



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT JANUARY 11, 2019



I. Congressional Updates:

- Speaker Pelosi (D-CA) announced this week that Rep. Zoe Lofgren (D-CA) will serve as the next Chair of the House Administration Committee. The House Administration Committee oversees legislative branch agencies that support members of Congress, including the Library of Congress, which houses the Copyright Office. Rep. Rodney Davis (R-IL) will be the Ranking Member on the panel. Read more [here](#).
- On Tuesday, January 15th and Wednesday, January 16th the Senate Judiciary Committee will hold public hearings on the nomination of William P. Barr to serve as the next Attorney General of the United States. More info [here](#).
- On Tuesday, House Speaker Nancy Pelosi (D-CA) announced the new Democrats that had been appointed to the House Energy and Commerce; Appropriations; and Ways and Means Committees. The following Democrats will be joining the Energy and Commerce Committee as new members: Reps. Nanette Barragán (D-CA), Lisa Blunt Rochester (D-DE), Robin Kelly (D-IL), Ann Kuster (D-NH), A. Donald McEachin (D-VA), Tom O'Halleran (D-AZ), Darren Soto (D-FL), and Marc Veasey (D-TX). More info [here](#).
- On Thursday, new Senate Finance Chairman Chuck Grassley (R-IA) told reporters that he would advise President Trump to begin a formal withdrawal from NAFTA if Democrats insist on renegotiating its replacement—the U.S.-Mexico-Canada Agreement (USMCA). Democrats have expressed concern about the new agreement's labor and environmental provisions. Sen. Grassley suggested that side letters to clarify positions or

Headlines and Highlights:

- Rep. Lofgren to chair committee responsible for overseeing the Library of Congress.
- City of London Intellectual Property Crime Unit denies reports it will have a lapse in funding.
- Authors Guild's "2018 Author Income Survey" reports 42% decrease in median income from 2009-2017.
- Google's new policy chief considering shake-up of company's Washington lobbying apparatus.

In the Blogs:

[AVIA: The "New" Kid on the Block in the Asian Content Industry](#)

Hugh Stephens Blog

January 4 by Hugh Stephens

[Ocasio-Cortez Video a Good Example of What Rights Holders Really Want](#)

Illusion of More

January 6 by David Newhoff

[Mach \(digital\) Tuck?](#)

Illusion of More

January 4 by David Newhoff

provide more details regarding the provisions could be useful in remedying concerns. Read more [here](#).

II. Judicial Updates:

- Late last week, U.S. District Judge for the Southern District of New York, Louis Stanton, rejected English singer and songwriter Ed Sheeran's request to dismiss a lawsuit accusing him of plagiarizing from Marvin Gaye's 1973 song "Let's Get It On" for his 2014 hit "Thinking Out Loud." Stanton found "substantial similarities between several of the two works' musical elements," including their bass lines and percussion, and said it was in dispute whether the harmonic rhythm of "Let's Get It On" was too common to deserve copyright protection. Read more [here](#).

III. Administration Updates:

- Reports this week indicate that President Trump is expected to urge Congress in his State of the Union address this month to grant him broad authority to increase U.S. tariffs if he considers other countries' tariff and non-tariff measures to be too restrictive. The White House has been working on the initiative, known as the U.S. Reciprocal Trade Act, with a few House Republicans, reports indicate. Read more [here](#).

IV. International Updates:

- Following reports over the weekend that funding for the City of London Police's Intellectual Property Crime Unit (PIPCU) may not extend beyond June 2019 and the unit may need to solicit funding from industry sources, Detective Chief Inspector Teresa Russell of PIPCU told *World Trademark Review* on Monday those reports are false. PIPCU had been responsible for over 30,000 website takedowns for suspicious activity and potential cybercrimes. "PIPCU has always received two year rolling funding from the IPO," Russell said. "While PIPCU's funding does expire in June, the funding will be extended by the IPO. There have been no recent plans for PIPCU to be funded directly by industry." Read more [here](#).
- On Thursday, Advocate General to the Court of the European Union (EU) Maciej Szpunar proposed that Google can limit the "right to be forgotten" to internet searches made in the EU. Google was fined by the French National Commission for Information Technology and Civil Liberties (CNIL) in 2016 for failing to delist sensitive information beyond the borders of the EU. Szpunar reasons that the fundamental right to be forgotten, which Europeans gained in a landmark case five years ago, "must be balanced against other fundamental rights, such as the right to data protection and the right to privacy, as well as other legitimate public interest in accessing the information sought." Read more [here](#).

V. Industry Updates:

- On January 5th, the Authors Guild—a professional organization for writers—published the results of its "2018 Author Income Survey," which analyzes responses from 5,067 authors to shed light onto industry income trends. Survey results suggest that authors' incomes are declining sharply; respondents reported a median author income of \$6,080 in 2017, which is down 42% from 2009 levels. To supplement this downfall in book earnings, respondents reported leaning on other writing-related activities, such as speaking engagements, book

reviewing, or teaching, to make ends meet. Finally, the report suggests that the “growing dominance of Amazon over the marketplace” and its tendency to force publishers to “accept narrower margins” as a potential key contributor to this trend. Read more [here](#).

- *Bloomberg* reported this week that Google’s new policy chief Karan Bhatia is considering a shake-up of the company’s Washington lobbying apparatus. Bhatia reportedly prompted some staffers to fear for their jobs by circulating an empty organizational chart with his name at the top and blank boxes underneath indicating open positions. Additionally, former Representative Susan Molinari recently departed from her role as Google’s Washington director and is slated to transition to an advisory role this month. Read more [here](#).
- On Thursday, *Billboard* interviewed Mitch Glazier, Chairman and CEO of the Recording Industry Association of America (RIAA), on the group’s 2019 priorities as well as lobbying the “Napster Generation.” Glazier indicated that the first priority is visiting with new members of Congress and educating them on copyright. Further, RIAA will focus on passing legislation to grant artists a performance right for recordings played on traditional radio as well as ensure upcoming trade agreements contain strong copyright protections. Read more [here](#).