneys’ fees are available as well. If enacted, the bill would supplement, not replace, existing rights and remedies available under other laws.

Note: This article was published in the [July 2009 issue](#) of the *New Jersey eAuthority*.

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