



AMERICAN CONTINENTAL GROUP

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## CONTENT & TECHNOLOGY POLICY REPORT JANUARY 25, 2019



### I. Congressional Updates:

- Speaker Pelosi announced this week that the House Democratic Steering and Policy Committee has recommended to the Caucus that the following Democrats will serve on the Science, Space and Technology Committee: Reps. Beyer (VA), Casten (IL), Crist (FL), Fletcher (TX), Foster (IL), Hill (CA), Horn (OK), McAdams (UT), McNerney (CA), Perlmutter (CO), Sherman (CA), Sherrill (NJ), Stevens (MI), Tonko (NY), and Wexton (VA). Read more [here](#).
- On Wednesday, Chairman Nadler (NY) released the Democratic House Judiciary Subcommittee rosters. Rep. Cicilline (RI) will Chair the Subcommittee on Antitrust, Commercial and Administrative Law and the following members will serve on this subcommittee: Reps. Johnson (GA), Raskin (MD), Jayapal (WA), Demings (FL), Scanlon (PA), Neguse (CO), and McBath (GA). More info. [here](#).
- Rep. Johnson will Chair the House Judiciary Committee's Subcommittee on Courts, Intellectual Property, and the Internet and the following members will serve on this subcommittee: Reps. Deutch (FL), Richmond (LA), Jeffries (NY), Lieu (CA), Stanton (AZ), Lofgren (CA), Cohen (TN), Bass (CA), Swalwell (CA) and Correa (CA). More info. [here](#).
- On Wednesday, House Judiciary Committee Ranking Member Collins (GA) announced the ranking members for each of the committee's five subcommittees. Rep. Martha Roby (AL) will serve as the Ranking Member to the Subcommittee on Courts, Intellectual Property, and the Internet. Rep. Jim Sensenbrenner (WI) will serve as the

### Headlines and Highlights:

- Democratic House Judiciary Subcommittee rosters announced.
- Martha Roby named Ranking Member of the House Judiciary Committee's Subcommittee on Courts, Intellectual Property, and the Internet.
- House IT Subcommittee to dissolve into Subcommittee on Government Operations.
- Netflix joins MPAA.

### In the Blogs:

#### [EFF Observes \(Anti\) Copyright Week](#)

Illusion of More  
January 16 by David Newhoff

#### [What does Feminism have to do with Copyright in Canada?](#)

Hugh Stephens Blog  
January 21 by Hugh Stephens

#### [Brief: Nearly 100 European Authors Demand 'Proportionate' Remuneration In EU Copyright Directive](#)

Intellectual Property Watch

Ranking Member to the Subcommittee on Antitrust, Commercial and Administrative Law. More info. [here](#).

- During an appearance on Government Matters on Tuesday, Rep. Gerry Connolly (D-VA) announced that the House Committee on Government Oversight and Reform's IT subcommittee will be folded into the government and operations subpanel. Rep. Connolly also spoke about his priorities as the Chair of the Government and Operations Subcommittee, stating that his subpanel is "going to do a lot of work on modernizing and procurement oversight of how the federal government deals with information technology and a \$96 billion per year procurement portfolio." Watch the full interview [here](#).

## **II. Judicial Updates:**

- On Thursday, Google announced that it has filed a petition asking the Supreme Court to review the copyright dispute with Oracle over the use of software interfaces. In March 2018, the U.S. Court of Appeals for the Federal Circuit ruled that Google's use of Java shortcuts to develop Android violated Oracle's copyrights. In a blog post announcing the petition, Google SVP of Global Affairs & Chief Legal Officer Kent Walker claims that unless the Supreme Court intervenes on this matter, "the industry will be hamstrung by court decisions finding that the use of software interfaces in creating new programs is not allowed under copyright law." Read more [here](#).

## **III. Administration Updates:**

- POLITICO reported this week that Shahira Knight, the White House legislative affairs director, is planning to leave her position in the coming months. Read more [here](#).
- The Washington Post reported on Monday that Federal Trade Commission (FTC) officials met to consider whether the Commission should fine Facebook for allegedly violating the terms of a consent decree previously brokered between the Commission and the social media platform. Consumer advocates urged the FTC to penalize Facebook after reports surfaced in March that Cambridge Analytica accessed approximately 87 million users' personal information without their knowledge. Read more [here](#).

## **IV. International Updates:**

- On Monday, France's data protection watchdog, the Commission nationale de l'informatique et des libertés (CNIL), announced that it has fined Google €50 million for allegedly violating Europe's General Data Protection Regulation (GDPR). Specifically, CNIL is fining the tech giant for "lack of transparency, inadequate information and lack of valid consent regarding the ads personalization." On Wednesday, Google confirmed that it plans to appeal the fine, telling Business Insider that the platform is concerned about the ruling's impact on "publishers, original content creators and tech companies in Europe and beyond." Read more [here](#) and [here](#).
- In a recent interview, European Union (EU) commissioner Margrethe Vestager told The Associated Press that she plans to publish a report to guide EU competition policies in the era of digitalization and to reflect on the need for new or tougher rules before her term ends in October 2019. Since taking her role in 2014, Vestager has spearheaded numerous high-profile enforcement measures against big tech, including slapping Google with multibillion-

dollar antitrust penalties, ordering Apple and Amazon to pay back taxes, and fining Facebook over its WhatsApp acquisition. Read more [here](#).

## V. Industry Updates:

- On Friday, the U.S. Copyright Office announced the receipt of five notices of intent to audit certain statements of account filed by cable operators and a satellite carrier pursuant to the section 111 and 119 statutory licenses. More info. [here](#).
- On Tuesday, the Motion Picture Association of America (MPAA) announced that Netflix has joined the global trade association as a member. In a statement, MPAA Chairman and CEO Charles Rivkin asserted that “Adding Netflix will allow us to even more effectively advocate for the global community of creative storytellers...” Read more [here](#).
- On Wednesday, BuzzFeed News published an article highlighting the challenges independent creators might face when trying to get Amazon to take down infringed listings from its marketplace. The article describes artist Susie Ghahremani’s experience trying to get Amazon to delist a pendant featuring her owl illustration to exemplify how difficult and time-consuming it can be for independent artists to convince Amazon to take down listings stealing their original artwork. Although Amazon has a Brand Registry that allows businesses to upload trademarks and combat counterfeiting, independent creators told BuzzFeed News that since works of art are considered copyrighted goods and are not trademarks, artists cannot use this service. Read more [here](#).
- On Monday, a group of 71 civil society groups sent a letter to Congress expressing their concerns that certain provisions in the United States-Mexico-Canada Agreement (USMCA) would “entrench and expand prescription drug monopoly protections, thwart competition and thus undermine efforts to expand access to affordable medicines.” The group is particularly concerned about the ten year market exclusivity period for new biologic medicines established in the proposal. Read more [here](#).