



AMERICAN CONTINENTAL GROUP

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## CONTENT & TECHNOLOGY POLICY REPORT SEPTEMBER 7, 2018



### I. Congressional Updates:

- On Wednesday, October 3<sup>rd</sup> at 2:30 p.m. the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights will hold a hearing on “Antitrust Law Enforcement” featuring Assistant Attorney General for Antitrust Makan Delrahim and FTC Chairman Joseph Simons. Read more [here](#).
- On Tuesday, a coalition of creators committed to showcasing the creativity of diverse voices and fostering opportunities for creators of color penned a letter to Representatives Chu (D-CA), Diaz-Balart (R-FL), Lujan Grisham (D-NM), and Richmond (D-LA) highlighting their perspective on how a lack of accountability for dominant internet platforms harms creators of color and undermines trust online. Specifically, the document expresses concerns that online platforms have “turned a blind eye to massive exploitation of creative works on the internet.” Read more [here](#).
- On August 30<sup>th</sup>, Senator Orrin Hatch (R-UT) sent a letter urging Chairman of the Federal Trade Commission (FTC) Joseph Simons to consider the competitive effects of Google’s conduct in search and digital advertising. Read more [here](#).
- On Tuesday, Arizona Republican Gov. Doug Ducey chose former U.S. Sen. Jon Kyl to replace the late John McCain in the Senate. In accordance with Arizona law, Ducey is responsible for appointing a replacement for McCain until a November 2020 special election, but it is unclear if Kyl will remain in the Senate through 2020. Read more [here](#).

### Headlines and Highlights:

- Coalition of multicultural creators send letter to lawmakers highlighting lack of accountability for dominant internet platforms.
- Sen. Hatch asks FTC to reopen investigation into competitive effects of Google’s search.
- Former Sen. Jon Kyl appointed to fill late Sen. McCain’s seat.
- U.S. and Canada resume NAFTA talks this week.
- EU approves Apple’s acquisition of Shazam app.

### In the Blogs:

[NAFTA and Copyright: What Happens Next?](#)

Hugh Stephens Blog  
September 4 by Hugh Stephens

[Mousetrap: The Copyright Deep Story Behind Today’s Lies](#)

Illusion of More  
August 29 by David Newhoff

[Public Knowledge Twaddles Re. NAFTA Negotiations](#)

Illusion of More  
August 28 by David Newhoff

- On Thursday, Rep. Doug Collins (R-GA) introduced H.R. 6714, the Electronic Court Records Reform Act, legislation that “would guarantee free public access to federal court records through the Public Access to Court Electronic Records (PACER) system, which currently charges the public a fee to access documents.” Read more [here](#).

## II. Judicial Updates:

- Late last week, the estate of former singer-songwriter Prince filed a lawsuit against a network of European bootleggers selling Prince songs around the world via the website “newlovesigne.com”, which is listed as the defendant. The suit is asking for \$2 million “for each and every use of the Prince Trademarks.” The suit was filed in the U.S. District Court in Minneapolis. Read more [here](#).

## III. Administration Updates:

- On Wednesday, the Department of Justice (DOJ) issued a statement expressing the “growing concern” of Attorney General Jeff Sessions that social media giants may be “hurting competition” and “intentionally stifling” free speech and expression. “The Attorney General has convened a meeting with a number of state attorneys general this month to discuss a growing concern that these companies may be hurting competition and intentionally stifling the free exchange of ideas on their platforms,” said Justice Department spokesman Devin O’Malley in an email. Read more [here](#).
- U.S. and Canadian officials resumed negotiations this week to modernize the North American Free Trade Agreement (NAFTA). This comes on the heels of the U.S. and Mexico reaching an accord to revise key portions of the trade pact. The U.S.-Canada talks are largely focused on Canada’s dairy supply system, Ottawa’s desire to keep NAFTA’s Chapter 19 dispute resolution mechanism and Canadian media laws that favor domestically produced content. Read more [here](#).

## IV. International Updates:

- This week, a group of 165 European directors and screenwriters signed a declaration at the Venice Film Festival calling on the European Parliament to pass new legislation overhauling the copyright laws for the online world. The legislation includes provisions forcing online companies such as Google and Facebook to share revenue with copyright holders and better police their sites for infringing content. The revised copyright directive will go before the European Parliament on September 12<sup>th</sup>. Read more [here](#).
- On Thursday, the European Union’s Antitrust Commission approved Apple’s acquisition of song-recognition app Shazam following a months-long investigation into whether it would harm competition. “Data is key in the digital economy,” commented EU antitrust chief Margrethe Vestager. “We must therefore carefully review transactions which lead to the acquisition of important sets of data, including potentially commercially sensitive ones, to ensure they do not restrict competition. After thoroughly analysing Shazam’s user and music data, we found that their acquisition by Apple would not reduce competition in the digital music streaming market.” Read more [here](#).

## V. Industry Updates:

- On September 26<sup>th</sup> from 1:15-6:00 p.m., Concurrences Review & The George Washington University Law School will hold a conference titled “Where is Antitrust Policy Going?” The event will feature three panelists including Barry Lynn, Executive Director of the Open Markets Institute; Maureen Ohlhausen, FTC Commissioner; and Rebecca Slaughter, FTC Commissioner. Read more [here](#).
- This week, the Economist Intelligence Unit published a “Global Illicit Trade Environment Index,” a report which evaluates 84 countries on their structural capability to guard against illicit trade, highlighting specific strengths and weaknesses. Read the report [here](#).
- On Tuesday, YouTube’s Chief Business Officer Robert Kyncl wrote a post on the “YouTube Creator Blog” on why creators should care about Article 13 and European copyright rules. Read more [here](#)