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To: Microsoft ATR
Date: 1/10/02 1:10am
Subject: Microsoft Settlement

The proposed settlement of the M$ anti trust action represents a complete failure of the current laws to protect consumers & ensure a level playing field for competition.

Microsoft failed to abide by the origonal judgement against them, has clearly continued their anti competitive behaviour and has now taken that behaviour to even higher levels with the release of Windows XP.

The issues with XP are far wider & more serious than any previous behaviour & this behaviour is apparently now being condoned by this settlement which provides M$ with a platform to further promote their products over any alternatives.

Within Australia the pricing issues alone are beyond belief. US Court evidence indicated 50% overcharging of consumers, with exchange rates taken into account the overcharging in Australia has been 200% and now with XP, the removal of Domain login from the basic/home version of the operating system, small business will be forced to move from a $A400 operating system to an $A660 operating system. Some 80% of small business is affected & the cost worldwide will run into $USBillions.

The pricing of the M$ component of any PC price has risen in a market of dramatically increasing volumes, the opposite of normal market behaviour where shipment volumes increase.

This has been possible due to the monopoly position. In some cases the M$ component is now 50% of PC manufacturing Price.

There is also an element of using US PC manufacturers to engage in product dumping into the international market to the detriment of international PC assemblers. The court evidence indicates some US manufacturers purchased NT4
Operating System at $US20 where local manufaturers in Australia were being charged $A320 ($US160)

The schools concerned could utilise free open source software rather than waste money on M$ software & thus free up resources for additional hardware or teaching resources.

Throughout the current case M$ has been clearly in contempt of the courts in their actions which have been designed to ensure that it was not possible to recall or change products in the field with the browser (as distinct from the HTML rendering engine &

communications utilities) embedded in the Operating Systems.

The W98SE & Windows ME releases along with various Browser updates have been dubbed "The DOJ releases" with good reason.

This case has been a classic example of how a Corporation can use delaying tactics in the courts to their advantage & profit from those tactics.

This proposal for settlement should be withdrawn and a regime which ensures an open standards interface approach is adopted with full disclosure of all API's for application services & network services put in it's place. Penalties which reflect the magnitude of the crime and recover the revenue improperly gained by M$ during the case should also be put in place

In addition to the above a public list of areas in which people believe M$ has/is acting improperly should be initiated. There are numerous areas in which this has been the case & the current case has only brushed the surface. A public list/discussion board is the only way in which the technical details of how M$ has acted anticompetitively will ever be fully disclosed or determined.

Competition law will not be treated with any respect by Corporations unless this settlement is revised

Wayne Carruthers