

INJURY OR HARM TO THE PUBLIC HEALTH OR SAFETY OR GRAVE HARM TO THE PUBLIC INTEREST SUBSTANTIALLY AFFECTING THIRD PERSONS NOT INVOLVED IN THE DISPUTE.

~~(G)~~ (I) A COURT OF COMPETENT JURISDICTION OF THIS STATE SHALL GIVE PROMPT CONSIDERATION TO A PETITION FOR INJUNCTIVE RELIEF AND MAY ENJOIN, TEMPORARILY OR PERMANENTLY, THE LICENSOR FROM EXERCISING ELECTRONIC SELF-HELP EVEN IF AUTHORIZED BY A LICENSE TERM OR ENJOIN THE LICENSEE FROM MISAPPROPRIATION OR MISUSE OF COMPUTER INFORMATION, AS MAY BE APPROPRIATE, UPON CONSIDERATION OF THE FOLLOWING:

(1) GRAVE HARM OF THE KINDS STATED IN SUBSECTION ~~(F)~~ (H) OF THIS SECTION, OR THE THREAT THEREOF, WHETHER OR NOT THE LICENSOR HAS REASON TO KNOW OF THOSE CIRCUMSTANCES;

(2) IRREPARABLE HARM OR THREAT OF IRREPARABLE HARM TO THE LICENSEE OR LICENSOR;

(3) THAT THE PARTY SEEKING THE RELIEF IS MORE LIKELY THAN NOT TO SUCCEED UNDER ITS CLAIM WHEN IT IS FINALLY ADJUDICATED;

(4) THAT ALL OF THE CONDITIONS TO ENTITLE A PERSON TO THE RELIEF UNDER THE LAWS OF THIS STATE HAVE BEEN FULFILLED; AND

(5) THAT THE PARTY THAT MAY BE ADVERSELY AFFECTED IS ADEQUATELY PROTECTED AGAINST LOSS, INCLUDING A LOSS BECAUSE OF MISAPPROPRIATION OR MISUSE OF COMPUTER INFORMATION, THAT IT MAY SUFFER BECAUSE THE RELIEF IS GRANTED UNDER THIS TITLE.

~~(H)~~ (J) BEFORE BREACH OF CONTRACT, RIGHTS OR OBLIGATIONS UNDER THIS SECTION MAY NOT BE WAIVED OR VARIED BY AN AGREEMENT, BUT EXCEPT THAT THE PARTIES MAY PROHIBIT USE OF ELECTRONIC SELF-HELP AND THE PARTIES, IN THE TERM REFERRED TO IN SUBSECTION ~~(G)~~ (E) OF THIS SECTION, MAY SPECIFY ADDITIONAL PROVISIONS MORE FAVORABLE TO THE LICENSEE.

~~(I)~~ (K) THIS SECTION DOES NOT APPLY IF THE LICENSOR OBTAINS POSSESSION OF A COPY WITHOUT A BREACH OF THE PEACE AND THE ELECTRONIC SELF-HELP IS USED SOLELY WITH RESPECT TO THAT COPY.

~~(L) THIRD PERSONS HARMED BY THE WRONGFUL USE OF ELECTRONIC SELF-HELP UNDER THIS SECTION MAY RECOVER DAMAGES FROM THE LICENSOR TO THE SAME EXTENT AS RECOVERABLE BY THE LICENSEE.~~

Article - Courts and Judicial Proceedings

6-103.

(a) If jurisdiction over a person is based solely upon this section, he may be sued only on a cause of action arising from any act enumerated in this section.

(b) A court may exercise personal jurisdiction over a person, who directly or by an agent: