



National Marine Manufacturers Association

October 28, 2022

Mike MacPherson
Committee Clerk
Standing Committee on Industry and Technology
House of Commons
INDU@parl.gc.ca

Dear Mr. MacPherson,

On behalf of the National Marine Manufacturers Association (NMMA) Canada, I am pleased to submit feedback for the Standing Committee's study of Bill C-244, *An Act to amend the Copyright Act (diagnosis, maintenance and repair)*.

NMMA Canada is the leading trade association representing boat, marine engine and accessory manufacturers. The recreational boating industry contributes \$5.6B to Canada's GDP annually and supports over 75,000 jobs. NMMA Canada works closely with the federal and provincial governments on policy issues affecting the marine industry. Our work helps ensure that Canadian marine businesses are empowered to succeed and that millions of Canadian families can continue to have a safe and enjoyable experience on the water.

Our industry has concerns with the impact of C-244 on consumer safety and intellectual property rights. As written, this bill would allow unrestricted access to the software that underpins the safety and security of NMMA member products. While we acknowledge the spirit of 'Right to Repair', granting access to proprietary source code would increase the risk of tampering and could undermine applicable safety, security, and emission requirements. The potential for aftermarket modifications by untrained individuals adds another layer of risk and could lead to claims against the original equipment manufacturers (OEMs).

This bill also threatens our manufacturing members' innovation and intellectual property rights. NMMA member businesses have and continue to invest major capital in new technologies and processes. Such investments have enabled our industry to, for example, reduce engine emissions by 75%-95% and improve fuel efficiency by 40% since 2000. Allowing third parties to tamper with the software that powers these technologies will put a damper on innovation and could hurt Canadian research & development in the marine sector.

The recreational boating industry shares consumers' desire to minimize downtime and ensure boats, engines, and other marine products perform well. However, this end will not be achieved by legalizing tampering with proprietary software that is developed for the safe operation of equipment in compliance with government regulations and standards. We urge the members of the Committee to seriously weigh the negative consequences of C-244 before moving forward.

Sincerely,

Jim Wielgosz
Director of Government Relations
NMMA Canada