

13-5a-102 Definitions.

As used in this chapter:

- (1) "Control" means:
 - (a) ownership of more than 5% of the voting shares or ownership interests of an entity;
 - (b) the power to vote more than 5% of the voting shares of an entity; or
 - (c) the ability to influence the management of an entity.
- (2) "Depository institution" is as defined in Section 7-1-103.
- (3) "Malicious cyber activity" means:
 - (a) the unlawful use of computing resources to intimidate or coerce others;
 - (b) accessing a computer without authorization or exceeding authorized access;
 - (c) willfully communicating, delivering, or causing the transmission of a program, information, code, or command without authorization or exceeding authorized access; and
 - (d) intentionally or recklessly:
 - (i) intends to defraud or materially cause damage or disruption to any computing resources or to the owner of any computing resources; or
 - (ii) intends to materially cause damage or disruption to any computing resources indirectly through another party's computing resources.
- (4)
 - (a) Except as provided in Subsection (4)(b), "unfair competition" means an intentional business act or practice that:
 - (i)
 - (A) is unlawful, unfair, or fraudulent; and
 - (B) leads to a material diminution in value of intellectual property; and
 - (ii) is one of the following:
 - (A) malicious cyber activity;
 - (B) infringement of a patent, trademark, or trade name;
 - (C) a software license violation; or
 - (D) predatory hiring practices.
 - (b) Notwithstanding Subsection (4)(a), "unfair competition" does not include the departure and hiring of an employee by a competitor.

Amended by Chapter 340, 2011 General Session