

## **The Right to Repair**

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When you buy something, such as an iPhone, do you truly own that item to do with as you please? In theory, the answer is yes, but in reality, things are far more complex than just being able to do what you want with that device and still have it under warranty if something goes wrong. The same is true for many objects you buy, such as vehicles. In the past several years, a movement known as the right to repair has gained many backers. This movement encourages consumerism and drives down prices for commonplace issues such as screen replacements in cell phones. This repair can cost as much as \$200 at a certified Apple Repair Shop and \$20 to \$30 at an independent repair shop. There is a problem, though; Apple, as a company, has made it somewhat difficult to repair for even those that know how. For example, the screws are non-standard, and a unique tool is needed to open the phones and make adjustments. If Apple were to continue these practices, it would make one wonder if ownership of the phone is ever truly permanent, meaning you can do with the item as you wish and still have the option of having repairs made at the Apple Store under the original warranty.

A few months ago, I started noticing a problem with my newer vehicle: it needed a new battery. Generally, an individual can do this by going to AutoZone or O'Reilly's Auto Parts and getting a replacement for about \$100-\$250, and they will even install it for you. With this idea, I went to the former location to do this. I quickly learned that they could sell me the battery, which was around \$250, but that if I had it changed anywhere other than the Mercedes-Benz Dealership, the sports utility vehicle (SUV) would no longer operate. Apparently (please forgive my understanding of vehicles), the battery must be complexly computer coded and associated with a vehicle identification number (VIN) with a specific computer system. If only the battery is switched out, none of the car's electronics will work, making it a massive paperweight. The only

place with this specialized equipment is the dealership. Their cost to replace the battery was just under \$1000, and there was a two-month wait. Two months is a long time to wait for a new battery when the one you have could die for good at any moment.

I made endless phone calls to repair places, hoping to find someone with the same equipment and a lower price. No one could or would work on the SUV. The complexity of the repair and the fact that the car could refuse to run again if completed improperly made the task impossible. Despite pending Right to Repair Acts in my state (South Carolina), the lack of one for the automotive industry helped produce this situation, even though federal law is in effect (Wikimedia, 2022). I believe that the complexity of the repair and the high cost of an error made this situation skirt the general laws. The lack of competition between aftermarket repair is against what America was built upon and leads to a lack of healthy competition between auto-repair shops. There was very much a monopoly on this service, as the only other place I could find that would repair it was the Mercedes-Benz Dealership in Columbia, South Carolina. That is not what I consider a valid second option.

The right to repair is an issue in vehicles and, more and more commonly, in cellular phones. Apple has held a strong hold over their replacement products and thus the ability to repair phones rather than buy the newest model. The newer clamshell design has allowed Apple to keep consumers out of their product; with specialized screws, one can find a tool for nowhere. The lack of the right to repair anchors in the intellectual property laws (Grinvald & Tur-Sinai, 2019). Things such as copyright and patent laws can keep manufacturers from replicating replacement parts that break via everyday use. “It is a totally crazy situation that we have these \$1000 supercomputers, and then, we treat them as if they are disposable, Proctor said. When you can fix something, it saves the consumers a lot of money, and it is a lot better for the

environment. Companies like Apple have gone out of their way to restrict people's ability to get the parts that they need of to lock the software in the phone, and that makes it harder and harder to fix those products" (Diaz, 2022, p. 1).

Additionally, as phones get older, Apple takes it upon itself to slow down the phone's speed, which can be infuriating when one pays over \$1000 for a phone they may have paid off at that point. This slowing is known as throttling the data (Perzanowski, 2020; Allyn, 2020). These phones are older than 2017, which in my opinion, are slow enough without interference from Apple. This acknowledgment was quite the scandal after consumers noticed the slowdown, but Apple said it needed to happen because of the battery possibly overheating (Hern, 2022). Consumer advocate Justin Guttman suggests that the reason is to help with more extensive software updates that the company did not build the phones to handle. These software updates slow the phones by up to almost 60%, which is a significant amount (Hern, 2022). This slowdown led to a multi-million dollar class action lawsuit from consumers, which Apple settled without admitting fault. This type of settlement is common in more prominent litigation cases, partly to mitigate the cost of flying fleets of lawyers on the side of Apple. The cost of lawyers per hour at this level in corporate civil litigation (especially in California) runs between \$500 on the low end and \$1500 per hour billed.

The right to repair is a movement that has sparked legislation in the federal government and different states that support the right to repair (The Repair Association, n.d.). Not only is it a movement, but it is good for the environment. The amount of e-waste produced yearly is astounding, and having these items on land can be toxic to water supplies and humans in general. Pollutants provide 2.7% of the e-waste in the world, which amounts to a lot in the long run (Widmer et al., 2005). In addition to creating excessive amounts of e-waste, the inability to

repair perfectly good computers, phones, cars, and other electronics is bad for the planet. The energy spent to make new items creates waste and pollution while the space to dispose of our electronics properly fills up quickly.

In the past few months, Apple has responded to the Right to Repair movement by allowing consumers to repair cracked or shattered screens at home by enabling owners of phones to send away for a repair kit with tools that allow them to change the screen. This new service is known as the Self-Service Repair Shop by Apple (Diaz, 2022). “Creating greater access to Apple genuine parts gives our customers even more choice if a repair is needed, said Apple’s Chief Operating Officer Jeff Williams in a statement. In the past three years, Apple has nearly doubled the number of service locations with access to Apple genuine parts, tools, and training, and now we’re providing an option for those who wish to complete their own repairs” (Diaz, 2022, p.1).

The right-to-repair movement has been going on for the last five years and started with farmers wanting to have their John Deere Tractors repaired more locally. As far as trends go, this is relatively quick for a corporation to respond to consumer concerns. While it is far from a solution to the overall right-to-repair movement, it is a step in the right direction. Doubling the number of service locations and giving a few customers the option to restore their screens at home is a start. Unfortunately, not all repairs are as simple as switching out a screen. Other options are needed for consumers to repair their property promptly and with dignity.

The lack of the right to repair tells consumers that they do not trust us with their property, not our property. It does not matter if we have paid for it in whole or how long we have owned the item; there is a lack of trust between the company and consumer that has yet to be bridged. How might something like this look and be profitable to Apple? Perhaps they could train repair technicians for a fee and then become Apple Certified Repair shops (a franchise model would

also work). This model would provide possible income to the person who invests in the training and a direct line to the source if something needs to be escalated. This option could allow consumers more choices and shorter wait times to repair their Apple products creating a better overall consumer experience for Apple. This model could benefit many companies where the right to repair is an issue for consumers. Not only would it create the option for a new revenue stream, but also extend trust to the consumer without letting go of all control of their intellectual property or trade secrets. Consumers would benefit due to the competition and fairer pricing options, and perhaps feel a bit more trusted in the long run.

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