



DAVE PEARMAN

*If you think you have freedom of speech on the Internet, you're sadly mistaken.
And a good job too, for anonymity is the last refuge of the scoundrel*

Those of us who occasionally have time to frequent Internet newsgroups can't fail to have noticed all the discussion of the prominent case of Dr Laurence Godfrey v Demon Internet. Indeed, for a while – once Demon failed to appeal – many groups talked of little else. Why should a single legal action provoke such levels of debate? Simple – it (appears) to have set the precedent for individuals to hold an ISP responsible for any material held on their servers.

While this particular action was concerned with an allegedly libellous posting on Usenet, in principle the same applies to e-mail and Web pages. Indeed, within days another ISP, NetBenefit, had removed the Web site of *Outcast* magazine, after pressure from lawyers about potentially libellous material. Material which hadn't, in fact, even been written yet. Freedom of speech campaigners, including the Campaign Against Censorship of the Internet in Britain, immediately branded this as the beginning of a new era of censorship, forced on ISPs by the Demon ruling.

The details of the case itself are long and complex, and thousands of pages have been written about it already. If you're interested, I

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suggest you search out the growing list of Usenet postings and Web pages that exist already. I'm more interested in the principles addressed by the case, rather than the minute detail of who said what, and when.

For a start, I'm pleased that common sense prevailed, and individuals no longer have to put up with libellous material about them being posted on-line with impunity. It's long been the contention of ISPs (and may soon be enshrined in EU legislation) that they are simply carriers of data, and not the publishers of it. If the *Radio Times* libels you(!), you pursue the BBC, not the postman who delivered your subscription copy, they argue. And I agree with them – up to a point. Making your ISP legally responsible for every byte of data that flows through their system is unworkable, and would put an intolerable strangle-hold on the Internet. However, where Demon got it wrong was in not removing the material once it had been notified of its existence and its defamatory nature.

If you're libelled in print, you have a clear method of recourse – if you don't get satisfaction from the author or publisher of the

libel, you can sue. If the publisher won't withdraw the publication containing the libel, you can get an injunction. Arguments about the non-availability of legal aid, and the David and Goliath nature of many such court cases aside, a system is in place, and it's now shown to be applicable (in certain circumstances) to on-line activities too.

But what about the authors of the original libel? Well, in printed libel cases, there's often little to be gained from pursuing the writer of a defamatory letter about you published in *The Pig Breeders Gazette*, *Dungy-on-the-Wold*, alleging that you don't know your fertiliser from your slurry.

No, you go for the publishers – they've got the money. And if you think that isn't likely to happen very often, take a look in just about any Internet newsgroup. In many of them, every other message says something defamatory, or at least inflammatory. The most sensible of discussions soon degenerates into a mud-slinging exercise, often involving foul-mouthed rants about cross-posting, large signatures or forged headers.

It's cowardice

Worse, the average man in the street has no way of proving who's posting these messages, as the worst perpetrators use multiple aliases and accounts, employing every technical trick in the book to conceal their true identity. There's a word for this. It's cowardice. When reading many messages, I apply my own test for what is reasonable – would you say the same thing if the person you're saying it to (or about) was standing in front of you? And the answer, almost universally, is no. While I am certainly not suggesting violence as a means of resolving disputes (particularly in the aftermath of the Tony Martin case), human nature is such that unacceptable behaviour is less likely when the consequences are taken into consideration.

Freedom of speech is an important principle, but it has limits, and those limits should be no different on-line. If you say something defamatory, you should expect to be prosecuted for it. Yet in the same way that the Sale of Goods Act doesn't seem to apply to cars, the laws of libel are broken every day (probably every minute) on-line, and nobody is doing anything about it, until now. And about time too. As if to demonstrate its unparalleled diversity, the Internet has the last laugh, with the most preposterously-named newsgroup ever: alt.freedom.of.speech.moderated, where, unsurprisingly, very little is going on... **PCP**

Do you agree? Is Dave arguing for a censor's charter? Is the Demon case a blow to the roots of what's made the Net great? Let us know! E-mail us at pcplus.mailbox@futurenet.co.uk, or Dave at dave.pearman@futurenet.co.uk





MARTIN BANKS

The Justice Dept is about to discover that like the hydra of Greek myth, when you cut off Microsoft's head, two more grow in its place...

When it comes to big business systems, one of the key arguments that always rages is whether it is better to buy a packaged, turnkey solution from a single supplier, or opt for 'point solutions'. This argument has rarely surfaced in the PC marketplace that contributed to the success of Microsoft and Intel over the years. It looks as though the same thing is about to happen with the new client devices coming along, such as mobile phones and hand-held devices.

'Point solutions' for a business user often end up as better systems, but with far more hassle in the selection process. It is, in effect, the process of choosing the best product or service solution for each 'point' in the process. It can be very effective, but can also be one of the best job creation/maintenance schemes ever invented. Someone has to keep ensuring that each point solution is still the best choice and, if it isn't, that the new best choice will integrate and work with all the others.

With the PC, the Intel hardware architecture and Microsoft's operating systems set the PC platform in a slowly developing aspic. This, as we have seen, was the archetypal Curate's Egg – good in parts. The good bit was that all those geeky decisions about which 'point solutions' were needed to create our individual systems went away. The bad bit was that no one ever quite got the system they wanted. It also led to the power-base that brought confrontation with the US Department of Justice over Anti-Trust violations for Microsoft and Intel.

Microsoft, ever the arrogant, fought the battle with the DoJ and lost. But there has to be a serious question mark, now, over whether it lost the battle simply to win the greater war. The battle over Microsoft's transgressions in dominating and manipulating the PC market is all but over, and the result will not be in Microsoft's favour.

Microsoft has learned not only how to **dominate markets**, but how to confuse the Justice Dept into fighting **the wrong battle**

But that now hardly matters. It now happily offers to take actions, such as open source the code for Windows, that two years ago it fought against tooth and claw. The reason is simple: Windows and the PC market is becoming increasingly irrelevant in the great scheme of things. If the company never made another penny out of the damned thing it would hardly matter a jot.

But the war is still on, and Microsoft shows signs of having learned not only how to dominate markets, but also how to confuse the US DoJ into fighting the wrong battle. While the wheels of the DoJ still work to grind Microsoft's PC business practices into dust, the company has set its sights elsewhere – the next BIG market, the wide world of personal client devices and associated services.

It is starting to move in on an area where there are, at the moment,

only 'point solutions' and a good deal of hot air and hype. Sure, there is a lot of talk about the major players partnering in various forms, and there is the Symbian consortium that is trying to build a new operating and services environment for such devices around EPOC, the operating system used in the Psion 5 hand-held.

The Lion of Psion?

The image of Psion as Apple in the above analogy is hard to shake off: whether it has better technology or not is totally irrelevant to Microsoft. All Symbian will do, as Apple did before it, is help create the expectation amongst users that something good and useful is coming. The one advantage that Symbian may have in the coming battles is that it is a consortium of companies that, hopefully, will produce different but complementary products and services. Apple stood resolutely, nay, arrogantly alone, and paid a severe price.

But it is areas such as Symbian's back yard that Microsoft's attention is drifting towards these days. It is also to things like the Wireless Application Protocol (WAP). This is a perfect target for the Redmond machine, in that it offers huge potential, but little of real, everyday substance just at the moment. What is more, like many attempts at 'imposed' standardisation, it is not without its problems.

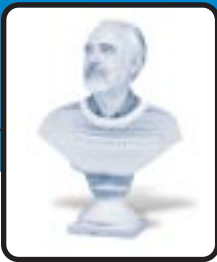
For example, there are already complaints appearing about WML, the WAP Markup Language, which in effect means that Web sites will have to be written not for HTML users (the existing PC brigades) but also for both the four-line and eight-line display formats WAP-compatible devices will use. There are also issues to do with security and the breaching of intellectual property rights to be resolved, as well as customer-related pricing issues to be solved. The latter issue has to do with the costs users can incur using the system to receive calls and information. It is possible that users could end up having to pay to receive emailed marketing Spams, for example. Such problems are meat and drink to the Microsoft marketing machine, which is not only moving in on the WAP Forum, but openly admits that it does not support the standards, and has its own instead – Microsoft Mobile Explorer.

It is not difficult to predict what then happens. Companies – both those providing the systems and those producing the content – will be offered a choice between a single, assured, well-founded and above all knowledgeable supplier (beginning with 'M') and a ragbag of arm-wrestling also-rans. Next, everyone will feel they have no choices left, and finally transgression from the norms set by Redmond will be terminated with extreme prejudice.

By the time the US DoJ catches up, Microsoft will be on to the next 'Big Thing', of course. That could be direct thought communications services and then Microsoft will, at last, own your brain. **PCP**

**What do you think? Is this the end for Microsoft?
Let us know – e-mail us at pcplus.mailbox.co.uk or
Martin at banksie@cix.compulink.co.uk**





CHRIS BIDMEAD

*The operating system is dead and the Internet is the murderer.
All that remains is for everyone to realise the awful truth...*

What struck me during a recent download exercise (for the operating system BeOS) was the vast distance we've come since I first started reviewing software. Back in those days, the procedure was to write a letter snail-mail style to the manufacturer, usually in the States, and then wait a month to receive the product.

This was compiled for the 8-bit CP/M operating system, but CP/M machines each had their own ideas of what a floppy diskette, screen and keyboard should look like. So physically the software would arrive on single-sided 8-inch IBM format floppy diskettes, the only approximation we then had to a diskette standard. My machine used the latest hard-sectored Micropolis 5-1/4 drives, so I had to take the 8-inch floppies from London to Nottingham, where the managing director of Almarc Data Systems, importer of my computer, helped me copy them across to Micropolis drives.

With the advent of the IBM PC, the software would arrive in large boxes, stuffed up with expanded polystyrene to make them look more important. And we had a hardware standard, so users were spared from hand-tailoring the code. The downside was a decade or more of machines that were all essentially the same, the only evolution in this uncompetitive design arena being the speed of the processor. If the CP/M era was prehistoric, the IBM PC era was the Middle Ages.

Direct download

These days, most of the programs I run on my machine are downloaded direct from the Internet. I see something I like, and within minutes (or hours if it's a major megabytes package like BeOS) I'm kicking it about. The BeOS download was an exception, not so much on account of its size (roughly equivalent to 150,000 of those old IBM 8-inch floppies, by the way), as the fact of it being a pre-compiled binary. Back in those dim, dark CP/M days you took it for granted that the software would be delivered as binaries, and for most Windows users today that's still the case. The argument is that end-users don't want to be bothered with having to compile software and, in any case, manufacturers would much rather nobody messed with their proprietary code. Or peeked into it to see how it was put together, and how to change things around and fix bugs.

But the Internet is, by definition, a cross-platform interconnect. In order to read this column you don't need to know what word processor I'm using, what operating system underpins it, or what processor it's running on because it's written in a standard communications protocol called English. The Internet is designed in the same way, around communications standards that give nary a fig for local conditions. The World Wide Web, sitting on top of the Internet, offers a further level of hardware and software independence.

It's worth reminding ourselves of this from time to time. Last week a press release from National Semiconductor crossed my desk, lauding the new Geode GX1 processor "designed specifically to power information appliances, such as personal access devices for the Internet..." A phrase caught my eye in the following paragraph: "Its proven x86 core provides consumers with a no-compromise Internet experience because popular

software plug-in modules for the Internet are supported."

This suggests that if you're not using an Intel-compatible processor you're getting a 'compromised' Internet experience. But wait... Intel will tell you, of course, that if you're not using a genuine Intel processor – and the latest version at that – your Internet experience is also going to be less than optimal. Likewise, Microsoft would have you believe that without Internet Explorer your view of the Internet will be tunnel vision at best.

Without some of these processor-dependent plug-ins what happens on your machine may not be what the deviser of the Web page expects to happen. My response: that's the Webmaster's problem.

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The way forward for the Internet isn't about retreating back into the isolation of those old parochial proprietary standards. With ADSL and cable modems we're all in for a big hike in bandwidth, but that's peanuts compared to what the next decade has in store.

Trials of terabit per second networks are already commencing, and to drive all this and distribute information to its correct destination it looks as if we're going to be able to use lambda switching – direct optical switching depending on light frequencies – as a replacement for today's inherently much slower electronic packet switching.

By coincidence the ex-managing director of Almarc Data Systems, for many years now a very good friend of mine, dropped in while I was playing with my new download from www.beos.com. I sat him down in front of it, and came back ten minutes later to get his opinion. "So what do you think of BeOS, Marcus?" I asked. "Oh, fine," he said. "But it's just another operating system."

Looking over his shoulder I saw he was using BeOS's NetPositive browser to check on his stock quotations – having found the browser he'd spent the whole time on the Web. That underlined for me the fact that however residually fond we are of our PC, the box itself, operating system, processor and all, is becoming irrelevant. More and more, the Net's the thing. Or as that old 1960s media sage, Marshall McLuan, put it: "The Medium is the Message." **PCP**

If the operating system is dead, what are our readers going to have left to play with, in future?
E-mail us your suggestions to pcplus.mailbox@futurenet.co.uk or Chris at bidmead@cix.co.uk.

