

**Advocates for Highway and Auto Safety
Center for Auto Safety
Consumer Federation of America
Consumers Union
Public Citizen**

April 27, 2017

Senator Orrin Hatch
U.S. Senate
Washington, D.C. 20510

Senator Sheldon Whitehouse
U.S. Senate
Washington, D.C. 20510

Dear Senator Hatch and Whitehouse,

As representatives of leading consumer, highway, and automobile safety organizations, we are writing in support of S. 812, legislation you have introduced to protect the competitive market for automobile exterior replacement parts.

Every year, thousands of American consumers are involved in automobile accidents. Even relatively minor “fender benders” that do not result in injuries often do result in costly repair bills. For decades, competition has helped consumers reduce these repair bills, by enabling them to obtain affordable alternatives to the more expensive “original equipment” parts provided by the automobile manufacturers.

In the early 1990’s, when automobile manufacturers sought design copyright protection for exterior parts, Congress said “No.” Our concern today is that the automobile manufacturers are now using design patents for the very same inappropriate purpose—not the legitimate purpose of protecting the overall design of their cars against copying by other automobile manufacturers in their own car designs, but to block competition in providing individual replacement parts for cars that have already been sold.

As long as the automobile manufacturers can use patent law in this manner, consumers are forced to pay excessively high repair costs and insurance premiums and too often stand to lose their cars when “totaled,” all due to the inflated cost of replacement parts.

For these reasons, we applaud your efforts and strongly support enactment of S. 812. By amending federal patent law to clarify that manufacture and sale of an alternative part for restoring an automobile to its original appearance is not patent infringement, this legislation would protect consumers from monopoly pricing while also protecting automobile manufacturers from misappropriation of their designs by their rivals.

We take a back seat to no one in insisting that auto parts be safe and functional. We support rigorous standards to ensure that they are. And those standards should be met regardless of who makes the part. Consumers have the right to expect that when their car is repaired, it will be as safe and functional as before. And this is particularly important for safety-critical parts such as front bumper components.

But there is no reason to allow patents to be used to block availability of more affordable alternative parts that are just as safe and functional.

We look forward to working with you to help bring this important consumer legislation into law.

Sincerely,

Jacqueline S. Gillan, President
Advocates for Highway and Auto Safety

Michael Brooks, Acting Executive Director
Center for Auto Safety

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