



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT JUNE 8, 2018



I. Congressional Updates:

- On Tuesday, House Majority Leader Kevin McCarthy (R-CA), Rep. Doug Collins (R-GA), and House Judiciary Chairman Bob Goodlatte (R-VA) wrote an article on *Fox News* urging the Senate to pass the Music Modernization Act (MMA), legislation that passed the House 415-0 and would make changes to music licensing laws. “As technological development increases at an exponential rate, our copyright system faces new and distinct challenges,” the lawmakers wrote. “The Internet has enabled copyright owners to make their works available to consumers around the world, but it also has made it more difficult for copyright owners to get paid for that work.” Read more [here](#).
- On Tuesday, June 12th at 10 a.m. the Senate Finance Committee will hold a hearing to consider the nominations of Jeffrey Kessler to be an Assistant Secretary of Commerce; and Amy Karpel and Randolph Stayin to be a Members of the U.S. International Trade Commission. Read more [here](#).
- On Wednesday, Sen. Wyden (D-OR), Ranking Member of the Senate Finance Committee, wrote an op-ed titled “A Better Way to Protect Recording Artists.” In his article, Wyden outlines why he introduced the ACCESS to Recordings Act, legislation that he has presented as an alternative to the widely supported CLASSICS Act. Read more [here](#).
- On Tuesday, POLITICO profiled Reps. Hakeem Jeffries (D-NY) and Doug Collins (R-GA), dubbing them a “bipartisan odd couple” that has racked up wins on the House Judiciary Committee. In the profile, the

Headlines and Highlights:

- Austrian court rules YouTube can be held partly liable for copyright breaches on site.
- Reps. McCarthy, Collins and Goodlatte write op-ed urging Senate passage of MMA.
- EU authorities preparing fine of up to \$11 billion of Alphabet Inc.
- Retiring RIAA CEO gives speech on shifts he has seen in the music industry.

In the Blogs:

[Should Bot Disclosure Be Required By Law?](#)

Illusion of More
June 4 by David Newhoff

[Google “Thumbs its Nose” at New Zealand’s Courts: Kiwis Should Look to Canada for a Precedent](#)

Hugh Stephens Blog
June 3 by Hugh Stephens

[Civil Society Issues Call For Action On Draft WIPO Copyright Exceptions](#)

IP Watch
May 31 by Catherine Saez

Representatives discuss their shared faith background and love of music that planted the seeds of their friendship. Both lawmakers worked together to pass the Music Modernization Act through the House, and are actively working to pass other copyright-related legislation, such as the Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2017. Read more [here](#).

- On Thursday, following a bipartisan House Ways and Means Committee meeting with United States Trade Representative Lighthizer, Chairman Brady released a statement urging the Administration to “stay at the table to continue negotiating with Canada and Mexico for a strong and modern NAFTA...” Read more [here](#).

II. Judicial Updates:

- This week, an Austrian court ruled that YouTube can be held partly liable for copyright breaches in videos uploaded by its users. The judgment said that YouTube played an “active role” in spreading infringing content and therefore could not claim the status of a “neutral intermediary.” Read more [here](#).

III. Administration Updates:

- This week, the National Telecommunications and Information Administration (NTIA) published a Notice of Inquiry (NOI) seeking comments and recommendations from all interested stakeholders on its international Internet policy priorities for 2018 and beyond. These comments will help inform NTIA to identify priority issues. Comments are due on or before 5 p.m. EST on July 2, 2018. Read more [here](#).
- Senate Republicans told President Trump during a meeting on Wednesday that they want the NAFTA renegotiations wrapped up by Labor Day, fearing the dispute may impact the midterm election. “There’s a real feeling among the senators that was sent to the president that we need some sort of agreement, at least on NAFTA, by Labor Day,” Sen. Chuck Grassley (R-Iowa), who attended the meeting, told The Hill. Read more [here](#).

IV. International Updates:

- Reports this week indicate that European Union antitrust authorities are preparing to fine Alphabet Inc, the parent company of Google, up to \$11 billion for abusing its market dominance in software that runs on smartphones. Read more [here](#).

V. Industry Updates:

- On June 21st, Fareplay will host a half-day event titled “The Forum on Internet Governance”, an educational conference created to “provide greater understanding of the scope and severity of the current problems associated with the internet and explore solutions.” Author Jonathan Taplin will be the keynote speaker and the event will feature panels on safe harbors and the internet’s impact on the creative eco-system. Read more [here](#).
- *The New York Times* reported on Wednesday on how the White House’s approach to the North American Free Trade negotiations has frustrated U.S. businesses. Documents obtained by the NY Times show frustrated emails from representatives of the largest

American companies, including Walmart, U.P.S., and General Motors. “It is hard to have a discussion when no details are provided of where the administration is really going even at a broad level until after decisions have essentially been made,” Linda Dempsey, the vice president for international economic affairs policy at the National Association of Manufacturers, said in an email to a top United States trade representative official in October. Read more [here](#).

- This week, Cary Sherman, CEO of the Recording Industry Association of America (RIAA), and who is retiring at the end of 2018, gave a speech at the MIDEM Conference in Cannes on the shifts he has seen in the music industry. Read the speech [here](#).
- *Billboard* reported this week that Spotify has offered advances to a number of managers and indie acts in exchange for licensing their music directly to the streaming service. According to *Billboard*, under the terms of some of the deals, “management firms can receive several hundred thousand dollars as an advance fee for agreeing to license a certain number of tracks by their independent acts directly to Spotify.” Read more [here](#).