

MANIFESTATION OF ASSENT, IS BOUND BY THE OPERATIONS OF THE ELECTRONIC AGENT, EVEN IF NO INDIVIDUAL WAS AWARE OF OR REVIEWED THE AGENT'S OPERATIONS OR THE RESULTS OF THE OPERATIONS.

21-108. PROOF AND EFFECT OF AUTHENTICATION.

(A) AUTHENTICATION MAY BE PROVEN IN ANY MANNER, INCLUDING A SHOWING THAT A PARTY MADE USE OF INFORMATION OR ACCESS THAT COULD HAVE BEEN AVAILABLE ONLY IF IT ENGAGED IN CONDUCT OR OPERATIONS THAT AUTHENTICATED THE RECORD OR TERM.

(B) COMPLIANCE WITH A COMMERCIALLY REASONABLE ATTRIBUTION PROCEDURE AGREED TO OR ADOPTED BY THE PARTIES OR ESTABLISHED BY LAW FOR AUTHENTICATING A RECORD AUTHENTICATES THE RECORD AS A MATTER OF LAW.

21-109. CHOICE OF LAW.

(A) THE PARTIES IN THEIR AGREEMENT MAY CHOOSE THE APPLICABLE LAW. ~~HOWEVER, THE CHOICE IS NOT ENFORCEABLE IN A CONSUMER CONTRACT OR A MASS MARKET LICENSE TO THE EXTENT IT WOULD VARY A RULE THAT MAY NOT BE VARIED BY AGREEMENT UNDER THE LAW OF THE JURISDICTION WHOSE LAW WOULD APPLY UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION IN THE ABSENCE OF THE AGREEMENT.~~

(B) IN THE ABSENCE OF AN ENFORCEABLE AGREEMENT ON CHOICE OF LAW, THE FOLLOWING RULES DETERMINE WHICH JURISDICTION'S LAW GOVERNS IN ALL RESPECTS FOR PURPOSES OF CONTRACT LAW:

(1) AN ACCESS CONTRACT OR A CONTRACT PROVIDING FOR ELECTRONIC DELIVERY OF A COPY IS GOVERNED BY THE LAW OF THE JURISDICTION IN WHICH THE LICENSOR WAS LOCATED WHEN THE AGREEMENT WAS ENTERED INTO.

(2) ~~A CONSUMER CONTRACT OR A MASS MARKET LICENSE THAT REQUIRES DELIVERY OF A COPY ON A TANGIBLE MEDIUM IS GOVERNED BY THE LAW OF THE JURISDICTION IN WHICH THE COPY IS OR SHOULD HAVE BEEN DELIVERED TO THE CONSUMER OR A MASS MARKET LICENSEE~~ MASS MARKET TRANSACTION IS GOVERNED BY THE LAW OF MARYLAND.

(3) IN ALL OTHER CASES, THE CONTRACT IS GOVERNED BY THE LAW OF THE JURISDICTION HAVING THE MOST SIGNIFICANT RELATIONSHIP TO THE TRANSACTION.

(C) IN CASES GOVERNED BY SUBSECTION (B) OF THIS SECTION, IF THE JURISDICTION WHOSE LAW GOVERNS IS OUTSIDE THE UNITED STATES, THE LAW OF THAT JURISDICTION GOVERNS ONLY IF IT PROVIDES SUBSTANTIALLY SIMILAR PROTECTIONS AND RIGHTS TO A PARTY NOT LOCATED IN THAT JURISDICTION AS ARE PROVIDED UNDER THIS TITLE. OTHERWISE, THE LAW OF THE STATE THAT HAS THE MOST SIGNIFICANT RELATIONSHIP TO THE TRANSACTION GOVERNS.