

S 1770

FAIR Act

Congress: 113 (2013–2015, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Nov 21, 2013

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Nov 21, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/senate-bill/1770>

Sponsor

Name: Sen. Flake, Jeff [R-AZ]

Party: Republican • **State:** AZ • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Merkley, Jeff [D-OR]	D · OR		Feb 4, 2014

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Nov 21, 2013

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Future of American Innovation and Research Act of 2013 or the FAIR Act - Authorizes the owner or lawful possessor of a covered trade secret (that is related to or included in a product or service that is used in or reasonably anticipated to be used in interstate or foreign commerce) to bring a civil action in a U.S. district court against a person (including a legal or commercial entity) who misappropriates, threatens to misappropriate, or conspires to misappropriate such trade secret: (1) while located outside the territorial jurisdiction of the United States; or (2) on behalf of, or for the benefit of, a person located outside such territorial jurisdiction.

Defines "misappropriate" as the acquisition or disclosure of a trade secret under specified circumstances through improper means, including theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, and espionage through electronic means. Excludes reverse engineering or independent derivation from the categories of improper means when such activity alone is the only alleged conduct.

Permits an action to arise from conduct outside the territorial jurisdiction of the United States if the conduct, either by itself or in combination with conduct within the territorial jurisdiction of the United States, causes or is reasonably anticipated to cause an injury: (1) within the territorial jurisdiction of the United States, or (2) to a U.S. person.

Provides for an affirmative defense to such an action if each alleged trade secret in dispute was readily ascertainable through proper means by other persons who did not already know the trade secret at the time of the alleged conduct.

Authorizes a court, upon an ex parte application, to order the seizure of any property used to commit or facilitate specified conduct alleged in the civil action.

Actions Timeline

- **Nov 21, 2013:** Introduced in Senate
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