

August 30, 2018

Regan Smith, regans@copyright.gov
Kevin Amer, kamer@copyright.gov
Anna Chauvet, achau@copyright.gov
Emma Kleiner, emkl@copyright.gov

VIA E-MAIL

RE: Docket No. 2017-10, Summary of Ex Parte Meeting with
Copyright Office Staff Regarding Exemption to Prohibition Against
Circumvention of Technological Measures Protecting Copyrighted
Works – Class 11, Avionics

Dear Ms. Smith,

Thank you for speaking with me on August 28, 2018. I am the President of Air Informatics[®] LLC. Attending the meeting were Kevin Amer, Anna Chauvet, Regan Smith and representing the Copyright Office. This letter is to summarize the discussion of Class 11 and the Air Informatics request for a 1201 exemption of the DMCA.

During the meeting I restated and clarified my position on the request for the exemption. I further clarified my professional experience in the aviation industry, the role of Air Informatics[®] the current use and protection of digital aircraft data.

Specific examples of how aircraft data is being used, the purpose and value of the data to the industry, airlines and aircraft operators. The data is critical for the purpose of aviation safety and security. There is a direct relation between digital security and flight safety. For a robust security posture and understanding there is a need for the corresponding aircraft health management data, loadable software and flight operations data. This is needed to fully understand the nature of the risk and impacts on and to cyber security.

Examples of how data restrictions have impacted the availability of the necessary information to maintain a secure and safe posture. It was also pointed out that the current federal regulation and directives require security data to be collected, stored and analyzed by the aircraft operators.

It was also discussed how on-going efforts are underway to further restrict data as a means to control the aftermarket part and services industry. A major corporation have estimated the market value to exceed \$50 Billion in the next ten to thirty years. It is estimated that the aircraft aftermarket value will exceed the aircraft sales value.

Efforts are already underway to limit competition as a means to capture market and restrict entry by existing avionics and equipment suppliers and prevent new companies entering the market. This situation is causing existing suppliers to not enter into contracts with the major manufacturers due to the lack of profitability. The major OEMs are now actively working to enter the airline spare parts, services and maintenance aftermarket. The OEM having control of the aircraft design are able to control the restrict this aftermarket. The aviation industry analysts have published papers on this issue.

The restriction on the access to data has a direct impact on aircraft security, flight safety, maintenance and flight operations. The use of TPM and the requirement to enter into licensing agreement, unreasonable terms and the unwillingness to enter into a licensing agreement has a direct impact on the industry growth, corporate competitiveness, aircraft security and safety.

Air Informatics[®] LLC greatly appreciated the time and effort of the Copyright Office staff to meet and discuss these issues.

Regards,

Bruce Jackson
President, Air Informatics[®] LLC