

~~(C)~~ (E) IF THE PARTIES AGREE TO PERMIT ELECTRONIC SELF-HELP, A LICENSEE SHALL SEPARATELY MANIFEST ASSENT TO A TERM AUTHORIZING USE OF ELECTRONIC SELF-HELP. THE TERM MUST:

(1) PROVIDE FOR NOTICE OF EXERCISE AS PROVIDED IN SUBSECTION ~~(D)~~ (F) OF THIS SECTION;

(2) STATE THE NAME OF THE PERSON DESIGNATED BY THE LICENSEE TO WHICH NOTICE OF EXERCISE MUST BE GIVEN AND THE MANNER IN WHICH NOTICE MUST BE GIVEN AND PLACE TO WHICH NOTICE MUST BE SENT TO THAT PERSON; AND

(3) PROVIDE A SIMPLE PROCEDURE FOR THE LICENSEE TO CHANGE THE DESIGNATED PERSON OR PLACE.

~~(D)~~ (F) BEFORE RESORTING TO ELECTRONIC SELF-HELP AUTHORIZED BY A TERM OF THE LICENSE, THE LICENSOR SHALL GIVE NOTICE IN A RECORD TO THE PERSON DESIGNATED BY THE LICENSEE STATING:

(1) THAT THE LICENSOR INTENDS TO RESORT TO ELECTRONIC SELF-HELP AS A REMEDY ON OR AFTER ~~45~~ 30 DAYS FOLLOWING RECEIPT BY THE LICENSEE OF THE NOTICE;

(2) THE NATURE OF THE CLAIMED BREACH THAT ENTITLES THE LICENSOR TO RESORT TO SELF-HELP; AND

(3) THE NAME, TITLE, AND ADDRESS, INCLUDING DIRECT TELEPHONE NUMBER, FACSIMILE NUMBER, OR E-MAIL ADDRESS, TO WHICH THE LICENSEE MAY COMMUNICATE CONCERNING THE CLAIMED BREACH.

~~(E)~~ (G) A LICENSEE MAY RECOVER DIRECT AND INCIDENTAL DAMAGES CAUSED BY WRONGFUL USE OF ELECTRONIC SELF-HELP. THE LICENSEE MAY ALSO RECOVER CONSEQUENTIAL DAMAGES FOR WRONGFUL USE OF ELECTRONIC SELF-HELP, WHETHER OR NOT THOSE DAMAGES ARE EXCLUDED BY THE TERMS OF THE LICENSE, IF:

(1) WITHIN THE PERIOD SPECIFIED IN SUBSECTION ~~(D)(1)~~ (F)(1) OF THIS SECTION, THE LICENSEE GIVES NOTICE TO THE LICENSOR'S DESIGNATED PERSON DESCRIBING IN GOOD FAITH THE GENERAL NATURE AND MAGNITUDE OF DAMAGES;

(2) THE LICENSOR HAS REASON TO KNOW THE DAMAGES OF THE TYPE DESCRIBED IN SUBSECTION ~~(F)~~ (H) OF THIS SECTION MAY RESULT FROM THE WRONGFUL USE OF ELECTRONIC SELF-HELP; OR

(3) THE LICENSOR DOES NOT PROVIDE THE NOTICE REQUIRED IN SUBSECTION ~~(D)~~ (F) OF THIS SECTION.

~~(F)~~ (H) EVEN IF THE LICENSOR COMPLIES WITH SUBSECTIONS ~~(C)~~ (E) AND ~~(D)~~ (F) OF THIS SECTION, ELECTRONIC SELF-HELP MAY NOT BE USED IF THE LICENSOR HAS REASON TO KNOW THAT ITS USE WILL RESULT IN SUBSTANTIAL