

W. Va. Code, § 47-22-2

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West's Annotated Code of West Virginia [Currentness](#)

Chapter 47. Regulation of Trade

▢ [Article 22. Uniform Trade Secrets Act \(Refs & Annos\)](#)

→ § 47-22-2. Injunctive relief

(a) Actual or threatened misappropriation may be enjoined. Upon application to the court, an injunction shall be terminated when the trade secret has ceased to exist, but the injunction may be continued for an additional reasonable period of time in order to eliminate commercial advantage that otherwise would be derived from the misappropriation.

(b) In exceptional circumstances, an injunction may condition future use upon payment of a reasonable royalty for no longer than the period of time for which the use could have been prohibited. Exceptional circumstances include, but are not limited to, a material and prejudicial change of position prior to acquiring knowledge or reason to know of a misappropriation that renders a prohibitive injunction inequitable.

(c) In appropriate circumstances, affirmative acts to protect a trade secret may be compelled by court order.

Acts 1986, c. 168.

HISTORICAL AND STATUTORY NOTES

Uniform Law

This section is based upon [§ 2 of the Uniform Trade Secrets Act](#). See 14 Uniform Laws Annotated, Master Edition, or ULA Database on Westlaw.


CROSS REFERENCES

Injunctions, generally, see [§ 53-5-1](#) et seq.

LAW REVIEW AND JOURNAL COMMENTARIES

[West Virginia Trade Secrets in the 21st Century: West Virginia's Uniform Trade Secrets Act](#). Lisa A. Jarr, 97 *W. Va. L. Rev.* 525 (1995).

LIBRARY REFERENCES

Injunction 56.

Westlaw Key Number Search: 212k56.

[C.J.S. Injunctions §§ 151 to 156](#).

W. Va. Code, § 47-22-2, WV ST § 47-22-2

Current through End of 2008 Second Extraordinary Session

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