



**CDT Comments in Support of
US PIRG/ iFixit Petition
To Federal Trade Commission
For Rulemaking on Right to Repair
Docket FTC-2023-0077
February 2, 2024**

The Center for Democracy & Technology (“CDT”) submits these comments in support of the Petition submitted in the above-referenced docket by the U.S. Public Interest Research Group Education Fund and iFixit (“Petitioners”).¹

The Petition extensively and vividly describes the various adverse ramifications of restricting the Right to Repair, supplementing the Commission’s own findings. These include significant harm to competition, higher costs, and greater inconvenience, disruption to business activity and to health and safety, and increased waste and environmental harm. The Petition sets forth a strong justification for rulemaking.

CDT has been a strong supporter of efforts to secure the Right to Repair – for consumers to have an effective right to choose where to get their electronics-enabled products repaired, and for independent repair shops to have a right to a fair opportunity to compete to provide their services to consumers.²

Securing this Right to Repair would reinstate for the Electronic Age one of the fundamental rights of ownership consumers have enjoyed throughout prior Ages. Indeed, the rights of ownership have been recognized in law for many centuries, as far back as the ancient civilizations of Rome, Athens, Israel, Egypt, and Mesopotamia. These rights have given individuals dominion and control over what they own – including the right to protect and prolong a product’s usefulness, by having it fixed where and how they want, or fixing it themselves.

For example, a dress purchased from a clothier could be re-hemmed or mended by a neighborhood seamstress, or even at home. A wagon with a broken wheel could be repaired by a local blacksmith or carpenter.

¹ <https://www.regulations.gov/document/FTC-2023-0077-0020>.

² E.g., The Time Has Come to Recognize the Right to Repair, <https://cdt.org/insights/the-time-has-come-to-recognize-the-right-to-repair/>.

The Right to Repair continued to be inherent in ownership during the Industrial Age. For example, independent auto repair shops became widespread, in every community, and many car owners worked on their own car at home in their garage.

With technological advances, this right is being undermined. An increasing number of products now depend for their functioning on electronics that are embedded in or attached to the product. This has given manufacturers additional means to block competition and monopolize the maintenance and repair aftermarket for their products.

Manufacturers can design the electronics to make repairs more difficult, such as with uniquely configured physical and software tools that are not made available to owners and independent repair technicians. Manufacturers can refuse to make diagnostic manuals and other basic technical information available. They can engineer special parts and refuse to make them available. They can booby-trap the product with locks that cannot be easily opened without breaking the product, or that when opened render the product dysfunctional unless a secret software code is applied to restore functionality.

When manufacturers are able to block competition in the repair aftermarket, they can prioritize their own interests, and downplay or disregard the interests of their consumers. They can charge more for repairs. They can limit the number of repair providers, to maximize their own profits, resulting in longer waiting periods and other inconveniences for consumers. They can decide which repairs they will make, and when it's more profitable for them to make their consumers toss out the product and replace it. Too often, that's what has been happening.

CDT's efforts to secure a Right to Repair have centered on a simple proposition of fair access: that a manufacturer of a device that runs on digital electronics should be required to provide parts, tools, and technical information for repairing the device to independent repair service providers at costs and terms equivalent to the most favorable costs and terms it offers to any of its selected authorized repair service providers, or to its own in-house repair service.

Some states have enacted Right to Repair laws, generally with the equivalent costs and terms requirement at their foundation, and similar efforts are underway in a number of other states. But ultimately a federal law, if written with appropriate standards, is useful in that the standards it creates are uniform.

And at the federal level, although the prevalent restrictions being imposed on independent repair could potentially be satisfactorily addressed on a case-by-case basis under current antitrust law, these restrictions are common and familiar enough to benefit from a clarifying rule.

The specific goals and elements for a rule that the Petition sets forth for meeting reasonable consumer expectations are all appropriate for the Commission to consider.

In addition to fair and equivalent access to documentation, parts, and tools for repair, these include --

- repairability scoring
- reasonable replacement parts availability
- parts interchangeability
- restorable functioning
- reasonable continuation of software updates
- availability of schematic diagrams and guides
- easy battery and parts replacement
- consumer access to, and ability to control, data generated by internet-connected products

Unleashing the healthy forces of competition provides consumers the leverage of choice – the ability to look elsewhere for a better deal – which tends to bring them lower prices, more convenience, and greater satisfaction. This fundamental free-market principle applies in the repair aftermarket for consumer products that run on digital electronics no less than it applies throughout the economy. And as noted above, securing the Right to Repair can also dramatically prolong product usefulness and reduce environmentally harmful waste.

Respectfully submitted,



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