

Re: Windows Genuine Advantage Notifications application

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- *From:* "kurttrail" <dontemailme@xx>
 - *Date:* Wed, 26 Apr 2006 09:08:01 -0400
-

Galen wrote:

In news:OpAQ0GNaGHA.4916@xxxxxxxxxxxxxxxxxxxxxxxx,
kurttrail had this to say:

Which reminds me! Last month was the one year anniversary of me
stopping smoking, so I celebrated by drinking Black & Tans, and
smoking three cigarettes! Boy did they taste great!

I did try to warn 'em... Alas, no one ever listens. Didn't your
mother ever tell you nobody likes a quitter?

Oh, I'm quite careful not to say I've quit cigarettes. I stopped
smoking for 4 years in the 1990's.

People seem to mistake people who are vocal with stupidity. I guess,
after a trip to the pub, that could be considered a good general
statement but it doesn't always apply.

Of course I still think you're POTENTIALLY wrong at this point and
until such a time as fair use is decided by a court of law in this
case (such as it may be) no one will really know.

What I know is that I have a right to my interpretation of "fair use,"
unless the copyright owner disagrees, sues me, and wins in court. Until
then, I'm doing nothing wrong. And since people have been fairly using
Windows since MS added its One Computer crap in the EULA over 13 years
ago, I'm not gonna hold my breath waiting for MS to sue me over my
interpretation.

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The car analogy doesn't work because the closest it would come to – really – would be someone saying, well, I bought a Ford Focus so I can drive any Focus I want when ever I want and as much as I want and the opposite end of the spectrum you bought my car and you will drive it according to my rules. Personally I'd like to think there is a common ground. ;)

That doesn't work, because you aren't trying to use anyone else copy of a Ford.

The true analogy would be if you made a second copy of a Ford Focus in your back yard for your own personal use. And there is nothing illegal about that, unless you try to sell it.

However, realistically, fair use will be decided by a non-partial group who kowtow to the highest bidder during election time probably. And, realistically, people are under some sort of assumption that they've the rights to tell other people what to do. If you put ads up, generate enough users, are innovative enough, and work hard enough (well, it's my pipe dream, I'll tell it any way I want) then you can buy enough shares to say what a company can do or can't do. Until then, and no I'm not a Republican, random people don't belong out of the boardroom and the business goal is to make money for the shareholders and not to be some sort of sympathetic bleeding heart liberal. (Ouch, that just came out of my mouth...) It may be sad but it is true – I think – I don't really know? Idealism has a place but, well, when you are doing a job for someone else then (and that is what Microsoft does – it makes money for the stock holders)

Does it? I think all this copy-protection crap actually ends up costing stock holders. The piracy rate was dropping before MS introduced copy-protection to the masses. Hell, the piracy rate in 1994 before the majority of people even owned PCs was the highest that the BSA ever recorded!

Now people are experiencing problems associated with copy-protection, and that generates ill will towards the companies that use it. And that is gonna hit those companies in their wallet, not to mention the costs of developing the copy-protection and the infrastructure to maintain it.

MS's stock price hasn't really grown at all since they introduced copy-protection in their products, so I don't see how it helps stock holders at all.

your job is to do what you are told and if you have a problem then move on or, if your problem is illegal then blow the

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whistle. That they let your posts continue implies to me that (and come on now Kurt, you KNOW legal's looked at it by now and their legal department knows FAR MORE than you or I – and they let you carry on) they're not worried.

Then they should sue and prove their point. But that they haven't show a reluctance, I would say a fear of losing. MS is not a company to shy away from a legal battle, unless it knows it has a good chance of losing.

Oh my...

I accepted my MVP status back then because I was assured that I was able to retain my own feelings and able to state them in public without fear of repercussion.

So... I shall...

The EULA...

Dude, it's being worked on and is a far sight better than many other companies out there. You can take your XP and install it (as far as I'm aware) on dual core CPUs with up to two sockets of them – CPUx4 in other words – and still be within the EULA. Virtualization of the cores is even more intense – pay per OS in use. Give credit where it is due – fair use? Find me another major vendor of software who will allow you that. How many machines can the Apple users install on legally before they violate their TOS? Better yet, even if they could install on a million machines – how many will it actually run on?

Linux. I own pay a pay-for distro and I can install it on as many PC with as many CPUs virtual and real as I want.

The legal issues...

Don't know – I'm not a lawyer. That they let you continue (except when you're overly aggressive) is a sign that they don't really care.

And their lack of due diligence can be held against them if the ever sue someone "fairly using" Windows.

If they – Microsoft – don't care then that means that they're probably pretty sure of their situation. You bluff one or two people, you

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don't try to bluff all of usenet. Not if you are a part of their legal team.
The reality...

Some dude kicked 'em in the who-sits for selling a copy of their software. They said he'd agreed to the EULA, he'd never opened the package nor installed it. He actually made a profit selling it. (I think it was a student edition of XP.)

Legal issues? I don't see it lasting long...

Reality – that's the topic... Name an OS that comes without a media player? If I had a stake in a game company is it okay to sue Mandriva because I can play a game while it is installing? Surely that impacts sales... iTunes and Apple? Now if a monopoly is there – then iTunes, Apple, and an iPod are it. No, someone is (hopefully) going to come along and say play fair which is NOT what the EU is doing.

LOL! I have an MP3 player that doesn't use iTunes and isn't an iPod. They are easy to find. Much harder to find a PC OEM that sells non-Windows PCs.

They, the EU, are in a position where they're seemingly failing financially with any long-term prospects and are hoping to recoup their losses via lawsuits. The reality is that Microsoft should – and probably will – say something akin to "Bugger it, we'll just not employ nor sell anything directly in your countries and if you have any issues speak to the OEMs who do so." A recent article in either ComputerWorld or NetworkWorld pointed out that they could pay their fines out of petty cash for something like another 40 years even if they never made another dime. That puts you back at step one. The whole time you've ranted about the EULA and fair use. I'd like to say it's going to be decided and soon but, well, with everything moving to virtualization and multiple cores you'll likely see the market fix it long before any government body does.

More than 13 years! And actually the gov't has tried to clear up the situation with UCITA.

I am pretty sure the above doesn't make a lot of sense. Either way, two things... Many of your ideals are already – within reason and scope of a company whose job it is to benefit the owners

Again, I don't think copy-protection is really in the interest of the owners.

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– underway
and it isn't just Microsoft that has these EULAs and some are even
FAR more restrictive than Microsoft's.

And almost ALL of those companies with highly restrictive EULAs are
colluding members of the BSA Trust.

As far as I'm concerned these industry watchdog groups should be banned
in the interest of consumers. The RIAA, the MPAA, and the BSA!

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Peace!

Kurt Kirsch

Self-anointed Moderator

<http://microscum.com>

"It'll soon shake your Windows

And rattle your walls

For the times they are a-changin'."

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