



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT JANUARY 12, 2018



I. Congressional Updates:

- Representative Darrell Issa (R-CA-49), Chairman of the House Judiciary Committee's Subcommittee on Courts, Intellectual Property and the Internet, announced that he will not be seeking reelection in his district. Issa was pleased to report that he had worked to clear the course for better intellectual property protections and to "stop the piracy of American ingenuity" during his time in Congress. On Thursday, however, *The Hill* [reported](#) that Issa, who narrowly won reelection in 2016, has discussed the possibility of running in the neighboring 50th district if Republican Rep. Duncan Hunter resigns. Read more [here](#).
- Senators Cory Booker (D-NJ) and Kamala Harris (D-CA) were appointed to the Senate Judiciary Committee on Tuesday. Read more [here](#).
- On Wednesday, January 17th, at 10 a.m. the Senate Finance Committee will hold a hearing to consider the nominations of Dennis Shea to be Deputy U.S. Trade Representative for the Geneva Office, and C.J. Mahoney to be Deputy U.S. Trade Representative for investment, services, labor, environment, Africa, China and the Western Hemisphere.
- On Thursday, January 18th at 10 a.m. the House Energy and Commerce Subcommittee on Digital Commerce and Consumer Protection will hold a hearing on "Disrupter Series: The Internet of Things, Manufacturing and Innovation." Read more [here](#).
- On Wednesday, January 17th at 10 a.m. the Senate Commerce Committee will hold a hearing titled "Terrorism and Social Media:

Headlines and Highlights:

- Senate Commerce Committee to hold hearing on "Terrorism and Social Media" featuring Google, Twitter and YouTube reps.
- USTR releases 2017 Notorious Markets list.
- Sens. Booker and Harris appointed to Senate Judiciary Committee.
- Trump could use NAFTA termination letter as negotiating tactic, *Reuters* reports.

In the Blogs:

["Copyright Trivia": Some Works Get Longer Protection in Canada than in the US](#)

Hugh Stephens Blog

January 8 by Hugh Stephens

[Can Streaming Ever Work for Songwriters?](#)

Illusion of More

January 10 by David Newhoff

[Inside Views: How International IP Policy Reconfigured National Politics: An Interview With Prof. Ken Shadlen](#)

IP Watch

January 11 by IP Watch

#IsBigTechDoingEnough?” The witnesses include Monika Bickert, Head of Global Policy Management at Facebook; Juniper Downs, Global Head of Public Policy and Government Relations at YouTube; Carlos Monje, Director of Public Policy and Philanthropy at Twitter; and Clinton Watts, the Robert A. Fox Fellow at the Foreign Policy Research Institute. Read more [here](#).

II. Judicial Updates:

- On Wednesday the *Hollywood Reporter* reported that Ed Sheeran, Faith Hill, and Tim McGraw were sued for copyright infringement by Sean Carey and Beau Golden who claim that the song “The Rest of Our Life” co-written by Sheeran and performed by Hill and McGraw copies elements of the Australian songwriters’ 2014 “When I Found You.” Read more [here](#). (*IPO Daily News*)

III. Administration Updates:

- The U.S. Department of Commerce issued a report on U.S. digital trade with Canada and Mexico last Friday, January 5th. The document estimates that that intellectual property accounted for \$3.7 billion, or 43 percent of the total U.S. “potentially” information and communications technology-enabled services (PICTE) exports to Mexico in 2016. Additionally, it estimates that intellectual property accounts for \$8.3 billion, or 30 percent, of the 2016 U.S. PICTE services exports to Canada. These figures are particularly significant, given that U.S. PICTE exports to both countries have increased over the past decade. We will continue to monitor whether this report impacts the renegotiation of the North American Free Trade Agreement (NAFTA), as participants convene for a seventh round of negotiations this month. Read more [here](#).
- On Wednesday, Reuters reported that President Trump could issue a NAFTA termination letter as a negotiating tactic to gain leverage over Canada and Mexico in talks to modernize the trade agreement. Read more [here](#).
- On Friday, United States Trade Representative (USTR) Robert Lighthizer announced the findings of the 2017 Special 301 Out-of-Cycle Review of Notorious Markets. The List highlights 25 online markets and 18 physical markets around the world that are reported to be engaging in and facilitating substantial copyright piracy and trademark counterfeiting. Read the report [here](#).

IV. International Updates:

- On Monday, Dr. Falk Schoning and Christian Ritz, lawyers at Hogan Lovells in Munich, Germany wrote an article titled “Digital Antitrust – Outlook for the European Antitrust Year 2018.” “So far, the focus of antitrust enforcement in the digital world has been on questions regarding ‘big data’ and large, consumer-facing platforms,” Schoning and Ritz write. “For 2018, we expect the debate to expand into other tech areas including Artificial Intelligence (AI), algorithms and blockchain.” Read more [here](#).
- On Tuesday, five EU Commissioners met with representatives from Google, Facebook and Twitter to discuss progress in tackling the spread of illegal content online. The Commissioners, alongside European Commission Vice-President Andrus Ansip, recently issued a press release describing illegal content as a threat to security and fundamental

rights while demanding a “collective response—from all actors, including the internet industry.” “The Commission seeks to deprive commercial-scale IP infringers of the revenue flows that make their criminal activity lucrative – this is the so-called ‘follow the money’ approach which focuses on the ‘big fish’ rather than individuals,” the Commission explained. Read more [here](#).

V. Industry Updates:

- On Thursday, Brian Pomper, Executive Director of ACTION for Trade—a pro-IP coalition of companies and associations including MPAA, Authors Guild, RELX, and RIAA—penned an op-ed in *The Hill* urging the government to support strong intellectual property protections in a renegotiated North American Free Trade Agreement (NAFTA). “IP-intensive industries not only generate breakthrough products and new processes and ways to do things, they drive our economy through job creation, high wages and increased exports,” writes Pomper, adding that “all of the IP-intensive industries that are a part of ACTION for Trade stand at the ready to work with the administration and Congress to preserve and protect our creative and innovative industries and the nearly 60 million American jobs they collectively support.” Read more [here](#).
- On Wednesday, Keith Kupferschmid, CEO of the Copyright Alliance, wrote an op-ed in *The Hill* urging Congress to pass the Copyright Alternative in Small-Claims Enforcement Act of 2017 (the CASE Act). Read more [here](#).
- On Thursday, the Digital Media Association (DiMA), whose members include Spotify, Apple, YouTube and Pandora, announced their support for H.R. 4706, the *Music Modernization Act*, legislation that, among other changes, would reform Section 115 of the Copyright Act. “The MMA,” DiMA CEO Chris Harrison writes in a letter to House Judiciary Chairman Goodlatte and Ranking Member Nadler, “creates a blanket licensing system for mechanical rights, which will increase public consumption of licensed music, increase royalties paid out to rights holders, and promote licensing efficiencies.” “We urge support and passage of the Music Modernization Act, and look forward to working with you and the Committee on this key legislation.” Read the entire letter [here](#).