



26.09.2007 14:34

Ruling: Acer must refund purchase price of preinstalled software that is not being used

The ruling by a French court according to which the manufacturer Acer has to refund the purchase price of the preinstalled software that the **notebook buyer[1]** in question does not use to the notebook buyer, has been welcomed by proponents of the sale of PCs and notebooks without preinstalled software. In the case that has now been made public the court **ruled[2]** (PDF file) that Acer, over and above the sum of 30 euros it had previously agreed to pay, was obliged to refund the plaintiff the complete sum he had paid for the software he had subsequently returned.

The total of 311.85 euros of the overall purchase price of the notebook of 599 euros that Acer was forced to pay back was made up of 135.20 euros for Windows XP Home, 60 euros for Microsoft Works, 40.99 euros for PowerDVD, 38.66 euros for Norton Antivirus and 37 euros for NTI CD Maker. On top of that Acer had to pay a further 650 euros in, among other things, legal costs.

In France the "**Groupe de travail Détaxe[3]**" of the "Association Francophone des Utilisateurs de Linux et des Logiciels Libres" (AFUL) [Association of French-speaking users of Linux and free software] is one of a number of groups calling for an end to what it terms the "OEM tax." In reports published in France it says that the case now made public was not the first of its kind and that there are indications that in similar court cases where decisions are still pending these could in the end be similar to the one just published. Since this summer the AFUL campaign by the name of **Non aux racketiciels[4]** is also being **supported[5]** by the Linux distributor Mandriva. "Racketiciel" is composed of "racket" as in English and the ending "iciels" taken from "logiciel," the French word for software.

The Brussels-based think tank Globalisation Institute has recently **called for[6]** a Europe-wide ban on the sale of PCs with preinstalled operating systems. Towards the end of last year French consumer protection advocates **had approached[7]** the IT group Hewlett-Packard and the PC and notebook vendors Auchan and Darty with the same request.

(jk[8]/c't) (jk/c't)

This article's URL:

<http://www.heise.de/english/newsticker/news/96581>

This article links to:

[1] <http://perso.libre-zone.net/article-125-proc-dure-r-ussie-num-ro-4.html>

[2] <http://perso.libre-zone.net/fichiers/jugement.pdf>

[3] <http://www.aful.org/wikis/detaxe/PageAccueil>

[4] <http://www.racketiciel.info/>

[5] <http://www.mandriva.com/company/press>

[/pr/mandriva_signs_the_aful_petition_non_aux_racketiciels_against_tied_sales](http://pr.mandriva_signs_the_aful_petition_non_aux_racketiciels_against_tied_sales)

[6] <http://www.heise.de/newsticker/meldung/96425>

[7] <http://www.heise.de/newsticker/meldung/82571>

[8] <mailto:jk@ct.heise.de>

[Privacy](#) [Imprint](#) [Media Kit](#)