



Brief re: Bill C-244, An Act to Amend the Copyright Act

Standing Committee on Industry and Technology

Submitted on November 11, 2022, by
Tesla Motors Canada ULC o/a Tesla Inc. (“Tesla”)

Via email to: INDU@parl.gc.ca

Members of the Standing Committee:

This brief is made to provide an overview of Tesla’s actions, already being undertaken, to support independent repair providers in Canada and to share the company’s perspectives on Bill C-244. Furthermore, we observed that comments made about Tesla’s business practices, during the committee’s session in October, were not sufficiently informed to allow the committee to draw accurate conclusions about Tesla’s services for independent repair providers. As such this brief also seeks to provide the facts about Tesla’s existing offerings to the independent vehicle repair community.

Tesla believes that the more options its customers have for vehicle service, the better. As a growing company, Tesla does not operate service centres in every community, or even in every Canadian Province. More service choices equate to a better customer experience for our drivers. **As such, it is in Tesla’s interest to support independent repair shops in servicing our vehicles in a safe and efficient manner.**

To this end, Tesla operates a global website portal called “Service Subscriptions” accessible to Canadians at <https://service.tesla.com/service-subscription>.¹ **This platform provides the following services and information at absolutely no cost to independent vehicle maintenance and repair technicians:**

- Service Manual: a resource containing the recommended procedures and guidance to perform repairs properly and safely.
- Parts Manual: a resource containing parts details and procedures to order parts directly from Tesla.
- Body Repair Manual: a resource detailing the recommended collision repair procedures for Tesla vehicles.
- Tooling Catalog: a resource to facilitate the purchase of tools for body repair and general servicing.

¹ When visiting Tesla websites please be sure to select Canada English or Canada French as your region from the menu.

- Wiring diagrams and connector references: an explanatory tool to help technicians understand the vehicle harness and connector architectures.
- Service Bulletins: providing instructions and guidelines for vehicle procedures that are outside of “remove-and-replace” procedures found in the Service Manual.
- Labour codes and times: a guide to provide an understanding of the projected amount of time for a repair to help ensure customers are fairly charged for that repair.

With this free subscription, independent repair technicians can access the Parts Catalog contained within the Parts Manual. From here technicians can select the vehicle model and year to ensure they are always viewing the correct information, tools and parts for the vehicle they are servicing. Likewise, independent repair technicians can order tools to aid in repairs in the same manner.

In addition to the free subscription, Tesla enables *anyone* wishing to service a Tesla to put the vehicle in Service Mode, a vehicle UI mode intended for both Tesla and independent repairers to facilitate operations in the workshop. Service Mode limits the vehicle’s speed and torque (for enhanced safety in workshop settings) and disables various vehicle features that could otherwise interfere with servicing, such as security alarms, child locks and other features. In this mode, one can access basic Vehicle Diagnostics where technicians can trigger vehicle routines after a diagnostic code is entered. Also in this mode, technicians can run Software Reinstall at the press of a button, get a technical guide and sequence to burnish newly installed brakes, Touch Check to test the function of the vehicle display, and more.

It is true that a small selection of parts – such as the high voltage battery – cannot be ordered or serviced by just anyone. Certain components of our vehicles pose a hazard if technicians are not properly trained in their handling – training that, for public safety, must extend beyond a service manual alone. In addition, transport for these batteries is subject to federal and provincial dangerous goods regulations and standards which, among other aspects, specify loading and unloading procedures which cannot be accommodated by all vehicle repair facilities. However, servicing of these sensitive components makes up a small minority of all service activities.

For more advanced vehicle diagnostics, Tesla makes available software diagnostic tools for a nominal subscription fee that helps to cover subscription administration, software development and continual improvement of service resources. The diagnostics subscription package is available for purchase on a monthly or annual basis and includes:

- Toolbox, Tesla’s advanced diagnostics software: this software enables independent repair technicians to view detailed vehicle information, execute commands, and access a troubleshooting knowledge base for more advanced problem solving.
- Service Mode Plus: an additional service mode, above the standard mode accessible without a subscription, that allows for advanced diagnostics with additional features such as live CAN Viewer and Alert Payload Signals.

- Tesla's standalone HV Battery Shipping and Evaluation Tool: used to determine the state of charge on a high voltage battery that is no longer inside a vehicle.

Given the broad extent of access to diagnostic information, tools, parts and manuals, Tesla does not support making lawful any bypassing of digital protections for its vehicle software as contemplated by Bill C-244. Such protections help ensure the cybersecurity of the vehicle and ensure the vehicle is serviced according to manufacturer specifications – *in other words, safely and in the interest of vehicle technicians and vehicle occupants*. Any legislation that would encourage the bypass of these digital protections is both unnecessary and potentially harmful to the interests of Canadians and the integrity of their vehicles.

Tesla further notes that Canadian Automotive Service Information Standard (CASIS) Agreement was referenced by the committee during its October 31, 2022, session. The National Automotive Trades Association's own CASIS website states that a principal function of CASIS is to direct repair shops to OEM websites and further reads: "to be sure you are following the most current procedures, the OEM websites are the only choice."²

As noted above, Tesla is already implementing the vast majority of CASIS requirements despite not being a party to CASIS, given the original agreement structure (at no time did Tesla "opt-out" of CASIS). **While the CASIS Agreement provides no pathway for manufacturers who are not members of the signatory associations to become covered by the Agreement directly, Tesla does recognize the value of the Agreement, its intent and objectives.** As such:

1. Internet Resources: Tesla will collaborate with CASIS signatories to provide links to Tesla resources for inclusion on the existing CASIS "oemrepairinfo.ca" website. Tesla will further work with CASIS signatories, on an ongoing basis, to ensure that the information presented on the site remains current. CASIS signatories would be responsible for publishing this information once provided.
2. Voluntary Adoption of CASIS: While no pathway exists for Tesla to formally join the CASIS agreement, Tesla intends to voluntarily adopt the terms of the existing CASIS agreement that would reasonably apply to an independent vehicle manufacturer that is not directly party to CASIS through a signatory association.
3. Transition: Further to item number two (2) above, Tesla intends to implement any required changes to its processes and services to align with CASIS over a reasonable period of time and plans to keep the CASIS Task Force apprised of progress.

In closing, Tesla does not think Bill C-244 should extend to cover the automotive industry, given the extensive resources that are already accessible to independent repair shops to facilitate the vast majority of vehicle servicing and repair needs; and because of the reasonable risk of

² See National Automotive Trades Association (Association of Associations), CASIS Voluntary Agreement Website, at <https://www.natacanada.ca/casis/>. Accessed November 2, 2022.

unintended consequences that could arise from making lawful the bypassing of digital security measures.

Tesla is hopeful that this letter demonstrates the significant extent to which we are supporting Canadian independent repair shops already through the provision of extensive resources, diagnostic tools, access to OEM parts and tooling, knowledge bases for complex trouble shooting and more.

Thank you for considering Tesla's comments and for receiving this brief.

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