

Good morning Chairman Davis, Vice-Chair Dumais, and Members of the Committee.

- My name is Tara Ryan and I am with the Entertainment Software Association. I am here today, respectfully, to oppose **HB 84**, which seeks to create a “Right-to-Repair” mandate.
- ESA is the trade association representing companies that publish computer and video games for play on PCs, mobile devices, and consoles. The makers of all three major consoles— Microsoft, Nintendo, and Sony – are ESA members.
- The games played on these devices have unprecedented quality with top-of-the-line sound and graphics, often costing from tens of millions to as much as 100 million to develop and produce.
- Unlike other industries, video game device manufacturers must not only protect their own products but also the games played on their devices—often created by other video game publishers, large and small – many that ESA also represents.
- Across the US, video game players span every age, gender, and ethnicity. Not only do 75% of U.S. households have at least one gamer at home, but our industry also has an economic footprint that touches every state. In Maryland alone, there are nearly 30 video game publishers, developers, or hardware companies.
- There are real consequences related to the MD HB 84 proposal that will have a direct and lasting impact on device security and consumer experience.
- Consoles offer security safeguards that help protect our players’ personal data and sensitive information that may be stored locally. Accordingly, permitting repair by unauthorized parties may create risks that bad actors could exploit.
- Video game consoles are unique from other devices in that they rely upon a secure platform to protect users, the integrity of the gaming experience, and the intellectual property of game developers.
 - In October 2020, following the arrest of the leaders of one of the world’s most notorious video piracy groups, the DOJ stated that the prevention of the intellectual property theft is a priority.
- There is in fact a thriving hacking and modification market offering services, tools and other ways to modify game consoles in order to play these illegal games downloaded from the Internet.
- To help prevent content theft, video game software, firmware, and hardware have built-in security features, known as “technological protection measures,” or TPMs, to prevent the play of unauthorized video game content and access to other content.
- TPMs help to create a secure media platform. The biggest benefit of a secure media platform is that it provides video game publishers, music distributors, and video streaming platforms with assurances that their content will be safe.

- Sharing hardware schematics, sensitive diagnostic information, tools, and security-related reset codes with unauthorized third parties, would compromise the security of the entire platform, and harm console makers and copyright owners.
 - Even using the manufacturer’s specifications for repairs could allow an unauthorized party to modify consoles in a way that could compromise protections that are vital to providing a secure media environment.
- To prevent compromising the integrity of consoles, and to ensure that players have access to safe and enjoyable game experiences, console makers provide consumers with easy, reliable, and affordable repair services whenever repairs are necessary.
 - All three console makers offer repair services beyond the warranty period. Keeping consoles in good working order and ensuring product integrity is important to console makers.
- Every day, millions of Americans enjoy playing video games on consoles. The continued viability and success of the game console business is dependent upon a trustworthy and secure delivery platform.
- A “right to repair” mandate could have a rapid and severely detrimental impact on the video game industry and consumers alike, regardless of how narrowly tailored it might be.
- Thank you for allowing me to testify here today.