

Before the
U.S. Copyright Office
Library of Congress
Washington, DC

In the Matter of

Exemption to Prohibition on)
Circumvention of Copyright) **Docket No. 2014-07**
Protection Systems for Access)
Control Technologies)

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

Item 1. Commenter Information

This comment is submitted on behalf of the SAE Vehicle Electrical System Security (VESS) Committee, and any questions can be addressed to:

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Item 2. Proposed Class Addressed

Proposed Class 21 – Vehicle Software – diagnosis, repair, or modification

Item 3. Statement Regarding Proposed Exemption

As publicly discussed during several SAE VESS Committee meetings, we recommend that The Librarian keep the following four technical points in mind while considering an exemption under the Proposed Class 21 for vehicle software:

1. SAE Recommended Practice J1699-2 OBD-II already allows for diagnosis, repair, and modifications of vehicle parameters.
2. Modifying parameters beyond values such that they are out of compliance with existing federal standards for safety and emissions may have serious unintended consequences which can jeopardize the safety of not only the vehicle owner but become a serious public safety issue.
3. TPMs on vehicle software are not an impediment to after-market customization or innovation. In fact, there are already a number of popular after-market devices utilizing open and standardized data available through the OBD-II port to provide a new range of innovative services and features for consumers. See <https://www.navdy.com/>, <http://www.obdlink.com/>, <https://www.automatic.com/>, and <http://zubie.com/>. For instance, some auto-insurance companies utilize this data without circumventing any TPMs.
4. The VESS Committee is aware that each automotive original equipment manufacturer (OEM) provides a way (e.g., via a public website) for the public to purchase various technical information¹ about the vehicles that an OEM sells, or has sold. Examples include service

¹ See for example, www.store.apinet.com or www.bmwtechinfo.com for BMW; www.millerspecialtools.com or www.techauthority.com for Chrysler; www.motorcraftservice.com or www.rotunda.com for Ford; www.boschdiagnostics.com or www.gmtechinfo.com for General Motors; www.techinfo.honda.com for Honda; www.hyundaidealersolutions.com or <https://hmaservice.com> for Hyundai; <https://jaguar.spx.com> or www.jaguartechno.com or <https://landrover.spx.com> or www.landrovertchno.com for Jaguar Land Rover; www.kiaspecialtools.com or www.kiatechno.com for Kia; www.mazdaserviceinfo.com for Mazda; www.startekinfo.com or www.smartekinfo.com for Mercedes-Benz;

manuals, owner's manuals, technical data, wiring diagrams, etc. Also, the Commonwealth of Massachusetts finalized a new law (Chapter 165 of the Acts of 2013, also referred to as the right to repair statute) under which consumers and independent repair facilities are to have the same access as the OEMs' dealerships have to the OEMs' technical information, tools, and software needed to service vehicles.

The SAE VESS Committee stands ready to assist the Copyright Office in providing and sharing its technical expertise with respect to any future issue discussed within Proposed Class 21.