



SUNBELT SOFTWARE

Ask Jeeves

(Software Review)

Sunbelt Software
Research Center

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Overview

Ask Jeeves makes and distributes a number of browser toolbars and other add-on programs through a variety of web sites, including its own web properties. These toolbars and other add-ons include:

Ask Jeeves Bar
http://ask.com

My Search Bar
http://mysearch.com

Excite Speedbar
http://excite.com

My Speedbar
http://myway.com

iWon Co-Pilot
http://iwon.com

My Web Search Toolbar
http://mywebsearch.com

My Global Search
http://myglobalsearch.com

Need2Find Toolbar
http://need2find.com

All of these toolbars are strikingly similar, offering a basic search function that defaults to one of Ask Jeeves' own search portals as well as other functionality, including pop-up blocking and quick access to services and information at Ask Jeeves' several web properties (*e.g.*, news, weather information, etc.).



Figure 1: My Search Bar (selection)



Figure 2: My Way Speedbar (selection)



Figure 3: My Web Search Toolbar (selection)



Figure 4: My Global Search Toolbar (selection)



Figure 5: Need2Find Toolbar (selection)

Ask Jeeves has been known to ship co-branded versions of its toolbars with third-party products -- *e.g.*, the "iMesh Bar" (included with the P2P file sharing program from iMesh.com) or the "WeatherBug BrowserBar" (included with the weather program from WeatherBug.com). Since November 2004 Dell Inc. has been preloading a variant of the My Web Search Toolbar, renamed the "MyWay Search Assistant," on some of its shipping systems.

Moreover, Ask Jeeves offers several loosely re-skinned versions of the My Web Search Toolbar that give more prominent placement to the other add-on services and functions available through that toolbar. These add-on services and functions include:

CursorMania
<http://cursormania.com>

My Mail Stationary
<http://mymailstationery.com>

FunBuddyIcons
<http://funbuddyicons.com>

PopSwatter
<http://popswatter.com>

HistorySwatter
<http://historyswatter.com>

Popular Screensavers
<http://popularscreensavers.com>

MyFunCards
<http://myfuncards.com>

Smiley Central
<http://smileycentral.com>

My Mail Signature
<http://mymailsignature.com>

Most of these products are also advertised on the FunWebProducts.com web site. Although these add-on services and functions may be presented to users as separate products in some situations, they are in fact simply components of the My Web Search Toolbar, which is downloaded and installed whenever users consent to the installation of any one of the components.



Figure 6: SmileyCentral Toolbar (selection)

Ask Jeeves also has a Desktop Search bar, however, this product will not be considered in this review because the program is still in beta, and its distribution channels (outside of the Ask.com web site) are not yet established.

Distribution & Installation

Ask Jeeves' toolbars have been distributed and installed through a variety of channels and methods, including:

- Ask Jeeves' own web sites, through traditional setup executables and ActiveX installations;
- Pop-ups and banner-ads that appear at third-party web sites and that point users to Ask Jeeves' own web sites for installation;
- Bundeware installations in which Ask Jeeves' products are installed (often alongside adware programs) to support the "free" use of third-party "freebie" programs (*e.g.*, a P2P file sharing program or a screensaver application);
- Automated ActiveX installs that are initiated at third-party web sites or through DRM-protected WMP files. Automated installations have even been known to be performed through the use of security exploits by third-party distributors.

Each distribution method has its own unique characteristics and problems.

Ask Jeeves' Own Web Sites

Ask Jeeves offers most, but not all, of its toolbars and add-on programs for download directly from its own web properties. Among the products not currently available for download through Ask Jeeves' web properties are:

My Global Search
<http://myglobalsearch.com>

Need2Find Toolbar
<http://need2find.com>

Those two products are available only through bundled installations.

When users download and install Ask Jeeves products directly from Ask Jeeves' own web site, users receive a relatively clear description of the product (a browser toolbar) along with screenshots of the product itself. Users must affirmatively click through one or more prompts before being presented with a traditional download executable or ActiveX installation prompt (*i.e.*, a "Security Warning" box), depending on the product downloaded.

When users download one of the FunWeb Products, however, they might not always be aware that they are in fact consenting to the installation of a browser toolbar, as the FunWeb Products are usually advertised with an emphasis on a particular component of the My Web Search Toolbar -- *e.g.*, the smiley icons, or the pop-up blocker, etc. Although a picture of the product is included on all the front pages of the FunWeb Products web sites, those pages usually offer only an incomplete, vague description of the toolbar itself. For example, the SmileyCentral.com site announces that the product

Comes with FREE MyWebSearch accessible directly from your browser, plus Search Assistant - relevant search results in response to misspelled or incorrectly formatted browser address requests.

Similar language appears at the other FunWeb Products web sites. Note that the product is never actually described as a "browser toolbar," though that is in fact what users will be downloading and installing.

Pop-ups & Banner-ads

Ask Jeeves products are heavily advertised on third-party web sites through banner ads and pop-ups. Such advertising has been known to appear at sites that will appeal to young people, including lyrics sites and MP3 sites, as well as sites offering screensavers, games, icons, "smileys," wallpapers, and other graphical add-ons and enhancements. It is not unusual for these kinds of web sites to be blanketed with multiple banner-ads and pop-ups that advertise Ask Jeeves products, such as was recently observed (25 August 2005) at the AIMFace.com web site.



Figure 7: multiple ads at AimFace.com (selection)

These banner ads and pop-ups can be quite aggressive in some cases. Users who take an initial interest in a Ask Jeeves banner ad or pop-up and click through to one of the FunWeb Products web sites only to cancel the install by closing the browser window are often confronted with a full screen pop-up that explodes in their faces, insistently badgering them to install the product. Such behavior was recently observed (August 2005) with banner ads and pop-ups for FunWeb Products at several sites, including aaascreensavers.com and aimface.com.



Figure 8: full screen pop-up ad (selection)

Ask Jeeves pop-ups are also known to be sprung on users in confusing, high-pressure circumstances and situations -- amidst a blizzard of pop-ups and installation prompts for other adware programs, for example. One of the worst such instances that we encountered involved the newly released "free" version of Grokster available from Download.com. (1) After installation on 17 August 2005, the Grokster program opened to a greeting page at Grokster.com (2) that spawned numerous pop-ups and adware installation prompts, including an aggressive pop-up for SmileyCentral and installation prompts for KvM Media (which installs multiple adware programs), ShopAtHomeSelect, and BlueTide Media/SurfSidekick. (3)



Figure 9: pop-up at Grokster.com (selection)

Inexperienced, bewildered users could easily be confused into mistaking such pop-ups and installation prompts for optional or even necessary components of the Grokster program itself, given that these pop-ups appear to be spawned from within Grokster itself.

Still more disturbingly, Ask Jeeves pop-ups have been observed intruding into the middle of the installation of programs that already bundle another Ask Jeeves toolbar.



Figure 10: pop-up ad during Free Bald Eagle Screensaver installation

For example, on 6 July 2005 the installer for the Bald Eagle Screensaver at ScenicReflections.com (4) was observed opening a web page that spawned a SmileyCentral.com pop-up (5), even though the My Global Search Toolbar is bundled with the screensaver. Once again, this kind of

unexpected pop-up could prove confusing and misleading to inexperienced users, who might mistake the pop-up for a component of the screensaver program itself.

Also of concern is the tendency for Ask Jeeves banner ads and pop-ups to appear at sites targeted at or attractive to kids. In a recent write-up on Ask Jeeves advertising, Ben Edelman notes (6):

I have observed Ask Jeeves software promoted at a variety of sites clearly targeted at kids. This page documents AJ ads at Playloader.com, which describes itself as offering "free online games." Of course, not all online games are specifically targeted at kids. But the games at this site are clearly for kids; they are cartoon games with names like "Skoolrush" (*s.i.c.*), "Monkey Slide," "Lunar Mouse House," and "Junk Food Jack." Furthermore, the Ask Jeeves ad is likely to be particularly attractive to kids -- with overstated smiley faces, cartoon characters, and the like.

Edelman goes on to explain the problems with such advertising and marketing practices:

What's the big deal about offering software via methods that tend to reach children? For one, children generally cannot enter into contracts -- so even if a child clicks the "Yes" button Ask Jeeves subsequently presents, its license terms may not be binding. Also, children may be less able to assess the merits of an Ask Jeeves offer -- less able to determine whether Ask Jeeves software is a good value, less likely to realize the privacy and other consequences of installing such software, less inclined to examine a lengthy license agreement.

Interestingly, the next-to-last paragraph of Ask Jeeves' 108-paragraph, 6,251-word license agreement does state a limitation on the ages of permissible users: "If you are under 13 ... you may not download." But as discussed below, Ask Jeeves does not affirmatively show users this license, and in some cases it fails even to link to this agreement. No provision in Ask Jeeves' prominent text imposes any limitation on user age.

Although Ask Jeeves' toolbars and add-on programs generally do not contain content or functionality that would be inappropriate for children, the fact that Ask Jeeves' products (especially its FunWeb Products) are so heavily targeted at kids raises legitimate concerns as to the true consensuality of some of the installations of Ask Jeeves' software.

Bundled Installations

Ask Jeeves toolbars are bundled with a number of third-party "freebie" programs, including screensavers, wallpapers, and P2P file sharing programs, among others. When Ask Jeeves' products are bundled to support the "free" use of such programs, user awareness of Ask Jeeves' own programs can range from fair to poor to non-existent.

During some bundled installs users are presented with a separate notice screen, such as the one that appears during the installation of the Britney Bikini Screensaver from Galttech.com or the California Bikini Girls Screensaver from Top11.net (7):

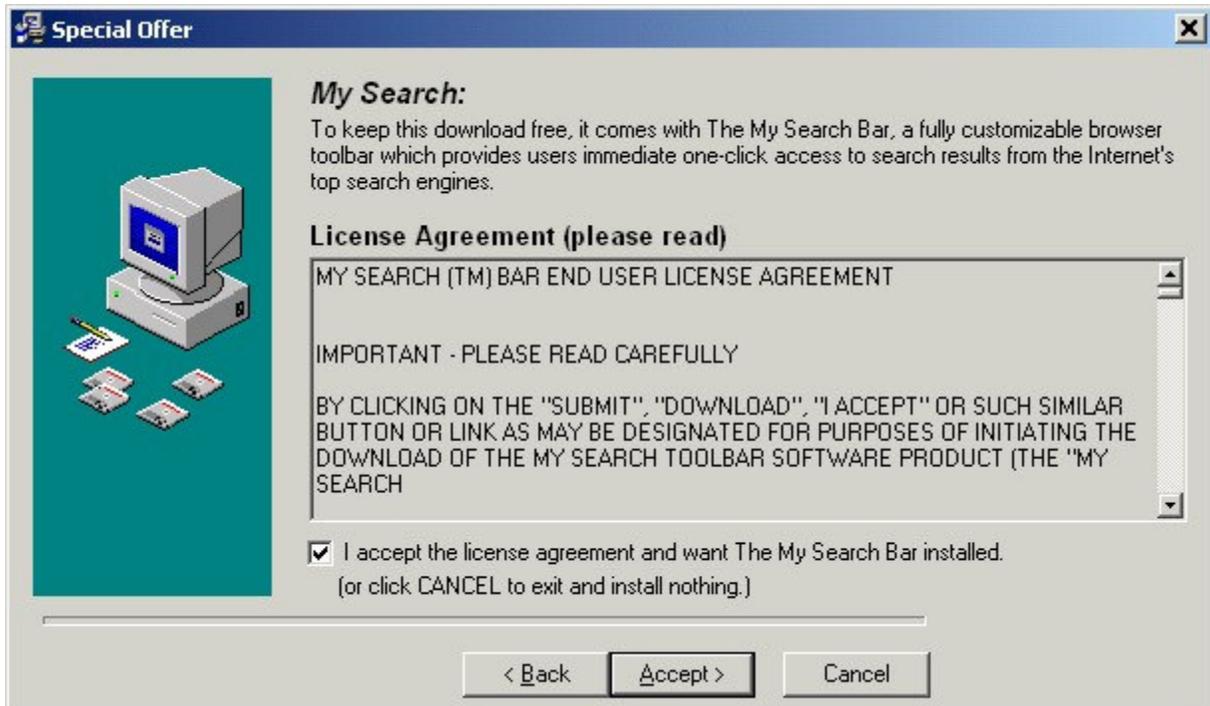


Figure 11: My Search Bar notice & EULA (Britney Bikini Screensaver)

In the notice screen depicted above, the My Search Bar product is described outside of the EULA, which is also included.

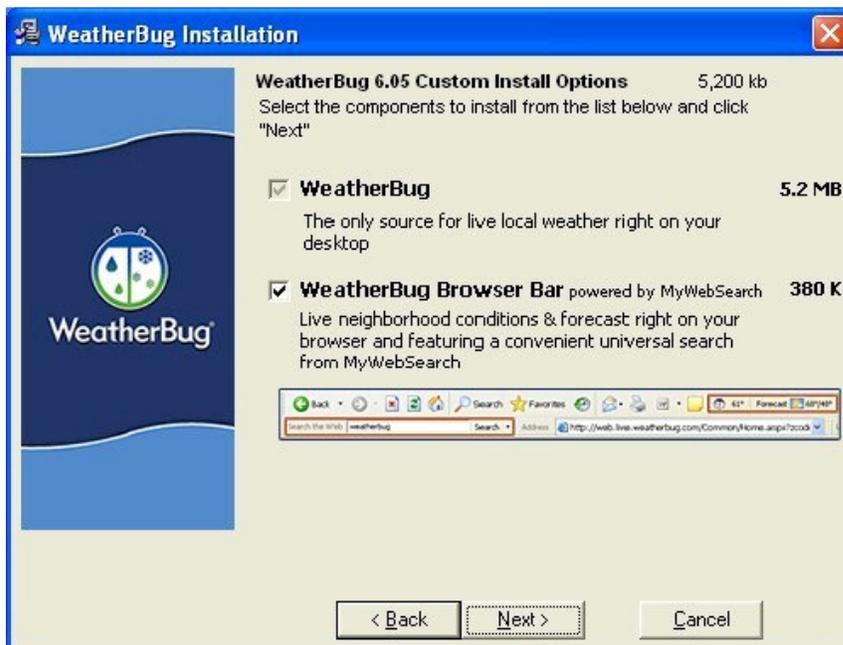


Figure 12: WeatherBug Browser Bar (optional install)

In at least two bundled installs, Ask Jeeves toolbars are even presented as completely optional installs. The current version of WeatherBug (from WeatherBug.com), for example, allows users to opt-out of the installation of the "WeatherBug Browser Bar" which is briefly described and

identified as "MyWebSearch" (see Figure 12 above). Similarly, the several freeware products from MGShareware.com offer the My Global Search Toolbar as an optional install.

Other bundled installations are not nearly so straightforward, however. Users who download the free version of Grokster directly from Grokster.com are notified outside of the EULA on the download page itself that the My Global Search will be installed. The download page also allows users to uncheck boxes next to the several listed third-party programs to decline installation of those programs (8).

Free Grokster is supported by adware and other valuable downloadable software. In order to download the free version of Grokster, you must agree to install all of the adware listed below during the Grokster install.

<input checked="" type="checkbox"/> AST/CPR View license agreement	<input checked="" type="checkbox"/> My Global Search Bar (Not Adware) View license agreement
<input checked="" type="checkbox"/> BroadcastPC View license agreement	<input checked="" type="checkbox"/> Surf Side Kick View license agreement
<input checked="" type="checkbox"/> Delfin View license agreement	<input checked="" type="checkbox"/> Web Rebates (Not Adware) View license agreement View more information

GROKSTER LICENSE AGREEMENT

Cydoor Technologies END USER LICENSE AGREEMENT
Advertising License Agreement

The software application you are about to install is supported by advertising revenue, meaning that we display ads as an integral part of our interface. This allows us to provide you with our software for free: the advertising income we receive pays for our development and distribution efforts.

By checking "I Agree" below, I hereby agree that I have read and agree to all of the above license agreements and to the installation on my computer of the Grokster software and all adware listed above.

I Agree

[Click Here to Download Grokster](#)

Figure 13: Grokster.com download page (selection)

Many users might not realize that they have such options, however, because the download page claims that users must consent to the installation of all listed third-party programs (including the My Global Search Bar) in order to download and install Grokster. Just above the listed programs and check boxes the page states:

Free Grokster is supported by adware and other valuable downloadable software. In order to download the free version of Grokster, you must agree to install all of the adware listed below during the Grokster install.

And just below the Grokster license agreement (presented in a cramped scroll box) the page presents an "**I Agree**" check box and download button along with the following stipulation:

By checking "I Agree" below, I hereby agree that I have read and agree to all of the above license agreements and to the installation on my computer of the Grokster software and all adware listed above.

It is also worth noting that the license agreements for these third-party programs (including Ask Jeeves' toolbar) are never actually presented to users (only links to them appear on the download page), and the download page does not offer even basic descriptions of the programs.

Previous versions of Grokster also did a poor job of disclosing the presence of Ask Jeeves' toolbars. In installations of Grokster observed during August and September 2004, and again during March 2005, the only mention of the MyWay Bar occurred in a group of EULAs clumped together in one large document that was presented after yet another lengthy EULA for GAIN adware components.



Figure 14: old Grokster notice screen for third-party products

In somewhat similar fashion, the installation for KaZaA (from KaZaA.com) also neglects to give prominent disclosure of the presence of the Need2Find Toolbar or even offer a basic description of the program outside of the EULA.

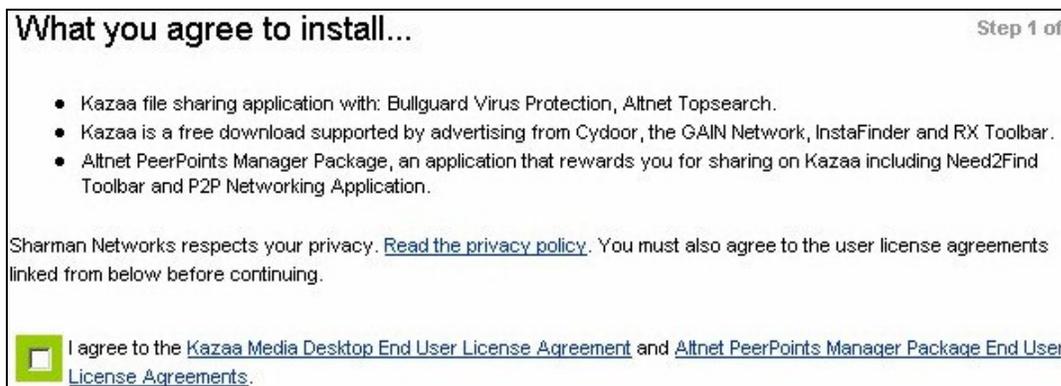


Figure 15: KaZaA notice screen (selection)

The Need2Find Toolbar is briefly mentioned during installation in an easy-to-miss list of other third-party programs to be installed (see Figure 15 above), and the EULA for the Need2Find Toolbar is inexplicably buried at the end of the EULA for Altnet, a document which is itself never presented to users (only a link to it appears during setup). Even users who go looking for the Need2Find EULA may not be able to find it, given its odd location.

Similar problems with notice and disclosure have plagued the My Search Bar, which was installed with earlier versions of KaZaA going back to 2003 or even 2002.

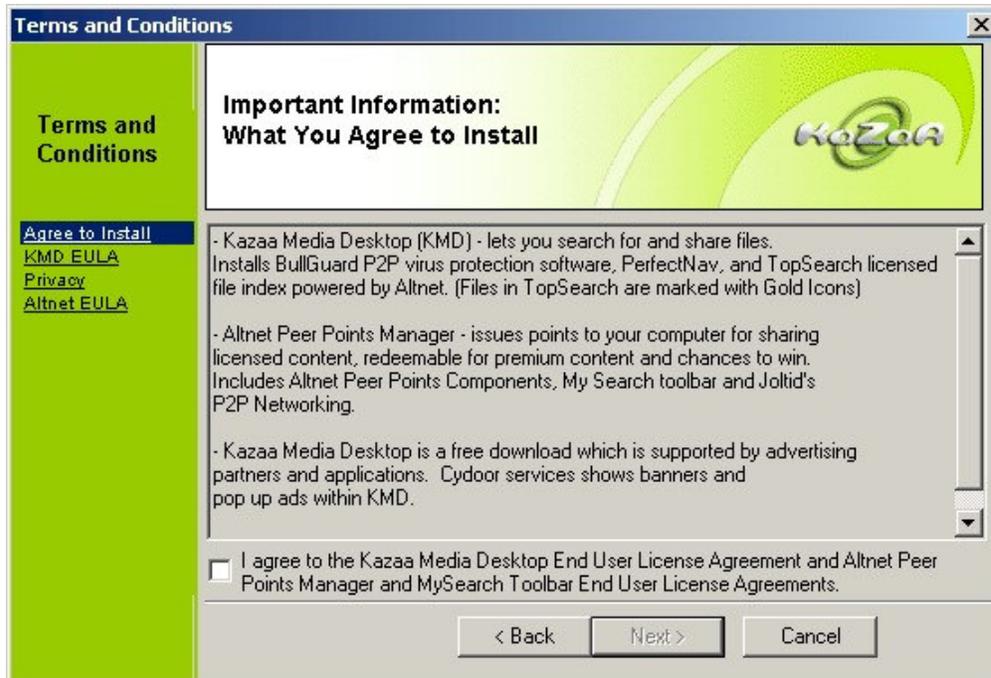


Figure 16: old KaZaA notice screen

In installations of those previous versions of KaZaA (observed as late as March/April 2005), the My Search Bar EULA was appended to the bottom of the Altnet EULA, and the installation screens mentioned the presence of My Search Bar only at the end of a bullet point devoted to "Altnet Peer Points Manager" instead of in a separate bullet point of its own. Again, users who wanted to read the My Search Bar EULA may not have been able to locate it.

These poor notice and disclosure practices significantly raise the possibility that users could click through the installation screens for KaZaA -- both older and newer versions -- without ever recognizing that the Need2Find Toolbar or My Way Bar will be installed. KaZaA, it should be stressed, has been one of the more popular and widely downloaded "free" programs online over the past several years, and it appears that Ask Jeeves' toolbars have been installed with this kind of poor notice and disclosure for a significant portion of that time period.

Even these poor installation practices do not represent the worst of what has been observed with Ask Jeeves' bundled installations, however. The iMesh P2P file sharing program, available from iMesh.com (9), does not separately disclose the installation of Ask Jeeves software in any

manner whatsoever. During installation of iMesh, users are presented with a 5500 word EULA, which most users will likely never read. Although the top of the EULA does mention an "iMesh Bar" and Ask Jeeves is described as a "Third Party Beneficiary," the iMesh Bar is never clearly identified as an Ask Jeeves toolbar, which is in fact what the program is, nor is the user ever presented with a separate EULA or disclosure for Ask Jeeves (all of Ask Jeeves' license terms are seamlessly integrated into the iMesh EULA text itself).

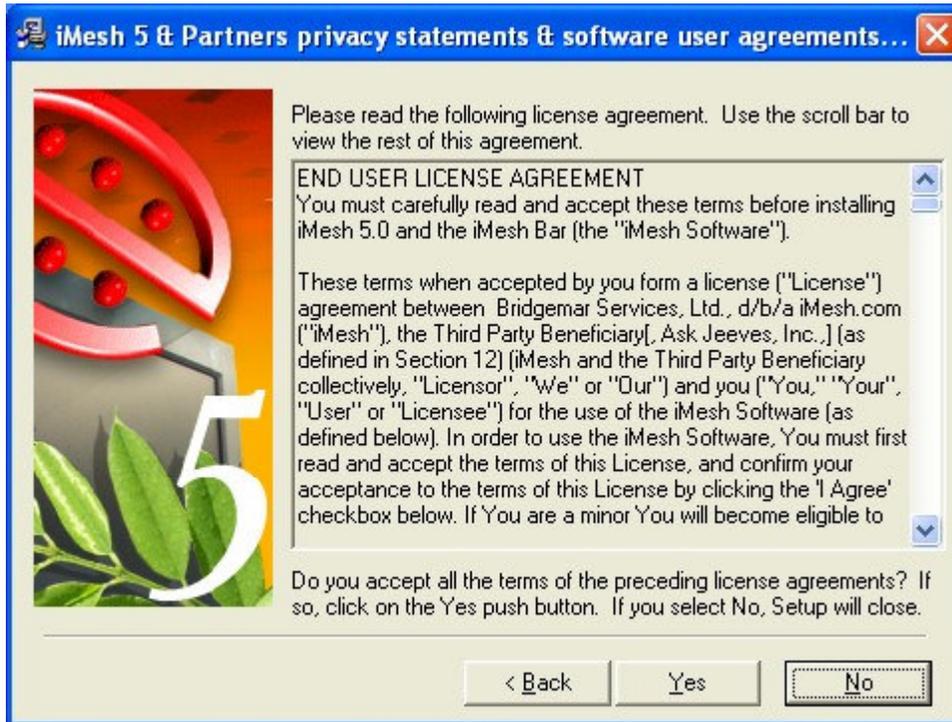


Figure 17: iMesh notice screen & EULA

Indeed, the EULA seems to suggest that the iMesh Bar is an integral part of the iMesh software itself, not a separate third-party software component being bundled to support the "free" use of the main iMesh program. Previous versions of iMesh, however, arguably did an even worse job of disclosing the presence of Ask Jeeves' toolbar. (10)

But Ask Jeeves' bundleware practices are still worse in other cases. Users who install FasterXP (from FasterXP.com) will likely be completely unaware of the several third-party programs that will be installed, which include WebRebates and ABetterInternet/Aurora in addition to the My Search Bar.



Figure 18: FasterXP.com EULA notice (selection)

The download page assures users that the program is "100% Spyware Free," and users will likely not notice the discrete link to the EULA (a whopping 11,000 word document consisting of several EULAs joined together) that appears in fine print under the large, flashing "Free Download" button (see Figure 18 above).

Once downloaded and executed, the program never warns users that third-party software will be installed -- instead, it consumes users' attention with the terms of the "evaluation" period for FasterXP. Only when users start seeing DirectRevenue pop-ups on their desktops and open their browsers to find the My Search Bar will they realize that other software has been installed.

Perhaps the worst bundled install of Ask Jeeves software that we have observed is the Bald Eagle Screensaver from ScenicReflections.com (11), which installs the My Global Search Toolbar even after users cancel the installation. The download page for the screensaver does mention the My Global Search Toolbar, as does the initial EULA presented to the user during setup and installation. After the setup program opens a web page (which spawns pop-ups, as previously noted), the installer prompts the user to allow the program to change the browser home page to MyWay.com:



Figure 19: Free Bald Eagle Screensaver home page prompt

Ironically, this promise to deliver an ad-free internet experience -- "The Internet the way it was meant to be: No banners. No pop-ups. No kidding." -- occurs at the precise moment that a pop-up is being spawned from tafmaster-p.focalex.com. As noted earlier, during one of our installations this pop-up happened to advertise another Ask Jeeves product, SmileyCentral.

Once users dismiss the MyWay home page prompt, they encounter a separate notice screen for WhenU Save! and are given the option to cancel the install. Users who cancel the install at this point might still be presented an installation prompt for the screensaver itself along with yet another opportunity to cancel the install. No matter when users cancel the install, however, the My Global Search Toolbar from Ask Jeeves is still installed, and the Internet Explorer "Search Assistant" setting is still hijacked to MyWay.com. Sunbelt has a video on file that documents this installation behavior.

It should be noted that even the better bundled installs of Ask Jeeves' toolbars can be problematic when they are installed with a bevy of other third-party software, including adware and spyware. Ask Jeeves' products have been observed bundled alongside of:

ABetterInternet/Aurora	Surf Sidekick	IBIS Websearch
180search Assistant	Instafinder	SearchLocate
180solutions n-Case	Cydoor	Flashtalk
eBates/WebRebates	GAIN	TV Media
WhenU Save!	BTV	zSearch
RXToolbar	Qtech	SuperBar
Topsearch	411 Ferret	ShopNav

When bundleware installers confront users with notice screens and EULAs for multiple third-party products, as is often the case in bundled installations that include Ask Jeeves products, they only encourage users not to pay attention and to click through without attending to what little or poor notice is provided for the bundled products. In such situations, it is highly debatable whether meaningful user consent is gained to the installation of the bundled software.

ActiveX Installations

Ask Jeeves' products have been installed through automated ActiveX installations that initiate when users land on third-party web pages. These unsolicited installations, which launch without warning in arguably confusing circumstances, can prove bewildering to users, many of whom might mistake the software to be installed for browser plug-ins required to view the content of the sites themselves. (12)

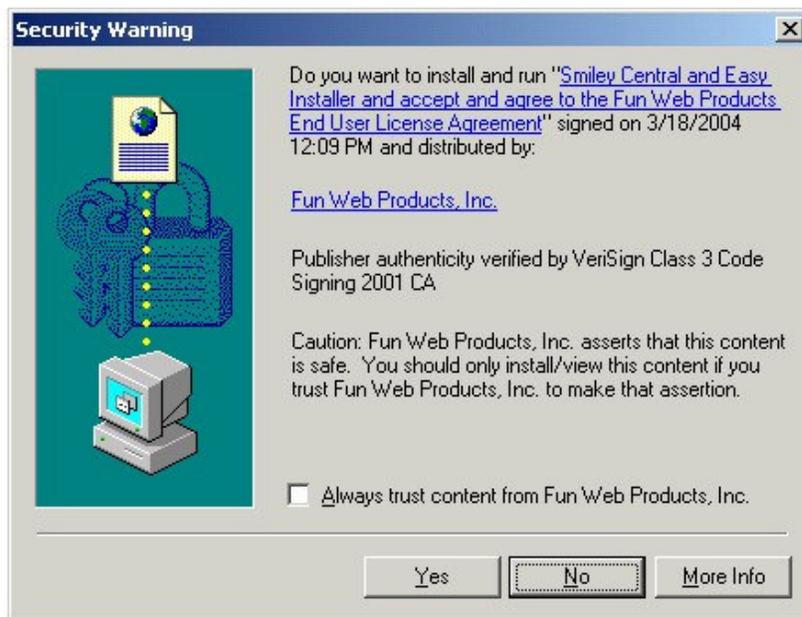


Figure 20: SmileyCentral ActiveX "Security Warning" box

Examples of ActiveX installations of Ask Jeeves' software include:

- *IOWrestling.com* (observed Sept. 2004)
SmileyCentral/My Web Search bar installed through ActiveX prompt
- *Letssingit.com* (observed Apr. 2005)
SmileyCentral/My Web Search bar installed through ActiveX prompt
- *Prowrestling.com* (observed Apr. 2005)
SmileyCentral/My Web Search bar installed through ActiveX prompt

It is important to note that all three of the above sites are notorious for blitzing users with endless pop-ups and ActiveX installation prompts for multiple adware programs, circumstances that do not lend themselves to informed, considered decisions about the installation of software.

As with poorly disclosed bundled installs, it is doubtful whether meaningful user consent to installation of software can be gained in circumstances where software installations are sprung on users in such confusing circumstances.

Of still greater concern, though, are the installations of Ask Jeeves' software that occurred through the widely reported online distribution of rigged, DRM-protected Windows Media Player (WMP) files that spawned ActiveX install prompts when users attempted to play those files. (13)



Figure 21: "Aria Giovanni" WMP file ActiveX prompt

In testing during January 2005 with one such WMP file (*aria_giovanni_full7.wmv*), an ActiveX install prompt for Popular Screensavers/MyWebSearch toolbar was encountered amidst a series of other installation prompts for XXXToolbar (IST), "Free Jenna Jameson Screensaver" (ABetterInternet), and "Video Secret & Chat" (ABetterInternet).

These installation prompts occurred in highly misleading and deceptive circumstances -- after users had already been told that they needed to install special software or acquire licenses in

order to view the media content of the WMP file. In such circumstances, no meaningful consent could be gained from users, most of whom would likely never have expected to encounter this kind of third-party software merely by playing a media file.

By far the worst installation practices for Ask Jeeves' products have been the force-installs of Ask Jeeves toolbars through security exploits, as reported by Ben Edelman. (14) Edelman claims that he has

captured a series of videos showing Ask Jeeves' MyWay and MySearch software installed through security holes -- without notice, disclosure, or consent. For example, in a video I made on March 12, I received more than a dozen different programs including the Ask Jeeves MySearch toolbar -- without me ever requesting anything, and without me ever clicking "Yes" or "Accept" in any dialog box.

Edelman has offered one example video to document such illegal installations. Just how widespread these exploit-driven force-installs have been is not known.

Although an Ask Jeeves representative blamed such installations on rogue third-party distributors and insisted that Ask Jeeves would terminate distributors found using such practices, Edelman is certainly not alone in reporting unrequested installations of Ask Jeeves toolbars and add-ons. (15) Highly regarded spyware researcher Andrew Clover, for example, reports that My Search Toolbar has been installed through the "Favoriteman parasite" (16), a "backdoor downloader" distributed by MindsetInteractive (now Vista). (17)

Still further, the problems with Ask Jeeves' installation practices go well beyond outright illegal force-installs, as documented above. Many Ask Jeeves installations offer extremely poor notice and disclosure, and in at least one case (discussed above) Ask Jeeves' software is installed even after users cancel the install and refuse the offered terms of agreement for the host program.

Advertising

Ask Jeeves toolbars do not open pop-up advertising on the desktop, nor do they display banner ads. Although Andrew Clover claims that the Aornum component of the iWon Co-Pilot opens pop-up advertising (18), no such advertising was observed in Sunbelt's testing. Clover is likely referring to older, obsolete versions of iWon Co-Pilot, as current versions do not appear to include the Aornum component.

Ask Jeeves toolbars do open search pages that offer sponsored (paid for) search results -- including large graphical, interactive ads in some cases --- when users search from the toolbar's own search box. In every case but one, however, these sponsored search results are followed by natural/organic search results (see Figure 22 below).

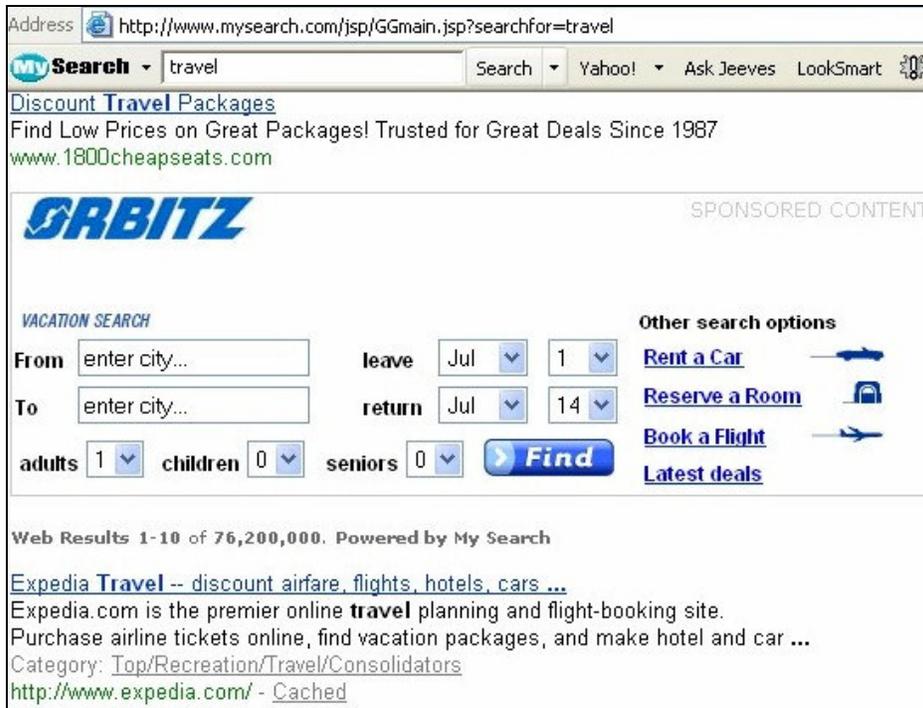


Figure 22: My Search Bar search results (selection)

By contrast, the Excite Speedbar appears to offer only sponsored search results that are pulled from several search engines.

Several Ask Jeeves' toolbars (My Web Search Toolbar, My Search Bar, My Global Search Toolbar, iWon Co-Pilot, and Need2Find) open custom error pages when users attempt to access non-existent domains or web sites. These custom error pages, loaded from Ask Jeeves' own web sites, present a mix of organic search results and search options that will themselves return a mix of organic and sponsored search results.

Finally, users who install the My Web Search bar or any of the FunWeb Products will see new buttons to insert "smileys" and other graphical enhancements in their Outlook and Outlook Express email programs as well as their instant messaging programs. When inserted into outgoing emails and instant messages, some of these graphical enhancements are linked (with a referrer code) to Ask Jeeves' own web sites (e.g., the FunWeb Products pages), effectively making them clickable advertisements for Ask Jeeves' own products.

System Reconfiguration

Ask Jeeves' products make several changes to the Internet Explorer browser:

- **Browser toolbars & BHOs:** Ask Jeeves' products typically install a browser toolbar and Browser Helper Object (BHO).
- **Browser home page:** Some bundled installs of Ask Jeeves' toolbars prompt users to allow the installer to change the Internet Explorer home page to one of Ask Jeeves' web sites.

- **Custom error pages:** As noted in the EULAs for some these toolbars (My Web Search Toolbar, My Search Bar, My Global Search Toolbar, iWon Co-Pilot, and Need2Find), the toolbars display "relevant links and results in response to misspelled or incorrectly formatted browser address requests." (19)
- **URL Search Hook:** The My Web Search Toolbar (used for all FunWeb Products) installs an Internet Explorer "URL Search Hook," which handles URL requests without proper protocols (*e.g.*, http://).
- **Search Assistant:** In one installation of the My Global Search Toolbar (included with the Bald Eagle Screensaver from ScenicReflections.com), the Internet Explorer "Search Assistant" setting was pointed at MyWay.com (as documented in the video for that installation).

As noted earlier, some users who install one of the FunWeb Products may not be completely aware that they are in fact consenting to the installation of a toolbar. Thus, in some cases such Internet Explorer additions and modifications may be unwelcome.

While Ask Jeeves' toolbars incorporate an auto-update facility, Ask Jeeves' EULAs advise that users will be notified of updates. From the My Way Speedbar EULA (20):

You understand, acknowledge and agree that the My Way Application includes software that allows us to distribute updates and fixes. Such updates will occur only upon prior notice to you, except for the limited case where notice is not possible due to technical problems or an emergency that requires us to update the application in order to maintain existing functionality or to comply with the law. All such updates shall be governed by and made in compliance with this Agreement and the My Way Privacy Policy.

The EULAs for Ask Jeeves' other products include similar language.

Ask Jeeves' FunWeb Products typically install several of those add-ons into separate directory located in **\Program Files** along with the My Web Search Toolbar, adding new buttons to both to the toolbar in Internet Explorer as well as to the toolbars in Microsoft Outlook, Outlook Express, and several instant messaging programs. These buttons are created by a program (mwsoemon.exe) that is configured to run automatically at Windows startup through both the **HKEY_LOCAL_MACHINE\...\Run** and **HKEY_CURRENT_USER\...\Run** Registry keys.

Data Collection, Transmission, & Sharing

As reported in the EULAs for these products, Ask Jeeves toolbars do not surreptitiously collect Personally Identifiable Information (PII) from or about users, nor do they track and report users' web surfing or computer use generally. The toolbars do transmit some information regarding search requests performed through the toolbars' own search facility, though this data is anonymous and shared with third-parties only in aggregate form. According to the My Web Search EULA, which is used with all FunWeb Products (21):

The Software does not collect any personal information about you (such as your name, email address, etc.). Further, the Software does not: (a) collect or report back to us (or anyone else) any information about sites you visit on the Internet; (b) collect or "screen-scrape" any search queries or information that you provide to any other web sites; (c) serve pop-ups when you are on other websites; or (d) collect or report back to us (or anyone else) any data regarding your computer keystrokes or other data unrelated to the services the Software provides. You may choose to register for additional functionality for two of the features listed above: My Info and My Fun Cards. More information on the registration process and our use of personally identifiable information given in registration can be found in Section 6 ("Privacy Policy") below.

The Software, in the course of processing a given search query, sends a request to our servers. This request includes the keyword query, time of day, browser type, default language setting, IP address, an anonymous unique ID, and a code which identifies the distribution source of the Software used by you to conduct your search. If the search query is being generated as the result of a misspelled URL or search term entered in to the browser address bar, we also receive the misspelled URL address or search term. We use this information in order to properly process your search request. For example, this data provides us with: information on which language you prefer to use; aggregated click information for the purpose of ensuring that our search partners are appropriately compensating us; information that allows us to make accurate payments to our distributors; aggregated usage and retention information; and aggregated search query information for the purpose of further monetizing commercially oriented search keywords.

Importantly, all information collected from a search query is recorded on a non-personally identifiable basis and is kept strictly anonymous. In addition, all information about search activity is evaluated only on an aggregated basis (excepted in response to a customer service inquiry or legal process), and we do not disclose any non-aggregated information to third parties, except as required by a valid legal process such as a search warrant, subpoena, statute, or court order, or to protect someone's safety.

The software also stores information to uniquely identify distributors and to record users' configuration of the toolbar itself:

The Software also uses "cookies". We do this for two reasons. First, we use the cookies to store a code designating a distribution source for the Software. This information allows us to properly distinguish Software for purposes of compensating third parties who distribute our product and to analyze retention and usage on an aggregated basis. Second, the Software uses cookies to store user preferences. For example, we use a cookie to record which search engine you have selected as your default provider. We do not use cookies to track your use of the Internet in any other way or to store any personally-identifiable information, and we do not disclose cookie information to third parties, except as required by a valid legal process such as a search warrant, subpoena, statute, or court order or to protect someone's safety.

The Software also sends a configuration request when you start your browser. This request is approximately 5k in size and includes only anonymous data such as IP address, browser type, and information about the specific release date and distribution source of your Software, as outlined above. Again, all of this information is kept strictly anonymous, is non-personally identifiable, and is used only for purposes of delivering search services and content in

accordance with your preferences and providing us with data on an aggregated basis relating to retention, usage, and monetization.

The EULAs for Ask Jeeves' other products include similar language. These data collection and transmission practices are fairly non-intrusive and are generally privacy protective.

Uninstallation

All Ask Jeeves products can be uninstalled through an entry in the "Add/Remove Programs" Control Panel applet. The uninstallers for these products perform a reasonably complete removal of the software without nagging the user to refuse the uninstall, though it should be noted that there have been complaints about incomplete removal of the "MyWay Search Assistant" that is pre-loaded on some Dell computer systems. (22) Moreover, no Ask Jeeves product has been observed using resuscitators or similar methods to thwart uninstallation by third-parties.

Malware

Ask Jeeves' programs are not themselves malware, do not install malware, nor are they known to be installed by malware.

Notice, Disclosure, Choice, & Consent

When Ask Jeeves' products are downloaded and installed directly from Ask Jeeves' own web sites, notice and disclosure of the products and their functionality is generally good, though there is room for improvement in some cases (*e.g.*, the failure to describe FunWeb Products as browser toolbars). As noted earlier in the "Installation & Distribution" section, however, several of Ask Jeeves' products are plagued with poor installation practices when distributed by third-parties or when advertised at third-party web sites.

1. Aggressive advertising

Ask Jeeves uses aggressive banner ads and pop-ups at third-party web sites, including web sites popular with or designed for kids. In some cases, such pop-ups may occur amidst a blitz of pop-ups and installation prompts for other software, or may occur in confusing, misleading circumstances. This aggressive advertising even goes so far as to badger users into installing the products.

Products advertised through aggressive pop-ups and banner ads at third-party web sites (including sites aimed at kids) include:

My Web Search Toolbar
<http://mywebsearch.com>

FunBuddyIcons
<http://funbuddyicons.com>

CursorMania
<http://cursormania.com>

Smiley Central
<http://smileycentral.com>

Such aggressive advertising is not conducive to informed, considered installation decisions, especially when the targeted parties are children.

2. Poorly disclosed bundled installations

When Ask Jeeves' toolbars and add-ons are bundled with third-party products, notice and disclosure is often poor. In some cases, the product may not be clearly and conspicuously described outside the EULA, or the EULA itself may be buried at the end of license agreement for other software.

In one current installation (iMesh), the software receives no disclosure separate from the host software itself and may even be mistakenly regarded as part of the host software. In yet another current installation (FasterXP), the installer offers absolutely no disclosure of the product whatsoever outside of the EULA, which itself is never presented to users.

Moreover, these bundled installations often see Ask Jeeves' software installed alongside a whole host of other products. Products that are bundled alongside third-party software include:

My Global Search
<http://myglobalsearch.com>

My Web Search Toolbar
<http://mywebsearch.com>

My Search Bar
<http://mysearch.com>

Need2Find Toolbar
<http://need2find.com>

My Speedbar
<http://myway.com>

The poor notice and disclosure offered during many of these bundled installations makes it doubtful that meaningful consent to the installation of Ask Jeeves' software has been gained from users.

3. Automated ActiveX installs & security exploits

Several Ask Jeeves toolbars have been foisted on users through automated ActiveX installations at third-party web sites -- an installation method that offers notoriously poor notice and disclosure and which cannot be said to gain meaningful user consent. There have even been reports of Ask Jeeves toolbar being installed through Windows Media Player files, "backdoor downloaders" (e.g., Favoriteman), and security exploits.

Products that have been installed through ActiveX prompts, Windows Media Player files, "backdoor downloaders," and security exploits include:

My Search Bar
<http://mysearch.com>

My Web Search Toolbar
<http://mywebsearch.com>

My Speedbar
<http://myway.com>

FunWeb Products
<http://funwebproducts.com>

In cases where unsolicited installations are initiated and performed online, notice and disclosure ranges from poor to non-existent, and in no way can users be said to have consented to the installation of Ask Jeeves' software.

Note: Ask Jeeves products that are not generally distributed or advertised through third-party sites and software include:

Ask Jeeves Bar
<http://ask.com>

iWon Co-Pilot
<http://iwon.com>

Excite Speedbar
<http://excite.com>

The iWon Co-Pilot is bundled with other Ask Jeeves programs available from iWon.com, including the iWon Prize Machine, for which users must register.

Sunbelt's Listing Criteria

Ask Jeeves' products that are distributed or advertised through third-party web sites and software trip a number of Sunbelt's Listing Criteria (23), all related to "Distribution & Installation" or "Notice, Disclosure, Choice, & Consent":

Distribution & Installation

- installs via automated installation processes (*e.g.*, for ActiveX controls) initiated by or at third-party web sites when the software is not functionally required to view the content of those third-party sites and is not directly and specifically solicited by users
- installs as part of a package or collection of multiple "adware" (advertising) programs, "spyware" programs, or other similar programs that are not directly and explicitly requested by the user
- is bundled with a functionally unrelated, separate host application actually sought by users (*i.e.*, as an "adware" bundle) and installs without first providing sufficient notice and choice to users and without securing their full, meaningful, and informed consent
- "stealth installs" or "force installs" on users' PCs without first providing any notice or warning to users prior to installation and without having secured their full, meaningful, and informed consent
- installs on users' PCs after providing only substandard, inadequate notice and disclosure, and thus failing to secure users' full, meaningful, and informed consent
- installs via a security exploit or vulnerability
- is installed by another functionally separate "adware" program, "spyware" program, or similar program without first providing sufficient notice and choice to users and without securing their full, meaningful, and informed consent
- is installed via a hosted instance of Internet Explorer launched by Windows Media Player and the purpose of the installation is anything other than acquiring a license for DRM-protected content that users are attempting to play or access

System Reconfiguration

- reconfigures the user's browser home page, search settings, or other user-selectable browser preferences without first providing sufficient notice and choice to users and without securing their full, meaningful, and informed consent

Notice, Disclosure, Choice, & Consent

- provides no clear, conspicuous, meaningful notice to users of installation of software
- disregards, thwarts, blocks, or impedes users' choice to cancel or opt out of installation

Recommendations

In light of the plethora of installation problems that have afflicted Ask Jeeves products that are distributed or advertised through third-party web sites and software, it is likely that some users could find an Ask Jeeves toolbar installed on their systems without their full, meaningful, and informed consent. Given as much, Sunbelt Software is perfectly justified in offering as detections to its users those Ask Jeeves products that have exhibited problematic installation practices.

Products that have been marked by problematic installation practices through third-party advertising and distribution include:

My Global Search
<http://myglobalsearch.com>

My Web Search Toolbar
<http://mywebsearch.com>

My Search Bar
<http://mysearch.com>

Need2Find Toolbar
<http://need2find.com>

My Speedbar
<http://myway.com>

Because the FunWeb Products are simply re-skinned versions of the My Web Search Toolbar, they must also be included with this group of problematic installations:

CursorMania
<http://cursormania.com>

My Mail Stationary
<http://mymailstationery.com>

FunBuddyIcons
<http://funbuddyicons.com>

PopSwatter
<http://popswatter.com>

HistorySwatter
<http://historyswatter.com>

Popular Screensavers
<http://popularscreensavers.com>

MyFunCards
<http://myfuncards.com>

Smiley Central
<http://smileycentral.com>

My Mail Signature
<http://mymailsignature.com>

Inasmuch as none of these products includes highly objectionable or malicious functionality, displays pop-ups or banner ads directly on users' desktops, or tracks users' online activity, the Sunbelt Software research team recommends that each of the above products be classified as a "Potentially Unwanted Application," with a Threat Level of "Low" (coded in the CounterSpy database as the numerical value "5").

Currently, the Recommended Action assigned to such low risk threats is "Ignore", which means that CounterSpy displays the applications in its scan results and provides the opportunity for the user to remove or quarantine the applications. However, this default action will be relabeled in the very near future to allow Sunbelt to provide more informative advice to users regarding low risk programs that appear in CounterSpy scan results. The Ask Jeeves programs listed above should receive that new "Recommended Action" when it is implemented. This classification will allow Sunbelt to alert CounterSpy customers and users to potentially unwanted Ask Jeeves software, providing them the opportunity to remove the unwanted application.

Sunbelt CounterSpy currently detects most, but not all, of these applications as "Adware" with a Threat Level of "Moderate" or "Elevated Risk." As a general rule, these detections should be reclassified as outlined above. Some additional changes and adjustments will need to be made, however, to Sunbelt's detections database.

- Sunbelt CounterSpy does not currently detect and remove the My Global Search or Need2Find toolbars in their entirety, so new detections should be created for these toolbars. These new detections should be classified similar to the revamped toolbar detections as described above.
- Sunbelt currently has two overlapping detections for "My Search Bar," one of which apparently covers the My Web Search Toolbar. These duplicate detections should be consolidated, and a separate detection for "My Web Search Toolbar" created.
- Sunbelt has a detection for "My Total Search," which appears to be yet another toolbar variant that is not currently available from the MyTotalSearch.com web site. "My Total Search" should be reclassified just as the other Ask Jeeves products.
- Sunbelt has a detection for "FunWebProducts," which are installed with the My Web Search Toolbar. "FunWebProducts" should be also be reclassified as outlined above.

Three of Ask Jeeves' toolbars are generally not advertised or distributed outside of Ask Jeeves' own web properties:

Ask Jeeves Bar
<http://ask.com>

iWon Co-Pilot
<http://iwon.com>

Excite Speedbar
<http://excite.com>

These three products will be excluded and removed from Sunbelt's threat database unless and until hard evidence emerges that these products are being distributed or advertised in ways that trip Sunbelt's Listing Criteria, as Ask Jeeves' other products do.

The research team does advise, however, that because it appears that Ask Jeeves has re-used some components amongst several of its toolbars, individual components of the three excluded products may still be inadvertently detected and identified as parts of other deliberately targeted applications.

Corrections

An earlier draft of this document reported the following regarding the "free" version of Grokster available from Grokster.com:

While users who download the free version of Grokster directly from Grokster.com are notified outside of the EULA on the download page itself that the My Global Search will be installed, that web page arguably gives the misleading impression that users can uncheck the boxes for the several bundled third-party programs to decline installation of those programs, which is not the case.

In fact, when users uncheck the boxes for any of the several bundled third-party programs, the corresponding programs will not be installed. As noted in the revised version of that paragraph, though, the Grokster.com download page does still claim that all listed third-party programs must be installed by the user in order to download and install the "free" version of Grokster.

Sunbelt regrets the error.

Notes:

1. Download.com page for Grokster:
http://www.download.com/Grokster/3000-2166_4-10388609.html?tag=lst-0-1
Note: the free version from Grokster.com actually installs My Global Search toolbar.
2. Grokster greeting page:
<http://client.grokster.com/us/start/?c=as&ver=265>
3. On Grokster installations:

Sunbelt. "Grokster is back with their ad-supported version." 16 Aug. 2005.
<http://sunbeltblog.blogspot.com/2005/08/grokster-is-back-with-their-ad.html>

Sunbelt. "Grokster madness continues!" 17 Aug. 2005.
<http://sunbeltblog.blogspot.com/2005/08/grokster-madness-continues.html>

Sunbelt. "Disturbing New Evidence on Grokster." 22 Aug. 2005.
<http://sunbeltblog.blogspot.com/2005/08/disturbing-new-evidence-on-grokster.html>

Spyware Informer. "Grokster is Back, But Now with Trojans." 17 Aug. 2005.
<http://blog.360.yahoo.com/blog-NMvZbdw8dLQdukaRO11y4Ez7Eg--?l=6&u=11&mx=66&lmt=5&p=287>

VitalSecurity.org. "Grokster: The Movie" 23 Aug. 2005.
<http://www.vitalsecurity.org/2005/08/grokster-movie.html>
4. Free Bald Eagle Screensaver:
<http://www.scenicreflections.com/free-bald-eagle-screen-saver.htm>
5. Smiley Central pop-up during Bald Eagle Screensaver install:
http://tafmaster-p.foalex.com/offers.mpl?location=22&country_code_guess=US&single_ad=1&aid=252146&email=HASH%280x9649060%29&first_name=&last_name=&form_id=2543&gatherer_id=http%3A%2F%2Fwww.scenicreflections.com%2F
6. Ben Edelman. "Ask Jeeves Toolbar Installs via Banner Ads at Kids Sites." 2 May 2005.
<http://www.benedelman.org/spyware/installations/AskJeeves-banner/>
7. Galttech Britney Bikini Screensaver:
<http://www.galttech.com/coregbikini.html>

Top11.net California Bikini Girls Screensaver:
<http://www.topeleven.net/01/item.php?it=27>
8. On the Grokster.com download page, see:

Sunbelt. "Grokster is back with their ad-supported version." 16 Aug. 2005.
<http://sunbeltblog.blogspot.com/2005/08/grokster-is-back-with-their-ad.html>

9. The iMesh download page directs users to Download.com:
<http://www.download.com/1200-2025-5140766.html?part=dl-imesh&subj=dl&tag=button>
10. Ben Edelman. "Comparison of Unwanted Software Installed by P2P Programs." 7 Mar. 2005.
<http://www.benedelman.org/spyware/p2p/#imesh>
11. Free Bald Eagle Screensaver:
<http://www.scenicreflections.com/free-bald-eagle-screen-saver.htm>
12. Eric L. Howes. "The Anatomy of a Drive-By Download." 29 Mar. 2004.
<https://netfiles.uiuc.edu/ehowes/www/dbd-anatomy.htm>
13. On Windows Media adware installations, see:

DSLReports.com. "Adware Installed through WMA Files."
<http://www.dslreports.com/forum/remark,12245912~mode=flat>

DSLReports.com. "WMP Adware: A Case Study in Deception."
<http://www.dslreports.com/forum/remark,12298989~mode=flat~start=0>

Ben Edelman. "Media Files that Spread Spyware." 3 Jan. 2005.
<http://www.benedelman.org/news/010205-1.html>

Ed Bott. "'Poisoned' Windows Media files: more details." 2 Jan. 2005.
<http://www.edbott.com/weblog/archives/000340.html>
14. Ben Edelman. "Does Jeeves Ask for Permission?" 2 May 2005.
<http://www.benedelman.org/news/050205-1.html>
15. Brad Stone. "Uneasy Rider." MSNBC.com. 3 June 2005.
<http://www.msnbc.msn.com/id/8086560/site/newsweek/>
16. Andrew Clover. "MySearch."
<http://www.doxdesk.com/parasite/MySearch.html>
17. Andrew Clover. "FavoriteMan."
<http://www.doxdesk.com/parasite/FavoriteMan.html>
18. Andrew Clover. "Aornum."
<http://www.doxdesk.com/parasite/Aornum.html>
19. My Search Bar End User License Agreement.
<http://www.mysearch.com/jsp/softwareterms.jsp>
20. My Way Speedbar End User License Agreement.
http://info.myway.com/terms/mw_speedbar.html
21. Fun Web Products/My Web Search End User License Agreement.
<http://www.mywebsearch.com/jsp/eula.jsp>

22. For example complaints regarding the "MyWay Search Assistant," see:
http://forum.us.dell.com/supportforums/board/message?board.id=si_virus&message.id=41617
http://forum.us.dell.com/supportforums/board/message?board.id=si_virus&message.id=40403
23. Sunbelt Software Listing Criteria.
http://research.sunbelt-software.com/listing_criteria.cfm

About Sunbelt Software

Headquartered in Tampa Bay (Clearwater), Fla., Sunbelt Software was founded in 1994 and offers products to protect and secure systems from costly inefficiencies including spam and spyware; as well as enterprise solutions to protect against system downtime and security vulnerabilities.

Sunbelt Software is part of the Sunbelt International Group, which includes Sunbelt Software, Inc. and Sunbelt System Software in Europe. The Sunbelt System Software group has offices in the UK, France, Netherlands, Sweden and Germany.

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