

Restatement of the Law — Torts  
Restatement (First) of Torts

Copyright © 1939-2010 by the American Law Institute

Division 9. Interference With Business Relations  
Part 1. By Trade Practices  
Chapter 36. Miscellaneous Trade Practices

§ 757. Liability For Disclosure Or Use Of Another's Trade  
Secret—General Principle

One who discloses or uses another's trade secret, without a privilege to do so, is liable to the other if

- (a) he discovered the secret by improper means, or
- (b) his disclosure or use constitutes a breach of confidence reposed in him by the other in disclosing the secret to him, or
- (c) he learned the secret from a third person with notice of the facts that it was a secret and that the third person discovered it by improper means or that the third person's disclosure of it was otherwise a breach of his duty to the other, or
- (d) he learned the secret with notice of the facts that it was a secret and that its disclosure was made to him by mistake.

**Table of State Laws Governing Protection of Undisclosed Information**

<i>State</i>	<i>State Authority for Trade Secret Protection</i>
Alabama	Ala. Code 1975, § § 8-27-1 to 8-27-6 (1993)
Alaska	Alaska Stat. § § 45.50.910 to 45.50.945 (1994)
Arizona	Ariz. Rev. Stat. Ann. § § 44-401 to 44-407 (1994)
Arkansas	Ark. Code Ann. § § 4-75-601 to 4-75-607 (Michie 1993)
California	Cal.Civ.Code § § 3426 to 3426.10. (West 1995)
Colorado	Col. Rev. Stat. § § 7-74-101 to 7-74-110 (1986)
Connecticut	Conn. Gen. Stat. § § 35-50 to 35-58 (1987)
Delaware	6 Del. Cod. Ann. § § 2001 to 2009 (1993)
District of Columbia	D.C. Code 1981, § § 48-501 to 48-510 (1995)
Florida	Fla. Stat. ch. § § 688.001 to 688.009 (1994)
Georgia	Ga. Code Ann. § § 10-1-760 et seq.
Hawaii	Hawaii Rev. Stat. § § 482B-1 to 482B-9 (1992)
Idaho	Idaho Code § § 48-801 to 48-807 (1994)
Illinois	Ill. Rev. Stat. ch. § § 1065/1 to 1065/9 (1993)
Indiana	Ind. Code. § § 24-2-3-1 to 1257 24-2-3-8 (1994)
Iowa	Iowa Code § § 550.1 to 550.8 (1994)
Kansas	Kan. Stat. Ann. § § 60-3320 to 60-3330 (1994)
Kentucky	Ky. Rev. Stat. Ann. § § 365.880 to 365.900 (Michie/Bobbs-Merrill 1994)
Louisiana	La. Rev. Stat. Ann. § § 51:1431 to 51:1439 (West 1987 and Supp. 1995).
Maine	Me. Rev. Stat. Ann. tit. 10 § § 1541 to 1548 (West 1994).
Maryland	Md. Code Ann. Com. Law II § § 11-1201 to 11-1209 (1990)
Massachusetts	Mass. Gen. Laws ch. 93 § § 42-42A (1993)
Michigan	Provided through common law.
Minnesota	Minn. Stat. § § 75-26-1 to 75-26-19 (1992)
Mississippi	Miss. Code. Ann. § § 325C.01 to 325C.08 (1993)
Missouri	Provided through common law.
Montana	Mont. Code § § 30-12-401 to 30-14-409 (1993)
Nebraska	Neb. Rev. Stat. § § 87-501 et seq.
Nevada	Nev. Rev. Stat. § § 600A.010 to 600A.100 (1991)
New Hampshire	N.H. Rev. Stat. Ann. § § 350-B:1 to 350-B:9 (1994)
New Jersey	Provided through common law.
New Mexico	N.M. Stat. Ann. § § 57-3A-1 to 57-3A-7 (Michie 1994)
New York	Provided through common law.
North Carolina	N.C. Gen. Stat. § § 66-152 to 66-157 (1994)
North Dakota	N.D. Cent. Code § § 47-25.1-01 to 47-25.1-08 (1993)
Ohio	Ohio Rev. Code Ann. § § 1333.61 to 1333.69 (1994)
Oklahoma	Okla. Stat. Tit. 78 § § 85 to 94 (1991)
Oregon	Or. Rev. Stat. § § 646.461 to 646.475 (1993)
Pennsylvania	Provided through common law.
Rhode Island	R.I. Gen. Laws § § 6-41-1 to 6-41-11 (1992)
South Carolina	S.C. Code Ann. § § 39-8-1 to 39-8-11 (1993);

South Dakota	S.D. Codified Laws 37-29-1 to 37-29-11 (1994)
Tennessee	Provided through common law.
Texas	Provided through common law; see also, Tex. Penal Code Ann., § 167.31.05
Utah	Utah Code Ann. § § 13-24-1 to 13-24-9 (1992)
Vermont	Provided through common law.
Virginia	Va. Code Ann. § § 59.1-336 to 59.1-343 (Michie 1986)
Washington	Wash. Rev. Code § § 19.108.010 to 19.108.940 (1993)
West Virginia	W.Va. Code § § 47-22-1 to 47-22-10 (1992)
Wisconsin	Wis. Stat. Ann. § § 134.90 (West 1989).
Wyoming	Provided through common law.