



MAC FACTS

from

Mac Help Desk

SUPPORT, SALES, TRAINING & SERVICE

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a Macintosh Solutions Provider company

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A Message from Dru

It's been a long month and once again let me wish everyone who celebrated a holiday this month, "Happy Holiday".

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The Show must Go On – Indeed! Every Tuesday evening from 8 pm – 10 pm CDT. On the April 29th *Mac Help Radio Show* we'll be talking about 'Printers.' To tune in, point your web browser to <http://www.macradio.com/tuesday>. You'll need Quicktime 6 to listen in (and a high speed internet connection wouldn't hurt either). If you don't have QT6, you can download it for FREE at <http://www.apple.com/quicktime>. It's available for OS 8, OS 9, OS X, and Windows. Listen in, join the Chat Room, Learn. Have Fun.

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Gotta friend who's got a Mac? Refer them to me. I'll make it worth your while. Hint, hint. Wink, Wink. Nudge, nudge. Know what I mean, know what I mean. ;-)

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The Music industry is alive with speculation about Apple's 'Music for your ears' announcement due on Monday 3/28 at 12 noon CDT. Some says it's a new iPod (40 GB, yes!). Some say it's a rumored music download service that has been making the rounds for the past several weeks [No subscription, \$.99/song, 100,000s of songs available]. Whatever it is, it might go a long way to legitimize the downloading of music (and other types of) files. [See Newslines about File-Swapping]

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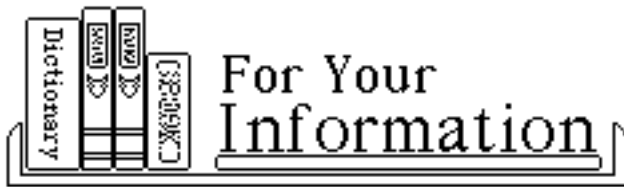
If you didn't get/read the e-mail I sent – I'm looking for a buyer for my Blue & White G3 PowerMac. If you're interested (or know someone who is), [or need more info]call me at the office.

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Join the Apple Corps of Dallas (<http://www.acd.org>) ! You won't regret it.

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Elementary, my dear Watson – If you're running Mac OS X.2.x, then you need to also be running Watson. What's Watson (beside Sherlock's sidekick)? Watson is Karelia Software's excellent 'time-saving "Swiss Army Knife" program that packs over 20 time-saving, productivity-enhancing interfaces to the most important web content and services.' (and it puts Apple's Sherlock to shame) It's so good, I paid the \$29 for it!. Go to <http://www.karelia.com/watson/> for more info



Why Am I Getting All This Spam? Unsolicited Commercial E-mail Research Six Month Report

Center for Democracy & Technology
March 2003

Summary

Every day, millions of people receive dozens of unsolicited commercial e-mails (UCE), known popularly as "spam." Some users see spam as a minor annoyance, while others are so overwhelmed with spam that they are forced to switch e-mail addresses. This has led many Internet users to wonder: *How did these people get my e-mail address?*

In the summer of 2002, CDT embarked on a project to attempt to determine the source of spam. To do so, we set up hundreds of different e-mail addresses, used them for a single purpose, and then waited six months to see what kind of mail those addresses were receiving. It should come as no surprise to most e-mail users that many of the addresses CDT created for this study attracted spam, but it is very interesting to see the different ways that e-mail addresses attracted spam -- and the different volumes -- depending on where the e-mail addresses were used.

The results offer Internet users insights about what online behavior results in the most spam. The results also debunk some of the myths about spam.

Introduction

Junk e-mail, a.k.a. spam, inconveniences tens of millions of Internet users and imposes huge costs on ISPs. Armed with lists of e-mail addresses, "spammers" send billions of e-mail messages every day -- messages that most users don't want.

It is often difficult or impossible to tell how a spammer acquired a user's e-mail address. Was it a result of some activity the user engaged in? Did the user give his/her e-mail address to the wrong person? Was the user randomly targeted? Are there steps the user could take to avoid such spam in the future?

This study attempts to answer some of these questions by analyzing common activities of Internet users and looking for evidence of some activities that resulted in one e-mail address receiving more spam than others. We do not believe that this report answers every question about spam, where it comes from, or how to stop it. However, by illuminating some of the ways that an e-mail address can be added to a spam list, the study provides users and policymakers with a better understanding of the problem and some guidance about how to better avoid spam in the future.

Major Findings

Our analysis indicated that e-mail addresses posted on Web sites or in newsgroups attract the most spam.

Web Sites - CDT received the most e-mails when an address was placed visibly on a public Web site. Spammers use software harvesting programs such as robots or spiders to record e-mail addresses listed on Web sites, including both personal Web pages and institutional (corporate or non-profit) Web pages.

CDT tested two methods of obstructing address harvesting: Replacing characters in an e-mail address with human-readable equivalents, e.g. "example@domain.com" was written "example at domain dot com;" and Replacing characters in an e-mail address with HTML equivalents.

E-mail addresses posted to Web sites using these conventions did not receive any spam.

USENET newsgroups - Newsgroups can expose to spammers the e-mail address of every person who posts to the newsgroup. Newsgroup postings, on average, generated less spam than posting an e-mail address on a high-traffic web site. In our study, we discovered that most newsgroup-related spam is sent to the address in the message header, even if other e-mail addresses are included in the text of the posting.

For the most part, companies that offered users a choice about receiving commercial e-mails respected that choice. Most of the major Web sites to which we provided e-mail addresses respected the privacy choices we made - when a choice was made available to us.

Some spam is generated through attacks on mail servers, methods that don't rely on the collection of e-mail addresses at all. In "brute force" attacks and "dictionary" attacks, spam programs send spam to every possible combination of letters at a domain, or to common names and words. While these attacks can be blocked, some spam is likely to get through. In many cases, spam generated by these attacks will be directed to shorter e-mail address (like bob@domain.com) before it is directed to longer addresses (like bobwilliams@domain.com).

Tips for Avoiding Spam

Currently there is no foolproof way to prevent spam. Based on our research, we recommend that Internet users try the following methods to prevent spam:

Disguise e-mail addresses posted in a public electronic place.

CDT received the most spam just by placing an e-mail address at the bottom of a webpage. Spammers "harvest" these addresses with computer programs that collect and process addresses and add them to spam mailing lists. If a user must post his/her e-mail address in a public place, it is useful to disguise the address through simple means such as replacing "example@domain.com" with "example at domain dot com" or other variations such as the HTML numeric equivalent, in which "example@domain.com" could be written "example@d omain.com."

Opt out of member directories that may place your e-mail address online. If your employer places your e-mail address online, ask the Webmaster to make sure it is disguised in some way.

Read carefully when filling out online forms requesting your e-mail address, and exercise your choice.

If you don't want to receive e-mail from a Web site operator, don't give them your e-mail address unless they offer the option of declining to receive e-mail and you exercise that option. If you are asked for your e-mail address in an online setting such as a form, make sure you pay attention to any options discussing how the address will be used. Pay attention to check boxes that request the right to send you e-mails or share your e-mail address with partners. Read the privacy policies of

Web sites. If you suspect that a Web site has violated its privacy policy, you can report it to your state attorney general or the Federal Trade Commission.

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Use multiple e-mail addresses.

When using an unfamiliar Web site or posting to a newsgroup, establish an e-mail address for that specific purpose. Alternatively, instead of just using one or two e-mail addresses, you can use "disposable e-mail addresses," which consolidate e-mail in a single location but allow you to immediately shut off any address that is attracting spam. By recording which disposable address was used at which web site, one can track what sites are causing spam. Many Web sites are now providing free e-mail accounts. A search in Google Directory for "disposable e-mail addresses" provides a list of e-mail providers designed for one-time use e-mails.

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Use a filter.

Many ISPs and free e-mail services now provide spam filtering. While filters are not perfect, they can cut down tremendously the amount of spam a user receives.

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Short e-mail addresses are easy to guess, and may receive more spam.

At least one spammer tried to guess the e-mail addresses used in this study by sending mail to short and common addresses. E-mail addresses composed of short names and initials like bob@ or tse@, or basic combinations like smithj@ or toms@ will probably receive more spam. E-mail addresses need not be incomprehensible, but a user with a common or short name may want to modify or add to it in some way in his or her e-mail address.

For further information, please contact Ari Schwartz at the Center for Democracy & Technology, 202-637-9800, ari@cdt.org.

If you'd like to obscure your e-mail address, or any other piece of text, try the free E-mail Address Encoder at <http://www.wbwip.com/wbw/emailencoder.html>.

See complete report at <http://www.cdt.org/speech/spam/030319spamreport.shtml>

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NEWSLINE

Judge: File-swapping tools are legal

By John Borland

A federal judge in Los Angeles has handed a stunning court victory to file-swapping services Streamcast Networks and Grokster, dismissing much of the record industry and movie studios' lawsuit against the two companies.

Read more about file-swapping

In an almost complete reversal of previous victories for the record labels and movie studios, federal court Judge Stephen Wilson ruled that Streamcast --parent of the Morpheus software--and Grokster were not liable for copyright infringements that took place using their software. The ruling does not directly affect Kazaa, software distributed by Sharman Networks, which has also been targeted by the entertainment industry.

"Defendants distribute and support software, the users of which can and do choose to employ it for both lawful and unlawful ends," Wilson wrote in his opinion, released Friday. "Grokster and StreamCast are not significantly different from companies that sell home video recorders or copy machines, both of which can be and are used to infringe copyrights."

The ruling is the second major setback to date to the entertainment industry's efforts to keep a tight rein on online file-swapping, following a similar decision in the Netherlands last year that found that Kazaa was not liable for its users' copyright infringements. If upheld, the decision could lead artists, record labels and movie studios to cast new legal strategies that they have until now been reluctant to try, including bringing lawsuits against individuals who copy unauthorized works over Napster-like networks.

According to the major record labels, file-swapping is a major contributor to declines in music sales over the past few years, a trend that has thrown the industry into disarray. Debt-ridden media conglomerates are now considering sales of their music divisions even as they begin to test paid online music services intended to compete with free file-swapping networks and turn the tide.

Attorneys called the ruling a blow for entertainment and record companies trying to stop the networks used to swap unauthorized copies of their works.

"This is a very serious setback for the record industry and other content industries, because they've uniformly won these cases in the U.S.," Mark Radcliffe, an intellectual property attorney at Gray Cary Ware & Freidenrich said.

While the ruling in no way validates the legality of downloading copyrighted music online, it would shield companies providing decentralized file-swapping software such as Gnutella (*and Limewire -Ed*) from liability for the actions of people using their products.

As such, it could provide new leverage for file-swapping companies such as Grokster, Streamcast and Sharman in negotiations with record companies and other copyright holders to license works legitimately. Since Napster's \$1 billion settlement offer with the record industry in 2001, file-swapping companies have repeatedly sought an amicable settlement with copyright holders but have been almost universally rebuffed.

The court's ruling applies only to existing versions of the Morpheus and Grokster software. Earlier versions of the software, which functioned slightly differently, could potentially leave the companies open to liability.

A spokeswoman for the Motion Picture Association of America (MPAA) said the copyright holders were deeply disappointed in the decision and would certainly appeal.

"We feel strongly that those who encourage, facilitate and profit from piracy should be held accountable for actions," MPAA spokeswoman Marta Grutka said. "We're hoping that people aren't taking this as an invitation to continue along the path of what is clearly illegal activity."

Recording industry officials said they saw some good in the ruling, but that they too would immediately appeal to the 9th Circuit Court of Appeals.

"We are pleased with the Court's affirmation that individual users are accountable for illegally uploading and downloading copyrighted works off of publicly accessible peer-to-peer networks," said Recording Industry Association of America (RIAA) chief executive officer Hilary Rosen in a statement. "(But) businesses that intentionally facilitate massive piracy should not be able to evade responsibility for their actions."

Wilson's decision comes in the most closely watched Net copyright case since Napster's demise.

The two pieces of file-swapping software affected by Friday's ruling remain among the most popular downloads on the Net, although they operate deep in the shadow of market leader Kazaa. Morpheus--once the undisputed leader--has fallen to about 120,000 downloads per week, according to Download.com, a software aggregation site operated by News.com publisher CNET Networks. Kazaa, by contrast, was downloaded more than 2.7 million times during the past week.

The RIAA and the MPAA sued Streamcast, Grokster, and the original parent company of Kazaa's software in October 2001, and the case has been making its way slowly through court since that time.

In late 2002, both sides asked the judge for summary judgment, or a quick ruling in their favor before going to a full trial. Wilson's decision in favor of the file-swapping companies Friday was tied to that months-old series of requests.

The decision does not directly affect Kazaa, at least not immediately. At the time that Grokster and Streamcast were arguing for summary judgment, Wilson had not yet ruled that the Australia-based Sharman Networks could be sued in the United States.

Sharman is scheduled to meet with RIAA and MPAA attorneys in court on Monday, to argue over whether its counterclaim against the record labels and movie studios should be dismissed. Friday's ruling, however, could change the direction of that hearing.

The judge's surprise ruling marked the first validation of an argument that file-swapping supporters have been making since Napster's first controversial arrival. Peer-to-peer file-trading is a technology that can be used for activities well beyond copyright infringement, and the technology should not be blocked altogether to stop solely its illegal uses, these backers have said.

In making that argument, the judge looked back to the landmark 1984 Supreme Court ruling that upheld the legality of Sony's Betamax videocassette recorder (VCR). That decision helped establish the doctrine of "substantial noninfringing use," which protects technology providers that distribute products--like the VCR or photocopier--that can be used for both legal and illegal purposes.

"We are absolutely very proud of this judge for having the unusual capacity to be able to grasp the technology and its future benefit to taxpayers and shareholders around the world," said Wayne Rosso, president of Grokster. "Technology is usually way ahead of courts and legislature. The fact that judge was able to acutely comprehend (this technology) is a credit to the legal system."

Not like Napster

Much of Wilson's ruling hung on the technological differences between Napster and the newer, decentralized file-swapping services.

Napster's service opened itself to liability for its users' actions by actively playing a role in connecting people who were downloading and uploading songs--a little like a physical swap meet provides the facilities for people exchanging illegal material, the judge said. By contrast, Grokster and Streamcast distributed software to people and had no control over what their users did afterwards, Wilson said.

When users search for and initiate transfers of files using the Grokster client, they do so without any information being transmitted to or through any computers owned or controlled by Grokster," Wilson wrote. "Neither Grokster nor StreamCast provides the site and facilities" for direct infringement. "If either defendant closed their doors and deactivated all computers within their

control, users of their products could continue sharing files with little or no interruption."

It didn't matter that the companies were aware generally of copyright infringement happening using their software, Wilson added--they would have to know of specific instances of infringement and be able to do something about it, to be liable for those users' actions.

That stands in stark contrast to an earlier ruling against file-swapping company Aimster, in which the judge explicitly said the file-trading company did not need to know about individual acts of copyright infringement as they were happening to be held liable for the illegal activity.

Friday's decision is likely to send shock waves throughout the copyright and technology communities, which have adjusted slowly over the last year to the notion that file-trading services such as these were mostly likely illegal. Technology companies have complained that the repeated lawsuits have stifled innovation, but many also have begun to move forward in alliances with authorized music--and film-distribution services.

The case will certainly be appealed. Because different courts have come to very different conclusions about the law, the issue could go as high as the U.S. Supreme Court, a process that would likely take years.

"This is far from over," said Fred von Lohmann, an Electronic Frontier Foundation attorney who has represented Streamcast in the case. "This is not the end, but it sends a very strong message to the technology community that the court understands the risk to innovation."

In the interim, the ruling is likely to produce another round of interest in legislation affecting copyright issue on the Net--an outcome that Wilson himself foresaw.

Policy, "as well as history, supports our consistent deference to Congress when major technological innovations alter the market for copyrighted materials," Wilson wrote. "Congress has the constitutional authority and the institutional ability to accommodate fully the raised permutations of competing interests that are inevitably implicated by such new technology...Additional legislative guidance may be well-counseled."

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Thanks for taking the time to read this month's newsletter. Hope you enjoyed it. If you have any comments or suggestions for stories (or would even like to write a story - hint, hint), please send them to me at <mailto:machelpdesk@attbi.com>. Feel free to share this newsletter with a friend. The newsletter archives are located at <http://www.machelpdesk.com/page6a.html>. Y'all come back now, y'hear!