

UNLESS THE INFORMATION/COMPUTER PROGRAM IS PROVIDED IN CONJUNCTION WITH THE SALE OR LEASE OF GOODS, SERVICES, OR ANOTHER INFORMATION/COMPUTER PROGRAM; OR

(2) AN INFORMATION/COMPUTER PROGRAM PROVIDED AS A BETA TEST OR SIMILAR EXPERIMENTAL VERSION OF THE INFORMATION/COMPUTER PROGRAM.

21-407. MODIFICATION OF A COMPUTER PROGRAM.

A LICENSEE THAT MODIFIES A COMPUTER PROGRAM, OTHER THAN BY USING A CAPABILITY OF THE PROGRAM INTENDED FOR THAT PURPOSE IN THE ORDINARY COURSE, DOES NOT INVALIDATE ANY WARRANTY REGARDING PERFORMANCE OF AN UNMODIFIED COPY BUT DOES INVALIDATE ANY WARRANTIES, EXPRESS OR IMPLIED, REGARDING PERFORMANCE OF THE MODIFIED COPY. A MODIFICATION OCCURS IF A LICENSEE ALTERS CODE IN, DELETES CODE FROM, OR ADDS CODE TO THE COMPUTER PROGRAM.

21-408. CULMINATION AND CONFLICT OF WARRANTIES.

WARRANTIES, WHETHER EXPRESS OR IMPLIED, MUST BE CONSTRUED AS CONSISTENT WITH EACH OTHER AND AS CUMULATIVE, BUT IF THAT CONSTRUCTION IS UNREASONABLE, THE INTENTION OF THE PARTIES DETERMINES WHICH WARRANTY IS DOMINANT. IN ASCERTAINING THAT INTENTION, THE FOLLOWING RULES APPLY:

(1) EXACT OR TECHNICAL SPECIFICATIONS DISPLACE AN INCONSISTENT SAMPLE OR MODEL OR GENERAL LANGUAGE OF DESCRIPTION.

(2) A SAMPLE DISPLACES INCONSISTENT GENERAL LANGUAGE OF DESCRIPTION.

(3) EXPRESS WARRANTIES DISPLACE INCONSISTENT IMPLIED WARRANTIES OTHER THAN AN IMPLIED WARRANTY UNDER § 21-405(A) OF THIS SUBTITLE.

21-409. THIRD-PARTY BENEFICIARIES OF WARRANTY.

(A) EXCEPT FOR PUBLISHED INFORMATIONAL CONTENT, A WARRANTY TO A LICENSEE EXTENDS TO PERSONS FOR WHOSE BENEFIT THE LICENSOR INTENDS TO SUPPLY THE INFORMATION OR INFORMATIONAL RIGHTS AND WHICH RIGHTFULLY USE THE INFORMATION IN A TRANSACTION OR APPLICATION OF A KIND IN WHICH THE LICENSOR INTENDS THE INFORMATION TO BE USED.

(B) A WARRANTY TO A CONSUMER EXTENDS TO EACH INDIVIDUAL CONSUMER IN THE LICENSEE'S IMMEDIATE FAMILY OR HOUSEHOLD IF THE INDIVIDUAL'S USE WOULD HAVE BEEN REASONABLY EXPECTED BY THE LICENSOR.

(C) A CONTRACTUAL TERM THAT EXCLUDES OR LIMITS THE PERSONS TO WHICH A WARRANTY EXTENDS IS EFFECTIVE EXCEPT AS TO INDIVIDUALS DESCRIBED IN SUBSECTION (B) OF THIS SECTION.