

Reprinted

FILED FEB 19 1990

SENATE FILE 2395
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2260)

Passed Senate, Date 3/8/90 (S. 945) Passed House, Date _____
Vote: Ayes 47 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the protection of trade secrets and providing
2 remedies.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SC 2395

1 Section 1. NEW SECTION. 550.1 SHORT TITLE.

2 This chapter shall be known and may be cited as the
3 "Uniform Trade Secrets Act".

4 Sec. 2. NEW SECTION. 550.2 DEFINITIONS.

5 As used in this chapter, unless the context otherwise
6 requires:

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8 misrepresentation, breach or inducement of a breach of a duty
9 to maintain secrecy, or espionage, including but not limited
10 to espionage through an electronic device.

11 2. "Knows" or "knowledge" means that a person has actual
12 knowledge of information or a circumstance or that the person
13 has reason to know of the information or circumstance.

14 3. "Misrepresentation" means doing any of the following:

15 a. Acquisition of a trade secret by a person who knows
16 that the trade secret is acquired by improper means.

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18 uses improper means to acquire the trade secret.

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32 before a material change in the person's position, knows that
33 the information is a trade secret and that the trade secret
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35 4. "Trade secret" means information, including but not

1 limited to a formula, pattern, compilation, program, device,
2 method, technique, or process that is either of the following:

3 a. Derives independent economic value, actual or
4 potential, from not being generally known to, and not being
5 readily ascertainable by proper means by a person able to
6 obtain economic value from its disclosure or use.

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8 circumstances to maintain its secrecy.

9 Sec. 3. NEW SECTION. 550.3 INJUNCTIVE RELIEF.

10 1. The owner of a trade secret may petition the district
11 court to enjoin an actual or threatened misappropriation.
12 Upon application to the district court, an injunction shall be
13 terminated when the trade secret has ceased to exist.

14 However, the injunction may be continued for an additional
15 reasonable period of time in order to eliminate a commercial
16 advantage that otherwise would be derived from the
17 misappropriation.

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1 brought within three years after the misappropriation is
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4 continuing misappropriation constitutes a single claim.

5 EXPLANATION

6 The bill creates a new chapter 550, relating to the
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8 Uniform Trade Secrets Act, drafted by the national conference
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SENATE FILE 2395

S-5414

- 1 Amend Senate File 2395 as follows:
- 2 1. Page 1, line 14, by striking the word
- 3 "Misrepresentation" and inserting the following:
- 4 "Misappropriation".

By MICHAEL E. GRONSTAL

S-5414 FILED MARCH 8, 1990

ADOPTED (p. 945)

SENATE FILE 2395

S-5415

- 1 Amend Senate File 2395 as follows:
- 2 1. Page 4, by inserting after line 4, the
- 3 following:
- 4 "Sec. ____ . The state board of regents institutions
- 5 have done it again! One of these prestigious
- 6 institutions has sent its men's basketball team to the
- 7 National Collegiate Athletic Association's annual
- 8 basketball championship tournament. In order to
- 9 assist the citizens of Iowa that are fans of the
- 10 mighty 22-8 Panthers of the University of Northern
- 11 Iowa to attend the opening round of the tournament,
- 12 the state department of transportation is directed to
- 13 provide airplane transportation for these citizen-fans
- 14 to travel to and return from the opening round site to
- 15 see those mighty Panthers conquer again."

By JIM LIND
JOY CORNING

S-5415 FILED MARCH 8, 1990

WITHDRAWN (p. 947)

Sen Judiciary 3/8 D. Pass 3/13

SENATE FILE 2395
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 2260)

(AS AMENDED AND PASSED BY THE SENATE MARCH 8, 1990)

~~_____~~ - New Language by the Senate

Passed Senate, Date 3/8/90 (p. 948) Passed House, Date 4/6/90 (p. 2118)
Vote: Ayes 47 Nays 0 Vote: Ayes 89 Nays 1
Approved April 27, 1990

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S.F. 2395

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GRONSTAL, CH.
VARN
DRAKE

SSB 2260
JUDICIARY

SENATE FILE 2395
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON VARN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
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JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2395, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *April 27,* 1990

TERRE E. BRANSTAD
Governor