

Right to Repair Alert: Deere & Company Reaches Settlement with FTC, States

A photograph of a modern building with a curved glass facade, showing multiple floors and windows, set against a light blue sky.

5 MIN READ

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On Wednesday, the Federal Trade Commission, along with five State Attorneys General (Michigan, Wisconsin, Arizona, Illinois, and Minnesota), announced a settlement of its year-and-a-half long “Right to Repair” antitrust litigation against Deere & Company (“Deere”) over Deere’s alleged withholding of critical repair resources for its tractors, combines, and other agricultural equipment.¹ If approved by the Court, the stipulated order will require Deere, for a period of ten years, to provide farmers and independent repair providers (“IRPs”) with the same repair resources as it provides to authorized dealers (e.g., repair software, technical manuals) on fair and reasonable terms.² A statement by FTC Chairman Andrew Ferguson—in addition to lauding the Jeffersonian ideal of citizen-farmers—announced the settlement and emphasized that the settlement “restores competition by ensuring that farmers enjoy the right to repair their own equipment or can turn to IRPs to get the job done, rather than being dependent solely on Deere dealers”³ A victory for the FTC and States, the settlement should serve as a signal to other manufacturers that restrictions on consumers’ right to repair, particularly those which can lead to service delays and higher costs for consumers, may receive increased scrutiny if not challenges from regulators. Indeed, in commenting on the settlement, FTC Bureau of Competition Director Daniel Guarnera stated, “The FTC will continue fighting against anticompetitive restrictions on American consumers’ right to repair.”

Filed in January 2025, the FTC's complaint alleged that Deere unlawfully monopolized the repair aftermarket for its tractors by leveraging its dominant market share in the large agricultural equipment market to limit necessary repair tools and resources to authorized dealers only. The FTC posited that this limitation prevented farmers from performing their own repairs or turning to IRPs to do the same, generating higher repair costs and increasing maintenance downtime.⁴ Deere unsuccessfully moved for dismissal on the pleadings,⁵ and the case proceeded through a year of discovery before the parties reached the settlement.⁶ The terms of the 10-year settlement require Deere to provide non-exclusive access to repair resources to farmers and their IRPs.⁷

- Deere must make available repair resources equivalent to those presently available to authorized dealers, including electronic repair tools used for embedded digital electronics in Deere equipment (allowing for maintenance, reprogramming, troubleshooting, and restarting machines).
- Deere's future repair resources will also be subject to the settlement as soon as they become available in 50% of authorized dealerships, as an indicator of essential status.
- Deere must comply with reporting and oversight requirements under the settlement, including (i) initial reports at 60-day intervals covering a rollout period for Deere to make repair resources available, (ii) interim reports upon the issuance of new repair tools under certain circumstances, and (iii) annual reports for ten years.

At the outset of the *Deere* litigation, then-Commissioner Ferguson, with Commissioner Holyoak, dissented from bringing the suit against Deere, with Ferguson stating that the suit, and its timing (brought immediately before President Trump's inauguration) had the "stench of partisan motivation."⁸ Thus, it may be tempting to assume that lackluster support for the case or the right-to-repair movement motivated the 2-0 decision to settle.⁹ But in addition to the Chairman's acknowledgment that the settlement "provides real, tangible benefits to America's farmers,"¹⁰ the past few years have shown the FTC's repeated advocacy for consumers' right-to-repair:

- in court, as in the *Deere* case in 2025;
- in legislatures, with its testimony before the California¹¹ and Colorado¹² legislatures in favor of state-led right-to-repair legislation in 2023 and 2024;
- before executive agencies, by supporting the renewal and expansion of repair-related exemptions to the Digital Millennium Copyright Act before the U.S. Copyright Office in 2024¹³; and
- through enforcement actions, by sending warning letters to manufacturers to enforce the Magnuson-Moss Warranty Act in 2024.¹⁴

Looking ahead, more support for the right-to-repair movement at the regulatory level is likely to come. Any large manufacturer of high-cost, long-life equipment or consumer products with

significant maintenance and switching costs should consider whether and what types of repair resources are available to purchasers and what ones should reasonably be made so.

¹ Press Release, FTC, [FTC, States Secure Settlement with Deere & Company, Advancing Farmers' Right to Repair](#) (July 8, 2026); Joint Motion For Entry Of Stipulated Order at 1–2, FTC v. Deere & Co., No. 3:25-cv-50017 (N.D. Ill. July 8, 2026), [ECF 260](#).

² Joint Motion For Entry Of Stipulated Order, Exhibit 1 at 6–7, FTC v. Deere & Co., No. 3:25-cv-50017 (N.D. Ill. July 8, 2026), [ECF 260](#) (“II. Access to Repair Resources”).

³ [Statement of Chairman Ferguson Joined by Commissioner Meador](#) (July 8, 2026), 3.

⁴ Complaint, FTC v. Deere & Co., No. 3:25-cv-50017 (N.D. Ill. Jan. 15, 2025), [ECF 1](#); Press Release, FTC, [FTC, States Sue Deere & Company to Protect Farmers from Unfair Corporate Tactics, High Repair Costs](#) (Jan. 15, 2025); see also Amended Complaint, FTC v. Deere & Co., No. 3:25-cv-50017 (N.D. Ill. Feb. 19, 2025), [ECF 60](#).

⁵ Plaintiffs' Memorandum Of Law In Opposition To Defendant's Motion For Judgment On The Pleadings, FTC v. Deere & Co., No. 3:25-cv-50017 (N.D. Ill. Apr. 28, 2025), [ECF 138](#); Memorandum Opinion And Order at 27, FTC v. Deere & Co., No. 3:25-cv-50017 (N.D. Ill. June 9, 2025), [ECF 152](#).

⁶ Joint Motion For Entry Of Stipulated Order at 1–2, FTC v. Deere & Co., No. 3:25-cv-50017 (N.D. Ill. July 8, 2026), [ECF 260](#).

⁷ *Id.*

⁸ [Dissenting Statement of Commissioner Ferguson Joined by Commissioner Holyoak](#) (Jan. 15, 2025), 1–3 (“[F]iling the Complaint now is deeply imprudent. The parties are in active negotiations over a fix that, if brought to fruition, could provide meaningful relief to America's farmers.”).

⁹ Press Release, FTC, [FTC, States Secure Settlement with Deere & Company, Advancing Farmers' Right to Repair](#) (July 8, 2026).

¹⁰ [Statement of Chairman Ferguson Joined by Commissioner Meador](#) (July 8, 2026), 2.

¹¹ Press Release, FTC, [FTC Testifies Before California State Senate on Right to Repair](#) (April 11, 2023).

¹² Press Release, FTC, [FTC Testifies in Support of Colorado's Right-to-Repair Law](#) (Feb. 29, 2024).

¹³ Press Release, FTC, [FTC and DOJ File Comment with the U.S. Copyright Office](#) (Mar. 14, 2024).

¹⁴ Press Release, FTC, [FTC Warns Companies to Stop Warranty Practices That Harm Consumers' Right to Repair](#) (July 3, 2024).

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