

(D) A DISCLAIMER OR MODIFICATION OF A WARRANTY OR REMEDY WHICH IS EFFECTIVE AGAINST THE LICENSEE IS ALSO EFFECTIVE AGAINST THIRD PERSONS TO WHICH A WARRANTY EXTENDS UNDER THIS SECTION.

SUBTITLE 5. TRANSFER OF INTERESTS AND RIGHTS; OWNERSHIP AND TRANSFERS;
FINANCING ARRANGEMENTS.

OWNERSHIP AND TRANSFERS.

21-501. OWNERSHIP OF INFORMATIONAL RIGHTS.

(A) IF AN AGREEMENT PROVIDES FOR CONVEYANCE OF OWNERSHIP OF INFORMATIONAL RIGHTS IN A COMPUTER PROGRAM, OWNERSHIP PASSES AT THE TIME AND PLACE SPECIFIED BY THE AGREEMENT BUT DOES NOT PASS UNTIL THE PROGRAM IS IN EXISTENCE AND IDENTIFIED TO THE CONTRACT. IF THE AGREEMENT DOES NOT SPECIFY A DIFFERENT TIME, OWNERSHIP PASSES WHEN THE PROGRAM AND THE INFORMATIONAL RIGHTS ARE IN EXISTENCE AND IDENTIFIED TO THE CONTRACT.

(B) TRANSFER OF A COPY DOES NOT TRANSFER OWNERSHIP OF INFORMATIONAL RIGHTS.

21-502. TITLE TO COPY.

(A) IN A LICENSE:

(1) TITLE TO A COPY IS DETERMINED BY THE LICENSE;

(2) A LICENSEE'S RIGHT UNDER THE LICENSE TO POSSESSION OR CONTROL OF A COPY IS GOVERNED BY THE LICENSE AND DOES NOT DEPEND SOLELY ON TITLE TO THE COPY; AND

(3) IF A LICENSOR RESERVES TITLE TO A COPY, THE LICENSOR RETAINS TITLE TO THAT COPY AND ANY COPIES MADE OF IT, UNLESS THE LICENSE GRANTS THE LICENSEE A RIGHT TO MAKE AND SELL COPIES TO OTHERS, IN WHICH CASE THE RESERVATION OF TITLE APPLIES ONLY TO COPIES DELIVERED TO THE LICENSEE BY THE LICENSOR.

(B) IF AN AGREEMENT PROVIDES FOR TRANSFER OF TITLE TO A COPY, TITLE PASSES:

(1) AT THE TIME AND PLACE SPECIFIED IN THE AGREEMENT; OR

(2) IF THE AGREEMENT DOES NOT SPECIFY A TIME AND PLACE:

(A) WITH RESPECT TO DELIVERY OF A COPY ON A TANGIBLE MEDIUM, AT THE TIME AND PLACE THE LICENSOR COMPLETED ITS OBLIGATIONS WITH RESPECT TO TENDER OF THE COPY; OR

(B) WITH RESPECT TO ELECTRONIC DELIVERY OF A COPY, IF A FIRST SALE OCCURS UNDER FEDERAL COPYRIGHT LAW, AT THE TIME AND PLACE AT WHICH THE LICENSOR COMPLETED ITS OBLIGATIONS WITH RESPECT TO TENDER OF THE COPY.