



AMERICAN CONTINENTAL GROUP

1800 M Street NW | 5th Floor | Washington D.C. 20036
Tel: (202) 327-8100 | Fax: (202) 327-8101

CONTENT & TECHNOLOGY POLICY REPORT FEBRUARY 2, 2018



I. Congressional Updates:

- On Wednesday, Rep. Trey Gowdy (R-SC) announced he will not seek reelection after his current term ends at the end of 2018. Gowdy, a member of the House Judiciary Committee who was rumored to be in contention for the chairmanship slot, said he intends to return to the “justice system.” Read more [here](#).
- On Tuesday, the Senate reached an agreement to hold a confirmation vote on Andrei Iancu—the nominee to serve as next Director of the United States Patent and Trademark Office (USPTO)—on Monday, February 5th. Read more [here](#).
- According to a report by *Reuters*, this week, Senate Minority Leader Chuck Schumer (D-NY) has recommended that the White House nominate one of his top aides, Rebecca Slaughter, to a Democratic seat on the Federal Trade Commission (FTC). Read more [here](#).
- On Tuesday night, a group of 36 Republican Senators, led by Sen. Cory Gardner (R-CO), sent a letter to President Trump “outlining a way forward on NAFTA.” While the Senators urged Trump to preserve NAFTA, they did highlight a few areas where there are “opportunities to improve the agreement.” Specifically, they suggested “modernizing NAFTA to increase market access, expand energy exports to maximize domestic energy production and including provisions on intellectual property and e-commerce...” Read the letter [here](#).
- On Wednesday, Rep. Robert Brady (D-PA), Ranking Member of the House Administration Committee—which, among other duties, oversees the Library of

Headlines and Highlights:

- Senate expected to confirm Andrei Iancu to serve as next USPTO Director on Monday.
- 36 Republican Senators send letter to Trump urging him to modernize, not terminate, NAFTA.
- White House releases fact sheet alleging China IP theft costs U.S. “billions of dollars” each year.
- Google’s parent company announces John Hennessy as next Executive Chairman.

In the Blogs:

[The Revised TPP, NAFTA Renegotiations—and the Risk of Blindly Expanding Internet Safe Harbours](#)

Hugh Stephens Blog
January 8 by Hugh Stephens

[Why Women Should Also Lead the Anti-Piracy Effort](#)

Illusion of More
January 26 by David Newhoff

[Inside Views: Copyright And Artificial Intelligence](#)

IP Watch
January 30 by IP Watch

Congress—[announced](#) he would not seek reelection. In early January, Rep. Gregg Harper (R-MS), the current House Administration Committee Chairman, [announced](#) he, too, would not seek reelection.

II. Judicial Updates:

- This week, R&B singer Leroy Phillip Mitchell, known as Prince Phillip Mitchell, filed a copyright infringement lawsuit against Kanye West and Solange Knowles, claiming they both used parts of his song “If We Can’t Be Lovers” without permission. The lawsuit is seeking \$150,000 per infringement. Read more [here](#).

III. Administration Updates:

- A White House fact sheet released on Tuesday night estimated that Chinese intellectual property policies and practices cost the U.S. “billions of dollars each year.” Although the fact sheet hinted at the ongoing United States Trade Representative (USTR) investigation into the matter, which began in August 2017, it could serve as a barometer for the type of damages the U.S. could claim in its Section 301 investigation. Read more [here](#).
- During a press conference earlier this week, U.S. Trade Representative Lighthizer asserted that “some progress was made” during the sixth round of North American Free Trade Agreement (NAFTA) talks. However, he also clarified that renegotiations “are progressing very slowly.” Specifically, Mr. Lighthizer offered that one point of contention for the United States was the proposed rules of origin language for automobiles, which he claimed were enormously vague. Read more [here](#).
- During his first State of the Union address on Tuesday, President Trump vowed to protect intellectual property in trade agreements. Specifically, he stated, “We will work to fix bad trade deals and negotiating new ones,” adding that “we will protect American workers and American intellectual property, though strong enforcement of our trade rules.” Read more [here](#).

IV. International Updates:

- On Wednesday, a group of 126 prominent European screenwriters and directors published an open letter calling on European lawmakers to quickly adopt the Copyright Directive in the Digital Single Market. Under the proposed legislation, companies that provide access to the public to “large amounts of works uploaded by their users” must take measures to ensure rights holders are properly remunerated, and take down material that infringes copyright. Read more [here](#).
- This week, a coalition of international rights-holder organizations penned an open letter to the new Presidency of the European Council, which Bulgaria officially took over as of January 2018, asking them to abolish safe harbors. The Value Gap Coalition, as the group is known, wrote that they are campaigning to find a solution “to a major problem which is holding back our sector and jeopardizing future sustainability – the Transfer of Value, otherwise known as the Value Gap.” “User uploaded content services have become vast distributors of our creative works e.g. film, music, photos, broadcasts, text and sport content,” the coalition writes, “all while refusing to negotiate fair or any copyright licences with us as right holders.” Read the letter [here](#).

V. Industry Updates:

- On Sunday, music producer and author Kabir Sehgal wrote an op-ed in *The New York Times* titled “Congress, It’s Time to Pay Musicians,” in which Sehgal asks Congress to pass the Fair Play, Fair Pay Act; the Classics Act; and the Music Modernization Act—three pieces of legislation, he argues, “would go a long way to helping musicians earn a better paycheck.” Read more [here](#).
- The Content Creators Coalition (C3) sent a letter to leaders of the House and Senate Judiciary Committees, urging members to hold anti-trust hearings over reports that YouTube is allegedly demanding creators include ‘non-disparagement’ agreements in their production and promotion deals. According to the document, such actions would thwart Congressional review of the Digital Millennium Copyright Act’s safe harbors, as well as squash public debate on the matter. Read more [here](#).
- Alphabet Inc., the parent company of Google, announced in a regulatory filing this week that John Hennessy, a former Stanford University president and one of Google’s first users, would replace Eric Schmidt as Executive Chairman. Read more [here](#).