

# Re: Windows XP Home

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- *From:* Bruce Chambers <[bchambers@xxxxxxxxxxxxx](mailto:bchambers@xxxxxxxxxxxxx)>
  - *Date:* Sun, 04 Dec 2005 13:03:33 -0700
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Bruce Chambers wrote:

Steve N. wrote:

Oh, quit preaching Bruce. Morality is a subjective matter for the individual to determine for themselves.

Not in any known human society. Look around you. The "group" determines what behavior is acceptable and what behavior is not acceptable. Violators are ostracized, punished, or exiled. Further, in a civilized society, behavior that harms others, to include stealing their property, is one of the behaviors deemed unacceptable. Granted, different societies develop different mores, which often seem silly to outsiders. After all, "One man's theology is another man's belly-laugh." What is up to each individual is the decision of whether to abide by his groups' rules, or to be prepared to suffer any consequences for failing to do so.

You have no right to judge someone else's sense of morality.

Oh, don't I have the same "rights" as everyone else? Of

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course, I have the right to decide whether or not I consider someone else's behavior acceptable. I also have the right to say so.

No it's not a lie. "Borrowed"! LOL! Apple stole the idea from Xerox and M\$ stole it from Apple. And M\$ stole DOS from Digital Research. For that matter we all stole ethernet from Xerox! What does that make us?

Hyperbole aside, where are the court decisions from the patent-infringement cases? No one actually, literally "stole" the GUI from anyone else; no more than Benz stole the idea for an automobile from Ford, or vice versa. Technology most often advances by someone's improving upon, or being inspired by, someone else's work. That's even how we got from caves to houses. It was time for a GUI, and several competing entities produced versions of same; only two (Apple and Microsoft) had any measurable success with their differing implementations of the idea.

But three or more wrongs do, eh?

No, but how does this apply? Where's the alleged third "wrong?"

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No it's not irrelevant. Until a court of law rules on a contract dispute it is not "law".

EULAs have already been upheld in court as legally binding contracts, in principle. Only those specific EULAs found to be invalid by a court, by reason of being in violation of law or by being unconscionable, are \*not\* binding contracts.

It is only legally binding when both parties agree to it, and continue to do so.

But the purchaser/user of the OS \*has\* agreed to the terms of the contract. And you're saying it's OK to renege on a contract any time thereafter, whenever that it's terms become "inconvenient?" So, after you've signed a contract to purchase and pay for a car, mortgage a home, use a credit card, etc., you're entitled to change your mind, stop making payments, and still keep the car, the house, the items purchased with the credit card? What planet do you live on?

That is still up for debate and EULAs are being challenged:

<http://www.eff.org/wp/eula.php>

I strongly suggest you read it.

I have looked at it. There are many valid points there. So what? It seems to be mostly aimed at purveyors of ad-ware and spy-ware. Even so, a license's being challenged is no indication of its validity or lack thereof, nor is it the same

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as the license's having being over-turned. There are idiots out there who challenge the fact that the world is round; that's no going to flatten the planet. Where is the court case that specifically finds Microsoft's EULA invalid? Until that happens, it stands.

Where's your law degree Bruce?

Don't have one, never claimed to do so, nor is one necessary.

You're no more an authority on this than anyone else is.

Officially, no. But I dare say I'm more of an authority than those who spout nothing more than their own wishful thinking.

This is not to say I advocate piracy, casual or otherwise, nor do I slight M\$ for making money they deserve,

Good for you.

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but I can and do speak up for the truth and do not abide with half-truths and mis-information and just because you and M\$ say it's so does not make it the truth.

True, but that doesn't logically follow the first part of the sentence. Are you accusing me of lying? If so, please substantiate the accusation. I am capable of making a mistake and mis-speaking, but I do not knowingly lie. Period.

Nor do I necessarily agree with or like the terms of Microsoft's EULAs. You'll never find a single instance where I've said that I do. What I'd like to see is an end of the "OEM" EULA, but that will well raise the costs - and therefore the prices - of PCs. In particular, I'd like to see the end of non-transferable licenses. I'd like to see Microsoft offer a "Household" license that allows installations on up to, say, PCs within a single home. However, those are business

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decisions for Microsoft (and every other software manufacturer - why do the same licensing terms become objectionable only when found in a Microsoft EULA, but Adobe's or Corel's EULAs are fine? Do I detect a hint of hypocrisy?) to make; it's not the world we live in.

What I point out is simple fact that the EULA is an agreement into which the computer user has freely entered, and that violating said contract would be a lapse in integrity (and a violation of the law, in some locations) and prove said individual to be completely untrustworthy. The fact the a EULA is involved is ultimately irrelevant; a broken promise remains a broken promise, regardless of the subject.

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Bruce Chambers

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<http://www.catb.org/~esr/faqs/smart-questions.html>

You can have peace. Or you can have freedom. Don't ever count on having both at once. - RAH

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