

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright**

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| In the Matter of C.A.L.M. VENTURES, INC., a corporation, also d/b/a Premier Rental Purchase. |))))))) | DOCKET NO. C-4394 |
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COMPLAINT

The Federal Trade Commission, having reason to believe that C.A.L.M. Ventures, Inc., also d/b/a Premier Rental Purchase, has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

- 1. Respondent C.A.L.M. Ventures, Inc., also d/b/a Premier Rental Purchase (“C.A.L.M. Ventures” or “respondent”), is a Tennessee corporation with its principal office or place of business at 8428 Rolling Hills Drive, Nashville, Tennessee 37221. C.A.L.M. Ventures is a franchisee of Premier Rental-Purchase, Inc., and operates a rent-to-own store in Tennessee. Rent-to-own stores allow consumers to rent, with an option to purchase, goods such as furniture, household appliances, and consumer electronics including computers.
- 2. The acts and practices of respondent as alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

RESPONDENT’S BUSINESS PRACTICES

- 3. Since at least November 2009, C.A.L.M. Ventures has licensed a software product known as PC Rental Agent from DesignerWare, LLC (“DesignerWare”) and installed it on computers it rents to consumers. PC Rental Agent, when installed on a rented computer, enables C.A.L.M. Ventures to disable the computer remotely. C.A.L.M. Ventures disables the

computer when it is reported lost or stolen, or when a consumer is late making payments, has stopped communicating with C.A.L.M. Ventures, or has otherwise violated the rental contract. PC Rental Agent also enables C.A.L.M. Ventures to remotely install and activate an add-on program called Detective Mode. Using Detective Mode, C.A.L.M. Ventures can surreptitiously monitor the activities of the computer's user, including by using the computer's webcam. Through Detective Mode, C.A.L.M. Ventures can also secretly gather consumer's personal information using fake software registration windows.

4. C.A.L.M. Ventures installs PC Rental Agent on computers it rents to consumers prior to the consumer taking possession of the computer. The presence of PC Rental Agent is not detectable to a computer's user and the computer's renter cannot uninstall it.

5. C.A.L.M. Ventures can remotely install and activate Detective Mode on any computer with PC Rental Agent. Once activated, Detective Mode can log the keystrokes of the computer user, take screen shots of the computer user's activities on the computer, and photograph anyone within view of the computer's webcam. Detective Mode gathers this information and transmits it to C.A.L.M. Ventures, unbeknownst to the individual using the computer. C.A.L.M. Ventures does not tell the computer user about the activation of Detective Mode.

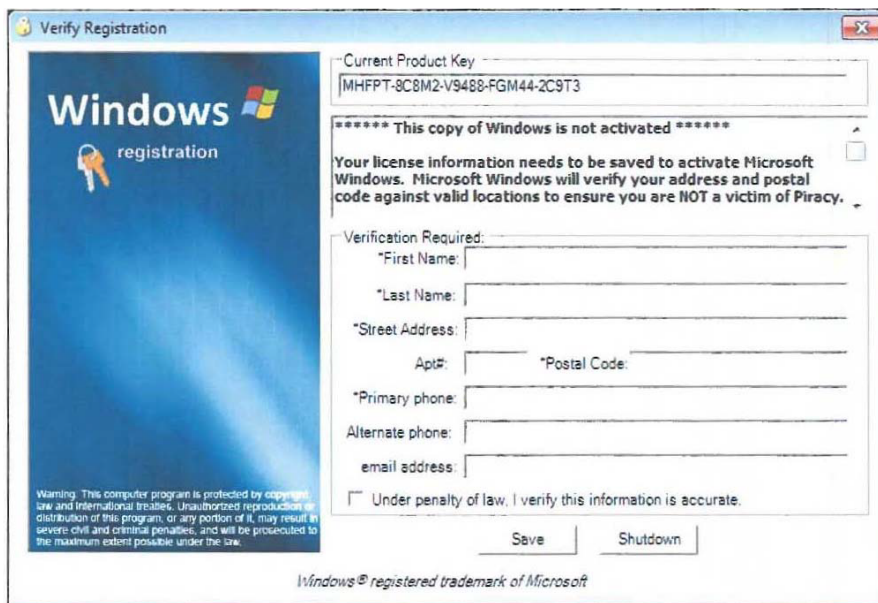
6. Using Detective Mode, C.A.L.M. Ventures has gathered data about whoever is using the computer, whether the user is the computer's renter or another individual. At one level of activation, Detective Mode will gather data every two minutes that the computer is connected to the Internet for a period of 60 minutes. If C.A.L.M. Ventures wants more information, it can instruct Detective Mode to record data every two minutes until directed to stop doing so. In numerous instances, C.A.L.M. Ventures has obtained data via Detective Mode that has revealed private, confidential, and personal details about the computer user. Keystroke logs have displayed usernames and passwords for access to email accounts, social media websites, and financial institutions and screenshots have captured additional confidential information. Webcam pictures have photographed not only the computer's user, but also anyone else within view of the camera. In numerous instances, C.A.L.M. Ventures has obtained pictures taken secretly inside the computer user's home.

7. C.A.L.M. Ventures has used the information improperly obtained via Detective Mode in connection with collecting or attempting to collect debts, money, or property pursuant to consumer rental contracts.

8. C.A.L.M. Ventures' gathering of private and confidential information about individuals causes or is likely to cause substantial harm to consumers. Because of C.A.L.M. Ventures' intrusion, consumers are at risk of harm from exposure of their personal, financial account access, and medical information. Consumers are actually harmed by C.A.L.M. Ventures' unwarranted invasion into their homes and lives, and its capture of the private details of individual and family life. Secretly collecting such data can cause consumers financial and physical injury and impair their peaceful enjoyment of their homes. Consumers cannot reasonably avoid these injuries because Detective Mode is invisible to them. The harm caused

by C.A.L.M. Ventures' unauthorized gathering of confidential consumer information is not outweighed by countervailing benefits to consumers or to competition; indeed, in this context, where rent-to-own stores have alternate effective methods of collection, e.g., using PC Rental Agent to remotely disable the computer, there are no legitimate benefits to respondent or to the public.

9. C.A.L.M. Ventures has also used another feature of Detective Mode that allows it to cause a user's computer to display a fake registration window, purportedly for Microsoft Windows or other software. The fake registration window prompts the computer user to enter a name, address, email address, and phone number. The computer user must enter the requested information to close the window. A screenshot of one such fake software registration window appears below.



10. No actual software is registered as a result of a consumer providing the requested information; instead, Detective Mode captures the information entered in the prompt boxes and sends the data to C.A.L.M. Ventures. In numerous instances, C.A.L.M. Ventures has used this information to find, require payment for, or repossess a computer.

11. Consumers who respond to the fake prompt screen and provide the requested contact information are deprived of the ability to control who has access to their contact information and how they are contacted.

VIOLATIONS OF THE FTC ACT

COUNT I

Unfair Gathering of Consumers' Personal Information

12. Through the means described in Paragraphs 3 through 11, respondent has installed monitoring software on rented computers and gathered, or caused to be gathered, sensitive personal information about consumers from those computers.

13. Respondent's actions cause or are likely to cause substantial injury to consumers that cannot be reasonably avoided and is not outweighed by countervailing benefits to consumers or competition.

14. Therefore, respondent's practices, as described in Paragraph 12, constitute unfair acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45(a).

COUNT II

Unfair Collection Practices

15. Through the means described in Paragraphs 3 through 11, respondent has used information improperly gathered from consumers to collect or attempt to collect a debt, money, or property pursuant to a consumer rental contract.

16. Respondent's actions cause or are likely to cause substantial injury to consumers that cannot be reasonably avoided and is not outweighed by countervailing benefits to consumers or competition.

17. Therefore, respondent's practices, as described in Paragraph 15, constitute unfair acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45(a).

COUNT III

Deceptive Gathering of Consumers' Personal Information

18. Through the means described in Paragraphs 3 through 11, respondent has represented or caused to be represented to consumers, expressly or by implication, that certain pop-up notices that appear on a computer's screen are notices from trusted software providers that contain software registration forms that must be filled out with the consumers' contact information in order to continue to use the providers' software.

19. In truth and in fact, these pop-up notices are not from trusted software providers and do not contain software registration forms that must be filled out with the consumer's contact information in order to continue to use the providers' software, but instead serve only to

cause the consumer to provide the requested contact information so that respondent can use this information in connection with collecting or attempting to collect debts, money, or property pursuant to consumer rental contracts.

20. Therefore, respondent's practices, as described in Paragraph 18, constitute deceptive acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45(a).

THEREFORE, the Federal Trade Commission this eleventh day of April, 2013, has issued this complaint against respondent.

By the Commission, Commissioner Wright not participating.

Donald S. Clark
Secretary

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