

3rd Sub. S.B. 239
UNFAIR BUSINESS PRACTICES

Representative **Stephen H. Urquhart** proposes the following amendments:

1. *Page 2, Lines 37 through 42*
Senate 2nd Reading Amendments
3-1-2004:

37 (3) (a) Except as provided in Subsection (3) ~~[[§ (b) (c) §]]~~ **(b)** , "unfair competition" means
 ~~[[a]]~~ **an intentional**
37a business
38 act or practice that:
39 (i) **(A)** is unlawful, unfair, or fraudulent; and
40 ~~[[(ii)]]~~ **(B)** leads to a material diminution in value of intellectual property ~~[[-]]~~ **; and**
 (ii) is one of the following:
40a § ~~[[(b) "UNFAIR COMPETITION" INCLUDES:]]~~
40b ~~[[(i)]]~~ **(A)** DAMAGING AN INTERNET WEBSITE;
40c ~~[[(ii)]]~~ **(B)** COMPUTER HACKING;
40d ~~[[(iii)]]~~ **(C)** CYBER-TERRORISM;
40e ~~[[(iv)]]~~ **(D)** . ~~[[MISUSE]]~~ **infringement** OF A PATENT, TRADEMARK, OR
 TRADE NAME;
40f ~~[[(v)]]~~ **(E)** A SOFTWARE LICENSE VIOLATION;
40g ~~[[(vi)]]~~ **(F)** MISUSE OF AN INTERNET DOMAIN NAME;
40h ~~[[(vii)]]~~ **(G)** MISLEADING INTERNET DOMAIN NAME DIRECTIONS;
40i ~~[[(viii)]]~~ **(H)** PREDATORY HIRING PRACTICES; or
40j ~~[[(ix)]]~~ **(I)** ENCOURAGING A PERSON TO VIOLATE A PROVISION OF AN
 EMPLOYMENT CONTRACT
40k **THAT PROHIBITS COMPETITION OR DISCLOSURE** ~~[[+ OR]]~~ **.**
40l ~~[[(x) MAKING FALSE OR MISLEADING CLAIMS.]]~~
41 ~~[[(b)]]~~ ~~[[- (c)]]~~ §
41 (b) Notwithstanding § ~~[[+ Subsection]]~~ **SUBSECTIONS** Subsection § (3)(a) ~~[[- § OR~~
 ~~(b)]]~~ § , "unfair
41a competition" does not include the
42 departure and hiring of an employee by a competitor.