Effective: October 11, 1996

United States Code Annotated Currentness
Title 18. Crimes and Criminal Procedure (Refs & Annos)
Part I. Crimes (Refs & Annos)
Chapter 90. Protection of Trade Secrets
§ 1832. Theft of trade secrets

(a) Whoever, with intent to convert a trade secret, that is related to or included in a product that is produced for or placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending or knowing that the offense will, injure any owner of that trade secret, knowingly--

(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains such information;

(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information;

(3) receives, buys, or possesses such information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

(4) attempts to commit any offense described in paragraphs (1) through (3); or

(5) conspires with one or more other persons to commit any offense described in paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined under this title or imprisoned not more than 10 years, or both.

(b) Any organization that commits any offense described in subsection (a) shall be fined not more than $5,000,000.

CREDIT(S)

(Added Pub.L. 104-294, Title I, § 101(a), Oct. 11, 1996, 110 Stat. 3489.)

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HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1996 Acts. House Report No. 104-788, see 1996 U.S. Code Cong. and Adm. News, p. 4021.

LIBRARY REFERENCES

American Digest System

Larceny 1, 88.
Key Number System Topic No. 234.

RESEARCH REFERENCES

ALR Library

177 ALR, Fed. 609, Validity, Construction, and Application of Title I of Economic Espionage Act of 1996 (18 U.S.C.A. §§ 1831 et seq.).

Encyclopedias

14 Am. Jur. Proof of Facts 3d 619, Misappropriation of Trade Secret Under the Restatement of Torts.

12 Am. Jur. Trials 513, Industrial Security Risks.

14 Am. Jur. Trials 1, Actions for Unfair Competition -- Trade Secrets.

Am. Jur. 2d Larceny § 68, Trade Secrets.

Treatises and Practice Aids

Eckstrom's Licensing in Foreign & Domestic Ops. § 8A:23, Economic Espionage Act of 1996.

Patent Law Fundamentals § 4:18, Unfair (Improper) Means--Crime--Under Federal Law.

NOTES OF DECISIONS

Defenses 2
Elements of offense 1

1. Elements of offense

Existence of a trade secret is an essential element of crimes of theft and attempted theft of trade secrets and is

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thus a question of fact which defendants have right to have jury decide. U.S. v. Hsu, E.D.Pa.1997, 982 F.Supp. 1022, 44 U.S.P.Q.2d 1646, reversed 155 F.3d 189, 47 U.S.P.Q.2d 1784. Larceny ⚷ 1; Larceny ⚷ 24; Larceny ⚷ 68(1)

2. Defenses

Legal impossibility is not a defense to a charge of attempted misappropriation of trade secrets in violation of Economic Espionage Act (EEA). U.S. v. Hsu, C.A.3 (Pa.) 1998, 155 F.3d 189, 47 U.S.P.Q.2d 1784. Criminal Law ⚷ 31

18 U.S.C.A. § 1832, 18 USCA § 1832
Current through P.L. 111-82 approved 10-26-09

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