

Confidentiality of
documents provided by the manufacturer
for certification of REESS/vehicle
on thermal propagation



Background

- **The 58 Agreement does not contain any specific provisions or treatment about the confidentiality arrangement** of the information provided by the manufacturer for certification process.
- **The information document** (including its appendix) specified in each UN-R will be attached to the relevant UN Type Approval communication and **made available to the respective authorities** of CP applying that UN-R.
- Additional documentations considered for the thermal propagation will likely **contain intellectual properties** (e.g. know-how, trade secret, etc.) of the manufacturer.
- Some of **UN-Rs (e.g. UN-R155 , UN-R156, UN-R157)** contain **certain provisions** to address confidentiality issues.



Confidentiality arrangement in other UN-Rs

UN-R155 (Cyber Security), **UN-R156** (Software update)

* Provisions in paragraph 3 (Application for approval)

- 3.4. In cases where information is shown to be covered by **intellectual property rights** or to **constitute specific know-how** of the manufacturer or of their suppliers, the manufacturer or their suppliers shall make available sufficient information to enable the checks referred to in this Regulation to be made properly. Such information shall be treated on a confidential basis.
- 3.7. Documentation shall be made available in two parts:
- (a) The **formal documentation package for the approval**, containing the material specified in Annex 1 which shall be **supplied to the Approval Authority or its Technical Service** at the time of submission of the type approval application. This documentation package shall be used by the Approval Authority or its Technical Service as the basic reference for the approval process. The Approval Authority or its Technical Service shall ensure that this documentation package remains available for at least 10 years counted from the time when production of the vehicle type is definitively discontinued.
 - (b) **Additional material** relevant to the requirements of this regulation may be **retained by the manufacturer**, but made open for inspection at the time of type approval. The manufacturer shall ensure that any material made open for inspection at the time of type approval remains available for at least a period of 10 years counted from the time when production of the vehicle type is definitively discontinued.



Confidentiality arrangement in other UN-Rs

UN-R157 (Automated Lane Keeping Systems)

* Provisions in Annex 3 (Specific requirement on functional and operational safety)

3.1.1. Documentation shall be made available in three parts:

- (a) **Application for type approval:** The information document which is submitted to the type approval authority at the time of type approval application shall contain brief information on the items listed in Appendix 2. It will become **part of the approval.**
- (b) The formal documentation package for the approval, containing **the material listed in this paragraph 3. (with the exception of that of paragraph 3.4.4.)** which shall be **supplied to the Type Approval Authority** for the purpose of conducting the product assessment / process audit. This documentation package shall be used by the Type Approval Authority as the basic reference for the verification process set out in paragraph 4. of this annex. The Type Approval Authority shall ensure that this documentation package remains available for a period determined of at least 10 years counted from the time when production of the vehicle type is definitely discontinued.
- (c) **Additional confidential material and analysis data (intellectual property)** of paragraph 3.4.4. which shall be **retained by the manufacturer**, but **made open for inspection** (e.g. on-site in the engineering facilities of the manufacturer) at the time of the product assessment / process audit. The manufacturer shall ensure that this material and analysis data remains available for a period of 10 years counted from the time when production of the vehicle type is definitely discontinued.



Suggestion for UN-R100

- In GTR20 (Phase 1), there is a recommendation:

3. Confidentiality of information

242. As described in section E above, this UN GTR includes specific requirements for manufacturer to provide technical documentations that address specific aspects, such as REESS warnings (paragraphs 5.3.2., 5.3.3., 7.2.2. and 7.2.3.), low-temperature protection (paragraphs 5.4.10. and 7.3.10.) and thermal propagation (paragraphs 5.4.12. and 7.3.12.). In order to describe the required aspects sufficiently, such documentation will include manufacturer's confidential and proprietary information, where it is indispensable to protect the intellectual properties therein. Accordingly, 1998 Ag. Cps. implementing this regulation should take necessary measures to protect such intellectual properties by allowing confidential treatment of the documentation if requested by the manufacturer.

- Although respective requirements are transformed into R100-03, the treatment of the manufacturer's confidential and proprietary information was not clear enough
- It is recommended to introduce the similar provisions as R155 & R156



Suggestion for UN-R100

Proposed text (both for new series of amendment and for 03 series):

Insert new paragraphs 3.4. to 3.5., to read:

- 3.4. In cases where information is shown to be covered by intellectual property rights or to constitute specific know-how of the manufacturer or of their suppliers, **the manufacturer or their suppliers shall make available sufficient information to enable the checks referred to in this Regulation to be made properly. Such information shall be treated on a confidential basis.****
- 3.5. Documentation shall be made available in two parts:**
- (a) The formal documentation package for the approval, containing the material specified in Annex 1, Appendix 1 or Appendix 2 which shall be supplied to the Approval Authority or its Technical Service at the time of submission of the type approval application. This documentation package shall be used by the Approval Authority or its Technical Service as the basic reference for the approval process. The Approval Authority or its Technical Service shall ensure that this documentation package remains available for at least 10 years counted from the time when production of the vehicle type is definitively discontinued.**
 - (b) **Additional material relevant to the requirements of this regulation may be retained by the manufacturer, but made open for inspection at the time of type approval. The manufacturer shall ensure that any material made open for inspection at the time of type approval remains available for at least a period of 10 years counted from the time when production of the vehicle type is definitively discontinued.****