



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT JUNE 29, 2018



I. Congressional Updates:

- On Tuesday, Rep. Joe Crowley (D-NY-14), the fourth-ranking Democrat in the House of Representatives, lost his primary race to Alexandria Ocasio-Cortez. Read more [here](#).
- On Wednesday, the Joint Economic Committee held a hearing on “The Need for U.S. Leadership in Digital Trade” featuring witnesses from the U.S. Chamber of Commerce, Congressional Research Service, and former Deputy U.S. Trade Representative Robert Holleyman. Much of the discussion centered around recent US trade tariffs and the European Union’s implementation of their General Data Privacy Regulation (GDPR), with both sides of the aisle expressing concerns over possible negative implications of GDPR. On Tuesday, June 26th the House Energy and Commerce Subcommittee on Communications and Technology will hold a hearing on the “National Telecommunications and Information Administration Reauthorization Act of 2018.”
- On Thursday, the Senate Judiciary Committee approved the Music Modernization Act by voice vote. Some Senators—including Sens. Cruz, Cornyn, and Flake—said that they support the package, which would update music copyright and licensing laws, but wanted to work with the bill sponsors to address concerns before the bill gets a floor vote. Read more [here](#).
- On Thursday, *Quartz* interviewed Sen. Wyden (D-OR), Ranking Member of the Senate Finance Committee, on U.S. trade policy under President Trump. When asked if he thinks NAFTA will be renegotiated, Wyden says that the “sand is definitely running out of the hourglass this

Headlines and Highlights:

- Associate Justice Anthony Kennedy announces he will step down at end of July.
- Senate Judiciary Committee passes MMA by voice vote.
- Everett Eissenstat, key trade advisor to President Trump, will leave his post at end of next month.
- China’s State Council Information Office releases white paper which claims they have fulfilled WTO commitments and protect foreign IP.

In the Blogs:

[A Case for CASE in Brammer v. Violent Hues?](#)

Illusion of More

June 26 by David Newhoff

[The Latest Tactics of those Opposed to “Piracy Site Blocking” in Canada: Try to Discredit the Process and the Proponents](#)

Hugh Stephens Blog

June 25 by Hugh Stephens

[Incoherent Copyright Ruling Should Anger Photographers](#)

Illusion of More

June 25 by David Newhoff

year.” Wyden went on to say that NAFTA needs a “vigorous overhaul” and negotiators should start with addressing digital trade issues. Read more [here](#).

II. Judicial Updates:

- On Thursday, the U.S. Supreme Court granted a petition to review the question of whether plaintiffs who have submitted a copyright registration application but have not received a registration certificate can sue. The Office of the U.S. Solicitor General, in a brief urging the court to take up the case, said Section 411(a) of the Copyright Act clearly states a plaintiff can file a copyright lawsuit only after the Copyright Office has approved or rejected an application. Read more [here](#).
- On Wednesday, U.S. Supreme Court Associate Justice Anthony Kennedy announced that he will step down at the end of July. Senate Majority Leader Mitch McConnell has indicated that he intends to confirm a new Justice before the midterms. Read more [here](#).

III. Administration Updates:

- This week, POLITICO reported that Everett Eissenstat, a key trade advisor on the White House’s National Economic Council (NEC), will leave his post at the end of next month. Eissenstat, who previously served as chief trade counsel to Sen. Hatch (R-UT), headed up the NEC’s international economics file and was brought on by former NEC Director Gary Cohn. Read more [here](#).

IV. International Updates:

- This week, Stockholm-based music streaming service Spotify hired Dawn Ostroff, a veteran television and video executive, as its new chief content officer, a move that may indicate the music service’s wider ambitions in media. Ostroff formerly worked as president of Conde Nast Entertainment, the publisher’s video studio. Read more [here](#).
- On Thursday, China’s State Council Information Office issued a white paper entitled “China and the World Trade Organization” which claims that China has fulfilled its commitments to the WTO and protects the intellectual property of foreign firms. Read more [here](#).

V. Industry Updates:

- On Sunday, the *Washingtonian* published a story titled “Has the New America Foundation Lost its Way?” which questioned whether the think tank was truly independent from Google, one of its largest funders. At the center of the debate was New America’s decision in summer 2017 to fire staffer Barry Lynn, head of the Open Markets program, after he praised the European Union’s \$2.7 billion fine for antitrust violations. Read more [here](#).
- On Wednesday, E.D. Mondaine, a musician and president of Portland, Oregon’s chapter of the NAACP, wrote an op-ed in *The Oregonian* urging Congress to pass the Music Modernization Act, legislation that, amongst other changes, would update U.S. copyright law to ensure that music creators who recorded songs before 1972 are compensated when their work is played on digital and satellite radio. Additionally, Mondaine asks Sen. Wyden

(D-OR), to drop his own legislation that would take “several years of compensation away from music professionals”, and support the MMA and CLASSICS Act. Read more [here](#).

- On Thursday, Kent Walker, Google’s General Counsel, announced that the company has hired Karan Bhatia as its new Global Head of Policy. Bhatia, who most recently served as GE’s Government Affairs and Policy President, will lead the company’s policy discussions around AI, job creation and infrastructure. Bhatia has also held senior positions in the Departments of Commerce and Transportation and was a Deputy USTR under the Bush Administration. Read more [here](#).