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Subject: Re: Here's a new one...

Posted by [Nukelt15](#) on Thu, 18 Sep 2008 00:28:28 GMT

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Quote:When it comes to games, when you buy the game, you are merely buying a licence (EULA) to play the game. Not the game itself. Of course, you get to mod it if the game is moddable and the compnay releases tools to mod it.

EULAs haven't always been that way, however. They only got that way after companies realized that people could and would skip right through an obscenely long EULA without even reading it. This is a deceptive and unethical practice- they know that the end-user isn't being properly informed, and they continue to take steps to make sure it stays that way... so if and when it comes down to your word against theirs, they always have the upper hand. It is entirely legal by precedent- but anything as convoluted and difficult to process as an EULA is, in essence, a tool used to shoehorn additional restrictions and conditions into a transaction.

Legislators act in a very similar manner when they attach provisions (called "riders") to bills that have little or nothing to do with the main text of the bill- but, because nobody reads the whole thing, those provisions end up becoming law. This is how we ended up with RealID even though the RealID act itself was never passed.

The end result may vary, but the means used to get it are no different than the lowliest of con artistry.

Quote:Other than that, it is merely a license to play the game. You paid for that licence only and so it is illegal to make copies to distribute to your buds.

EULAs reside in some very murky waters- not only are their contents ethically questionable, but they are insanely difficult bordering on impossible to enforce. As a matter of fact, they cannot be enforced short of the company installing spyware to check up on you, which is exactly what DRM is intended to do. However, the DRM is often installed on your machine- or at least run from the CD/DVD the game came on- before the EULA even comes up on your screen. Whatever else may be true, your computer is your property- and only you are legally allowed to decide what does or doesn't run on it until or unless you sign an agreement (the EULA) allowing someone else to do so.

Are we having fun yet?

Here's some more food for thought- unenforceable laws are frequently removed from the books simply because they are unenforceable. It doesn't matter how many people are breaking the law if you can neither catch nor prosecute any of them.

The EULA may be a legally binding agreement, but it isn't a law- and the company responsible for its enforcement cannot legally search your property (your computer, your home, etc) to verify your compliance or non-compliance. The best they can do is catch you in the act of downloading a pirated copy of the game- but even that is in a bit of a gray area, as we've seen with RIAA and its lawsuits of questionable legality. DRM can be (and very frequently is) bypassed using cracks that are not illegal to possess or have knowledge of- neatly eliminating the only viable means of

enforcing the EULA.

The EULA is unenforceable, therefore it is junk... and may be put into the same category as laws against wearing chickens on your head while crossing state lines.

Quote:I know most people just check off the "terms and conditions" box when installing the game but what they forget is that the EULA they agreed to by checking it off prohibits them from doing things the company does not want them to do.

I believe we've covered this already... see above.

Regardless of its legality, DRM- or anything like it- makes no sense. It doesn't work, it can't be legally or practically enforced... so all it does is (at best) harass, impede, annoy, and otherwise inconvenience people who have done nothing wrong whatsoever. At worst, the concept could be used to so restrict the "user rights" on products and services that the EULA becomes a second legal code... and you can follow that to its logical conclusion.

Enjoy being assraped by the corporations and the government simultaneously- bring lots of lube!

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