

(C) ~~THE TERM~~ DOES NOT INCLUDE DIRECT DAMAGES, OR INCIDENTAL DAMAGES.

(14) "CONSPICUOUS", WITH REFERENCE TO A TERM, MEANS SO WRITTEN, DISPLAYED, OR PRESENTED THAT A REASONABLE PERSON AGAINST WHICH IT IS TO OPERATE OUGHT TO HAVE NOTICED IT. A TERM IN AN ELECTRONIC RECORD INTENDED TO EVOKE A RESPONSE BY AN ELECTRONIC AGENT IS CONSPICUOUS IF IT IS PRESENTED IN A FORM THAT WOULD ENABLE A REASONABLY CONFIGURED ELECTRONIC AGENT TO TAKE IT INTO ACCOUNT OR REACT TO IT WITHOUT REVIEW OF THE RECORD BY AN INDIVIDUAL. CONSPICUOUS TERMS INCLUDE THE FOLLOWING:

(A) WITH RESPECT TO A PERSON:

(I) A HEADING IN CAPITALS IN A SIZE EQUAL TO OR EQUAL TO OR GREATER THAN, OR IN CONTRASTING TYPE, FONT, OR COLOR TO, THE SURROUNDING TEXT;

(II) LANGUAGE IN THE BODY OF A RECORD OR DISPLAY IN LARGER OR OTHER CONTRASTING TYPE, FONT, OR COLOR OR SET OFF FROM THE SURROUNDING TEXT BY SYMBOLS OR OTHER MARKS THAT DRAW ATTENTION TO THE LANGUAGE; AND

(III) A TERM PROMINENTLY REFERENCED IN AN ELECTRONIC RECORD OR DISPLAY WHICH IS READILY ACCESSIBLE OR REVIEWABLE FROM THE RECORD OR DISPLAY; AND

(B) WITH RESPECT TO A PERSON OR AN ELECTRONIC AGENT, A TERM OR REFERENCE TO A TERM THAT IS SO PLACED IN A RECORD OR DISPLAY THAT THE PERSON OR ELECTRONIC AGENT CANNOT PROCEED WITHOUT TAKING ACTION WITH RESPECT TO THE PARTICULAR TERM OR REFERENCE.

(15) "CONSUMER" MEANS AN INDIVIDUAL WHO IS A LICENSEE OF INFORMATION OR INFORMATIONAL RIGHTS THAT THE INDIVIDUAL AT THE TIME OF CONTRACTING INTENDED TO BE USED PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES. THE TERM DOES NOT INCLUDE AN INDIVIDUAL WHO IS A LICENSEE PRIMARILY FOR PROFESSIONAL OR COMMERCIAL PURPOSES, INCLUDING AGRICULTURE, BUSINESS MANAGEMENT, AND INVESTMENT MANAGEMENT OTHER THAN MANAGEMENT OF THE INDIVIDUAL'S PERSONAL OR FAMILY INVESTMENTS.

(16) "CONSUMER CONTRACT" MEANS A CONTRACT BETWEEN A MERCHANT LICENSOR AND A CONSUMER.

(17) "CONTRACT" MEANS THE TOTAL LEGAL OBLIGATION RESULTING FROM THE PARTIES' AGREEMENT AS AFFECTED BY THIS TITLE AND OTHER APPLICABLE LAW.

(18) "CONTRACT FEE" MEANS THE PRICE, FEE, RENT, OR ROYALTY PAYABLE IN A CONTRACT UNDER THIS TITLE OR ANY PART OF THE AMOUNT PAYABLE.