

consumerwatch



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Adverts are causing all sorts of problems this month. It seems Amazon's cut-price iPaq deals really were too good to be true, while Dell's free software offer comes in for more criticism. Elsewhere, the Sale of Goods Act gets updated in line with current practices



Alterations to the Sale of Goods Act arising from the enactment of EU Directive 1999/44/EC (more details can be found on page 18), which came into force on 31 March, will slightly improve the situation for consumers returning faulty goods.

The burden of proof for any customer requesting product repair, replacement or refund within six months of purchase is now shifted to the seller. But high street retailers PC World and Currys say the new rules will bring little change to the current situation as they simply enforce current acceptable practices.

"Most stores already employ these rules, giving the customer the benefit of the doubt," said a spokeswoman a

PC World. Currys agrees: "Customers already have a 28-day money-back guarantee and this will not be affected," said the group's spokesman.

The Trading Standards Institute's chairman Maggie Loveday-Gibbons also agrees. "Responsible retailers should not find the regulations a problem. I believe they put into law what is currently considered good practice."

PC World will still be referring all claims to its engineers. "There's a big gulf between just accepting a customer's word that there's a fault and accepting that it was there at point of purchase," said PC World's spokeswoman. "Engineers will first determine whether the fault is down to us and then we will take the customer's word

it was there at the time of purchase." But consumers will still have to act quickly if they want a full refund on faulty goods.

If there's an obvious fault that should have been picked up before money changed hands then buyers will not be able to bring the product back.

Consumers will still be able to claim 'a reasonable amount of compensation' up to six years after the date of purchase, as has always been the case, but this does not mean that the goods should have a lifespan of six years. It simply means that the claim must be made within six years for all good purchases with a defect.

Rather than huge changes to existing laws, the new Regulations Act brings the UK in line with the rest of Europe.

Whoops, it happened again

This time it was Amazon's turn to under-price goods for sale on its website. The online retailer advertised two HP iPaq handheld devices for a mere snip of their actual values. As usual, eagle-eyed *PC Advisor* readers were there to pounce on the offer.

HP's £300 iPaq h1910 was up for grabs for a bargain price of £7.23, while its high-end sibling, the £550 h5450, was advertised at £23.04. The company had to close the site for around an hour while it removed both products.

Amazon remained tight-lipped about how many orders it had received, but word of the bargain goods spread quickly and many people requested the devices. The question of whether it is reasonable to believe that the price advertised was the real price didn't even arise.

How to contact us

Got a problem with a manufacturer or vendor? Unsure of your consumer rights? Interested in a company's reputation? Get yourself to the ConsumerWatch forum.

www.pcadvisor.co.uk/consumerwatch



Instead, the company referred to its terms and conditions which state, "No contract will subsist between you and Amazon.co.uk for the sale by it to you of any product unless and until Amazon.co.uk accepts your order by emailing confirming it has dispatched your product."

Amazon, therefore, see the 'confirmation' email simply as an acknowledgement of the order rather than affirmation that the goods had been sent and the buyer's credit card charged. But several readers contacted us to say they had received confirmation, believing that they were in a strong legal position to receive the goods.

Unfortunately, Amazon's legal department was unavailable for further comment and a company spokeswoman would only tell us, "We've put everything down in our statement and that's as much as I can say."

Copycat dilemma

Having read about Mrs Doran's Dell dilemma in *PC Advisor's* April ConsumerWatch, reader Chris Wilson realised he too had received trial software, instead of the promised full versions, as part of his Dell Dimension package.

Unfortunately, Chris realised this too late and has since shelled out for a full copy of Norton AntiVirus which, according to Dell's advert, he should have received free with his system. Dell is currently investigating the case, but had not yet resolved the issue as we went to press.

Pat on the back

On the rare occasion a reader writes in to praise a company, we feel it's only right to give them a deserved pat on the back.

This month praise goes to Nebula Electronics, whose DigiTV PCI card was featured in our Spring issue. Despite having problems setting up his card,

PC Advisor personal data privacy campaign

Have you ever been sold a PC that had someone else's information on? Or has a PC you returned to a company been resold without being properly wiped? If either of these things have happened to you, we want to hear from you. If you find a previous customer's data on a PC purchased from the Dixons Stores Group don't forget to email Simon Turner the managing director at simon.turner@dixons.co.uk.



Email us at pcadvisor_consumerwatch@idg.com and we'll take it from there

PC Advisor reader Mark Cormack was extremely impressed with the level of service he received from the company.

He emailed Nebula's helpline for advice and received a response within

some companies still care about their customers," said Mark.

"I wish the Dixon's group had half the skills [of Nebula]. I've bought various things from PC World and found trying to return faulty goods or receive help on installation or other issues is a nightmare," he added.

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a few hours, followed up by a phone call from a technical expert who diagnosed the problem and talked Mark through how to resolve it. "In a world of call centres with push-button services [that] will charge you 50 pence a minute, it's nice to see that

Warranty woes concluded

Last month we told you about Mr Sumar's warranty problem with PC World, but we had had no reply from the company when we went to press. Well, three weeks after we first contacted the retailer, PC World got back to us about Mr Sumar's 'lost' vouchers of nearly 10 months.

The store apologised for the delays and promised the issue would be investigated – apparently there was no record of Mr Sumar's 10 phone calls to the company. Meantime, PC World's Hamish Thomson promised to send Mr Sumar some vouchers but there was confusion over the value of the compensation involved.

Thomson told us that Mr Sumar would be able to buy a higher-specification laptop with the vouchers, but a few days later PC World's Katie Buckhaven told us Mr Sumar would be receiving vouchers to the value of his old laptop as well as a "good will gesture" of £50 – surely not enough for an upgrade.

But Mr Sumar was happy with the refund, although he felt that his nine-month wait was worth more than £50. ■

Sale of Goods Act: your rights

- **Burden of proof** It is now the sellers' duty to prove goods were not faulty at point of purchase, for the first six months after purchase, removing this burden from the buyer.
- **Right to sue** The right to bring an

action up to six years after the date of purchase still stands.

- **Binding agreement** All guarantees offered by the seller will be legally binding and must take the form of a clearly written contract.



Got a problem with a vendor? Log on to the ConsumerWatch forum at www.pcadvisor.co.uk/consumerwatch

copyright crackdown

The imminent implementation of the EC Copyright Directive is sending a signal to software pirates and music copiers up and down the land. Ignorance of the law will no longer be a defence for licence looters, says Peter Thomas

Many PC users are under the impression that when they buy software they automatically have the 'right to copy', claiming the need for a backup should something go wrong with the original. This is not the case. You are merely buying the right to use the software in line with the terms and conditions within the licence agreement. There is no such thing as a right to copy.

Under the new regulations laid down by the EC Copyright Directive (aka the Copyright and Related Rights Regulations 2003), it will become an offence for anyone to copy and distribute software if he/she knows or has reason to believe it to be in breach of copyright law.

In plain English, this means that the bosses of any company running a website that demonstrates how to copy the latest electronic bloodbath game could be facing a two-year prison sentence if convicted. What's more, hefty fines can be imposed in addition to the jail term.

You might consider all this harsh. After all, surely a few people downloading a copy of Virtual Rockery 7.0 isn't going to bring the software empires to their knees?

A few sobering facts

Each year around 17,000 people in the EC lose their jobs because of software piracy and the illegal downloading of copyright protected music.

The problem is now so serious that a 2002 survey conducted by Fast (Federation Against Software Theft) found that 83 percent of survey respondents estimate that just under half of software in use in the UK is pirated, with 71 percent believing the majority of this is intentional.



Nobody should think that they'll be immune to prosecution because they didn't know they were breaking the law.

A worrying development is the mounting evidence that software and music piracy is becoming closely linked with organised crime and even terrorist activities. Crooks are tempted by the ease of copyright infringement, the high profits involved and, until now, the relatively low risk of being

caught and prosecuted.

The web is a copyright thief's dream come true. It's possible to distribute files to thousands of people via a simple site and the sheer volume of internet traffic makes it relatively easy to avoid detection. Millions of illegal downloads occur every day and any legislation that exposes those perpetrators can only be a good thing.

Click and copy

The internet has made it possible to transfer files at the click of a mouse and this has fuelled the problem. Copyright holders will welcome the new European law, which joins the existing American Digital Millennium Copyright Act of 1998 in the continuing fight against theft.

With increased powers to wield their legal stick, the next step for the biggest copyright holders is to provide an appropriate carrot to ensure people buy rather than copy. Implementing pay-per-download services is how the world's largest record labels plan to do this.

The challenge now for BMG, EMI, Warner, Universal and Sony is to make these new sites a success. That means investing large sums of cash to raise awareness, as well as making the end-user experience much better than Kazaa and Morpheus could ever provide. ■

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Over the whole of the EU the annual loss to the software industry is around @ 2.9bn and the EU music industry reported a 7.5 percent downturn in CD sales in 2003 – attributed largely to P2P (peer-to-peer) download sites like Kazaa.

These are worrying figures and something that member states just can't afford. EU lawmakers say that the introduction of this new regulation will, at last, make it possible to tackle the people who are at the root of the problem – the distributors. "Ignorance of the law does not excuse infringement," says Fast.