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## Software licences branded unfair

### National Consumer Council urges clampdown

by Katie Scott published on 21 February 2008

Some of the world's biggest software developers have been slammed in a new report by the National Consumer Council (NCC).

It has called for a clampdown on software companies that it says mislead computer users into signing away legal rights, and has urged the Office of Fair Trading no less to act for consumers' rights.

The NCC has published a report called "Whose licence is it anyway?", and in it, it accuses developers of forcing consumers to sign end-user licence agreements (EULAs) before they can see if software is suitable for their use.

It adds that these EULAs are usually completely incomprehensible for normal people or they are hidden away inside packaging so that people don't realise they are there.

The organisation adds that consumers often don't know that once the software is opened, they have no legal right to return it.

The NCC has now referred 17 companies to the Office of Fair Trading (OFT) for investigation under the Unfair Terms and Conditions of Contract law.

Among these are household names including Apple, Adobe, Microsoft, Symantec, Magix, Nero, Corel, Sega and McAfee.

Carl Belgrove, NCC Senior Policy Advocate told Computer Active magazine: "Plugging the gaps in consumer legislation is a vital move. Consumers can't have a clue what they're signing up to when some terms and conditions run to 10 or more pages. There's a significant imbalance between the rights of the consumer and the rights of the holder".



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The NCC alleges that more than 50% of the 25 products it surveyed did not mention on the packaging that the consumer has to sign a EULA before they could use the software.

And, in this days of emails and the Internet, only 4 of the 17 companies included a web link to an online copy of the agreement; six included paper copies inside the instruction manual that could only be accessed after opening the pack.

It was only Kaspersky that put a seal on the CD case of its Anti-Virus 6 software, with instructions to read an enclosed paper copy of the licence agreement before installing software.

The NCC also urged the OFT to work with the European Commission to fill the gaps in the consumer rights and protection framework and make digital contracts and licence agreements part of everyday consumer law.