

COPY. THE TERM INCLUDES AN ACCESS CONTRACT, A LEASE OF A COMPUTER PROGRAM, AND A CONSIGNMENT OF A COPY. THE TERM DOES NOT INCLUDE A RESERVATION OR CREATION OF A SECURITY INTEREST TO THE EXTENT THE INTEREST IS GOVERNED BY TITLE 9 OF THIS ARTICLE.

(41) (42) "LICENSEE" MEANS A PERSON ENTITLED BY AGREEMENT TO ACQUIRE OR EXERCISE RIGHTS IN, OR TO HAVE ACCESS TO OR USE OF, COMPUTER INFORMATION UNDER AN AGREEMENT TO WHICH THIS TITLE APPLIES. A LICENSOR IS NOT A LICENSEE WITH RESPECT TO RIGHTS RESERVED TO IT UNDER THE AGREEMENT.

(42) (43) "LICENSOR" MEANS A PERSON OBLIGATED BY AGREEMENT TO TRANSFER OR CREATE RIGHTS IN, OR TO GIVE ACCESS TO OR USE OF, COMPUTER INFORMATION OR INFORMATIONAL RIGHTS IN IT UNDER AN AGREEMENT TO WHICH THIS TITLE APPLIES. BETWEEN THE PROVIDER OF ACCESS AND A PROVIDER OF THE INFORMATIONAL CONTENT TO BE ACCESSED, THE PROVIDER OF CONTENT IS THE LICENSOR. IN AN EXCHANGE OF INFORMATION OR INFORMATIONAL RIGHTS, EACH PARTY IS A LICENSOR WITH RESPECT TO THE INFORMATION, INFORMATIONAL RIGHTS, OR ACCESS IT GIVES.

(43) (44) "MASS-MARKET LICENSE" MEANS A STANDARD FORM USED IN A MASS-MARKET TRANSACTION.

(44) (45) "MASS-MARKET TRANSACTION" MEANS A TRANSACTION THAT IS:

- (A) A CONSUMER CONTRACT; OR
- (B) ANY OTHER TRANSACTION WITH AN END-USER LICENSEE IF:

(I) THE TRANSACTION IS FOR INFORMATION OR INFORMATIONAL RIGHTS DIRECTED TO THE GENERAL PUBLIC AS A WHOLE, INCLUDING CONSUMERS, UNDER SUBSTANTIALLY THE SAME TERMS FOR THE SAME INFORMATION;

(II) THE LICENSEE ACQUIRES THE INFORMATION OR INFORMATIONAL RIGHTS IN A RETAIL TRANSACTION UNDER TERMS ~~AND IN A QUANTITY~~ CONSISTENT WITH AN ORDINARY TRANSACTION IN A RETAIL MARKET; AND

(III) THE TRANSACTION IS NOT:

1. A CONTRACT FOR REDISTRIBUTION OR FOR PUBLIC PERFORMANCE OR PUBLIC DISPLAY OF A COPYRIGHTED WORK;
2. A TRANSACTION IN WHICH THE INFORMATION IS CUSTOMIZED OR OTHERWISE SPECIALLY PREPARED BY THE LICENSOR FOR THE LICENSEE, OTHER THAN MINOR CUSTOMIZATION USING A CAPABILITY OF THE INFORMATION INTENDED FOR THAT PURPOSE;
3. A SITE LICENSE; OR
4. AN ACCESS CONTRACT.