

CONFORMING COPY

1 MITCHELL SILBERBERG & KNUPP LLP
2 MARC E. MAYER (SBN 190969)
3 JILL P. RUBIN (SBN 240019)
4 11377 West Olympic Boulevard
5 Los Angeles, California 90064-1683
6 Telephone: (310) 312-2000
7 Facsimile: (310) 312-3100

8 Attorneys for Defendant
9 Happy Mutants LLC

FILED
APR 17 2009
KIM TURNER
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: K. Main, Deputy

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN

MAGICJACK, L.P.,

Plaintiff,

v.

HAPPY MUTANTS LLC,

Defendant.

CASE NO. CV 091108

**DECLARATION OF CORY DOCTOROW
IN SUPPORT OF SPECIAL MOTION OF
DEFENDANT HAPPY MUTANTS LLC.
TO STRIKE COMPLAINT OF PLAINTIFF
MAGICJACK, L.P. PURSUANT TO
CALIFORNIA'S ANTI-SLAPP STATUTE,
CAL. CODE CIV. P. § 425.16**

Date: May 27, 2009

Time: 9:00 a.m.

Courtroom: Dept. J, Hon. Verna A. Adams

File Date: March 11, 2009

Trial Date: None Set

Mitchell
Silberberg &
Knupp LLP

2178439.2

Declaration of Cory Doctorow

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF CORY DOCTOROW

I, CORY DOCTOROW, declare as follows:

1. I am the co-owner of CorDoc-Co, Ltd (UK), a member of Happy Mutants, LLC. Happy Mutants, LLC is the owner and operator of the website known as "Boing Boing," located at the Internet address www.boingboing.net ("Boing Boing"). I am one of the editors and owners of the "Boing Boing" website and weblog (or "blog"). I know all of the following facts of my own personal knowledge and, if called and sworn as a witness, could and would testify competently thereto.
2. I am a writer and journalist, and the author of five novels and numerous short stories and novellas. My fictional work has included the novels "Down and Out In The Magic Kingdom" (which won the 2004 Locus Award and was nominated for the 2005 Nebula Award) and "Little Brother" (currently nominated for the 2008 Nebula Award and the 2009 Prometheus Award), the Locus Award-winning short story collection "Overclocked," and the short story/novellette "I, Robot" (which won the 2006 Locus Award and was nominated for the 2005 Hugo Award and the 2005 British Science Fiction Association award) In 2000, I received the John W. Campbell award for "Best New Writer." I write and speak frequently on issues pertaining to copyright and technology rights, and I am the author of "Content: Selected Essays on Technology, Creativity, Copyright, and the Future of the Future."
3. The Boing Boing blog and website launched in January 2000, as the online incarnation of a print magazine first published in 1988 by Mark Frauenfelder and Carla Sinclair. The online edition was created by Mark Frauenfelder, and over the next three years, added three co-editors: David Pescovitz, Xeni Jardin, and me. Xeni, David, and Mark and I all knew each other through our work in technology

1 journalism world. (Among other things, all four of us have contributed articles to
2 *Wired Magazine*.) Additionally, Xeni Jardin is a regular technology commentator
3 for National Public Radio, and David Pescovitz is co-author of the book "Reality
4 Check" and has contributed to *Scientific American*, *Popular Science*, the *New York*
5 *Times*, the *Washington Post*, *New Scientist*, and *Business 2.0*.

- 6
- 7 4. In 2004, David Pescovitz, Xeni Jardin, Mark Frauenfelder, and I formed an LLC
8 called "Happy Mutants," which owns and manages the Boing Boing website.
9 Boing Boing now attracts over 11 million visitors per month, and has won every
10 major award in the field, including the Weblog Awards for "Weblog of the Year,"
11 "Best Group Weblog," "Best American Weblog" and others. It is widely cited and
12 linked to, and its editors have been named to *Forbes Magazine*'s "Most Influential
13 Web Celebrities" and similar lists for several years running.

- 14
- 15 5. In 2007, Boing Boing created a second "spin-off" website, Boing Boing Gadgets
16 ("BBGadgets") (www.gadgets.boingboing.net), overseen by a full-time staff
17 member and two contractors, including Rob Beschizza. Beschizza is a technology
18 journalist and frequent contributor to *Wired Magazine*. In 2009, a third website,
19 Boing Boing Offworld (a site about games and gaming) (www.offworld.com) was
20 spun out, overseen by Brandon Boyer. Boing Boing TV ("BBTV")
21 (www.tv.boingboing.net), a daily short video program, was created in 2007, and is
22 overseen by Xeni Jardin. BBTV has been extraordinarily well received, and is
23 syndicated to a variety of channels, including seat-back video on Virgin America
24 airline.

- 25
- 26 6. The editorial focus of Boing Boing has always been the nexus of culture,
27 technology, politics and art. In a typical day, Boing Boing editors post
28 approximately 50 or 60 short items, sourced from reader suggestions or discovered

1 independently through review of hundreds of websites, newsfeeds and other
2 sources. These items typically consist of a short blurb, a quotation from the site
3 under discussion (sometimes including a video clip or still image) and a link to the
4 site. Each item also includes a message-board in which readers, contractor
5 moderators, and the editors discuss the post, in civil but often vigorous fashion
6 (think of a heated, happy discussion around a table at a really good dinner party).
7

8 7. Like most online journals, the Boing Boing website is largely supported by
9 advertising. However, none of our advertisers (which range from test prep
10 companies to electronics retailers to mattress stores) have any input or editorial
11 control over the content posted to Boing Boing. Boing Boing does not sell (and
12 never has sold) any telephone product, voice-over IP ("VOIP") product, or any
13 other product that competes with MagicJack.
14

15 8. Boing Boing's verbal style typically is hyperbolic, acerbic, or wry. That is
16 intentional. Among the approaches that Boing Boing takes is to use humor to
17 influence technological policy, law and norms to the advantage of citizens and
18 consumers. Underneath its humorous or irreverent presentation, the intent of the
19 site (and of the articles) is often very serious.
20

21 9. Boing Boing and its subsidiary sites (Boing Boing Gadgets, Boing Boing Offword,
22 and BBTv) have a long history of productive intervention in policy, law, and rights
23 issues. For example, from 2003-2006 I attended the Broadcast Treaty negotiations
24 at the United Nations' World Intellectual Property Organization in Geneva as an
25 NGO Observer on behalf of the Electronic Frontier Foundation. While doing so, I
26 published daily transcriptions of the negotiations and publicized them through
27 Boing Boing. These were widely read, republished and commented upon in the
28 media of many nations, prompting calls to several national delegations from their

1 capitals, and changing the direction of the treaty negotiation (it was shelved in 2007
2 and replaced with a new treaty discussion, the "Access to Knowledge" treaty,
3 whose drafting took place through an online effort also publicized through Boing
4 Boing).

5
6 10. Boing Boing also has taken a leading role in criticizing abusive, unfair and
7 censorious behavior from corporations and commercial firms all over the world.
8 For example, Boing Boing's coverage of the use by Sony-BMG of a software
9 "rootkit" (i.e. an invasive software program) to prevent copying of its CDs by
10 consumers has been widely cited by scholars. It also was used by petitioners to
11 Digital Rights Management proceedings that took place before the Federal Trade
12 Commission.

13 11. Boing Boing also has a long track record of coverage and advocacy related to
14 international issues of justice. Xeni Jardin and BBTv have reported extensively on
15 the struggle for self-determination in Burma, China, and Tibet, as well as on
16 indigenous rights issues in Central America and Africa. Boing Boing was a
17 sponsor of the British Convention on Modern Liberty, and has spearheaded many
18 lawmaker-outreach campaigns related to European and UK law. Boing Boing's
19 material on copyright laws has been quoted in New Zealand and Canadian
20 parliamentary speeches.

21
22 12. One area to which Boing Boing has devoted particular attention is that of license
23 agreements and terms of service (sometimes known as "End User License
24 Agreements," or "EULAs"). Boing Boing and its editors consistently have taken
25 the strong view that these one-sided adhesion contracts are a public nuisance, as
26 well as a means by which corporations substitute "private law" for hard-won
27 consumer rights. In the past nine years, Boing Boing has reported on abusive
28 EULAs affixed to fruit, fabric, and friendship. We have mocked the 57-page

1 EULA that Disney subjects children to in order to watch the Blu-Ray version of
2 Sleeping Beauty, doctors whose EULA forbids patients from publicly complaining
3 about the care they receive, and the Department of Homeland Security EULA that
4 foreigners assent to in order to look up information about visitors' visas. We also
5 have reported on the EULAs that criminals affix to the malicious software they sell
6 to other criminals, the EULAs university professors have to agree to at
7 ApplyYourself.com in order to provide a letter of reference for their students, even
8 EULAs that incorporate dozens of other EULAs by reference. A true and correct
9 copy of numerous articles discussing various EULAs collectively are attached
10 hereto as Exhibit 1. All of these articles (along with many others) can be located at
11 the BoingBoing website, which offers a searchable index of all posted content.
12

- 13 13. The use (and abuse) of EULAs by private corporations to limit consumer remedies
14 and obtain waivers of privacy rights is a particular area of focus for me. I have
15 written about EULAs in many contexts. I also taught in a Master's/PhD program
16 while holding a Fulbright Chair at the University of Southern California's
17 Annenberg School of Communications, in which the abuse of EULAs was the
18 subject of research of one of my graduate students. This student, Andy Sternberg,
19 created a website called "The Small Print Project" that gathered up hundreds of
20 abusive EULAs and analyzed them. Sternberg later assumed management of a
21 project I spearhead known as "ReasonableAgreement." ReasonableAgreement
22 makes t-shirts and stickers available (at cost), bearing the following text:
23 READ CAREFULLY. By reading this material, you agree, on
24 behalf of your employer, to release me from all obligations and
25 waivers arising from any and all NON-NEGOTIATED agreements,
26 licenses, terms-of-service, shrinkwrap, clickwrap, browserwrap,
27 confidentiality, non-disclosure, non-compete and acceptable use
28 policies ("BOGUS AGREEMENTS") that I have entered into with
your employer, its partners, licensors, agents and assigns, in
perpetuity, without prejudice to my ongoing rights and privileges.
You further represent that you have the authority to release me from
any BOGUS AGREEMENTS on behalf of your employer.

1 A true and correct copy of excerpts from the "ReasonableAgreement" website is attached hereto as
2 Exhibit 2.

3
4 14. I understand that a lawsuit has been filed by Magic Jack against Happy Mutants
5 arising from a post by BBGadgets editor Rob Beschizza entitled "MagicJack's
6 EULA says it will spy on you and force you into arbitration" (the "Beschizza
7 Post"). The Beschizza Post was posted on or about April 14, 2008. A true and
8 correct copy of the Beschizza Post, along with all of the public comment thereto, is
9 attached hereto as Exhibit 3.

10
11 15. The Beschizza Post is very typical of Boing Boing posts that criticize or mock
12 overbearing corporate EULAs, and uses the same hyperbole and humor that is
13 characteristic of Boing Boing. Boing Boing has no particular animosity towards
14 MagicJack, nor has it ever sought to sell or market any competing product or
15 service. Additionally, Boing Boing's purpose in posting the Beschizza Post was
16 not to expose the flaws or extol the virtues of the MagicJack product. Rather,
17 Boing Boing's intent was to make the public aware (and provide yet another
18 concrete example) of the types of waivers and forfeitures of consumer rights that
19 companies demand as a condition to the use of their products. In the case of
20 MagicJack, we wanted to focus public attention on the EULA's privacy provision,
21 which forces users to allow MagicJack to analyze telephone numbers they call for
22 advertising purposes. We believed then (and continue to believe) that most
23 consumers do not closely read EULAs and that MagicJack users would be
24 surprised and disturbed to learn that MagicJack was analyzing the telephone
25 numbers they call in order to direct advertising to them.

26
27 16. Prior to being served with this lawsuit, Boing Boing never received any
28 communication from any representative of MagicJack concerning the Beschizza

1 Post, including any request that the Beschizza Post be removed or edited. As far as
2 I am aware, MagicJack did not post any comments about the Beschizza Post in the
3 "comments" section of the webpage containing the Beschizza Post. (However, I
4 understand that MagicJack did slightly revise its EULA and also changed the
5 functioning of the "ticker" on its homepage).
6


- 7 17. Based on my review of MagicJack's complaint, I also understand that MagicJack
8 claims that the Beschizza Post was re-posted by an anonymous user (using
9 username EXPOSEtheHYPOCRITES) on a website entitled
10 www.mywebblogs.com. Neither Boing Boing nor Happy Mutants has any
11 affiliation or connection with www.mywebblogs.com or any person using the
12 username EXPOSEtheHYPOCRITES. EXPOSEtheHYPOCRITES certainly is not
13 a username used by any member of Happy Mutants.


14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct.
16

17 Executed on April 15, 2009, at London, United Kingdom.
18
19

20 
21

22 Cory Doctorow
23
24
25
26
27
28

 **FREE** Sony Ericsson W350 Walkman[®] phone with tunes, camera, and more. Plans start at just \$39.99! [Shop Now](#)

Two-year contract and signif. restrict. apply. 

[boingboing](#) [HEADGELS](#) [Video](#) [FFLWETID](#)

[SIGN IN](#) | [NOT A MEMBER? REGISTER](#)

[SUGGEST A LINK](#) | [ARCHIVES](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#) | [MODERATION POLICY](#) |



Repo Man with LARPers: "Unhand Thine Prius!" (ridiculous video)

POSTED BY [XENI JARDIN](#), APRIL 14, 2009 4:31 PM | [PERMALINK](#)



BB pal [Alex Ringis](#) says, "A sign of the financial times: Live action roleplaying geeks in full costume with fake weapons and in a reality vortex. Repo-bounty hunters, there to repossess the 'Wizard's' Toyota Prius. BIZARRE video ensues."

It's an episode of the TruTV show Operation Repo, titled "[Unhand Thine Prius.](#)"

Caveat view-or: as one commenter noted, it's very likely that this "reality" show is presenting a staged or highly modified version of "reality." So, take it as seriously as one might take a friendly fellow in a wizard costume, casting spells in the park.

posted in: [ECONOMY](#), [EMOTIONAL](#), [FUNNY](#), [GAMES](#), [HAPPY MUTANTS](#)

DISCUSS (15) FAVORITE THIS! (0) SEND THIS TO A FRIEND Buzz up!

Woman publishes book full of text messages sent to her

Google Custom Search

High Energy

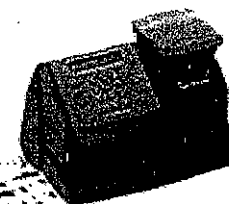
A section brought to you by



Imagination at work

**RUNS ON POSTAGE.
NOT GAS.**

NEVER DRIVE TO THE
POST OFFICE™ AGAIN.



mailstation 2
DIGITAL MAILING SYSTEM

**LEARN
MORE**



YOU'RE PROBABLY TOO LATE TO BUY THE

Vector FM and NOAA Weather Alert
Radio with Flashlight- 2 Pack

NEXT TIME, REMEMBER TO CHECK **woot!**



Advertise Here With FM
www.federatedmedia.net

dead husband's cell phone

POSTED BY [XENI JARDIN](#), APRIL 14, 2009 4:14 PM | [PERMALINK](#)

Over at [BBGadgets](#), our [Lisa Katayama](#) has an incredible post up about a widow in Japan who is publishing an anthology of text messages she sent to her loved one, after his death.

Her husband, Motoo, was diagnosed with mesothelioma in 2006, probably from the steel pipe factory he worked at. He got worker's comp, but the disease ultimately destroyed his lungs and left him with hallucinations for the remainder of his life. Shocked, the widowed Fukuda started sending text messages to her dead husband every time she thought of something she wanted to say to him. Things like: "I couldn't live if I didn't think you were still beside me. I can't live [without you]. I'm crying every day" and "I want to call you 'Otosan' to my heart's content. Why do you have to be inside such a small urn?" Every time she sent a message, the phone by his home shrine vibrated (she made sure it was always charged).

[Woman publishes book full of text messages sent to her dead husband's cell phone](#) (BBG)

posted in: [EMOTIONAL](#), [GADGETS](#), [INTERNATIONAL](#)

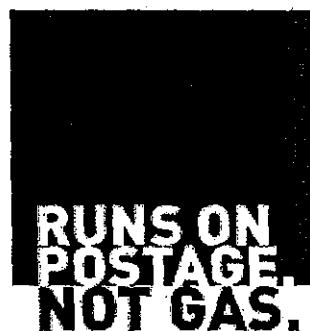
♥ FAVORITE THIS! (0)

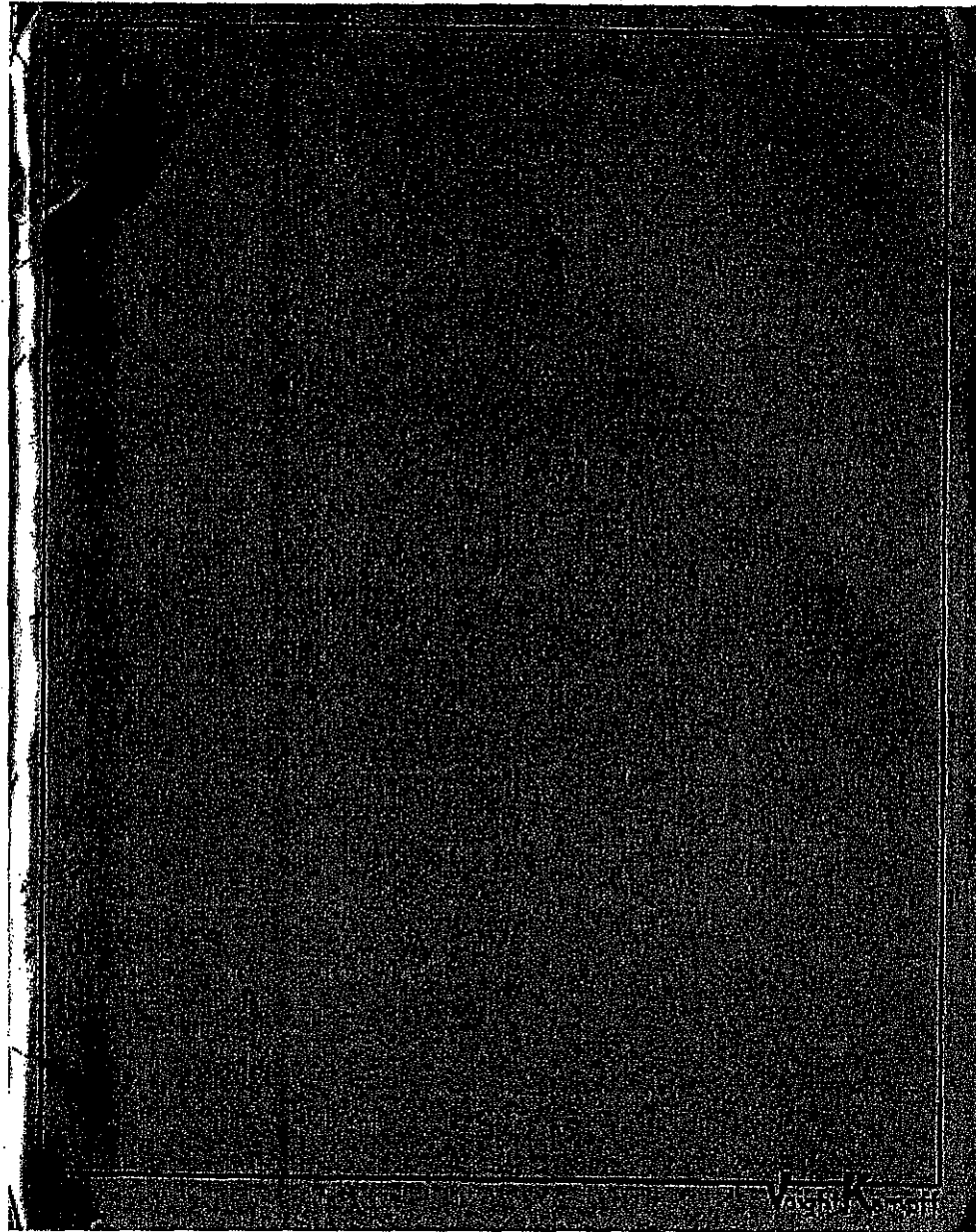
SEND THIS TO A
FRIEND

 [Buzz up!](#)

Moment of Bladerunner Fanperson-ism: Props

POSTED BY [XENI JARDIN](#), APRIL 14, 2009 4:11 PM | [PERMALINK](#)





Joel at [Boing Boing Gadgets](http://www.boingboing.net/) has an awesome post up with props from *Blade Runner* and

<http://www.boingboing.net/>

4/14/2009

other great sci-fi movies. Deckard's gun is amazing, but my favorite is the manual for the Voight-Kampff machine, used to evaluate replicant/human status in test subjects. [Props \(BB Gadgets, via MeFi\)](#)

Previously:

- [Comic book of "Do Androids Dream of Electric Sheep?" - Boing Boing](#)
- [BBtv - Blade Runner LEGO Spinner Car: Syd Mead with Joel Johnson ...](#)
- [BBtv - Syd Mead with Joel Johnson, part 3: BLADE RUNNER. - Boing Boing](#)
- [New Blade Runner: OMG Deckard is a \[REDACTED\] - Boing Boing](#)
- [And now, we pause for a Bladerunner origami unicorn moment - Boing ...](#)
- [Boing Boing tv: Blade Runner - Boing Boing](#)
- [Interview with Ridley Scott. Blade Runner: The Final Cut - Boing Boing](#)
- [Blade Runner LEGO - Boing Boing](#)
- [Blade Runner turns 25: an appreciation by Mythbuster Adam Savage ...](#)
- [BBtv - Syd Mead with Joel Johnson, part 3: BLADE RUNNER. - Boing Boing](#)

posted in: [GADGETS](#)



FAVORITE THIS! (0)



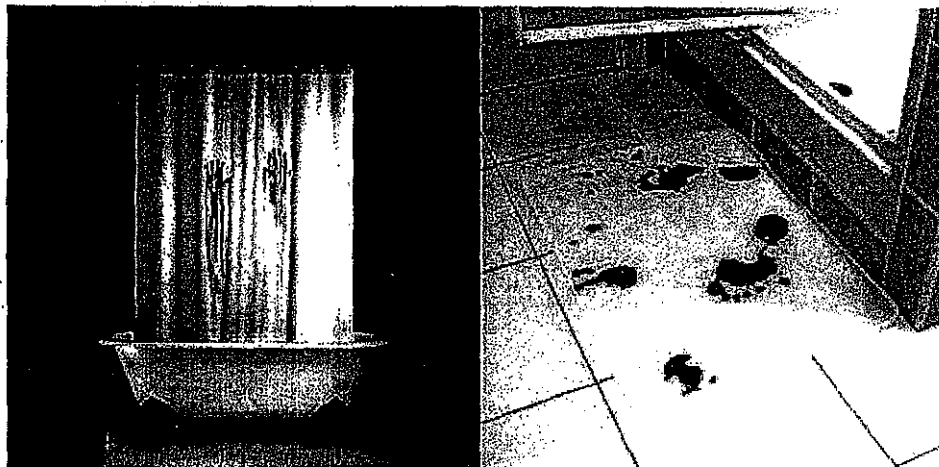
SEND THIS TO A
FRIEND



Buzz up!

Simulated crime-scene bathroom accessories

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 2:12 PM | [PERMALINK](#)



Worried about not making a good impression on the date you've just brought over to your place for a nightcap? Spice up the bathroom with these matching bloody bathmats and shower curtains!

[Blood Bath Mat](#)

[Blood Bath Shower Curtain](#)

(via [Street Anatomy](#))

posted in: [FUNNY](#), [GADGETS](#), [HAPPY MUTANTS](#), [DESIGN](#)



DISCUSS (18)



FAVORITE THIS! (1)



SEND THIS TO A
FRIEND



Buzz up!

Multi-level marketing spam for child-fingerprinting operation

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 2:08 PM | [PERMALINK](#)

This may be the creepiest spam I've ever received. In this multi-level marketing scam, you terrorize local parents into coming to your business to have their children fingerprinted (Why fingerprinted? Presumably to ease identification of their mutilated remains -- don't you feel safer already?) by the local cops. This, in turn, gets you a bunch of potential

customers to buy whatever junk your business sells.

Introducing Operation Kidsafe

Operation Kidsafe is a completely turnkey program designed by child safety expert - Mark J. Bott- that will deliver a huge number of parents and potential new customers. Parents will bring their children to your location to have their children fingerprinted and photographed using the same technology and equipment that is used by the U.S. Secret Service and FBI. In the event their child ever goes missing, they will have this information to provide to their local police department to assist in the safe return of their child.

Completely Turnkey- Operation Kidsafe coordinates the entire event. Local Police and Fire Departments attend. 10,000 flyers are distributed throughout the community to Churches, Schools, Day cares and other civic organizations. A full court press is put on media to help get the word out.





Market Exclusivity- Once you enroll, no one else within a 50-mile radius of your location can host another Operation Kidsafe Event. You have first right of refusal for the following year.

Free Sales Training- The Operation Kidsafe staff will teach your salespeople a system that allows a comfortable transition to reviewing your products and services while the children are being fingerprinted. They will help you focus your team by holding a training and prep meeting with you prior to your event.

No limit to # of Children Fingerprinted- Spread the word! You have the ability to make this event as big as you would like. You can advertise it, send out letters to your own customer database, host a live radio remote etc. The possibilities are endless!

If you would like more information and a full sponsor package with references, please fill out the request and fax to us at

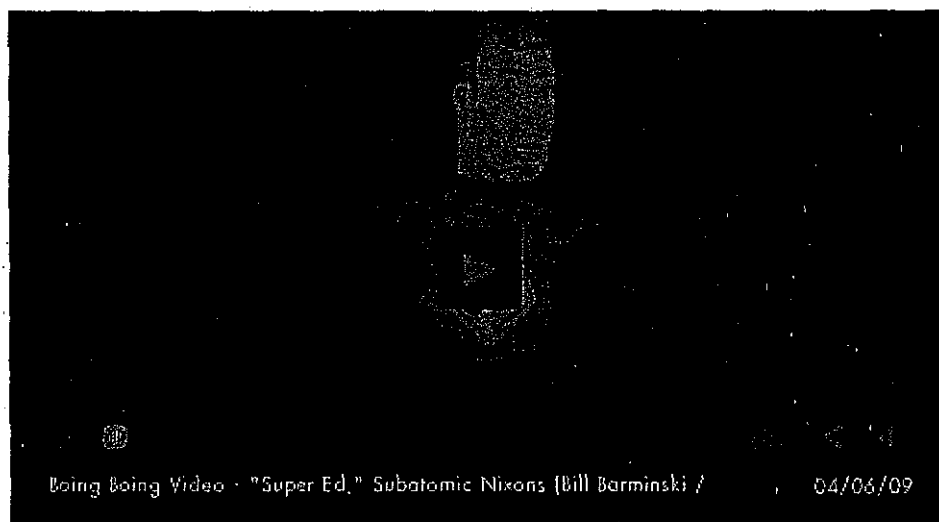
posted in: [CIVILIB](#), [KIDS](#), [ZOMGWEREALLGONNADIERUNHIDE](#)

 DISCUSS (20)  FAVORITE THIS! (0)  SEND THIS TO A  Buzz up!

 FRIEND

Boing Boing Video: recent episodes, in case you missed 'em.

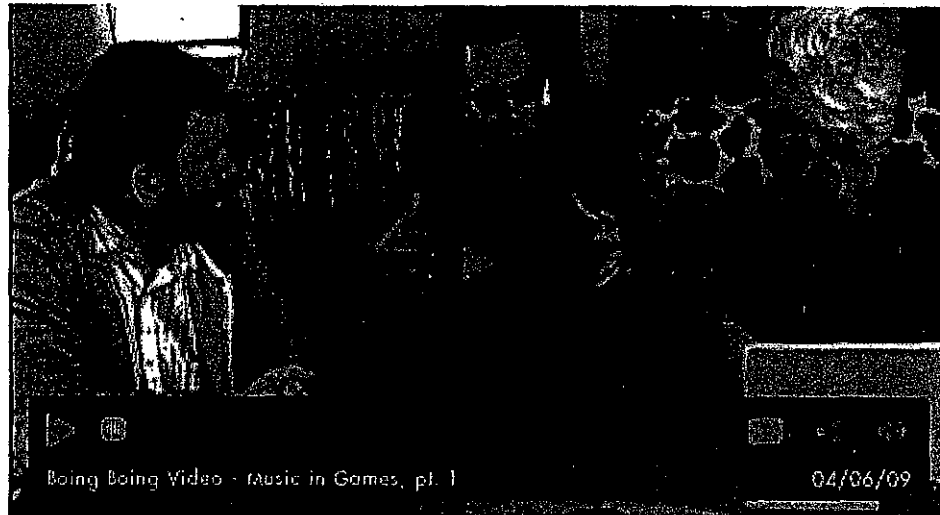
POSTED BY [XENI JARDIN](#), APRIL 14, 2009 2:01 PM | [PERMALINK](#)



[YouTube channel here](#), [subscribe on iTunes here](#). Get Twitter updates every time there's a new ep by following [@boingboingvideo](#), and [here are blog post archives for Boing Boing Video](#).

Here's a recap of recent Boing Boing Video episodes over the past week -- check 'em out!

* ["Super Ed." by Subatomic Nixons \(dir. Bill Barminski and Walter Robot / music video\)](#). A new work from our favorite director and animator Bill Barminski, and Walter Robot. The song is a reimagining of Ed Sullivan with robots and superheroes. The band, Subatomic Nixons, is Barminski's music side project. [Download an MP4 here](#).



* Peter Kirn of [Create Digital Music](#) and Matt Ganucheau of [Expression College](#) joined us for [Boing Boing Video's marathon live coverage of the 2009 Game Developers Conference](#). Above, part one, below, part two of an interview we did about the future of music in games -- how will the tech tools change? Are developers thinking about sound and scores as a more fundamental building block of the gaming experience? What about iterative/automatically generated music tools?

Blog posts:

[Music in Video Games, pt. 2, with Peter Kirn and Matt Ganucheau \(MP4 download\)](#)

[Music in Video Games, pt. 1, with Peter Kirn and Matt Ganucheau \(MP4 download here\)](#)



* And below, finally -- GDC Out-take - Radiohead Fan-Dance-Off with Giant Katamari Damacy Heads. Peter, Matt, and Xeni don Katamari Damacy head, crank up a favorite song ("Bodysnatchers" by Radiohead), and rock out in front of a webcam. Download MP4.



posted in: [BOING BOING VIDEO](#)



DISCUSS (4)



FAVORITE THIS! (0)



SEND THIS TO A



Buzz up!

FRIEND

Trying to save orphan works from the Authors Guild monopoly control

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 1:08 PM | [PERMALINK](#)

AH sez,

The Author's Guild v Google suit recently produced a settlement agreement. The agreement has been lauded widely, but what hasn't gotten as much press is what the agreement says about orphan works -- copyrighted works whose author cannot be found, or where it is not clear if the copyright is valid.

Interestingly, the agreement describes a scheme where money is collected for the use of these works, but if it goes unclaimed for five years, is then disbursed to the book registry, as well as to all participating authors! That is to say, Google and the Author's Guild will be asserting (monopoly) control and the right to profit from works that might otherwise be in the public domain.

Lewis Hyde (author of The Gift), Harry Lewis, (former Dean Of Harvard College) and the Open Access Trust are seeking permission to file a motion to intervene in the suit (and settlement agreement) on behalf of the public domain. This is a letter written to Judge Danny Chin, the judge presiding over the Author's Guild v Google suit, requesting a conference with respect to a motion to intervene in the suit.

The moving parties seek to intervene in order to "represent the community of readers, scholars, and teachers who use orphaned works" and "defend our interest in orphaned works to defend the public domain's claim to free, fair use." The moving parties "think that this case and the constitutional issues of national moment that it presents will be better resolved if the public domain has a seat at the table."

It's a exciting development, and will ideally lead to an even better resolution of the issues surrounding the digital archiving project.

Letter to Request Intervention in Author's Guild v Google (Thanks, AH!)

Previously:

- [Authors' Guild: "text-to-speech" software violates copyright ...](#)
- [Wil Wheaton vs. Authors' Guild vs. Kindle - Boing Boing](#)
- [National Federation for the Blind protest at Authors Guild in NYC ...](#)
- [Report from protest for blind rights at Authors Guild yesterday ...](#)
- [Authors' Guild v Google: opt-out is evil, except when we do it ...](#)
- [Xeni op-ed on Authors Guild lawsuit against Google Print - Boing Boing](#)
- [Authors Guild sues Google over print program - Boing Boing](#)

posted in: [BOOK](#), [COPYFIGHT](#)



DISCUSS (0)



FAVORITE THIS! (0)



SEND THIS TO A
FRIEND

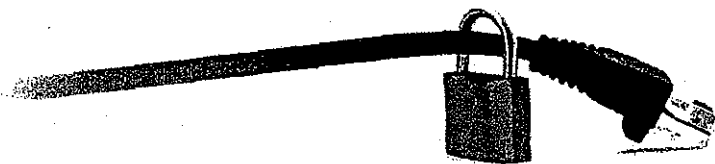


Buzz up!

Time-Warner bandwidth cap protest this Saturday in Rochester NY

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 1:04 PM | [PERMALINK](#)

Adam sez, "There's going to be a large protest in Rochester, NY on Saturday to fight the upcoming "tired pricing" aka absurdly-low bandwidth caps. This is not only anti-competitive, but it will cost local residents significantly more, in an economy that is already hurting. Not to mention deaf folks who rely on video chat for ASL, etc... It'd be great if people would come and show their support to convince Time Warner (RoadRunner) to abandon the plan. If we successfully fight this here, perhaps other communities across the country won't have to."



Date: Saturday, April 18, 2009

Time: 11:00am - 5:00pm

Location: Time Warner Cable Store

Street: 71 Mt. Hope Avenue






City/Town: Rochester, NY

Join the Time Warner broadband capping protest!

Protest RoadRunner's new pricing scheme

Stop the Cap!

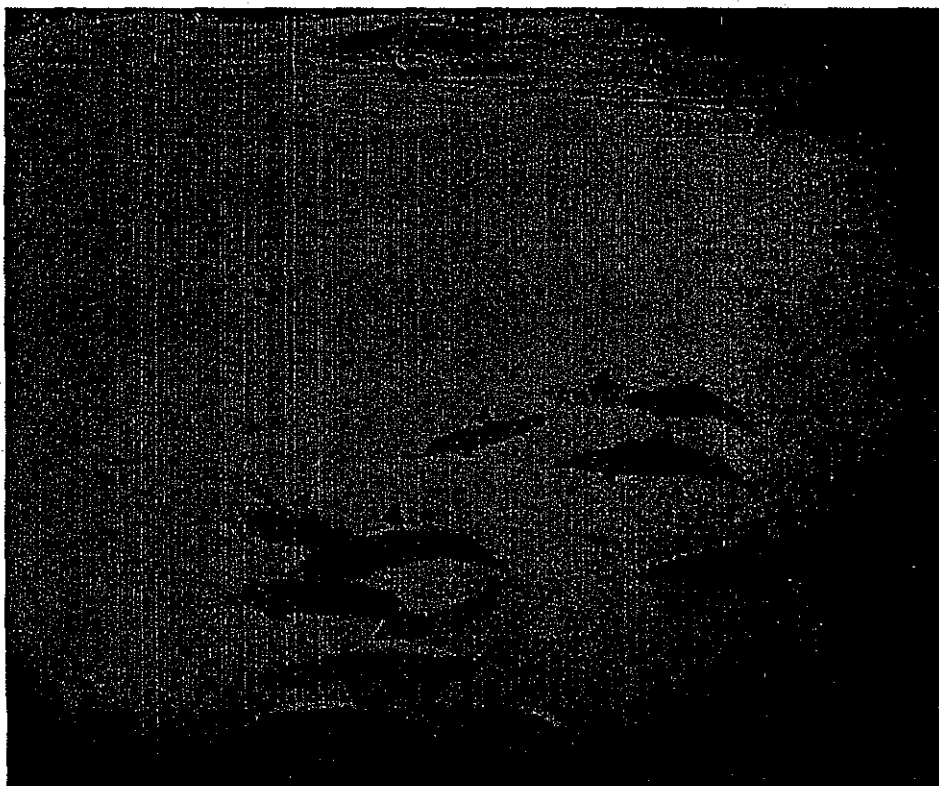
posted in: [CIVILIB](#), [HAPPY MUTANTS](#), [IF YOU DON'T LIKE SOMETHING CHANGE IT](#)

 DISCUSS (23)  FAVORITE THIS! (0)  SEND THIS TO A   Buzz up!

FRIEND

Evil Somali Pirates Attacked by Thousands of Dolphins (caveat: possibly totally bogus)

POSTED BY [XENI JARDIN](#), APRIL 14, 2009 12:09 PM | [PERMALINK](#)








It's Xinhuanet, so take it with a grain of salt. But even if this is phony PRC naval propaganda, the headline and the story are too good not to re-blurb, and here's the "official" Xinhuanet photo, which I can't repost here because they're jerks about re-use.

Thousands of dolphins blocked the suspected Somali pirate ships when they were trying to attack Chinese merchant ships passing the Gulf of Aden, the China Radio International reported on Monday. The Chinese merchant ships escorted by a China's fleet sailed on the Gulf of Aden when they met some suspected pirate ships. Thousands of dolphins suddenly leaped out of water between pirates and merchants when the pirate ships headed for the China's.

Thousands of dolphins block Somali pirates (via @hi_im_monkey)

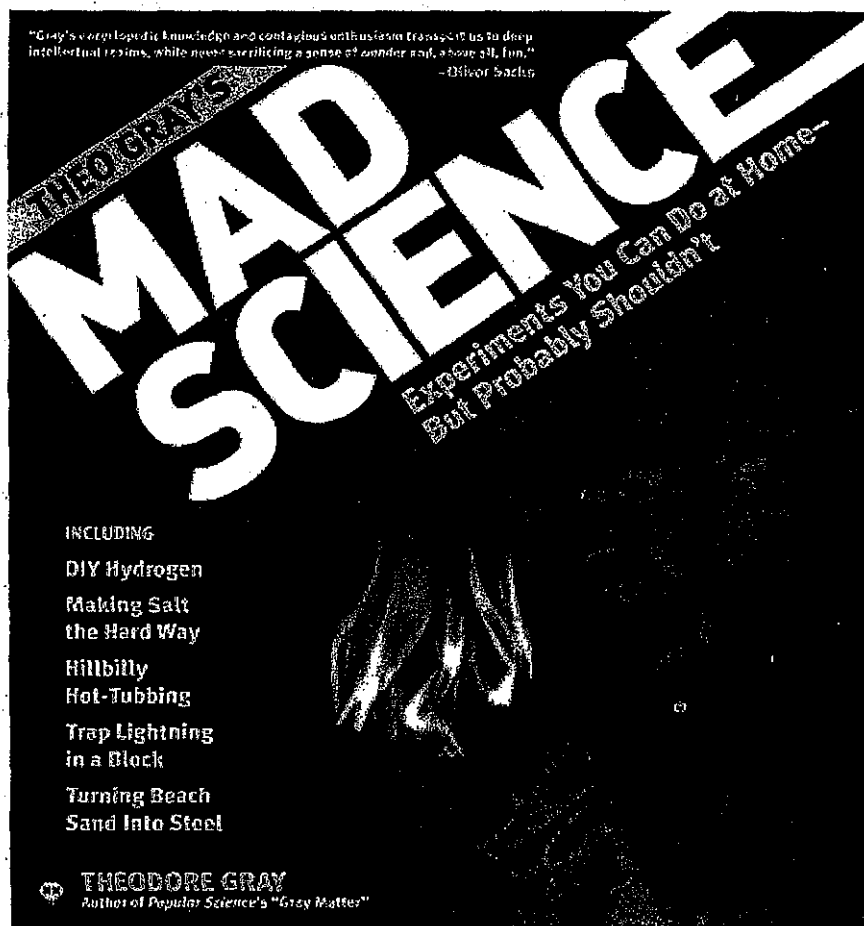
Photo: "[Dolphin Song](#)," from the Flickr photo stream of the wonderful world-adventurer [Steve Jurvetson](#), who could probably vanquish Somali pirates with his bare hands.

posted in: [INTERNATIONAL](#), [ZOMGWEREALLGONNADIERUNHIDE](#)

 DISCUSS (39)  FAVORITE THIS! (0)  SEND THIS TO A   Buzz up!
FRIEND

Mad Science: Experiments You Can Do at Home, But Probably Shouldn't (Book)

POSTED BY [XENI JARDIN](#), APRIL 14, 2009 10:20 AM | [PERMALINK](#)



The short version: This is an awesome book.

I've been a fan of Theodore Gray's work in odd science for some time now -- his amazing Periodic Table of Elements posters and puzzles are the subject of previous Boing Boing blog posts, and he contributes a monthly column about "chemistry, elements, and blowing things up" for Popular Science. I just received a copy of his beautiful new book, Mad Science, and the richness and eccentricity of its contents are just what I'd expect from him.

This thing is like an [anarchist cookbook](#) for happy mutants -- page after page of recipes, hazard warnings, beautiful photographs, and quirky personal observations. Want to know how to turn ore into homemade titanium in a flowerpot? Copper-plate your iPod? Craft a "hillbilly hot tub"? Brew ethanol in your bathtub? All here.

The attention to detail will delight "makers" and nerd readers of all ages. I love the little skull and crossbones death-icons on pages where experiments could lead to loss of life.

Gray has a degree in chemistry, but I believe he is an "amateur scientist" in the true and honored meaning of the term. His work fosters the culture of tinkering and experimentation, which, as he says in the introduction, is the true source of all great scientific achievements.

Science is not something practiced only in labs and universities. It's a way of looking at the world and seeing truth and beauty everywhere. It's something you can do whether you are employed as a professional scientist or not. While I have a degree in chemistry from a fine university, I've never worked as a professional chemist. I do these demonstrations in my shop on a rural farmstead a half a mile from the nearest neighbor.






[Theo Gray's Mad Science: Experiments You Can Do At Home - But Probably Shouldn't](#) (Amazon).

[More about the projects here.](#)

Previously:

- [Lovely Steampunk-esque Science Teaching Instruments.](#) - Boing Boing
- [Neon Fractal Sculpture](#) - Boing Boing
- [Photographic Periodic Table of Elements Cards, Puzzles ...](#)
- [Periodic Table Printmaking Project](#) - Boing Boing

posted in: [BOOK](#) , [HAPPY MUTANTS](#) , [MAVERICK SPIRIT](#) , [SAFETY](#) , [SCIENCE](#)

 DISCUSS (7)  FAVORITE THIS! (2)  SEND THIS TO A   Buzz up!

FRIEND

Thomas Doyle's marvelous diorama art

POSTED BY [DAVID PESCOVITZ](#), APRIL 14, 2009 9:46 AM | [PERMALINK](#)



Thomas Doyle creates mind-bogglingly beautiful dioramas with exquisite detail. These pieces just ooze mood and wonder. Doyle is profiled in the next issue of Hi-Fructose, previewed [here](#). From his artist statement:



My work mines the debris of memory through the creation of intricate worlds sculpted in 1:43 scale and smaller. Often sealed under glass, the works depict the remnants of things past—whether major, transformational experiences, or the quieter moments that resonate loudly throughout a life. In much the way the mind recalls events through the fog of time, the works distort reality through a warped and dreamlike lens.

The pieces' radically reduced scales evoke feelings of omnipotence—as well as the visceral sensation of unbidden memory recall. Hovering above the glass, the viewer approaches these worlds as an all-seeing eye, looking down upon landscapes that dwarf and threaten the figures within.






Conversely, the private intensity of moments rendered in such a small scale draws the viewer in, allowing for the intimacy one might feel peering into a museum display case or dollhouse. Though surrounded by chaos, hazard, and longing, the

figures' faces betray little emotion, inviting viewers to lose themselves in these crucibles—and in the jumble of feelings and memories they elicit.

The glass itself contains and compresses the world within it, seeming to suspend time itself—with all its accompanying anguish, fear, and bliss. By sealing the works in this fashion, I hope to distill the debris of human experience down to single, fragile moments. Like blackboxes bobbing in the flotsam, these works wait for discovery, each an indelible record of human memory.

Thomas Doyle's Dioramas (*Thanks, Miss Heather Sparks!*)

posted in: [ART](#)

 DISCUSS (5)  FAVORITE THIS! (4)  SEND THIS TO A   Buzz up!
FRIEND

Fart fight






POSTED BY [DAVID PESCOVITZ](#), APRIL 14, 2009 9:34 AM | [PERMALINK](#)

A simple fart in a Waco, Texas hotel room led a man to throw a knife at his flatulent friend, who then responded by stabbing the guy in the chest. The stabber was arrested.
From the Associated Press:

Police said they were called to a motel on Wednesday (local time) where several men from the Houston area were sharing a room. Police said a 35-year-old man allegedly passed gas in the room on Tuesday night.

Police said one of the other men became upset, picked up a knife and threw it at the 35-year-old man, who was cut in the leg. The suspect was accused of then stabbing the man in the chest.

"Fart fight gets nasty"

 DISCUSS (27)  FAVORITE THIS! (0)  SEND THIS TO A   Buzz up!
FRIEND

Echolocation to "see" with sound

POSTED BY [DAVID PESCOVITZ](#), APRIL 14, 2009 9:27 AM | [PERMALINK](#)

Daniel Kish is a blind psychologist who uses echolocation to "see." In New Scientist, Kish writes about his experience of "echo vision" and how he teaches others to do it:

Although our programme has many facets, we are best known for teaching FlashSonar. Its ability to give blind people a way to perceive their environment far beyond the reach of an arm or a cane is fast being recognised by people who work with blind people and in other disciplines. We are the first to develop a systematic, comprehensive way of teaching it.

We start by sensitising students to echoes, usually by having them detect and locate easy targets, such as large plastic panels or bowls. Once they can do this, we move on to learning to recognise more complex echoes by comparing them to familiar ones.

For example, when facing a hedge, a student might say, "It sounds solid?" I might reply, "As solid as the wall to your house?" "No, not that solid," she might say. "As sparse as the fence of your yard?" "No, more solid than that," she might answer. Now we have a range of relativity to work with. "Does it remind you of anything else near your house, maybe in the side yard?" "Bushes?" she might query. "But what seems different from those bushes?" "These are sort of flat like a fence." Ultimately, students verify what they hear by touching.

"Echo vision: The man who sees with sound"

Previously:

- [Boy uses sound to see - Boing Boing](#)



DISCUSS (11)



FAVORITE THIS! (0)



SEND THIS TO A
FRIEND



Buzz up!

Outside Lands Festival Lineup Announced

POSTED BY [XENI JARDIN](#), APRIL 14, 2009 9:24 AM | [PERMALINK](#)



The artist lineup for the [2009 Outside Lands Music and Arts Festival](#) in San Francisco has been announced. Boing Boing bloggers and [Boing Boing Video](#) were there last year, and we produced [a number of video episodes](#) with artist interviews and "bus sessions" (where bands joined us on a friend's rockstar tourbus to play acoustic jam sessions for the show). We'll be returning this year, with more fun and hijinks planned.

This year's roster includes Pearl Jam, Dave Matthews Band, Beastie Boys, Incubus, Black Eyed Peas, Jason Mraz, Thievery Corporation, Ween, The Mars Volta, TV on the Radio, Tom Jones, Built To Spill, Caexico, The National, Q-Tip, Deerhunter, Heartless Bastards, Blind Pilot, Mastodon, Trombone Shorty and Dengue Fever.

The lineup looks amazing, and above, a promotional puppet video with more.

The event takes place in Golden Gate Park, August 28-30. Tickets go on sale this Sunday, April 19, at 10am PST, at [sfoutsidelands.com](#). (Thanks, Rick Farman!)

Previously:

- [Boing Boing TV Outside Lands 2008 archives](#)
- [Boing Boing tv backstage at Outside Lands: \(Xeni + Russell Porter...](#)

- [Carney at Outside Lands - a "Boing Boing tv Bus Session." - Boing ...](#)
- [\(BBtv\) BB Gadgets' Joel at Outside Lands: Crowdfire deconstructed ...](#)
- [BBtv: Steel Pulse founder David Hinds at Outside Lands \(music ...](#)
- [BBtv: Andy Gould, rock band manager, dances on the labels' graves ...](#)
- [BBtv: Roots Reggae Legends Toots and the Maytals \(music\) - Boing Boing](#)
- [Interview with Cold War Kids frontman Nathan Willett \(music ...](#)

posted in: [VIDEO](#), [MUSIC](#)



DISCUSS (3)



FAVORITE THIS! (0)



SEND THIS TO A
FRIEND



Buzz up!

Secret bible of the paleo-steampunks: Mayhew's "London Labour and the London Poor"

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 7:08 AM | [PERMALINK](#)



On Sunday, I was on a panel about steampunk at the Eastercon in Bradford with Tim Powers, one of the original creators of steampunk literature (see his [Anubis Gate](#)). Halfway through, Powers mentioned casually that he came to write a science-fictional book influenced by Victorian England after reading, London Labour and the London Poor, a classic text by Henry Mayhew. Powers said that the book was KW Jeter's (Jeter coined the term "steampunk") and that it was passed around to both Powers and James Blaylock, three friends whose works were, arguably, the first steampunk novels ever written.

Powers said words to the effect of, "After reading this book, I realized that I had a whole novel's worth of research right there." It struck me that I'd never heard this story before, and that here, in this book, there was an important origin story about one of the major ways that an entire genre of literature, making, film and comics came into being.

I've just ordered my copy. Can't wait to read it.

London Labour and the London Poor

posted in: [BOOK](#), [HAPPY MUTANTS](#), [HISTORY](#), [STEAMPUNK](#)



DISCUSS (27)



FAVORITE THIS! (2)



SEND THIS TO A
FRIEND



Buzz up!

Anatomical drawing on a cast

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 5:46 AM | [PERMALINK](#)



Heather Tomkins drew this lovely anatomical illustration on the casted arm of her friend, the illustrator Taylor White: "I was thusly wrangled into making this old school plaster cast (they do things funky in Norway apparently) into an awesome work of art."

CAST AWAY!!!! (via *Street Anatomy*)

posted in: [ART](#), [HAPPY MUTANTS](#), [SCIENCE](#)



DISCUSS (13)



FAVORITE THIS! (1)



SEND THIS TO A
FRIEND

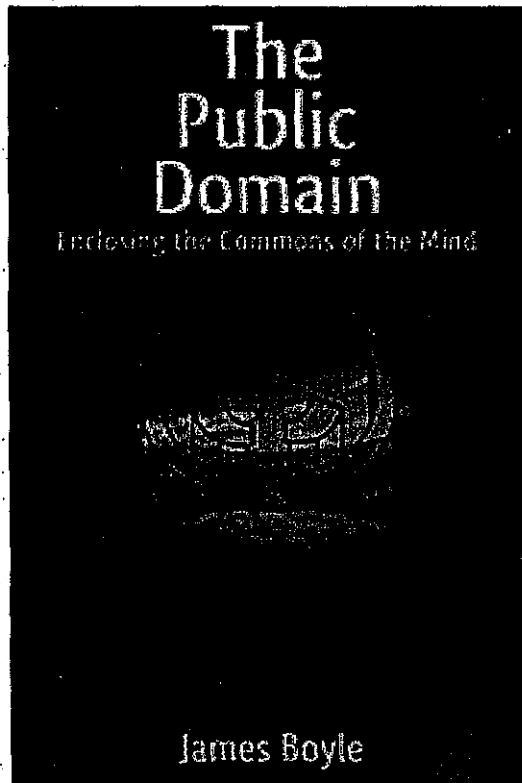


Buzz up!

James Boyle's "Public Domain" lecture podcast

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 5:07 AM | [PERMALINK](#)

Salim sez, "Princeton's UChannel's Podcast amalgamates public lectures from some of the world's best public lectures. They just put out an excellent item which serves as a great primer to anybody who is just becoming interested in issues related to copyright law."



Professor James Boyle describes how our culture, science and economic welfare all depend on the delicate balance between those ideas that are controlled and those that are free, between intellectual property and the public domain — the realm of material that everyone is free to use and share without permission or fee

Intellectual property laws have a significant impact on many important areas of

human endeavour, including scientific innovation, digital creativity, cultural access and free speech. And so Boyle argues that, just as every informed citizen needs to know at least something about the environment or civil rights, every citizen in the information age should also have an understanding of intellectual property law.

The Public Domain: enclosing the commons of the mind






MP3 Link

(Thanks, Salim!)

Previously:

- Boyle's "Public Domain" -- a book that balances accessibility with ...
- James Boyle lectures on the public domain, London, Mar 10 - Boing ...
- James Boyle's "The Public Domain" -- a brilliant copyfighter's ...

posted in: AUDIO, BOOK, COPYFIGHT, HAPPY MUTANTS

 DISCUSS (1)  FAVORITE THIS! (0)  SEND THIS TO A   Buzz up!
FRIEND

In-game cash marketplaces and Napster -- the arbitrage of time-rich and cash-rich users

POSTED BY CORY DOCTOROW, APRIL 14, 2009 4:46 AM | PERMALINK

The Guardian's just published my latest column, "Developers still finding that it pays to get in the game," about the increasingly prevalent online game practice of selling items to players, and the parallels this has to the download wars:

Official, game-sponsored exchanges for real-money trades (RMTs) are more than places where players can swap goods for money. Fundamentally, these exchanges act as an honest broker between two extremely different types of player: cash-rich/time-poor players (people with jobs, for the most part) and time-rich/cash-poor players (retirees and young people). Seen through this lens, a "game" is just a bunch of applied psychology that makes kids work long hours to earn virtual






gewgaws that adults are trained to desire. In this "Free to play, pay for stuff" world, kids are alienated from the product of their leisure by a marketplace where the game-company skims a piece off of every transaction.

The psychology of this is fascinating, since it all only works to the extent that the game remains "fun". One key element is that skilled players (eg kids) must not feel like the rich players are able to buy their way into positions of power. Game devs are advised to sell defensive items - shields, armour, dodging spells, but not offensive ones. A skilled player will still be able to clobber a heavily armoured rich player, given enough time (and skilled players have nothing but time, by definition), but may quit in disgust at the thought that some rich wanker is able to equip himself with a mega-powerful sword or blaster that gives him ultimate killing power. No one wants to play in a game where one player has an "I win" button.

For me, the most fascinating thing about this is how it can be seen as the application of the business model that downloaders have been advocating since Napster: "Don't sue the kids who download your music or movies, rather, see them as the marketing that sells the same media to cash-rich adults who lack the time to use P2P software."

Developers still finding that it pays to get in the game

posted in: [COPYRIGHT](#), [GAMES](#), [KIDS](#)

 DISCUSS (10)  FAVORITE THIS! (0)  SEND THIS TO A   Buzz up!

FRIEND

Ronald Reagan was a secret FBI anti-commie snitch

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 4:25 AM | [PERMALINK](#)

~~Newly released documents~~ Documents released in 2001 revealed that Ronald Reagan served as a secret FBI snitch during the Red Scare (we already knew he named names during the hearings, but now we also know that he snuck around behind his friends' and members' backs and destroyed their lives):



It was revealed last week that the future President played another role as well: as a secret FBI informant, code name T-10. According to an article published in the San Jose Mercury News, documents obtained through the Freedom of Information Act indicate that Reagan and his first wife, Actress Jane Wyman, provided federal agents with the names of actors they believed were Communist sympathizers.

[American Notes Hollywood](#) (via [Digg](#))

(Image: [File:Ronald Reagan in Dark Victory trailer.jpg](#), Public Domain, Wikimedia Commons)

posted in: [CIVLIB](#), [HISTORY](#), [POLITICS](#)



DISCUSS (106)



FAVORITE THIS! (1)



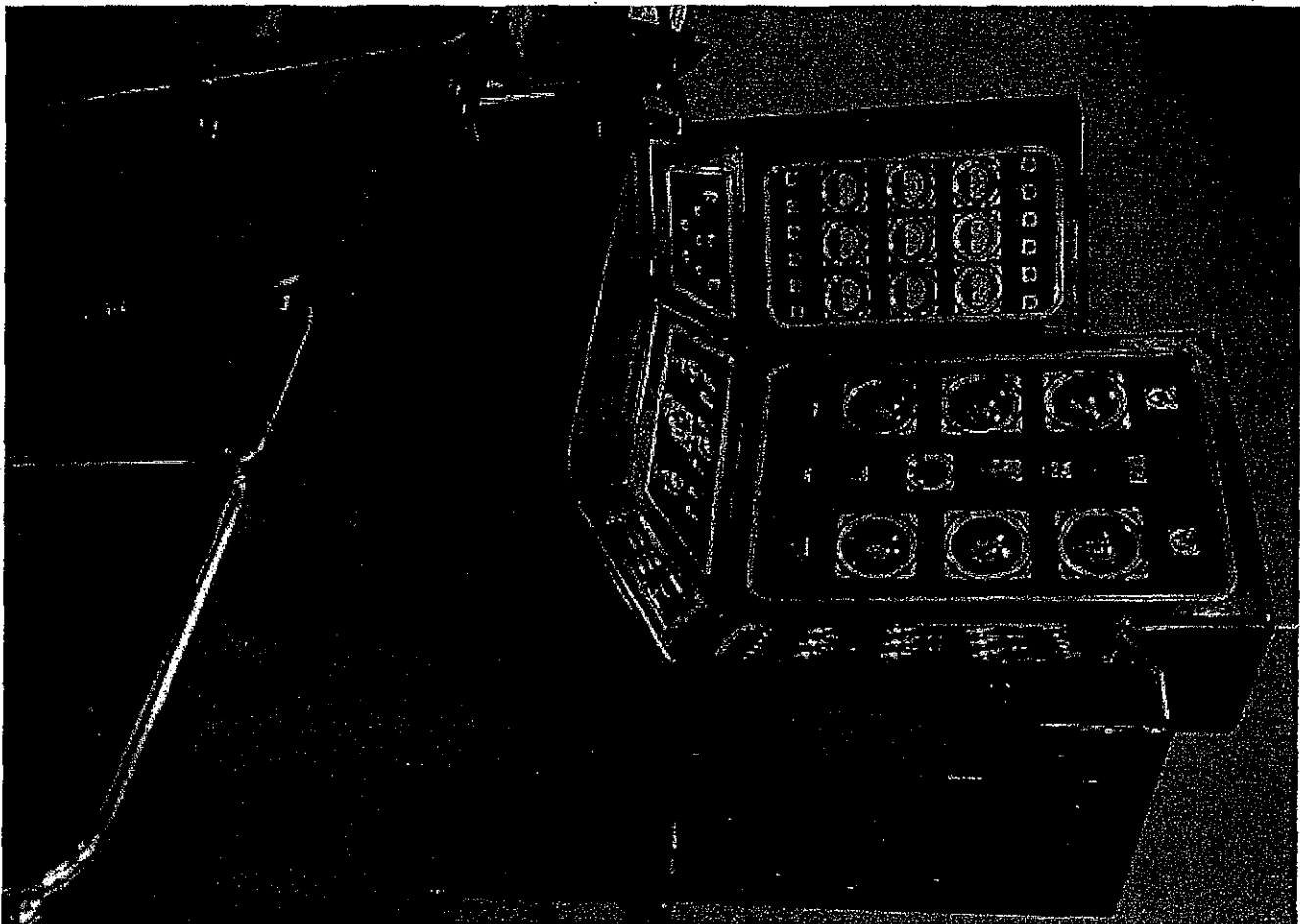
SEND THIS TO A
FRIEND



Buzz up!

Soviet nuclear control devices






POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 4:08 AM | [PERMALINK](#)



Mark Pitcher's posted a set of Soviet nuclear controls that look *exactly* as I pictured high-tech equipment looking when I was a kid (shown here is a nuclear detonator panel (!) that bristles with high-tech menace): "Equipment built during the 1940's to 1970's for use in the Semipalatinsk Nuclear Test Site (the 'Polygon'). All are hand-made and most are one-offs. Photos from a museum in Kurchatov Kazakhstan."

Kurchatov Nuke Equipment (via Make)

posted in: [GADGETS](#), [INTERNATIONAL](#), [OLD SCHOOL](#), [PHOTO](#)

 [DISCUSS \(18 \)](#)  [FAVORITE THIS! \(3\)](#)  [SEND THIS TO A](#)   [Buzz up!](#)
[FRIEND](#)

CCTV spooks to be spied upon by gaze-tracking webcams

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 3:21 AM | [PERMALINK](#)






A reader writes, "You couldn't make this up: Cameras are being turned on the people paid to watch CCTV streams, to note which bits of surveillance footage they didn't see. The system developed in Turkey uses webcams to track a person's eye movements and can then produce an edited reel of footage that they didn't see at the end of their shift."



Privacy campaigners may enjoy the irony if the gaze-tracking system comes to be regarded as intrusive by CCTV operators - who could fear that employers will use it to dispense with their services if they consistently miss too much on-screen skulduggery.

Eyeball spy turns the tables on Big Brother

posted in: [CIVLIB](#), [FUNNY](#), [GADGETS](#)

 [DISCUSS \(22 \)](#)  [FAVORITE THIS! \(0\)](#)  [SEND THIS TO A FRIEND](#)   [Buzz up!](#)

My story Anda's Game for Android

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 2:52 AM | [PERMALINK](#)



Last year, IDW published a collection of six comics adapted from my short stories called Cory Doctorow's Futuristic Tales of the Here and Now, all of these stories also licensed under Creative Commons. Now, Robot Comics, a firm that provides comics for Android mobile phones, has begun to make the comics available free under the same CC license for mobile phones, beginning with my story Anda's Game (which was also included in my short story collection Overclocked, and podcasted as a reading by Alice Taylor of Wonderland. The adaptation is by the excellent Dara Naraghi, illustrated by Esteve Polls.





The story is a riff on the way that property-rights are coming to games, and on the bizarre spectacle of sweat-shops in which children are paid to play the game all day in order to generate eBay-able game-wealth. When I was a kid, there were arcade kings who would play up Gauntlet characters to maximum health and weapons and then sell their games to nearby players for a dollar or two -- netting them about \$0.02 an hour -- but this is a very different proposition indeed.

Cory Doctorow's Anda's Game

Previously:

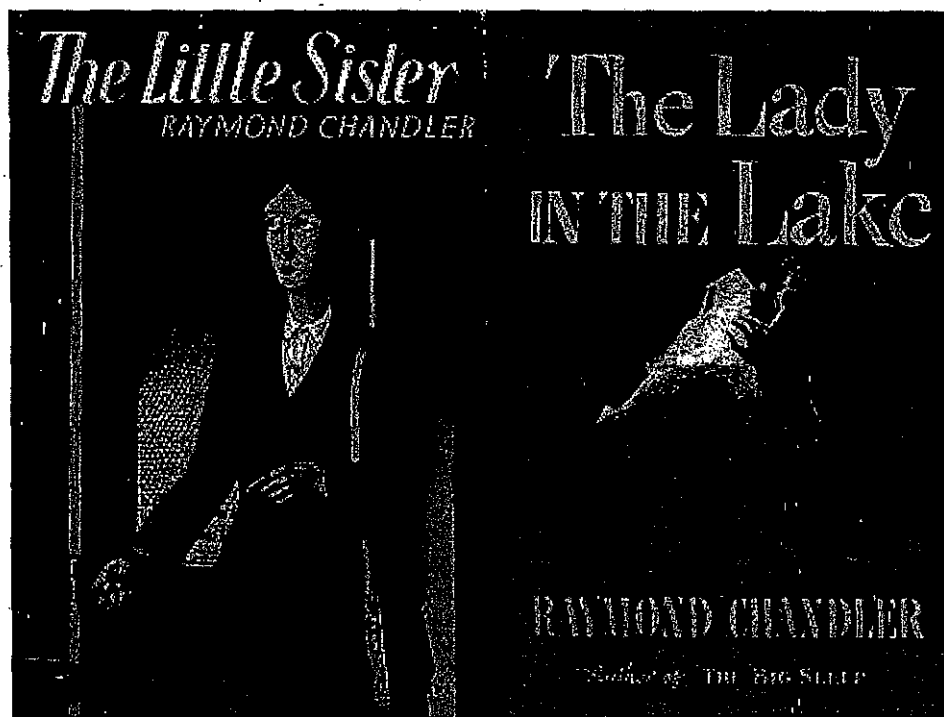
- [Sam Kieth cover for comic of Cory's Anda's Game - Boing Boing](#)
- [Cory's Anda's Game podcasted by Wonderland's Alice - Boing Boing](#)
- [Cory's Anda's Game in Russian. Kurzweil interview in Italian ...](#)
- [Cory's latest short story -- CC-licensed, on Salon, all about ...](#)
- [My new graphic novel for sale and as a free, remixable, shareable ...](#)

posted in: [BOOK](#), [COMICS](#), [COPYRIGHT](#), [GADGETS](#), [GAMES](#), [HAPPY MUTANTS](#)

 [DISCUSS \(4 \)](#)  [FAVORITE THIS! \(0\)](#)  [SEND THIS TO A](#)  [Buzz up!](#)
FRIEND

Retro hardcover pulp Raymond Chandler novels

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 1:53 AM | [PERMALINK](#)



I just found these *gorgeous* retro Raymond Chandler editions from Hamish Hamilton, an

imprint of Penguin UK. They're little, pulp-sized hardcovers with brilliant, pulpy covers and jacket-copy and spines, and they make a great set spine-out or face-up.

Retro Chandler editions from Hamish Hamilton

posted in: [BOOK](#), [HAPPY MUTANTS](#), [OLD SCHOOL](#), [DESIGN](#)



DISCUSS (8)



FAVORITE THIS! (1)



SEND THIS TO A
FRIEND



Buzz up!

Amazon explains cataloging error that banished queer books to "adult" purgatory

POSTED BY [CORY DOCTOROW](#), APRIL 14, 2009 12:11 AM | [PERMALINK](#)

More information on how Amazon came to misclassify over 50,000 books (including books about feminism, about gay and lesbian themes, etc) as "adult" and make them largely invisible to searchers. Turns out Patrick's theory was largely correct -- an employee in France filled in a field incorrectly and clobbered the listings for 50,000 items.

This is an embarrassing and ham-fisted cataloging error for a company that prides itself on offering complete selection.

It has been misreported that the issue was limited to Gay & Lesbian themed titles - in fact, it impacted 57,310 books in a number of broad categories such as Health, Mind & Body, Reproductive & Sexual Medicine, and Erotica. This problem impacted books not just in the United States but globally. It affected not just sales rank but also had the effect of removing the books from Amazon's main product search.

Many books have now been fixed and we're in the process of fixing the remainder as quickly as possible, and we intend to implement new measures to make this kind of accident less likely to occur in the future.

[Amazon begins to re-rank affected 'adult' books; theories swirl \[UPDATED\]](#) (via [Lisa Gold](#))

posted in: [BOOK](#), [CIVIL LIB](#)

DISCUSS (41) FAVORITE THIS! (0) SEND THIS TO A FRIEND

Texas lawmaker: Chinese Americans should change names so "Americans" can handle them

POSTED BY [CORY DOCTOROW](#), APRIL 13, 2009 11:55 PM | [PERMALINK](#)






Greeted with the news that some Americans of Chinese descent were turned away from the polls because the names on their ID didn't match with the incompetently assembled voter lists, Texas State Rep. Betty Brown (R) has proposed that they should change their names so that "Americans" can manage them better. (Um, if these people aren't also "Americans" then why do they get to vote?)



"Rather than everyone here having to learn Chinese -- I understand it's a rather difficult language -- do you think that it would behoove you and your citizens to adopt a name that we could deal with more readily here?" Brown said.

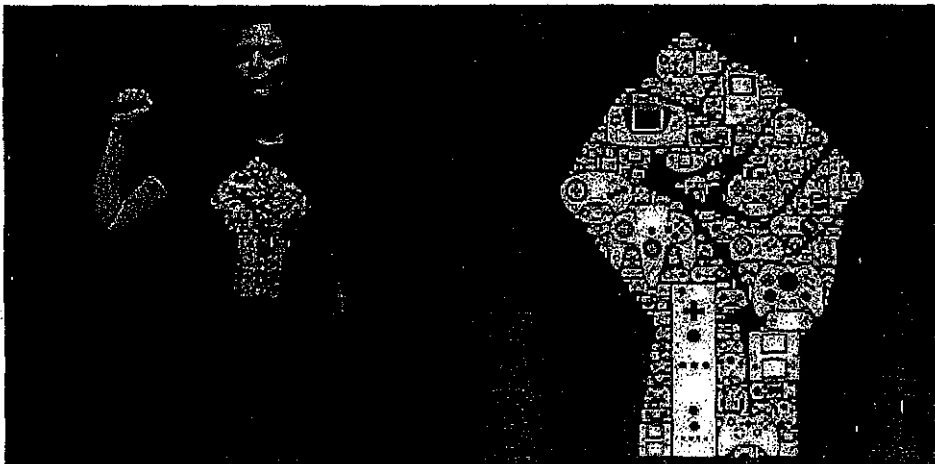
Texas lawmaker: Asians should change their names to make them 'easier for Americans to deal with.' (via *Sociological Images*)

posted in: [CIVILIB](#), [VIDEO](#)

 DISCUSS (94)  FAVORITE THIS! (2)  SEND THIS TO A   Buzz up! FRIEND

Recently on *Offworld*

POSTED BY [BRANDON BOYER](#), APRIL 13, 2009 11:54 PM | [PERMALINK](#)



Recently on *Offworld* we've already played what'll probably be [this week's best indie development](#). Terry Cavanagh & Stephen Lavelle's *Judith*, a short game of shifting narratives and timelines that peels itself back one layer at a time and gives you subtle clues to your next move with each consecutive shift. If you've only got one hour for an indie game this week, give it to *Judith* (it even, graciously, comes in Mac and Linux flavors).

We also took a look back at the most practical of this GDC's Pecha-Kucha-esque microtalks, with *Boom Blox* producer Robin Hunicke imagining [six easy steps to help fix PlayStation Home](#), or rather, provide it with more engaging possibilities for play (we concur with all six).

Elsewhere we saw excellent custom toy work with a bits and bobs Bioshock Big Daddy doll and hand-sculpted Grim Fandango figurines from Tim Schafer's LucasArts swan song adventure, and fantastic new fineries with the Gaming Revolution T-shirt (above) and the WiiExploded shirt (from the same people behind the exploded Atari 2600 and iPhone).

Finally, we saw lush greenery coming to the barren landscape of *Fallout 3*, *Resident Evil 5*'s versus mode in real life, curious character choices made for the officially licensed *Super Mario Bros* chessboard, a new album made entirely on handheld synth Korg DS-10, saw Q-games' beautiful Pixeljunk Eden Encore in motion, and, most wonderfully, watched demoscene compo winners RGBA & TBC create gorgeous landscapes in just 4K of code.

posted in: [OFFWORLD](#)



FAVORITE THIS! (2)



SEND THIS TO A
FRIEND



Buzz up!

Thematically composited photos of New Yorkers over time but not space






POSTED BY [CORY DOCTOROW](#), APRIL 13, 2009 11:50 PM | [PERMALINK](#)



Dan sez, "Danish photographer Peter Funch stakes New York City street corners out for two weeks at a time, taking pictures of passersby from the very same spot. He then uses Photoshop to composite the results into single images. I love the mass of yawners."

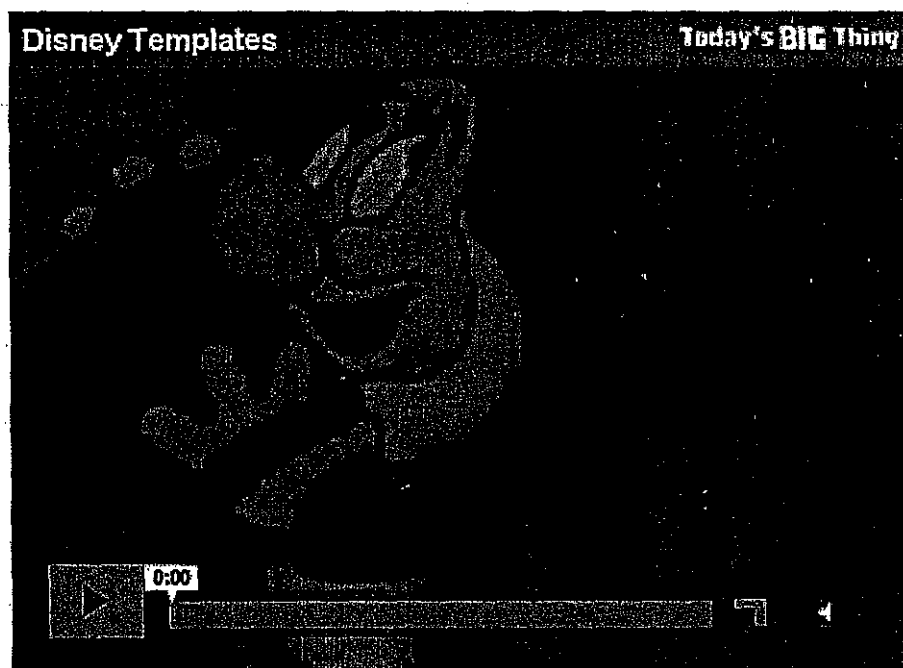
Peter Funch (*Thanks, Dan!*)

posted in: [ART](#), [FUNNY](#), [HAPPY MUTANTS](#), [PHOTO](#)

 DISCUSS (32)  FAVORITE THIS! (9)  SEND THIS TO A FRIEND   Buzz up!

Loop of Disney video that rips off other Disney video

POSTED BY [CORY DOCTOROW](#), APRIL 13, 2009 11:48 PM | [PERMALINK](#)







See more [funny videos](#) and [TBT Videos](#) at [Today's Big Thing](#).

Ren sez, "This is a smashing video that remixes scenes from Disney movies that appear to be traced from one another. The effect is super-bizarre, but it explains why I was never able to tell those princesses apart!"

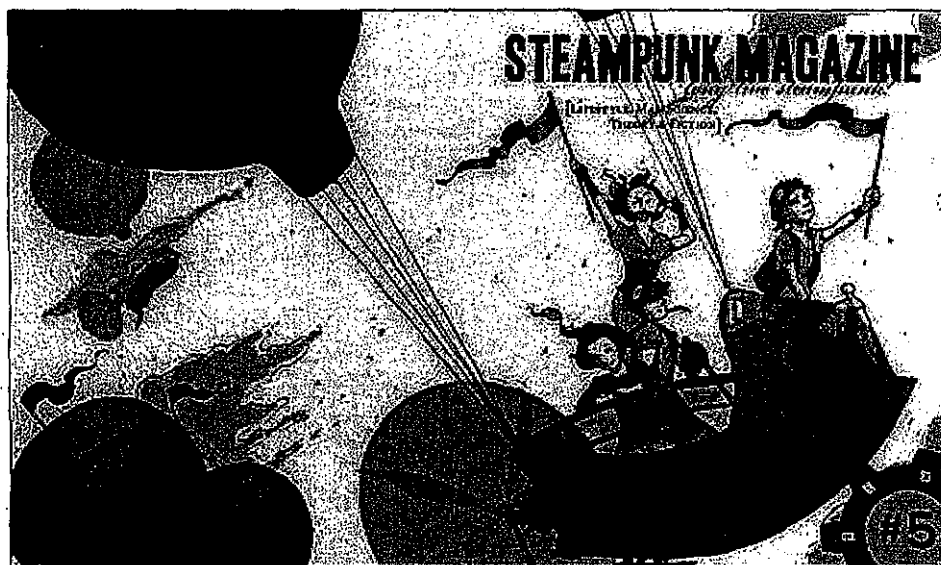
[Disney Templates](#) (Thanks, Ren!)

posted in: [COPYRIGHT](#), [DISNEY](#), [FUNNY](#), [VIDEO](#), [ANIMATION](#)

 [DISCUSS \(45 \)](#)  [FAVORITE THIS! \(1\)](#)  [SEND THIS TO A FRIEND](#)  [Buzz up!](#)

Steampunk Magazine #5 is out, hurrah!

POSTED BY [CORY DOCTOROW](#), APRIL 13, 2009 11:45 PM | [PERMALINK](#)



Hurrah! After a year's absence, Steampunk Magazine is back with issue #5 -- either buy the handsome object in print, or get a free Creative Commons licensed download.

The new ish has short fiction from John Reppion and Jimmy T Hand, instructions for making an "emergency welding machine," information about being a "tramp printer," Steampunk madlibs ("On the construction of the Tesla Coil"), an interview with Voltaire, Bruce Sterling's "User's Guide to Steampunk," and much, much more.

[SteamPunk Magazine](#) (Thanks, [Magpie Killjoy](#))

posted in: [COPYFIGHT](#), [HAPPY MUTANTS](#), [STEAMPUNK](#)



DISCUSS (4)



FAVORITE THIS! (1)



SEND THIS TO A
FRIEND



Buzz up!

Marilyn Chambers, RIP

POSTED BY [XENI JARDIN](#), APRIL 13, 2009 10:59 PM | [PERMALINK](#)







The adult film legend died at age 56 on Sunday. She was found in her mobile home by a family member.

Chambers' death was a "total shock," [fellow adult star Ron] Jeremy said, because they had been scheduled to sign a contract Monday to perform together in an off-Broadway "tongue-in-cheek" re-enactment of the porn classic "Deep Throat."

"What's strange is that she was at a stage where she was totally happy and totally content with her life," Jeremy said. "Her life was falling together, and she was doing really well."

Above, an interview with Ms. Chambers from 1977 on a NYC public access cable TV show. The porn title for which she is best known: The Mitchell Brothers production "Behind the Green Door."

posted in: [SEX](#)

 DISCUSS (20)  FAVORITE THIS! (0)  SEND THIS TO A  Buzz up!

FRIEND

[CONTINUE READING OLDER POSTS](#)

Subscribe

 [BOING BOING](#)

 [AUDIO PODCAST](#)

Subscribe by email:



boingboing

[GO HOME](#)

[ARCHIVES](#)

Other Sites:

[BOING BOING GADGETS](#)

[BOING BOING TV](#)



Extras

[DEFEAT CENSORWARE](#)

[POLICIES](#)

[HOWTO: GET A LINK POSTED TO BOING BOING](#)

This work is licensed under a [Creative Commons License](#) permitting non-commercial sharing with attribution.

Boing Boing is a trademark of Happy Mutants LLC in the United States and other countries.



eula


☒ Boing Boing Search ☐ Web Search

Ads by Google
End User License Agreement
www.RocketLawyer.com/EULA-Form Make a **EULA** Online in minutes-Free Absolutely Free-Print, Save & Send

End User License Agmt
www.LawDepot.com Create your own **EULA** online. Fast & easy to use. Immediate results.

Results 1 - 10 for eula. (0.21 seconds)

Sony's EULA is worse than their rootkit - Boing Boing

Nov 9, 2005 ... That's because the EULA says that your rights to any copies terminate as soon as you no longer possess the original CD. ...
www.boingboing.net/2005/11/09/sonys-eula-is-worse-.html

Sleeping Beauty Blu-Ray requires viewers to agree to 57 page EULA ...

A shame that they didn't deign to release Fantasia on Blu-Ray first: this EULA would be the insane legalistic equivalent of the multiplying ...
gadgets.boingboing.net/2008/10/09/sleeping-beauty-blur.html

ReasonableAgreement.org - the anti-EULA - Boing Boing

Welcome to ReasonableAgreement.org -- where we make mincemeat of End User License Agreements. As you move through space, as you look at the ...
www.boingboing.net/2007/01/25/reasonableagreementto.html

MagicJack's EULA says it will spy on you and force you into ...

Neither the EULA itself, nor any other privacy or legal information, can be easily found at its homepage. It's not even provided at the point of sale, ...
gadgets.boingboing.net/2008/04/14/magicjacks-eula-says.html

Hardest-to-understand EULA *ever* when you install WoW on GNU ...

But if you simply don't have the necessary technical requirements to see the EULA (the Gecko rendering engine mentioned above, for instance), ...
boingboing.net/2009/01/08/hardesttounderstand.html

A fair EULA for downloaded works

My latest Guardian column's just gone up, about the message that entertainment companies send when they put crappy EULAs on their digital downloads: ...
feeds.boingboing.net/~r/boingboing/iBag/~3/_oACul9vl8/a-fair-eula-for-down.html

Malware gets a EULA - Boing Boing

According to the EULA, "In cases of violations of the agreement and being detected, the client loses any technical support. ...
www.boingboing.net/2008/04/29/malware-gets-a-eula.html

Sony agreement lets it "record your activities" online and share ...

The theory behind an EULA, so far as I understand, is that it's a contract, and one that is agreed to by performing a specific action - ripping open a CD ...
gadgets.boingboing.net/2008/10/20/sony-we-have-the-rig.html

Thomas Edison's crappy, price-fixing EULA - Boing Boing

Since they started printed books they have been trying to hammer home an EULA, and with every generation of new technology comes the cultural legal Luddites ...
www.boingboing.net/2009/01/13/thomas-edisons-crapp.html

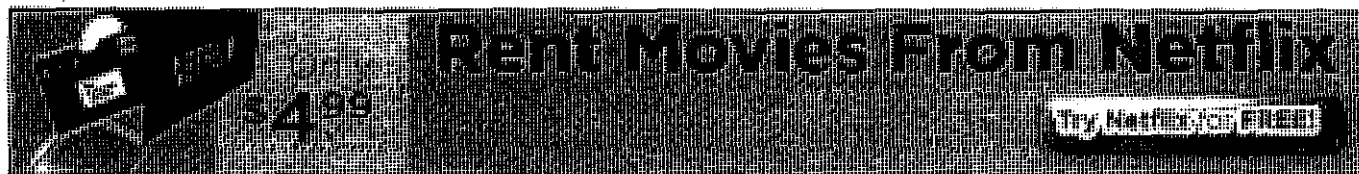
Thomas Edison's crappy, price-fixing EULA

Mark sez, "I brought a few Edison Cylinders in for the elementary kids we're coaching for a Maker-like school competition called Mind Games here in Richmond ...
feeds.boingboing.net/~r/boingboing/iBag/~3/511562522/thomas-edisons-crapp.html

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [Next](#)

[Search within results](#) - [Search Tips](#) - [Try Google Experimental](#)

©2009 Google



boingboing **toGAdGETS** **toVideO** **toffwOrld**

[SIGN IN OR CREATE ACCOUNT](#)

[SUGGEST A LINK](#) | [ARCHIVES](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#) | [MODERATION POLICY](#) |



Fuji makes you sign bizarre EULA to buy a camera

POSTED BY [CORY DOCTOROW](#), APRIL 2, 2008 12:43 PM | [PERMALINK](#)

Edie sez, "I'm in the market for a digital SLR, and found something rather disturbing. B&H Photo says that to purchase a Fujifilm IS-1 camera, you must fill out an end user license agreement. Even weirder is the EULA itself: It asks what 'legitimate business purpose' (their words, not mine) the camera will be put to. Additionally, if the camera is sold, lost or transferred, you have to notify Fujifilm. WTF BBQ?"

Apparently, this is one of those infrared see-through-clothes cameras, but I'm with Edie, WTF?

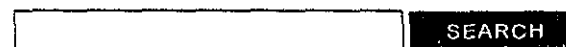
INFORMATION ABOUT END USER BUSINESS

- (1) Is End User purchasing a Fujifilm Infrared or Ultraviolet Sensitive Digital Camera for a legitimate business purpose? _____
- (2) How long has End User been engaged in his/her profession or business?

- (3) Please state End User's legitimate business purpose?

- (4) Has End User presented reseller with recognized forms or identification for End User and End User's business? _____
- (5) Has End User provided reseller with copies of forms of identification presented in connection with (3), above? _____
- (6) Was End User Questionnaire completed at a business location of a Pro Digital Camera Authorized Reseller? _____
- (7) Please provide the business address where End User will pick up the camera listed below _____

By signing this End User Questionnaire, End User certifies that (1) the subject camera is being purchased by End User for the above stated legitimate business purpose, (2) End User will make its best efforts to safeguard the camera from being



High Energy

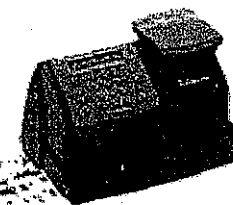
A section brought to you by



Imagination at work

RUNS ON POSTAGE. NOT GAS.

NEVER DRIVE TO THE
POST OFFICE™ AGAIN.



mailstation 2
DIGITAL MAILING SYSTEM

LEARN
MORE



YOU'RE PROBABLY TOO LATE TO BUY THE

Vector FM and NOAA Weather Alert
Radio with Flashlight- 2 Pack

NEXT TIME, REMEMBER TO CHECK **woot!**



Advertise Here With FM
www.federatedmedia.net

used by others, and (3) in the event End User transfers the camera or the camera is lost, stolen or is otherwise no longer in End User's possession, End User will immediately notify Fujifilm of such event.

[Link \(Thanks, Edie!\)](#)

posted in: [COPYRIGHT](#)

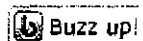


FAVORITE THIS! (25)



SEND

digg it



OLDER

[JESSICA JOSLIN: NEW EXHIBITION OF
SCULPTURAL BEASTIES](#)

NEWER

[RECENTLY ON BOING BOING GADGETS](#)

Discussion

#1 POSTED BY [BARDFINN](#) , APRIL 2, 2008 12:50 PM



Just off the top of my head:

An attempt to comply with treaties/laws that prevent certain types of technology (i.e. encryption engines or encryption IP, or items that could plausibly be re-used for encryption purposes) from being exported to 'terrorist states'.

Probably the only way we'd ever know exactly why is if the lawyer who decided this was necessary comes forward.

#2 POSTED BY [ORKY](#) , APRIL 2, 2008 12:55 PM



Can't a retailer (a legitimate business no less, with a legitimate business purpose for these cameras) fill out tons of those EULAs, and then transfer the cameras to its customers, and notify Fuji about it?

Seriously, this seems a crazy way to be customer-unfriendly.

Maybe the cameras produce photos with an embedded serial number in them, so any photos made by them are traceable to the camera's owner?

#3 POSTED BY ANTINOUS, APRIL 2, 2008 1:04 PM



I've purchased several Dell computers for tech-challenged friends or volunteer groups. I do it by phone because you can scrounge up more rebates with a live person on the line. The phone calls to Dell always involve me answering a lot of questions about who's going to be using the computer and for what. They were frank about it being an anti-terrorist measure.

#4 POSTED BY TOOTSNYC, APRIL 2, 2008 1:07 PM



(2) End User will make its best efforts to safeguard the camera from being used by others,

You mean, I can't loan it to my sister?

#5 POSTED BY JEFF, APRIL 2, 2008 1:09 PM



Oh, just tell them it's for personal terrorist activity and be done with it!

#6 POSTED BY FALCON_SEVEN, APRIL 2, 2008 1:09 PM



Check out the EULA on the page for the camera:

<http://tinyurl.com/2b8mm3>

scroll to the bottom to read.

Obviously this is NOT your average brownie box camera.

#7 POSTED BY MORCHEEBA , APRIL 2, 2008 1:09 PM



This is an infrared-capable camera:

http://www.fujifilmusa.com/JSP/fuji/epartners/PRNewsDetail.jsp?DBID=NEWS_862613

I think Fuji is trying to avoid the fiasco that Sony got in to where their Nightshot camcorders were associated with see-through-clothes pictures. But, it's pointless to try and regulate your customers "bad" use of this camera, especially when most people would rather make beautiful IR photos: <http://images.google.com/images?q=ir+photography>

I wonder if they have the same EULA for privacy-invading super-telephoto lens?

#8 POSTED BY [NICK D.](#) , APRIL 2, 2008 1:11 PM



Looks to me as if they are trying to cover themselves in the event of a lawsuit, insurance claim, or criminal prosecution.

Craven behavior like this is the reason that lawyers and insurance agents are the real decisionmakers in our society. Not to mention fear-mongering security freaks.

#9 POSTED BY [CBARRETO](#) , APRIL 2, 2008 1:12 PM



Infra-red/Ultra-violet...

They assume that you can sell that to a terrorist :)

Sometimes I ask myself... "is people eating shit to be soooo stupid????"

#10 POSTED BY [STYROFOAM](#) , APRIL 2, 2008 1:17 PM



The full EULA gives a bit more detail on "Business use". I'm guessing that selling IR/UV cameras falls under different legislation in certain locales, and thus the "only for business purposes." Their primary markets for these cameras is Legal and scientific use.

This is protecting them from future claims of pervo photography at the mall, I'm guessing.

===

By breaking the packaging seal you acknowledge your understanding and acceptance of Fujifilm's Ultraviolet (UV) and/or Infrared (IR) sensitive digital camera firmware End User License Agreement. The camera firmware contained in each system package is fully activated to engage the camera's UV and/or IR capabilities and ready for use. No other firmware modifications are necessary in order to activate the camera's UV and/or IR wavelength sensitive CCD. THIS LICENSE IS NON-TRANSFERABLE.

You hereby acknowledge and agree that your use of the camera's UV and/or IR light energy sensitive capabilities, as enabled by Fujifilm's camera firmware, will be purely to accomplish a legitimate business purpose in the medical, forensic, fire investigative, law enforcement, scientific, systems integrators, museum/antiquity, aerial photographic survey, astronomy, professional nature and fine art photography, photographic education and local and federal government markets.

#11 POSTED BY DEAD AIR , APRIL 2, 2008 1:18 PM



I see what they're scared of, but I don't see why the whole agreement couldn't read:

User accepts all liability for use of this camera after purchase and company will not be held responsible for any ethical or illegal misuse.

As it is, they're setting themselves up to have to be the police should anyone violate some small portion of their asinine agreement.

#12 POSTED BY MOON , APRIL 2, 2008 1:19 PM



Not to be used for "Papparazzi-like activities"??

So, if Cameron Diaz is in town, you can't photograph her with this camera? WTF?

There's no way this holds up in a court of law.

#13 POSTED BY RORSCHAH , APRIL 2, 2008 1:24 PM



This seems like legaled-up version of the usual ass-covering - in the same spirit as a head shop with a big sign over the bongs that says "For use with tobacco products only".

#14 POSTED BY TAKUAN , APRIL 2, 2008 1:25 PM



"One example where CoComm has failed in its mission to control the export of critical technology came to light in the mass media in 1987. It was discovered that certain corporations were selling computer controlled milling equipment to the Soviet Union for the grinding of high tolerance parts. Toshiba Corporation of Japan and Kongsberg Vaapenfabrikk of Norway sold computer controlled, multi-axis milling machines to the Soviet Union since the mid-1970's. [46] These machines were used to grind high tolerance propellers that could help make a submarine very quiet underwater. [47] Almost overnight the Soviet nuclear submarine fleet went from being noisy and easily trackable by U.S. hunter-killer submarines to quiet and nearly undetectable. [4]"

#15 POSTED BY GROOVEHOUSE , APRIL 2, 2008 1:27 PM



I love EULA Mad Libs!

#16 POSTED BY THE UNUSUAL SUSPECT , APRIL 2, 2008 1:28 PM



The final paragraph in the EULA linked to above by Falcon_Seven reads:

"In addition, you further agree not to use the camera's hardware and firmware enabled capabilities to engage in unethical photographic conduct involving the violation of personal privacy, child endangerment, lewd photography, and or paparazzi like activities."

Of the four activities Fuji forbids, the first two don't require any camera, and the second two are not illegal.

#17 POSTED BY DANEGELD , APRIL 2, 2008 1:40 PM



This is a case of cover-your-behind, so if one of these things turns up in the hands of a "terrorist group or nation" then Fuji have someone identified as the fall-guy who did the re-exporting, separate from them.

I think it's a federal crime with five years in jail if you sell something that gets re-exported to a "terrorist" blacklisted group or nation. Gotta love GW.

#18 POSTED BY SKEP, APRIL 2, 2008 1:40 PM



This is ridiculous. Most digital cameras are IR sensitive. You can even pay 3D parties to remove the IR filter so you can use your DSLR for IR photography.

Fujifilm UVIR Digital Camera USA End User License Agreement:

By breaking the packaging seal you acknowledge your understanding and acceptance of Fujifilm's Ultraviolet (UV) and/or Infrared (IR) sensitive digital camera firmware End User License Agreement. The camera firmware contained in each system package is fully activated to engage the camera's UV and/or IR capabilities and ready for use. No other firmware modifications are necessary in order to activate the camera's UV and/or IR wavelength sensitive CCD. THIS LICENSE IS NON-TRANSFERABLE.

You hereby acknowledge and agree that your use of the camera's UV and/or IR light energy sensitive capabilities, as enabled by Fujifilm's camera firmware, will be purely to accomplish a legitimate business purpose in the medical, forensic, fire investigative, law enforcement, scientific, systems integrators, museum/antiquity, aerial photographic survey, astronomy, professional nature and fine art photography, photographic education and local and federal government markets.

In addition, you further agree not to use the camera's hardware and firmware enabled capabilities to engage in unethical photographic conduct involving the violation of personal privacy, child endangerment, lewd photography, and or paparazzi like activities.

They are saying that you can't even sell this camera, ever, because the license to use the firmware is not transferable. Further, hobbyists may not use the camera because it is only licensed for **business** use.

EULA's suck. And this one sucks more than most. But, on the plus side of bad, at least it isn't hidden in the box.

#19 POSTED BY ZUVEMBI , APRIL 2, 2008 1:41 PM



Yup, I'm going to agree with commenter (#7). This is probably about the capability to basically *see-through* certain light clothing because of the near-IR and IR capabilities of the camera. i.e., taking nekkid pictures of unsuspecting beach-goers.

#20 POSTED BY HEDZTALEZ , APRIL 2, 2008 1:46 PM



But what's the worst that could happen to you if you buy it as a hobbyist? No Fuji death squads descending on your house? I'm getting one then.

#21 POSTED BY PRES , APRIL 2, 2008 1:50 PM



Makes me wonder whether the camera embeds a unique id in the digital images, so that subjects of see-through-clothes pictures can find out who they have to sue...

#22 POSTED BY NICK D , APRIL 2, 2008 1:55 PM



@ #20:

The problem is that EULA's like this are part of a cascading structure of instruments that puts in place precedents, legal frameworks, and insurance policy clauses that basically make the end user the scapegoat and the repository for the downhill flow of crap.

God, I hate insurance companies. Even more than I do ambulance chasing lawyers and opportunistic politicians.

#23 POSTED BY SKEP , APRIL 2, 2008 1:55 PM




"But what's the worst that could happen to you if you buy it as a hobbyist? No Fuji death squads descending on your house? I'm getting one then."

Maybe not, but you could get an **AA-style copyright infringement lawsuit for using their copyrighted firmware without a license.



#24 POSTED BY STEFAN JONES  APRIL 2, 2008 2:01 PM

I'd like to take a picture of Dick Cheney with one of these, to see what hideous alien creature manipulates his bloated human shell.

#25 POSTED BY MOON , APRIL 2, 2008 2:09 PM 

You may have hit on the reason, **STEFAN JONES!**

HA!

#26 POSTED BY LOSTINTX , APRIL 2, 2008 2:11 PM 

This camera, complete with EULA, has been on sale for about a year now. Why is this all of a sudden an issue?

If you were the manufacturer of something that, when used improperly, has the potential of ruining someone's life (how would you like your boss/SO/etc) finding nude/semi-nude pictures of you?), wouldn't you have purchasers sign some legal booty-covering paperwork?

This seems like a non-issue to me. I'd find bigger things to protest about. I hear there's a war somewhere in the Middle East, and our credibility with the rest of the world is disintegrating...

#27 POSTED BY REGISTRADO , APRIL 2, 2008 2:29 PM 

Fuji Retailer must complete the following questions before endorsing Customer's check:

(1.) How many goats have you sacrificed to any god(s) in the past month:

- a. 1 to 2
- b. 3 to 4
- c. 5 or more

(2.) Have you stopped beating your spouse yet?

- a. Yes

b. No

(3.) Are you a member of Al-Qaeda or the Republican Party?

a. Yes

b. No

In addition, endorsing Customer's check constitutes a legally binding agreement that Fuji Retailer will use its full value to purchase clown pornography in which at least three different clowns are represented.

#28 POSTED BY JAHKNOW , APRIL 2, 2008 2:51 PM



As this is the "Fujifilm UVIR Digital Camera **USA** End User License Agreement," I wonder if customers in other countries must agree to similar EULAs... but then, considering the (ahem) "post-9/11 world" that we're living in, I could also imagine that it might be illegal to import this technology into the states, even if I could buy it legally abroad...

Guess I'll just stick with my Pentax K1000 for a little while longer.

#29 POSTED BY GUAN , APRIL 2, 2008 3:10 PM



"They are saying that you can't even sell this camera, ever, because the license to use the firmware is not transferable."

Skep, IANAL, but is it clear that a second-hand buyer of the camera needs a license to use the firmware? Obviously the first buyer has agreed to the license. But the second-hand buyer does not make any copies of the firmware, and he should not need a license just to use it.

#30 POSTED BY KENMCE , APRIL 2, 2008 3:11 PM



Despite all the fuss, this thing appears to have no UV capability.

#31 POSTED BY TAKUAN , APRIL 2, 2008 3:17 PM



whatever, anyone putting to it evil use will anyway, the most that will happen is some money will be wasted and perhaps some total innocents will be fined or jailed or killed depending if they are enemy combatant-coloured

#32 POSTED BY [JENJEN](#), [APRIL 2, 2008 3:18 PM](#)



When this one and the S3 Pro UVIR came out you couldn't even buy them through consumer camera outlets, only via law enforcement suppliers.

BTW, I got a point & shoot digital camera converted to IR and you can definitely not see through clothes with it. I think these purpose-built ones have quite a bit more sensitivity. (My IR-converted camera does make people look oddly bloated and waxy, so I can see why celebrities might object)

#33 POSTED BY [HOFFMANBIKE](#), [APRIL 2, 2008 3:22 PM](#)



what camera is this EULA for?

#34 POSTED BY [COWICIDE](#) , [APRIL 2, 2008 3:25 PM](#)



Whut Phuji Phears (NSFW, but you'll click it anyway)

#35 POSTED BY [TAKUAN](#), [APRIL 2, 2008 3:32 PM](#)



Dear Cowicide: That is so irretrievably jejune and pathetically immature that I find it hysterically funny (note the triple entendre), you should be ashamed of us.

#36 POSTED BY [CRENELLE](#), [APRIL 2, 2008 3:45 PM](#)



This is absolutely marvelous! A step in the right direction!

I wrote in my blog last week that I think license agreements must be clearly disclosed before or at the time of purchase, not when you open the box well after purch...er, license.

Yes, I think the EULA is terrible. Particularly that one. I nevertheless *commend* Fujifilm for not just making it very clear that it exists, but also for allowing the customer to opt out of buying the product before customer actually buys the product (!) because they are presented with the license agreement for the product before purchase!

Now, imagine what happens in a few months when more and more products require customers to sign license agreements before or at purchase: the big box stores and the web stores all display the EULAs where customer inspects product, so reading the EULA won't slow point of sale throughput.

Dozens and dozens of EULAs for software and hardware products appear all over the stores, cluttering up displays and obscuring merchandise.

So the next step of course will be for the big box stores figure out how to move the EULAs to a kiosk in a distant corner of the store, and have customers always sign during purchase. Customers will be confronted with a concurrent credit card and EULA signature and they'll have a right to see the EULA. The store will say that you sign for your purchase, insisting that you had your chance to see the license agreement.

At that point, local, state and federal government will need to insist by law that licenses need to be displayed near merchandise before purchase for it to be legally binding, just forcing someone to sign for it at the POS will not suffice. Big box stores will make it their mission to hide those EULAs as best they can.

And then there will be the wonderful folks who will display the EULA on screen at POS. Go ahead, TRY to read the whole darn thing! For each product you purchase! I know few people who will ignore peer pressure strong enough to not just read it, but attempt to understand what it says.

Ah, progress.

#37 POSTED BY SKEP , APRIL 2, 2008 3:50 PM



#29 POSTED BY GUAN , APRIL 2, 2008 3:10 PM Skep, IANAL, but is it clear that a second-hand buyer of the camera needs a license to use the firmware? Obviously the first buyer has agreed to the license. But the second-hand buyer does not make any

copies of the firmware, and he should not need a license just to use it.

IANAL, either, however I believe you are right that the contract obligations of the initial purchaser are not binding on the second hand owner, thus the second owner has no obligation to use the camera for Fuji-authorized business or government use. But, just as the obligations of the contract do not transfer, neither do the benefits, i.e., a license to use the firmware.

The issue of the transferability of licensing for the firmware is not so clear from a legal stand point and is, unfortunately, not as cut and dried as one would hope. One can argue that copyright law and the doctrine of first sale applies, however, there are exceptions to the doctrine of first sale for computer software and they may or may not apply to the firmware. I'd say not, but that is my opinion and I don't think it is settled law.

#38 POSTED BY SKEP , APRIL 2, 2008 3:56 PM



"#34 POSTED BY COWICIDE , APRIL 2, 2008 3:25 PM
Whut Phuji Phears (NSFW, but you'll click it anyway)"

Indeed I did. I think the photos displayed there, being for commercial purposes, are not typical of IR and the swim suits chosen were most likely chosen to give dramatic results. In fact, I think at least one of them is one of those super thin "Tan through your swimsuit" suits.

#39 POSTED BY TAKUAN , APRIL 2, 2008 3:58 PM



@17

I know this isn't the time or place, but: Have you EVER been paid?

#40 POSTED BY DJAM , APRIL 2, 2008 4:05 PM



what's to stop people from filling in fake information? and if they're so worried about who they sell it to, why put it in mainstreet shops? just sell them to the CIA!

#41 POSTED BY SPROING3 , APRIL 2, 2008 4:06 PM



I think those that suspect Fuji is trying to cover it's ass are missing the bigger picture. Big Corporations are in bed with Big Government, and Big Government likes to be able to track pictures back to the individual. The cameras are likely to embed codes into individual pictures.

Plus, it is social conditioning. A trend, another little baby step, another increment of heat in the pot for us toads. The impetus for this can't be about liability.

Don't blame Fuji for overprotecting their but - blame whoever Fuji is sucking off in the corporate-government orgy.

#42 POSTED BY TAKUAN , APRIL 2, 2008 4:07 PM



what's to stop people from filling in fake information?

why, why, that would be WRONG!

#43 POSTED BY ANTINOUS , APRIL 2, 2008 4:14 PM



what's to stop people from filling in fake information?

Fraud? Did you just conspire to commit fraud? Accessory before the fact?

Seriously, when I bought the wrong razor blades and took them back to the supermarket for an exchange, they wanted my name, address, phone number and license number. They got Bruce Wayne's info instead.

#44 POSTED BY PUREFOG , APRIL 2, 2008 4:24 PM



Um -- this is a bit off-topic, perhaps, but who shops at B & H Photo, anyway? Full MSRP on all their inventory! Bleeah!

#45 POSTED BY VILLAGE IDIOT , APRIL 2, 2008 4:38 PM



This is part of a trend where you are more than encouraged to pay full retail for a

consumer item, but you don't actually ever own it. Or you only own part of it, but if you pay extra they'll unlock the *Platinum* features or some such BS.

Applied to cars, the EULA would be "Who will you be driving around with? What will you put in the trunk? Where else besides between work and your residence will you be driving it? Would you ever take it to Mexico? Are you now or have you ever been a member of the Communist Party? Now please sign here to promise you'll be a good citizen and never open the hood, remove or replace any parts by yourself, obey all speed limits and traffic laws and not allow this car to become a bigger threat to the National Security of The Unraveling States of America than the Government itself."

If I can't sell it or take it apart or basically do whatever the hell I want with it, then what exactly did I pay for? I know people have crafted all sorts of clever arguments to justify this kind of thing, but Big Brother is as Big Brother does. It's hard to whip up a big consumer backlash against intrusive stupidity when all manufacturers are forced to do it by law (if in fact they are or will be), so the question is: Who then to smite?

#46 POSTED BY ANTINOUS , APRIL 2, 2008 4:40 PM



Spam reported.

#47 POSTED BY TAKUAN , APRIL 2, 2008 5:01 PM



thanks Antinous. One day, I hope to gouge a spammers's eyes out with my thumbs.

#48 POSTED BY ICKY2000 , APRIL 2, 2008 5:08 PM



@45: 1) it's a very cool store - those baskets on the overhead rail and all that is neat, 2) they know cameras and sometimes you just really do want some real customer support, 3) fun to look at the pro gear they have there (at least for an amateur like me). That having been said, twice I've looked at things there and then bought them online cheaper.

#49 POSTED BY THINKERER , APRIL 2, 2008 5:08 PM



The EULA hardly matters since they won't sell it to you on the web anyway:

"This item cannot be sold on the web. Please call 800.606.6969."

I'm not flying to NYC to fill out a form like that, much less talking to one of their schmucks.

~~~~~  
If you check out this thing on Fuji's site, apparently it'll find your face in a photograph in the dark and read a magnetic stripe on the fly to boot -- big brother in a box.

<http://www.fujifilmusa.com/JSP/fuji/epartners/proPhotoProductIS-Pro.jsp>

#50 POSTED BY MITCH , APRIL 2, 2008 5:12 PM

The \$500 price of this camera would buy me a lot of naked pictures of people who are good at posing for naked pictures.

I'd still like an ir and uv sensitive camera to photograph things like nocturnal wildlife and flowers.

I don't mind this EULA so much if it's token and not sincerely enforced.

#51 POSTED BY MOON , APRIL 2, 2008 5:25 PM

Fuji is concerned that you may see some blurry tits, I guess. OMGWTFBBQ!

Thank you, Fuji, for your concern!

#52 POSTED BY SPROING3 , APRIL 2, 2008 5:27 PM

Since when can a camera seller be liable for the pictures that the cameras take? What does IR or UV have to do with it? A telephoto lens and an open window will expose a lot more.

And IR is nothing like x-ray, and it doesn't see beneath clothes. You get a heat signature.  
Any IR picture I've seen hardly "seeing through clothes". Globy and low def.

#53 POSTED BY ANTINOUS , APRIL 2, 2008 5:31 PM 

Yeah, but Hounskull,

The EULA might prevent somebody from discovering hidden white supremacist images.

Oh, I'm going to hell. I'm so going to hell.

#54 POSTED BY SPROING3 , APRIL 2, 2008 5:31 PM 

Printer companies now embed images into all printed pages. The government wants documents traceable back to the owner. I can't see any liability issue here, therefore...

#55 POSTED BY TAKUAN , APRIL 2, 2008 5:32 PM 

I use IR cameras to record the DHS and CIA agents hiding in my hedges

#56 POSTED BY TECHDEVIANT , APRIL 2, 2008 5:37 PM 

#31 Takuan

perhaps some total innocents will be fined or jailed or killed depending if they are enemy combatant-coloured

I lol'ed and then I was sad because its sorta true :(

#57 POSTED BY ANTINOUS , APRIL 2, 2008 5:39 PM 

Your refrigerator box has hedges? Don't be so fancy.

#58 POSTED BY SPROING3 , APRIL 2, 2008 5:56 PM 



Sony was sued. Did they lose the lawsuit? What is the precedent now?

The pressure on Fuji did not come from internal lawyers protecting from civil lawsuits. Because there simply not enough legal threat to justify the decrease in sales that the EULA will cause. There is no legal threat at all.

You have to consider the context of this new type of EULA. Microsoft installed backdoors into Windows for the feds. Printers leave hidden traceable identifying marks on documents. The phone companies comply with warrantless wiretapping. The government knows the location of all cell phones at all times. The banks make it difficult to use money anonymously. At every turn, anonymity is more difficult - this is obviously very much a part of that context. Even the airport security theater is part of the context of this issue. This is no lawyers liability issue. Because there is no liability threat.

The pressures that led Fuji to make this decision were not internal.

#59 POSTED BY SKER , APRIL 2, 2008 5:59 PM



#52 POSTED BY HOUNSKULL , APRIL 2, 2008 5:19 PM Come on people. Think. Use the brain.

This particular EULA, despite being a minute of hassle, isn't anything to get alarmed about. It doesn't actually constrict user's rights in any way that wasn't already illegal. It's not even enforcable. It's just FUJI covering thier ass in case of a lawsuit.

By people reacting hysterically to this EULA it muddies the waters with other EULA issues where usage rights are actually being unreasonably burdened.

Nothing to see here, sheeple, sign the ELUA and move along.

A minute hassle? You can't even buy the camera online because of it. That's no minute hassle. You can buy a frick'n thermal camera on line but a stupid near IR camera requires a sworn oath? Yes, its a big deal. They even go so far as to dictate what \*\*kind of person\*\* is allowed to use the camera (only government or business professionals), what kind of photos you can take (no hobby photos) and whether you can sell it ( firmware license is

not transferable). That's a big deal.

If its not a big deal then Fuji would take the "not a big deal" ELUUA and \*\*not ask you to sign it\*\*, ergo it is a big deal.

Not enforceable? This ain't no shrinkwrap or click wrap license, this is a signed before you get to buy it enforceable contract--with the exact degree of enforceability decidable in a court of law.

And to the why is this such a big deal when the camera has been out for a year crowd, what a stupid argument. How about, "Hey honey. I just noticed a clause in the contract with the car dealer that says we aren't allowed to drive the car for anything but business, I'm the only person allowed to drive it and we can't ever sell it. Oh, never mind. That contract is a year old..." Just because we just found out about it doesn't mean it isn't a big deal. It is.

#60 POSTED BY OM  , APRIL 2, 2008 6:03 PM 

...Just on a lark, I called five of the major camera shops here in CenTex. Every one of them had the same exact two things to say:

- 1) Fuji had told them the same load of crap.
- 2) They told Fuji that such EULAs don't apply in the State of Texas, and if they wanted them to hawk their cameras, they'd cram their EULA.

...So far, all five shops have been selling Fuji cameras with no problems.

#61 POSTED BY ANTINOUS , APRIL 2, 2008 6:05 PM 

Sorry Hounskull, but when you spend so much time tattooing a bullseye on your own forehead...

#62 POSTED BY TAKUAN , APRIL 2, 2008 6:06 PM 

well, painted hedges

#63 POSTED BY TAKUAN , APRIL 2, 2008 6:07 PM



OK, crayoned hedges

#64 POSTED BY TAKUAN , APRIL 2, 2008 6:10 PM



I always found Holden Caulfield really, really annoying.

#65 POSTED BY ANTINOUS , APRIL 2, 2008 6:11 PM



*crayoned hedges*

Why use a drawing implement that you can't sniff?

#66 POSTED BY SPROING3 , APRIL 2, 2008 6:13 PM



Goofy analogy?

How about I take a photo of a political protest demonstration being roughly put down by cops and undercover army personel, and upload it to a popular blog.

How about there is some identifying marker in the photo.

How about I get a little re-educational visit the next day?

Registering cameras is not a big deal?! Wtf!

#67 POSTED BY TAKUAN , APRIL 2, 2008 6:14 PM



lead

#68 POSTED BY ANTINOUS , APRIL 2, 2008 6:17 PM



A souvenir of your last PRC visit, no doubt. That's their major export, ne?



#69 POSTED BY JDUNPHY , APRIL 2, 2008 6:25 PM

You can open almost any digital camera and remove the IR filter to get IR sensitivity in the 800-900 nm range.

Now I'm probably on some FBI watch list!

#70 POSTED BY SPROING3 , APRIL 2, 2008 6:26 PM



It isn't hysteria to point out that digital cameras are prone to watermarkings, and that big corporations already have a track record of using such markings.

Cameras that may leave identifiable watermarkings should not be registered, if you want democracy.

I'm sure you are already educated at how government officials infiltrate and try to subvert political gatherings that are deemed anti status quo. There is a huge history of that, and of course not only in the U.S. In some countries the governments are much less covert.

You say I'm making a hysterical big deal, as if this is something to do with my emotion and judgment being askew.

Sometimes when my girlfriend is asleep, I'll nudge her. If it's a fire, and she is just too sleepy, maybe I'll yell. Not everything is just a small deal.

#71 POSTED BY ANTINOUS , APRIL 2, 2008 6:27 PM



Sproing,

I'm with you.

But if you want to feed something, get a goldfish.

#72 POSTED BY DOGGO  , APRIL 2, 2008 6:47 PM



God. Dammit. I hate when people use the word "sheeple".

#73 POSTED BY TAKUAN , APRIL 2, 2008 6:57 PM

yeah, but it's a valid term when used properly

#74 POSTED BY TAKUAN , APRIL 2, 2008 6:59 PM

yeah?

<http://www.instructables.com/id/IR-digital-camera-mod-keeps-autofocus-intact/>

#75 POSTED BY SKEP , APRIL 2, 2008 6:59 PM

OT

@Doggo,

How about the word "Shero?" as in when Maya Angelou says "Heros and Sheros" apparently because there's not enough "she" in "he-ros." Gotta say "shero" bugs me.

#76 POSTED BY TAKUAN , APRIL 2, 2008 7:01 PM

or

<http://www.instructables.com/id/Infrared-IR-Webcam/>

#77 POSTED BY TAKUAN , APRIL 2, 2008 7:04 PM

and

<http://www.instructables.com/id/Take-Infrared-Pictures-With-Your-Digital-Camera/>

#78 POSTED BY BWCBWC , APRIL 2, 2008 7:10 PM

Interesting, the license says it's for UV/IR capabilities enabled in the firmware. That sounds like it's possible to hack the firmware of one of their regular cameras to provide the same capability. Or do they have a EULA for their regular cameras that prohibits modifications? Is reverse-engineering a legitimate business use? :)

#79 POSTED BY TAKUAN , APRIL 2, 2008 7:40 PM



anyone who cares can continue mining for hacks, the web is big.

Hounskull: Are you aware that you come across as a deliberately ill-mannered and arrogant person?

Please answer the question.

#80 POSTED BY JAKE0748 , APRIL 2, 2008 7:46 PM



Also would like the answer to the question - "Hounskull: Are you aware that you come across as a deliberately ill-mannered and arrogant person?"

Just want to know if you are a troll or pain in the ass who doesn't ever want to admit that someone else might be right... even on the smallest point.

#81 POSTED BY TAKUAN , APRIL 2, 2008 7:52 PM



very well, as you wish it.

#82 POSTED BY JAKE0748 , APRIL 2, 2008 7:53 PM



@96 - "I come across as someone who responds to lame posts with derision."

Since when is derision a way to conduct a civil discussion?

#83 POSTED BY TAKUAN , APRIL 2, 2008 7:58 PM



For those who wish to experiment with IR photography using the equipment they likely already have at hand. I have found the Instructables website full of useful projects and tips. I haven't myself looked in to UV photography, but I'll bet they cover that as well. No need to spend a lot of money you might not have.

#84 POSTED BY COWICIDE  , APRIL 2, 2008 8:13 PM



#38 posted by Skep , April 2, 2008 3:56 PM:

"#34 Whut Phuji Phears (NSFW, but you'll click it anyway)"


Indeed I did. I think the photos displayed there, being for commercial purposes, are not typical of IR and the swim suits chosen were most likely chosen to give dramatic results. In fact, I think at least one of them is one of those super thin "Tan through your swimsuit" suits.

### CONSPIRACY !!!

I never should have trusted this guy.

#85 POSTED BY SPROING3 , APRIL 2, 2008 8:15 PM 

I've been known to call someone an idiot, if they outright refuse the Greater Logic of His Saucy Goodness. But barring pointing out an inability to be use reason, personal attacks make you look stupid. And they make you smell.

#86 POSTED BY JAKE0748 , APRIL 2, 2008 8:16 PM 

I'm giving up. Hounskull, you are no fun. Derision is not a civil response, no matter who you are responding to. (Especially when the person you are responding to is wise, learned and a ball of fun). There is no good response to someone who is "always right" and no fun at all. So, I'll go on to better things right now and maybe we can tangle again some other day.

Ciao.

#87 POSTED BY TAKUAN , APRIL 2, 2008 8:20 PM 

be patient Jake, he is not ready to talk

#88 POSTED BY TAKUAN , APRIL 2, 2008 8:22 PM 

but Cowie? you don't trust Hunter S. Thompson?

#89 POSTED BY SKEP , APRIL 2, 2008 8:47 PM



HOUNSKULL, APRIL 2, 2008 7:49 PM #92 Takuan

"Hounskull: Are you aware that you come across as a deliberately ill-mannered and arrogant person?"

No, I come across as someone who responds to lame posts with derision. way.

You seem to mistake the mistake of thinking they are mutually exclusive. They are not. So much for you always being right.

#90 POSTED BY SKEP , APRIL 2, 2008 9:00 PM



Pervs can photograph kids, stalk people, do some really illegal and uncool things. The sort of things people tend to have alarmist and visceral responses to, that make the evening news, and prompt law suits.

Yes, apparently you need to buy any of Fuji's other products if you want to take pervy photos. The lack of an ELUA for those cameras implies it's ok to use them, especially since neither IR or UV are necessary to taking Perry photos and because all cameras are capable of invading privacy. Fuji should have considered that when implementing the ELUA.

And unlike a telephoto lens, which still requires someone to voluntarily make themselves visible, it's hard to prevent against this unless a person wears a lead coat all the time. (another distinction goof balls seem incapable of understanding.)

Yes, because anyone who disagrees with your god-like reasoning ability must be a "goof ball." In fact, telephoto lenses allow photographers to take photos of people who reasonably believe they are in private--contradicting your false statement that such people are "voluntarily mak[ing] themselves visible." That is why using extraordinary means to take photos (including telephoto lenses) is an invasion of privacy.



This EULA is perfectly understandable, and basically just an unenforceable CYA maneuver. As someone said, equivalent to a head shop posting a disclaimer over the door.

Understandable != reasonable. If it's truly unenforceable then there is no reason to ask for it in the first place (if Fuji knows it to be unenforceable then it isn't a meaningful measure and it won't give them legal cover.) Second, it is enforceable. It is an explicit contract required as part of the purchase. Name the "un-enforceable" part of the contract.

The people alarmed over this (OMG!! AN EULA!!!) are the sort of people who are always in hysterics about something. They're unhelpful and frankly, rather stupid.

That isn't an argument, it is merely a general ad hominem.

---

#91 POSTED BY SKEP , APRIL 2, 2008 9:02 PM



Take a look at this #110 POSTED BY HOUNSKULL , APRIL 2, 2008 8:53 PM Ok, troll kiddies. I'm big bad meanie for commenting on your nonsense. Happy now?

It's not a mea culpa if you are still calling their arguments nonsense just because you disagree with them.

Mod parent -1

#92 POSTED BY SPROING3 , APRIL 2, 2008 9:07 PM



Infrared doesn't pass through clothes any better than does visible light. You can't "see through" clothes with it.

The link to the joke porn site has nothing to do with IR.

Infrared will show heat gradations. So if you are wearing a tight fitting shear garment, like a swimsuit, you could pick up on temperature differences on the outside of the fabric. You aren't going to pick up on temperature differences *underneath* the fabric.

I would like to be educated as to the successful litigation for selling devices that could be

used to compromise privacy. I'm aware that spy devices are sold openly, when they are not restricted to police and government use.

And need I remind that regardless of if the cameras currently have digital signatures, future ones could. The weak and dangerous thing to have is a database of owners and future owners. If the seriousness of that possibility misses you, it probably always will.

#93 POSTED BY SKEP, APRIL 2, 2008 9:20 PM



"#113 POSTED BY SPROING3, APRIL 2, 2008 9:07 PM

Infrared doesn't pass through clothes any better than does visible light. You can't "see through" clothes with it.

The link to the joke porn site has nothing to do with IR."

Sorry, Sproing3, but there are different wavelengths of IR, including near and far IR. The "near" IR is near visible wavelegth. It is the kind of IR used in the photos of swim suits and in photos of plants that show the leaves as brilliant white--because the leaves reflect so much near IR. The kind of IR you are thinking of is far, or thermal, IR imaging.

However, near IR isn't really that effective at seeing through clothes. In a few cases, some thin fabrics are more transparent to near IR than to visible light, but the swim suit photos in the website are **\*\*worst case examples\*\*** especially chosen for the site and are not representative of clothing or swimsuits in general. Heck, many swim suits are more transparent when wet and any camera can see that difference.

Many spy devices are sold openly, partially due to poor enforcement of existing wiretapping laws and because there many legal applications for gear that can also be used to invade privacy--legal hallway security cam/illegal bathroom cam, etc.

#94 POSTED BY TAKUAN, APRIL 2, 2008 9:22 PM



and how is someone's privacy violated if a grainy, black and white image of vague body parts that could belong to anyone is the issue?

I would be more interested in, say, the use of FLIR cameras to uncover marijuana grow

operations in private dwellings.

#95 POSTED BY SPROING3 , APRIL 2, 2008 9:32 PM 

Skep, I'm pretty sure that the porn website doesn't use an IR camera at all. Those are just regular light pictures of models in sheer clothing.

As for near and far IR, I'm not quite getting your point, as regards to seeing through clothes. Neither can, correct? You see infrared of the clothing itself, the heat of the clothing - you don't see through clothing.

As for enforcement being the reason spy devices are openly sold, that may be - I'm not clear on the law. My question was more along the lines of what examples of successful lawsuits have their been. I'm trying to establish if there is a credible legal threat. Without any prior successful lawsuits, I am inclined to believe there are other motivations at work.

It's all about money and power. The EULA doesn't seem designed to make more money - I'm pretty sure it would hamper sales. Does it credibly protect the money that it loses? If not...

#96 POSTED BY TAKUAN , APRIL 2, 2008 9:40 PM 

does the executive staff of a company that sells restricted technology to "terrorists" stand a chance of landing in jail for it? (oh yeah)

#97 POSTED BY TAKUAN , APRIL 2, 2008 9:45 PM 

Home from U.S. jail, B.C. businessman offers warning  
Last Updated: Wednesday, November 28, 2007 | 11:02 AM ET  
CBC News

A Vancouver businessman is warning Canadian businesses to beware of working with countries the U.S. considers enemies, pointing to his time in a Texas jail as a cautionary tale.

Farshid Rohani, also known as Seyed Abolghassem Rohani Eftekhari, spent more than a year behind bars after pleading guilty to a charge of conspiracy to violate the International Emergency Economic Powers Act and the Iranian Transaction Regulations, which forbid trade with Iran.

The Iranian-born engineer maintains his innocence and says he agreed to the guilty plea in exchange for authorities dropping more serious charges on the advice of his lawyer — and out of fear he could face up to 55 years in prison.

"I was very scared — 55 years. For what? For what? What did I do?" he said in an exclusive interview with CBC News, now back home in B.C.

Tried to purchase high-tech equipment

Rohani, a management executive at a Vancouver-based company called Sutcast Foundry Technologies, arrived in San Antonio, Texas, on Sept. 18, 2006, to buy a magnetostrictive sensor, a machine worth \$72,000 that uses ultrasonic waves to look for cracks and other flaws in metal pipes.

As he was signing documents for the purchase from the Southwest Research Institute, FBI agents swarmed the building.

"As soon as I sign it, FBI from window and door. Five people came and arrested me. At first I couldn't talk. What's going on, what's happened?" he recalled.

According to the institute's website, the equipment can be used to inspect large structures such as the steel liners in containment buildings of nuclear power plants.

In a sworn affidavit, a U.S. Customs special agent cites e-mail correspondence to support allegations that Rohani planned to ship the equipment to an engineering company in Tehran.

Rohani said the e-mail exchange was with business partners in Iran who had tried unsuccessfully to buy a similar piece of equipment.

But he denies allegations he was going to act as a middleman. He says he already owned a similar device, purchased in Quebec, and was looking to use the new one for contracts to

examine oil pipelines in Alberta and China.  
Accused of being a terrorist by cellmates

When Rohani was arrested, he says, he was put behind bars alongside drug dealers and violent offenders with ties to the Mexican mafia who demanded protection money and called him a terrorist.

His court-appointed lawyer convinced him to take the plea deal.

"The trial is going to maybe take two or three years ... and if you lose, lifetime in prison," he said the lawyer told him.

"So I am a logical person," Rohani said.

Since returning to Canada nearly two weeks ago, Rohani says he still wakes up thinking he's in the U.S. jail.

He says he hopes others don't also end up behind bars because of what he describes as overzealous prosecutors, and that Canadians should know that even innocent ties to countries such as Iran, North Korea and Syria could land them behind bars in the U.S.

#98 POSTED BY SKEP , APRIL 2, 2008 9:52 PM




"As for near and far IR, I'm not quite getting your point, as regards to seeing through clothes. Neither can, correct? You see infrared of the clothing itself, the heat of the clothing - you don't see through clothing."

We see through clothing all the time. Black panties under white pants? Red bra under a white blouse? Certain fabrics are more transparent than others.

Near IR doesn't magically see through clothing, but some fabric is more transparent to near IR than visible light. Let's go back to the Red bra under a white blouse. Could you see the same red bra under a red blouse of the same kind of fabric? Maybe a little, but not so much. I'm not giving you a very good analogy, but the idea with the near IR is that when you filter out the visible light it can be like turing the red blouse white but leaving the bra a contrasting color, taking the reflecting color of the blouse down making it easier to see through the fabric to the bra underneath, but not a miracle and it only works with thin

fabrics with a high IR transparency relative to the visible light reflectivity. And, as you noticed, many of the "IR" photos on the website were not very different from the full spectrum photos--if anything they are mostly just shots of extraordinarily thin fabric swimsuits.

The reason the Sony fiasco died down is because near IR is not a big deal and it doesn't live up to the hype. It doesn't see through normal fabrics.

#99 POSTED BY SPROING3 , APRIL 2, 2008 10:06 PM 

Takuan @118 - That's a frightening tale of Massively Multiplayer Parental Overly-concerned Rightous Grotesquery. Can you tie it into the EULA thread?

#100 POSTED BY SPROING3 , APRIL 2, 2008 10:22 PM 


I get it, if you have a very sheer outer garment that is highly reflective, infrared will filter out the glare of it, inas much, and only inasmuch, as the fabric is also transparent.

And Sony face some noise about IR. But no big company seems to be at any actual legal risk. Risk of noise, maybe.

So is someone saying that these cameras make people out in public seriously erotically exposed, unless they are dressing for the IR camera? Any examples to share about this? I highly doubt it I'd wager anything sheer enough to be transparent to IR is going to be sheer enough to be vulnerable to the right visible light conditions.

And patterns of nipple heat on someones swimsuit? Fuji's lawyers can't fight off a lawsuit from Swimsuit Sue, while the Paparazzi can fight off lawsuits by British Royalty?

I'm not swallowing that load.

#101 POSTED BY SKEP , APRIL 2, 2008 10:51 PM 

122 POSTED BY HOUNSKULL , APRIL 2, 2008 10:29 PM #111 Genius, you're equivocating a telephoto lens to an IR camera. What kind of an idiot you must be to even conceive that equivalence...

It would seem you are giving up all pretense of making honest arguments in favor of ad hominem. That's too bad since you aren't an idiot, but you can sometimes be functionally identical to one.

One can, in fact, pool various privacy threats together when making a rational analysis of the actual legal implications. You seem to be unfamiliar with how invasion of privacy laws work, and indeed, taking extraordinary measures to see what could not ordinarily be seen by eye is part of invasion of privacy laws. Both telephoto lenses and IR can, depending on the circumstances, meet that standard. The "kind of idiot" who would "conceive that equivalence" of IR and telephoto lenses includes law makers across the 50 states, judges and prosecutors.

Your rather obvious ignorance on the matter of privacy laws--whether real or feigned--and the arrogance with which you wield it suggests that your further comments are likely of the same ilk and really aren't worth considering based on the credibility of the source.

#102 POSTED BY SPROING3 , APRIL 2, 2008 10:52 PM



Hounskull @123 - IR, as you might know, will "see through" to the same extent as visible light. The main difference that the body glows with heat, and this shine out through sheer fabrics. So you might be able to pick up the body glow. But the body glow is nothing like reflected light - it is more amorphous (less morphous?).

As the camera has been out for a year, there ought to be some pics out there of us to use in our discussion. If not, well, maybe IR is not quite so riske a technology. And I wanted my see through specs! Guess I'll have to wait for the T-Ray camera to come out.

So, Mr. H, we are waiting for two things from you, for a credible argument. 1) examples of companies with big budget lawyers having lost lawsuits in related cases, and 2) examples that this technology is substantially more intrusive than similar technology that is freely sold.

#103 POSTED BY HOUNSKULL , APRIL 2, 2008 10:56 PM



btw, on the light transmissability of fabrics:

Anybody who wears technical clothing for outdoor activities, may have noticed a "UV

block" rating. It might be UV 20 to 50 or so. That indicates they're specially treated with UV absorbent coatings to block UV light, for skin protection.

That's necessary because many materials are highly transparent to UV. A garment which blocks over 95% of visible light may still be very "see-through" and transparent to UV. Many synthetic fibers are initially transparent, to a wide range of the spectrum, before being dyed for color by blocking/reflecting in the visible light spectrum. Silk is also highly transparent. Thin cotton and many other natural fibers are fairly transparent.

None of which I'd worry about ordinarily.

But, if you see a creep photographing kids using a UV/IR camera, or some stalker or other loser, it's a good idea to call the police.

Oh, and if they're using a UV/IR camera and signed a EULA, they won't be able to deny knowledge or intent.

#104 POSTED BY SKEP, APRIL 2, 2008 10:57 PM



BTW, I was ready to chastise JAKE0748 for suggesting you are a troll. The troll accusation is a bit like Goodwin's law. However, I think that closing a post with "(idiot.)"--for the sole reason that you disagree on the definition of "normal"--combined with your additional liberal use of ad hominem attacks in this thread, definitely elevates you to an increasingly clear qualification for trollhood.

#105 POSTED BY SKEP, APRIL 2, 2008 11:01 PM



"125 POSTED BY SPROING3, APRIL 2, 2008 10:52 PM

Hounskull @123 - IR, as you might know, will "see through" to the same extent as visible light. The main difference that the body glows with heat, and this shine out through sheer fabrics. So you might be able to pick up the body glow. But the body glow is nothing like reflected light - it is more amorphous (less morphous?)."

Close. Near IR is just a little past the visible spectrum and is very similar in a lot of ways. It is similar to putting a dark red filter over your camera and taking B&W photos--only more so. You do not see the heat glow of bodies in near IR and you can't take images in total darkness without an IR source (bodies don't show up as glowing as they do in




thermal IR like you see when watching a FLIR camera shot from a police helicopter. This camera requires "light" to take pictures, but it may not be visible "light."

#106 POSTED BY SPROING3 , APRIL 2, 2008 11:02 PM 

Oh, and Mr. H - I'm not surprised that you picked up on the fact me pointing out that you pointing out my character flaws makes you stupid is an ad hominem.

I am surprised that you thought it enlightening to explain to me the inconsistency that was involved in creating my witticism. Kinda makes you seem a little slowish.

#107 POSTED BY SKEP , APRIL 2, 2008 11:04 PM 

"#128 POSTED BY HOUNSKULL , APRIL 2, 2008 10:58 PM

#125 sproing3

You don't know what you're talking about and are an idiot. I've already told you that as have others."


Sproing3 is at least willing to try to learn, unlike you, who's main talent seems to be the rapidity with which you can type the word "idiot."

#108 POSTED BY SPROING3 , APRIL 2, 2008 11:08 PM 

"This camera requires "light" to take pictures, but it may not be visible "light."

Ok, so it acts like a fancy filter. It sees "through" clothes exactly to the extent that the clothes are transparent to visible light.

Bathing suits are close to opaque to near IR then, are most fabrics. Only very sheer womens dresses would be an issue, and then only in the best lighting conditions.

#109 POSTED BY SKEP , APRIL 2, 2008 11:23 PM 


"Ok, so it acts like a fancy filter. It sees "through" clothes exactly to the extent that the clothes are transparent to visible light."

Very close. Near IR is not actually visible, it's literally a shade past red, light that you can't see. But you have the general idea.

Most clothes do not show anything by using an IR camera--which is what I meant by normal. Many consumer cameras have a special "night" mode and built in IR LED "light" source. They can take pictures with light you can't see. You can play with this feature and you'll discover that it does not magically make clothes see-through. (BTW, surely the ability to see in total darkness has more privacy implications than the occasionally IR translucent swimsuit, yet no EULA is required to by the numerous consumer cameras that come with that feature, or the many, many in-expensive concealable security cameras with that feature--but I'm sure Mr. Super Genius (Helmet Head) has an explanation of why we are all "idiots" for thinking so.)

#110 POSTED BY COWICIDE  APRIL 2, 2008 11:27 PM

I feel left out, Hounskull hasn't called me an idiot yet. Or, maybe he implied it earlier somehow and I fricken' missed it? rats....

#111 POSTED BY SKEP  APRIL 2, 2008 11:36 PM

#133 POSTED BY HOUNSKULL, APRIL 2, 2008 11:16 PM Skep, "idiot" goes for you too.

Now you are just repeating yourself. Reminds me of Anime. "Baka! Baka! Baka!"

Now if I was truly predictable you would have predicted my dissection of your arguments and, in anticipation, also included the counter arguments. Strangely, in spite of your psychic powers of prediction, you did not.

Your logic as run out, but your bluster has remained. Sort of like Dr. Jekyll and Mr. Hyde. It seems Dr. Jekyll has lost the battle, leaving only Mr. Hyde here to call people idiots.

As much as I enjoy a proper rational dustup, there is not much point to arguing with someone who's main counter argument is "idiot." And it is not that you are mean--though you are--it is that your **\*\*arguments\*\*** are ad hominem rather than rational discourse.

You started out with arrogant but fact-inspired arguments but soon dispensed with the need to support your arguments when you could, instead, simply call people "idiot."

If you are going troll with ad hominem rather than rational discourse you could at least attempt some panache and be entertaining rather than just dull boor.

#112 POSTED BY SPROING3 , APRIL 2, 2008 11:41 PM 


Equivocate?

It's so cute when you try to use grownup words!

#113 POSTED BY SKEP , APRIL 2, 2008 11:42 PM 

#136 POSTED BY HOUNSKULL , APRIL 2, 2008 But don't worry. Your skull seems to be highly opaque and like a "fancy filter" prevents any illumination from dawning upon you.

Remarkably, that was apparently stated "irony-free," in spite of the fact that HOUNSKULL's handle is named after a type of medieval helm with a full-face visor with tiny eye slits—all the better to call down from one's high horse with epithets while ignoring any need for rational argument.

#114 POSTED BY SKEP , APRIL 2, 2008 11:53 PM 

"Anyways, please resume ignorant but highly passionate debate."

Not really possible with out you. Kind of need the main protagonist to continue.

#115 POSTED BY SPROING3 , APRIL 2, 2008 11:53 PM 

Well, back on track - this EULA smells to me very much like Aircraft Securith Theater. A distraction, meant to acclimatize people to a climate of Big Brother.

And I back this up by the actions of the major inkjet printer companies, telcom companies, oil companies, etc, etc. Big government is playing a part in the growing

fascism. If that seems like an insanely strange proposition - it is. And the insanely strange evidence is discussed daily on Boingboing.

#116 POSTED BY SPROING3 , APRIL 2, 2008 11:54 PM 

Sorry - that should read; Big business is playing a part in the growing fascism.


#117 POSTED BY MANICBASSMAN , APRIL 3, 2008 2:09 AM 

do you actually have to agree to the EULA before you can walk out of the shop with it???

#118 POSTED BY HASSAN-LSARBAH , APRIL 3, 2008 3:00 AM 

Houndskull.-what seems to be your problem?Please, enough. we are all in you debt.you are very clever and have enlightened us on numerous topics.Your thoughts are like gold to us mere "idiots".Truly pearls before swine.

Although this wisdom does not make you happy.You are angry at those who are less "Houndskully" than yourself.This I can understand.Tell us how to be better .Share.

#119 POSTED BY PINUP57 , APRIL 3, 2008 3:11 AM 

Hi, I didn't read all comments, but I'm must say I'm puzzled by what I read until now: are you all so obsessed with "see-through-swimming-suits" issues that you don't see that there's much more to it, especially security issues? I mean, here you have a 500\$ IR camera with a 300mm lens and superior optics looking like an ordinary SLR! A burglars dream!!!



#120 POSTED BY VILLAGE IDIOT , APRIL 3, 2008 5:59 AM 

Humans are so weird, designing neat stuff like this camera but then not selling it to the public for some reason (the real one) but justifying the action with BS fears of exposing someone's nipples at the beach or that some perv might create underage and vague vagina-esque or proto-penis imagery as seen by otherwise invisible wavelengths of light. So what? Actually, the EULA never talks about kids or swimsuits, but some here are arguing that point for them anyway because at heart we all know how silly humans still are about stuff like this.

Where I live, I can buy a 12 gauge shotgun much more easily than this camera (cheaper, too!) but no one makes me sign a promise to not to do bad things with it first, since if I did it wouldn't matter what I thought, or knew, or signed; I'm still gonna be in big trouble.

Kiddie porn filmed in *any* wavelength of light is illegal. Shooting them with any gauge of shotgun is also illegal.

This issue is most likely not about protecting kids or penetrating the opacity of swimsuits.


#121 POSTED BY CYCLE23 , APRIL 3, 2008 7:54 AM 

Good to see the moderation here keeping people from abusing others in what really could easily be a simple discourse on cameras, EULAs, increasing technology, and the scrambling of people to attempt desperately to cover their own asses. I agree with Hounskull this isn't really a big deal in itself or a reason to hate Fuji passionately.

Perhaps if you find the same camera without the EULA, buy it from the other party. I stopped going to one dentist when they requested I sign an arbitration agreement and instead went with another dentist. Not that I never sign those agreements, just that I had seen this dentist for 3 years with no agreement and then it was sprung upon me. 3 months after I changed dentists, that office closed down.

#122 POSTED BY SPRINGBREAKISOVER , APRIL 3, 2008 9:33 AM 

Obviously this camera uses the same technology as Rowdy Roddy Piper's glasses in They Live.

#123 POSTED BY TAKUAN , APRIL 3, 2008 11:16 AM 

Dear Sproing

Why do EULA's like this one exist? What social/political/legal climate creates the need for them? What is Fuji seeking protection from? I hope that is responsive.

#124 POSTED BY TAKUAN , APRIL 3, 2008 11:19 AM 

ITT fined \$100 million for illegal tech exports

George Leopold

EE Times

(03/27/2007 5:10 PM EDT)

WASHINGTON — ITT Corp. has confessed to exporting military night vision technology to China and other countries without an export license and has agreed to pay fines totaling \$100 million, the Justice Department said Tuesday (March 27).

ITT, the leading producer of night vision equipment for the U.S. military, agreed to plead guilty to separate counts of exporting military equipment without an export license and omitting information from arms export control reports. The government said the plea agreement is the first conviction of a major U.S. military contractor under the Arms Export Control Act.

#125 POSTED BY KENMCE , APRIL 3, 2008 4:14 PM



>ITT fined \$100 million for illegal tech exports

I don't see the part where they compare the size of the fine to the amount ITT brought in in sales, or how big that fine is relative to their yearly earnings.

#126 POSTED BY SPROING3 , APRIL 3, 2008 9:12 PM



Hey - I think you're switching on a lightbulb. Interesting communication style, by the way. Say just enough, but not all, so that when I make the connection it will seem like my idea.

Seems you are saying that this is near military equipment that could be used domestically in a civil war or other civil disturbance. Seems one reason to control the technology is that it has military value.

If so, that motivation would go alongside with one to register digital imaging devices. It is of civil disobedience control interest to track down photographers of the wrong sorts of pictures.

#127 POSTED BY SPROING3 , APRIL 3, 2008 9:15 PM



Hey - I think you're switching on a lightbulb. Interesting communication style, by the way. Say just enough, but not all, so that when I make the connection it will seem like my idea.

Seems you are saying that this is near military equipment that could be used domestically in a civil war or other civil disturbance. Seems one reason to control the technology is that it has military value.

If so, that motivation would go alongside with one to register digital imaging devices. It is of civil disobedience control interest to track down photographers of the wrong sorts of pictures.

#128 POSTED BY ANTINOUS , APRIL 3, 2008 9:20 PM



*Say just enough, but not all*

If only we could get more people to adopt this communication style! Sometimes I wonder if commenters are getting paid by the word.

#129 POSTED BY TAKUAN , APRIL 3, 2008 9:41 PM



hey, hey... do I come down and tell you how to make licence plates?

#130 POSTED BY TAKUAN , APRIL 5, 2008 3:54 PM



Men with 'highly sensitive' cameras arrested at airport

\* Story Highlights

- \* Ten of the cameras were found in the men's checked luggage, officials say
- \* The thermal imaging cameras have potential military use
- \* The men had been in the United States for about a week, officials say
- \* They were arrested for trying to take the cameras without the proper export licenses

LOS ANGELES, California (AP) -- Two men attempting to board a plane to China with nearly a dozen sensitive infrared cameras in their luggage were arrested on Saturday, a

federal official said.

art.lax.gi.jpg

The men were preparing to board a flight to Beijing at the Los Angeles International Airport.

Federal agents stopped the pair on the jetway as they were preparing to board the flight to Beijing.

The men had been in the United States for about a week, said Rick Weir, assistant special agent in charge of the Los Angeles office of the Department of Commerce's Bureau of Industry and Security.

Yong Guo Zhi, a Chinese national, and Tah Wei Chao, a naturalized U.S. citizen, were arrested for investigation of trying to take thermal imaging cameras with potential military use to China without the proper export licenses, Weir said.

Julie Salcido, a supervising agent with the Bureau of Industry and Security, said one of the men purchased the cameras, assuring the seller repeatedly that they were only for domestic use.

"He repeatedly said he wouldn't export," she said.

Ten of the cameras, which measure about 2 inches square and cost about \$5,000 each, were found in the men's checked luggage, Weir said.

## Post a comment

[Login](#) or [create an account](#) to comment on this entry.

You can also [comment anonymously below](#):

**WARNING:** Anonymous messages are held for moderation. This could take a (long) while. Or your comment may not be posted at all. Please consider [creating an account](#) and logging in. It's fast, free, and we don't spam, ever.



## Subscribe

 [BOING BOING](#)

 [AUDIO PODCAST](#)

Subscribe by email:

[SUBSCRIBE](#)

## boingboing

[GO HOME](#)

[ARCHIVES](#)

*Other Sites:*

[BOING BOING GADGETS](#)

[BOING BOING TV](#)

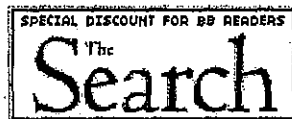


## Extras

[DEFEAT CENSORWARE](#)

[POLICIES](#)

[HOWTO: GET A LINK POSTED TO BOING BOING](#)



This work is licensed under a [Creative Commons License](#) permitting non-commercial sharing with attribution.

Boing Boing is a trademark of Happy Mutants LLC in the United States and other countries.





**boingboing** **toGAdGEEtS** **toVideO** **toGffwOrId**

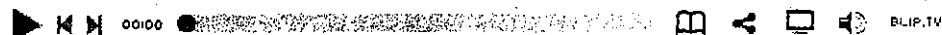
[SIGN IN](#) | [NOT A MEMBER? REGISTER](#)

[SUGGEST A LINK](#) | [ARCHIVES](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#) | [MODERATION POLICY](#) |



## Sketch comedy troupe proposes a EULA for friendship

POSTED BY [CORY DOCTOROW](#), MARCH 9, 2009 10:56 PM | [PERMALINK](#)

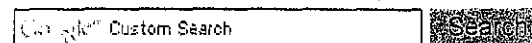


AlexanderDitto sez, "This week's LoadingReadyRun video addresses combining restrictive End-User License Agreements with Friendships. Results: pain. Also laughs!"

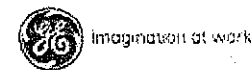
I really liked the sideswipe at the kind of "friendship" that social network services seem to think we live with."

[Terms of Friendship](#) (Thanks, AlexanderDitto!)

Previously:



High Energy  
A section brought to you by



Travel Less. Meet Online. Try WebEx FREE!

You are now sharing your desktop



CISCO

Cisco  
webex

start your  
**FREE** trial  
click here



YOU'RE PROBABLY TOO LATE TO BUY THE  
Vector FM and NOAA Weather Alert  
Radio with Flashlight- 2 Pack

NEXT TIME. REMEMBER TO CHECK **woot!**




Advertise Here With FM  
[www.federatedmedia.net](http://www.federatedmedia.net)

- [A fair EULA for downloaded works - Boing Boing](#)
- [Hardest-to-understand EULA \\*ever\\* when you install WoW on GNU ...](#)
- [Thomas Edison's crappy, price-fixing EULA - Boing Boing](#)
- [Malware gets a EULA - Boing Boing](#)
- [Grapes with a EULA - Boing Boing](#)
- [ReasonableAgreement.org - the anti-EULA - Boing Boing](#)
- [Fuji makes you sign bizarre EULA to buy a camera - Boing Boing](#)
- [DHS perfects the abusive EULA - Boing Boing](#)

♥ FAVORITE THIS! (19)

✉ SEND THIS TO A FRIEND

digg it

 Buzz up!

OLDER

[BESLIMED ANCIENT DALEK HEAD DREDGED FROM ENGLISH POND](#)

NEWER

[RELIGIOUS CONVICTIONS CORRELATED TO FMRI SCANS](#)

## Discussion

#1 POSTED BY ANONYMOUS, [MARCH 9, 2009 11:01 PM](#)



These Victoria guys are pretty damn funny. Plus one of their mainstay female leads is smokin' hot.

Check out the saga that was their Desert Bus fundraiser for Child's Play. I spent a weekend in that chat with them and I would say it was time well spent for a good cause.

#2 POSTED BY ANONYMOUS, [MARCH 10, 2009 7:33 AM](#)



I think Rands did this first with FriendDA -  
<http://www.friendda.org/>

<http://www.randsinrepose.com/archives/2008/10/19/friendda.html>



#3 POSTED BY ANONYMOUS, MARCH 10, 2009 8:22 AM

I loved the video! A good, light-hearted parody of EULAs.

The rest of their stuff is really good, too.

#4 POSTED BY GDHOLTBY, MARCH 10, 2009 8:59 AM



I was surprised Desert Bus didn't show up on boingboing. Maybe next year.

#5 POSTED BY MICAH, MARCH 10, 2009 10:14 AM



EULAs are just like NYC apartment brokers.

#6 POSTED BY RUMORSOFMYDEMISE, MARCH 10, 2009 10:59 AM



I was distracted by the giant map of Moscow. Is that quilted?

#7 POSTED BY EVIL JIM, MARCH 10, 2009 11:48 AM



This isn't the first time they've delved into "law... thing." Their video The Divorce is also worth checking out.

#8 POSTED BY NOVAKREO, MARCH 11, 2009 3:21 AM



I was enjoying it until a text ad popped-up (for the second time) in the middle of the frame, at which point I stopped watching.

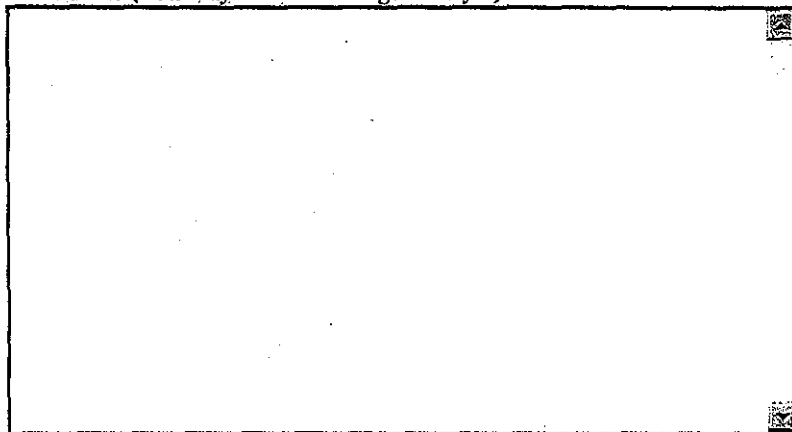
## Leave a comment

Sign in to comment, or comment anonymously.

**WARNING:** Anonymous messages are held for moderation. This could take a (long) while. Or your comment may not be posted at all. Please consider creating an account and logging in. It's fast, free, and we don't spam, ever.

Name:  
Anonymous

Comments (You may use HTML tags for style)



PREVIEW

SUBMIT





## Subscribe

 [BOING BOING](#)

 [AUDIO PODCAST](#)

Subscribe by email:

[SUBSCRIBE](#)

## boingboing

[GO HOME](#)

[ARCHIVES](#)

*Other Sites:*

[BOING BOING GADGETS](#)

[BOING BOING TV](#)



## Extras

[DEFEAT CENSORWARE](#)

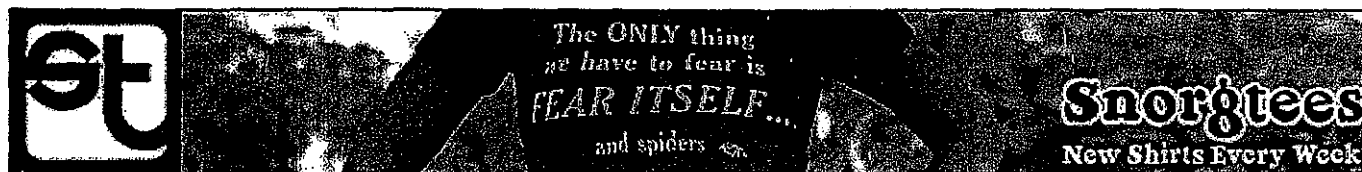
[POLICIES](#)

[HOWTO: GET A LINK POSTED TO BOING BOING](#)



This work is licensed under a [Creative Commons License](#) permitting non-commercial sharing with attribution.

Boing Boing is a trademark of Happy Mutants LLC in the United States and other countries.



**boingboing** **gadgets** **video** **world**

[SIGN IN](#) OR [CREATE ACCOUNT](#)

[SUGGEST A LINK](#) | [ARCHIVES](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#) | [MODERATION POLICY](#)



## A fair EULA for downloaded works

POSTED BY [CORY DOCTOROW](#), FEBRUARY 26, 2009 10:19 AM | [PERMALINK](#)

My latest Guardian column's just gone up, about the message that entertainment companies send when they put crappy EULAs on their digital downloads:

Here's the world's shortest, fairest, and simplest licence agreement: "Don't violate copyright law." If I had my way, every digital download from the music in the iTunes and Amazon MP3 store, to the ebooks for the Kindle and Sony Reader, to the games for your Xbox, would bear this – and only this – as its licence agreement.

"Don't violate copyright law" has a lot going for it, but the best thing about it is what it signals to the purchaser, namely: "You are not about to get screwed."

You shouldn't have to sell your soul just to download some music

posted in: [COPYRIGHT](#)

♥ FAVORITE THIS!

✉ SEND

digg it

Buzz up!

OLDER  
[JIM MUNROE'S THEREFORE REPENT AS A  
FREE DOWNLOAD](#)

NEWER  
[ANTI "CLEAN COAL" SHORT BY THE COEN  
BROTHERS](#)

## Discussion

#1 POSTED BY [BALDHEAD](#), FEBRUARY 26, 2009 10:32 AM

Yeah but that wastes the grand opportunity to find new ways to define copyright law.

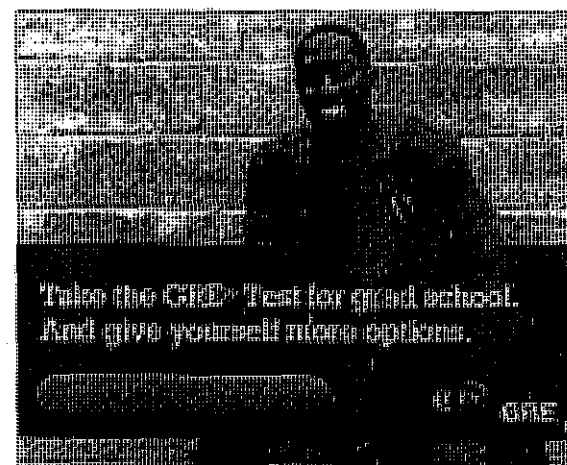
SEARCH

High Energy

A section brought to you by



imagination at work



YOU'RE PROBABLY TOO LATE TO BUY THE  
Vector FM and NOAA Weather Alert  
Radio with Flashlight- 2 Pack

NEXT TIME, REMEMBER TO CHECK **woot!**



Advertise Here With FM  
[www.federatedmedia.net](http://www.federatedmedia.net)

#2 POSTED BY ANONYMOUS , FEBRUARY 26, 2009 10:41 AM



Seems redundant. Might as well say:

Don't do drugs

Don't shoot yourself

Don't be evil

or

Don't do stuff you shouldn't do.

#3 POSTED BY WEIGHTEDCOMPANIONCUBE , FEBRUARY 26, 2009 11:01 AM



For years iPod packaging had "Don't Steal Music" on it. Even though Apple has a (at the time) DRM-only music store, they know damn well that isn't where most users get their music.

#4 POSTED BY ROBBO  , FEBRUARY 26, 2009 11:03 AM



It's an interesting age we live in when the previously arcane concepts of copyright law intrude upon our day to day activities. Do we need to constantly define and redefine copyright law with each and every agreement we enter into? No. Awareness of these laws will not slip into the shadows once more any time soon because they are being driven into the light and - hopefully, eventually, inevitably - redefined into a singular and consistent understanding for everyone. Therefore a simple EULA of "Don't violate copyright law." would become as inviolate a principle of behaviour as "Thou shalt not kill."

Of course, we're still working on that one.


While I'm here, I was curious if Cory's email EULA is public domain? I'd love to emulate, copy, rip-off what you always tag on to the end of your mails - with my own amendments and acknowledgement, naturally - with my own missives.

Cheers.

#5 POSTED BY CHURCH  , FEBRUARY 26, 2009 11:09 AM




How about, "Don't violate Jefferson's Copyright Law?" That I could go for.

#6 POSTED BY GOTMIKE , FEBRUARY 26, 2009 11:36 AM 

I love the concept, but it doesn't make it clear to the user what they can and can't do with the work. If the statement doesn't grant a license, then any copying, distributing or modifying the work would violate copyright. If the statement is intended to imply that certain uses of the material are permitted without violating copyright, it is hard to determine where the line is. Out of curiosity, I would love to see people reply in the comments with what they think would and wouldn't be permitted under the EULA. Which of the following do you think would be permitted under the proposed license:

1. Use of the software;
2. Copying the software;
3. Distributing copies to other people;
4. Making modifications and derivative works of the software for your own use;
5. Making modifications and derivative works to sell to other people?


I realize the example was intended to make a point, but I think it would be useful to build on the idea and create a short EULA that is respectful to users and includes a little more detail about what the author expects the user to be able to do with the material.

#7 POSTED BY XOPHER , FEBRUARY 26, 2009 11:43 AM 

GotMike, the point of EULAs is to restrict use beyond what copyright laws already prescribe and proscribe. A EULA that merely explains copyright law isn't very useful to the company trying to do that. What Cory's doing is essentially saying that EULAs are a bad thing.

#8 POSTED BY AVRAM / MODERATOR  , FEBRUARY 26, 2009 11:55 AM 

My favorite software EULA was one I saw in the '80s. I think the software was either a screensaver or a hard drive defragmenter. (Or both.) I don't recall the exact wording, but it was along the lines of: We're not going to tell you that you have to buy a license of this software for every computer you use it on in your office, because we know you wouldn't do it. But at least don't share it around to your friends and neighbors. We have rent to pay, too.

#9 POSTED BY MIDKNYTE, FEBRUARY 26, 2009 11:59 AM 

"...So now the pitch goes: "We gave you what you asked for, you've brought us to our knees. Now, please stop ripping us off and start buying music again – we're offering a fair deal..."

No, and no. DRM is only being dropped in mantra. 2 out of the 3 major vendors of music downloads (in my mind those are iTunes, Amazon, and the Zune platform), still enforce device tie-in.

Just sell the dog-gammed music, in an accepted standard format (high bitrate mp3 please) and let me walk away [and play it on the device of "my" choosing].

#10 POSTED BY WEIGHTEDCOMPANIONCUBE, FEBRUARY 26, 2009 1:57 PM 

Nidknyte - MP3 might be universal, but it isn't free as in speech OR beer.

Strictly speaking, all distributors of products or media that utilize MP3 must pay royalties to Thompson/Fraunhofer.

Sheesh, they've even got a website: <http://mp3licensing.com/>.

#11 POSTED BY JEFF, FEBRUARY 26, 2009 2:44 PM 

Is it just a myth that what people find on the internet (stuff they can download), they expect to get for free? And that's just because people figured out how to share music with their friends (or some variant thereof), to the point where it became the perfect way to get music without paying for it. I want DMR free music and audio books, but then there has to


be some logical way to deal with pirated entertainment. AI surveillance of all net traffic? She will know if the files are allowed. No more child porn either. Mother will make the internet safe again.

#12 POSTED BY NUR , FEBRUARY 26, 2009 4:16 PM 

I think it's still too early to say "don't violate copyright law" and leave it at that. The field's been around for a long, long time but the principles have only been applied to individuals in the last 15 or so years.

The majority of people alive today (including my 20 year old self) would have been alive when it was still only commercial publishers or the most fevered of photocopying librarians who could even attempt to breach copyright law. The law on the area is in no way settled and until the law actually is settled it's literally against people's human rights to expect them to follow the strange and unwritten rules that they don't know yet.

Wait a few years, watch the outcome of a few trials which aren't immediately called mistrials (especially wait for one which actually takes place in the UK) before you can actually point to "copyright law" as something you can follow or at least not break, at least beyond common sense things like if "someone pays someone else to record an album and you download it for free maybe someone'll mind".

#13 POSTED BY TAKUAN , FEBRUARY 26, 2009 4:23 PM 

"do not bind the mouths of the kine that tread the grain"

#14 POSTED BY MIDKNYTE , FEBRUARY 26, 2009 6:33 PM 

@10 "...Nidknyte - MP3 might be universal, but it isn't free as in speech OR beer..."

Where in my post did I utter the word free? And why does everyone dogmatically equate mp3 with theft. You've been trained very, very well.

Sheesh, I even wrote it in plain English.

#15 POSTED BY WEIGHTEDCOMPANIONCUBE , FEBRUARY 27, 2009 9:07 PM 

Midknyte - MP3 != theft. I never said that, and you're obnoxious for saying I did. Can *you* read "plain English"?

I just pointed out that even though everyone uses it, it's not the best choice for DRM-free purchased music. If I'm paying close to the same price as a CD, I'd like something lossless such as FLAC and compress it to whatever format I please.

#16 POSTED BY [MIDKNYTE](#), [FEBRUARY 28, 2009 8:58 PM](#)



Yes, I have a chip on my shoulder and I barked. Sorry.

## Post a comment

[Login](#) or [create an account](#) to comment on this entry.

You can also [comment anonymously](#) below:

**WARNING:** Anonymous messages are held for moderation. This could take a (long) while. Or your comment may not be posted at all. Please consider [creating an account](#) and logging in. It's fast, free, and we don't spam, ever.

## Subscribe

 [BOING BOING](#)

 [AUDIO PODCAST](#)

Subscribe by email:



## boingboing

[GO HOME](#)

[ARCHIVES](#)

*Other Sites:*

[BOING BOING GADGETS](#)

[BOING BOING TV](#)



## Extras

[DEFEAT CENSORWARE](#)

[POLICIES](#)

[HOWTO: GET A LINK POSTED TO BOING BOING](#)



This work is licensed under a Creative Commons License permitting non-commercial sharing with attribution.

Boing Boing is a trademark of Happy Mutants LLC in the United States and other countries.



**boingboing** **toGADGETS** **toVideO** **toffworld**

[SIGN IN](#) OR [CREATE ACCOUNT](#)

[SUGGEST A LINK](#) | [ARCHIVES](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#) | [MODERATION POLICY](#)



## Thomas Edison's crappy, price-fixing EULA

POSTED BY [CORY DOCTOROW](#), JANUARY 13, 2009 10:28 PM | [PERMALINK](#)

Mark sez, "I brought a few Edison Cylinders in for the elementary kids we're coaching for a Maker-like school competition called Mind Games here in Richmond, VA. (Innovation, compare to iPhone, etc). Since they'll be returning to the idea later I thought some pics would save the 100-year old pieces a grubby-fingered death. That's where the 35-cent price floor jumped out at me. I knew he was brutal about IP, but dayyum, international price cartels too?"

High Energy

A section brought to you by



imagination at work

Travel Less. Meet Online. Try WebEx FREE!

You are now sharing your desktop



CISCO

Cisco  
webex

start your  
**FREE** trial  
click here



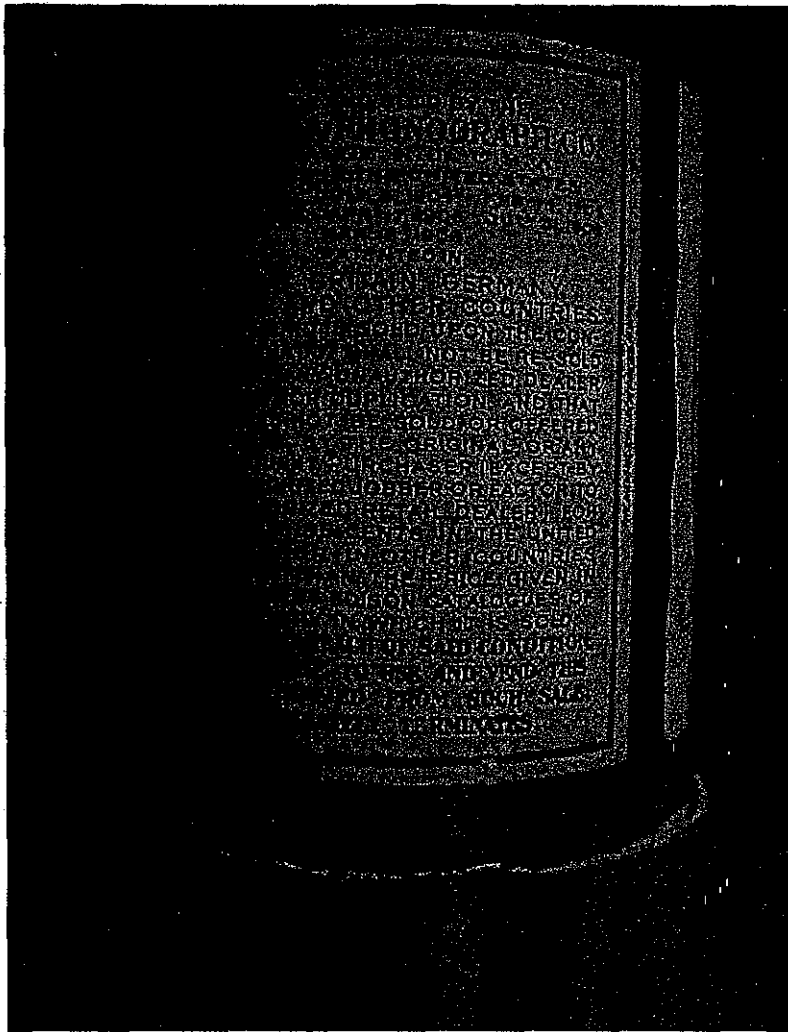
YOU'RE PROBABLY TOO LATE TO BUY THE

Vector FM and NOAA Weather Alert  
Radio with Flashlight- 2 Pack

NEXT TIME. REMEMBER TO CHECK **woot!**



Advertise Here With FM  
[www.federatedmedia.net](http://www.federatedmedia.net)



Patented in Great Britain, Germany, France and other Countries. This record is sold upon the condition that it shall not be re-sold to or by any unauthorized dealer or used for duplication, and that it shall not be sold, or offered for sale, by the original, or any subsequent purchaser (except by authorized jobber or factor to an authorized retail dealer) for less than 35 cents in the United States, nor in other countries for less than the price given in the current Edison catalogues of the country in which it

is sold. Upon any breach of this condition, the license to use and vend this record, implied from such sale, immediately terminates.

EULA - End User License Agreement, Edison invented that, too (Thanks, Mark!)

See also: Record industry DRM from 1907

posted in: CIVIL, COPYRIGHT, GADGETS, HISTORY, OLD SCHOOL, MUSIC

FAVORITE THIS! ( 7 ) · SEND

digg it

Buzz up!

OLDER  
RC HELICOPTER USED TO SMUGGLE  
CONTRABAND (?) INTO PRISON

NEWER  
TERRIBLE APARTMENT AD -- PROBABLY NOT  
REAL, FUNNY NEVERTHELESS

## Discussion

#1 POSTED BY ANONYMOUS , JANUARY 13, 2009 11:10 PM



Man, FUCK the RIAA!

Wait, this is from before the RIAA was founded? Say what?

#2 POSTED BY ANONYMOUS , JANUARY 13, 2009 11:49 PM



Thomas Edison was an asshole, thats why he electrocuted an elephant to prove Tesla's AC was dangerous. <http://www.boingboing.net/2008/01/03/edison-electrocuted.html> It is unsurprising that he had a hellishly stupid EULA.

#3 POSTED BY ECLECTRO , JANUARY 14, 2009 1:22 AM



That's the thing. Since they started printed books they have been trying to hammer home an EULA, and with every generation of new technology comes the cultural legal Luddites to try and scare people with fear mongered nonsensical forced contracts. Only to have

their greed proven wrong eventually by a court or economic reality.

#4 POSTED BY DRHAGGIS  JANUARY 14, 2009 1:38 AM 

This looked familiar. Looks like Xeni scooped you in 2006. Still, it needs repeating to remind us how far we've come/how far left to go when it comes to copyright.

<http://www.boingboing.net/2006/12/20/record-industry-drm-.html>

#5 POSTED BY CORY DOCTOROW , JANUARY 14, 2009 1:52 AM 

Thanks, Dr Haggis!

#6 POSTED BY BANANACHAIR , JANUARY 14, 2009 1:57 AM 

You know Tesla would have given it to the world for free, just to benefit future generations of humanity.


#7 POSTED BY GILBERT WHAM , JANUARY 14, 2009 2:01 AM 

My brother has, in his bathroom, an earthenware bottle of similar vintage which has a EULA on it stating what you're allowed to use it for. I shall endeavour to get pictures.


#8 POSTED BY UGLY CANUCK , JANUARY 14, 2009 5:18 AM 

bananachair, are you trying to be arch/ironic? I don't know about tesla, but Dr. Salk gave his polio vaccine away for the benefit of humanity.  
Good people do that sometimes, that is , something for the good of others without reward.

I know that's contrary to neo-con/neo-lib theology, but so what?

#9 POSTED BY TAKUAN , JANUARY 14, 2009 5:18 AM 

what shall we do then, with all these lawyers?



#10 POSTED BY UGLY CANUCK, JANUARY 14, 2009 5:29 AM

Ya know, both Ontario (in retail stores) and Quebec (in their pubs) have recently enforced price floors on the price of beer.

I suspect we shall see more "minimum floor prices", should deflation really start to bite.

As to lawyers, we little people need a thick forest of Laws to hide in. Some lawyers are like brush-clearers, others are like tree-planters.

As to "what we shall do" with them, use them as you would any other tool.

Boy have I seen some people hurt themselves through the ignorant use of tools.

#11 POSTED BY SWORM, JANUARY 14, 2009 6:10 AM

Mr. Kalashnikov never got any royalties for his little invention. And he's still alive.

Then again, the kalashnikov has killed millions if not hundreds of millions of people.

I still prefer him to the RIAA.

/randomness

#12 POSTED BY GREG LONDON, JANUARY 14, 2009 6:23 AM

"it shall not be resold"

Wow. A forewarning of the RIAA's attempt to keep stores from selling used CD's a century later?

#13 POSTED BY TAKUAN, JANUARY 14, 2009 6:52 AM

not everyone can afford these tools, and yet they are cut by them. Is it ethical for a struggling single mother who finds herself sued by RIAA lawyers over her child's music download to strike at the agent of her suffering? Asymmetric warfare?

#14 POSTED BY ANONYMOUS, JANUARY 14, 2009 6:55 AM

Well arguably, part of the reason for this onerous EULA was that the cylinders were NOT

protected by copyright.

#15 POSTED BY FOUROBOROS , JANUARY 14, 2009 7:06 AM



@drhaggis -- Hadn't seen that post, but the EULA was the news in Xeni's piece. As I said in the note that Cory posted (I'm Mark), the ridiculous price-fix idea is the little gnome that popped out for me.

#16 POSTED BY ANONYMOUS , JANUARY 14, 2009 7:38 AM



It sounds threatening, but it's legal nonsense. A sale implies that you pass ownership of the goods. You can't license a right to use something to the person who already owns it. Similarly, you don't have privity of contract between the original seller and the buyer one transaction down the line from the original one.

#17 POSTED BY ANONYMOUS , JANUARY 14, 2009 7:54 AM



Huh. A DRM drum

#18 POSTED BY ENODO , JANUARY 14, 2009 9:02 AM



In Edison's defense: you should know that at that time there were literally no laws whatsoever regarding copyright for sound recordings. One amusing fact is that right at the outset of the recording industry, the companies that subsequently became the titans of the entertainment world started out by copying each others' recordings. There was nothing that could be done legally at the time that could stop copiers, so recording companies added these sorts of EULAs so that at least the original publisher could go after the infringer for contract violation.

Edison was not at all alone in this. In fact, due to some shenanigans in the courts at the time, the Victor Talking Machine Company was forced to "lease" its records, not sell them. They had an even more restrictive EULA, which you can see on the pictures of the labels here:

<http://www.mainspringpress.com/victor1.html>





#19 POSTED BY VIOLET222 , JANUARY 14, 2009 9:35 AM

Hey Cory--I suggested a link for BB to a photo of a EULA on a similar-vintage cylinder in November 2008. Must have slipped by you. For what it's worth, the image quality is much better--see it here: <http://www.flickr.com/photos/whitnuld/3072957877/>

#20 POSTED BY PINEHEAD , JANUARY 14, 2009 2:13 PM

@11

Are you talking about JUST the AK-47, or do you mean all weapons bearing the Kalashnikov brand? Because I thought the guy designed the AK-47 for the Soviet military, giving them all rights to the design along the way. But the company still exists, and they still make different models today.

As for the Edison EULA: yeah, Edison was an ass. He wasn't exactly known for being a kindly old man, after all, but rather as a brutally effective businessman.

#21 POSTED BY TAKUAN , JANUARY 14, 2009 2:23 PM

Edison purchased most of his patents.

#22 POSTED BY ANONYMOUS , JANUARY 14, 2009 4:27 PM

And he DID NOT invent the light bulb

#23 POSTED BY DRHAGGIS , JANUARY 14, 2009 7:47 PM

@fourobros I brought up the previous post, not to criticize, but to inform. This one is a little different, with the noted price fix inclusion. I don't think the "See also" was there when it first came up.

Electronic copies and Creative commons would have made Edison's head explode. Not out of confusion, but out of the lack of control he would have over the process.

#24 POSTED BY SPIREGRAIN , JANUARY 15, 2009 2:57 AM

You know - calculating the consumer price index back tells us that \$0.35 in 1908 is worth \$8.14 today.

Other indexes are available, see here:

<http://www.measuringworth.com/uscompare/>

That's not too far off the price of an album on iTunes. It just goes to show... something.

## Post a comment

[Login](#) or [create an account](#) to comment on this entry.

You can also [comment anonymously](#) below:

**WARNING:** Anonymous messages are held for moderation. This could take a (long) while. Or your comment may not be posted at all. Please consider [creating an account](#) and logging in. It's fast, free, and we don't spam, ever.

---

## Subscribe

 [BOING BOING](#)

 [AUDIO PODCAST](#)

Subscribe by email:



## boingboing

[GO HOME](#)

[ARCHIVES](#)

*Other Sites:*

[BOING BOING GADGETS](#)

[BOING BOING TV](#)

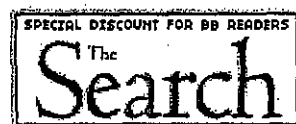


## Extras

[DEFEAT CENSORWARE](#)


[POLICIES](#)

[HOWTO: GET A LINK POSTED TO BOING BOING](#)



This work is licensed under a [Creative Commons License](https://creativecommons.org/licenses/by/4.0/) permitting non-commercial sharing with attribution.

Boing Boing is a trademark of Happy Mutants LLC in the United States and other countries.



**You Ready to  
LOSE BIG?**

Jillian: Hey you...at the computer!  
Jillian: It's Jillian Michaels from  
*The Biggest Loser* and I can help you  
lose weight.

Enter Goal Weight:  
 lbs

**Lose Weight!**

**boingboing** **toGADGETS** **toVideo** **toFFMATH**

[SIGN IN](#) OR [CREATE ACCOUNT](#)

[SUGGEST A LINK](#) | [ARCHIVES](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#) | [MODERATION POLICY](#)



## Malware gets a EULA

POSTED BY [CORY DOCTOROW](#), APRIL 29, 2008 3:13 AM | [PERMALINK](#)

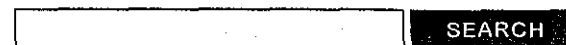
The criminals who sell the Zeus malware have added an end-user license agreement to their "product," setting out a bunch of terms controlling how the criminals who buy their products may use it, and threatening dire technological reprisals for violations:

Symantec security researcher Liam OMurchu has details on this latest development. The help section of the latest version of the Zeus malware states that the client has no right to distribute Zeus in any business or commercial purpose not connected to the initial sale, cannot examine the source code of the product, has no right to use the product to control other botnets, and cannot send the product to anti-virus companies. The client does agree to "give the seller a fee for any update to the product that is not connected with errors in the work, as well as for adding additional functionality." Modern license agreements take a great deal of (deserved) fire for being absurdly draconian, but even the likes of Adobe and Microsoft don't claim that purchasing a version of their respective products locks the user into buying future editions.

It's obviously difficult for the manufacturers of an illegal product to threaten legal sanctions against an infringer, but the Zeus authors give it their best shot. According to the EULA, "In cases of violations of the agreement and being detected, the client loses any technical support. Moreover, the binary code of your bot will be immediately sent to antivirus companies." Frankly, "We'll blow your kneecaps off and feed them to you," might be a bit more effective as a threat, but I suppose it's a bit hard to carry out that threat over the Internet.

[Link](#) (via [/](#))

posted in: [CIVIL](#), [FUNNY](#)



High Energy

A section brought to you by



imagination at work

ARE YOU SEEKING A  
BETTER NIGHT'S SLEEP?

An easy method  
to improve  
your sleep  
quality.

Get Your **FREE** Book



SLEEPBOOK




YOU'RE PROBABLY TOO LATE TO BUY THE  
Vector FM and NOAA Weather Alert  
Radio with Flashlight- 2 Pack

NEXT TIME, REMEMBER TO CHECK **woot!**



Advertise Here With FM  
[www.federatedmedia.net](http://www.federatedmedia.net)


♥ FAVORITE THIS! ( 8 )     SEND

digg it

OLDER  
SHELBY COUNTY, TN SHERIFF: WATCH OUT  
FOR PHOTOGRAPHERS AND RADICAL  
GREENS. THEY MIGHT BE TERRORISTS


NEWER  
LITTLE BROTHER AUDIOBOOK: DRM-FREE  
AND REMIXABLE!

## Discussion

#1 POSTED BY PIPENTA , APRIL 29, 2008 4:17 AM 

The whole business of these damn EULAs is absolutely insane anyway. Really, this is no crazier than the so-called legit ones.

It's kind of perfect, in a bizarro universe kind of way, really...

#2 POSTED BY PIPENTA , APRIL 29, 2008 4:19 AM 

Come to think of it, I've run into people who really think like this. This is the way a cluster-b personality disordered person reasons.

/me shudders.

#3 POSTED BY JOHN  , APRIL 29, 2008 5:39 AM 

Criminals licensing criminal software to each other. Violation will incur the wrath of an underworld lawyer in an underworld court overseen by the uber underworld judge.

#4 POSTED BY SUBTLE\_TURTLE , APRIL 29, 2008 6:34 AM 

That's nothing. You should see the EULA my dealer made me sign last time I bought Heroin (v1.0) from him!  
"In the event that Heroin becomes your drug interface of choice, the user agrees that all

future "licenses" will be purchased at double the original cost directly from Big Louie Drug Tech Solutions LLP."

#5 POSTED BY [GEEKSAREMYPEEPS](#), [APRIL 29, 2008 6:51 AM](#)



Stories like this are why I no longer need to read the Onion.

#6 POSTED BY [NOEN](#), [APRIL 29, 2008 8:44 AM](#)



Ayyyyyyyyy! Wassa madder? We're jest doin' bidness 'ere.

#7 POSTED BY [BUDDY66](#), [APRIL 29, 2008 9:59 AM](#)



Great chutzpah! Right up there with the kid who kills his parents asking for leniency because he's a 'poor orphan boy.'

#8 POSTED BY [AGENT 86](#), [APRIL 30, 2008 3:18 AM](#)



They always screw you with those LLPs, right TURTLE?

## Post a comment

[Login](#) or [create an account](#) to comment on this entry.

You can also [comment anonymously below](#):

**WARNING:** Anonymous messages are held for moderation. This could take a (long) while. Or your comment may not be posted at all. Please consider [creating an account](#) and logging in. It's fast, free, and we don't spam, ever.







## Subscribe

 [BOING BOING](#)

 [AUDIO PODCAST](#)

Subscribe by email:

[SUBSCRIBE](#)

## boingboing

[GO HOME](#)

[ARCHIVES](#)

*Other Sites:*

[BOING BOING GADGETS](#)

[BOING BOING TV](#)



## Extras

[DEFEAT CENSORWARE](#)

[POLICIES](#)

[HOWTO: GET A LINK POSTED TO BOING BOING](#)



This work is licensed under a [Creative Commons License](#) permitting non-commercial sharing with attribution.

Boing Boing is a trademark of Happy Mutants LLC in the United States and other countries.

Live Search | MSN | Windows Live

United States | Options | cashback | Sign



Live Search

gadgets.boingboing.net/2008/10/09/sleeping-beauty-blur



Web 1-1 of 1 results · [Advanced](#)

See also: [Images](#), [Video](#), [News](#), [Maps](#), [More](#) ▼

**[Sleeping Tablets](#)** - [www.sleepmedication.info](http://www.sleepmedication.info)

Try Free Sleep Relaxation Exercises & Learn About a Prescription Option

**[Sleeping Beauty Blu-Ray requires viewers to agree to 57 page EULA ...](#)**

Disney's release of its first Blu-Ray title, Sleeping Beauty, contains over one hundred and twenty pages of legalese when completely unspooled, including a 57 page EULA to access ...

[gadgets.boingboing.net/2008/10/09/sleeping-beauty-blur.html](http://gadgets.boingboing.net/2008/10/09/sleeping-beauty-blur.html) · [Cached page](#)

**[Sleeping Tablets](#)** - [www.sleepmedication.info](http://www.sleepmedication.info)

Try Free Sleep Relaxation Exercises & Learn About a Prescription Option

Sponsored sites

Sponsored sites

**[The Acura TSX](#)**

Special lease offers available for well-qualified buyers. Learn more.  
[www.Acura.com/TSX](http://www.Acura.com/TSX)

**[Lexus of Westminster](#)**

Build, Price & Find a Lexus IS at Your Authorized Local Dealership.  
[www.lexuswestminster.com](http://www.lexuswestminster.com)

Sponsored sites

See your message here...

Check availability or register the domain name 'gadgets.boingboing.net/2008/10/09/sleeping-beauty-blur.html'

Sponsored site

[Find what you need on Live Search faster with Internet Explorer 8](#)

gadgets.boingboing.net/2008/10/09/sleeping-beauty-blur



© 2009 Microsoft | [Privacy](#) | [Legal](#)

[Advertise](#) | [Webmasters](#) | [Developers](#) | [Help](#) | [Feedback](#)

# BUZZER BEATER

IN THE DEN



boingboing **boingboing** **boingboing**

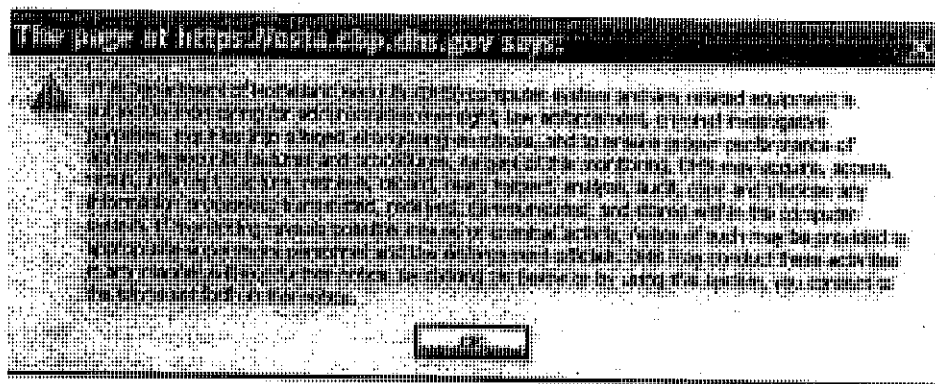
[SIGN IN](#) OR [CREATE ACCOUNT](#)

[SUGGEST A LINK](#) | [ARCHIVES](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#)



## DHS perfects the abusive EULA

POSTED BY [CORY DOCTOROW](#), OCTOBER 16, 2008 8:11 PM | [PERMALINK](#)



A reader writes: "Check out the EULA for the Department of Homeland Security's web page for applying for travel visa waivers!" This is possibly the most obnoxious pop-up I've ever seen. Imagine the federal government making you agree to waive your legal rights in order to read about one of its programs! [Welcome to the Electronic System for Travel Authorization Web Site](#).

posted in: [CIVILIB](#)

♥ FAVORITE THIS! ( 3 )

✉ SEND THIS TO A FRIEND

digg it

Buzz up!

OLDER  
[HOWTO RIDE A LONDON BUS. COLONIAL FILM BOARD 1950](#)

NEWER  
[SCIENCE FICTION'S TREATMENT OF ANTIMATTER. CONSIDERED BY PARTICLE PHYSICISTS](#)

SEARCH

High Energy

A section brought to you by



Imagination at work

**WHO SAYS A  
FULL-TIME MOM CAN'T BE  
A FULL-TIME STUDENT?**



Your kids can pursue their dreams. And you can, too.

**KAPLAN  
UNIVERSITY**



**YOU'RE PROBABLY TOO LATE TO BUY THE  
Vector FM and NOAA Weather Alert  
Radio with Flashlight- 2 Pack**

**NEXT TIME, REMEMBER TO CHECK [woot!](#)**



Advertise Here With FM  
[www.federatedmedia.net](http://www.federatedmedia.net)

#1 POSTED BY LSK , OCTOBER 16, 2008 8:14 PM 

"Imagine the federal government making you agree to waive your legal rights in order to read about one of its programs!"


Yes, imagine it.

Then see it.


#2 POSTED BY MDH , OCTOBER 16, 2008 8:17 PM 

"I don't want to sell anything bought or processed, or buy anything sold or processed, or process anything sold, bought, or processed, or repair anything sold, bought, or processed."

--Lloyd Daubler

#3 POSTED BY EL STINKO , OCTOBER 16, 2008 8:21 PM 

What do you expect? It's the DHS! That's EXACTLY what they were created for. I think it's naive to think that this sort of thing \*doesn't\* happen if you visit their site. I mean- do you think that these things don't happen if you visit the CIA or FBI websites just because you don't explicitly agree to it? Don't get me wrong, I am not condoning it by inaction. Quite the opposite; I think the DHS should be completely dissolved (I'm not going into all that now though). All I am saying is that at least they are nice enough to ask your permission before trampling your rights, because it surely is happening elsewhere without your knowledge.

#4 POSTED BY IRONIX , OCTOBER 16, 2008 8:25 PM 

Not only that, but using Safari on the Mac, you don't even have the option to disagree!

You can either press OK or you can force quit the browser.

#5 POSTED BY M , OCTOBER 16, 2008 8:27 PM



I'm not sure, neither being a lawyer nor playing one on TV, but this would seem to contradict their privacy act statement:

<https://esta.cbp.dhs.gov/esta/privacy.htm>

#6 POSTED BY MR\_JOSH , OCTOBER 16, 2008 8:35 PM



@ #4:

I was just coming here to post that. Now, I'm thinkin' that'd be illegal, right? Pretty much forcing me to agree to something like that? Oh, government, I love how you continually insult me and mock my rights. Keep on truckin'.

#7 POSTED BY ANONYMOUS , OCTOBER 16, 2008 8:41 PM



Actually, there's a regulation out that says this kind of message is supposed to be the first thing users see when visiting a government site, though DHS gets it wrong in that they're displaying an older message--the newest message contains more legalese. Most government webmasters either ignore it, put a link to it, or place it at the bottom of the main page. DHS is doing a literal interpretation of the reg.

#8 POSTED BY ANONYMOUS , OCTOBER 16, 2008 8:51 PM



I clicked the little X in the window and got through fine. I didn't agree to anything.

- whereisian

#9 POSTED BY WERDNAGREB , OCTOBER 16, 2008 8:52 PM



But wait...there's no way to opt out. Isn't the point of EULA that you can decide to not comply and \*not\* use the software/enter the website/etc? All you can do is click OK.

Essentilly, the DHS is forcing you to accept whatever they want do to and you have no choice about it.



#10 POSTED BY ANONYMOUS , OCTOBER 16, 2008 8:58 PM

Don't they know grammar? It should say that the DHS computer system and any related equipment ARE subject to monitoring. Oh, wait, I just got an email saying, "all your is are belong to us".

Go listen to any interview with James Bamford about his new book on the NSA. They saw these bits before you did, as did agencies outside the US...

#11 POSTED BY MDH , OCTOBER 16, 2008 8:58 PM

*Essentilly, the DHS is forcing you to accept whatever they want do to and you have no choice about it.*

6 years down the DHS rabbit-hole and you're finally figuring it out. Welcome.

#12 POSTED BY DEWYNKEN , OCTOBER 16, 2008 9:22 PM

That EULA is worse than prison sex.

#13 POSTED BY TAKUAN , OCTOBER 16, 2008 9:33 PM

[http://blog.wired.com/photos/uncategorized/2008/08/06/michael\\_chertoff\\_660x.jpg](http://blog.wired.com/photos/uncategorized/2008/08/06/michael_chertoff_660x.jpg)

#14 POSTED BY TAKUAN , OCTOBER 16, 2008 9:34 PM

[http://upload.wikimedia.org/wikipedia/commons/thumb/a/a1/Michael\\_Chertoff\\_official\\_DHS\\_photo\\_portrait\\_2007.jpg/470px-Michael\\_Chertoff\\_official\\_DHS\\_photo\\_portrait\\_2007.jpg](http://upload.wikimedia.org/wikipedia/commons/thumb/a/a1/Michael_Chertoff_official_DHS_photo_portrait_2007.jpg/470px-Michael_Chertoff_official_DHS_photo_portrait_2007.jpg)

#15 POSTED BY TAKUAN , OCTOBER 16, 2008 9:35 PM

<http://www.militaryimages.net/photopost/data/615/Goebbels.jpg>

#16 POSTED BY THEMINDFANTASTIC , OCTOBER 16, 2008 10:19 PM


Why does anyone care anymore, the America experiment has failed... rights and freedoms

<http://www.boingboing.net/2008/10/16/dhs-perfects-the-abu.html>

4/14/2009



which you people used to point towards as being the basis of all that was good and holy have been removed. The experiment is over... and you people watched it end with your eyes open very much aware what was going on... but it was all so big picture you didn't think that it would ever get so far, and it was more interesting to watch Top Model, American Idol, and the National Sports more than the politicians ripping everything to shreds around you... you saw it coming you let it happen... now that its over LET IT GO.

#17 POSTED BY TAKUAN, OCTOBER 16, 2008 10:33 PM 

and that is the test.

#18 POSTED BY NEILFRASER, OCTOBER 16, 2008 10:35 PM 

That's a standard JavaScript alert(), there's no return value. Which means there is absolutely no way for them to know if you pressed OK (agree) or clicked the close X.

They should have used the confirm() function instead.

#19 POSTED BY FOETUSNAIL, OCTOBER 16, 2008 10:51 PM 

Maybe they just don't care if you agree or not, and as a government site providing a public service they probably must let you through, whether you click ok or refuse.

#20 POSTED BY KMOSE , OCTOBER 16, 2008 10:55 PM 


Er, where, exactly, are they suggesting you must waive your legal rights in order to use their web site?

There's nothing onerous about this; they're simply stating that they reserve the right to monitor all traffic between your computer and their web site, and to take appropriate action.


If anything, it sounds like standard best practices for ensuring their web site isn't subject to abuse.

Now, if they were to take benign traffic and report that to, say, the FBI as abuse, then

perhaps that would be out of line (much like using the DMCA to fraudulent takedown notices), but nothing of the sort is implied here.

#21 POSTED BY MARKHB , OCTOBER 16, 2008 11:05 PM 

Possibly the most ironic use of the word "Welcome" in a page header.


#22 POSTED BY DFLETCHER , OCTOBER 16, 2008 11:36 PM 

LOL this entire post can be summarized as:

OMG teh logz!

Most badly worded warning about logging I've ever seen. But it doesn't sound anything more than many (most?) sites do already - capture data about your visit. The bigger the site, the harder this problem, so it's much more likely that all the data is stored in smaller/mid-sized sites. Larger sites probably only capture aggregate data and specific bits of interesting stuff, else they have massive logs to deal with every day.


Every site I've ever been involved with (dozens or more now) log lots of info about every click.

#23 POSTED BY TEKNA2007 , OCTOBER 17, 2008 12:11 AM 


themindfantastic @ 16

*Why does anyone care anymore, the America experiment has failed... now that its over  
LET IT GO.*

Hang on. Help is on the way.

#24 POSTED BY FOETUSNAIL , OCTOBER 17, 2008 12:11 AM 

This site collects a lot of data as well, but they don't have a direct line to the guys in black.

#25 POSTED BY MATT407Z , OCTOBER 17, 2008 2:41 AM 

Is nobody actually worried there's such a thing as an "Electronic System for Travel Authorization"? I'm sure its function is completely innocent right now, but how soon do you have to apply for a permit to visit your out-of-state friends?

#26 POSTED BY DV REVOLUTIONARY, OCTOBER 17, 2008 2:49 AM



This statement doesn't ask you to give up a single right. It spells out what they may do with data the feel was generated in the commission of a fraud.

Like reading you your Maranda Rights it is actually a short self contained civics lesson. This is not that polished but it feels just as welcoming. It is meant to put you on guard.

#27 POSTED BY BASJOHN, OCTOBER 17, 2008 5:39 AM



It needs a "No it's not fucking okay" button too.

#28 POSTED BY NICHOLAS WEAVER , OCTOBER 17, 2008 7:06 AM



This is NOT an abusive EULA.

Rather, it is a notification that the DHS, *as operator of the network and remote computer in question*, will actually be enforcing its rights to monitor and protect its own systems from criminal activity and other abuse.

This is exactly why there is no "decline" button. This is a notification that the DHS will actually be doing what it is allowed to do.


So are you saying that the DHS doesn't have the rights to monitor its own systems (the ones you are contacting) to detect abuse?

Or that it shouldn't tell you about it?

#29 POSTED BY COOL PRODUCTS, OCTOBER 17, 2008 7:34 AM



I'm pretty certain that there isn't anything sinister going on with this.

#30 POSTED BY JACORD , OCTOBER 17, 2008 8:29 AM 

Abusive EULA? I don't think so... That message boils down to "we check our web logs."  
Big deal.

#31 POSTED BY SAMSAM , OCTOBER 17, 2008 8:33 AM 

Like #28 says, this is not an EULA. You don't need to agree to anything.

What makes it confusing is the unnecessary line at the bottom:

By clicking OK below or by using this system you consent to the terms set forth  
in this notice.

(a) The OK button thus has no meaning (except as a way to close the window), so they  
should have left the first clause out to avoid confusing this with a EULA.

(b) There are no terms to consent to, just as we don't have any terms to consent to when  
BoingBoing logs our information. We don't have a choice.

#32 POSTED BY PGIB , OCTOBER 17, 2008 8:54 AM 

Simple solution: disable Javascript before going to the site, and you'll never be notified of  
those terms. If you're not made aware of the terms, how can you possibly agree to them?

#33 POSTED BY SAMF , OCTOBER 17, 2008 10:11 AM 

This is actually a pretty standard security notice. And if I remember right, they don't  
actually even have to display this notice. It pretty much boils down to "We log what you do  
on this system, and we inspect those logs. If you do something you're not supposed to,  
we'll take appropriate actions." They have the right to do those things anyway, so the  
notice is pretty much just a courtesy. I hope nobody out there thinks that if they cancel the  
notice, or do something illegal on a government website that doesn't display a notice like  
this, that they will somehow automagically be exempt from prosecution.

Move along, nothing to see here.

#34 POSTED BY ANOMALY69 , OCTOBER 17, 2008 10:57 AM



It doesn't surprise me any more.

However, you could just close to popup by clicking the X. You have not clicked yes, you have not agreed, but the you can still use the site.

#35 POSTED BY KENEKE  , OCTOBER 17, 2008 11:45 AM



Looks a lot like the pop up we have here at Boeing on our computers. Of course, it's actually work computers and not our personal ones.

#36 POSTED BY FLYTCH , OCTOBER 17, 2008 12:42 PM



opt out???? LOL... never... they do it no matter if you agree or not... they do it with everything... here they are just telling you about it... it's not a choice it's a disclaimer...

#37 POSTED BY ANONYMOUS , OCTOBER 17, 2008 2:03 PM



@#15 Takuan

[http://en.wikipedia.org/wiki/Mr.\\_Burns](http://en.wikipedia.org/wiki/Mr._Burns)

#38 POSTED BY QUERENT , OCTOBER 17, 2008 9:04 PM



damn takuan, you teh man

#39 POSTED BY SHMERKER , OCTOBER 17, 2008 11:22 PM




This isn't really an agreement so much as a fair warning. It's actually kind of nice how up front they're being about it. The truly lame part is the sloppy implementation. If you really are asking someone to agree to something you need some kind of command for disagreeing. The 'x' button doesn't really count since—as someone already pointed out—it's not there in all browsers. It's also pretty lame to put that much text into an alert box where it can't be copied and pasted for your own records\*. What this is going to is needlessly scare people about what's really not a big deal. I really don't see how this is any

more invasive than anything the DHS already does.


\* I've never understood why windows doesn't let you copy and paste from a message box, it would save a lot of time troubleshooting.

#40 POSTED BY [BLOODNIECE](#)  [OCTOBER 18, 2008 8:20 AM](#)

I'm using Firefox on OSX and just hit escape to bypass the popup.

#41 POSTED BY [KALYIAMA](#)  [OCTOBER 19, 2008 12:02 AM](#)

This looks a lot like what the internal gov't EULA/warnings will say, which is: we monitor our traffic and check our weblogs. my guess is that it was easier to post something similar to that than formulate a whole new eula. not much to see here, move along...

#42 POSTED BY ANONYMOUS  [OCTOBER 19, 2008 8:37 AM](#)

@39: It's perfectly easy to copy text from dialogs in Windows. Depending on the type, you press either Ctrl+C or Ctrl+Shift+Ins when one has the focus. Sometimes you can just copy the text the usual way by selecting it first. But you can almost always copy it some way or other.

Oh, and for the OP: You should check out [WinSnap](#) (nagware these days, but version 1.1.10 is still available at [ntwind.com/download/old](#)) for taking screenshots of dialogs (and anything else, for that matter).

## Post a comment

[Login](#) or [create an account](#) to comment on this entry.

You can also [comment anonymously below](#):

**WARNING:** Anonymous messages are held for moderation. This could take a (long) while. Or your comment may not be posted at all. Please consider [creating an account](#) and logging in. It's fast, free, and we don't spam, ever.

## Subscribe

 [BOING BOING](#)

 [AUDIO PODCAST](#)

Subscribe by email:

[SUBSCRIBE](#)

## boingboing

[GO HOME](#)

[ARCHIVES](#)

*Other Sites:*

[BOING BOING GADGETS](#)

[BOING BOING TV](#)



## Extras

[DEFEAT CENSORWARE](#)

[POLICIES](#)

[HOWTO: GET A LINK POSTED TO BOING BOING](#)

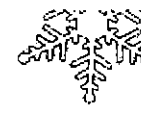


This work is licensed under a [Creative Commons License](#) permitting non-commercial sharing with attribution.

Boing Boing is a trademark of Happy Mutants LLC in the United States and other countries.



It's OK to be lazy



Shop Now

**boingboing** **gadgets** **video**

[SIGN IN](#) OR [CREATE ACCOUNT](#)

[SUGGEST A LINK](#) | [ARCHIVES](#) | [MERCHANDISE](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#) | [JOEL](#)





## Crazy EULA makes you agree to a bunch of other EULAs

POSTED BY [CORY DOCTOROW](#), OCTOBER 11, 2007 6:24 PM | [PERMALINK](#)

Sam installed a IE plugin called Web Viewer today, and when he clicked on the license "agreement," he noticed that it contained this clause:

The Software may contain third party software which requires notices and/or additional terms and conditions. Such required third party software notices and/or additional terms and conditions are made a part of and incorporated by reference into this EULA. By accepting this EULA, you are also accepting the additional terms and conditions, if any, set forth therein.

Get that? When you agree to the EULA for Web Viewer, you also agree to a bunch of other, nonspecified "agreements" somewhere else. Better hope that there's nothin' unreasonable in them! [Link](#) (Thanks, [Sam](#)!)

♥ FAVORITE THIS!

✉ SHARE THIS

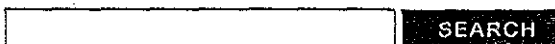
OLDER  
[COLLABORATIVE ART CAR BUILD AT MAKER FAIRE AUSTIN](#)

NEWER  
[OPERATION STYLE GAME DELIVERS SHOCK TO LOSER](#)

## Discussion

#1 POSTED BY [MNEPTOK](#)  OCTOBER 11, 2007 6:37 PM 

Leave it to IE to need a plugin to view the web.



### High Energy

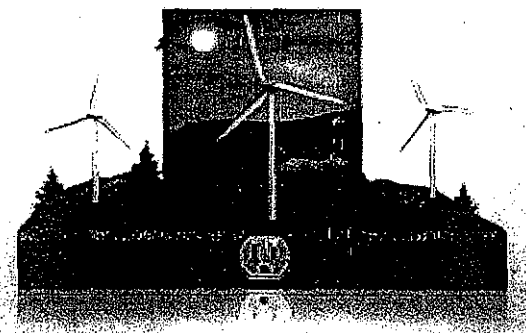
A section brought to you by.



imagination at work

### Plug into the Smart Grid

Click here and see a digital hologram of the Smart Grid come to life in your hands.



YOU'RE PROBABLY TOO LATE TO BUY THE  
Vector FM and NOAA Weather Alert  
Radio with Flashlight- 2 Pack

NEXT TIME REMEMBER TO CHECK **woot!**



Advertise Here With FM  
[www.federatedmedia.net](http://www.federatedmedia.net)

#2 POSTED BY SKEP, OCTOBER 11, 2007 6:45 PM



I would hope that such non-specific BS is unenforceable since it, like almost all ELUAs, says that you agree to whatever they decide to say now or in the future, in perpetuity.

#3 POSTED BY S5, OCTOBER 11, 2007 6:57 PM



By reading this comment, you agree to cook me dinner every night for a week.

#4 POSTED BY DCULBERSON, OCTOBER 11, 2007 7:02 PM



Crap! I don't have time for that! Oh well... hope you like ramen.

#5 POSTED BY NON-BB-GADGET-ACCOUNT, OCTOBER 11, 2007 7:05 PM



@S5:

damn, i just did! ok then, where do you live and what do you like to eat?

#6 POSTED BY MUSICMAN , OCTOBER 11, 2007 7:09 PM



beaten to it by mneptok - wtf does IE need a "web viewer" for?

When you get to the product page (

<http://www.anbsoftware.co.uk/viewproduct.php?id=11>) it claims (lolz):

"This program has been developed to give Windows Mobile users the facility to have a very useful and functional tabbed web browser. Other tabbed mobile web browsers are either bulky, slow, or not free. This program is entirely free to use and uses Pocket Internet Explorer to show the web pages."

I take it they mean free beer, not free speech :)

#7 POSTED BY DRAGONPHYRE, OCTOBER 11, 2007 7:27 PM



I had a frog. Its name was peepers. It eated little bugs. I liked him. It's sad that a EULA made me eat him.

#8 POSTED BY MADMOLECULE  , OCTOBER 11, 2007 7:35 PM 

*Better hope that there's nothin' unreasonable in them!*

I'd say one should hope there IS something unreasonable; you're more likely to get the whole mess voided that way.

#9 POSTED BY ANDREW  , OCTOBER 11, 2007 7:48 PM 

This looks like a pro forma agreement they bought for a few dollars on which they just changed the business name. It also looks like a US agreement, despite the company being UK based and the EULA citing UK jurisdiction (e.g. there's no reference to the company's liability for death or personal injury). The clause cited above would almost certainly be held to be unfair in a consumer contract (e.g. see p43 of this document).

(Caveats: I didn't read the whole thing (I read enough of the damn things anyway for stuff I actually **do** want to install) and, of course, IANAL.)

#10 POSTED BY DORAN  , OCTOBER 11, 2007 8:22 PM 

I can't imagine this aspect of the EULA is enforceable. But it would still take a chunk of cash and a good bit of time to prove it in court.

#11 POSTED BY KRISJOHN  , OCTOBER 11, 2007 8:29 PM 

Private comment, do not read.

#12 POSTED BY MIKECITROME  , OCTOBER 11, 2007 8:47 PM 

This looks pretty unenforceable. You can force people to sign all kinds of cockamamie

contracts, it does not mean a judge will give force to them. Even a clause for mandatory arbitration can be broken if a judge decides it's abusive or just plain nuts.

#13 POSTED BY SAM  OCTOBER 11, 2007 9:47 PM 

While the contract may not be enforceable, it doesn't change the fact that the software comes with a bunch of unidentified crap.

#14 POSTED BY CJ  OCTOBER 12, 2007 4:29 AM 

Pity, because it actually seems like nice app - for those saying "what does IE need a web viewer for", it's an add-on for windows mobile users. Pocket IE doesn't allow tabs or multiple windows, and this adds that functionality.

#15 POSTED BY THORZDAD  OCTOBER 12, 2007 6:48 AM 

By reading my comment you agree to any and all terms I may invent, now and in the future, with no recourse to appeal or arbitration. Sucks to be you.

#16 POSTED BY TEKPHREAK  OCTOBER 12, 2007 7:26 AM 

What happens if the other EULAs you have to agree to, contain a bunch of other EULAs, and those EULAs contain even more EULAs.

Congratulations, Your soul is now the soul property of Microsoft. Please register it today.

#17 POSTED BY TERESA NIELSEN HAYDEN / MODERATOR  OCTOBER 12, 2007 8:15 AM 

Cory, one of these days you ought to blog the text of that anti-EULA you use as your e-mail .sig.

#18 POSTED BY EDI  OCTOBER 12, 2007 10:47 AM 

Teresa, is it this one?

<http://www.boingboing.net/2007/01/25/reasonableagreementto.html>

#19 POSTED BY THE UNUSUAL SUSPECT , OCTOBER 12, 2007 10:49 AM 


"Cory, one of these days you ought to blog the text of that anti-EULA you use as your e-mail .sig."

Do you mean the ReasonableAgreement EULA?:

<http://www.boingboing.net/2007/01/25/reasonableagreementto.html>

#20 POSTED BY ANSISPLAT , OCTOBER 13, 2007 5:30 PM 

This sort of contract clause is called boiler plate language. Courts usually dont enforce this language if it is 1) unreasonable, if it is 2) industry wide enough to not afford the consumer a choice, and if it is 3) something that a consumer would commonly know to be part of the agreement. I dont know why so many consumers even bother paying any attention to these types of agreements, theres nothing you can do about it and most of the time, if theres a problem, the provision proves unenforceable anyway. Take a chill pill and dont worry about it.

#21 POSTED BY JOHN G , OCTOBER 13, 2007 6:56 PM 

I think Ansisplat left out a "not" in point (3). The more unreasonable or unexpected a buried provision is, the less likely a court is to enforce it.

The converse is: the more unexpected or unreasonable a provision is, the more you have to draw someone's attention to it to make it binding (and some will never be binding, and some a court would never assume consent to without very strong evidence.)

There are good practical and economic reasons for non-negotiated contracts, particularly for mass-marketed goods and services. The vendor cannot negotiate every transaction at a reasonable cost.

I understand the motive (or at least can formulate a reasonable one) for the EULAs-

within-a-EULA that started this thread: there really are (or may be) embedded programs within the primary program, that may have their own conditions of use (usually that the end user can't copy them to make his/her own products.)

It would make for better customer relations, and probably for better enforceability if push ever came to shove, for the vendor at the top of the heap (Microsoft, in this example and in so many ways ...) to do its own investigation and legal analysis and make a single EULA to cover the whole product.

And why not make it reasonable, while they're at it?

#22 POSTED BY [ANTHROPOMORPHICTOAST](#) , [OCTOBER 14, 2007 12:51 PM](#)



All that just for tabbed browsing? Meh, I'll stick with my PSP and its limited 'net capabilities, thanks.

## Post a comment

[Login](#) or [create an account](#) to comment on this entry.

You can also [comment anonymously below](#):

**WARNING:** Anonymous messages are held for moderation. This could take a (long) while. Or your comment may not be posted at all. Please consider [creating an account](#) and logging in. It's fast, free, and we don't spam, ever.

---

## Subscribe

 [BOING BOING](#)

 [AUDIO PODCAST](#)

Subscribe by email:

## boingboing

[GO HOME](#)

[ARCHIVES](#)

[Other Sites:](#)

## Extras

[DEFEAT CENSORWARE](#)

[POLICIES](#)

[HOWTO: GET A LINK POSTED TO BOING BOING](#)



BOING BOING GADGETS

BOING BOING TV



This work is licensed under a [Creative Commons License](#) permitting non-commercial sharing with attribution.

Boing Boing is a trademark of Happy Mutants LLC in the United States and other countries.

eDiets

Want a weight loss plan with a  
**GUARANTEE?**

boingboing **gadgets** **video**

[SIGN IN](#) OR [CREATE ACCOUNT](#)

[SUGGEST A LINK](#) | [ARCHIVES](#) | [MERCHANDISE](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#) | [JOEL](#)

**boingboing**  
A Directory of Wonderful Things 

## Sony's EULA is worse than their rootkit

POSTED BY [CORY DOCTOROW](#), NOVEMBER 9, 2005 3:01 PM | [PERMALINK](#)

If you're unfortunate enough to buy music from Sony, you may think that the worst thing they'll do to you is screw you by infecting your computer with malicious rootkit software. Not so! Rootkits are only the beginning. If you want to see how Sony *really* gives its customers the shaft, have a look at these conditions in the license you have to agree to when you put a Sony music CD in your computer:

1. If your house gets burgled, you have to delete all your music from your laptop when you get home. That's because the EULA says that your rights to any copies terminate as soon as you no longer possess the original CD.
2. You can't keep your music on any computers at work. The EULA only gives you the right to put copies on a "personal home computer system owned by you."
3. If you move out of the country, you have to delete all your music. The EULA specifically forbids "export" outside the country where you reside.
4. You must install any and all updates, or else lose the music on your computer. The EULA immediately terminates if you fail to install any update. No more holding

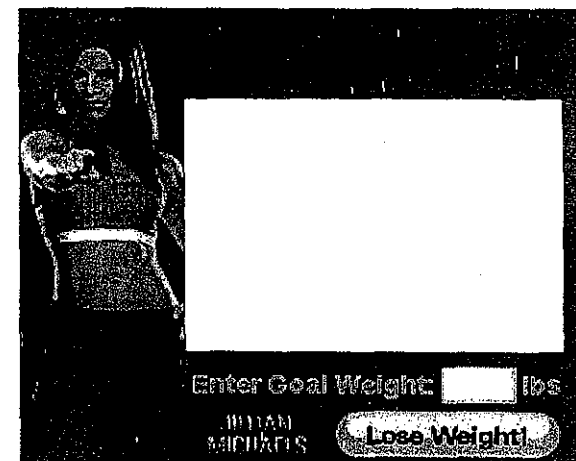
**SEARCH**

High Energy

A section brought to you by



Imagination at work



Enter Goal Weight:  lbs

**LOSE WEIGHT!**



YOU'RE PROBABLY TOO LATE TO BUY THE

Vector FM and NOAA Weather Alert  
Radio with Flashlight- 2 Pack

NEXT TIME, REMEMBER TO CHECK **woot!**



out on those hobble-ware downgrades masquerading as updates.

5. Sony-BMG can install and use backdoors in the copy protection software or media player to "enforce their rights" against you, at any time, without notice. And Sony-BMG disclaims any liability if this "self help" crashes your computer, exposes you to security risks, or any other harm.

6. The EULA says Sony-BMG will never be liable to you for more than \$5.00. That's right, no matter what happens, you can't even get back what you paid for the CD.

7. If you file for bankruptcy, you have to delete all the music on your computer. Seriously.

8. You have no right to transfer the music on your computer, even along with the original CD.

9. Forget about using the music as a soundtrack for your latest family photo slideshow, or mash-ups, or sampling. The EULA forbids changing, altering, or make derivative works from the music on your computer.

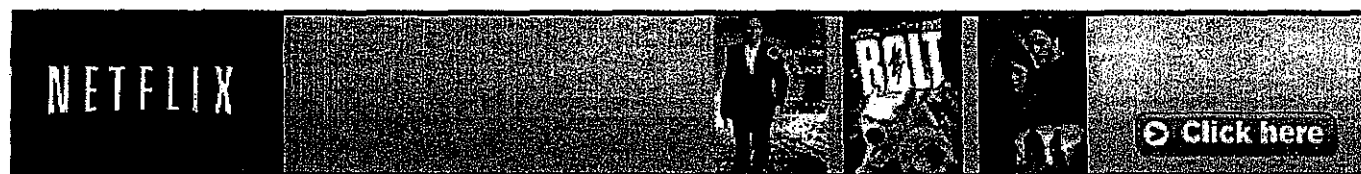
Someone tried to tell me the other week that the iTunes Music Store's days were numbered, because the music industry would shortly begin selling tracks directly to the public. Oh. Really. Does a company that makes you agree to terms like these, a company that infects your computer with malicious software, seem competent to offer a service directly to the public? The music companies are like high-strung obnoxious rock-stars -- they need a buffer, like an agent or a retailer, to sit between them and the people who pay them. If we were to have to deal with the music oligarchs directly, the experience would be so toxic that 100 percent of the world would turn into Kazaa downloaders in 30 days. [Link](#)

♥ FAVORITE THIS!

📧 SHARE THIS

OLDER  
[TOS ON CINGULAR'S WIRELESS DATA  
SERVICE SUCKS AS MUCH AS VERIZON'S](#)

NEWER  
[KATAMARI SUSHI](#)



**boingboing** **toGAdgets** **toVideo** **toffworld**

[SIGN IN](#) OR [CREATE ACCOUNT](#)

[SUGGEST A LINK](#) | [ARCHIVES](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#)



## CBC introduces RSS feeds with shitty EULA

POSTED BY [XENI JARDIN](#), DECEMBER 10, 2004 7:56 AM | [PERMALINK](#)

Reader [Ben](#) says,

It would appear that the CBC (Canadian Broadcasting Corporation) is finally exporting RSS feeds. Prior to this they had a headline service, but it was not wildly used -- though widely critized. Unfortunately they have included a required User Agreement that boggles the mind in some places. My favorite bits so far: Guarantees. You represent and warrant that:

\*snip\*

e) you will not remove, conceal or obliterate any copyright or other proprietary notice or any credit-line or date-line or other mark or source identifier included on the CBC Feed and Feed Content, including without limitation, the size, color, location or style of CBC/Radio-Canada's trade-mark [AGAIN WILL THERE BE ANY?]

Ok boys and girls. Leaving [ COMMENTS IN YOUR AGREEMENTS IS PRETTY DUMB ]. [ GO DEVELOPERS ] Another fun bit:

Promotion. You shall not make any promotion or advertisement of the CBC Feed or Feed Content, without the written authorization of CBC/Radio-Canada.

So by firing this off to the BB crew, I'm in violation?

Mounties, arrest that BoingBoing reader! [Link](#)

Reader [Brandon Ellis](#) says,

So stupid.. not to mention that [the page listing the rss feeds](#) is unprotected AND



High Energy

A section brought to you by.



Imagination at work

**FREE**  
Sony Ericsson W350  
Walkman phone with  
tunes, camera, and more

Shop Now



YOU'RE PROBABLY TOO LATE TO BUY THE

Vector FM and NOAA Weather Alert  
Radio with Flashlight- 2 Pack

NEXT TIME, REMEMBER TO CHECK **woot!**



Advertise Here With FM  
[www.federatedmedia.net](http://www.federatedmedia.net)

listed in the source page with the EULA agreement. Think I'll build a web service that illegally accesses their feeds and runs the results through the Shizzolator.. then I'll sell it. :-)

Reader Chris Beck says,

I think the most egregious portion of the RSS EULA is: "Website Exclusivity. You guarantee that the CBC Feed or Feed Content shall be the exclusive content on your website from a general news and information provider."


Reader Boris says,

The CBC feed "agreement" has already been fixed! Quick! Personally, I feel the best part of the agreement is certainly: "g) for the duration of the Agreement, you shall not behave in any way or participate in any activity deemed by the Canadian public to be morally reprehensible." So canadian!

♥ FAVORITE THIS!

✉ SEND

digg it

 Buzz up!

OLDER

ARNOLD SCHWARZENNEGER TRIBUTE BAND

NEWER

MOMENT OF COUTURE ZEN

## Discussion

### Post a comment

Login or create an account to comment on this entry.

You can also comment anonymously below:

**WARNING:** Anonymous messages are held for moderation. This could take a (long) while. Or your comment may not be posted at all. Please consider creating an account and logging in. It's fast, free, and we don't spam, ever.







## Subscribe

 [BOING BOING](#)

 [AUDIO PODCAST](#)

Subscribe by email:

[SUBSCRIBE](#)

## boingboing

[GO HOME](#)

[ARCHIVES](#)

*Other Sites:*

[BOING BOING GADGETS](#)

[BOING BOING TV](#)



## Extras

[DEFEAT CENSORWARE](#)

[POLICIES](#)

[HOWTO: GET A LINK POSTED TO BOING BOING](#)



This work is licensed under a [Creative Commons License](#) permitting non-commercial sharing with attribution.

Boing Boing is a trademark of Happy Mutants LLC in the United States and other countries.





**boingboing** **toGAdGEtS** **toVideO** **toffwOrld**

[SIGN IN](#) OR [CREATE ACCOUNT](#)

---

[SUGGEST A LINK](#) | [ARCHIVES](#) | [SUBSCRIBE](#) | [MARK](#) | [CORY](#) | [DAVID](#) | [XENI](#) | [JOHN](#) | [MODERATION POLICY](#) |

---



## Home Depot's bullshit EULA- UPDATED

POSTED BY [CORY DOCTOROW](#), FEBRUARY 26, 2007 8:13 AM | [PERMALINK](#)

Mark sez, "Now there's a EULA when you check out of Home Depot. In order to check out with the cashier, I had to sign an credit card receipt saying I had been given the opportunity to read 'customer agreement #156326.' Of course, the agreement was nowhere in sight."

Sounds like that slip is ripe for a [Reasonable Agreement](#) sticker.

[Link](#) (Thanks, [Mark!](#))

Update: Abelard sez, "As a former employee of HD, I bear them no great love, but the slip Mark was asked to sign is spit out when you do a transaction that involves the 'Special Services' desk - i.e. either a special order, a delivery or a will call.

"In all three cases the customer agreement is assigned a unique number (in his case, #156326) and is printed on letter-sized paper with the particulars of the order (items, colors, delivery date, etc.). This sheet also has disclaimers, such as 'We deliver curbside only, we won't go into your house' and 'Yes, I truly do want a fire-engine-red bidet and I know I can't return it.'

"We used to get the customer to sign off on the 8.5 X 11 and we would keep a copy, but someone decided it would be easier or more efficient to do this at the checkout.

"If he didn't get a copy of the customer agreement, then his salesperson did a bad job (I sure hope he knows what he just paid for, too!)."

♥ FAVORITE THIS!

✉ SEND

digg it

Buzz up!

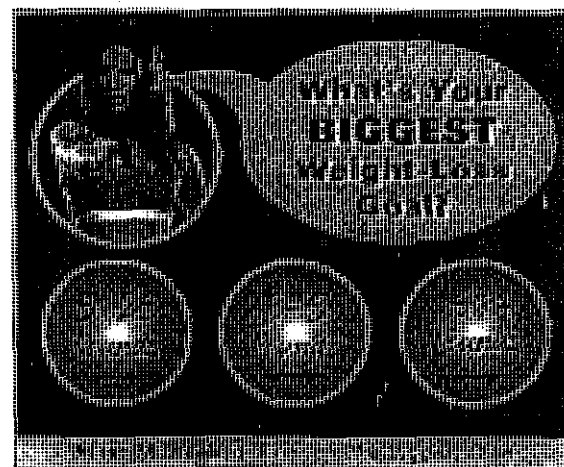
SEARCH

High Energy

A section brought to you by



Imagination at work



YOU'RE PROBABLY TOO LATE TO BUY THE

Vector FM and NOAA Weather Alert  
Radio with Flashlight- 2 Pack

NEXT TIME, REMEMBER TO CHECK **woot!**



Advertise Here With FM  
[www.federatedmedia.net](http://www.federatedmedia.net)

NEWER  
MOON OVER MOROCCO PODCAST

## Discussion

### Post a comment

Login or create an account to comment on this entry.

You can also comment anonymously below:

**WARNING:** Anonymous messages are held for moderation. This could take a (long) while. Or your comment may not be posted at all. Please consider creating an account and logging in. It's fast, free, and we don't spam, ever.









## Subscribe

 [BOING BOING](#)

 [AUDIO PODCAST](#)

Subscribe by email:

[SUBSCRIBE](#)

## boingboing

[GO HOME](#)

[ARCHIVES](#)

*Other Sites:*

[BOING BOING GADGETS](#)

[BOING BOING TV](#)



## Extras

[DEFEAT CENSORWARE](#)

[POLICIES](#)

[HOWTO: GET A LINK POSTED TO BOING BOING](#)



This work is licensed under a [Creative Commons License](#) permitting non-commercial sharing with attribution.

Boing Boing is a trademark of Happy Mutants LLC in the United States and other countries.