

Note: Please submit a separate comment for each proposed class.

This is a Word document that allows users to type into the spaces below. The comment should be no more than one page in length (which may be single-spaced but should be in at least 12-point type). The italicized instructions on this template may be deleted.

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

Item 1. Commenter Information- National Corn Growers Association

Item 2. Proposed Class Addressed- Proposed Class 21

Item 3. Statement Regarding Proposed Exemption

On behalf of the National Corn Growers Association (NCGA), these comments are submitted regarding Proposed Class 21: Vehicle Software- Diagnosis, Repair, or Modification. NCGA represents more than 42,000 dues-paying corn grower members and the interests of more than 300,000 farmers who contribute through corn checkoff programs in their states. We appreciate the opportunity to comment.

Corn farmers have long embraced new technologies to help meet new challenges in crop production. They have also enjoyed the freedom and benefits of innovating on their farms, as they often know best what their equipment and land needs are in order to be successful. Recently, troublesome comments were made on Proposed Class 21 that muddy the definition of ownership and blur the lines between software, hardware, and the ability to diagnose, repair, personalize, modify, or improve lawfully owned farm equipment and the computer programs that help operate them.

The University of Southern California's Gould School of Law proposes that farmers require unfettered access to vehicle software in order to diagnose and repair their equipment and machinery. They also note that there are three possible implications if farmers do not have this access: farmers will not be able to repair their own agricultural machinery; equipment manufacturers will establish a monopoly on repair services; and prices of farm equipment in secondary markets will continue to increase.¹ Preventing a farmer's ability to circumvent technical protection measures in vehicle software could potentially decrease farm efficiency and a farmer's freedom to operate.

The recent comments surrounding copyright activities as it pertains to legally owned farm machinery is not well understood among farmers, but there is reason to be concerned as clear definitions of ownership are potentially being misconstrued. We encourage the Copyright Office to engage in an effort to educate purchasers of farm equipment on the proper procedures and regulations on repairing legally owned property. Thank you for the opportunity to comment on this important matter.

Sincerely,



Chip Bowling

President

National Corn Growers Association

¹ Petition for Proposed Exemption Under 17 U.S.C. § 1201. Intellectual Property & Technology Law Clinic, University of Southern California.

<p>PRIVACY ACT ADVISORY STATEMENT Required by the Privacy Act of 1974 (P.L. 93-579) The authority for requesting this information is 17 U.S.C. §§ 1201(a)(1) and 705. Furnishing the requested information is voluntary. The principal use of the requested information is publication on the Copyright Office website and use by Copyright Office staff for purposes of the rulemaking proceeding conducted under 17 U.S.C. § 1201(a)(1). NOTE: No other advisory statement will be given in connection with this submission. Please keep this statement and refer to it if we communicate with you regarding this submission.</p>
