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As an electrical engineer for twenty years with extensive experience both using and administering computers, I must comment on the growing "spyware" problem. Quite simply, no software applications or executables of any kind should be installed without the knowledge and consent of the end computer user.

In no other industry would it be acceptable to install additional items onto a customer's purchased product without his consent, and it should not be acceptable in the computer industry either. Think if someone were to crawl under every car in a public parking lot and install a device designed to play specialized advertisements on all channels of the radio periodically. This would certainly not be allowable without the knowledge and consent of each car owner, and yet that is exactly what many "spyware" programs do to computer owner's machines.

I believe any such anti-spyware law should require end user consent prior to the installation of any program, application, or executable. The consent form should consist of a simple list of the programs to be installed, with a one sentence description of the function of each program. This consent must be in plain language, and must stand alone requiring explicit approval.

Specifically, obscuring this explicit approval process by burying it in the typical EULA (End User License Agreement) should be prohibited. EULA's are already too long and too legalistic, and most computer users are conditioned to simply click through them without reading. Allowing the approval of software installation within the larger EULA, or within any other structure intended to obscure the information must be prohibited.

I do not begrudge any software vendor the right to package and distribute any combination of software he wishes. I simply believe the end user deserves to know what he is installing so that he can make an informed decision. Penalties for violating this act should be on par with any other fraudulent business activity, because fraud is what these sort of underhanded installers are perpetrating.

Sincerely,

Dale Schwent, BSEE