



Defense industry pushes back on Pentagon's 'right to repair' IP campaign

By **Dan Schere** / August 17, 2026 at 5:05 AM

Post

As the Defense Department pushes for greater access to contractors' intellectual property in the name of improving weapons maintenance and readiness, industry experts and executives are warning the effort could go far beyond what is needed to repair and sustain military systems.

The tension between government and industry over IP rights is fueled in part what some industry advocates say are misconceptions about how big a role “**right to repair**” plays when it comes to readiness of weapons platforms, voicing concern that some companies have been deterred from doing business with DOD out of fear the government may go too far in asking for proprietary information.

Those concerns have come to a head this summer, with both **House** and **Senate** authorizers including provisions in their versions of the fiscal year 2027 defense policy bill that would institute major changes for how the Pentagon obtains technical data and software rights from contractors. Both versions of the bill would mandate DOD be given government-purpose rights for any technical data or software in a contract or subcontract unless the contractor “establishes, through clear and convincing evidence, entitlement to more restrictive rights,” placing the burden of proof on contractors.

Business groups like the **Aerospace Industries Association** have **opposed** the provision on government-purpose rights, saying such a “one-size-fits-all” approach would not be appropriate for every weapon system. Similarly, defense contractors such as Anduril and AeroVironment say they aren’t against giving the government access to technical data but want to make sure their proprietary information is protected.

There is broad consensus among industry that taking this type of one-size-fits all approach to IP would be harmful to the defense industrial base, because it would mean the Pentagon could share that information with anyone, including competing contractors, Margaret Boatner, AIA’s vice president for national security policy, told *Inside Defense* in an interview.

“This is not like a narrow set of technical data that is limited to maintenance and repair, which is often how it’s discussed in the vein of right to repair. It’s pretty extensive levels of intellectual property that can even be used for manufacturing,” she said.

For her part, Rep. Maggie Goodlander (D-NH), a sponsor of the amendment dealing with government-purpose rights in the House bill along with Rep. Pat Harrigan (R-NC), told fellow lawmakers during a June hearing that these reforms will “create competition and a level playing field that’s actually going to strengthen our defense industrial base.”

“It’s been suggested that this is somehow going to be a seizure of IP, a surrender of IP. I want to be very clear that what this amendment does is to create a clear default rule, a rebuttable presumption that frankly is pretty easily rebutted. Government-purpose rights are not written in stone,” she said during the hearing. “They are set up for any contractor to come in and bear, I would say, a pretty light burden to show that the government isn’t entitled to government-purpose rights.”

Worries grow about chilling the private sector

Boatner worries that without better messaging and assurances from the Pentagon that companies will be able to maintain crucial IP protections, industry will have less incentive to make upfront investments in technology.

“The idea of having to share their intellectual property simply to have a chance at winning a defense contract really is a disincentive from them staying in the defense game,” she said.

Boatner, who previously served as the Army’s deputy assistant secretary for strategy and acquisition reform under the Biden administration, said that, year after year, IP is one of the top issues companies raise when explaining why they might leave the defense market because it runs counter to how things are done in the commercial market.

“I think the ultimate kind of impact is that these folks are either going to be not willing to play in the defense space, or they’re willing to play, but they’re only willing to offer last-generation technology because they have to protect their next-gen tech for their commercial marketplaces that they’re not willing to provide that information to the government when it can be simply shared with a competitor,” she said.

Moshe Schwartz, a senior fellow for acquisition policy at the National Defense Industrial Association who has also served as an analyst with the Congressional Research Service and the Government Accountability Office, told *Inside Defense* that if DOD and Congress force industry’s hand when it comes to IP rights, vendors could end up only giving the government IP for systems that are 10-15 years old, because they don’t want to risk losing their “crown jewels, or most important IP.”

“With DOW, sometimes it’s ‘we don’t want you to make the money in the design phase. We don’t want you to make the money in the production phase, and we don’t want you now to make the money in the aftermarket phase because we want to take your IP and give it to your competitor,’” he said. “Well, where do you want them to make the money?”

On the flip side, Schwartz said DOD should consider suing a company if that company refuses to give them the IP to which they have a contractual right.

“If that is true, the department should absolutely be taking them to court and getting it,” he said.

A major problem, Schwartz said, is that defense companies often don’t know why the department is asking for all of their IP, and the government, without explaining the reasons, says it is needed for “everything.” This can lead to a lack of trust between the parties.

“Industry frequently thinks the department didn’t buy the rights for something,” he said, “and then DOD comes back after the contract is signed and says, ‘Oh no, we need this,’ and the department feels like industry is basically

screwing them and holding them over a barrel and withholding IP, and industry feels like DOD is coming along

later for something . . . demanding more things, and there's no real meeting of the minds because they're not doing the detailed due diligence of schedules for IP that you regularly find in the private sector.”

While IP reform has been a much-sought-after initiative throughout the Pentagon recently, the Army’s push started more than a year ago when it rolled out its May 2025 **transformation initiative**. Defense Secretary Pete Hegseth, in the memo laying out the ATI, directed the service to “identify and propose contract modifications for right to repair provisions where intellectual property constraints limit the Army’s ability to conduct maintenance and access the appropriate maintenance tools, software, and technical data.”

Army Secretary Dan Driscoll and other officials have also suggested **3D printing parts** as an alternative to shipping equipment to the original equipment manufacturer and waiting for the replacement parts.

The Army, in an Aug. 17 statement to *Inside Defense*, said the data rights it is seeking “differ based on the need,” and agreed that the approach is not one-size fits all.

“The Army seeks balanced IP approaches that prioritize the Army’s need to sustain and modernize its weapon systems and industry’s need to protect its investments,” according to a statement from a service spokesperson.

The challenges the Army is working through include how warranties or contracts prevent the service from modifying or repairing systems.

“This is fundamentally not about trying to take the intellectual property of companies that invest in their own capabilities,” the Army spokesperson said.

The spokesperson added that the service wants to create incentives for industry to invest internally, but said the Army is working to shift away from a model where the government funds the “design, development, facilitization, production and procurement of systems and has no ability to influence rapid adaptation of a taxpayer-funded capability.”

The Army spokesperson said the service is working with industry to ensure they don’t become alienated by the IP discussion, and that vendors have “expressed support for helping the Army ensure we have what we need for operational readiness, while emphasizing balanced approaches that respect industry investments.”

The discussion surrounding IP policy changes includes technical data packages, as well as supply chain availability and the service’s ability to use advanced manufacturing to create parts that become delayed for months at a time.

“When determining the best solution, the Army’s intent is not to request more IP than is necessary and jeopardize companies’ competitive advantage, but to come to a common understanding and create contracts and agreements that work for all parties,” the spokesperson said.

When IP access is too much

AeroVironment, like many defense companies, funds projects using internal research and development, or IRAD, dollars. When it comes to data rights, the company has pushed for restricted rights, because it gives “the right amount of control to the government that they need to go maintain things,” Scott Bowman, AV’s chief technology

officer told *Inside Defense*.

Restricted data rights give DOD the ability to do what they need maintenance-wise, but if they were to add another vendor to the program, it would require a mutual nondisclosure agreement that will allow the other vendor access to the technical data, he said.

For some of AV's capabilities, such as its flight-control algorithm software, the company prefers to maintain commercial IP rights because it is the company's "highly secret sauce that we've invested tens of millions of dollars in over a decade and a half," Bowman said.

Zach Kramer, the general manager of Anduril's mission command business line, told *Inside Defense* the discussion surrounding the government's right to IP shouldn't be all-or-nothing.

"We think commercial innovation is very good and a good, powerful motivator," he said. "And so, saying that everything should be, like, cost-plus-government-owned is not good. We would not be in favor of that. But saying that everything's locked up in a commercial entity that the government has no rights to also is unrealistic. And so, there's just a middle ground based on what you're trying to do."

Kramer said he thinks DOD should be able to use the company's IP for "right to repair" and integrations. But replacing parts with cheaper components must be done in a way that "preserves the capability that was there and the original integrity of the system."

Anduril will push back when DOD asks for "implementation details" which the company considers proprietary, Kramer said.

"If I build a Ghost [unmanned] helicopter, like, how do the batteries work? You know, how does the detections on the software work? Those things are proprietary and are the special sauce of how you build the thing," he said.

Inside Defense also contacted Northrop Grumman, Lockheed Martin, General Dynamics Land Systems and L3Harris with questions about the "right to repair" debate and their position on DOD's approach to IP rights. Most of those companies either declined to comment or deferred to the military. However, Lockheed provided a statement saying the company "agrees that government personnel should have the ability to repair equipment in the field, particularly in contested logistics environments."

"We also believe it's important to preserve a balanced approach to intellectual property that continues to support innovation and a strong defense industrial base," Lockheed said in its statement. "The best way to ensure the Department of War receives the intellectual property rights it needs at a reasonable cost is to identify those requirements early and negotiate the appropriate rights early in the contracting process."

Mike Wior, the CEO of robotics company Allen Control Systems, told *Inside Defense* this week that DOD's current ecosystem doesn't have an effect process for doling out IP access, and there have not been "solid lines of delineation" established for companies must share.

One of the big "wrenches in the gears" of DOD being able to move faster on acquisition, Wior explained, is that it is a very "tedious and difficult process" for the government to get the owners of individual weapons platforms to provide the information needed for industry to do the necessary integration work.

Ultimately, Wior thinks there needs to be an “agreed-upon standard of data sharing” between the government and industry.

“Right now, the reason why it's so crunchy [when it comes to IP rights] is it's not well defined,” he said. “It's like, are you going to share my source code or are you going to share my [application programming interface]? Obviously, a huge difference between the two, right? Source code you cannot share. API is literally meant to be shared.”

A ‘layered approach’

AIA’s Boatner said IP decisions should consider several variables, such as duration of sustainment needs. For instance, the Army’s new MV-75 helicopter, which will replace the Black Hawk, may lead the government to reasonably request more IP because that platform will be around for 30 to 40 years and require frequent maintenance and repairs.

But for other platforms like low-cost unmanned aerial systems, Boatner said, the Pentagon won’t need to spend much time negotiating for long-term IP rights because their life cycle will be much shorter.

“It really depends on kind of how long they intend to maintain a system in the life cycle and what it is,” she said. “Again, on a lot of software-based systems, they don't spend as much time fighting over intellectual property [in the Pentagon] because software is updated and refreshed so often, as opposed to a more hardware-based system that you're going to keep for 30 years.”

AV is taking a “layered approach” to IP rights on the software side, Bowman said, depending on the software’s architecture and interoperability. This might apply for a system such as AV’s Mayhem line of Launched Effects platforms, he explained.

“Instead of saying the Mayhem system is commercial rights only . . . we started to look architecturally how we do that and where the pieces are in the design . . . getting the interfaces set so that we can say, ‘Hey, clearly from this boundary on, in some cases unlimited rights -- which is the most permissive -- government-purpose rights, restricted rights, and then there’s commercial. So that’s that granularity,” he said.

Analysts: ‘Right to repair’ isn’t a panacea for readiness

Defense industry analysts say the messaging surrounding DOD’s approach to IP needs to improve, particularly as it pertains to the department’s suggestion that obtaining the “right to repair” for weapons platforms will solve many readiness and sustainment challenges.

A May white paper from George Mason University entitled “**Houston, We Have a (Weapon System Readiness) Problem**” points out that IP and data rights aren’t necessarily the primary driver of the military’s readiness challenges.

For example, it points to a DOD inspector general analysis of spare parts on Navy ships, which found inaccuracies in the service’s spare parts inventory, where in some cases inventory accuracy was between 83% and 95%. That IG report found the Navy did not always know if certain ships in the Indo-Pacific region had all the required spare parts needed to maintain operational readiness.

Schwartz, one of the co-authors of the GMU white paper, told *Inside Defense* last week that a core issue behind

these readiness challenges is not having updated information technology.

“What that means is, you're doing maintenance on a ship, and you turn around to get the spare part off of the shelf, and 15% of the time the part might not be there,” he said. “Not because they couldn't get the part. Because their manifest was wrong. So, they thought they had it. That's not an IP problem. That's an inventory or IT problem.”

Schwartz said DOD could better address sustaining and readiness rates by mitigating some of these other issues.

While the Army is in the process of developing a digital system to manage IP, according to a service spokesperson, it has not yet happened at the highest levels of the Pentagon. The FY-26 National Defense Authorization Act included a provision requiring DOD to implement a system for tracking and managing technical data, Schwartz noted. But that system is not yet established.

“The department does not have a centralized database where they can see what IP they own or don't own,” he said. “So, they're not tracking this stuff. So, they don't even know half the time if they own the IP.”

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