

(4) THAT UPON PAYMENT BY THE PURCHASER OF A FEE OR SUM OF \$50 \$100 TO THE SELLER, THE SELLER WILL PROVIDE A SALES PROGRAM OR MARKETING PROGRAM WHICH WILL ENABLE THE PURCHASER TO DERIVE INCOME FROM THE BUSINESS OPPORTUNITY WHICH EXCEEDS THE PRICE PAID FOR THE BUSINESS OPPORTUNITY, PROVIDED THAT THIS SUBSECTION SHALL NOT APPLY TO THE SALE OF A MARKETING PROGRAM MADE IN CONJUNCTION WITH THE LICENSING OF A REGISTERED TRADEMARK OR SERVICE MARK.

(C) "COMMISSIONER" MEANS THE SECURITIES COMMISSIONER IN THE DEPARTMENT OF LAW OR THE DESIGNATED AGENT OF THE COMMISSIONER.

(D) --"CONTRACT"--MEANS--AN--AGREEMENT--FOR--THE--SALE--OR--LEASE--OF--A--BUSINESS--OPPORTUNITY,--UNLESS--OTHERWISE--INDICATED--BY--CONTEXT.

(E) --"DISCLOSURE"--MEANS--COMPLIANCE--AND--THE--DOCUMENTS--REQUIRED--FOR--COMPLIANCE--WITH--§--408--OF--THIS--SUBTITLE.

(F) --"LICENSEE"--MEANS--ANY--PERSON--OR--PERSONS,--CORPORATE--OR--NATURAL,--WHO--AGREES--TO--PURCHASE--A--BUSINESS--OPPORTUNITY--FOR--RE-SALE--OR--THE--RIGHT--TO--MARKET--BUSINESS--OPPORTUNITIES--IN--A--CERTAIN--TERRITORY--OR--OTHERWISE,--WHETHER--DESIGNATED--AS--AN--INDEPENDENT--CONTRACTOR,--AGENT,--DISTRIBUTOR,--EXCLUSIVE--REPRESENTATIVE--OR--OTHERWISE,--A--LICENSEE--ALSO--IS--A--PURCHASER.

(G) --"LICENSER"--MEANS--ANY--PERSON--OR--PERSONS,--CORPORATE--OR--NATURAL,--WHO--AGREES--TO--SELL--OR--OFFERS--TO--SELL--A--BUSINESS--OPPORTUNITY--FOR--RE-SALE--OR--THE--RIGHT--TO--MARKET--BUSINESS--OPPORTUNITIES--IN--A--CERTAIN--TERRITORY--OR--OTHERWISE,--WHETHER--THE--LICENSEE--IS--DESIGNATED--AS--AN--INDEPENDENT--CONTRACTOR,--AGENT,--DISTRIBUTOR,--EXCLUSIVE--REPRESENTATIVE--OR--OTHERWISE.

(H) --"LICENSE-AGREEMENT"--MEANS--AN--AGREEMENT--BETWEEN--ANY--PERSONS--FOR--THE--SALE--OF--A--BUSINESS--OPPORTUNITY--FOR--RE-SALE--OR--OF--THE--RIGHT--TO--MARKET--BUSINESS--OPPORTUNITIES--IN--A--CERTAIN--TERRITORY--OR--OTHERWISE,--FOR--THE--PURPOSES--OF--THIS--SUBTITLE,--A--LICENSING--AGREEMENT--IS--A--CONTRACT,--AND--THE--PARTIES--TO--IT--MAY--BE--CONSIDERED--SELLERS--SUBJECT--TO--DUAL--REGISTRATION--AND--DUAL--DISCLOSURE--AS--REQUIRED--UNDER--THIS--SUBTITLE.

(I) --"OFFER"--OR--"OFFER--TO--SELL",--EXCEPT--AS--PROVIDED--IN--§--404--OF--THIS--SUBTITLE,--INCLUDES--EVERY--ATTEMPT--OR--OFFER--TO--DISPOSE--OF--OR--SOLICITATION--OF--AN--OFFER--TO--BUY--A--BUSINESS--OPPORTUNITY.

(J) --"PUBLISH"--MEANS--PUBLICLY--TO--ISSUE--OR--CIRCULATE--BY--NEWSPAPER,--MAIL,--RADIO,--OR--TELEVISION,--OR--OTHERWISE--TO--DISSEMINATE--TO--OR--PLACE--BEFORE--THE--PUBLIC.

(K) --"PURCHASER"--MEANS--A--PERSON--WHO--AGREES--TO--PURCHASE--A--BUSINESS--OPPORTUNITY.

(L) --"REGISTRATION--OF--AN--OFFER"--MEANS--COMPLIANCE--WITH--§§--408,--409,--AND--410--OF--THIS--SUBTITLE--AND--PAYMENT--TO--THE--COMMISSIONER--OF--ANY--APPLICABLE--FEES.