techUK

techUK.org | @techUK

“AVs: Protecting Marketing Terms” techUK response to CCAV consultation

01 September 2025

Introduction

techUK is a membership organisation launched in 2013 to champion the technology sector and prepare and empower the UK for what comes next, delivering a better future for people, society, the economy and the planet. It is the UK’s leading technology membership organisation, with a network that enables our members to learn from each other and grow in a way which contributes to the country both socially and economically. By working collaboratively with government and others, we provide expert guidance and insight for our members and stakeholders about how to prepare for the future, anticipate change and realise the positive potential of technology in a fast-moving world.

Our Self-Driving Vehicles Working Group is building political and public understanding of the benefits that automation can deliver for our transport system and wider economy. Its work also includes ensuring that the UK's regulatory system is fit-for-purpose and capable of supporting deployment on public roads. This work considers the industry's requirements from a technical, insurance and legal perspective, involving a diverse collection of businesses from across techUK membership. We welcome the opportunity to respond to this consultation and are available for any follow-up questions that you might wish to ask.

Question responses

Conceptually, do you agree or disagree that certain terms should be protected for these vehicles?

We agree in principle. However, protections must not be applied in a way that prevents engagement in commercial activities that are not directed at end-users, such as business development, B2B marketing, and public education. Successful implementation of the proposed offences will require careful attention to avoid inadvertent penalisation of critical commercial activities across the supply chain. While these communications are not aimed directly at end users, they may legitimately be visible to the public (for example, via developer websites) and serve a critical role in advancing the self-driving ecosystem.

The scope of the offence should therefore clearly distinguish between misleading product-level marketing and communications for legitimate marketing activities relating to a company’s technological capabilities or roadmap which are not directed at on-road vehicle end-users.

Do you agree or disagree that the following terms should be protected? “self-driving”, “drive itself”, “driverless”, “automated driving”, “autonomous driving”, and “drive autonomously”

We agree.

Do you agree or disagree that different parts of speech and other grammatical forms of protected terms should also be protected?

We agree, provided that protection must not become so broad that it limits legitimate use cases such as high-level discussions about product vision, technical capabilities, or participation in research and trials.

Do you agree or disagree that the terms ‘automated’ and ‘autonomous’ should be protected only when they are used to describe the whole vehicle?

We agree. It is the vehicle that could be unknowingly and unsafely used by an end-user rather than an ADS without reference to a vehicle in which it is installed. It is also essential for the industry to be able to refer to automated functions or features in contexts that do not suggest the entire vehicle is self-driving. The term ‘automated’ applied to features or parts should remain outside of the scope of these offences.

In your view, are there any other terms that should be protected under the Automated Vehicles Act 2024?

No.

Do you agree or disagree with our approach of only protecting English terms?

We agree.

Do you agree or disagree that there will be sufficient legal safeguards to prevent the protection from being applied to marketing which is unconnected with driving automation?

There is a risk that, without tighter definition, the proposed offence around “commercial communication” could be read as applying too broadly to communications that are not targeted at end-users. The AV sector must be able to communicate its intentions, engage in B2B activity, and educate the public and policymakers about the future applications of its technology. Additional clarity is needed to ensure the offence is limited to end-user marketing and that communications such as public education, strategic partnerships, and

investor relations are clearly excluded.

In your view, are there any specific symbols and marks that indicate a vehicle is self-driving that deserve special protection?

Currently, the industry has not yet defined or standardised any such symbol or mark and so we do not see a need to provide special protections at this time.

If the terms proposed in this consultation were protected, would your business incur any costs as a result?

Our members note that there remains uncertainty about the application of the offences under s78 and s79. We understand the policy intention behind the offences is to avoid members of the public purchasing a vehicle that they then use unsafely, assuming it is self-driving on account of misleading marketing. However, the definition of end-user does not specify this particular type of person explicitly.

Our members wonder whether costs may be incurred because they fall foul of these offences, if strictly interpreted, where they are using these terms but not with the intention of directing them at members of the public as end-users. For example, a trial deployment vehicle is marked with a 'self-driving vehicle' sticker and the employee of a bus operator is misled into believing the vehicle is authorised when in fact it is not. Could the operator for whom the employee works be considered an end-user? Depending on the answer to this question, costs could be incurred by businesses that need to amend their current marketing. We ask whether the relevant enforcement authority – which we assume will be the DVSA in its current market surveillance capacity – will publish enforcement guidance to clarify how and when they will act against what they perceive to be breaches of the s78 and s79 offences, and also whether or not this guidance will be issued in accordance with the Regulator's Code.

We further ask what the implications there may be for a company that has deployed driverless services in a foreign jurisdiction, but which then comes to the UK. That company may initially operate with safety drivers but using vehicles virtually identical to those deployed in foreign jurisdictions. Although sections 78(5) and 79(3) provide defences in relation to internationally-directed marketing, we are unsure of the potential implications of that marketing now coming to the attention of individuals in the UK where it had never been intended for them originally.

Additionally, we would welcome further explanation from DfT as to how the transition from trialling automated vehicles to deploying authorised self-driving vehicles may be managed with respect to the protected marketing terms. Will there be clear guidance on the point at which the use of restricted terms and general marketing become lawful for an authorised vehicle that was previously only deployed as a trial?

We also seek clarification on how end-user marketing will be distinguished from activities outside of consumer marketing — including technical collaboration and investor and partner dialogue — so that legitimate marketing not directed at the end-user does not fall within the scope of the proposed offence and incur costs.

What costs would your business incur and to what scale?

Costs could be significant where a business needs to radically adapt their existing marketing, where the offences are strictly interpreted.

ENDS