

(1) THAT THE LICENSOR INTENDS TO RESORT TO ELECTRONIC SELF-HELP AS A REMEDY ON OR AFTER ~~45~~ 30 DAYS FOLLOWING RECEIPT BY THE LICENSEE OF THE NOTICE;

(2) THE NATURE OF THE CLAIMED BREACH THAT ENTITLES THE LICENSOR TO RESORT TO SELF-HELP; AND

(3) THE NAME, TITLE, AND ADDRESS, INCLUDING DIRECT TELEPHONE NUMBER, FACSIMILE NUMBER, OR E-MAIL ADDRESS, TO WHICH THE LICENSEE MAY COMMUNICATE CONCERNING THE CLAIMED BREACH.

~~(E)~~ (G) A LICENSEE MAY RECOVER DIRECT AND INCIDENTAL DAMAGES CAUSED BY WRONGFUL USE OF ELECTRONIC SELF-HELP. THE LICENSEE MAY ALSO RECOVER CONSEQUENTIAL DAMAGES FOR WRONGFUL USE OF ELECTRONIC SELF-HELP, WHETHER OR NOT THOSE DAMAGES ARE EXCLUDED BY THE TERMS OF THE LICENSE, IF:

(1) WITHIN THE PERIOD SPECIFIED IN SUBSECTION ~~(D)(1)~~ (F)(1) OF THIS SECTION, THE LICENSEE GIVES NOTICE TO THE LICENSOR'S DESIGNATED PERSON DESCRIBING IN GOOD FAITH THE GENERAL NATURE AND MAGNITUDE OF DAMAGES;

(2) THE LICENSOR HAS REASON TO KNOW THE DAMAGES OF THE TYPE DESCRIBED IN SUBSECTION ~~(F)~~ (H) OF THIS SECTION MAY RESULT FROM THE WRONGFUL USE OF ELECTRONIC SELF-HELP; OR

(3) THE LICENSOR DOES NOT PROVIDE THE NOTICE REQUIRED IN SUBSECTION ~~(D)~~ (F) OF THIS SECTION.

~~(F)~~ (H) EVEN IF THE LICENSOR COMPLIES WITH SUBSECTIONS ~~(C)~~ (E) AND ~~(D)~~ (F) OF THIS SECTION, ELECTRONIC SELF-HELP MAY NOT BE USED IF THE LICENSOR HAS REASON TO KNOW THAT ITS USE WILL RESULT IN SUBSTANTIAL INJURY OR HARM TO THE PUBLIC HEALTH OR SAFETY OR GRAVE HARM TO THE PUBLIC INTEREST SUBSTANTIALLY AFFECTING THIRD PERSONS NOT INVOLVED IN THE DISPUTE.

(G) (I) A COURT OF COMPETENT JURISDICTION OF THIS STATE SHALL GIVE PROMPT CONSIDERATION TO A PETITION FOR INJUNCTIVE RELIEF AND MAY ENJOIN, TEMPORARILY OR PERMANENTLY, THE LICENSOR FROM EXERCISING ELECTRONIC SELF-HELP EVEN IF AUTHORIZED BY A LICENSE TERM OR ENJOIN THE LICENSEE FROM MISAPPROPRIATION OR MISUSE OF COMPUTER INFORMATION, AS MAY BE APPROPRIATE, UPON CONSIDERATION OF THE FOLLOWING:

(1) GRAVE HARM OF THE KINDS STATED IN SUBSECTION ~~(F)~~ (H) OF THIS SECTION, OR THE THREAT THEREOF, WHETHER OR NOT THE LICENSOR HAS REASON TO KNOW OF THOSE CIRCUMSTANCES;

(2) IRREPARABLE HARM OR THREAT OF IRREPARABLE HARM TO THE LICENSEE OR LICENSOR;

(3) THAT THE PARTY SEEKING THE RELIEF IS MORE LIKELY THAN NOT TO SUCCEED UNDER ITS CLAIM WHEN IT IS FINALLY ADJUDICATED;