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September 8, 2000

Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Ave., N.W.
Washington, D.C., 20580

Re: High-Tech Warranty Project -- Comment, P994413

Dear Secretary:

I am writing in response to questions the Commission has asked regarding licensing computer software and other digital products.

By a separate cover, I have provided commentary concerning the role of licenses in the economy and the legal and other justifications for licensing computer information.

In reviewing the scope and nature of the questions that the Commission has asked, it is clear to me that a critical step will be to understand the general background and the degree of change that has occurred in our economy as it relates to law. To assist the Commission in this regard, I have enclosed copies of two articles that I have written about the law governing computer information transactions and the relationship between developing that law and avoiding the trap of reacting to new economic patterns and new forms of commercial exchange in terms grounded in images of the past. Transactions in computer information are not akin to transactions in goods, nor is the marketplace they create the same.

This is a complex and vitally important area of commerce. I hope that the attached material helps the Commission in understanding the issues. If I can be of any further assistance, please contact me.

Yours Truly,

Raymond T. Nimmer
Leonard Childs Professor of Law