

One of the most responsible things we can do... is make high-quality stuff that lasts for years and can be repaired, so you don't have to buy more of it. ♻️

—PATAGONIA OUTDOOR CLOTHING

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Do-It-Yourselfers Unite!

# Corporate “repair prevention” schemes steal the right to fix our own belongings

Major manufacturers are attempting to outlaw the natural instinct of us humanoids to tinker with and improve the material things we own.

**W**hen I was a boy, I loved spending time with my Uncle Ernest and Aunt Eula on their small northeast Texas farm. They pulled a frugal living from their 50 acres, raising a little of everything: cotton and corn (their cash crops), hay, watermelon, blackberries, vegetables, chickens, a hog or two, a milk cow—and a family. Doing a lot with a little to make ends meet, Ernest and Eula operated on principle of frugality expressed in an old country rhyme: *Use it up! Wear it out! Make it do! Or do without.*

This meant that when their tractor broke down, they fixed it themselves, even forging metal parts with the bellows, hammer, and anvil in their small blacksmith shed. Likewise, if their old Zenith console radio went on the fritz, they didn't just order a new one—they brought out their tool kit and fixed it.

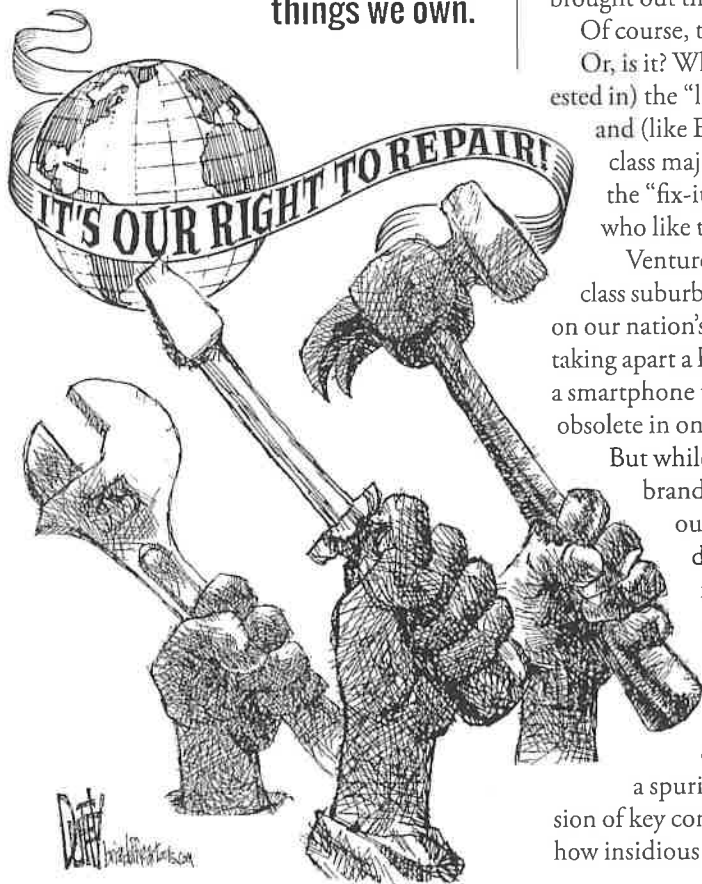
Of course, that was decades ago, and our country is very different today.

Or, is it? While the media and political powers seem blissfully ignorant of (and uninterested in) the “lifestyles” of America's commoners, most families are struggling financially and (like Eula and Ernest) are making do or doing without. For this poor-to-middle-class majority, frugality is not some old-world virtue, but a household necessity, and the “fix-it” ethic is central to their lives. Add to them the millions of do-it-yourselfers who like to tinker or refuse to be a part of the corporate system's throw-away economy.

Venture into the ungentrified neighborhoods of our cities, drive through working-class suburbs or rural America's back roads, and you'll come across multitudes who depend on our nation's huge “repair economy.” You'll see folks doing a brake job on a jacked-up car, taking apart a household appliance to make some internal gizmo hum again, or prying apart a smartphone to goose up performance or extend its life. (It was, of course, designed to be obsolete in only a couple of years.)

But while planned obsolescence has long been a consumer expense and irritation, brand-name profiteers are pushing a new abuse: **Repair prevention.** This treacherous corporate scheme doesn't merely gouge buyers. Using both legal ruses and digital lockdowns, major manufacturers are quietly attempting to outlaw the natural instinct of us humanoids to fiddle with and improve the material things we own. Indeed, the absurdity and arrogance of their overreach is even more basic: They're out to corporatize the very idea of “owning.”

Today, just about every manufactured product containing software—from an electric toothbrush to an SUV—has no-repair clauses and/or digital locks. It's now standard industry practice for manufacturers to insert a spurious claim into their sales agreements that the company retains legal possession of key components of the products they *sold* to us, and only it can make repairs. To see how insidious this is, let's go back to the farm with Ernest and Eula.



Walt  
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## A Deere in the spotlight

My aunt and uncle would've been thunderstruck that a tractor company like Deere & Company, one of the world's largest, can now embed a ban on do-it-yourself repairs in the fine-print legalese gobbledygook of its sales contracts. Manufacturers call these devious clauses "End User License Agreements"—EULA! (If Aunt Eula were still alive, she'd sue those bastards for criminal irony and defamation of character.)

### DEERE'S CLAIM TO HAVE a controlling power over people who own its products is a ridiculous perversion of language, logic, and law.

Although buyers technically "own" the Deere tractor, the EULAs define the software that runs them as its "intellectual property" and asserts "proprietary rights" to certain parts. Therefore, if "unqualified individuals" (a.k.a. farmers) tinker with their purchases, they can be held in violation of federal copyright laws.

Hog stuff! Which syllable in the word "own" don't they understand? If you bought it, it's yours—you control it. Period. Congress has passed no laws barring buyers from opening up, ripping out, adding in, fixing, rewiring, upgrading, or tying bells onto stuff they've bought. Deere's claim to have a controlling power over people who own its products is a ridiculous perversion of language, logic, and law. Far worse, though, are the multiple harms done to farmers and others who've been led to believe that Deere's repair-prevention clause is the law:

- **First**, just hauling your multi-ton tractor to one of the few and far-flung dealerships or authorized repair shops can cost beaucoup bucks and invaluable time.
- **Second**, while Deere will sometimes dispatch a technician for an on-site fix, the key question is: When? And the usual vague answer is: "As soon as we can." But Mother Nature doesn't oper-

## Nikon Kons Konsumers

**ANOTHER MANEUVER THAT BIG MANUFACTURERS** use to monopolize the repair market is simply hoarding the manuals, computer codes, and replacement parts that independent shops need to fix a product. Nikon USA, the subsidiary of the Japanese camera giant, has been a leader in this particular repair-prevention game. In January 2012, it sent a letter to local US camera businesses curtly ending their access to factory-made repair parts. *Sayonara*, chumps.

It was very bad news for independent fix-it shops, many of which got a substantial share of their business from Nikon camera owners. Nikon was not only forcing its US customers to ship their cameras

ate on a corporate schedule. A few days' delay, especially during planting and harvesting, can crash a farmer's bottom line.

- **Third**, "city prices" for even a simple repair force farmers to cover the dealership's advertising budget, multiple levels of managers, and other add-ons that a DIY farmer or local repair shop doesn't incur.
- **Fourth**, when Deere's "do-not-touch" proprietary software goes haywire—leaving a farmer in the lurch with a broken-down tractor, a crop that needs tending, and big repair bill on the way—it's not Deere's fault. Ever. To assure this immunity, the corporation's slick lawyers added language to its sales agreement declaring that farmers cannot sue the manufacturer for "crop loss, lost profits, loss of good will, [or] loss of the use of equipment."
- **Fifth**, Deere's licensing scheme is an artificial, corporate-imposed, private "law" that will squeeze independent shops out of business and allow Deere to dominate the US tractor-repair market, siphoning money and skilled jobs out of rural communities and ultimately leaving farmers at the mercy of a monopolist.

Deere's claim of a proprietary right to control the repair of your



As the *Lowdown* goes to press, the Supremes weigh in—for consumers! On May 30, the Supreme Court dealt a partial set-back to corporate repair-prevention schemes, ruling 8-0 that printer maker Lexmark couldn't invoke patent law to stop other companies from refurbishing and refilling Lexmark ink cartridges to sell at a discount. Victory! But don't breathe too easy. According to *Fortune*, "The court concluded that Lexmark could not use patent laws to stop the cartridge refills, but could sue its customers for breach of contract." Hmm. Let's see them try that.

**Keep on wrenching.** To jumpstart your own repair habit, check out *iFixit.com*. The site traces back to two guys in a dorm room attempting to fix a balky Apple iBook—without instructions! When they succeeded, Luke and Kyle moved on to busted laptops and from there to helping others. Today, they offer repair manuals for thousands of products. So take the pledge to fix some of *your* stuff this year and stop throwing things away—including your money on corporate repair monopolies.



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to Nikon USA or one of only 22 authorized American repair stations (meant to cover all 50 states!)—thereby costing money, time, and, for professional photographers, lost business—they were also forcing their independent competitors out of business.

The outcry was so loud that the corporation made a conciliatory, image-buffing gesture in 2013, offering Nikon owners the chance to buy non-essential pieces (lens covers, straps, nameplate decals, etc.), but none of the camera's crucial guts. Meanwhile, your local repair shop—if it's still in business—can order parts directly from Japan, with a two-week wait, or be locked out by the \$7-billion-a-year giant.

tractor is no more grounded in law than the snake oil flimflammers of yesteryear were grounded in science. Yes, Deere owns the copyrights, patents, and trade secrets involved in creating the software, but you're not tampering with, pirating, altering, or trying to sell any of those intellectual properties—you're just repairing your tractor, and it's none of the manufacturer's business. It's your absolute right to do so.

### Manufacturers behaving badly

Maybe you don't own a Deere tractor, but chances are you've bought an Apple iPad, Chevy Malibu, Amazon Kindle, Samsung TV, GE Frigidaire, or some other brand-name consumer product equipped with a dazzling array of digital doo-dads. And that you unwittingly consented to the corporation's repair-prevention gotcha tucked into its license agreement. But in addition to deceiving and/or intimidating buyers into believing they're legally required to trek to the high-dollar Corporate Tech Genius Store for routine maintenance (for instance, just replacing a battery), powerhouse corporate marketers are increasingly forcing customers to bring *all* their repair business to them.

**Apple to customers: Screw you.** This caper began in 2009, when DIY repairers of mega-giant Apple's products first noticed a seemingly inconsequential change: a new screw. Opening up an iPhone, for example, used to be easy—use a standard Phillips screwdriver to remove two screws, slide off the back cover, and *voilà*. Then, suddenly, new phone covers were secured by “pentabulars,” odd 5-point screw “enhancements” with one purpose: to force customers into an Apple Store or to one of its authorized service outfits (which must pay Apple a fee to be corporate-designated repairers). Of course, determined techies ultimately rigged their own tools to bypass the corporate screw job, but many other owners were effectively shut out of their own devices and herded into Apple's corporate corral.

Shutting out customers is one thing, but Apple took its anti-repair ethic to a new low a couple of years ago with a truly evil corporate assault on hundreds of thousands of its iPhone 6 buyers. Known by victims worldwide as “Error 53,” the people hit by this were among those who had downloaded Apple's latest software upgrade for their phone. Unbeknownst to them, their “new-and-improved” software included the ability for the iPhone 6 to completely disable certain fingerprint-enabled phones when unauthorized techies attempted repairs.

## APPLE TOOK ITS ANTI-REPAIR ethic to a new low with a truly evil corporate assault on iPhone 6 buyers.

If owners made a repair themselves or had an unauthorized shop do it (which would be far cheaper than the corporation's), “Error 53” flashed on their screen and then—*yikes!*—their \$600 phone died. As in kaput. Finito. The End. Victims even had a verb for it, saying Apple had “bricked” their phones, rendering them useless for anything but doorstops. With no warning and no way to restart, owners also lost access to their phones' memories—emails, records, photos, and all other stored information died with the devices. Meanwhile, Apple officially insisted that this malfunction was neither intentional nor the result of any malicious corporate motive (such as, heaven forbid, forcing independent competitors out of business).

Despite being deluged with a hurricane of consumer complaints, Apple initially hunkered down in hopes the storm would blow over. Corporate officials initially rejected all blame, gave no explanation, and proffered no fix (except “buy a new phone”). The storm of outrage was so strong it sparked a class-action lawsuit, a fix (wherein a system update brought the dead phone back to life, but not the photos or other personal data that were on it), and an apology replete with corporate mumbling that the shutdowns were just a well-intentioned security effort gone awry.

### Fixers, unite!

Such a concerted attack on individual and independent fixers is unprecedented—with cabals in industry after industry asserting their ownership control far after sales. This explosive, defining issue of the people's democratic authority over corporate behavior has received little media coverage, is not on the radar of either major political party, and it is not widely understood—even by people who rely on the repair economy. But that lack of public awareness

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## THE PROFITEERS ARE not merely messing with our stuff, but with us— our sense of ourselves as self-reliant, in-charge people.

is about to change. Consumer advocates, small businesses, farm groups, computer activists, and environmentalists are coming together in a unified, bipartisan, full-throated rebellion: **The “Right-to-Repair” Movement**.

This challenge to the collective might of many of the richest corporations on the globe has a solid chance of succeeding because (1) the targets are well-known marketers of brand-name products whose sales are highly vulnerable to public outrage; (2) this particular corporate power grab is so absurd and greedy that average folks can easily grasp it and instantly be outraged; and (3) in addition to anger, this corporate overreach stirs a visceral reaction: The profiteers are not merely messing with our stuff, but with *us*—our sense of ourselves as self-reliant, in-charge people.

The rebels who support the right to repair are taking two major approaches to break the monopolists' grip:

**Legislation.** This year, the grassroots groups got lawmakers in 11 state legislatures to introduce and begin pushing various versions of “Fair Repair” bills. This show of strength has startled the likes of Apple, Deere, and IBM, flushing their policies from the shadows and leading the companies to mount massive, public lobbying campaigns to protect their greed. Imagine, though, the hoots of bitter laughter from farmers and mom-and-pop repair shops when Deere told Kansas lawmakers that their repair monopoly is “a matter for the different commercial interests to address through the market place, not through legislation.”

The manufacturers' influence peddlers have killed this year's right-to-repair bills in Minnesota and Nebraska, and punted Tennessee's into the 2018 legislative session. But efforts are still alive in Illinois, Iowa, Kansas, Massachusetts, Missouri, New York, North Carolina, and Wyoming. It's not likely that any bill

but New York's will pass this year, but each attempt is a terrific organizing tool to expand the coalition, raise public awareness, extend the effort into other states, and come back stronger next year.

A measure of that political potency is that ALEC (American Legislative Exchange Council), the nefarious corporate front group, was rushed into the nationwide state legislative fray in March by its corporate funders (including the Koch brothers and a who's who of manufacturing interests). Screeching that “fair repair policies are governmental mandates on innovators,” ALEC added that interfering with monopolies created by brand-name marketers “is exceedingly dangerous for consumers.”

Gosh, how can you mock a group that's so determined to make such a mockery of itself?

**Grassroots subversion.** This is the fun stuff. Populist mavericks are now joyously disobeying the corporate order, teaching the rest of us how to become hands-on disrupters of the repair monopoly. One very helpful group is **iFixit**, a jack-of-all trades wiki that demystifies technology and repair tasks. **iFixit.com** obtains and posts repair manuals for every Apple product made in the last decade. It also publishes step-by-step repair guides for thousands of products, from trucks to toasters; invites skilled people to help write open-source repair manuals; shows novices hacks like using a guitar pick as a cheap, effective tool for fixing electronics; hooks people up with local “bike kitchens” and repair collectives; and promotes the fix-it-yourself culture through such means as “repair fairs,” with kids joining in the fun of taking apart broken items and making them work again.

People have been fixing stuff ever since stuff was invented. Tinkering is us—it is a natural expression of the human spirit—and it is folly (not to mention insulting) for corporate executives to think that even their enormous monopoly power will be enough to crush that spirit. As awareness of this attempt by manufacturers to steal such a basic right spreads across grassroots America, so will people's understanding of the rapacious nature of the unrestrained corporate beast—and that knowledge will fuel the people's determination to rein the beast in. The corporatists' narcissistic arrogance could explode in their faces.