

21-404. IMPLIED WARRANTY: INFORMATIONAL CONTENT.

(A) UNLESS THE WARRANTY IS DISCLAIMED OR MODIFIED, A MERCHANT THAT, IN A SPECIAL RELATIONSHIP OF RELIANCE WITH A LICENSEE, COLLECTS, COMPILES, PROCESSES, PROVIDES, OR TRANSMITS INFORMATIONAL CONTENT WARRANTS TO THAT LICENSEE THAT THERE IS NO INACCURACY IN THE INFORMATIONAL CONTENT CAUSED BY THE MERCHANT'S FAILURE TO PERFORM WITH REASONABLE CARE.

(B) A WARRANTY DOES NOT ARISE UNDER SUBSECTION (A) OF THIS SECTION WITH RESPECT TO:

(1) PUBLISHED INFORMATIONAL CONTENT; OR

(2) A PERSON THAT ACTS AS A CONDUIT OR PROVIDES NO MORE THAN EDITORIAL SERVICES IN COLLECTING, COMPILING, DISTRIBUTING, PROCESSING, PROVIDING, OR TRANSMITTING INFORMATIONAL CONTENT THAT UNDER THE CIRCUMSTANCES CAN BE IDENTIFIED AS THAT OF A THIRD PERSON.

(C) THE WARRANTY UNDER THIS SECTION IS NOT SUBJECT TO THE PRECLUSION IN § 21-113(A)(1) OF THIS TITLE ON DISCLAIMING OBLIGATIONS OF DILIGENCE, REASONABLENESS, OR CARE.

21-405. IMPLIED WARRANTY: LICENSEE'S PURPOSE; SYSTEM INTEGRATION.

(A) UNLESS THE WARRANTY IS DISCLAIMED OR MODIFIED, IF A LICENSOR AT THE TIME OF CONTRACTING HAS REASON TO KNOW ANY PARTICULAR PURPOSE FOR WHICH THE COMPUTER INFORMATION IS REQUIRED AND THAT THE LICENSEE IS RELYING ON THE LICENSOR'S SKILL OR JUDGMENT TO SELECT, DEVELOP, OR FURNISH SUITABLE INFORMATION, THE FOLLOWING RULES APPLY:

(1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2), THERE IS AN IMPLIED WARRANTY THAT THE INFORMATION IS FIT FOR THAT PURPOSE.

(2) IF FROM ALL THE CIRCUMSTANCES IT APPEARS THAT THE LICENSOR WAS TO BE PAID FOR THE AMOUNT OF ITS TIME OR EFFORT REGARDLESS OF THE FITNESS OF THE RESULTING INFORMATION, THE WARRANTY UNDER PARAGRAPH (1) IS THAT THE INFORMATION WILL NOT FAIL TO ACHIEVE THE LICENSEE'S PARTICULAR PURPOSE AS A RESULT OF THE LICENSOR'S LACK OF REASONABLE EFFORT.

(B) THERE IS NO WARRANTY UNDER SUBSECTION (A) OF THIS SECTION WITH REGARD TO:

(1) THE AESTHETICS, APPEAL, SUITABILITY TO TASTE, OR SUBJECTIVE QUALITY OF INFORMATIONAL CONTENT; OR

(2) PUBLISHED INFORMATIONAL CONTENT, BUT THERE MAY BE A WARRANTY WITH REGARD TO THE LICENSOR'S SELECTION AMONG PUBLISHED INFORMATIONAL CONTENT FROM DIFFERENT PROVIDERS IF THE SELECTION IS MADE BY AN INDIVIDUAL ACTING AS OR ON BEHALF OF THE LICENSOR.