

Open Call for Evidence: Protected Marketing Terms Intelligent Transport Systems UK

About Intelligent Transport Systems UK

Intelligent Transport Systems UK (ITS UK) is the national industry association for transport technology. We provide a national platform to support the roll out of technology for a cleaner, safer and more effective transport network, both at home and abroad.

ITS UK has 190+ members, from both the private and public sector, covering all sizes and disciplines, with members working in areas like smart ticketing, mobility as a service (MaaS), integrated transport, real time passenger information, public transport services, traffic management and enforcement, demand responsive transport, road user charging, connected and autonomous vehicles, and much more.

We would be happy to provide further information the submission provided below. If this would be of use, please email ITS UK Public Affairs & PR Executive Eduardo Pitts, at eduardo.pitts@its-uk.org.

Questions

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

Yes, but care needs to be taken to ensure that protected terms do not create further confusion. We must be aware that the roll-out of automated vehicles will be staged, and there will be a range of functionalities. There are many other cases in which end-users will come into contact with self-driving vehicles e.g. automated buses and taxis, and (semi)-automated goods vehicles.

The approach described in this consultation seems more inclined for the marketing of private vehicles. Consideration must be taken for how the capabilities of non-private vehicles are communicated to end-users, both from a public safety and public acceptance perspective. For the public, understanding the degree of autonomy of other use cases, and how to interact with these vehicles, is key to uptake for all applications of self-driving vehicles.

An example of a use case that might require clarification is in non-private vehicles with remote intervention. For example, to what extent is a driverless vehicle truly driverless if there is a remote operator than can intervene? Declaring the exact functionality, safety features and level of remote monitoring will be an important aspect of public acceptance.

The challenge of how to market, and communicate the capabilities of use-cases outside of self-driving private vehicles also needs to consider how this will be enforced and the relationship between more general advertising requirements enforced through the Advertising Standards Authority (ASA). The industry should look to avoid



inconsistencies and the ASA should have a wider remit than this legislation to make sure advertising is not misleading.

2. Do you agree or disagree that the following terms should be protected?

- self-driving
- drive itself
- driverless
- automated driving
- autonomous driving
- drive autonomously

Yes, but each term should have a clear definition. Some of these terms are covered by BSI Flex 1890 but not all, i.e. driverless.

It is also key that marketing terms don't retroactively place limitations on the vehicles. For example, can a vehicle be marketed as self-driving if it can only drive itself in certain conditions? If so, the market could get two vehicles both described as automated but one might be much more limited than the other.

Close discretion should be used when marketing vehicles with no manual driving functionality by using terms such as "fully autonomous, fully automated, fully self-driving" as opposed to "autonomous, automated, self-driving functionality/capability" (with the possibility to manually drive it too - e.g. safety driver).

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

Agree.

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

Agree. But it should be under the ASA's remit to confirm this is not confusing.

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

There is a wider issue when it comes to automated taxis and buses outside of automation. The presence of staff, conductor or steward could be very important especially for those with accessibility needs. So, we need to consider how to manage language. Ideally, marketing of these vehicles and services should be clear on whether staff are present. "Driverless" should include a qualification of "unstaffed" for vehicles where there are no staff present.

This also applies to terms related to remote driving and intervention, where it might be necessary to distinguish between vehicles where a human can remotely drive the

vehicle or where the system intervenes. These terms should be considered as protected as well.

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

Agree, but this needs to be under ASA remit to ensure that foreign language words are not used in the UK market - confusing end-users.

7. 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?

N/A

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

They may not be used for marketing but we recommend the SAEJ3016 levels of automation, i.e. L3 / L4 / L5 are correctly applied.

If there are going to be specific symbols or marks, this needs to be agreed at least European or preferably global level to ensure consistency and avoid confusion, especially for cross-border movements with Ireland and Mainland Europe. This is particularly important with regard to the Common Travel Area between Ireland and Northern Ireland.

9. If the terms proposed in this consultation were protected, would your business incur any costs as a result? What costs would your business incur and to what scale?

ITS UK members involved in research projects that involve the deployment of automated vehicles, conclude there will be some effort required to comply but it should be fairly minimal as long as there is clear guidance and terms are correctly defined. There should be a mechanism with CCAV or Zenzic for pilots for them to help provide guidance on marketing materials.

**Intelligent Transport Systems UK
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