

## **Short Comment Regarding a Proposed Exemption Under 17 U.S.C. 1201 (Proposed Class #25)**

### **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 25: Software —security research.

The December 12, 2014 Notice of Proposed Rulemaking (“NPRM”) described this proposed class as allowing circumvention of access controls “in relation to computer programs, databases, and devices for purposes of good-faith testing, identifying, disclosing, and fixing of malfunctions, security flaws, or vulnerabilities.” 79 Fed. Reg. 73,856, 73,870 (Dec. 12, 2014).

Professor Matthew D. Green, and a group of academic security researchers – Professors Steven M. Bellovin et al (“Security Researchers”) – submitted long-form comments with evidence supporting this exemption.

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

Security Researchers specifically include vehicles and vehicle components in the class of products covered by this exemption as it relates to consumer safety research. *See* Security Researchers Class 25 Comment at 7, 9. Auto Alliance opposes this expansive exemption for generalized security research for the same reasons outlined in its comment submitted for proposed Class 22 (Vehicle Software—security and safety research). Therein, Auto Alliance noted that proponents had failed to demonstrate that the prohibition in 17 U.S.C. § 1201(a)(1)(A) is impeding or chilling legitimate security research activities, including activities falling within the scope of section 1201(j) and other statutory exceptions to the prohibition. Our comment also underscored the serious threats to safety and security that recognition of the proposed exemption would create or exacerbate. *See* Auto Alliance Class 22 Comment. For the same reasons, Auto Alliance urges the Copyright Office to ensure vehicles are not swept into any exemption granted for Class 25.