FINANCING ARRANGEMENTS.

21-507. FINANCING IF FINANCIER DOES NOT BECOME LICENSEE.

IF A FINANCIER DOES NOT BECOME A LICENSEE IN CONNECTION WITH ITS FINANCIAL ACCOMMODATION CONTRACT, THE FOLLOWING RULES APPLY:

(1)   THE FINANCIER DOES NOT RECEIVE THE BENEFITS OR BURDENS OF THE LICENSE.

(2)   THE LICENSEE'S RIGHTS AND OBLIGATIONS WITH RESPECT TO THE INFORMATION AND INFORMATIONAL RIGHTS ARE GOVERNED BY:

(A)   THE LICENSE;

(B)   ANY RIGHTS OF THE LICENSOR UNDER OTHER LAW; AND

(C)   TO THE EXTENT NOT INCONSISTENT WITH SUBPARAGRAPHS (A) AND (B) OF THIS PARAGRAPH, ANY FINANCIAL ACCOMMODATION CONTRACT BETWEEN THE FINANCIER AND THE LICENSEE, WHICH MAY ADD ADDITIONAL CONDITIONS TO THE LICENSEE'S RIGHT TO USE THE LICENSED INFORMATION OR INFORMATIONAL RIGHTS.

21-508. FINANCE LICENSES.

(A)   IF A FINANCIER BECOMES A LICENSEE IN CONNECTION WITH ITS FINANCIAL ACCOMMODATION CONTRACT AND THEN TRANSFERS ITS CONTRACTUAL INTEREST UNDER THE LICENSE, OR SUBLICENSES THE LICENSED COMPUTER INFORMATION OR INFORMATIONAL RIGHTS, TO A LICENSEE RECEIVING THE FINANCIAL ACCOMMODATION, THE FOLLOWING RULES APPLY:

(1)   THE TRANSFER OR SUBLICENSE TO THE ACCOMMODATED LICENSEE IS NOT EFFECTIVE UNLESS:

(A)   THE TRANSFER OR SUBLICENSE IS EFFECTIVE UNDER § 21-503 OF THIS TITLE; OR

(B)   THE FOLLOWING CONDITIONS ARE FULFILLED:

(I)   BEFORE THE LICENSOR DELIVERED THE INFORMATION OR GRANTED THE LICENSE TO THE FINANCIER, THE LICENSOR RECEIVED NOTICE IN A RECORD FROM THE FINANCIER GIVING THE NAME AND LOCATION OF THE ACCOMMODATED LICENSEE AND CLEARLY INDICATING THAT THE LICENSE WAS BEING OBTAINED IN ORDER TO TRANSFER THE CONTRACTUAL INTEREST OR SUBLICENSE THE LICENSED INFORMATION OR INFORMATIONAL RIGHTS TO THE ACCOMMODATED LICENSEE;

(II)   THE FINANCIER BECAME A LICENSEE SOLELY TO MAKE THE FINANCIAL ACCOMMODATION; AND

(III)   THE ACCOMMODATED LICENSEE ADOPTS THE TERMS OF THE LICENSE, WHICH TERMS MAY BE SUPPLEMENTED BY THE FINANCIAL ACCOMMODATION CONTRACT, TO THE EXTENT THE TERMS OF THE FINANCIAL