

CDT Files Complaints Against Major Adware Distributor

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In the first complaint CDT outlines a pattern whereby 180Solutions, through its web of affiliate relationships, deliberately and repeatedly attempted to dupe Internet users into downloading intrusive advertising software. The complaint illustrates how 180solutions continued this pattern of practice even after being warned by technology experts, privacy advocates and its own auditors that its practices were unethical, and in several cases, illegal.

CDT believes that those practices have caused harm to millions of Internet users and have damaged the trust that many ordinary citizens have in the Internet. Although CDT had initially hoped to resolve those concerns by engaging in dialogue with the company, 180solutions has done little to address the flawed business practices that have triggered a string of abuses. In its complaints, CDT called on the FTC to use all the tools at its disposal to halt the bad practices and seek financial redress for consumers harmed by 180solutions and its affiliates.

Based in Bellevue, Wash., 180solutions sells advertising and distributes advertising software on its own Web sites and through a far-flung network of affiliates. Once installed, the software tracks users' online movements and displays advertisements based on the sites they visit.

CDT has been investigating 180solutions and its affiliates for more than two years. During that time, CDT alerted the company about several of its affiliates that were deceptively installing 180solutions software. 180solutions was initially cooperative, halting certain practices, and even going so far as to file lawsuits against some affiliates. However, throughout that period, CDT received a nearly continuous stream of new complaints about 180solutions and its affiliates.

After more than two years of investigation and discussion, CDT concluded that 180solutions' underlying business model is fundamentally flawed, and that until it is changed, consumers will continue to become unwitting victims of its deceptive software installations.

In addition to the broad "pattern of practice" complaint, CDT also joined with the Technology Law & Public Policy Clinic at the University of Washington School of Law to file a separate complaint

targeting 180solutions' ongoing relationship with a specific affiliate, CJB.NET.

- 180solutions pattern of practice complaint: <http://www.cdt.org/privacy/20060123180complaint.pdf> [1] (15-MB PDF)
- CJB.NET Complaint: <http://www.cdt.org/privacy/20060123cjb.pdf> [2] [pdf]

(2) Other Anti-Spyware Efforts Move Forward

Elsewhere in the anti-spyware arena, the Anti-Spyware Coalition (ASC), earlier this month released its finalized "risk-modeling" document, which describes the objective criteria that anti-spyware companies use to determine whether programs should be flagged as "spyware."

The document, which goes into considerable technical detail about the specific behaviors that make certain technologies risky, will help users better understand the functioning of the products that protect their computers, as well as offering anti-spyware companies guidelines for their own proprietary rating processes.

CDT coordinates the efforts of the coalition, members of which include academics, public interest groups and many of the world's foremost anti-spyware companies. The ASC was formed with the aim of improving the technological response to spyware. It draws on the combined expertise of its members to help consumers better defend their computers against unwanted technologies; improve communication about what constitutes spyware and how anti-spyware companies combat it; and offer proposals for strengthening anti-spyware technology globally.

Before issuing the risk-modeling document, the ASC in 2005 published a consensus definition of spyware, drawing on the expertise of its own extensive membership and input from the public. That language gave stakeholders in the anti-spyware arena a common language to address the problem and established the foundation for future coalition efforts.

Just as the spyware definition laid the groundwork for the risk-modeling document, the risk-modeling document sets the stage for the eventual development of industry-wide "best practices."

January also marked the launch of a new anti-spyware organization, StopBadware.org. Created by Harvard University's Berkman Center and the Oxford Internet Institute, StopBadware.org will "spotlight the companies that make millions of dollars by tricking Internet users to download malicious spyware, adware and malware programs they don't want."

StopBadware.org compliments the growing phalanx of groups joined in the effort to stamp out unwanted software. Google, Lenovo, and Sun Microsystems are sponsoring the project and Consumer Reports WebWatch is serving as an unpaid special advisor.

In a related development TRUSTe, the online privacy certification organization, announced that it would launch a "Trusted Download Program" to provide advertisers and others with information on certified downloadable advertising and tracking applications. The program sponsors include AOL, CNet download.com, Computer Associates, Verizon, Yahoo!

- ASC Risk modeling description: <http://www.antispywarecoalition.org/documents/RiskModelDescription.htm> [3]
- ASC Spyware Definitions: <http://www.antispywarecoalition.org/documents/definitions.htm> [4]
- StopBadware.org: <http://www.stopbadware.org> [5]
- TRUSTe Trusted Download Program: <http://www.truste.org/trusteddownload.php> [6]

(3) Anti-Spyware Coalition to Hold First-Ever Public Meeting

The ASC also this month finalized the agenda its first-ever public workshop.

An assemblage of leading spyware experts from the public and private sector are set to convene in Washington February 9 for the meeting: "Defining the Problem, Creating Solutions." Federal Trade Commission (FTC) Chairman Deborah Platt Majoras will keynote the packed one-day event, which includes federal regulators, top state technology and law enforcement officials as well as representatives from public interest groups and the nation's largest Internet companies.

Since its inception last year, the ASC has relied heavily on public input to refine and improve its work. Both of the major documents the coalition has released thus far were thrown open for public comment before being finalized. In both cases, concerned stakeholders helped the ASC to make important refinements.

The workshop will not only allow anti-spyware experts to discuss the latest developments in the ongoing fight, it will also provide coalition members a valuable opportunity to hear directly from the public about their principal concerns surrounding spyware.

The one-day event will feature panels focused on anti-spyware technology, cross-border issues, industry self-regulation and possible legislative responses, and other topics.

In addition to Majoras, Federal Trade Commissioner Jonathan Leibowitz and Wall Street Journal columnist Walter Mossberg will offer keynotes.

The ASC will hold a second public meeting in Ottawa on May 16.

- Final Workshop Agenda: <http://www.antispywarecoalition.org/events/feb2006agenda.htm> [7]
- Online Registration Form: <http://www.acteva.com/booking.cfm?bevaaid=97961> [8]

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Links:

- [1] <https://www.cdt.org/privacy/20060123180complaint.pdf>
- [2] <https://www.cdt.org/privacy/20060123cjb.pdf>
- [3] <http://www.antispywarecoalition.org/documents/RiskModelDescription.htm>
- [4] <http://www.antispywarecoalition.org/documents/definitions.htm>
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