



AMERICAN CONTINENTAL GROUP

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## CONTENT & TECHNOLOGY POLICY REPORT JULY 27, 2018



### I. Congressional Updates:

- On Tuesday, July 31<sup>st</sup> at 10 a.m. the Senate Commerce Science and Transportation Subcommittee on Communications, Technology, Innovation and the Internet will hold a hearing titled “The Internet and Digital Communications: Examining the Impact of Global Internet Governance.” The hearing will feature witnesses from GoDaddy, American Enterprise Institute, the Business Roundtable and more. Read more [here](#).
- In early June, the National Telecommunications and Information Administration (NTIA) sought comments and recommendations from stakeholders on its international Internet policy priorities for 2018 and beyond. Last Friday, the NTIA published those comments they received from a range of groups including the U.S. Chamber of Commerce, RIAA, Copyright Alliance, MPAA, Public Knowledge, and the Internet Association. Read the comments [here](#).
- On Tuesday, Sen. Elizabeth Warren (D-MA) expressed her support for the European Union’s recent \$5 billion fine of Google for antitrust violations and criticized the U.S. for not vigorously enforcing its antitrust laws. “Look, [the EU] made their case, and they make a pretty strong case,” Warren told CNBC’s John Harwood. “What it shows is that Europe is serious about antitrust laws, Europe is serious about anti-competition laws, and the U.S. is lagging.” Read more [here](#).
- On Wednesday, the Committee on House Administration held an oversight hearing of the Library of Congress’ strategic plan, part 2. The witnesses were Librarian of Congress Dr. Carla Hayden; Kurt Hyde, Inspector

### Headlines and Highlights:

- Librarian of Congress says “Strategic Plan” for Library will be public before Oct. 1<sup>st</sup>.
- NTIA publishes stakeholder comments on its Internet policy priorities for 2018 and beyond.
- Senate Appropriations Subcommittee questions USTR Lighthizer on NAFTA and tariffs during budget hearing.
- U.K. Trade Secretary says he expects U.S.-U.K. FTA talks to begin in Spring 2019.

### In the Blogs:

#### [A New Unfortunate Twist in the Section 230 Saga: Politics](#)

Illusion of More

July 24 by David Newhoff

#### [Fake News Comes to Canada: Misleading Headlines and Distortion of the Facts Regarding the Fight Against Copyright Infringement](#)

Hugh Stephens Blog

July 23 by Hugh Stephens

#### [Stakeholders Submit Views On South Africa Copyright Amendment](#)

IP Watch

July 27 by Linda Daniels

General for the Library of Congress; and Dianne Houghton, Director of strategic planning and performance management at the Library of Congress. During the hearing, Dr. Hayden stated that the Library is on track to publish a plan to guide their activities over the next 5 fiscal years on October 1<sup>st</sup>, 2018. Dr. Hayden said that the leadership of the Library is focusing on enhancing all users' experiences at the Library. She continued by listing four goals for the Library going forward: expand access, enhance service, optimize resources, and measure impact. Read more [here](#).

- On Thursday, the Senate Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies held a hearing entitled "Review of the Funding Priorities for the Office of the U.S. Trade Representative." The Committee used the hearing as an opportunity to examine funding priorities for the Office of the U.S. Trade Representative (USTR). Senators focused their concerns on the USTR's renegotiation of the North American Free Trade Agreement (NAFTA) as well as the imposition of tariffs on China, Canada, and Mexico. USTR Lighthizer explained how USTR is working to combat Chinese intellectual property theft. In response to forced technology transfer among U.S./China joint ventures and "non-economical" licensing imposed on U.S. firms in China, Mr. Lighthizer explained his enthusiasm with the retaliations against China by the Trump Administration. These retaliations include: filing cases under provisions of the WTO, targeted tariffs, export controls, and direct investment in critical technology. Mr. Lighthizer concluded by explaining that it is the intention of the USTR and the Trump Administration to lead a strategy that decreases trade barriers, subsidies, and quotas imposed by the U.S.'s foreign counterparts in order to negotiate free and equitable trade agreements. Read more [here](#).

## II. Judicial Updates:

- This week, a U.S. district judge dismissed with prejudice a copyright infringement lawsuit filed by the estate of playwright Paul Zindel against filmmaker Guillermo del Toro, accusing him of appropriating elements from Zindel's play *Let Me Hear You Whisper* in his Oscar-winning film *The Shape of Water*. Judge Percy Anderson issued a brief ruling yesterday dismissing the suit and saying that del Toro and Fox Searchlight are entitled to recover the costs of defending against the legal claim. Read more [here](#).

## III. Administration Updates:

- On July 20<sup>th</sup>, President Trump sent a letter of congratulations to Mexican President-elect Andres Manuel Lopez Obrador. In the letter, Trump states that a successful renegotiation of the North American Free Trade Agreement (NAFTA) "will lead to even more jobs and higher wages for hard-working American and Mexican workers—but only if it can go quickly, because otherwise I must go a much different route." Read more [here](#).

## IV. International Updates:

- U.K. Secretary of State for International Trade Liam Fox gave a speech at the Heritage Foundation this week in which he says he expects the U.K. and U.S. to begin trade agreement talks in Spring 2019. Read more [here](#).

## V. Industry Updates:

- On Monday, a group of conservative organizations including Freedom Partners, Heritage Action and Americans for prosperity sent a letter to House Republican members of the Appropriations Committee urging them to use spending bills to undo President Trump's tariffs and other trade actions. "Tariffs trigger self-inflicted economic harm and lead down a destructive, tit-for-tat path as our trade partners retaliate with more tariffs," the groups write. "They threaten higher costs for American businesses and consumers while jeopardizing the jobs of countless workers." Read more [here](#).
- On Tuesday, *The Verge* published an interview with Sen. Ron Wyden (D-OR), Ranking Member of the Senate Finance Committee, on a number of tech-related issues such as Section 230 of the Communications Decency Act, whether Facebook should be broken up, and Net Neutrality. In response to a question about whether Congress should look at changing Section 230, legislation that limits internet companies' liability for what is posted on their platforms, Wyden said the "ball right now is in the industry's court" but if they don't step up and police their platforms, Congress will step in. Wyden went on to refute tech companies' oft-repeated claim that they are neutral pipes for information. "[D]on't tell us your pipes are neutral. They're not. They're pipes that have to be used for the benefit of society." Read more [here](#).
- On Wednesday, the United States Patent and Trademark Office's (USPTO) Office of Policy and International Affairs, in partnership with the International Trade Administration, posted a job announcement for an IP Attaché position in the U.S. Embassy in Mexico City. According to the posting, the "high profile diplomatic position requires a law degree and knowledge of all fields of IP." More info [here](#).