- (B) IT IS NOT NECESSARY TO THE CREATION OF AN EXPRESS WARRANTY THAT THE LICENSOR USE FORMAL WORDS, SUCH AS "WARRANTY" OR "GUARANTY", OR STATE A SPECIFIC INTENTION TO MAKE A WARRANTY. HOWEVER, AN EXPRESS WARRANTY IS NOT CREATED BY:
- (1) AN AFFIRMATION OR PREDICTION MERELY OF THE VALUE OF THE INFORMATION OR INFORMATIONAL RIGHTS;
- (2) A DISPLAY OR DESCRIPTION OF A PORTION OF THE INFORMATION TO ILLUSTRATE THE AESTHETICS, APPEAL, SUITABILITY TO TASTE, SUBJECTIVE QUALITY, OR THE LIKE OF INFORMATIONAL CONTENT: OR
- (3) A STATEMENT PURPORTING TO BE MERELY THE LICENSOR'S OPINION OR COMMENDATION OF THE INFORMATION OR INFORMATIONAL RIGHTS.
- (C) AN EXPRESS WARRANTY OR SIMILAR EXPRESS CONTRACTUAL OBLIGATION, IF ANY, EXISTS WITH RESPECT TO PUBLISHED INFORMATIONAL CONTENT COVERED BY THIS TITLE TO THE SAME EXTENT THAT IT WOULD EXIST IF THE PUBLISHED INFORMATIONAL CONTENT HAD BEEN PUBLISHED IN A FORM THAT PLACED IT OUTSIDE THIS TITLE. HOWEVER, IF THE WARRANTY OR SIMILAR EXPRESS CONTRACTUAL OBLIGATION IS BREACHED, THE REMEDIES OF THE AGGRIEVED PARTY ARE THOSE UNDER THIS TITLE AND THE AGREEMENT.
- 21-403. IMPLIED WARRANTY: MERCHANTABILITY OF A COMPUTER PROGRAM.
- (A) UNLESS THE WARRANTY IS DISCLAIMED OR MODIFIED, A LICENSOR THAT IS A MERCHANT WITH RESPECT TO COMPUTER PROGRAMS OF THE KIND WARRANTS:
- (1) TO THE END USER THAT THE COMPUTER PROGRAM IS FIT FOR THE ORDINARY PURPOSES FOR WHICH SUCH COMPUTER PROGRAMS ARE USED;
 - (2) TO THE DISTRIBUTOR THAT:
- (A) THE PROGRAM IS ADEQUATELY PACKAGED AND LABELED AS THE AGREEMENT REQUIRES; AND
- (B) IN THE CASE OF MULTIPLE COPIES, THE COPIES ARE WITHIN THE VARIATIONS PERMITTED BY THE AGREEMENT, OF EVEN KIND, QUALITY, AND QUANTITY WITHIN EACH UNIT AND AMONG ALL UNITS INVOLVED; AND
- (3) THAT THE PROGRAM CONFORMS TO ANY PROMISES OR AFFIRMATIONS OF FACT MADE ON THE CONTAINER OR LABEL.
- (B) UNLESS DISCLAIMED OR MODIFIED, OTHER IMPLIED WARRANTIES WITH RESPECT TO COMPUTER PROGRAMS MAY ARISE FROM COURSE OF DEALING OR USAGE OF TRADE.
- (C) NO WARRANTY IS CREATED UNDER THIS SECTION WITH RESPECT TO INFORMATIONAL CONTENT, BUT AN IMPLIED WARRANTY MAY ARISE UNDER $\S~21-404$ OF THIS SUBTITLE.