

(B) IN A CONTRACT BETWEEN A DEALER AND AN END USER, IF THE END USER'S RIGHT TO USE THE INFORMATION OR INFORMATIONAL RIGHTS IS SUBJECT TO A LICENSE BY THE PUBLISHER AND THERE WAS NO OPPORTUNITY TO REVIEW THE LICENSE BEFORE THE END USER BECAME OBLIGATED TO PAY THE DEALER, THE FOLLOWING RULES APPLY:

(1) THE CONTRACT BETWEEN THE END USER AND THE DEALER IS CONDITIONED ON THE END USER'S AGREEMENT TO THE PUBLISHER'S LICENSE.

(2) IF THE END USER DOES NOT AGREE, SUCH AS BY MANIFESTING ASSENT, TO THE TERMS OF THE PUBLISHER'S LICENSE, THE END USER HAS A RIGHT TO A RETURN FROM THE DEALER. A RIGHT UNDER THIS PARAGRAPH IS A RETURN FOR PURPOSES OF §§ 21-112, 21-208, AND 21-209 OF THIS TITLE.

(3) THE DEALER IS NOT BOUND BY THE TERMS, AND DOES NOT RECEIVE THE BENEFITS, OF AN AGREEMENT BETWEEN THE PUBLISHER AND THE END USER UNLESS THE DEALER AND END USER ADOPT THOSE TERMS AS PART OF THE AGREEMENT.

(C) IF AN AGREEMENT PROVIDES FOR DISTRIBUTION OF COPIES ON A TANGIBLE MEDIUM OR IN PACKAGING PROVIDED BY THE PUBLISHER OR AN AUTHORIZED THIRD PARTY, A DEALER MAY DISTRIBUTE THOSE COPIES AND DOCUMENTATION ONLY:

(1) IN THE FORM AS RECEIVED; AND

(2) SUBJECT TO THE TERMS OF ANY LICENSE THE PUBLISHER THAT THE PUBLISHER PROVIDES TO THE DEALER TO BE FURNISHED TO END USERS.

(D) A DEALER THAT ENTERS INTO AN AGREEMENT WITH AN END USER IS A LICENSOR WITH RESPECT TO THE END USER UNDER THIS TITLE.

LOSS AND IMPOSSIBILITY.

21-614. RISK OF LOSS OF COPY.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE RISK OF LOSS AS TO A COPY THAT IS TO BE DELIVERED TO A LICENSEE, INCLUDING A COPY DELIVERED BY ELECTRONIC MEANS, PASSES TO THE LICENSEE UPON ITS RECEIPT OF THE COPY.

(B) IF AN AGREEMENT REQUIRES OR AUTHORIZES A LICENSOR TO SEND A COPY ON A TANGIBLE MEDIUM BY CARRIER, THE FOLLOWING RULES APPLY:

(1) IF THE AGREEMENT DOES NOT REQUIRE THE LICENSOR TO DELIVER THE COPY AT A PARTICULAR DESTINATION, THE RISK OF LOSS PASSES TO THE LICENSEE WHEN THE COPY IS DULY DELIVERED TO THE CARRIER, EVEN IF THE SHIPMENT IS UNDER RESERVATION.

(2) IF THE AGREEMENT REQUIRES THE LICENSOR TO DELIVER THE COPY AT A PARTICULAR DESTINATION AND THE COPY IS DULY TENDERED THERE IN THE POSSESSION OF THE CARRIER, THE RISK OF LOSS PASSES TO THE LICENSEE WHEN THE COPY IS TENDERED AT THAT DESTINATION.