

(IV) OTHER EFFORTS AFTER THE BREACH TO MINIMIZE OR AVOID LOSS RESULTING FROM THE BREACH; AND

(V) MATTERS OTHERWISE INCIDENT TO THE BREACH; AND

(B) DOES NOT INCLUDE CONSEQUENTIAL DAMAGES OR DIRECT DAMAGES.

(35) "INFORMATION" MEANS DATA, TEXT, IMAGES, SOUNDS, MASK WORKS, OR COMPUTER PROGRAMS, INCLUDING COLLECTIONS AND COMPILATIONS OF THEM.

(36) "INFORMATION PROCESSING SYSTEM" MEANS AN ELECTRONIC SYSTEM FOR CREATING, GENERATING, SENDING, RECEIVING, STORING, DISPLAYING, OR PROCESSING INFORMATION.

(37) "INFORMATIONAL CONTENT" MEANS INFORMATION THAT IS INTENDED TO BE COMMUNICATED TO OR PERCEIVED BY AN INDIVIDUAL IN THE ORDINARY USE OF THE INFORMATION, OR THE EQUIVALENT OF THAT INFORMATION.

(38) "INFORMATIONAL RIGHTS" INCLUDE ALL RIGHTS IN INFORMATION CREATED UNDER LAWS GOVERNING PATENTS, COPYRIGHTS, MASK WORKS, TRADE SECRETS, TRADEMARKS, PUBLICITY RIGHTS, OR ANY OTHER LAW THAT GIVES A PERSON, INDEPENDENTLY OF CONTRACT, A RIGHT TO CONTROL OR PRECLUDE ANOTHER PERSON'S USE OF OR ACCESS TO THE INFORMATION ON THE BASIS OF THE RIGHTS HOLDER'S INTEREST IN THE INFORMATION.

(39) "INSURANCE SERVICES TRANSACTION" MEANS AN AGREEMENT THAT PROVIDES FOR, OR A TRANSACTION THAT IS, OR ENTAILS ACCESS TO, USE, TRANSFER, CLEARANCE, SETTLEMENT, OR PROCESSING OF:

(A) AN INSURANCE POLICY, CONTRACT, OR CERTIFICATE; OR

(B) A RIGHT TO PAYMENT UNDER AN INSURANCE POLICY, CONTRACT, OR CERTIFICATE.

~~(39)~~ (40) "KNOWLEDGE", WITH RESPECT TO A FACT, MEANS ACTUAL KNOWLEDGE OF THE FACT.

~~(40)~~ (41) "LICENSE" MEANS A CONTRACT THAT AUTHORIZES ACCESS TO, OR USE, DISTRIBUTION, PERFORMANCE, MODIFICATION, OR REPRODUCTION OF, INFORMATION OR INFORMATIONAL RIGHTS, BUT EXPRESSLY LIMITS THE ACCESS OR USES AUTHORIZED OR EXPRESSLY GRANTS FEWER THAN ALL RIGHTS IN THE INFORMATION, WHETHER OR NOT THE TRANSFEREE HAS TITLE TO A LICENSED COPY. THE TERM INCLUDES AN ACCESS CONTRACT, A LEASE OF A COMPUTER PROGRAM, AND A CONSIGNMENT OF A COPY. THE TERM DOES NOT INCLUDE A RESERVATION OR CREATION OF A SECURITY INTEREST TO THE EXTENT THE INTEREST IS GOVERNED BY TITLE 9 OF THIS ARTICLE.

~~(41)~~ (42) "LICENSEE" MEANS A PERSON ENTITLED BY AGREEMENT TO ACQUIRE OR EXERCISE RIGHTS IN, OR TO HAVE ACCESS TO OR USE OF, COMPUTER