

June 29, 2015

VIA ELECTRONIC MAIL

Jacqueline C. Charlesworth
General Counsel and Associate Register of Copyrights
United States Copyright Office, Library of Congress
101 Independence Avenue SE
Washington, DC 20559-6000
2015admat@loc.gov

RE: **Proposed Class 21- vehicle software – diagnosis, repair, or modification**
Docket 2014-7 Exemptions to Prohibition on Circumvention of Technological Measures
that Control Access to Copyrighted Works

Dear Ms. Charlesworth:

General Motors, LLC (“GM”) respectfully submits the following response to the questions set forth in the U.S. Copyright Office’s June 3, 2015 letter related to Proposed Class 21 - vehicle software – diagnosis, repair, or modification.

- 1. Please explain whether the requested exemption would or could impact non-software copyrighted content that is offered through vehicle telemetry and/or entertainment systems. Could an exemption be crafted that would preserve protection of such content?**

The requested exemption could impact non-software copyrighted content that is offered through various systems, for example, entertainment systems.

Not only is non-software copyrighted content available in automobiles, the availability of such content is only increasing as in-car electronics is the fastest-growing area of auto technology. See <http://www.consumerreports.org/cro/magazine/2013/04/connect-with-your-car/index.htm>. Furthermore, automakers are integrating apps into vehicle infotainment systems that allow users to access a variety of content from their smart phones. *Id.* As such, the requested exemption could impact a growing area of non-software copyrighted content.

Vehicle entertainment systems can include non-software copyrighted content, such as videogames, music and movies, as well as other digital content. Additionally, in the age of the connected car, GM and others have considered creating specialized content for vehicle entertainment systems, which can stream content such as TV programs and movies to cars, including exclusive content. See <http://www.reuters.com/article/2015/05/18/us-at-t-connectedcar-idUSKBN0031XN20150518>. Thus, there is no question that allowing circumvention of TPMs for purposes of diagnosis, repair and modification of vehicle software

could impact non-software copyrighted content, whose presence in cars is only likely to increase in coming years.

Furthermore, because such content could be accessed through a variety of ECUs within a vehicle, access to which is limited by the TPMs in question, it is difficult to craft an exemption that would preserve protection of such content.

2. Please explain whether and/or how the purchaser of a used vehicle would be able to identify and assess modifications to vehicle software by the previous owner. What would be the process, as well as the cost and burden, of identifying such changes? What type of equipment would be necessary?

As discussed in GM's comments submitted on March 27, 2015 ("Comments"), software manipulation in a vehicle is typically undetectable by most consumers. See Comments, pp. 6-7. Unless such modifications are disclosed to a subsequent purchaser, it is unlikely that such purchaser would (a) know to investigate the possibility of software modifications and (b) have the skill set to find and understand the modifications and then restore its systems to their original parameters. Additionally, even if the subsequent purchasers restore the software systems, the modifications made could already have voided any existing warranties provided by the manufacturer. These concerns are only amplified since, on average, most cars will have multiple owners in their lifetime, and there is a thriving U.S. market for used cars. Thus, even if a vehicle owner initially discloses a modification when selling a vehicle, vehicles often transfer hands to various owners throughout their lifecycle and ensuring that any prior modifications are disclosed to all subsequent owners is unlikely and infeasible. As noted in GM's Comments, any modifications that take a vehicle out of safety or regulatory compliance could go unknown to a vehicle owner.

3. The Office is interested in additional information concerning the costs and availability of manufacturing information and data to create diagnostic techniques and tools for the automobile "aftermarket," as well as the costs and availability of such information for persons who seek to create tools for individual use.

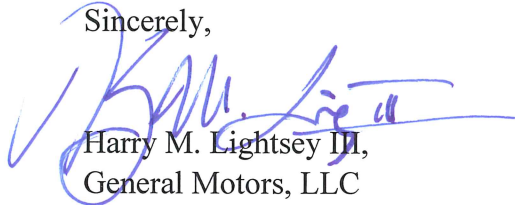
It is in GM's, and its customers' best interests to make the information and data required to properly repair our vehicles readily available no matter whom is providing the repair service.

GM works with over 140 different companies that provide aftermarket service information and diagnostic tools for use in connection with GM vehicles. These companies allow users to obtain information and diagnostic tools to repair discrete aspects of a particular vehicle as well as information and diagnostic tools that provide broader access, which creates a more robust, useful and cost-effective product offering. The cost(s) associated with a particular repair asset(s) will vary depending on the amount of information requested and the end use. The prices for obtaining the information and diagnostic tools are subject to review by the Environmental Protection Agency and California Air Resource board to meet their fair and reasonable cost requirements.

Service repair information and diagnostic tools are also available to individuals or businesses outside the franchised dealer network through online subscription licenses available at www.acdelcotds.com. The subscriptions provide users with a variety of options from which to purchase. For example, users can purchase a package with all service components equivalent to a franchised dealer or choose to purchase individual components for different time periods. Most subscription options can be purchased for 2-3 days access, 1-3 months or annually. Any person wanting to purchase GM specific special tools can purchase them directly from GM Dealer Equipment. GM Dealer Equipment has a website www.gmdesolutions.com and can be reached at 800-GM Tools. GM Tools are also available for purchase through various Bosch Service Solutions distributors.

We hope the foregoing has been helpful to the Office in its rulemaking proceeding. If you have any further questions, please do not hesitate to contact us.

Sincerely,



Harry M. Lightsey III,
General Motors, LLC