

**THE RIGHT TO REPAIR**

Louis Rossmann is considered by many as the highest-profile iPhone and Mac repair professional in the United States. But he faces continual challenges as US Customs and Border Protection (CBP) routinely seize the parts he needs to facilitate repair. Apple and other companies try and restrict the import of parts that are crucial for repair. While Apple is a famous example of a company that lobbies against what is commonly referred to by advocates as the right to repair, they are not alone in their efforts.

SCOTUS ruled on a similar issue in 2017. In *Impression Prods. v. Lexmark Int'l, Inc.*, Chief Justice Roberts discussed the implications of the right to repair. "Take a shop that restores and sells used cars. The business works because the shop can rest assured that, so long as those bringing in the cars own them, the shop is free to repair and resell those vehicles. That smooth flow of commerce would sputter if companies that make the thousands of parts that go

into a vehicle could keep their patent rights after the first sale." 137 S. Ct. 1523, 1532 (2017). This case was specifically about refilling toner cartridges and whether a patentee could use licenses to impose post-sale restrictions, which the Court answered in the negative, but be assured that the right to repair will remain a hot issue. For more information from one of the lead advocates for the right to repair, you can visit "The Repair Association" at <https://repair.org>.

**LEGAL BATTLE OVER IRONMAN**

Have you ever wondered about the origins of the multi-million dollar Ironman competition? In October 1979, John Collins handed a box containing the rules and then-existing documents for the Ironman competition to Hank Grumman and Valerie Silk, the married owners of a health club in Honolulu. Collins, started the competition two years ago and on this year, he made the

decision to entrust it to someone else because the Navy reassigned him to the mainland. The exchange between Collins and the health club owners was one-sided –there was no money, no contracts, and no registered trademark.

Under Silk's management, the competition moved to the Big Island, attracted corporate sponsors, and became a licensed a trademark. What had started as a single Oahu based event with 15 competitors, composed of running, swimming, biking, and the promise to "Brag the rest of your Life" has now grown into an event with more than 260 races in 44 countries and 680,000 annual participants.

But some of the original racers feel that the idea was not Collins to give away and sued Silk in 1989. After a long legal battle, the court ruled that the claim was barred by a six-year statute of limitations. The owner of the Ironman franchise is now a Chinese conglomerate called Dalian Wanda Group after a purchase valued at roughly \$650 million dollars.

**LEGAL WORD OF THE MONTH**

*Capitis aestimatio* is latin for "valuing a head." It is defined as a monetary estimate of a person's life, made to assess a penalty for the person's slaying. Ex: The deceased possessed a *capitis aestimatio* of 200 shillings.