

Re: ok, let's clear this up MS – is Product Activation really restricted?

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- *From:* Donald McDaniel <[d1mcdaniel2005@xxxxxxxxxx](mailto:d1mcdaniel2005@xxxxxxxxxx)>
  - *Date:* Tue, 31 May 2005 09:09:00 -0700
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On Mon, 30 May 2005 12:17:06 -0600, Bruce Chambers <[bchambers@xxxxxxxxxx](mailto:bchambers@xxxxxxxxxx)> wrote:

>Stephen wrote:

>> Bruce Chambers wrote:

>><snip>

> How can one's "fair use" possibly be threatened by an agreement into which one  
>voluntarily enters. By agreeing to the contract, one is agreeing that  
>one's "fair use" isn't abridged.

Not so, Mr. Chambers. Even Microsoft does not require in its EULAs for a customer to agree that his "fair use" rights are not being abridged. There is no clause in the EULA which states that one who installs the software MUST abrogate his right to disagree that his "fair use" rights are abridged. Such a contract would be UNENFORCEABLE, since it would be the same as abrogating his rights to integrity of thought and mind. Of course, I'm sure some Microsoft synchopants would LIKE to see such a clause in the United States Constitution, and in the Microsoft EULAs. I won't say who they are. Everyone who posts in these newsgroups know who they are already.

Very specious reasoning, Mr. Chambers. It is perfectly possible to agree to a contract, for convenience sake, and STILL hold on to a belief that "fair use" is being abridged. No contract on the face of the Earth can abridge a man's innate right to the integrity of his own mind and thoughts (except maybe in N. Korea, Iran, Syria, and other anti-democratic nations). In fact, most Microsoft EULAs have a clause in them (if I'm not mistaken) which state very plainly that the terms of the EULA do not apply where such terms would be applied in the case of a law or statute which disagrees with the terms. We believe that the EULA disagrees with the law (established plainly by the U.S. Supreme Court) concerning "fair use". Many of us came to this conclusion AFTER agreeing to the terms of the EULA (an agreement we reached AFTER purchasing the product, since the EULA is NOT published on the outside of the product packaging). For years, I agreed to Microsoft's EULA sight unseen. Believe me, I now ALWAYS read my EULA after purchasing and beginning the installation of a Microsoft

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Product. And I agree (sometimes with reservations) to the EULA by installing the product, because the other options are unacceptable to me because of price or features.

On the matter of an individual no longer agreeing with the EULA and abrogating it: Microsoft itself has abrogated its EULA as far as XP OEM software is concerned by beginning to no longer allow Internet Activation of XP OEM AFTER both parties have agreed to the EULA, which PLAINLY states that an individual may, under the EULA, activate his software EITHER via the Internet OR via the phone. Since Microsoft has abrogated its own EULA, I believe the individual customer is NO LONGER bound by the XP OEM EULA.

>

>

>> ... verses your point of view which is how the law and and

>> business contracting server corporate profit and interest

>

>

> My primary concern is the integrity involved in the matter. In this

>case, it just happens that currently existing the laws support my position.

Law in the United States at the current time is contradictory in many cases, from state to state. Such an argument is useless, since a good lawyer can establish the rights of his clients(either public or private) under almost ANY circumstances, if he goes to the right state or jurisdiction.

>

>

>> and how best to

>> defeat human "rights" should they interfere.

Why do you enclose the term human "rights" in quotes, as if to show that such "rights" don't really exist? Maybe I'm misunderstanding something here.

But as far as "human rights" are concerned, both the United States Constitution's Bill of Rights and the Declaration of Independence of the first Constitutional Congress, have ENTHRONED forever the basic human "rights" of an individual. Trying to get a man to abrogate these "rights" is evil and criminal, as far as I am concerned. How can basic human rights interfere in ANYTHING? The Declaration of Independence tells us that these rights are GOD–GIVEN. To try to take these rights away from a Man is to try to defeat God Himself. This will NEVER be possible.

>>

>

> Huh?

>

>

>> Yes, I worded it to sound a bit nasty – but it's not personal and I'm only

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- >> doing it to press a point; but it is my opinion that human rights,
- >> especially that of the individual in her or his home should be more than
- >> respected, they should be revered.
- >>
- >
- > And I'd certainly not argue with that.

Then WHY are you arguing with "that", if you'd "certainly not argue with that."

- > I simply don't see how it could
- >possibly be relevant.

How can you not see that ensuring that basic human rights are inviolable is truly relevant to all contracts? It is in the very SPIRIT of Law. If you can't see that, you are like the Pharisees of Jesus' day, who kept the LETTER of the Law, but failed to abide by the SPIRIT of the Law. And the lawyers of Microsoft are like the Scribes of the Pharisees, who interpreted the Law in such a way that the spirit of the Law was abrogated by the Pharisees, who used the Scribes to re-write the Law according to THEIR evil, selfish understanding of it. This allowed them to persecute the righteous, and oppress the poor, and still pat themselves on the back, and tell each other "You keep the Law, but they don't".

- >I can't understand how abiding by the terms of a
- >contract into which one freely enters can be seen as an attack on either
- >human rights or privacy.

If you can't see that, you're as blind as a bat. If one keeps the terms of an evil contract, one becomes evil himself.

The Nazis in Germany made many laws, which enabled them to steal the possessions of anyone they wanted "legally". And the population sat back and "kept the Law" (or closed their eyes to the evil which was going on). Abiding by the "Law" in that case led the nation to utter ruin. Evil starts small, Mr. Chambers. Mr. Gates has grown grossly wealthy by stealing the money of his customers with Microsoft's spurious interpretation of the "fair use" laws. No wonder he is giving some of it away to good causes. He probably feels guilty. This is good. But maybe in addition, he should give some of it back to his customers by lowering the prices of his products, and by replacing his evil EULAs with ones which include basic human rights, and a true interpretation of "fair use" law.

- >If you don't like the terms of a contract,
- >don't agree to it. It's as simple as that. If the contract accompanies
- >the use of software, simply use a software product with whose license
- >one agrees.

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Donald L McDaniel

Please reply to the original thread

so that others may be instructed or informed

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• **References:**

- ◆ **ok, let's clear this up MS – is Product Activation really restricted?**  
◇ From: Tim.T
- ◆ **Re: ok, let's clear this up MS – is Product Activation really restricted?**  
◇ From: bonio
- ◆ **Re: ok, let's clear this up MS – is Product Activation really restricted?**  
◇ From: Bruce Chambers
- ◆ **Re: ok, let's clear this up MS – is Product Activation really restricted?**  
◇ From: kurtrail
- ◆ **Re: ok, let's clear this up MS – is Product Activation really restricted?**  
◇ From: Bruce Chambers
- ◆ **Re: ok, let's clear this up MS – is Product Activation really restricted?**  
◇ From: Bruce Chambers

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