



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT NOVEMBER 9, 2018



I. Congressional Updates:

- On Tuesday's midterm elections, Democrats took control of the House of Representatives from Republicans. While it is still too early to tell the exact number of seats the Democrats will hold, their victory means a number of changes for House leadership. Rep. Pelosi (D-CA) is running to be the next Speaker of the House, Rep. Jerry Nadler (D-NY) will likely be the next House Judiciary Chairman, Rep. Neal (D-MA) will Chair the House Ways and Means Committee. Rep. McCarthy (R-CA) and Jordan (R-OH) have both stated their desire to run for Minority Leader. Leadership positions for both House Democrats and Republicans will be cemented in the coming weeks as each party will hold internal elections. Read more [here](#).
- Republicans increased their Senate majority in the midterm election, defeating incumbent Democratic Sens. Donnelly (D-IN), McCaskill (D-MO), and Heitkamp (D-ND). The Florida Senate race between incumbent Sen. Nelson (D-FL) and Republican challenger Rick Scott is likely headed for a recount, and the Arizona Senate race between Reps. Kyrsten Sinema (D) and Martha McSally (R) has not yet been called. Democrats successfully defended seats in battleground states like Pennsylvania (Bob Casey), West Virginia (Joe Manchin), Montana (Jon Tester), and Rep. Jacky Rosen (D) unseated Sen. Dean Heller (R) in Nevada. More election info [here](#).
- Both House Republicans and Democrats have established a timetable for their internal leadership elections following the midterms. The GOP will hold a "Leadership Election Candidate Forum" on Nov. 13th from 4:30 PM – 6:30 PM; and on Wednesday Nov. 14th from 1:00 PM –

Headlines and Highlights:

- Democrats retake House; Republicans enhance Senate majority in midterm elections.
- Sen. Grassley indicates he will make decision on Judiciary chairmanship next week.
- USMCA to be ceremoniously signed at G20 meeting in Argentina, Mexico's Economy Minister tells press.
- Rep. Jeffries announces run for House Democratic Caucus chair.

In the Blogs:

[Hyperbole Alert! EFF and Cory Doctorow on Australia's Very Effective Site Blocking Regime: What Are They So Afraid Of?](#)

Hugh Stephens Blog
November 9 by Hugh Stephens

[Streamlined 1201 Rule-Making procedure & EFF's Constitutional Challenge](#)

Illusion of More
November 5 by David Newhoff

[New EU Directive Limits Hate Speech, Establishes European Content Quotas](#)

IP Watch
November 6 by William New

5:00 PM they will hold their internal election followed by the “Conference Rules and Steering Committee Structure Ratification” from 1:00 PM – 5:00 PM on Thursday, Nov. 15th. The Democrats will hold their internal elections on Nov. 29th. November 13th through the 17th will be orientation for new members.

- On Tuesday, the U.S. Copyright Office tweeted asking for input in modernizing and creating a new digital recordation system. The U.S. Copyright Office Recordation Modernization team is working to improve the copyright recordation process by transitioning the system from a paper process to a digital platform. Interested parties can complete the survey online [here](#).
- On Thursday, Rep. Hakeem Jeffries (D-NY), a strong supporter of copyright protections and sponsor of the Copyright Alternative in Small Claims Enforcement Act (CASE) of 2017, announced his bid to become House Democratic Caucus chair, the No. 4 position in House Democratic leadership. Rep. Barbara Lee (D-CA) has also been whipping for the post. Read more [here](#).
- Sen. Grassley (R-IA), current Chairman of the Senate Judiciary Committee, told reporters on Wednesday that he is considering taking the chairmanship of Senate Finance Committee for the next Congress, and would make a final decision next week. If Grassley decides to vacate his Judiciary chairmanship, it is likely Sen. Graham (R-SC) would be the next chair. If Grassley decides to stay as Judiciary chair, Sen. Crapo (R-ID) would likely be the next Senate Finance leader. Read more [here](#).

II. Judicial Updates:

- Beijing’s Internet Court, one of three in China dedicated to all kinds of disputes originating online, will hear its first-ever court case. Popular short-video app TikTok, filed a copyright suit against the app Huopai, which lets user share and download short videos that TikTok holds exclusive rights to. TikTok is seeking more than \$143,000 for the alleged copyright infringement. Read more [here](#).

III. Administration Updates:

- On Tuesday, Secretary of Commerce Wilbur Ross announced the appointment of Laura A. Peter as Deputy Director of the United States Patent and Trademark Office (USPTO). Ms. Peter most recently held the position of deputy general counsel of A10 Networks in Silicon Valley and provided counsel on “worldwide legal matters, including commercial transactions, intellectual property, licenses, litigation, and regulatory compliance.” Read more [here](#).

IV. International Updates:

- On Thursday, Mexico’s economy minister Ildefonso Guajardo said that the United States-Mexico-Canada (USMCA) free trade agreement will be signed on November 30th on the sidelines of the G20 international forum in Argentina. It has yet to be determined whether the presidents and prime minister will participate in the signing, Guajardo said. This signing ceremony does not mean that the agreement has been approved as it must first be voted on by each country’s respective legislatures. Read more [here](#).

V. Industry Updates:

- On Wednesday, Google's Head of Copyright, Cedric Manara, posted on the Google Blog announcing the release of the "How Google Fights Piracy 2018 Report." The report finds that Google has invested \$100 million or more in building Content ID, and that Google disapproved 10 million or more ads that were suspected of copyright infringement in 2017. Read more [here](#).
- On Monday, Mindi Abair and Harvey Mason Jr., co-chairs of the Recording Academy's National Advocacy Committee, published an op-ed in *Billboard* urging music creators to vote in the midterm elections because "when music creators speak out, change can happen." Abair and Mason Jr. write that despite the Music Modernization Act being signed into law, there is more work to be done, including on protecting "funding for the NEA and music education" and protecting music creators as part of ongoing international trade agreements." Read more [here](#).
- Late last week, Susan Molinari, Google's VP of Public Policy for the Americas and head of its Washington, D.C. office, announced she would step down. Prior to joining Google in February 2012, Molinari ran her own political consulting firm. Molinari announced she will remain with Google in an advisory role. Read more [here](#).
- This week, Columbia Law Professor Tim Wu was interviewed by *Vox* about his new book "The Curse of Bigness" which lays out a plan to dissolve Facebook, Google and Amazon. When asked why the government did not step in when Facebook bought WhatsApp or when Google bought YouTube or when Amazon bought Zappos, Wu said that, at the time, there was a "deferential attitude towards Silicon Valley" and people thought they were "the golden goose." "I think we blew it, honestly; there's no better phrase. We were starry-eyed and seduced by the power of the new. There's a bad habit in Washington where you make a mistake and then you pretend it was a good decision. I think we should admit the mistake and redo it." Read more [here](#).
- On Thursday, Spotify announced that it would launch "Spotify Publishing Analytics", a service that allows musicians and artist managers to track daily streams, as well as performance on playlists. Publishers will be able to view information for all of the songwriters on their roster, as well. Read more [here](#).