

From: Kenneth Barbalace  
Posted At: Tuesday, April 06, 2004 5:51 PM  
Posted To: spywareworkshop2004  
Conversation: Spyware Workshop - Comment, P044509  
Subject: Spyware Workshop - Comment, P044509

Re: Spyware Workshop - Request to Participate, P044509, and Spyware Workshop - Comment, P044509

Dear FTC,

While adware (software that is supported by advertising rather than registration fees) is not necessarily objectionable, the methods some adware uses to target ads is objectionable. The most objectionable adware from web publisher's point of view adware that uses the content of copyrighted webpages to target competitive ads. For instance both Claria Corporation's GAIN software and unregistered copies of the Opera web browser (versions 7.23+) target their advertising based on what webpage is being displayed. Not only does this represent an unfair use of copyrighted works, but also in many cases the ads are in direct competition of the webpage being displayed (e.g. GAIN displaying ads for competing car rental companies when the user is visiting Hertz's website).

While large corporations like Hertz or L.L. Bean can sue and get injunctions against predatory adware like GAIN, small publishers cannot afford expensive litigation and are thus left unable to defend their copyrights appropriately. Mechanisms must be put in place to help small independent publishers protect their copyrights short of costly litigation.

If the predatory practice of some adware programs is not brought to an end, small web publishers will begin to lose significant amounts of advertising revenues to those adware programs that use unfair, unethical and predatory methods to target ads. In time the loss of advertising revenues by web publishers to predatory adware accelerate the rate at which content and informational websites become accessible only via paid subscription. This in turn will harm the consumer by limiting the range of quality content sites consumers can access free of charge.

Respectfully submitted,

Kenneth Barbalace  
Independent website publisher  
<http://EnvironmentalChemistry.com>  
<http://KLBProductions.com>

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<http://KLBProductions.com>  
Providing website design, database development, home and small business networking, system security, spam relief, troubleshooting, and general computer consulting services.

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