

Spyware Rulings Benefit Consumers

September 6, 2007

In an important ruling for consumers, a federal court in Seattle this week found that an anti-spyware provider was immune against the legal claims brought by a company that distributes potentially unwanted adware. The [court ruled](#) [1] that the Communications Decency Act protected Kaspersky Lab Inc. against claims that its spyware-filtering tool interfered with the functioning of Zango Inc.'s "adware" program. The case was one of two rulings against Zango in suits the company had filed against anti-spyware vendors. The other was [Zango v. PCTools](#) [2]. User empowerment is key in the fight against spyware. In both these cases, Zango was attempting to keep its adware program functioning even when users installed anti-spyware software to counteract such behavior. Anti-spyware vendors have the difficult task of deciding what software is dangerous or objectionable to their users. However, providers of such tools have previously been threatened with legal action for targeting certain software for blocking or removal. Some software is unwanted by some users and not others. And many potentially unwanted programs exhibit both desirable and undesirable behavior. It is up to anti-spyware vendors to decide what poses a risk to their users, and provide their users with appropriate choices to deal with that risk. The danger of the sort of lawsuit brought by Zango in these cases is that intimidation could discourage anti-spyware vendors from using their own best judgment about what software to target, in turn limiting the quality of tools available to the consumer. The Kaspersky decision, in particular, offers important reassurance for anti-spyware companies, and will make it harder for companies like Zango to be successful in legal intimidation tactics. Given the robust competition in the anti-spyware market, users have a great deal of choice regarding the level of targeting and protection that best suits them. Anti-spyware providers, meanwhile, can look for guidance in the [Anti-Spyware Coalition \(ASC\) standards](#) [3]. These guidelines were developed by anti-spyware software companies, academics, and consumer groups in order to create industry standards in the assessment of spyware. These guidelines ensure that vendors follow industry standard guidelines, providing grounds on which to defend their identification of spyware and the actions they take to protect consumers.

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Links:

[1] <http://claranet.scu.edu/tempfiles/tmp33547/zangokaspersky230ruling.pdf>

[2] <http://www.sunbelt-software.com/spyware/zango-pctools-tro-denial-060507.pdf>

[3] <http://antispywarecoalition.org/documents/index.htm>