



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT MAY 18, 2018



I. Congressional Updates:

- On Tuesday, the Senate Judiciary Committee held a hearing on “Protecting and Promoting Music Creation in the 21st Century.” The focus of the hearing was on the recently introduced Music Modernization Act (MMA), legislation that would reform Section 115 and provide a digital performance right for pre-1972 sound recordings, amongst other changes. Ranking Member Feinstein (D-CA) used her opening remarks to express her support for the intent of the legislative package, but raised concerns with the Mechanical Licensing Collective established by the bill. Senator Blumenthal asked the witnesses their opinions on the Department of Justice’s review of the ASCAP and BMI consent decrees. While Ms. Rose from Public Knowledge argued that consent decrees lead to fairer negotiations and more consumer access, NMPA President David Israelite pointed out that SESAC and GMR are not regulated by consent decree and operate in a free market. Thus, he argued, songwriters at ASCAP and BMI operate at a competitive disadvantage because there are different rules that apply.
- On Wednesday, the House Small Business Committee held a hearing entitled “Intellectual Property 101: How Small Business Owners Can Utilize Intellectual Property.” The hearing featured a panel of four witnesses including Ms. Michal Rosenn (General Counsel, Expa), Mr. David Graham (CEO, Code Ninjas LLC), Mr. Rick Carnes (President, Songwriters Guild of America, Inc.) and Dr. Joan Fallon (Founder and CEO, Curemark). In his opening statement, Committee Chairman Steve Chabot (R-OH-01) shared that intellectual property protections are an essential element for small businesses seeking to grow. The Chairman shared that small businesses with

Headlines and Highlights:

- Senate Judiciary holds hearing on Music Modernization Act.
- House E&C Chairman calls on tech CEOs to testify before Congress to educate their consumers.
- USTR Lighthizer speaks to New Dem Coalition and casts doubt on completing NAFTA before 2019.
- U.S. Ambassador to Japan says two countries will “move rapidly” to complete bilateral trade agreement.

In the Blogs:

[National Review Says ALI Oversteps in Areas Other Than Copyright](#)

Illusion of More

May 15 by David Newhoff

[The NAFTA Negotiations—and Canada’s “Priority Watch List” Designation: It’s All About The Leverage](#)

Hugh Stephens Blog

May 15 by Hugh Stephens

[Brief: OECD Issues Paper On Blockchain and Competition Policy](#)
IP Watch

May 11 by IP Watch

intellectual property protections in place grow 32% more than those without intellectual property protections. In his testimony, Mr. Carnes encouraged members of the Committee to consider co-sponsoring the Copyright Alternative in Small-Claims Enforcement Act of 2017 (CASE Act) as a way to help small creators. Read more [here](#).

- On Tuesday, May 22nd at 10 a.m. the House Judiciary Committee will hold an oversight hearing for the United States Patent and Trademark Office, featuring USPTO Director Andrei Iancu as the sole witness. Read more [here](#).
- Commerce Committee Chairman Greg Walden (R-OR) wrote an op-ed in the *San Francisco Chronicle* this week urging tech CEOs to come testify before the Committee and “explain your business model, and enlighten consumers about how your industry affects” the lives of consumers. Read more [here](#).
- On Tuesday, May 22nd at 2:15 p.m. the Senate Foreign Relations Committee will vote on “The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.” Read more [here](#).

II. Judicial Updates:

- Kirk Hammett, Metallica’s leader guitarist told Swedish TV show *Nyhetsmorgon* this week that the band still believes suing Napster for copyright infringement was the right thing to do. “The whole Napster thing – it didn’t do us any favors whatsoever,” Hammett said. “But you know what? We’re still in the right on that—we’re still right about Napster, no matter who’s out there” saying Metallica was wrong. Read more [here](#).

III. Administration Updates:

- On Wednesday, United States Trade Representative (USTR) Robert Lighthizer spoke with the New Democrat Coalition, a group of moderate, trade-supportive Democrats, on the prospects for a renegotiated NAFTA deal. USTR Lighthizer reportedly told the group that he was not optimistic about an agreement coming together in the near term, meaning that a Congressional vote on the deal would likely extend into 2019. Read more [here](#).
- Democratic Federal Trade Commissioner Rohit Chopra released his first official statement as commissioner this week. Read his comments [here](#).

IV. International Updates:

- In an interview with *Global Atlanta* this week, Anthony Phillipson, the U.K.’s trade commissioner for North America, discussed the potential for a U.S.-U.K. free trade agreement in the near future. “We start by thinking about an FTA because we felt that there was something meaningful that could be done by TTIP, so we want to be clear about whether we can capture some of those gains in a U.K.-U.S. context,” Mr. Phillipson told *Global Atlanta*. Read more [here](#).
- U.S. Ambassador to Japan William Hagerty told a conference in Tokyo this week that the U.S. and Japan will “move rapidly” to finalize a bilateral trade deal. “Trade is very important to us. I think we’re going to move rapidly toward getting something done on

trade,” Hagerty said, adding that USTR staff had visited Japan “just this past week” to iron out details. Read more [here](#).

V. Industry Updates:

- On Monday, May 21st from 5:00-8:00 p.m. PDT the World Affairs Council of Seattle will host a debate on the future of U.S.-China relations. Read more [here](#).
- On Wednesday, May 23rd from 7:30 a.m. to 10:00 a.m. the Heritage Foundation will hold an event titled “Examining Trade” featuring Secretary of Commerce Wilbur Ross and Sens. Manchin (D-WV) and Sasse (R-NE). Read more [here](#).