

Spoke to Ian on 16/9

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Dear Carl

Whose licence is it anyway? A study of end use licence agreements for computer software

Thank you for sending a copy of the above report 'whose licence is it anyway?' to Mike Haley. I have been asked to respond on Mike's behalf, and I apologise for the delay in doing so.

The Consumer Protection Group at OFT has followed the recommendation in the report and we have examined the potential unfair terms identified within it. We agree that there is a serious need for providers of end user licence agreements to redraft their terms in order to comply with the Unfair Terms in Consumer Contracts Regulations 1999 ('UTCCRs'). From the examples shown in the study, it is clear that many of these agreements are neither formatted for easy reading nor written in plain and intelligible language, nor do they reflect the position in English law.

We are looking in more detail at this matter and we have discussed the options available to us. In the first instance, we would like to know if you have circulated the NCC study to the main companies highlighted within it and, if so, what their responses were. If not, we would like to send your report to these companies, invite their comments and ask what action they are taking to address the concerns within it. Where appropriate we will consider writing under our enforcement powers.

We would also find it useful if you would provide details of the examples of good practice that you came across in your study and that might be pointed out as a 'good model' or better to follow.

We will keep you informed of our progress. In the meantime, we look forward to your response in relation to the distribution of the study and any examples of terms compliant with the UTCCRs.

