

(8) "CANCELLATION" MEANS THE ENDING OF A CONTRACT BY A PARTY BECAUSE OF BREACH OF CONTRACT BY ANOTHER PARTY.

(9) "COMPUTER" MEANS AN ELECTRONIC DEVICE THAT ACCEPTS INFORMATION IN DIGITAL OR SIMILAR FORM AND MANIPULATES IT FOR A RESULT BASED ON A SEQUENCE OF INSTRUCTIONS.

(10) "COMPUTER INFORMATION" MEANS INFORMATION IN ELECTRONIC FORM WHICH IS OBTAINED FROM OR THROUGH THE USE OF A COMPUTER OR WHICH IS IN A FORM CAPABLE OF BEING PROCESSED BY A COMPUTER. THE TERM INCLUDES A COPY OF THE INFORMATION AND ANY DOCUMENTATION OR PACKAGING ASSOCIATED WITH THE COPY.

(11) "COMPUTER INFORMATION TRANSACTION" MEANS AN AGREEMENT OR THE PERFORMANCE OF IT TO CREATE, MODIFY, TRANSFER, OR LICENSE COMPUTER INFORMATION OR INFORMATIONAL RIGHTS IN COMPUTER INFORMATION. THE TERM INCLUDES A SUPPORT CONTRACT UNDER § 21-612 OF THIS TITLE. THE TERM DOES NOT INCLUDE A TRANSACTION MERELY BECAUSE THE PARTIES' AGREEMENT PROVIDES THAT THEIR COMMUNICATIONS ABOUT THE TRANSACTION WILL BE IN THE FORM OF COMPUTER INFORMATION.

(12) "COMPUTER PROGRAM" MEANS A SET OF STATEMENTS OR INSTRUCTIONS TO BE USED DIRECTLY OR INDIRECTLY IN A COMPUTER TO BRING ABOUT A CERTAIN RESULT. THE TERM DOES NOT INCLUDE SEPARATELY IDENTIFIABLE INFORMATIONAL CONTENT.

(13) "CONSEQUENTIAL DAMAGES":

(A) RESULTING FROM BREACH OF CONTRACT INCLUDES (I) ANY LOSS RESULTING FROM GENERAL OR PARTICULAR REQUIREMENTS AND NEEDS OF WHICH THE BREACHING PARTY AT THE TIME OF CONTRACTING HAD REASON TO KNOW AND WHICH COULD NOT REASONABLY BE PREVENTED AND (II) ANY INJURY TO AN INDIVIDUAL OR DAMAGE TO PROPERTY OTHER THAN THE SUBJECT MATTER OF THE TRANSACTION PROXIMATELY RESULTING FROM BREACH OF WARRANTY;

(B) RESULTING FROM WRONGFUL USE OF ELECTRONIC SELF-HELP AS DEFINED IN § 21-816 OF THIS TITLE INCLUDES ANY LOSS RESULTING FROM GENERAL OR PARTICULAR REQUIREMENTS AND NEEDS OF WHICH THE PARTY EXERCISING ELECTRONIC SELF-HELP AT THE TIME OF THE EXERCISE HAD REASON TO KNOW AND WHICH COULD NOT REASONABLY BE PREVENTED; AND

(C) ~~THE TERM~~ DOES NOT INCLUDE DIRECT DAMAGES OR INCIDENTAL DAMAGES.

(14) "CONSPICUOUS", WITH REFERENCE TO A TERM, MEANS SO WRITTEN, DISPLAYED, OR PRESENTED THAT A REASONABLE PERSON AGAINST WHICH IT IS TO OPERATE OUGHT TO HAVE NOTICED IT. A TERM IN AN ELECTRONIC RECORD INTENDED TO EVOKE A RESPONSE BY AN ELECTRONIC AGENT IS CONSPICUOUS IF IT IS PRESENTED IN A FORM THAT WOULD ENABLE A REASONABLY CONFIGURED