

Questions for the Record from Chairman Darrell Issa for Professor Aaron Perzanowski  
“Is There a Right to Repair?”, July 18, 2023

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#### SMART Act Clarifications

1. What do design patents protect?
2. Do design patents also protect products’ functionality, such as with respect to safety?
3. Would the SMART Act amend utility patent law?
4. What type of intellectual property law is focused on protecting a consumer’s association of a product with a source, like its manufacturer?
5. Would the SMART Act amend trademark law?
6. What effect would the SMART Act have on consumers with respect to insurance rates?
7. Understanding that the brands GM, Ford, and Toyota are all trademarks, would the SMART Act allow aftermarket parts manufacturers to label their matching replacement parts as GM, Ford, or Toyota products?
8. Would the SMART Act prevent a car manufacturer from enforcing design patents protecting each of its cars’ overall appearance against other car companies?
9. If Congress enacts the SMART Act, would GM be newly able to sell a truck that looks identical to a late-model F-150 in the U.S. if Ford has a design patent on the overall appearance of their current F-150 and GM brands it as a GM car?
10. Isn't it true that aftermarket non-OEM parts are required to adhere to state like, kind and quality laws?

#### After Market Parts Clarifications

1. With respect to cosmetic exterior car parts like hoods, quarter panels, and fenders that are covered by the SMART Act, generally how much cheaper are aftermarket part options than OEM parts?
2. Is there an organization which tests the quality of aftermarket parts?
3. Which car parts usually come with longer warranties: OEM parts or aftermarket parts?
4. Would the availability of more aftermarket part options help repair facilities repair cars faster for car owners?

#### REPAIR ACT and Data Sharing Clarifications

1. The 2014 OEMs and independent repair facilities entered into a Memorandum of Understanding related to wired access to vehicles’ repair data. As cars become ever-more technologically advanced, are additional protections needed on top of the MOU?
2. Last week, the auto manufacturers signed a pact with ASA and the Society of Collision Repair Specialists about access to vehicle-generated repair data. What is new in the pact compared to the 2014 Memorandum of Understanding with independent repairers?
3. Is the auto manufacturers’ new pact enforceable?
4. Is there legislation in Congress that would safely and effectively enable car owners to share wireless access to their cars’ repair- and maintenance-related vehicle-generated data with repair facilities of their choice?

5. With the increasing use of telematics in vehicles, what measures do you believe should be put in place to ensure the security of telematics data while still preserving access to needed repair data?