

RCW 19.190.090 Civil actions. (1) A person who is injured under this chapter may bring a civil action in the superior court to enjoin further violations, and to seek up to five hundred dollars per violation, or actual damages, whichever is greater. A person who seeks damages under this subsection may only bring an action against a person or entity that directly violates RCW 19.190.080.

(2) A person engaged in the business of providing internet access service to the public, an owner of a web page, or trademark owner who is adversely affected by reason of a violation of RCW 19.190.080, may bring an action against a person who violates RCW 19.190.080 to:

(a) Enjoin further violations of RCW 19.190.080; and

(b) Recover the greater of actual damages or five thousand dollars per violation of RCW 19.190.080.

(3) In an action under subsection (2) of this section, a court may increase the damages up to three times the damages allowed by subsection (2) of this section if the defendant has engaged in a pattern and practice of violating this section. The court may award costs and reasonable attorneys' fees to a prevailing party. [2005 c 378 s 3.]

Severability—2005 c 378: See note following RCW 19.190.080.