



AMERICAN CONTINENTAL GROUP

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## CONTENT & TECHNOLOGY POLICY REPORT OCTOBER 12, 2018



### I. Congressional Updates:

- On Wednesday, United States Trade Representative (USTR) Lighthizer told a Senate advisory committee that the Trump Administration has an interest in negotiating trade deals with a number of partners, including the European Union, Japan, and the U.K. Sen. Rob Portman (R-OH) told reporters he didn't believe it was an official notice of talks, but noted "we can begin to touch gloves. It's already started," with respect to Japan and the EU. USTR is required to provide 90 days' written notice before it formally launches trade negotiations. More info [here](#).
- On Thursday, Sen. Mark Warner (D-VA), Ranking Member of the Senate Intelligence Committee and a member of the Senate Finance Committee, was interviewed by *The Atlantic* and he raised concerns with Big Tech's "pathetic" response to security concerns, and questioned if the Section 230 framework was appropriate for the modern Internet. "The social-media companies fight any changes to Section 230 as if it will provoke the complete destruction of the public square," Warner says. "Obviously, that is not the case." Warner goes on to question whether the industry can administer a "decency doctrine" or if Congress will need to step in. Read more [here](#).
- On Wednesday, October 10<sup>th</sup>, the Senate Commerce Committee held a second hearing to examine consumer data privacy. In contrast to the Commerce Committee's first privacy hearing, this hearing invited witnesses that had experience with implementing and assessing recent privacy laws, including the European Union's (EU) General Data Protection Regulation (GDPR) and

### Headlines and Highlights:

- USTR Lighthizer meets with Senate advisory committee to discuss future trade deals.
- Sen. Warner criticizes Big Tech and mulls reforms to Section 230.
- President Trump signs MMA into law.
- Trump and Xi Jinping agree to meet at G-20 next month.
- IFPI releases 2018 Music Consumer Report.

### In the Blogs:

[The \*Ius Imaginum\* of Ancient Rome: Was it the first Copyright Law?](#)

Hugh Stephens Blog

October 9 by Hugh Stephens

[You're Watching Too Much TV—All Because of Copyright!](#)

Illusion of More

October 10 by David Newhoff

[Trade Agreements Making Rules In New Technologies, Territoriality An Issue for IP in Digital Age](#)

IP Watch

October 11 by Catherine Saez

California's Consumer Privacy Act (CCPA). Witnesses on the panel included the Chairman of the EU's data protection board, the Chairman of Californians for Consumer Privacy, the Executive Director of Georgetown's Law Center on Privacy & Technology, and the President and CEO of the Center for Democracy & Technology (CDT). Many Senators on the Committee used the question and answer portion of the hearing to inquire about different provisions in the GDPR. Watch the full hearing online [here](#).

## II. Judicial Updates:

- This week, Sony Interactive Entertainment filed a copyright infringement lawsuit against a California hacker who sold jailbroken PlayStation 4's on eBay. Jailbreaking the gaming system allows users to play pirated copies of games. Read more [here](#).

## III. Administration Updates:

- On Thursday, President Trump signed into law the Music Modernization Act (MMA), legislation to modernize copyright-related issues to music licensing. "The Music Modernization Act closes loopholes in our digital royalty laws to ensure that songwriters, artists and producers receive fair payment for licensing of music," Trump said just before signing the law. "I've been reading about this for many years and never thought I'd be involved in it, but I got involved in it. They were treated very unfairly. They're not going to be treated unfairly anymore." Read more [here](#).
- President Trump and Chinese leader Xi Jinping agreed this week to meet next month at the G-20 summit in Buenos Aires in an attempt to resolve their growing trade conflict. Trump has stated he aims to force Beijing to end the stealing of intellectual property from U.S. companies. Read more [here](#).

## IV. International Updates:

- Business leaders from the United States and Mexico concluded the tenth meeting of the U.S.-Mexico Dialogue this week. This semiannual, private-sector forum seeks to foster conversation on key economic and trade issues that impact the relationship between the two countries. According to a U.S. Chamber of Commerce statement, discussions focused heavily on analyzing the U.S.-Mexico Canada Agreement (USMCA) and setting shared policy priorities in advance of the seating of the new government in Mexico. Read more [here](#).

## V. Industry Updates:

- On Tuesday, the International Federation of the Phonographic Industry (IFPI) released its 2018 Music Consumer Insight Report. The report provides in-depth data about current global music consumption trends. The report found that, despite the increased popularity of streaming services such as Spotify and Apple Music, nearly 38% of global music consumption is still via copyright infringing methods. Additionally, the report found that user-upload services like YouTube are not returning fair value to the music community. Read the report [here](#).
- On Friday, October 18<sup>th</sup> the Washington International Trade Administration (WITA) will hold an event titled "The U.S.-Mexico-Canada Agreement: What's New in NAFTA 2.0?"

The event will feature a panel consisting of Gov. Matt Blunt, President of the American Automotive Policy Council; Victoria A. Espinel, President and CEO of BSA: The Software Alliance; and Joe Glauber, Senior Research Fellow at the International Food Policy Research Institute. Read more [here](#).