

"Buy Now" and Other Lies

Aaron Perzanowski, Chris Hoofnagle, and James Grimmelmann

Retailers like Apple and Amazon market digital media to consumers using familiar language of ownership, with phrases such as "buy now," "own," and "purchase." Consumers may understandably associate such language with strong personal property rights. But the license agreements and terms of use that purport to govern these transactions tell a very different story. They insist that ebooks, MP3 albums, digital movies, games, and software are not sold, but merely "licensed." Those terms limit consumers' ability to resell, lend, transfer, and even retain the digital media they "buy" and "own." This project presents the results of an empirical study to evaluate consumers' perception of the marketing language used by digital media retailers.