

Support for SF1598 from the Digital Right to Repair Coalition

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SF 1598 has a solid legal foundation in ownership law, general business law, and antitrust law. It was crafted based on the statute passed in Massachusetts for automotive repair, using the same principles. Everyone that uses an independent mechanic or does their own work has benefitted from that law.

Repair is central to how we keep our purchases in use. It is how businesses, government, and industry invest, depreciate, and account for their purchases. Repairing things is a key to retaining value in the used market, to keeping things prematurely out of the landfill, and to teaching the next generation how things work. Without a market for repair, there is no market for used equipment – such as availability of used laptops for students. There is no way to reach sustainability goals without repair, nor any way to cross the digital divide.

Ownership principles: Buyers expect to be able to repair, customize, neglect or destroy their purchases as legal owners. The manufacturer and retailer have already been paid in full for their innovations and all their costs of doing business. They are not responsible for your mistakes intentionally – and the contracts of both purchase/sale and warranty always disclaim any and all liability up to the limits of state law.

General Business Law: Buyers need to be protected from Unfair and Deceptive Acts and Practices by state law. Manufacturers are not entitled to sell things to customers, and then retain some rights of ownership deceptively. Nearly all products sold today are subject to post-purchase contracts known as End User License Agreements which change the terms of the purchase into something less than a purchase. EULA are written to be impossible to negotiate and are intended to be ignored. Everything with a EULA or similar associated agreement is by itself already unfair and deceptive.

Antitrust Law: Manufacturers are prohibited from tying the original purchase to an additional product or service sale under antitrust law. Every instance where a complete repair can only be made by the manufacturer or their branded providers is a tying agreement. States have authority to act to prevent monopolies such as are currently common.

The intended purpose of this legislation is to comprehensively protect consumers from losing their existing rights to control their property, and that includes a positive requirement to make sure that there is competition for repair services.

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