What is the Definition of "Trade Secret" Under Arkansas Law?



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The Arkansas civil and criminal statutes referenced in our prior blog posts on the subject each have their own definition of what constitutes a trade secret. The applicable definitions are highlighted below.

Civil. For purposes of applying the Arkansas Uniform Trade Secrets Act, the statute defines a trade secret as information:

- Including: a formula, a pattern, a compilation, a device, a method, a technique, a program, or a process;
- That has actual or potential independent economic value because it is not generally known to or readily ascertainable by proper means by others who may gain economic value from its disclosure or use;
- That is the subject of reasonable efforts to maintain its secrecy.

Criminal. For purposes of applying the Arkansas Penal Code, the statute defines a trade secret as:

- The whole or any portion of any valuable scientific or technical: information, design, process, procedure, formula, or improvement; and
- Not accessible to anyone other than a person selected by the owner to have access for a limited purpose.

When determining what is and is not covered by the definition of trade secret, an inquiry should also be made to see what the case law has to say about the particular facts and circumstances of each situation. In a coming installment of this article series, we will provide a summary of the Arkansas case law that informs this question.