DRAFT RESOLUTION AFFIRMING THE DIGITAL RIGHT TO REPAIR

WHEREAS, it is the public policy of the State of [insert state name here] to promote the growth of the state’s economy, and

WHEREAS, the economy now includes the sale and repair of millions of digital products every year, and

WHEREAS, sales of consumer electronics alone now generate than $200 billion in revenues for the global economy, and

WHEREAS, digital products include embedded “programming” on the chip or on the circuit board, and;

WHEREAS, a growing number of digital product manufacturers have taken to claiming that this machine-level code is “intellectual property” under the Copyright Act in order to prevent owners from controlling their purchases, and

WHEREAS, owners are being told that machines cannot be repaired because they contain intellectual property, that machines cannot be modified, and that machines cannot be resold because the intellectual property is not transferrable, and

WHEREAS, consumers are purchasing digital products unaware of these restrictions on their ability to repair and resell their purchases, and

WHEREAS, this practice has already been applied to thousands of different digital products ranging from consumer cell phones, to combine harvesters, to automobiles, to mainframe data center equipment, and to industrial controls, and

WHEREAS, consumers and their preferred repair professionals are increasingly being restricted from accessing diagnostic codes, product manuals, replacement parts, repair tools, and machine-level code critical to performing repairs and maintenance, and

WHEREAS, restricting access to any of the preceding elements makes repair either more difficult, illegal, or impossible;
WHEREAS, preventing modification, repair, and resale of digital products decreases the bottom line of the owner, and

WHEREAS, if the product cannot be repaired, most products with digital electronic parts have only scrap value and become e-waste;

WHEREAS, the key to supporting owner’s rights to resell is to use their purchases as they see fit is to affirm that the embedded code that is delivered with the machine belongs to the machine, and

WHEREAS, hardware repair has no impact on licensed products, and

WHEREAS, license terms and conditions are external to the repair of equipment and users will still make their software license support arrangements separately, and

THEREFORE, LET IT BE RESOLVED, the State of [insert state name here] believes that unnecessarily interfering with the right to repair digital products is an affront to the principles of free markets and to private property rights, and

FURTHER, LET IT BE RESOLVED, the State of [insert state name here] calls for increased transparency and clarity on the part of digital products manufacturers in the terms and conditions of use, warranties, and license agreements for their products prior to purchase to assist consumers in making informed purchasing decisions, and

FURTHER, LET IT BE RESOLVED, the State of [insert state name here] calls upon the Congress of the United States to thoroughly investigate the issues concerning the right to repair and to take appropriate action through legislation if necessary.