

Right to Repair Movement

August 3, 2021

With products becoming difficult to repair, activists and consumer organisations are advocating the 'Right to Repair' movement, which aims to enable consumers to repair their electronics products by themselves or third-party technicians. In recent years, countries around the world have been attempting to pass effective 'right to repair' laws. But it is no surprise that the movement has faced tremendous resistance from tech giants such as Apple and Microsoft over the years.

In news: Right To Repair movement and how Big Tech is reacting to it

Placing it in syllabus: Economy

Dimensions

- What is the issue about?
- US Federal Trade Commission Ruling?
- How does it help the consumers?
- Arguments of Tech giants
- Way Forward

Content:

What is the issue about?

- Consumers often spend huge amount of money on these appliances and gadgets, and sometimes find them to become obsolete within a few years after purchase.
- For example, a smartphone's battery is likely to degrade over time and slow down the device's performance. And, if the battery is not replaceable, the consumer is forced to dump the device and spend thousands of rupees on a new phone.
- Fragile and irreparable components also reduce the life of a product. Manufacturers, too, drop support for

- functional devices, and non-standard parts.
- Most modern technology consists of irreparable and irreplaceable components, especially if it is powered by sophisticated computer chips.
 - With products becoming difficult to repair, activists and consumer organisations are advocating the 'Right to Repair' movement.
 - The movement aims to enable consumers to repair their electronics products by themselves or third-party technicians.
 - Activists and organisations around the world have been **advocating for the right of consumers to be able to repair their own electronics and other products** as part of the 'right to repair' movement.
 - The movement traces its roots back to the very dawn of the computer era in the 1950s.
 - The **goal of the movement** is to get companies to make spare parts, tools and information on how to repair devices available to customers and repair shops to increase the lifespan of products and to keep them from ending up in landfills.
 - They argue that these electronic manufacturers are encouraging a **culture of 'planned obsolescence'** – which means that devices are designed specifically to last a limited amount of time and to be replaced.
 - This, they claim, leads to immense pressure on the environment and wasted natural resources.
 - The Right to Repair movement demands that all companies provide:
 - Repair information, including manuals or guides which can help
 - Products that can be repaired
 - Supply of parts that can be used to repair the products

Planned obsolescence:

In the 1950s, **Brook Stevens**, an American industrial designer, pointed out the term 'planned obsolescence', a **marketing practice** in which **manufacturers artificially shorten product life-cycles** and encourage consumers to buy new products every few years.

This practice **favoured sellers** and made them **influence buying decisions** to **improve sales and increase profit**.

US Federal Trade Commission Ruling?

- U.S. President Joe Biden had signed an executive order calling on the **Federal Trade Commission (FTC)** to prevent companies from restricting customers from repairing their own products – including laptops, smartphones, cars, washing machines, and heavy manufacturing equipment.
- On July 21, the U.S. Federal Trade Commission (FTC) voted unanimously to make a push for the right of consumers to repair their electronic devices.
- All five FTC Commissioners voted in favour of a policy that seeks to know whether companies that are making it tougher for people to repair are violating antitrust laws.
- FTC Chairperson Lina Khan said its decision would help “root out unlawful repair restrictions” and move forward with “new vigour” against violators.
- The vote was seen as a big win for the ‘Right to Repair’ movement, which has been making the case for allowing people to fix the products they buy.

In May, the FTC released a report to Congress that concluded that manufacturers use a variety of methods—such as:

- using adhesives that make parts difficult to replace,
- limiting the availability of parts and tools, or
- making diagnostic software unavailable

These methods have made consumer products harder to fix and maintain.

The policy statement notes that such restrictions on repairs of devices, equipment, and other products have increased the burden on consumers and businesses.

In addition, manufacturers and sellers may be restricting competition for repairs in a number of ways that might violate the law.

These types of restrictions can significantly raise costs for consumers, stifle innovation, close off business opportunities for independent repair shops, create unnecessary electronic waste, delay timely repairs, and undermine resiliency.

How does it help the consumers?

Consumer retains power over devices owned:

- An objective of the movement includes retention of value of the product which is lost if it is irreparable.
- Ultimately, it aims at retention of power in the hands of the consumer.
- Centuries of law tell us that buying something transfers control of that item from seller to buyer.
- When someone damages a phone, it should be their right as the owner to attempt to fix it.
- When contracts fail to cede full control to the buyer – the legal rights of owners are damaged.

Easier Upgradation:

- Instead of being forced to buy entirely new products, some users want to be able to purchase devices that can be upgraded over their lifespan.
- This would include being able to upgrade all aspects of the device, including the processing power, memory, and batteries.

Affordable Devices:

- Price is a major factor propounded by these activists.
- If a manufacturer has monopoly on repairs, then prices rise exponentially and quality tends to drop
- As there is a lack of competition in the repair market in the west, consumers are not able to hunt for the best deal.

Environmental Sustainability:

- Products that cannot be repaired become instant electronic-waste
- This leads to immense pressure on the environment and wasted natural resources.
- Manufacturing an electronic device is a highly polluting process. It makes use of polluting sources of energy, such as fossil fuel, which has an adverse impact on the environment.
- It isn't good for the environment to continue to produce brand new products while discarding devices that have a minor issue that, theoretically, could be fixed with little effort

Balance out existing digital divides:

- Another angle of the right to repair is to balance out existing digital divides between classes and neighborhoods of people.
- Repairing and rebuilding old devices provides an avenue for people to access devices at an economical price.

Boost to Local Economies:

- Right to repair advocates also argue that this will help boost business for small repair shops, which are an important part of local economies.

Arguments of Tech Giants:

Large tech companies, including Apple, Microsoft, Amazon and Tesla, have been lobbying against the right to repair.

Protecting Intellectual Property:

- Their argument is that opening up their intellectual property to third party repair services or amateur repairers could lead to exploitation and impact the safety and security of their devices.
- They view their parts and guides as proprietary, so they don't want these guides to be released to the public.
- They believe this information is a company or trade secret.

Cyber Security:

- Tesla, for instance, has fought against right to repair advocacy, stating that such initiatives threaten data security and cyber security.
- Microsoft and Google have also opposed the legislation, stating it allows unvetted access to sensitive diagnostic information and software.

Consumer Safety:

- TechNet, a trade group representing large tech firms, said allowing unvetted parties to access sensitive information, tools and components would "jeopardise safety of consumers' device and put consumers at risk of fraud"

Way Forward:

- The Right to Repair is a keen battle between the customer and the manufacturer
- Tinkerers and large corporations are fighting to solve the issue of who owns the information needed to fix a device.

- A consortium of advocacy groups is trying to push repair-friendly laws in the U.S. and break the DMCA stronghold.
- The Repair Association's premise is that consumers can maintain their products, provided tools and information on fixing is available to them.
- Since its founding in 2013, the group has put several 'Right to Repair' proposals in state legislatures. The FTC vote is a major win for the group.
- The proposed legislation requires consumer electronics-makers to provide tools and information necessary to repair electronic products.
- This could change how companies operate by making them provide information and parts to unofficial repair centres, and, in the process, reduce costs for the consumer.

Mould your thought: What is the Right to Repair? How has it influenced debate on Consumer Rights in recent times?

Approach to the answer:

- Introduction
- Define Right to Repair
- Discuss the planned obsolescence and its impact on consumer rights
- Discuss the benefits of Right to Repair for Consumers
- Discuss the arguments of Manufacturers in this matter
- Conclusion