



FreeICT USA

Enable freedom of choice and promote an open, sustainable service and maintenance market for information technology users by challenging forced Big Tech policies and outdated support models.

# Who Are We?

FreeICT USA, Inc. is a nonprofit organization dedicated to the enterprise hardware and software technology sector. We challenge the growing monopolistic, anti-competitive, coercive, and predatory practices of Big Tech companies. Our mission is to foster a marketplace that ensures fairness for consumers, promotes environmental

sustainability, enhances competition, and creates jobs. Established in Europe in 2014, FreeICT Europe set the foundation for our efforts in the US and is continuing to liberate customers from restrictive Big Tech practices and advocate for freedom of choice in independent enterprise IT support services.



# The Problem: Rising Monopoly Power of Big Tech/OEM Vendors

Our freedom of choice in a competitive society rests on the fact that if one person refuses to satisfy our wishes, we can turn to another. But if we face a monopolist, we are at their absolute mercy.<sup>1</sup>

If you bought hardware or software, you own it. Shouldn't you have the freedom to choose when to repair or replace it and by whom? Not if the Big Tech OEMs have their way. Some reasons given for these service and maintenance restrictions include intellectual property protection, safety, and cybersecurity.

Most hardware equipment from major IT vendors today is held together with proprietary screws that contain deliberately unobtainable spare parts, have software locks that cannot

be overridden without the manufacturer's express permission, or incorporate other random features included specifically to seal you out.

The major software vendors are also applying the same monopoly tactics as they dictate and control what their customers should do and when.

The result? Unfair and anti-competitive Big Tech practices that include:

- **Forced upgrades and end of life:** OEMs exploit sunk costs through predatory end-of-life policies that force unnecessary upgrades, harming enterprise investments, stifling innovation, and prioritizing vendor profits over enterprise efficiency.



<sup>1</sup> Friedrich Hayek, *The Road to Serfdom*

- **Opaque and coercive true-up audits:** Lack of transparency in OEM vendor audits, combined with their use as strong-arm tactics to extract additional revenue, unfairly targets large enterprises with complex licensing agreements, creating an imbalance of power and eroding trust in the market.
- **Anti-competitive repair restrictions:** Vendor limitations on parts and repair options restrict internal IT and independent repair choices, increasing downtime, costs, and e-waste for enterprises, while stifling competition and innovation in the repair industry and harming the environment.
- **Unsustainable e-waste and environmental burden:** Forced obsolescence and limited repairability generates disproportionate e-waste,

which increases disposal costs and environmental liabilities for large enterprises, burdens the broader US economy, and undermines sustainability goals.

- **Vendor-stacked priorities:** High maintenance costs, limited customization options, and resource drain on vendor-controlled maintenance prioritize vendor profits over enterprise agility and efficiency.
- **Exploitative subscription models and vendor lock-in:** Overt hyper-complex contract terms in subscription models, such as automatic renewals that include products no longer being used, restrictive exit clauses, and limited data portability, lock enterprises into vendor ecosystems and create financial burdens that restrict choice, flexibility, and market competition.

**Bottom line:** Current Big Tech OEM policies and support models are designed to aggressively benefit themselves and pose major roadblocks to innovation. Studies indicate that enterprise hardware and software customers spend up to 90% of their budgets and resources just to keep the lights on rather than on strategic initiatives that drive US competition and growth. Excessive spending combined with monopolistic, coercive controls can hinder innovation and limit an organization's ability to adapt to their own changing business needs.



# The Sustainability Impact of Big Tech OEM Repair, Support, and Maintenance Policies

## Waste and environmental damage is a direct result of restricted repair and forced hardware replacement

**Increased waste:** Lack of reuse and repair/refurbishing in the IT sector shortens the product lifecycle and increases e-waste, significantly damaging the environment.<sup>2</sup> Every year, 60 to 90 million metric tons of hardware e-waste — servers, storage, networking, televisions, phones, computers, and other electronics — is produced globally.<sup>3</sup>

**Forced obsolescence:** Current Big Tech OEM policies force product obsolescence rates up and decrease the life of well-functioning systems and equipment, creating further environmental damage.

**New raw materials:** New products result in higher consumption of resources. Meeting this demand requires mining raw materials, including certain metals, which cannot be captured in recycling, which increases the environmental burden.

Rare earth elements found in the IT sector, such as lithium and cobalt, all appear on the US Critical Minerals list.<sup>4</sup>

Comprehensive refurbishing saves 82% to 99% of the raw materials requirement compared to new production.<sup>5</sup>



<sup>2</sup> <https://u.osu.edu/hardwarsustainability/sample-page/>

<sup>3</sup> [https://www.supermicro.com/wekeepitgreen/Data\\_Centers\\_and\\_the\\_Environment\\_Dec2018\\_Final.pdf](https://www.supermicro.com/wekeepitgreen/Data_Centers_and_the_Environment_Dec2018_Final.pdf)

<sup>4</sup> [usgs.gov/news/national-news-release/us-geological-survey-releases-2022-list-critical-minerals](https://www.usgs.gov/news/national-news-release/us-geological-survey-releases-2022-list-critical-minerals)

<sup>5</sup> Re-defining Value – The Manufacturing Revolution | Resource Panel

## Economic impact of outdated software maintenance models

- **High and rising cost of IT maintenance:**  
According to Gartner, companies are typically spending as much as 70% of their IT budget on ongoing operations and enhancements.<sup>6</sup> Stunningly, some government agencies spend more than 90% of IT budgets on legacy systems, according to IDC research.<sup>7</sup> The US federal government planned to spend over \$65 billion in FY 2023 on IT civilian agencies only. The cost of operating and maintaining legacy systems in the federal sector alone could potentially cost billions in taxpayer dollars, severely limiting investments in new systems and growth.
- **End-of-life and end-of-support policies:**  
Major software vendors are forcing customers to migrate to their new cloud platforms or upgrade to new, low-value releases, costing IT customers substantial budget, resources, and time just to retain full support.
- **Forced upgrades and migrations:**  
Long-term strain on IT budgets due to the vendor maintenance policies above leaves little to no funding for new development or transformation initiatives, resulting in an uncompetitive economy and, ultimately, a lack of new value and job creation.

<sup>6</sup>Gartner, *IT Key Metrics Data 2018: Executive Summary*. Linda Hall, Eric Stegman, Shreya Futela, Disha Badlani, December 11, 2017, pages 42-45, available at ID G00341718.

<sup>7</sup><https://www.nextgov.com/digital-government/2016/10/idc-report-legacy-it-in-agencies/132618/>

# The Solution: Take Back Control with Freedom of Choice

Every IT customer has a choice: Stay on a Big Tech-dictated model and continue the cycle of predatory, forced, low-value upgrades and subpar support or take control of their IT roadmap with the freedom to choose who, what, where, why, when, how, and for

how much their equipment or software is to be repaired or maintained. FreeICT USA's mission is to enable this choice by challenging the legitimacy of Big Tech policies and support models while seeking to harness the power of the US Government to bring about change.



## The Benefits: Fairness, Sustainability, and Growth

Avoiding coercive, predatory, and unnecessary upgrades and maximizing the lifespan and value of stable, perfectly functioning systems are among the most important ideals for most enterprise IT organizations. Stopping unnecessary, low-value upgrades not only reduces the use of nonrenewable resources and lowers carbon emissions from equipment waste but can also help US businesses save billions of dollars by extending the life and value of their current systems.

Companies can also create new jobs with the growing revenue streams that emerge, shifting resources from expensive software maintenance and keeping the lights on costs to new products and services that drive real growth and advantage. The Remanufacturing Industries Council states that 180,000 full-time US jobs are supported by the remanufacturing industry.<sup>8</sup>

Achieving a circular economy in IT is no small undertaking; it will require a concerted effort of businesses, industry communities, and legislative bodies.

<sup>8</sup> [Impacts of Remanufacturing | Remanufacturing Industries Council \(remancouncil.org\)](https://remancouncil.org)

# The Path Forward: Overhaul Outdated Laws and Introduce New Legislations

Enterprise IT OEM anti-competitive practices demand immediate action from lawmakers and agencies like the FTC and the US Copyright Office. Outdated laws need to be overhauled to:

- Protect billions of dollars in US enterprise IT investment
- Promote fair competition to reverse decades-long Big Tech practices
- Foster a sustainable and innovative technological landscape that creates growth

It is time to take the fight to Congress and stand up for the rights of enterprise IT customers nationwide and work to ensure that we:

1. Prohibit anti-competitive licensing practices used in forced upgrades for software products that are still functional and meet consumer needs.
2. Enforce transparency and disclosure requirements for end-of-support policies.
3. Allow for independent support and maintenance options for products that are end of support, end of life, and functioning perfectly fine.
4. Promote sustainable design practices that enhance the longevity and reparability of IT products.
5. Enable freedom of choice and promote an open, sustainable service and maintenance market for enterprise IT users by challenging forced Big Tech policies and outdated support models.





Building on the growing Right to Repair state-by-state progress, FreeICT USA urges policymakers to continue to introduce and support federal bills like the Fair Repair Act introduced by Senator Ron Wyden (D-OR) in May 2024. This legislation guarantees consumers and small businesses a right to repair their own products by requiring manufacturers to make diagnostic repair information, parts, and tools readily available.

Finally, FreeICT USA believes the US Copyright Office should amend and revise the DMCA's Section 1201 to allow for the diagnosis and repair of enterprise IT hardware and software. This revision should explicitly

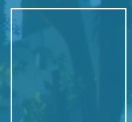
permit access to diagnostic and repair functions, even after a product has reached end of life. Additionally, it should prohibit manufacturers from locking down devices with passwords or encryption that prevent independent repair, ensuring that businesses can maintain and repair their IT equipment without relying solely on the original manufacturer.

We look forward to your support, advice, and active participation as we work together to protect enterprise IT repair and maintenance rights and enable freedom of choice to return ownership to where it belongs – with customers.



Aftermarket Alliance for Freedom  
to Support, Repair, and Resell

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*FreeICT USA, Inc. is a Section 501(c)(6) corporation. Dues payments, gifts, and other contributions to FreeICT USA, Inc. are not tax-deductible as charitable contributions but may be deductible as a business expense. Furthermore, we estimate that 5% of dues and similar amounts are allocated to lobbying or political expenses that are not deductible under Internal Revenue Code section 162(e).*