

Re: Java and avoiding software piracy?

Source: <http://coding.derkeiler.com/Archive/Java/comp.lang.java.programmer/2007-07/msg01745.html>

- *From:* "Oliver Wong" <owong@xxxxxxxxxxxxxxxx>
 - *Date:* Thu, 19 Jul 2007 13:07:24 -0400
-

"Twisted" <twisted0n3@xxxxxxxx> wrote in message
news:1184816957.959342.316200@xx

On Jul 17, 12:29 pm, "Oliver Wong" <ow...@xxxxxxxxxxxxxxxx> wrote:

So what? Just because the activity you wish to do "only minimally"
burdens other people does not necessarily mean that those other people
must grant you permission to perform those activities.

I don't see that people who are not burdened at all have any right to
intrude into the privacy of my home or wherever. I don't believe I
should need permission to do anything from anyone it doesn't take away
from. (And I don't consider not-yet-earned profits something I can be
taking away from someone who doesn't have them yet; there is no
entitlement to profits.

The way you phrase this paragraph makes it sound like you're
egocentric pirate: "I should be allowed to download all movie, software,
games, etc. I want, because I wasn't gonna pay for those things ANYWAY, so
it's not like they're losing any profits, etc."

I disagree with this philosophy.

Later on, you write:

I don't want to force anyone to do anything. I don't think I should be
able to force Joe to release his software for free. If he wants to
sell it to Kevin for \$50,000, take-it-or-leave-it, he has the right
to. If he wants Kevin to have to sign a contract perhaps forbidding
Kevin from redistributing it, he has the right to. He can sue Kevin
for breach of contract if he did have Kevin sign such a contract and
then Kevin sold or gave me a copy anyway. On the other hand he should
have no right to tell me what I can or cannot do with the copy I got
from Kevin, as I never signed any contract with him and I never
received anything from him (I received something from Kevin).

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Which is an entirely different matter. IANAL, but I believe this is essentially how copyright laws work in my country and I'm satisfied with it. (Incidentally, I thought I'd mention that you seem to take an overly America-centric view of things).

[...]

If you make a car, and then I put it in my magical "cloning" machine, and generate millions of clones of your car, and give them all away for free, then I'm not creating a "competing product".

Sure you are. You've got a more efficient manufacturing process and you can therefore compete on price. Good for you.

I guess this is mainly a matter of definitions.

Makers of all sorts of other products have to put up with competitors producing identical or fully-substitutable products and undercutting their price.

Notice that reasoning which applies to products which are mostly bits of information might not apply to products which are mostly physical matter. Actually, you ARE aware of this (you state the "marginal cost of reproduction" argument over and over again), but you seem to ignore this fact when it's convenient (such as in the above paragraph).

You're the one suggesting that information products be treated specially by disallowing making fully-substitutable products.

Factually false. I'm guessing what you're referring to is my argument that software developers should be allowed to charge money for their software. I have nothing against other software developers making competing products, even when those competing products are "fully-substitutable" (though in practice, virtually no software is fully-sbustituable with another software unless the two are identical).

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Why? Just because the market will drive the price actually to zero given a chance?

Questions are based on false premise.

Red Hat makes most of its money from support subscription from enterprise companies. This business model is not applicable to all forms of software. E.g. games.

Some model would be. Games could be funded with a market price that rapidly drops to zero if the cost drops to near-zero, e.g. by community-sourcing content. (Look at the proliferation of third-party Quake 3 maps and other add-ons if you don't think that's possible.)

This is a common mistake: to assume that games are interchangeable or fully substitutable. A lot of community content sucks. The vast majority of games (and I'm counting a player submitted mod as a "game") I've played were free, and yet the vast majority of games I've actually enjoyed cost money.

There are other funding models than pay-per-copy and I see no sensible economics-derived reason to create what amounts to price-protections for this class of products.

What "price-protection" do you perceive for games? The request from the developers to not make copies of their software and distribute it over the internet?

Productivity tools can derive money from support. They're the things it's most important that society manage to fund. Entertainment is frivolous and not so important to ensure gets funded somehow. At the same time entertainment is the popular subset of culture, and culture needs to be participatory for the health of society.

Can you support this assertion?

[...]

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And insisting on downstream control of use ultimately leads to Big Brotherish evils.

So don't use their products. But don't stop other people from using their products if those other people *like* their products.

A free market would let everyone choose whether to use something with Big Brother features or not. We don't have a free market. Some stuff requires recent versions of Windows that cannot legally be had without the Big Brother features, so Windows can be indispensable and not substitutable with a non-Big-Brotherish alternative.

Windows is not indispensable. Many people make it through life just fine without ever owning a personal computer (I'm not counting things like computers which may be in their wristwatches or microwave ovens), nevermind a copy of Windows. And there's that very vocal community of Linux advocates who proudly state how they've been Windows-free for years.

[snip appeal-to-fear fallacy]

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.

I guess you're working under the assumption that corporations are trying to benefit other people? I think they're trying to benefit themselves.

You miss the point of my argument. Corporations are trying to benefit themselves. Public policy is supposed to benefit the public, not corporations other than to the extent that it is in the public interest to aid or subsidize them.

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I think we're talking past each other, then. I'm trying to tell you what the world is like right now, and you're trying to tell me what you think the world should be.

Making and enforcing public policies that favor big business at the expense of Joe Consumer is therefore immoral and should be illegal to legislate (unconstitutional even). Repealing such policies in favor of pro-consumer ones should be a high priority. But the government has been bought at auction...and the Second Civil War now looms in our near future, its onset less than ten years away now.

(Remember, you heard that here first.)

I advise you not to assume you were the first one to come up with the idea that a civil war in America may soon occur.

Or the one where
dropped files don't always go where you dropped them but
sometimes to
the bottom of the folder instead?

I think you are assuming that the order in which the files appear in a folder is persistent. It's not. Telling the folder to "sort by name", for example, does not re-order the bits on the harddrive.

I'm not a moron; I know this. What I mean is, you get an Explorer window and sort the files by name, say. Now they appear sorted by name. Drag and drop a new file to move it and the I beam shows where it should appear when dropped. Drop it and 90% of the time it goes where the I beam indicates. 10% of the time it goes at the end of the list of files instead. (Switch to List view from Tiles and that jumps to 100%, by the way.)

It's easy to reproduce. Make two dummy directories with a load of dummy files in each and drag files back and forth for a while. Within 20 or so you should get an instance of one jumping to the bottom of the list instead of going where you dropped it and where the I beam indicated it would go.

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Can you produce a screencast demonstrating the problem? I can't reproduce your bug on my WinXP SP2 machine.

Did you submit a bug report?

Last time I checked, Microsoft had started to charge money for the privilege of complaining to them. Nevermind that they ignore all bug reports anyway, except maybe security hole reports.

So in other words, "no". And you wonder why your bug (which I'm unable to reproduce) hasn't gotten fixed for over 10 years?

[snip America-specific stuff]

Here's what it sounds like you're saying to me: "Information should be free. Any body who imposes restriction on my sharing files over the internet is evil and oppressive. All software should be free."

Actually, what I'm saying is that information, once published, actually IS free, and that it is violating the very laws of nature to try to chain it or to charge money merely for access to it.

You can't actually violate a "law of nature", else it wouldn't be a "law of nature" by definition. Therefore, charging money for access to information is not against a law of nature.

If you relax your statement a bit, to something like "It's unnatural for information to not be free", then there's the usual counter of "lots of things humans do is unnatural, such as developing cure for diseases, etc."

[snip more America-specific stuff]

Here's what I'm saying: "When people make you an offer, you can either accept it or reject it. So for example, if someone offers to license you software for a specific purpose, you can accept that deal, or you can reject that deal."

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I don't remember any such deal ever being made.

I think you do, actually. Read this next part you wrote:

I do recall seeing
retailers sell software in the usual manner -- give me this money and
we'll give you this box with this disc of information in it, subject
to whatever return policies and such.

Okay, so that's one deal: You give the store money, and they give you
whatever's in the box.

[...]

Similarly notices on download sites or appearing when
software is installed or run, again with no negotiation, no
signatures, no witnesses. I certainly have not seen a deal made with
the manufacturer by a user, or anything other than an attempt by a
manufacturer to claim that a deal is already in place that isn't, or
that clicking a button on a GUI somewhere somehow constitutes making a
deal, even though I know darn well that it's a piece of dumb software
and it's not possible to make a deal with it any more than it's
possible to make a deal with a rock, and the manufacturer is nowhere
in sight, nor online or on the phone in some manner, so I'm certainly
not making a deal with the manufacturer.

You really should read the labels on buttons before you click on them.
I suspect the button you had clicked on had a label like "I AGREE" or
something similar. This is the deal that I'm talking about.

The argument "it's a piece of dumb software and it's not possible to
make a deal with it any more than it's possible to make a deal with a
rock" is invalid. The analog would be "This so called 'contract' is a dumb
piece of paper. It's not possible to make a deal with a piece of paper
anymore than it's possible to make a deal with a rock."

The piece of paper and the piece of software is presenting you with
text explaining to you the nature of the deal, and with whom you are
making the deal (or it should, or else it's poorly written).

Of course, maybe I have a weird idea of what actually constitutes a
"deal", or a binding contract. Maybe it's quaint to imagine it
actually involving negotiation, compromise by both sides, a meeting of

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the minds, consideration for both sides, and signed and witnessed agreements on both sides. Yet I suspect that does go on in the support-contract space.

Yes, I think you do have a "weird" idea of what actually constitutes a deal, in this context at least. First of all, a deal is not necessarily a "binding contract", as you seem to imply. If you make a promise to your friend to meet up in at your "secret spot" 20 years later, that's a deal. There's no signature, and no witnesses (other than the two parties involved).

I don't believe though that a typical shrink-wrapped software purchase is governed by any kind of contract except with the retailer. You receive the goods (a disc with some software on it) after having negotiated with the retailer, and before hearing any so-called "license agreement" pap from the manufacturer. The manufacturer including such a notice is in essence trying to unilaterally change the existing contract you have with them (namely none beyond the law's requirements of a manufacturer and a consumer, generally that the manufacturer warrants their product for merchantability and fitness-for-purpose and is liable for direct damages only, so the price tag of the software only). Remember at this point you already have the disc. If the manufacturer required you to sign an agreement in exchange for receiving the disc you might have a point. However, you have already received the disc and are entitled to all the usual rights under copyright law. This includes the right to install the software and make transient copies and whatever copies are generally incidentally

[etc...]

Why are you bringing all this up? I can only guess that you're trying to argue that what you're doing is legal or something along those lines.

I never claimed what you were doing was illegal. You're just unnecessarily bringing in irrelevant points into the discussion, things which are not even under dispute.

You can't force other people to do what you want. In particular, you cannot force people to release their software for free, if they don't want to do that. Otherwise, *YOU* are the one being oppressive."

I don't want to force anyone to do anything. I don't think I should be

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able to force Joe to release his software for free. If he wants to sell it to Kevin for \$50,000, take-it-or-leave-it, he has the right to. If he wants Kevin to have to sign a contract perhaps forbidding Kevin from redistributing it, he has the right to. He can sue Kevin for breach of contract if he did have Kevin sign such a contract and then Kevin sold or gave me a copy anyway.

Excellent. Then we are in agreement (so far).

On the other hand he should have no right to tell me what I can or cannot do with the copy I got from Kevin, as I never signed any contract with him and I never received anything from him (I received something from Kevin).

Well, here I think the water gets muddier... Earlier, you mentioned that matter-based products and information-based products should receive the same treatment, right? Well, if someone acquires a laptop illegally (e.g. it fell off the back of a truck), and then sold it to me, and the police eventually track down the laptop to me, they are allowed to confiscate it from me to return it to its original owner even if *I* personally did not break any laws (that's the law in my country, anyway).

The question is what is the closest analog to this when applied to information-based goods?

It is not a straw man and it is relevant. That is what is happening now: businesses trying to create a "no-lose situation" by lobbying and lawyers so they don't have to be able to compete in the market and can just lazily sit there releasing shoddy products with sappy names like Vista and rake in cash all day long.

I personally don't see the relevance. Let's say I agree with you and that yes, businesses are trying to create a "no-lose" situation. So what? This doesn't conflict with anything said earlier.

That's a sad story. Is it relevant to... you know... whether or not people should be allowed to not give their software away for free?

If you'd bothered to read my previous posting you'd know it was relevant.

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More like if I had predicted what your future (now past) postings would have been... Previously, it sounded like you wanted all software developers to give away their software for free. Only now did you clarify that you, instead, wanted to abolish copyright. These are two completely different desires.

[...]

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.

If that's true, then I guess you can just sit back and relax, as you'll eventually get what you want.

Meanwhile it galls me to see someone new pop up here every week asking how they can make the Java software they're developing less useful, buggier, and more expensive than it needs to be. It's continuing visual evidence that efficient free markets have failed in this part of the world, and that a nasty struggle and possible strife lies in the near future.

I disagree. Crappy products can exist in a free market too, you know. Therefore, the existence of crappy products does not necessarily indicate a market failure.

[snip more stuff as a result of me describing the world as it is and Twisted describing the world as it "should" be.]

[...]

Everything experts have written about Vista indicates that it's a steaming turd-pile.

That's factually false...

No, it's factually true.

It's factually false, and you provide a counterexample to your claim in the very next sentence:

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The only experts that claim Vista is anything anyone should buy are Microsoft marketing department experts and various people whose opinions are bought and paid for.

I claim that there are other "experts" (but note that you've avoided answering my question as to what criterias you consider an necessary to receive the title of "expert") who support Vista.

Independent, consumer-minded software evaluators choose XP over Vista. Every last one of them.

Would you consider me an independent, consumer-minded software evaluator? Why or why not?

[snip some mild, unprovoked insultage]

Question is based on false premise, and is therefore nonsensical.

Stop being insulting and rude.

Oh, not this again... Are you going to snip every argument you are unable to address, labelling it "insults"?

If you ask a question which is based on a false premise, how am I supposed to answer it, except to tell you that it is a false premise? If I were to ask you "Why is copyright and intellectual property the greatest thing in the world?" you could not actually answer the question because it is based on the premise that copyright and intellectual property actually is the greatest thing in the world, whereas you believe it isn't.

You're assuming that IIS is perceived to be shoddy by everyone.

Everyone that matters (professional, independent-minded web site administrators whose primary concern is the site working properly and who aren't required to toe some MS-only line by management)

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If that's your criteria for "everyone that matters", then I've met some counter-examples to your claim.

BTW, my criteria for "everyone that matters" is "the people who are making the buying decisions", since the context that generated this subdiscussion is you're wondering whether Microsoft is seriously trying to compete against Apache using IIS.

I'm genuinely surprised that you think Microsoft is not trying to compete against Apache. You think Microsoft just enjoys throwing their money away on IIS developers and marketing?

I think you're assuming that the corporations had, as part of their "imperfect information", the knowledge that they'd get caught.

A two year old expects to raid the cookie jar and not get caught, even when they're the only child in the house and they take half the cookies that were in the jar.

A grown man should not expect to be able to embezzle fifty billion dollars and have it go unnoticed, or be able to pocket it without the bulge being noticed eventually. (Metaphorically, anyway.)

Why not? The Enron Scandal had started in the 1990s and was only discovered around 2001. Sounds like pretty sneaky behaviour to me.

And if they really did embezzle 50 billion as you claim (I can't find citation for this figure), then even if they did get caught, they came out ahead: Their fines were merely on the order of 10s of millions. Even if we round that up to 100 million, that's still 49'900 million dollars of profit.

If the guys running the show at Enron thought they'd get caught, they acted in an irrational, non-self-maximizing manner.

The numbers don't seem to indicate that.

If they thought they wouldn't, they have single-digit IQs and should have been drooling and in diapers still, in a padded room somewhere where they get regular doses of feel-good chemicals like Thorazine. That people with this level of incompetence in basic arithmetic and other life skills were hired and ended up actually in charge of a

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major energy company is proof of incompetence or irrationality in the hiring department and on the part of the shareholders, in that case. Sooner or later, if you follow the chain back, you run into someone who knew what they were doing and who had to be simply irrational, and who nonetheless had a position of responsibility.

Also, not true, and I recommend you read the Corporation, a book I had recommended to you earlier this thread.

Regardless, the corporation itself should have had the information that this couldn't go undetected and the perpetrators uncaught, and acted to self-maximize, per your theory. It didn't.

I disagree.

Too bad for your theory then; one counterexample is all it takes to torpedo a universal claim such as the one you made.

I think you failed to understand what my "theory" is (but actually, I never gave a theory, I gave a model). I'll repeat what I said for your benefit:

<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>

Later on, I said (but cannot find the exact quote, so this is a paraphrasing): "A Rational utilitarian is a better model for corporations than an emotional anthropomorph".

Actually, I'm guessing they thought the Bush administration would shield them and they turned out instead to be fall guys. Still irrational or stupid; they played with fire and expected not to get burned just because one of the flames made promises to that effect.

Actually, if that's what they thought, it'd still be rational. I think you and I might not have the same definition of rational. Here's my

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guideline for what a rational utilitarian would do:

Calculate the expected utility of all possible actions, and choose the one which gives the highest expected utility.

If they thought the Bush Administration would protect them with probability 60%, and that the utility they'd gain is 100 "profit points", that's an expected utility of 60pp. If the alternative was a more conservative approach which gave a 90% probability of gaining 65 "profit points", this alternative action gives only 58.5 utility. Better to take the first action.

Are you arguing that these traits (whether or not we agree that the corporations actually have them) make it such that the "emotional anthropomorph" model is more accurate than the "rational utilitarian" model?

See below.

After scanning below, I don't see an answer. Typing either "Yes" or "No" would have taken less effort than typing "See below." So which is it? Is it "Yes"? Or is it "No"?

Here are some quotes from the reviews (which are really mainly summaries of the book) from

Amazon:<http://www.amazon.com/gp/product/customer-reviews/0743247469/sr=8-2/q...>

<quote>

legislation REQUIRES companies to put shareholder financial interest, or profit, above all other interests.

</quote>

<quote>

all that counts when managers make decisions is the cost vs the benefit of those decisions. For instance, if a company makes more money by letting people die, breaking laws, or spoiling the environment, managers have no choice but to make those decisions in order to fulfill their legal requirements towards shareholders.

</quote>

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This is a scathing indictment of the current law then.

Yes. Read the rest of the book to gain more insight on the behaviour of corporations.

(1) The profits from outsourcing support (in the form of reduced support costs) exceeds the cost of outsourcing support (in the form of lower customer satisfaction).

I know of no case where this is actually true except where customer loyalty is a complete non-issue. One-off products might qualify. Anything with consumables or upgrades to generate a future revenue stream is clearly a nonstarter here.

This is your guess. You don't have actual figures.

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

Please tell me what your predictions are, and what you think my predictions are.

Well, your theory predicts that Enron-type events should be rare.

Actually, no, quite the opposite. My *model* predicts that companies will try to do whatever they think will make them the most profit. Enron followed my model (they made nearly 50 billion of pure profit according to your figures).

Mine
predicts that they should be common.

You say "Mine" implying that you have a model and/or a theory? If so, can you actually state what it is? Is your model that corporations are emotional anthropomorphs?

[...]

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

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

This next part is said tongue-in-cheek, because this really is a
minor, silly sub-argument (to me, at least), but there seems to be some
misunderstanding, so I felt I should clarify:

I am arguing that Microsoft is trying to promote IIS over Apache.
By
arguing against me, I guess you are implying that you believe Microsoft
is
NOT trying to promote IIS over Apache (or maybe that you just like
arguing).

You **have** gone off the deep end, then.

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You said you saw a lot of banners promoting IIS. I don't doubt it; I don't doubt MS is promoting IIS heavily.

Okay, good. Earlier, it sounded like you *were* doubting that.

I said I didn't see the banners and you should really get Adblock, on the grounds that I figured you found constantly being bombarded by distracting flashing animated things while you're trying to find and read information online was annoying.

Apparently you are crazy enough that:

a) You don't find it annoying.

I'm amused that you find natural immunity to ads to be a form of craziness. I'm reminded of the story in which a man stumbles into a community born without eyes, and when he tries to explain them the concept of "sight", they consider him crazy, and they trace this insanity to these strange growth in his head. Surgically removing them restored his sanity.

b) You actually believe what the flashy thingies whisper in your ear while someone tries to stick their hand in your pocket

I don't know how you concluded this. There was no evidence for that in my post.

c) You actually therefore believe that IIS is superior to Apache.

I don't know how you concluded this. There was no evidence for that in my post. All I can guess is that when I said "There exist some people who believe that IIS is superior to Apache" that you erroneously assumed that I was one of those people!

[...]

More or less. I would phrase it as "That Vista is perceived universally (by everyone) to be a downgrade".

I never claimed that. I certainly expect that Microsoft doesn't treat it as such. Microsoft's marketing department certainly doesn't.

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Good, we're making progress.

I claimed that Vista WAS a downgrade, not that it was PERCEIVED by any particular group to be a downgrade.

Hmm... Well, I disagree with your claim, then.

I then cited feature differences to prove that in fact Vista IS a downgrade, since some things don't work properly under Vista that do under XP, but Vista doesn't let you do anything XP doesn't let you do, or do anything more efficiently, or even AS efficiently. Except play that one DirectX 10 game.

At the Turing-Equivalent level, it may be true that Vista doesn't let you do anything which XP doesn't let you do. From a more practical perspective, your statement is false. I'll give you one example: The Vista start button now has a search feature which I find much more convenient than the XP start button.

Most people's weightings should lead to the rational, utilitarian choice to stick with XP, which indicates that yes, Vista is indeed a downgrade.

A wise "rational utilitarian" person would not assume that everybody has the same utility function that they do, and thus would not try to make subjective statements into objective ones.

Vista's poor sales (by Microsoft's own expectations) are another piece of evidence, and also support the thesis that a substantial fraction of savvy computer users do perceive it (accurately) as a downgrade.

I guess you wouldn't consider me to be a savvy computer user, then.

Sorry, I haven't read it yet, though I did glance through it. It's on my TODO list.

Really?

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Well, not anymore. I got kind of fed up with their rhetoric tactics by the beginning of the third chapter. I think the line that really got my eyes rolling was:

<quote>

Competition is a good thing. That is why the NBA and the Tour de France are so popular, and why we give our all at the annual interdepartmental basketball game.

</quote>

While I agree that *economic* competition is a "good" thing, I was annoyed with their false analogies, appeal to vivid imagery, and other fallacies sprinkled throughout their treatise. "Hey, I love Basketball! I guess I should support the abolishment of intellectual property too!"

In the meantime, here's something for you to ponder: What exactly is your goal with this thread?

To rebut bogus and inaccurate information, and to advise people who appear to be erring in judgment or in their declaratory knowledge base.

And what information have you perceived to be "bogus and inaccurate" so far in this thread, other than perhaps my claim that "Vista sucks" is subjective?

– Oliver

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