



Office of the Secretary

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

April 11, 2013

Westmoreland
Commonwealth of Pennsylvania

Re: In the Matter of DesignerWare, LLC, File No. 112 3151, Docket No. C-4390

Dear Sir or Madam:

Thank you for your comment regarding the Federal Trade Commission's consent agreement in the above-entitled proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

Your comment objects to the proposed consent order with DesignerWare, LLC, because it will prohibit the use of monitoring technology on rented computers. According to your comment, "it is impossible" for a consumer who leases a computer from a rent-to-own ("RTO") store to be unaware that the store may monitor them through the computer's webcam. You also dispute more generally allegedly "false and misleading" statements presumably in the Commission's complaint against DesignerWare and related materials about this matter on the Commission's website.

The Commission appreciates your comment, but concludes that, based on the facts uncovered during its investigation, the proposed order is necessary to protect consumer privacy. The complaints against DesignerWare, its owners, and the RTO stores allege that respondents licensed, activated, and surreptitiously used software installed on rented computers to monitor consumers using rented computers, including by capturing keystrokes, screenshots of computer activities, and pictures taken by computer webcams. These practices, the complaints charge, caused or were likely to cause substantial consumer injury. In addition, the DesignerWare complaint alleges that the company and its owners harmed consumers by installing geophysical location tracking software on rented computers without consent from computer renters and contemporaneous notice to computer users. According to the complaints, in numerous instances, consumers were not informed that their computer use would be monitored in this manner.

In light of these considerations, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work. The Commission thanks you again for your comment.

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By direction of the Commission, Commissioner Wright not participating.

Donald S. Clark
Secretary