

terms & conditions

What Are My Terms and My Conditions?

I suppose we could have seen this one coming. It was the collision that took place at the corner of Corporate Protectionism and Unintended Consequences, and our collective sanity was the lone fatality.

Let's start with the unintended consequences. For the past two generations the human community has given itself over from hunting and gathering to typing and surfing. And why shouldn't we? Hasn't our progress been nothing short of miraculous? Can we not summon the storehouses of human knowledge with our fingertips? Haven't we proven Darwin correct by the amazing hand and buttspans that our children are developing? Hasn't humanity changed itself forever?

Possibly, but let's not sell our homes and move to Mt. Olympus just yet. There seem to be a couple of side effects from the massive quantities of electronic steroids we've been ingesting. Problem one: we're addicts. That surf crashes against our screens like a 24/7/365 tsunami and we just can't pry ourselves off the beach. Nonetheless, we've all seen enough reality television to know that the first step toward curing an addiction is to admit (tearfully, after having been surprised by loved ones and a camera crew in the living room) that we do indeed have a problem. Because of my unwavering faith in the human condition, I know that we would all take that important step toward healing except for one other tiny issue: problem two. It seems that while we have been getting oh-so-smart we have been simultaneously losing our ability to concentrate on matters at hand. (I have seen data that substantiates this assertion but I can't remember exactly where.) Relentless media saturation causes our minds to constantly wonder off in anticipation of the next shiny object. You don't believe me? Here, take this brief quiz: Are you still reading this article? If you answered, yes, then statistically you're getting ready to skip to the final paragraph to see where all this is headed. If you answered, "wait... what?" then I rest my case. There

is a point where too much stuff is in fact too much, and we passed that point long ago.

It is precisely that too much stuff issue to which I now turn in order to air my grievance with corporate protectionism. The technology purveyors of the world are exploiting our obvious inattention (which is mostly their fault) by insisting that we bind ourselves over in unilateral legal agreements before their toys will operate or their software will actually install or run. My new vendetta: the dreaded terms and conditions (or user acceptance policy or whatever they call it) that has a box that I am being forced to check before my life can resume.

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my point and I rest my case. You object? Overruled, motion for summary judgment, ipso facto directed verdict for the plaintiff, court is adjourned and your invoice is in the mail. (And may it please the court, all those thousands of episodes of Law and Order were obviously not the waste of time they seemed to be.)

In all honesty I would have to admit – even to myself – that my quest to rid the world of terms and conditions (T&C) is really academic because (a) lawyers have a vested interest in writing them, and (b) no one else actually reads them. Unlike before, I can

Why do the watchdogs of the business community drag us through all that legal stuff when they know that the slacking of the jaw is pretty much a done deal by the second sentence? Now, I'm not a lawyer but I do play one on the Internet. (Where, by the way, I am also young, very good looking [VGL], fabulously wealthy and drive a Maserati.) If there isn't a strong case to be made for voiding online contracts due to diminished capacity then someone just isn't paying attention, which only proves

substantiate this belief with solid facts, and here they come, once you take another brief quiz: Have you ever read any of the terms and conditions that you've agreed to in order to get software to install or update? If you answered, yes but you're lying just to invalidate my quiz results, then you don't count. If you answered, yes and you're telling the truth then your life is a pathetic cry for help that I cannot answer. If, however, you answered, no or even, hell, no, then you have confirmed my belief in the pre-eminence of legal boredom. The nos have it by a substantial margin.

We must accept the fact that users don't care what software companies have to say for 18 scrolling feet of legalese – they just want their stuff to work so they can get back to the beach. To help eradicate user indifference in the face of weighty legal matters, I suggest a new standard of T&C brevity that I know from my Internet legal practice would stand up in any virtual court in the land. My terms are every bit as fair as the old ones and yet they easily display on one small screen:

1. We, the company, own everything good about this product. Don't even think about loading it down, loaning it out or otherwise trying something that could potentially cut into our revenue stream. You have no ownership, no rights and no real way to appeal. If you don't like it, remember the strength of the American government and write your U.S. Congressman.

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2. Disgruntled? Wondering if we would be open to any changes? Sure, as a matter of fact, here's a change you can try right now: remove your CD from the drive and mount it on your left index finger. Using your right index finger, spin it as fast as you can. Then hold a really bright red flashlight up to it while it's still spinning and see if you can hear any music come out. You assume all risk, but good luck with it and do be sure you let us know how it goes.

3. If something bad should happen while you use our product, the company only recognizes two kinds of fault: (a) yours and (b) somebody else's. Don't come whining to us if it doesn't work or breaks down or sends your credit card number to some third world nation full of identity thieves. All of that is covered in either 3a or 3b.

4. In the off-chance that the CD and flashlight thing in No. 2 actually works for you, that was our idea and we own it and we're calling it FingerLight for PCs and iFinger for the Mac (or perhaps iFinger 2 since it requires both hands and it sounds more advanced). Now you owe us more money. Pay up and happy spinning.

___ Click here if you want anything to work. And that's just a maybe – no promises.

___ Wait... what?

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"Good work on the revised Terms and Conditions for our new residents, Finsterman. Maybe they'll actually read them this time."