

## **Short Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201 (Proposed Class #13)**

### **Item 1. Commenter Information**

This Comment is submitted on behalf of The Alliance of Automobile Manufacturers (“Auto Alliance”), the leading advocacy group for the auto industry. Auto Alliance represents 77% of all car and light truck sales in the United States, including the BMW Group, FCA US LLC, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of America and Volvo Cars North America. For further details, see <http://www.autoalliance.org/>.

The Auto Alliance is represented in this proceeding by Mitchell Silberberg & Knupp LLP. Contact points for further information:

Jessica L. Simmons, Attorney, Alliance of Automobile Manufacturers:  
[JSimmons@autoalliance.org](mailto:JSimmons@autoalliance.org)

Steven J. Metalitz, Partner, Mitchell Silberberg & Knupp LLP, [met@msk.com](mailto:met@msk.com).

### **Item 2. Proposed Class Addressed**

Proposed class 13: Unlocking—mobile connectivity devices.

### **Item 3. Statement Regarding Proposed Exemption**

If any exemption is recommended in this area, it should not extend to motor vehicles. Although nothing submitted by proponents explicitly includes vehicles, they could inadvertently be swept into the exemption if the definition is too broad. After all, cars are inherently mobile, and increasingly they include features that “allow users to connect to a mobile data network.” 79 Fed. Reg. 73856, 73865 (December 12, 2014). Auto Alliance urges the Copyright Office to ensure this does not occur.

Critical features of today’s motor vehicles, including crash notification and emergency communication to public safety answering points, rely on access to wireless networks to function. While proponents have submitted no evidence of consumer desire or asserted need to “unlock” these services in order to change the wireless network being accessed, the potential for collateral impacts on vital safety or rescue functions could be significant. Unless and until a fuller record is developed regarding the need for unlocking of devices in vehicles that facilitate these functions, and the impacts on the security and reliability of these functions if the firmware controlling them is hacked, this proposed exemption should be rejected, at least as it applies to motor vehicles.