From: Josep L. Guallar-Esteve
To: Microsoft ATR
Date: 1/25/02 12:01am
Subject: Microsoft Settlement

To whom it might concern,

I'm an Information Technologies Engineer, with more than 6 years of experience in IT, now working as a Test Engineer in a Quality Assurance team. I think that the proposed settlement in the Microsoft Antitrust Case is a bad idea.

Please reconsider your position.

I have co-signed and I endorse the open letter that Mr. Dan Kegel has posted on the Internet here:

http://www.kegel.com/remedy/letter.html

Mr. Kegel points it nicely:

According to the Court of Appeals ruling, "a remedies decree in an antitrust case must seek to 'unfetter a market from anticompetitive conduct', to 'terminate the illegal monopoly, deny to the defendant the fruits of its statutory violation, and ensure that there remain no practices likely to result in monopolization in the future" (section V.D., p. 99).

The current proposed settlement, does not seek to unfetter nothing. It is uncapable of terminating illegal monopoly practices. It does not deny Microsoft Corp. the fruits of its statutory violation. And it does not ensure that Microsoft Corp. will end its current illegal practices.

For example, some ways that could enforce Microsoft Corp. to end its illegal monopolistic practices would be:

- Make open and public the documentation that specifies Microsoft Corp.'s file formats, like MS-Word, MS-Excel... Make open and public the specifications of actual and future file formats (when available). This will serve to open the market to competing products. The consumer will have a selection.

- Disclose MS-Windows API that will make possible for competing products to use programs designed for MS-Windows. This way, "MS-Windows compatible" Operating Systems could be presented as a real choice to the consummer.

- Mandate Microsoft Corp. to do not discriminate (in their licenses or wherever) against competing technologies or products. For example,

nowadays, their "licenses" forbid to use MS-Windows components in conjunction with Microsoft Corp's technology competitors. Yes, with their licenses, you cannot use MS-Windows Media without MS-Windows, when it is technically possible to do so using the emulator "WINE" under Linux (quoting their license: "you shall not distribute the REDISTRIBUTABLE COMPONENT in conjunction with any Publicly Available Software. "Publicly Available Software" means each of (i) any software that contains, or is derived in any manner (in whole or in part) from, any software that is distributed as free software, open source software (e.g. Linux)").

Well, there's more and in more depth at Mr. Kegel's website.

Yours sincerely,

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