



October 6, 2022

The Honorable Patricia Fahy
New York State Assembly, LOB 424
Albany, NY 12248

Re: Support for New York's Digital Fair Repair Act (SB4104)

Dear Governor Hochul,

We write to convey Public Knowledge's support for SB 4104, New York's Digital Fair Repair Act. Public Knowledge is a nonprofit advocacy organization that works at the intersection of copyright, telecommunications, and internet law, at a time when these fields are converging. The Right to Repair movement, created to protect consumers from the deterioration of their rights as product owners, is an important issue at the heart of our work.

Copyright law is often used to create obstacles that prevent individuals, small businesses, and farmers from repairing devices, equipment, and products that they rightfully own and rely on. Equipment and device manufacturers use a provision of copyright law that makes "circumventing a technical measure" that protects a copyrighted work illegal to lock the parts on equipment and devices that are most likely to break. This makes it illegal for consumers to repair their devices. Further, even when granted an exemption to this part of copyright law, it is still illegal to create or sell the tools needed to circumvent these digital locks—making it impossible to actually perform repairs. As a result, small business owners, farmers, and consumers are forced to pay for expensive official repair services or buy entirely new replacement equipment.

The Digital Fair Repair Act addresses these issues by ensuring that New York constituents will have the legal right and the tools necessary to repair their equipment and devices. Protecting the right to repair comports with equitable copyright concepts like fair use, pro-competitive business growth, and efforts to reduce environmental waste. The Digital Fair Repair Act puts the power back into the hands of consumers: it guarantees their rights to fix, manage, and modify their purchases to meet their personal needs. We applaud the New York legislature for passing this legislation, and encourage you to sign it into law.

Respectfully submitted,

/s/ Kathleen Burke

Policy Counsel

*Admitted to the Bar under D.C. App. R. 46-A
(Emergency Examination Waiver)*

/s/ Meredith Rose

Senior Policy Counsel

/s/ Aminah Ortiz

Legal Intern