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VIA E-MAIL ONLY (RESM@LOC.GOV)

Regan A. Smith
General Counsel
U.S. Copyright Office
Library of Congress
101 Independence Avenue, SE
Washington, DC 20559-6000

Re: Docket No. 2017-10
Exemptions to Prohibition Against Circumvention of Technological Protection Measures Protecting Copyrighted Works (Proposed Class 7)

Dear Ms. Smith:

On behalf of The Alliance of Automobile Manufacturers (“Auto Alliance”), I write in response to your letter of May 21, 2018 regarding Proposed Class 7 (computer programs—repair). Although the Auto Alliance takes no position regarding expansion of the current exemption to other devices, for the reasons provided in our Class 7 opposition comment any revised exemption should maintain the scope of the existing exemption regarding circumvention of access controls on certain motor vehicle software, including the prohibition regarding telematics or entertainment systems. As noted in our opposition comment, proponents have not provided any evidence that the copies and adaptations of copyrighted works that access to those systems would enable are non-infringing; nor have they provided any evidence of any harm due to the current prohibition. Moreover, consideration of the very serious risks to safety, the environment, data privacy, and other important regulatory interests counsels against expanding the exemption.

Thank you for the opportunity to respond to your letter. Please let me know if you have any further questions.

Sincerely,

Kevin M. Rosenbaum
MITCHELL SILBERBERG & KNUPP LLP

cc: Anna Chauvet, Assistant General Counsel (achau@loc.gov)

KMR/psb