

- (6) "INSTRUMENT" § 9-102(A)(47).
- (7) "INVESTMENT PROPERTY" § 9-102(A)(49).
- (8) "ITEM" § 4-104.
- (9) "LETTER OF CREDIT" § 5-102.
- (10) "PAYMENT ORDER" § 4A-103.
- (11) "SALE" § 2-106.

GENERAL SCOPE AND TERMS.

21-103. SCOPE; EXCLUSIONS.

(A) THIS TITLE APPLIES TO COMPUTER INFORMATION TRANSACTIONS.

(B) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS SECTION AND SUBSECTION (D) OF THIS SECTION AND § 21-104 OF THIS SUBTITLE, IF A COMPUTER INFORMATION TRANSACTION INCLUDES SUBJECT MATTER OTHER THAN COMPUTER INFORMATION OR SUBJECT MATTER EXCLUDED UNDER SUBSECTION (D) OF THIS SECTION, THE FOLLOWING RULES APPLY:

(1) IF A TRANSACTION INCLUDES COMPUTER INFORMATION AND GOODS, THIS TITLE APPLIES TO THE PART OF THE TRANSACTION INVOLVING COMPUTER INFORMATION, INFORMATIONAL RIGHTS IN IT, AND CREATION OR MODIFICATION OF IT. HOWEVER, IF A COPY OF A COMPUTER PROGRAM IS CONTAINED IN AND SOLD OR LEASED AS PART OF GOODS, THIS TITLE APPLIES TO THE COPY AND THE COMPUTER PROGRAM ONLY IF:

(A) THE GOODS ARE A COMPUTER OR COMPUTER PERIPHERAL; OR

(B) GIVING THE BUYER OR LESSEE OF THE GOODS ACCESS TO OR USE OF THE PROGRAM IS ORDINARILY A MATERIAL PURPOSE OF TRANSACTIONS IN GOODS OF THE TYPE SOLD OR LEASED.

(2) SUBJECT TO SUBSECTION ~~(D)(2)(A)~~ (D)(3)(A) OF THIS SECTION, IF A TRANSACTION INCLUDES AN AGREEMENT FOR CREATING OR FOR OBTAINING RIGHTS TO CREATE COMPUTER INFORMATION AND A MOTION PICTURE, THIS TITLE DOES NOT APPLY TO THE AGREEMENT IF THE DOMINANT CHARACTER OF THE AGREEMENT IS FOR CREATING OR OBTAINING RIGHTS TO CREATE A MOTION PICTURE. IN ALL OTHER SUCH AGREEMENTS, THIS TITLE DOES NOT APPLY TO THE PART OF THE AGREEMENT THAT INVOLVES A MOTION PICTURE EXCLUDED UNDER SUBSECTION ~~(D)(2)~~ (D)(3) OF THIS SECTION, BUT DOES APPLY TO THE COMPUTER INFORMATION.

~~(2)~~ (3) IN ALL OTHER CASES NOT INVOLVING GOODS, THIS TITLE APPLIES TO THE ENTIRE TRANSACTION IF THE COMPUTER INFORMATION AND INFORMATIONAL RIGHTS, OR ACCESS TO THEM, IS THE PRIMARY SUBJECT MATTER, BUT OTHERWISE APPLIES ONLY TO THE PART OF THE TRANSACTION INVOLVING COMPUTER INFORMATION, INFORMATIONAL RIGHTS IN IT, AND CREATION OR