



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT FEBRUARY 15, 2019



I. Congressional Updates:

- The House Committee on Appropriation's Legislative Branch Subcommittee postponed its hearing to consider the Fiscal Year 2020 budget for the Library of Congress. The hearing was originally scheduled for Wednesday at 10:00AM, but has yet to be rescheduled.
- On Tuesday, House Republicans announced the roster for the Select Committee on Congressional Modernization. Rep. Tom Graves (R-GA) will be the Ranking Member and the following Republicans will serve on the Select Committee: Reps. Davis (R-IL); Brooks (R-IN); Woodall (R-GA); Timmons (R-SC); Newhouse (R-WA). More info. [here](#).
- On Monday, the Librarian of Congress Carla Hayden announced her selection of Judge Jesse Feder as the new chief copyright royalty judge and head of the Copyright Royalty Board. Feder will replace Chief Judge Suzanne Barnett who will retire from federal service effective February 16, 2019. Read more [here](#).
- Senate Finance Committee Chairman Grassley (R-IA) told reporters this week that he is not willing to re-negotiate the provision in the United States–Mexico–Canada Agreement (USMCA) that requires Mexico and Canada to provide 10 years of protection for test data used to develop biologic medicines. This is despite concerns raised by House Democrats that the provision would increase the price of certain prescription drugs for American consumers by shielding drug companies from competition. Rep. Blumenauer, who chairs the House Ways and Means Subcommittee on Trade, told the Associated Press that he does not think implementation legislation will pass out of

Headlines and Highlights:

- Jesse Feder current Copyright Royalty Board Judge becomes the new New Chief Judge to replace retiring Suzanne Barnett.
- House Republicans announce members on the Select Committee on Congressional Modernization.
- Collins and Quigley reintroduce legislation to make federal court records free of charge.
- European Parliament and Council finalize text of the EU Copyright Directive.
- Grassley not willing to re-negotiate USMCA biologics provision in implementation bill.

In the Blogs:

[Did Canada get “Section 230” Shoved Down its Throat in the USMCA?](#)

February 10 by Hugh Stephens

[EU Copyright Rules: Provisional Deal Struck On Changes](#)

February 10 by William New

[Can U.S. States Infringe Copyrights with Impunity?](#)

February 14 by David Newhoff

this subcommittee with the biologics provision intact. Chairman Grassley touted the biologics provision as “quite a deal that’s going to protect intellectual property and encourage more research and development and more miracle drugs.” Read more [here](#) and [here](#).

II. Judicial Updates:

- On Wednesday, Reps. Doug Collins (R-GA) and Mike Quigley (D-IL) reintroduced the Electronic Court Records Reform Act (ECRRA). This bipartisan legislation would make federal court records free of charge online via the Public Access to Court Electronic Records system (PACER), which currently charges the public a fee to access documents. The bill also seeks to improve the PACER system by making audio and visual court records available on the system and adding a function to enable users to search its catalog of court documents easily. The proposal was introduced in September 2018 but failed to get a hearing last Congress. Read more [here](#).

III. Administration Updates:

- On Wednesday, the U.S. Copyright Office published its final rule to amend its regulation governing the group registration option for newspaper issues. The final rule eliminates the three-month deadline for submitting this type of claim and will take effect February 18, 2019. Read more [here](#).
- On Wednesday, the U.S. Copyright Office also published its final rule establishing a new group registration option for a limited number of unpublished works, replacing the prior accommodation for “unpublished collections.” The effective date for this rule is March 15, 2019. Read more [here](#).
- On Monday, President Trump signed an Executive Order (EO) directing federal agencies to promote breakthroughs in artificial intelligence (AI) and related technologies. Specifically, it directs implementing federal agencies to prioritize AI R&D in their fiscal year 2020 budget proposals. The EO also directs agencies to collaborate with non-Federal entities, such as industry, academia, international partners and allies, to support the development of AI technologies in the United States. Finally, as part of this comprehensive federal strategy for AI, the EO underscores the importance of fostering public trust and confidence in AI technologies by protecting civil liberties, privacy, and American values in their application. Read more [here](#).

IV. International Updates:

- According to a [blog post](#) from German MEP Julia Reda, the European Parliament and Council have agreed on the final text of the European Union (EU) Copyright Directive. Reda announced that the final proposal includes the compromise deal on Article 13 struck by France and Germany last week. Article 13 requires for-profit Internet platforms to license content from copyright holders or ensure that infringing content is taken down and not re-uploaded to their services. Instead of exempting all small businesses from adhering to Article 13’s rules, the Directive apparently only excludes services that have been publicly available for less than three years, fewer than five million unique visits per month, and an annual turnover of less than €10 million. The final vote in the plenary of the European Parliament is expected to take place either between March 25 and 28, on April 4 or between April 15 and

18. Read more [here](#).

- Reports surfaced this week that Japan’s Cultural Affairs Agency will soon submit a bill to amend Japan’s Copyright Act to close a gap in online copyright protections. Japan’s Copyright Act prohibits downloading copyrighted music and movies, but creators have complained that these protections do not extend to other creative works, such as still images (including manga publications), software, and games. Local sources told TorrentFreak that a government panel adopted a policy on Wednesday recommending to the Cultural Affairs Agency that current anti-downloading legislation should expand to cover all copyrighted content. TorrentFreak reports that this legislation might include a penalty of up to two years in prison and fines of two million yen (\$18,052) for infringers, although this penalty might only apply to the most serious offenders. Read more [here](#).
- Mexican Trade Undersecretary Luz María de la Mora told reporters on Thursday that the government of Mexico is not willing to renegotiate any provisions of the USMCA. Read more [here](#).

V. Industry Updates:

- In the cover story of Mother Jones’ March/April issue this week, CEO Monika Bauerlein and Editor-in-Chief Clara Jeffery urge lawmakers to regulate internet platforms to address a host of concerns related to consumer privacy, disinformation and the manipulation of users. Honing in on the problem of fake news, the authors criticize Facebook for deploying algorithms that push “engaging content” to the top of feeds, even if it is riddled with misinformation or conspiracy theories. Read more [here](#).