

CONTENT & TECHNOLOGY POLICY REPORT SEPTEMBER 16, 2022



I. Congressional Updates:

- On Monday, Senators Ed Markey (D-MA) and Ron Wyden (D-OR) sent a [letter](#) to Immigration and Customs Enforcement (ICE) Acting Director Tae Johnson urging the agency to “End its use of technologies and surveillance tactics that threaten the privacy rights of individuals all across the United States.” The letter was motivated by a Georgetown University report that found that ICE has used facial recognition and purchased personal information to build a system to assist in deportation proceedings. The senators asked the agency to respond in writing to their questions by October 3rd. Read more [here](#).
- On Tuesday, the Senate Judiciary Committee held a hearing highlighting Peiter Zatkó, the Twitter whistleblower who raised concerns about foreign meddling on the social media platform. During the hearing Zatkó said that in the week before he was fired from Twitter, he learned the FBI told the company an agent of China's Ministry of State Security, or MSS, the country's main espionage agency, was on the payroll at Twitter. Twitter dismissed the testimony, while other Senators used the opportunity to call for more regulations against big tech. Read more [here](#).
- On Wednesday, September 14, the House Ways & Means Committee held a hearing titled, “[The Future of U.S. – Taiwan Trade](#).” The hearing focused on the committee’s bipartisan interest in deeper trade relations with Taiwan, and the benefits a more secure trade relationship will provide for both countries. Overall, the committee had a relatively unified voice in support for a U.S.-Taiwan trade agreement, and the desire for more progress out of the Biden Administration. Most of the questions focused on

Headlines and Highlights:

- Twitter Whistleblower Reveals Employees Concerned China Agent Could Collect User Data
- Democratic Senators Call On ICE To Stop Use Of ‘Orwellian’ Facial Recognition, Surveillance
- The Future of U.S. – Taiwan Trade
- Comcast, Verizon, AT&T Sued for Failing to Stop Movie Piracy
- U.S. Signs Deal With Google To Develop Chips For Researchers
- U.S. To Discuss New Chips Bill With Taiwan Next Month
- The FTC Promises To Investigate Gig Companies Over Wage-Fixing

In the Blogs:

- Hugh Stephens Blog: [Copyright Protection for Transitory or Ephemeral Works: Going Beyond the Photographic Record](#)

agriculture, labor, and other issues. The general consensus of the witnesses was that the Biden Administration has started the conversation and is heading in the right direction but needs to do more in order to solidify a solid free trade agreement with Taiwan. Both witnesses and members seemed to agree that an agreement is necessary and outweighs any concerns about China's perception of such an agreement within the region. The prevailing notion is that by the United States stepping in and signing an agreement with Taiwan, we will provide the necessary political cover for other like-minded allies to engage in their own trade agreements with Taiwan.

- On Thursday, September 15, the Senate Judiciary Committee held an Executive Business Meeting to markup the Journalism Competition and Preservation Act of 2021 for the second time after Sen. Klobuchar pulled the bill after last week's meeting. The bill was held over again and according to Chair Durbin, they still have some details to work out with the legislation, but he remains positive that progress is being made. More information can be found [here](#) and [here](#).

II. USCO Updates:

- On August 15, the Copyright Office announced that they are now accepting applications for the Barbara A. Ringer Copyright Honors Program. The fellowship was created for attorneys in the initial stages of their careers who demonstrate exceptional ability and interest in copyright law. Ringer Fellows serve as full-time federal employees for the term of their fellowships and are eligible for salary and benefits as permitted under federal law. Additional details about the Ringer Fellowship, including the application process, can be found on the Barbara A. Ringer Copyright Honors Program [website](#). Applications will be accepted through December 31, 2022.

III. Judicial Updates

- On Thursday, *The Hollywood Reporter* announced that Verizon Wireless, AT&T, and Comcast have been sued, accusing them of turning a blind eye to customers that illegally distribute and download pirated films. The suits have been brought by the production companies that produced the movies *Dallas Buyers Club*, *I Feel Pretty* and *Colossal*. According to the article, "The production companies seek to force the internet providers to implement policies that provide for the termination of accounts held by repeat offenders and to block certain piracy websites." Read more [here](#).

IV. Administration Updates:

- Last week, President Biden announced his intention to nominate Richard Revesz to be the administrator of the Office of Information and Regulatory Affairs (OIRA). Revesz "is one of the nation's leading voices in the fields of environmental and regulatory law and policy," said the announcement from the White House. "He has published 10 books and more than 80 articles in major law reviews and journals advocating for protective and rational climate change and environmental policies, and examining the institutional contexts in which regulatory policy is made." Read more [here](#).

- On Tuesday, the U.S. Commerce Department announced it had reached a research and development agreement with Google to produce chips that researchers can use to develop new nanotechnology and semiconductor devices. According to the article, the deal was signed between the National Institute of Standards and Technology (NIST) and Google, and the chips will be manufactured by SkyWater Technology. In a press release the Commerce Department said "NIST anticipates designing as many as 40 different chips optimized for different applications. Because the chip designs will be open source, researchers will be able to pursue new ideas without restriction and share data and device designs freely." Read more [here](#).

V. International Updates:

- On Wednesday, *Reuters* reported that the U.S. plans to hold talks with Taiwan next month to discuss the recently passed Chips and Science Act. The U.S. has encouraged foreign tech firms to manufacture in Taiwan and has welcomed investments by Taiwan Semiconductor Manufacturing Company (TSMC) and GlobalWafers Co. Sandra Oudkirk, director of the American Institute in Taiwan said, "At this event, we plan to host a roundtable discussion to share more on how the Chips and Science Act will be implemented in the United States." Read more [here](#).

VI. Industry Updates:

- On Monday, *Variety* published an article stating that a BMAT study found almost half of all music played on American broadcast and cable TV is production music. "The survey, done in February and March of this year, indicated that music was used in 39% of the total airtime, and that 46% of that music originated in production music companies or music libraries." Read more [here](#).
- On Wednesday, the Mechanical Licensing Collective (MLC) announced to members that they have distributed the first set of matched historical royalties that were transferred from Google Play totaling nearly \$1.5 million. The royalties represent the first set of matched royalty distributions for uses that occurred between 2013 and 2017. Read more [here](#).
- On Thursday, the FTC voted to put gig economy companies on notice by promising to protect gig workers from unfair contracts, pay, and hours. According to *The Verge* Democratic FTC commissioners approved [a new policy statement](#) by a 3-2 vote announcing that the agency would "use the full portfolio of laws it enforces to prevent unfair, deceptive, anticompetitive and otherwise unlawful practices affecting gig workers." Samuel Levine, FTC director of consumer protection, said in a statement, "No matter how gig companies choose to classify them, gig workers are consumers entitled to protection under the laws we enforce, we are fully committed to coordinating our consumer protection and competition enforcement efforts within the FTC as well as working with other agencies across the government to ensure gig workers are treated fairly." Read more [here](#).