

Pirate Act' raises civil right concerns

A proposal that the Senate may vote on as early as next week would let federal prosecutors file civil lawsuits against suspected copyright infringers, with fines reaching tens or even hundreds of thousands of dollars. The so-called Pirate Act is raising alarms among copyright lawyers and lobbyists for peer-to-peer firms, who have been eyeing the recording industry's lawsuits against thousands of peer-to-peer users with trepidation. The Justice Department, they say, could be far more ambitious.

The Pirate Act was crafted to respond to the Justice Department's concern. "Federal prosecutors have been hindered in their pursuit of pirates by the fact that they were limited to bringing criminal charges with high burdens of proof," Sen. Patrick Leahy, D-Vt., said in March. "Prosecutors can rarely justify bringing criminal charges, and copyright owners have been left alone to fend for themselves, defending their rights only where they can afford to do so. In a world in which a computer and an Internet connection are all the tools you need to engage in massive piracy, this is an intolerable predicament."

Potential P2P prosecutions

Underlying the public jockeying over the Pirate Act is a classic political war of wills between the federal government's legislative and executive branches.

Under a 1997 law called the No Electronic Theft Act, federal prosecutors can file criminal charges against peer-to-peer users who make a large number of songs available for download. A July 2002 letter from prominent congressmen to U.S. Attorney General John Ashcroft urged the prosecution of Americans who "allow mass copying from their computer over peer-to-peer networks." But not one peer-to-peer criminal prosecution has taken place in the United States. The Justice Department has indicated that it won't target peer-to-peer networks for two reasons: Imprisoning file-swapping teens on felony charges isn't the department's top priority, and it's always difficult to make criminal charges stick.

"Corporate copyright welfare"

In addition, the Pirate Act gives Ashcroft six months to "develop a program to ensure effective implementation and use of the authority for civil enforcement of the copyright laws" and report back to Congress on how many civil lawsuits have been filed. The Justice Department would receive an extra \$2 million for the fiscal year beginning in October. "It represents yet another point in another very long line of major corporate copyright interests pushing for and receiving what amounts to significant corporate welfare," said Adam Eisgrau, a lobbyist for the P2P United trade association. "This legislation literally offloads the cost of enforcing copyrights traditionally borne by the copyright holder onto the federal government and therefore the taxpayers."

Microsoft Plans Update Release of Windows 2003

Microsoft will release an update to Windows Server 2003 to bundle in some of the add-on components the company has put out since shipping Windows Server 2003 last April, a company official said Friday.

"We've shipped a number of technical enhancements such as Windows SharePoint Services that enhance the functionality of the base platform," said Jeff Price, senior director in the Windows Server Group. "In talking with customers, they tell us ... they're happy we're doing that. At the same time they'd like us to do some work to make it easier to consume those things."

Timing for the option pack is not set, but it is expected to come prior to Longhorn Server, which had been the next planned release of the Windows server technology. Price said it was too early to say exactly what form the update would take or what it would be called. He hedged on comparing the update directly to an Office Service Release, Windows 98 Second Edition or the Windows NT 4.0 Option Pack.

Windows SharePoint Services, a major component of Small Business Server and the biggest file serving enhancement for Windows Server 2003, is an obvious fit for the update. Other candidates, based on Microsoft having identified the items as out-of-band releases in the past, include Digital Rights Management services, Automated Deployment Services, Real-time communications services, the Group Policy Management Console, iSCSI support and Virtual Server technology.

The update would most likely follow the first Service Pack for Windows Server 2003, which itself is expected to introduce security-related feature changes to the operating system.

Microsoft®

Microsoft Slows To Support Customers' Pace

For Microsoft's customers, the latest isn't always the greatest.

The software maker's decision to extend support for many of its products reflects a new reality: Customers are increasingly reluctant to update major software components every few years just to keep up with Microsoft's shipment schedules.

"By (Microsoft) extending support, we don't have to upgrade our applications as rapidly. We're not on Microsoft's treadmill," said Tim Kelly, technology director at TSYS, a large credit card transaction processor in Columbus, Ga.

Microsoft said last week it will prolong support policies for all business and developer products from the current seven years to 10 years, effective Tuesday. The new policy guarantees a minimum of five years of "mainstream" support, the basic level of assistance that includes free incident support and "hot fix" patches released to remedy critical problems.

Mainstream support is extended if Microsoft allows more than five years to lapse between major product releases, so that support is offered for at least two years after a next-generation product is released. Thus, Windows XP would be supported for two years after its successor, Longhorn, is released.

Once the mainstream support phase concludes, Microsoft will provide another five years of "extended" support, a reduced level that includes options for paid hot fixes and hourly support services. The support extension also mirrors the rising expectations among customers that Microsoft should stand by older products still in wide use. Microsoft reversed itself earlier this year on a widely criticized plan to end support for the Windows 98 operating system, which many businesses continue to use.

The software giant has faced similar complaints from customers running Windows NT 4.0, which is still in wide use, particularly among businesses in Europe.

"It's definitely a reflection of the fact some people can't move that quickly on new software, and some enterprises want to standardize on an operating system and skip (operating-system editions) every once in a while," said Mike Silver, an analyst at research firm Gartner.

Microsoft said it recognizes the problem. "Seven years, we find, is on the short side as people try to run their systems longer and longer," said Peter Houston, senior director of servicing strategy for Microsoft's Windows sustained engineering division.

"Ten years is actually a much better life cycle in terms of how customers are using products today."

The extended support plan comes as a reassurance to Christian LaForte, director of research and development with Dakis, a software maker based in Montreal.

The company, which makes software to help Web customers make buying decisions, chose to buy Microsoft's SQL Server database over the open-source MySQL database several months ago.

"This just confirms that we made the right decision. We chose SQL Server because we were pleased with Microsoft's service and support (for Windows). We are a small software company...and we don't want to do support ourselves," LaForte said.

Longhorn and the long range

Concerns about product lifecycles have been amplified in recent months as Longhorn, the high-stakes successor to current versions of Windows, has been subject to repeated cutbacks and delays. Both LaForte and Kelly said their companies are investigating Longhorn for their next-generation products. "Longhorn has a bearing on our future plans. We're tracking it closely," Kelly said.

Microsoft's mainstream support would have ended for the current Windows XP operating system in 2006 under previous policies, said Paul DeGroot, an analyst for research firm Directions on Microsoft. Microsoft has set a tentative 2006 release date for the client version of Longhorn. The server counterpart is expected in 2007.

"Maybe Longhorn (client) will ship before then, maybe it won't," DeGroot said. "If it doesn't, that means Microsoft (wouldn't have had) a desktop OS that's in the mainstream support cycle, which is a very tough position to put customers in."

"You could see they were going to have to do something to the support policy as Longhorn slips," Gartner's Silver said. "A new support cycle that goes longer and has some caveats (for product delays) gives companies more of the predictability they're looking for."

Microsoft's new policy also extends support for services packs, the major collections of patches and updates Microsoft periodically releases for major applications. Service packs will now be supported for up to two years for major releases, as opposed to previous policies that ended support as soon as six months.

