

Has Arkansas Adopted the Model Uniform Trade Secrets Act?



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Has Arkansas adopted the Model Uniform Trade Secrets Act? Yes, but with modifications. We refer to this as the Arkansas Uniform Trade Secrets Act ("AUTSA") and it can be found at Ark. Code Ann. § 4-75-601, *et seq.*

Some of the biggest differences between the AUTSA and the Model Uniform Trade Secrets Act is that AUTSA omits the Model Trade Secrets Act's provisions concerning uniform application and construction, § 8, the short title, § 9, severability, § 10, and the effective date, § 11.

Another notable difference is on the question of punitive damages. Like the Model Uniform Trade Secrets Act, the AUTSA provides damages for actual damages and unjust enrichment. However, unlike the Model Uniform Trade Secrets Act, under the AUTSA punitive damages are not available. *Brown v. Ruallam Enters., Inc.*, 44 S.W.3d 740, 746 (Ark. Ct. App. 2001), *overruled on other grounds by Pro-Comp Mgmt. Inc. v. R.K. Enters., LLC*, 237 S.W.3d 20 (Ark. 2006).