

# New Article of UCC Addresses Licenses

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The National Conference of Commissioners on Uniform State Laws is drafting a new article (Draft Section 2B-308) of the Uniform Commercial Code (UCC), which forms the basis for contract law in most states. This new article addresses mass market licenses and states that in most instances "shrink wrap or click on" licenses would be enforceable. Under such a proposal, a license included in a software product could state that by removing the software's shrink wrap packaging, a user agrees to waive all fair use privileges associated with the software. Similarly, a license written by a web page designer could provide that by clicking on the "next page" icon, the user agrees to refrain from copying any facts appearing on the web page. Such proposals would permit content owners to significantly restrict the rights of users of copyrighted materials.

Members of the Shared Legal Capability are reviewing the draft section and other parts of Article 2B to fully understand the intent of the proposals and the possible impact on library services and users. The proposals are still under consideration and a final draft will not be presented until the summer of 1997.

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