



Automotive Service Association®

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May 12, 2015

Ms. Jacqueline Charlesworth
General Counsel and Associate Register of Copyrights
United States Copyright Office
Library of Congress
101 Independence Avenue, SE
Washington, DC 20559-6001

Re: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies, Docket No. 2014-07

Dear Ms. Charlesworth:

The Automotive Service Association (ASA) writes to provide our perspectives on the above-referenced proceeding, and specifically on whether a new administrative exemption to the Digital Millennium Copyright Act is needed to promote the availability of technical information, tools and training for independent automotive repair facilities. ASA does not believe that any such new exemption is justified, and supports the testimony of the Alliance of Automobile Manufacturers in opposition to the proposed exemption.

ASA is the largest independent automotive repair association in the United States. Founded in 1951, we represent mechanical, collision and transmission repair shops across the country. Because we are dedicated to professionalism and excellence in the automotive repair industry, ASA has been among the leaders in ensuring that independent repair shops have ready access to all the information, tools, training and technology they need in order to serve their customers. This is why we entered into an agreement in 2002 with all leading manufacturers of cars sold in the U.S. This pioneering national agreement, often referred to as the "Dorgan letter," guarantees that independent facilities receive the same information, software tools and training materials for diagnosis and repair work that are available to franchised dealers. The 2002 agreement was reaffirmed in a national Memorandum of Understanding which was signed in 2014. Among other things, the national MOU guaranteed that independent repair

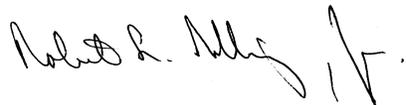
facilities (as well as individual automobile owners) could enjoy this equal access on “fair and reasonable terms.”

ASA continues to believe that these nationwide agreements provide the best avenue for ensuring that every vehicle owner can obtain high quality, professional diagnostic and repair services through independent local shops of their choice. We do not believe that a government regulation authorizing individuals to circumvent copyright protections in order to obtain unauthorized access to the software and data in today’s cars would make any positive contribution to this goal.

We understand that reply comments submitted to the Copyright Office on May 1 asserted that these national agreements are insufficient to enable the access to diagnostic and repair information that independent repair facilities need; that the access provided is “prohibitively expensive”; and that it is “absurd” not to authorize free access through circumvention instead. ASA does not agree. The auto repair professionals we represent are ready, willing and able to make the investments in tools and training that are needed to deliver quality diagnostic and repair services to their customers. Proprietary and third-party tools and services compete robustly in the marketplace. Supplementing competitive forces, the national agreements, in combination with the forum provided by the well-established National Automotive Service Task Force (www.nastf.org), provide ample safeguards to ensure that these professionals have the information, training and tools needed to properly diagnose and repair today’s high-tech vehicles. Further government intervention is not required.

ASA appreciates the opportunity to share its perspectives on this important issue. We ask that this letter be included in the record of this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert L. Redding, Jr." with a stylized flourish at the end.

Robert L. Redding, Jr.
Washington, D.C. Representative

Direct Reply to: Robert L. Redding, Jr., Washington, D.C. Representative
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