

DRAFT RESOLUTION AFFIRMING THE DIGITAL RIGHT TO REPAIR

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

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

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

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

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

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

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

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

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

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32 **WHEREAS**, restricting access to any of the preceding elements makes repair either more
33 difficult, illegal, or impossible;

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35 **WHEREAS**, preventing modification, repair, and resale of digital products decreases the bottom
36 line of the owner, and

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

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

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

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

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

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

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