



## Crummy UCITA Legislation is Back

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There is good news and bad news. The good news is that the American Bar Association [refused to endorse](#) the horrible Uniform Computer Information Transaction Act (UCITA), which is designed to standardize the total legality of rigid licenses for software and more. The bad news is that the promoters of this vile law are still at it, hoping that a long-term push will win out because a fickle public loses interest over time. Many of the anti-UCITA Web sites, for example, are suffering from a failure to update and will soon be offline or ridiculously out of date due to fatigue and boredom.

UCITA is seen by most critics as an onerous end run around the legal system so software companies can do whatever they want without fear of any legal action whatsoever. Here is a [good FAQ](#) on it from a very credible group. And for a good argument [try this site](#). Good, but dated.

Only two states have, stupidly, passed this law—Maryland and Virginia—and the law they passed incorporated earlier wacky provisos that could make it illegal to review or criticize software! This, to me, is incredible. I always thought the people of Virginia and Maryland were some of the smartest in the nation, but this sure proves me wrong.

In an attempt to get this moronic legislation passed in the rest of the country, the promoters have softened a number of provisions, hoping they can turn the tide. The new changes, made at the beginning of 2002, included, among other things, a softening of the wording that made software reviews illegal. The perpetrators also gave up on the notion that there's no problem with software companies remotely going into your computer and disabling software and possibly anything else they want if they think you're a pirate. And the controversial edict against reverse engineering was only softened enough to allow limited reverse engineering for cross-platform compatibility.

The rest of the nonsense is intact. If this law were passed, essentially any idiotic licensing notion imaginable would be enforceable by law. At Dvorak.org I've added a [Terms of Use agreement](#) that might be typical. A friend of mine, attorney Steve Davidson, read it over and immediately posted a license agreement and a unique proposition on his e-mail. To wit: I have a new policy concerning e-mail. I offer to accept unsolicited e-mail from you in return for your promise to pay me \$1,000 each time you send mail to me. Your future use of my address to send e-mail to me will constitute your acceptance of this offer.

By my reading of UCITA, this sort of thing might well be enforceable if the act were passed, and might already be so in Maryland and Virginia. Attorneys are welcome to chime in.

When I first saw the Davidson message (which was upping the ante on the monetary proviso in my Terms of Use agreement) I thought that this might not be a bad way to stop spam. Unfortunately, UCITA is written to benefit large corporations, not users. One of the main promoters for the law is the Business Software Alliance, a front organization for the largest software companies. Although they haven't had much [to brag about since 2000](#), they are currently feeling the wrath of users, who blame them for the Opaserv worm. When you visit the BSA site you get this message.