

*Note: Please submit a separate comment for each proposed class.*

*This is a Word document that allows users to type into the spaces below. The comment should be no more than one page in length (which may be single-spaced but should be in at least 12-point type). The italicized instructions on this template may be deleted.*

## **Short Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201**

### **Item 1. Commenter Information**

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### **Item 2. Proposed Class Addressed**

Proposed Class 21: Vehicle Software—Diagnosis, Repair, or Modification

### **Item 3. Statement Regarding Proposed Exemption**

AAA firmly supports the proposed class exemption for vehicle software. The suggestion that the right to repair, customize or upgrade a vehicle should not be afforded to a vehicle owner is deeply troubling and directly contrary to how AAA's 55 million members view their car. For over a century many American motorists have maintained and personalized their cars or trucks. They do so to save money, to fix a problem, to adjust a vehicle to better meet their driving needs, or simply because they enjoy working on the vehicle that they own. This sort of "tinkering" is a critical element of "the American car culture." Failure to recognize an exemption threatens this part of our car culture.

Vehicles are not "computing devices" to AAA's members. Cars provide a critical function – mobility – and are often one of the most expensive items a person owns. The computer technology in new vehicles has become increasingly sophisticated. The possibilities facilitated by car technology should represent an opportunity for motorists to continue to enjoy the rights they have long been accustomed to and exert even more control and customization over their cars. Disturbingly, opponents of this exempted class see these increased capabilities as an opportunity to prevent vehicle owners from making personal choices about their own cars -- proposing to make unlawful a "grease monkey" tinkering under the hood on a Saturday afternoon. Such a change would overturn long-standing, fundamental expectations of vehicle ownership, and lock consumers into closed systems where options and competition are limited or eliminated.

Suggesting that a vehicle owner, or a consumer-approved third-party, repairing or augmenting a personal motor vehicle is a copyright violator under the Digital Millennium Copyright Act is draconian and would deeply undercut consumer rights, choice, and widespread public notions about the ownership of vehicles and the data they generate.

**PRIVACY NOTICE** - ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579)

The authority for requesting this information is 17 U.S.C. §§ 1201(a)(1) and 705. Furnishing the requested information is voluntary. The principal use of the requested information is publication on the Copyright Office website and use by Copyright Office staff for purposes of the rulemaking proceeding conducted under 17 U.S.C. § 1201(a)(1). NOTE: No other advisory statement will be given in connection with this submission. Please keep this statement and refer to it if we communicate with you regarding this submission.

As an organization serving 55 million motoring members, AAA urges the U.S. Copyright Office to protect the rights of consumers and support the Librarian granting an exemption from Section 1201(a)(1) for proposed class 21.