



AMERICAN CONTINENTAL GROUP

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## CONTENT & TECHNOLOGY POLICY REPORT MAY 4, 2018



### I. Congressional Updates:

- Last week, Sens. Gardner (R-CO), Markey (D-CA), Rubio (R-FL), and Cardin (D-MD) introduced the Asia Reassurance Initiative Act (ARIA), legislation that would “serve as a policy framework to enhance U.S. leadership in the Indo-Pacific region” and demonstrate a commitment to a “rules-based international order.” “This initiative is a generational approach that will put American interests first by reassuring our allies, deterring our adversaries, and securing U.S. leadership in the region for future generations,” said Gardner. “We believe that with this bipartisan vision for our Asia policy, the Administration and Congress can be united on implementing a long-term strategy that will benefit American national security interests, promote American businesses and create jobs through trade opportunities, and project American values of respect for the human rights and freedom that have made America the shining city upon a hill.” Read more [here](#).
- On Wednesday, May 9<sup>th</sup> at 2:30 p.m. the Senate Foreign Relations Subcommittee on Multilateral International, Multilateral Institutions, and International Economic, Energy, and Environmental Policy will hold a hearing titled “A Multilateral and Strategic Response to International Predatory Economic Practices.” The hearing will feature witnesses including Matthew Goodman, chair in political economy at the Center for Strategic and International Studies; and Robert Atkinson, president of the Information Technology and Innovation Foundation, amongst others. Read more [here](#).

### Headlines and Highlights:

- USTR Lighthizer says NAFTA vote may extend into 2019 if countries are unable to agree by end of May.
- Wall Street Journal Editorial Board criticizes USTR Lighthizer’s belief that he can depend on Democratic votes for NAFTA renegotiation.
- Bipartisan group of Senators introduce legislation to rework U.S. policy towards Indo-Pacific region.

### In the Blogs:

#### [Blurred Lines in More Ways Than One – Part III](#)

Illusion of More  
April 30 by David Newhoff

#### [The CASE Act: The Big Value of Small Returns](#)

Illusion of More  
May 1 by David Newhoff

#### [Brief: World IP Day: Women Are Celebrated But Gender Gap Persists](#)

IP Watch  
April 26 by IP Watch

## II. Judicial Updates:

- This week, nearly 3,000 freelance journalists—represented by The Authors Guild, American Society of Journalists and Authors, and the National Writers Union—will begin to receive their pieces of a settlement from a seventeen year class-action copyright infringement lawsuit. The 2001 lawsuit alleged that publishers licensed articles by freelancers without their approval. The settlement totals \$9 million. Read more [here](#).

## III. Administration Updates:

- During a lunchtime discussion at the U.S. Chamber of Commerce on Tuesday, United States Trade Representative (USTR) Robert Lighthizer said that is the U.S., Mexico and Canada are unable to reach an agreement on a renegotiated NAFTA by the end of May, the issue will likely extend into 2019. He also [said](#) that does not intend to use his trip to China this week to change China's state-driven economic system, but rather to open it up to more foreign competition. "It is not my objective to change the Chinese system," Lighthizer said. "It seems to work for them. ... But I have to be in a position where the United States can deal with it, where the United States isn't the victim of it and that's where our role is." Read more [here](#).
- POLITICO [reported](#) on Friday that Tara Isa Koslov has been named acting chief of staff to new FTC Chairman Joe Simons.

## IV. International Updates:

- This week, the European Commission (EC) issued a notice to stakeholders outlining the consequences of Brexit on copyright. If the UK and EU finalize Brexit then the UK would be covered under EU copyright laws until December 31, 2020. Following that date, UK-based broadcasters will no longer benefit from the country of origin principle and will have to clear rights in all member states that the signal reaches and EU collective management organizations will no longer be obliged to represent UK based collective management organizations in multi-territorial licensing, amongst other changes. Read more [here](#).

## V. Industry Updates:

- On Sunday, *Wired* did a profile of Rep. Ro Khanna (D-CA), a lawmaker who represents much of Silicon Valley but wants to regulate tech companies. Khanna, at the direction of Minority Leader Pelosi, is in the process of drafting an "Internet Bill of Rights" that he hopes can be a basis for future legislation. In the profile, Khanna points out that an impetus to regulating tech is the lack of knowledge of technology on Capitol Hill. "One of the things that perplexed me most about the hearings was how many of the congresspeople or senators turned to Zuckerberg and said, 'Tell us what we should do,'" Khanna says about the recent hearings on the Facebook data breach. "If you had the pharmaceutical industry up there or banks up there, you wouldn't have members of Congress saying, 'Please tell us how we should regulate you.'" Read more [here](#).
- YouTube is reportedly beta testing a new feature called Copyright Match which would bring an abbreviated version of its Content ID tool to the masses. YouTube claims that the Copyright Match system would be more sophisticated and robust than Content ID—

including the ability for rights holders to monetize infringing videos, or to track their analytics. Read more [here](#).

- On Tuesday, May 8<sup>th</sup> at 10 a.m. the Atlantic Council will hold an event titled “Making America First in the Digital Economy: The Case for Engaging Europe.” The event will have a panel featuring EU Ambassador to the U.S. David O’Sullivan; Abigail Slater, Special Assistant to the President for Technology, Telecommunications, and Cybersecurity Policy at the National Economic Council; and Dean Garfield, President and CEO of the Information Technology Industry Council. Read more [here](#).
- On Monday, May 7<sup>th</sup> from 11 a.m. to 12 p.m. the University of Pennsylvania Law School’s Center for Technology, Innovation and Competition will hold a briefing for House of Representative staff regarding ad tech, online consumer data collection and consumer privacy in the age of algorithms. The briefing will be in Rayburn 2123. The briefing for Senate staff will be from 1:00-2:30 p.m in Russell 253.
- On Thursday, *The Wall Street Journal* editorial board wrote a piece titled “The Nafta Ultimatum Strategy” in which they criticize USTR Lighthizer’s belief that he can afford to lose Republican votes in Congress for a renegotiated NAFTA by picking up Democratic votes. “Republicans are threatening to reject the revised pact if it includes Mr. Lighthizer’s demand to strip arbitration panels for investor-state disputes,” the Editorial Board writes. “Mr. Lighthizer doesn’t seem to care. He wants to present Congress with an ultimatum to approve the renegotiated agreement or watch Mr. Trump let Nafta expire.” The Board goes on to write that the “AFL-CIO-backed” Democrats would likely call Lighthizer’s bluff, let NAFTA expire, and blame President Trump and Republicans for the economic damage. Read more [here](#).