



Document Details

Docket ID:	COLC-2017-0007 🔗
Docket Title:	Exemptions To Permit Circumvention of Access Controls on Copyrighted Works * 🔗
Document File:	 HTML
Docket Phase:	Notice of Inquiry
Phase Sequence:	1
RIN:	Not Assigned 🔗
Original Document ID:	COLC-2017-0007-DRAFT-0081
Current Document ID:	COLC-2017-0007-0073
Title:	Class_07_InitialComments_Willhelm 🔗
Number of Attachments:	0
Document Type:	PUBLIC SUBMISSIONS * 🔗
Document Subtype:	Comment(s) 🔗
Comment on Document ID:	COLC-2017-0007-0070 🔗
Comment on Document Title:	Exemptions to Permit Circumvention of Access Controls on Copyrighted Works 🔗
Status:	Posted 🔗
Received Date:	11/13/2017 * 🔗
Date Posted:	12/19/2017 🔗
Posting Restriction:	No restrictions 🔗
Submission Type:	Web
Number of Duplicate Submissions:	1 * 🔗

Document Optional Details

Status Set Date:	12/19/2017
Current Assignee:	NA
Status Set By:	Chauvet, Anna (COLC)
Comment Start Date:	10/26/2017 🔗
Comment Due Date:	03/14/2018 🔗

Tracking Number: 1k1-8zs4-lwvx 

**Total Page Count
Including Attachments:** 1

Submitter Info

Comment:

I am a student at Purdue University studying Agriculture Systems Management. I am commenting specifically on the agricultural portion of the renewal on the exemption of "Computer Programs That Control Motorized Land Vehicles, Including Farm Equipment, for Purposes of Diagnosis, Repair, and Modification of the Vehicle" (section II E). I believe that this exemption should continue for multiple reasons. One reason this exemption should be in place is so the farmers and third-party mechanics, not a dealer network, would have the ability to obtain, legally, the necessary software to both diagnose and repair their equipment. Farmers have short windows of opportunity to perform all the needed tilling, planting, and harvesting when the fields and crops ready. If they have a piece of equipment that is need of repair at a critical time they need to be able to get that machine back into the field as quickly as possible. One problem today is that there are cases where simple little issues that only the manufacture has the access to fix are holding up entire operations. These simple problems however are unable to be fixed because the farmer or mechanic is unable to access copyrighted code inside the tractor. Another reason this exemption should continue is so that farmers would be able to use third party programs modify their tractors or even do it themselves. Farmer innovations/inventions has always been a leading force in advances in agriculture technology. Without access to the machines farmers are unable to lawfully modify this equipment, which just leads to farmers going through other illegal sources to modify their equipment. An example of this is the past few years many farmers have been getting software from a group in Russia to "chip" (change the fuel to air ratio and other digital specs of the engine that increase power ratings) their tractors. Farmers will always modify equipment, it is just their nature. Another issue that this regulation brings up is in the original regulation (37 CFR 201.40(b)(6)) it states that these repairs or modification must be "undertaken by the authorized owner of the vehicle." This has been an issue in the agriculture industry. Many manufactures claim that they still own all the coding of the equipment even after a customer pays for it. This would mean that even with though the customer bought and completely paid for this piece of equipment that they still would not be the "authorized owner." I understand the reason that manufactures want to stay in control of their code, they want to protect their equipment from competitors, however there is a point that they after a certain amount of time the ownership of the code should go to the person that bought the equipment. While the machine is under warranty, when the manufacturer is liable for repairs, they should retain ownership, however once that warranty is up the farmer should become the "authorized owner" and then be able to have programs that allow them to repair or modify their vehicles. In conclusion, I believe that this exemption should continue especially for agricultural equipment. *

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