

As Seen On:



Apple on Target in Theme Controversy

By Khan Klatt

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Instead of hosting knock-offs of themes developed by companies that have a vested interest and significant investment in a certain design, perhaps ThemeXP should focus on innovation.

According to published reports, Apple (Nasdaq: AAPL) has asked theme-hosting site ThemeXP to remove a couple of themes for Windows XP from its site.

In response, the site defiantly said, "As much as we enjoy long and expensive lawsuits against megacorporations, we decided to comply with their notice of infringement and take down both of the two themes we previously hosted."

While some might ask, "Has Apple no shame?" the people who really should be ashamed are the proprietors of ThemeXP.

Breaking It Down

As best I can tell, the themes available on ThemeXP seem to be freeware -- there is no cost to the end user to download and run these themes on their computers. The theme developers don't appear to be asking for any compensation from the use of the themes.

So, how does ThemeXP actually make money? The site answers that question by stating, "Please consider having your banner appear in the space above ... our site reaches thousands of computer and graphics-savvy web users."

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The Aggrieved Party

This isn't a situation of the megacorporation picking on the little guy. It's simply a question of fairness. Apple has spent untold amounts of money on research and development of user interfaces and other human factors of computer use. It has consistently led the industry in interface design and usability since 1984, when the Macintosh debuted.

If the popularity of Mac OS X-inspired themes at ThemeXP is any indication, the visitors to ThemeXP agree with me. The site's own statistics show that interest in Mac OS-inspired interfaces surpasses interest in any other design. After all, Apple's research and development has resulted in a very attractive and desirable user interface.

So, why did Apple go after ThemeXP instead of the folks who actually built the themes? I can't speak for Apple, but my guess is that because ThemeXP was using the popularity of Mac-like themes to sell advertising on its site, Apple's legal department felt compelled to take action to protect its investment.

Prevailing Party

It is a cheap shot to imply that it's not worth fighting a large corporation over this issue because of prohibitive court costs. If ThemeXP believes it was not infringing on Apple's intellectual property, the site owners should have no fear of an expensive lawsuit. Should Apple lose, as the Web site's owners said they suspect it would, the company would have to pay ThemeXP's reasonable court costs.

Instead of hosting knock-offs of themes developed by corporations that have a vested interest and significant investment in a particular design, perhaps ThemeXP should focus on innovation, not duplication, and drop the sarcastic tone to boot.

Nobody likes to admit to being caught red-handed, but it is disingenuous and tacky to criticize the accuser in light of one's own misdeeds.

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