

You Paid for It, But Do You Own It?

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A few months ago, the battery on my two-year-old SUV died because the brake lights had been stuck on overnight. My husband and I jumped the battery and took it to the dealership, hoping it would be covered under warranty. It wasn't. To my surprise, they called to inform me that it would cost \$1,400 to fix the brake light switch in the pedal. I checked the price of the switch — it was less than \$200. Having done DIY repairs on our vehicles before, my husband and I decided to tackle it ourselves. When we went to pick up the car, we told the service writer our plan, and they asked, "How do you plan to program it?" Program a switch? This isn't an ECM we're talking about. It turns out this switch requires programming and calibration, which only the manufacturer can perform, or the car won't drive. With no other choice, we paid the \$1,400. While we could afford it, I thought about those who couldn't, like a single working parent. They would be left without a car for an indefinite period. I later learned that this issue wasn't exclusive to Chevrolet. It's part of a deliberate system designed to trap consumers. The consequences are far-reaching — even deadly.

Companies that manufacture vehicles and other equipment have seen profits skyrocket, largely due to repair services. They've engineered systems to ensure you can't fix your equipment without their help. This system, commonly referred to as the "anti-repair business," affects everything we own — from cars to tractors to electronic devices. And according to these companies, we don't even truly own the products we buy.

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For farmers, the consequences are catastrophic. The John Deere tractors they buy are loaded with sensors, and during the busy season, their tractors keep shutting down. They would try to fix them the same way they always had but to no avail. Finally, they would call their John Deere mechanic. "The only way we can figure this out is to hook up a computer and download the error codes." They can't borrow the machine, they can't rent the machine; they have to pay John Deere to diagnose, fix, and calibrate it. Farmers could have repaired their old tractors within hours, but not anymore. They're losing billions annually because they're forced to take their equipment to John Deere service centers, often missing crucial planting and harvesting windows. On top of that, repairs aren't cheap. This has driven up costs and stress levels, contributing to rising suicide rates among farmers. Profits at John

Deere have surged by about 61% in recent years, and CEO John May's salary has skyrocketed by 160% since the pandemic began. John Deere's restrictive practices cost American farmers \$4.2 billion each year.

This system started with Apple, a leader in the anti-repair movement. They glue batteries into their devices, use proprietary screws, and make repairs so difficult that most people must rely on Apple technicians. Other companies have followed suit, making it more expensive to fix our devices, kitchen appliances, video game consoles, cars, and more. Harley-Davidson, for instance, only sold Screamin' Eagle parts, which had to be installed by Harley-Davidson mechanics. If you install anything else on your motorcycle, your warranty is voided. Taylor, the manufacturer of McDonald's ice cream machines, makes 25% of their profits from repairs. Like John Deere, they locked their machines' software so only an authorized technician could fix them. As a result, McDonald's stores ended up waiting weeks for a technician to arrive, which is why the soft-serve machines were often broken.

These companies argue that we don't truly own the products we buy if they run on software. Farmers who purchase \$300,000 tractors are told they only have a license to operate them. Automakers like GM claim they own the software in their vehicles, meaning they retain control over the car's lifespan. John Deere is applying this legal logic to farmers who want to fix their equipment, worth millions of dollars. They told the Copyright Office that farmers aren't paying for the copyrighted software that runs their tractors — they're paying for a license to operate them. Is it fair that farmers and ranchers will pay \$300,000 or \$1 million to purchase a combine or a tractor, only to not truly own it? And if farmers don't own their tractors because they run on software, doesn't that raise questions about whether we truly own any of our smart devices?

Independent repair shops have seen firsthand how car manufacturers use new technological advancements to monopolize the repair market. For example, in an auto repair shop working on a Mercedes, technicians need to connect to the OBD port with a scanner and use Mercedes' proprietary software to reset tasks like the engine oil light after an oil change. However, car manufacturers, like Mercedes, don't sell this software to independent mechanics. Instead, they offer it through costly temporary subscriptions, ranging from \$10,000 to \$15,000 annually. Even after paying for the subscription, mechanics may still be unable to reset certain functions like the oil light due to software locks that only dealerships can bypass. This frustrates repair shops, as they often can't finish diagnostics and repairs because of data restrictions, costing independent shops around \$3 billion each year. Additionally, manufacturers secure design patents on car parts that are prone to damage, like fenders, meaning independent shops must rely on the original manufacturer for parts, driving up prices and putting local businesses at risk.

Repair delays can jeopardize lives. Patients in electric wheelchairs have been stranded in bed for months while waiting for authorized technicians. Hospitals face similar challenges with critical equipment repairs. Delays caused by restrictive repair policies can have dire consequences for public health and safety.

Farmers have filed multiple class-action lawsuits against John Deere, claiming that its repair monopoly violates the Sherman Act. The Justice Department has expressed support for the farmers, and the Federal Trade Commission (FTC) has been investigating John Deere's repair monopoly since 2021. The FTC has already broken up repair monopolies at Harley-Davidson, Weber, and Westinghouse, meaning they can no longer void your warranty if you use a local repair shop or do the repairs yourself. Along with other repair advocates, the FTC has secured an exemption to the DMCA so third-party repair shops can bypass digital locks on ice cream machines for necessary repairs. Updating outdated

copyright laws is the key to breaking repair monopolies. The Freedom to Repair Act would amend the DMCA to allow people to bypass software locks for repairs.

But the most important thing you can do is fight for right-to-repair laws, which force companies to make products that are easier to repair without going through the manufacturer. These laws are currently working their way through 30 statehouses, and the Right to Repair movement is gaining traction. Still, the legal battle is tough. On one side are farmers, local repair shops, disability rights advocates, DIY fixers, and zero-waste advocates. On the other side is a group of companies worth over \$10 trillion.

Microsoft has warned legislators that it will stop selling its Surface tablets in Washington if they pass the bill as written. In the auto industry, the fight over Right to Repair began nearly 30 years ago. Over the next decade, Congress considered several federal Right to Repair bills for cars, but automakers lobbied fiercely, and none passed.

In 2012, Massachusetts passed the nation's first Right to Repair law for cars. Automakers agreed to comply with the state law across the country to avoid further costly battles. However, their lobbying got them a loophole. The law didn't require car manufacturers to share repair data transmitted wirelessly, which most new cars do today. When Massachusetts tried to close this loophole in 2020, automakers spent \$25 million trying to defeat the bill. They ran ads showing a woman being stalked in a parking garage at night, claiming that right-to-repair laws would give criminals access to your car's data. As if no one works at a dealership who could have bad intentions. Let's take a closer look at that argument.

Repair monopolies also harvest valuable consumer data. For instance, John Deere collects real-time information on crop yields and market conditions, which gives them a competitive edge and the potential to manipulate markets. Similarly, automakers collect sensitive information from your car — like driving habits and destinations — and sell it to data brokers and insurers, driving up premiums.

The Mozilla Foundation found that car companies are already exposing our data through their own mistakes — not because of Right to Repair. The key part here is that exclusive access to all our vehicle data is extremely valuable. That's why automakers are fighting Right to Repair laws so viciously — they want data monopolies.

According to a New York Times investigation, car companies take data on your driving behavior — like how often you brake too hard or speed — and sell it to data brokers. Those brokers then sell it to insurance companies, which use it to jack up your rates. John Deere likely spends millions lobbying against Right to Repair bills for the same reason.

Precision agriculture equipment, which uploads data to the cloud, can reveal vital details about crop conditions, quality, and yields. Manufacturers could use this real-time data to manipulate the market. Knowing crop information minutes before competitors gives them a significant advantage.

The fight over Right to Repair continues across the country. So far, eight states have passed related bills. One of them is Massachusetts' updated auto repair law, which passed in 2020 with 75% voter approval. However, automakers have sued to block it, and the legal battle has prevented it from being fully enforced.

The most comprehensive law is in Minnesota. It grants the right to repair consumer electronics and home appliances, but it leaves out farm equipment and wheelchairs. Colorado's law covers farm equipment and wheelchairs, and along with Oregon, it makes parts pairing illegal, preventing manufacturers from using software to stop you or a local repair shop from installing replacement parts.

But a patchwork of state laws isn't enough. We need comprehensive federal Right to Repair laws, like the Fair Repair Act, which would remove software locks and other repair restrictions on phones, laptops, and other devices. Lawmakers have also introduced federal Right to Repair bills for cars and farm equipment.

So, the next time you purchase something, whether it's a book, a gadget, or a vehicle, remember that you might not own it in the way you think. The companies behind these products are working hard to ensure that you rely on them for repairs, making it more difficult and expensive to fix things yourself. Think about the days you spent working on repairs with your dad in the garage or learning the ropes of DIY fixes. Let's bring back that sense of independence and fight for the right to repair, because it's not just about saving money — it's about taking back control. Until next time, I'm off to read my book.

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