

Re: Java and avoiding software piracy?

Source: <http://coding.derkeiler.com/Archive/Java/comp.lang.java.programmer/2007-07/msg01462.html>

- *From:* Twisted <twisted0n3@xxxxxxxxxx>
 - *Date:* Tue, 17 Jul 2007 05:49:20 -0000
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On Jul 16, 2:37 pm, "Oliver Wong" <ow...@xxxxxxxxxxxxxxxxxx> wrote:

Hire out your programming expertise then. There is always work for people with a talent for coding.

Yes, that's exactly what I was suggesting, and seems to run counter to your "let's give all software away for free" philosophy.

Nope. I don't have a problem with saying "I'll code this for you if you pay me thus-and-such". It's trying to control the downstream use of the code once published that bothers me.

It's the **other** stuff that your definition includes which worries me. Stuff like charging money for the right to use a specific software program, for example.

Let's see. If I use a specific software program where a copy is installed on my machine, what are the actual burdens I place on others in so doing?

- * The copy must be furnished. Its marginal cost is close to zero unless it's trillions of bytes in size, however.
- * Running it consumes electricity, which must be provided. OK; let the hydro company bill me for my usage.
- * If it involves network activity, bandwidth is needed. OK; let my ISP bill me too.

I don't see any way in which the software's author is incrementally burdened by my usage, given that he isn't the direct source of my copy.

If the software is on his server and I access this server to use it, then I use his bandwidth and he has every right to charge me for the privilege; I've never objected to that. In that case I'm burdening his network connectivity with my usage.

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So let's see. I don't object to him charging me for a copy if I want to get one directly from him. I don't object to him charging me to use servers or other hardware he owns or bandwidth he paid for. I do object to being told what I can or cannot do with a copy once I've gotten it.

It's true, if anyone can make more copies and spread them around, sell them or give them away, the market will tend to force the price for copies down to zero. This kind of thing happens all the time; it's called "competition". Makers of all sorts of other products have to put up with competitors producing identical or fully-substitutable products and undercutting their price.

Red Hat sells software without restricting others from making and selling or giving away copies, and it manages to prosper just fine.

And insisting on downstream control of use ultimately leads to Big Brotherish evils. Dongles and similar coercive devices; spyware-like behavior (MS WGA anyone?); and of course simple denial of access to the poor, who may be able to furnish the marginal cost of a copy for their own use but cannot pay the grossly inflated price the software company asks, which is generally hundreds to thousands of times the marginal cost.

In no other area besides software and entertainment, except maybe big pharma and gene-engineered crops, do we see manufacturers collecting margins of 99.9% on product sales. Even patent-infested areas like the auto industry get by with thin margins of a percent or so at every step of the supply chain, from retail/dealership up to manufacturer. Computer hardware included.

All of those industries have to pay R&D costs somehow, and only those few I've mentioned do it by creating monopoly lock-in somehow and then charging thousands of times marginal cost for each physical item.

The worst effects are on the poor, of course. People in poor countries have rampant HIV-infection rates and are unable to afford the hugely inflated prices for medication that could save their lives and manage infections chronically. So they die and die. Farmers get screwed by big agribusinesses that use pricing and seed-propagating policies and so-called "terminator genes" to force them into virtual indentureship where they could buy one load of seed and then be largely self-sufficient. This can't help but make food less available to the poor worldwide, beyond harming the generally not-very-wealthy farmers themselves. In the developed, urban parts of the world, the effects are certainly still there — students find software, textbooks, and other things priced way above marginal cost. So do the instructors, who pass the pinch on to the students in the form of hefty tuition fees, and end up not making much money themselves. Student debt is skyrocketing, and young-adult debt, and a lot of that debt is basically the Microsofts and McGraw-Hills of the world demanding their

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huge margins. They have a hell of a racket going. You can't possibly not have noticed Microsoft and Bill Gates laughing all the way to the bank for the past ten plus years.

Closed, paywall-blocked access to the outputs of academic research have a giant, hidden cost we don't even see or notice. How much faster would our progress be; how many more problems in e.g. the third world, or climate management, would have been solved or better-mitigated by now if the wheels of research in academia had been greased with wide-open access to more general participation? How many would-be Einsteins out there are shut out of contributing substantially to the system because the barrier to entry is too high?

All of these show areas that have "cartelized", where the incumbents (existing academics, publishers, software makers, etc.) inflate prices well above costs and create barriers to entry (often not just price-barriers, but regulatory ones where they can lobby such into existence) to keep out upstarts and maintain an exclusive club of some sort.

Actually, one of those groups doesn't seem to be laughing all the way to the bank. Academics just seem to be stuck in a vicious cycle of paying through the nose to reach a position of being able to contribute, and then feeling the need to charge exorbitant amounts for access to their own research just to cover those expenses once they can. Which makes the next generation have the same problem, and the next. It's a few large publishing companies that are raking it in in this case, rather than the academics, who are stuck on a treadmill jammed on "super-fast" in order that the publishing companies can protect their massive profits.

All of this impoverishes the world, culturally, scientifically, and financially, while enriching a few megacorporations and their executives. Most of those who try to force exorbitant per-copy pricing on fundamentally non-scarce goods are just trying to recoup the costs to them that resulted from bigger fish doing the same thing; the money they get goes up the chain and accumulates in the pockets of the Bill Gateses of the world.

It's the next big robber-baron crisis after the big railroad baron problems of a century or so ago. They're sucking the economy dry, and forcing most smaller vendors and makers to be intermediaries in funneling them money, all to line their own pockets. This obviously isn't sustainable; soon nobody will be able to afford their overpriced crap. We're already seeing it. Jobs offshoring; prices skyrocketing; costs of living going up while real wages plummet and unemployment soars domestically. Either they all go bankrupt when everyone else does and can no longer pay them, or (more likely) there's some kind of revolt. Aristocracies bleeding the peasants dry have a bad habit, historically speaking, of getting beheaded one day. These will be no exception, if it keeps on the way it has been.

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Except for one thing: the Internet makes the machinery for funneling the money, so-called "intellectual property" laws, largely unenforceable, and one large emerging world power, China, is showing little interest in strongly enforcing international "intellectual property" treaties and laws. So instead, either the system just fails without violent revolution, or China ascends to world superpower while the US becomes a has-been like the British Empire did about a century ago, eventually out-prospering everyone else -- the way the early-twentieth-century US did, at least until the debut of Steamboat Willie, and Disney's buying of perpetual copyright extensions from Congress ever since.

The success rate for this business model seems to be much lower than the traditional model.

Risk's a part of the game. There's always less of it if you cheat, or use coercion to make your market position unassailable, but that benefits nobody else. Lack of risk encourages lack of innovation, and folding most of your money into aggressive marketing, aggressive legal actions to shut down would-be competitors, and aggressive lobbying to get more ways of competing outlawed, not to mention encouraging lazy lack of bug-fixing or other improvements. Seen Microsoft Windoze lately? How long has Explorer has the bug that scrolls all your open windows to the top spontaneously from time to time? Or the one where dropped files don't always go where you dropped them but sometimes to the bottom of the folder instead? They've had 12 years now to fix that, since Windows 95 debuted Explorer and these bugs, and they've done nothing.

And so on... hopefully, you see the pattern here. Recall once again that businesses are about making money, and given two business models, one which is more successful than the other, it seems to make sense that most businesses would pick the more successful one.

Recall once again that businesses are not ENTITLED to a profit; nor even to recoup their R&D costs and break even. A "can't lose" business model is a sure sign that someone is cheating, or the game itself is rigged somehow. Even in a non-zero-sum game, the existence of a "can't lose" strategy for one party means that everyone else, other businesses and consumers alike, "must lose" as the "can't lose" guys take over and grab an ever bigger share of the pie. Why else would America's GDP be growing but America's poor actually getting poorer (after quite a while of getting less poor, relative to cost of living)? Because the system is increasingly being shaped by a few big players that "can't lose" to funnel all wealth to them and make it harder and harder for anyone else to accumulate any.

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When I was a child, people saved and invested. When I was a young adult, people lived paycheque to paycheque and "got by" until they could retire, but sometimes lost their jobs, couldn't find new ones, and wound up poor, or committed suicide, or killed everyone in their family and THEN committed suicide. Now, people are deeply in debt by the time they enter the workforce, if they can find a job at all of course, and a lot more wind up poor, or commit suicide...

Who's robbing everyone? GDP is growing, but the wealth is not being spread. The rising tide isn't floating all the boats. Someone's shaped it into a monster tidal wave that raises theirs and smashes all the others. A few rich white men, mostly CEOs and the odd shrub or two, from the looks of it.

I mean, it's great that you're able to come up with alternative business models. But the business people aren't really *looking* for alternative business models.

That's because they've been handed a nice government-granted and enforced monopoly gravy train. Why would they look, when they can just sit there doing little useful and rake in the cash anyway? This is not however a system that is good for society!

You really need to check out <http://www.dklevine.com/general/intellectual/against.htm> — it can explain a lot of this stuff better than I probably can.

They're plenty happy with the model they currently have (the one of selling games with copy protection). *You're* the one who's unhappy with that model, and I'm not sure you have enough clout to sway the entire game industry.

Everyone except the top executives in the game industry has reason to be unhappy with that model. It benefits the few at the expense of everyone else. As such it is doomed in the long term.

Everybody has a different code of ethics and moral compass. To me, if someone tells me "I'll only let you have A if you promise not to do B", and you say "Fine", and then take the A, and then later go ahead and do B, you have committed a "grave moral wrong" in my eyes

It's called "breach of contract". There's no need for this "copyright" BS, or any of the rest of it, since we have contract law anyway. Of course, contract law is somewhat weaker. If I breach the contract and give someone a copy, that someone is not bound by any contract and

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whatever it is is now freed. And mass-market transactions can't generally require every customer read and sign something; that's OK for rare, big-ticket purchases like cars and houses but nobody's doing that for every CD they buy at HMV. This is exactly as it should be; businesses can not easily bludgeon their way to riches with a business model based more on inflating their prices massively and suing everyone in sight and have to actually innovate to succeed that way.

Maybe it was too subtle, but the implied question was "How could you possibly make an informed decision about whether a piece of software sucks or not without having actually ever tried it?"

Everything experts have written about Vista indicates that it's a steaming turd-pile. A huge multi-gigabyte steaming turd-pile that reeks of Microsoft greed and corruption, and even of media company greed and corruption. Why does the Vista feature list seem to be what you'd expect if the RIAA and MPAA were the paying customers rather than the Vista user-base? That is very interesting don't you think? It smacks of the rich-old-white-men's club members protecting their own, at everyone else's expense, from such annoying things as "competition" and "we, the people, now also find it self-evident that information, costing next to nothing, should be essentially free". The fact is, at last count 100,000,000 Americans (more than 1/5 the population) have decided to engage in mass civil disobedience. That isn't a few scofflaws or "organized crime" or even terrorism. That is the biggest revolt against government policy since the Vietnam peace protests and civil rights riots. In this case (and probably the war), corporate-bought policy.

I don't remember anything in the Declaration of Independence, Constitution, or Bill of Rights about corporations getting votes and legislative power. (Yet the DMCA combined with dongles or other software lockouts effectively gives them the power to make law.) I do remember at least one of those having something to say about the peoples' need sometimes to revolt against aristocratically-imposed serfdom in various forms. That time has come again, and this time there might not even be any bloodshed, unless there's a serious attempt by the government to clamp down with violent force. In that case, obviously, there WILL be trouble.

I said they couldn't compete and decided to try to use their money to buy laws to effectively outlaw competing with Microsoft. This much is provable fact (they can't compete -> observe Linux server-side market share eating Windows alive; ditto Apache vs. IIS and JSP vs. ASP;

Your evidence doesn't support your assertion: "Compete" doesn't mean

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"Win". Maybe they are simply competing and losing.

Given the shoddy quality of e.g. IIS, do you really think they are trying to "compete" in any arena that doesn't involve either lawyers or lobbyists?

This fails to explain Arthur Andersen and Enron, Worldcom, Sony's brain-dead rootkit shenanigans, and lots of other things.

It wasn't intended to explain those things. But if you want an easy to grasp explanation: the corporations don't have perfect information. You can be perfectly rational, but make the in-hindsight-wrong-decision if you don't have perfect information.

These aren't "wrong" decisions, they are "brain-dead" decisions, which anyone with a couple of neurons to rub together should have known would backfire in some way. Pretexting scandals, private-info-leaks, rootkits ... there seems to be another big scandal every fiscal quarter and dozens of minor ones these days.

Companies used to have to compete in the market. Now they have gotten a sense of "entitlement" to government largesse and access to government muscle to forcibly get their way. Corporations pay* police to gas protestors at peaceful anti-corporatism rallies. Corporations pay* government for legislation that makes something the competition is doing that they don't like illegal. Corporations pay* government for a system of so-called "intellectual property rights" that are based on the idea that by developing an idea they are somehow entitled to profit from it. If they can't turn it into a marketable commodity, they can at least wait until someone else does and then sue them to extort billions from them (NTP v. RIM comes to mind here). In a properly functioning system, corporations that can't turn "it" into a marketable commodity go bankrupt, and another one that can succeed, and consumers and competent businesses all win, while businesses that can't manage to quite do it quietly fold. You succeed by producing a product that customers love and want and gain by using, and doing it more efficiently than the competition.

In the system as it currently runs, you succeed by producing a product that, while shoddy and actively hostile to customers, embodying in its very essence your distrust of and contempt for your customers, is also indispensable to these customers in some way, and of course is their only realistic option because you bully would-be competitors into failing, or simply have them all arrested or shot or something.

That isn't free-market capitalism. It's fascism of some kind, or maybe even a weird quasi-communism, with fixed prices, theoretically

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"private" providers of goods and services that are all state-supported monopolies, and everyone has to buy from "the company store".

Note that I didn't say they were perfectly rational. I said that thinking of corporations as "a perfectly rational utilitarian" is a "much more accurate model" than an emotional anthropomorphic entity who bases its decision mostly on rage, envy, fear, etc.

What about insatiable greed, an arrogant (over)confidence that they won't get caught, and utter contempt for the peons in the streets crawling like ants at the base of their grotesquely expensive new highrise headquarters offices?

Look at those towers and those huge penthouse corner offices for the executives and tell me we're in a free-market capitalist democracy and not some kind of crypto-plutocratic feudal society with an identifiable aristocracy and identifiable peasants?

Somewhere along the line it all went pear-shaped, sometime after about 1960 or so. Maybe it was the Cold War. Maybe it was abandoning the gold standard. I'm not a professional economist or historian; what do I know? But I know enough to be able to see what goes on and smell the stink when there is one.

A rational RIAA would embrace music sharing and monetize music some new way.

I suspect it's actually vastly more complicated than that, but I'm too lazy to explain all the details right now, so I won't be surprised if you continue to believe this.

My guess is they'd continue to sell plastic discs, and regard filesharing analogously to radio airplay -- it has promotional value. People would still buy the discs, either to subsidize the artists (not that the artists usually see a thin dime from CD sales, though that could obviously be changed) or simply to have a physical disc and jewel case with cover art, or an "authentic" copy, or whatever.

I think you have a different definition of rational than I do. If they lust for power and control (or to phrase it more formally, if their metric is power and control), then doing whatever you can to maximize power and control is the most rational thing a utilitarian can do.

It's at the meta-level that their rationality is lacking. A human has

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only limited ability to change their core drives and motivations (which tend to primarily involve self-fueling, reproductive opportunities, and not getting dead). A corporation in theory can have whatever motivations some board of directors decides it should have, and the board could decide that it will be a good citizen and become very rich that way, but by and large, none of them do.

The problem, I think, is that you're applying your metrics to the actions of another entity with a different set of metrics, and they aren't maximize their score in your game, and so you suspect they must be irrational, when actually they may be maximizing their score in their own game.

If they consider all the top executives going to jail (Enron, etc.) to be "maximizing their score" I rest my case regarding their rationality at the meta-level.

Regardless, public policy should focus on the interests of society at large, not narrow special interests. Of all the special interests out there, compared to e.g. the disabled, or pregnant women, or the elderly, or the poor, or the HIV-positive, or minorities, the super-rich are pretty much the least deserving of special consideration by the government; they provably can take care of themselves, and if you crash their fortunes to 1/10 what they are now with some policy they end up "merely" rich. If that happens, it's no skin off my nose. So they have to settle for a 70' boat instead of an 80' boat, when most people still have none and lots don't even have clean frigging drinking water. :P

Of course, going too extreme that way leads to communism, a proven dismal failure. Smoothly-functioning markets that are not easy to game into an "I-can't-possibly-lose" position have historically done the best job. Too bad they've been gutted and replaced with pale imitations in recent decades.

Explain irrational decisions like outsourcing all of your support to Brokenenglishstan, with the result being customers abandon you in droves?

(1) Profits exceed costs.

Profits exceed costs means "it ain't broke" so "don't fix it".

(2) Imperfect information.

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Anyone who doesn't know that outsourcing is bad for the job economy, bad for the customer base, and eventually bad for your own bottom line isn't suffering from "imperfect information" but from "I've lived in this cave in the woods for the last 17 years and then despite my woeful lack of qualifications I somehow managed to bag this high-responsibility job that happens to make me a seven-figure annual salary and somehow avoid being quickly fired for incompetence; lucky me!".

In fact, the guys that do this stuff are not doing it for the benefit of the company's long term profits. They do it to get short term profits or show decreased expenses in their own department, so they get promoted and more stock options, so they can buy when the next product is shipping and the stock jumps, sell right after, and retire, leaving someone else holding the bag when the customer neglect comes back to bite the company in the butt.

Are you implying that this is irrational behaviour, given the metrics that the companies are applying to themselves?

It's rational behavior by the executive that does it (although it is not rational for society to set the rules such that this behavior is rewarded); it's not self-maximizing for the corporation itself, which feels the pain shortly after. In effect, the executive is a parasite on the corporation that the corporation inexplicably permits to bleed it. The corporation is behaving analogously to a person who allows a mosquito to settle, drink, and possibly infect them with West Nile or malaria or something rather than slap it off them.

Recall my warning:

<quote>
anthropomorphizing corporations is dangerous, because it then becomes extremely tempting to assign emotions to them (e.g. fear, jealousy, envy, anger, etc.) and then to try to make predictions about their future behaviour based on what emotions they are supposedly experiencing.
</quote>

Why do my predictions about their behavior better fit observed reality than yours, then?

(I see a lot of banners citing IIS is better than Apache, for example).

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I don't. Must be Firefox's adblock. You really should get that plugin.

You seem to be under the assumption that I do not wish to see such advertisements. On the contrary, this particular ad allowed me to be more informed about the real world than you. ;)

Ads? Informed? Are you out of your cotton-picking mind?! Ads do not inform; they present biased or just outright-wrong "information" to try to persuade you to buy something. If I want a web server some day I will research what web server is better at that time, rather than impulsively choose because of some slick piece of ad copy where the company that makes one claims (of course) that the others all suck.

I expect in the foreseeable future that such research would reveal Apache to be the superior choice, on price and reliability, though I could be wrong.

Anyway, if I let an ad influence me, a glitzy, flickering, annoying, obtrusive, noise-making, animated Flash ad (or worse, popup or other browsing-obstructing BS) for IIS would instantly sell me on Apache!

Fools -- they already have a free copy of XP and are willing to pay for a downgrade?

Your question is based on false premise, and thus is nonsensical.

What false premise? That Vista is a downgrade?

Let's see. Vista takes the XP experience and makes the following changes:

- * Replaces Explorer, whose bugs we're familiar with, with a 3D something-or-other that looks slick on TV demos but is worse to use and has bugs we'll need a whole nother 12 years to get used to and learn how to work around.
- * Adds more DRM BS than you can shake a stick at, all apparently bought and paid for by Hollywood.
- * Costs a fortune, when it's easy to get XP for free; it won't be as easy to get Vista for free for quite a while.
- * System requirements and resource usage jump by roughly an order of magnitude.
- * Oh, and you can now play DirectX 10 games -- all one of them, so if you're a Halo 3 fan it's a must-buy despite the above.

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Given your existing hardware, "upgrading" to Vista will mean out-of-pocket expenses of a few hundred dollars and result in being able to do less, more slowly, with more bugs and crashes than you currently can, except that you can now play the latest Halo game. And now it has much more "Big Brother Inside" to boot.

Contrast with XP, which was a significant reliability, stability, and performance improvement over Win9X and especially the execrable WinME, despite including the WinME features such as thumbnail views in Explorer and System Restore, and the only onerous DRM BS it added was product activation — and THAT was highly controversial at the time, but proved to be largely a non-hassle (for normal users and for pirates). XP of course was the best Windows ever from Microsoft's perspective too — it sold tremendously well, raking in record profits, and was still buggy enough to keep their pay-support a profit center into the bargain.

The only thing I can think when I read or see anything about Vista is: "What was Microsoft *thinking*?!"

Please check out <http://www.dklevine.com/general/intellectual/against.htm> before making any more lengthy followups to this thread. Other readers of this thread are encouraged to read (or at least skim) the material there also. It won't bite, despite the pdf format of much of the material there.

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