



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT OCTOBER 5, 2018



I. Congressional Updates:

- On Wednesday, October 3rd, from 2:30pm-5:00pm, the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights held an oversight hearing on the enforcement of antitrust laws. Department of Justice Assistant Attorney General (AAG) Makan Delrahim and Federal Trade Commission (FTC) Chairman Joseph Simons were the sole witnesses. AAG Delrahim used his [opening statement](#) to discuss some of the recent activities of the Antitrust Division, including its no-poaching investigations and anti-bid rigging actions. He also mentioned the Division's recent change of the merger review guidelines to ensure that all mergers are completed within 6 months, although he later noted that the deadline can be extended on a case-by-case basis. Chairman Simons used his [opening statement](#) to discuss the wide variety of industries that the FTC has been monitoring, especially health care markets. Watch the full hearing online [here](#).
- On Monday, Reps. Guthrie (R-KY) and Matsui (D-CA), members of the Energy and Commerce Committee, introduced H.R. 6913, the "Blockchain Promotion Act of 2018," legislation that would establish a working group of stakeholders across the federal government and private industry to establish a common definition of blockchain. Read more [here](#).
- This week, Sen. Toomey (R-PA), a member of the Senate Finance Committee, voiced concerns about the renegotiated NAFTA, saying it seemed like a "modest step backwards from the point of a free trader." Toomey, however, said he thinks Congress may be able to use the

Headlines and Highlights:

- Senate Judiciary Subcommittee holds hearing on antitrust laws.
- U.S., Canada and Mexico reach agreement on modernized NAFTA.
- VP Pence criticizes China in Hudson Institute speech.
- European Parliament approves regulations establishing quotas for streaming content.
- White House plans to hold meeting with internet and social media executives on alleged political bias.

In the Blogs:

[Opening the Book on Open Media](#)

Hugh Stephens Blog
October 1 by Hugh Stephens

[Libido for Dystopia: A Response to "The Second Digital Disruption" – Part I](#)

Illusion of More
October 3 by David Newhoff

[Conference Preview: Respect For IP – Growing From The Tip of Africa](#)

IP Watch

October 4 by William New

implementing legislation to address some of what he considers flaws. Read more [here](#).

II. Judicial Updates:

- This week, the American Chemical Society and Elsevier, two publishers, launched a second legal battle against the Berlin-based site ResearchGate, a popular for-profit academic social network that makes it easy to find and download research papers. The suit, filed in the U.S. District Court of Maryland, accuses ResearchGate of “massive infringement of peer-reviewed, published journal articles” and suggests the plaintiffs are entitled to up to \$150,000 for each infringed work. Read more [here](#).

III. Administration Updates:

- On Tuesday, White House advisor Larry Kudlow said that later this month President Trump plans to host executives of internet and social media companies at the White House. Kudlow. “We’re going to have a little conference - the president will preside over it - we will have big internet companies, big social media companies, search companies,” Kudlow said. “And some who are dissatisfied with those companies.” Read more [here](#).
- Late Sunday evening, the U.S., Canada and Mexico announced they had reached an agreement in their negotiations to update the North American Free Trade Agreement (NAFTA). With all three parties coming to an agreement, they hope to sign the new deal in the coming months. The text of the updated agreement, referred to as the United States-Mexico-Canada Agreement (USMCA), can be found [here](#) and the intellectual property chapter can be found [here](#).
- On Thursday, Vice President Mike Pence gave a speech at the Hudson Institute in which he accused China of trying to undermine President Trump through targeted tariffs and “well-placed propaganda” to exploit “wedge issues.” “To win the commanding heights of the 21st Century economy, Beijing has directed its bureaucrats and businesses to obtain American intellectual property – the foundation of our economic leadership – by any means necessary,” Pence said. Read more [here](#).

IV. International Updates:

- On Tuesday, the European Parliament approved regulations that would require thirty percent of all content carried on streaming services in Europe to come from the region. The update applies to pan-European broadcasters as well as services like YouTube, Facebook, Netflix and Amazon. The deal still needs to be approved by the Council of EU ministers after which Member States have 21 months to implement it via national legislation. Read more [here](#).
- POLITICO Morning Trade [reported](#) on Friday that USTR Lighthizer and EU trade chief Cecilia Malmstrom plan to meet next month to announce some regulatory areas where they want to increase competition.

V. Industry Updates:

- On Friday, October 12th the Brookings Institution is holding an event titled “Governing the Emerging Digital Economy: A conversation with NTIA Administration David Redl.”

According to the press release, Redl will “share how the agency is addressing consumer data privacy through its recent Request for comments.” More details [here](#).

- On Thursday, Kara Swisher, technology reporter for *The New York Times*, wrote an op-ed on the House Democrats’ “Internet Bill of Rights.” Six months ago, Swisher reports, House Minority Leader Nancy Pelosi charged Rep. Ro Khanna (D-CA) with creating an Internet Bill of Rights. Khanna provided Swisher with his list, which she has made public for the first time. The ten principles for an Internet Bill of Rights include the right “to have access to and knowledge of all collection and uses of personal data by companies” and “to move all personal data from one network to the next.” Read more [here](#).