



AMERICAN CONTINENTAL GROUP

1800 M Street NW | 5th Floor | Washington D.C. 20036  
Tel: (202) 327-8100 | Fax: (202) 327-8101

## CONTENT & TECHNOLOGY POLICY REPORT FEBRUARY 1, 2019



### I. Congressional Updates:

- On Tuesday, Speaker Nancy Pelosi released the Democratic roster for the Select Committee on the Modernization of Congress, which was created by House rules earlier this month. Rep. Derek Kilmer (WA) will Chair the Committee and the following Democrats will join him as members: Reps. Emanuel Cleaver (MO), Suzan DelBene (WA.), Zoe Lofgren (CA), Mark Pocan (WI) and Mary Gay Scanlon (PA). This Committee will identify opportunities for the chamber to update its internal IT and tech tools. Read more [here](#).
- House Democrats postponed their Democratic Caucus Issues Conference because it conflicts with the date the latest stopgap funding bill will expire. The Conference was originally scheduled to take place from February 13-15, 2019 in Leesburg, Virginia. Read more [here](#).
- At the 15th annual [State of the Net](#) conference, Rep. David Cicilline (D-RI), who chairs the House Judiciary Committee's antitrust subpanel, announced that he plans to reintroduce the "Journalism Competition and Preservation Act" this Congress. This [legislation](#) would provide a "temporary safe harbor" for the publishers of online content to collectively negotiate with dominant online platforms regarding the terms on which their content may be distributed.

### II. Judicial Updates:

- After a judge in the Eastern District of Virginia dismissed a copyright infringement case brought by Universal Music, Sony Music and 10 other labels against the operator of Russian stream-ripper FLVTO.biz last week, the

### Headlines and Highlights:

- Democrats on Select Committee on the Modernization of Congress announced.
- Rep. Cicilline to introduce "Journalism Competition and Preservation Act."
- USTR sends Congress list of legislative changes needed to implement USMCA.
- Copyright Office Announces April 8th Roundtable to study safe harbor provisions' impact on online service providers.
- Facebook provides insight into content moderation board.

### In the Blogs:

#### [On New Models, Journalism, and Digital Advertising](#)

Illusion of More

January 28 by David Newhoff

#### [Blackbeard is Back: Will he make it to the Supreme Court?](#)

Hugh Stephens Blog

January 28 by Hugh Stephens

Recording Industry Association of America (RIAA) told *Billboard* that it is appealing the decision. In a statement on the matter, RIAA spokesperson Cara Duckworth claimed that “the court got it wrong,” and insisted that “its decision represents a big step backward in the protection of American culture and the creators that fuel it.” The judge dismissed the case last week on the grounds that it lacked jurisdiction over the foreign site. Read more [here](#).

### **III. Administration Updates:**

- On Tuesday, the Office of the United State Trade Representative (USTR) Robert Lighthizer sent Congress an outline of legislative changes required for the United States to implement the U.S.-Mexico-Canada Trade Agreement (USMCA). This fulfills an obligation to proceed under the “fast track” provisions in the 2015 trade promotion authority (TPA) law, which allows the White House to submit trade deals to Congress for a straight up-or-down vote without any amendments. Read more [here](#).

### **IV. International Updates:**

- On Thursday, a group of European news media associations sent a letter urging French President Emmanuel Macron and Germany’s Chancellor Angela Merkel to reach an agreement to advance EU copyright reform. The letter claims that “without a clear legal protection of press publishers’ content such as proposed in article 11, the sustainability of independent press and professionalism is at risk.” Read more [here](#).
- On Wednesday, the European Commission published a progress report on the trade negotiations between Brussels and Washington. The document outlines the progress made on the agenda for trade negotiations set forth in the [Joint Statement](#) from President Trump and President Juncker issued last July. Notably, the Commission maintains that agriculture, “which is a sensitivity to the EU side,” will not be included in negotiations. Read more [here](#).
- Reports surfaced last week that the Society of Authors (SoA), a United Kingdom (UK) trade union representing over 10,500 authors, is [threatening](#) legal action against the Internet Archive unless it stops what the SoA claims is unauthorized lending of books unlawfully scanned for its Open Library. Internet Archive offers users access to hundreds of thousands of titles through this online database, with the stated mission to make “all the published works of humankind available to everyone in the world.” Read more [here](#).
- On Friday, the U.S. Copyright Office published a list of works for which it has received and processed a Notice of Intent to Enforce copyrights restored under the Uruguay Round Agreements Act. Read more [here](#).

### **V. Industry Updates:**

- On Friday, the U.S. Copyright Office announced that it will host a public roundtable on April 8, 2019 to allow interested members of the public to brief the Office on the impact and effectiveness of the Copyright Act’s safe harbor provisions for online service providers. This roundtable is the latest effort from the Office to assess the impact and effectiveness of section 512 of Title 17 of the Digital Millennium Copyright Act, as requested by Congress. Participants will be asked to discuss relevant domestic and international developments that have occurred since the close of the written comment period on February 6, 2017. Read more

[here](#).

- On Thursday, the United States Copyright Office held the first in a series of webinars to update the public on the Office-wide modernization process. The webinar was hosted by Acting Register of Copyrights Karyn A. Temple and Copyright Modernization Office (CMO) Director Ricardo Farraj-Feijoo. The speakers discussed the Office's formal Request for Information (RFI) issued on May 7, 2018 on possibilities for potential contractors to manage and develop Office capabilities into a new, web-based, cloud-hosted Enterprise Copyright System (ECS). They received 14 responses, and the next steps are the creation of a Request for Proposal (RFP) that can be expected to be released in the coming months. The Office is also currently working on a Virtual Card Catalogue, replacing eCO and other systems with an ECS, transitioning the current paper-based recordation system to a web-based platform, and updating their data management systems.
- Following an [announcement](#) from Mark Zuckerberg last fall that he plans to establish an independent body for users to appeal content decisions to, Facebook released a draft charter on Monday answering questions about how the oversight board might function. According to the document, the board will be made up of a diverse group of up to forty global experts with experience in content, privacy, free expression, human rights journalism, civil rights, safety and other relevant disciplines. Facebook's vice president of global affairs Nick Clegg also [announced](#) that the social media platform is hosting workshops in Singapore, Delhi, Nairobi, Berlin, New York, Mexico City, and other cities around the world to solicit feedback on the proposal over the next several months. Read more [here](#).
- On Tuesday, a coalition of business groups including the U.S. Chamber of Commerce, the National Retail Federation, the Internet Association, and the Express Association of America, sent a letter urging USTR Lighthizer to remove a footnote in the USMCA suggesting that the United States could lower its de minimus threshold for Canada and Mexico to a "reciprocal amount." The United States' de minimus threshold waives custom duties and taxes on any incoming shipments of goods worth \$800 or less. E-commerce stakeholders were disappointed that U.S. officials did not successfully persuade Canada and Mexico to raise their de minimus thresholds to \$800 through USMCA negotiations. The letter cautions that lowering the U.S. de minimus level would harm domestic businesses, workers and consumers. Read more [here](#).