

MODIFICATION OF IT, ~~UNLESS THE COMPUTER INFORMATION AND INFORMATIONAL RIGHTS, OR ACCESS TO THEM, IS THE PRIMARY SUBJECT MATTER, IN WHICH CASE THIS TITLE APPLIES TO THE ENTIRE TRANSACTION.~~

(C) TO THE EXTENT OF A CONFLICT BETWEEN THIS TITLE AND TITLE 9 OF THIS ARTICLE, TITLE 9 GOVERNS.

(D) THIS TITLE DOES NOT APPLY TO:

(1) A FINANCIAL SERVICES TRANSACTION;

(2) AN INSURANCE SERVICES TRANSACTION;

~~(2)~~ (3) A CONTRACT AN AGREEMENT TO CREATE, PERFORM OR PERFORM IN, INCLUDE INFORMATION IN, ACQUIRE, USE, DISTRIBUTE, MODIFY, REPRODUCE, HAVE ACCESS TO, ADAPT, MAKE AVAILABLE, TRANSMIT, LICENSE, OR DISPLAY:

~~(A) AUDIO OR VISUAL PROGRAMMING THAT IS PROVIDED BY BROADCAST, SATELLITE, OR CABLE AS DEFINED OR USED IN THE FEDERAL COMMUNICATIONS ACT AND RELATED REGULATIONS AS THEY EXISTED ON JULY 1, 1999, OR BY SIMILAR METHODS OF DELIVERING THAT PROGRAMMING, OR~~

(A) A MOTION PICTURE OR AUDIO OR VISUAL PROGRAMMING, OTHER THAN IN (I) A MASS-MARKET TRANSACTION OR (II) A SUBMISSION OF AN IDEA OR INFORMATION OR RELEASE OF INFORMATIONAL RIGHTS THAT MAY RESULT IN MAKING A MOTION PICTURE OR A SIMILAR INFORMATION PRODUCT; OR

(B) ~~A MOTION PICTURE~~; SOUND RECORDING, MUSICAL WORK, OR PHONORECORD AS DEFINED OR USED IN TITLE 17 OF THE UNITED STATES CODE AS OF JULY 1, 1999, OR AN ENHANCED SOUND RECORDING;

~~(3)~~ (4) A COMPULSORY LICENSE;

~~(4)~~ (5) A CONTRACT OF EMPLOYMENT OF AN INDIVIDUAL, OTHER THAN AN INDIVIDUAL HIRED AS AN INDEPENDENT CONTRACTOR TO CREATE OR MODIFY COMPUTER INFORMATION, UNLESS SUCH INDEPENDENT CONTRACTOR IS A FREELANCER IN THE NEWS REPORTING INDUSTRY AS THAT TERM IS COMMONLY UNDERSTOOD IN THAT INDUSTRY;

~~(5)~~ (6) A CONTRACT THAT DOES NOT REQUIRE THAT INFORMATION BE FURNISHED AS COMPUTER INFORMATION OR IN WHICH UNDER THE AGREEMENT THE FORM OF THE INFORMATION AS COMPUTER INFORMATION IS OTHERWISE INSIGNIFICANT WITH RESPECT TO THE PRIMARY SUBJECT MATTER OF THE PART OF THE TRANSACTION PERTAINING TO THE INFORMATION; OR

~~(6)~~ (7) SUBJECT MATTER WITHIN THE SCOPE OF TITLE 3, 4, 4A, 5, 6, 7, OR 8 OF THIS ARTICLE.

(E) AS USED IN SUBSECTION ~~(D)(2)(B)~~ (D)(3)(B) OF THIS SECTION, "ENHANCED SOUND RECORDING" MEANS A SEPARATELY IDENTIFIABLE PRODUCT OR SERVICE THE DOMINANT CHARACTER OF WHICH CONSISTS OF RECORDED SOUNDS BUT WHICH INCLUDES (I) STATEMENTS OR INSTRUCTIONS WHOSE PURPOSE IS TO ALLOW