

August 3, 2021

Mr. Mark Gray
Ms. Rachel Counts
U.S. Copyright Office Washington DC 20001
Re: Ex Parte Meeting Concerning Class 12 – Computer Programs – Repair

Dear Mr. Gray and Ms. Counts:

On August 2, 2021, on behalf of the American Farm Bureau Federation (the “Federation”), the undersigned, along with Delaware farmer Richard Wilkins (President of the Delaware Farm Bureau and past President and Chairman of the American Soybean Association) and Federation outside counsel Robert Schwartz of Constantine Cannon LLP, had an ex parte meeting with Copyright Office staff Kevin Amer and Nicholas Bartelt. The purpose of the meeting was to explain the context of and answer any questions about the Federation’s Class 12 Reply Comments.

With respect to the Reply Comments the Federation representatives underscored:

- The Federation’s sole focus is to maintain the full scope of the 2018 Round Class 7 exemption, as it applies to agricultural machinery, without any new limitation.
- The Federation expresses no view as to potential action taken with respect to other devices, so long as such action would have no adverse impact on the scope of the 2018 exemption as applied to agricultural machinery, no matter how renewed.

With respect to context, the Federation representatives discussed the importance, for farmers and for any staff or independent repair personnel assisting a farmer, of full and contemporaneous:

- real-time access to sensor notifications;
- on-site understanding and control of the farm’s own equipment in response to such notifications;
- access to telemetry data generated by the farm’s own equipment and to tools for its analysis;
- reasonable access to any analysis based in part on data from that farm’s equipment;

- ability to reload operational equipment software in the process of maintenance, repair, or lawful upgrade, without any additional code, permission, or purchase imposition;
- ability to re-start equipment after lawful maintenance, repair, or upgrade, without any additional code, permission, or purchase imposition.

In response to a question, the Federation representatives observed that “farming” may include crop cultivation in a marine environment through water-based transport and machinery.

Respectfully submitted,

Andrew Friedman
Andrew Friedman
Senior Counsel, Corporate
American Farm Bureau Federation