

CONTENT & TECHNOLOGY POLICY REPORT MARCH 28, 2024



I. Congressional Updates:

- Last Thursday, March 21, the House Committee on Oversight and Accountability, Subcommittee on Cybersecurity, Information Technology, and Government Innovation held a hearing titled “White House Overreach on AI”. Witnesses included [Jennifer Huddleston](#) (Technology Policy Research Fellow, Cato Institute); [Adam Thierer](#) (Resident Senior Fellow on Technology and Innovation, R Street Institute); [Neil Chilson](#) (Head of AI Policy, The Abundance Institute); [Dr. Nicol Turner Lee](#) (Senior Fellow, Governance Studies and Director, Center for Technology Innovation, Brookings Institution). The Subcommittee discussed the impact of the Executive Order 14110 on technological innovation in the United States, on the economic growth, on the national security and its implication of power granted to the executive. The EO 14110, signed on October 30, 2023, by President Biden, defines the administration's policy goals regarding artificial intelligence (AI), and orders executive agencies to take actions pursuant to these goals. View the hearing [here](#) and the transcript [here](#).
- On Tuesday, March 26, the leaders of the New Democrat Coalition’s AI working group sent a letter to the White House Office of Science and Technology Policy (OSTP) requesting information on how the recent AI executive order’s priorities are being implemented. The letter was authored by Reps. Haley Stevens (D-MI) and Derek Kilmer (D-WA) and signed by an additional 38 New Dems. The group wants to ensure “the responsible development and deployment of artificial intelligence” and that the White House is coordinating interagency AI regulation,

Headlines and Highlights:

- Hearing on White House AI Overreach
- New Dems Seek AI Assurances From White House
- NTIA Calls for Audits and Investments in Trustworthy AI Systems
- USPTO Holds Public Symposium on AI and IP
- OMB Issues AI Guidelines
- The US Copyright Office’s AI Initiative in 2024
- French Regulations Fine Google 250 Million Euros for Breaching Agreement with News Publishers
- BEA Releases Results of Arts and Cultural Production Satellite Account

In the Blogs:

- **Hugh Stephens Blog:** [After Blocking News in Canada, Meta Challenges Australia](#)
- **Punchbowl News:** [The AI Impact](#)

prioritizing diversity and focusing on reskilling and upskilling American workers. Read the full letter [here](#).

II. Administration Updates

- On Wednesday, March 27, the Department of Commerce’s National Telecommunications and Information Administration (NTIA) released the AI Accountability Policy Report. As part of a series of recommendations, the report called for independent audits of high-risk AI systems. “Responsible AI innovation will bring enormous benefits, but we need accountability to unleash the full potential of AI,” said Assistant Secretary of Commerce for Communications and Information, and NTIA Administrator Alan Davidson. “NTIA’s AI Accountability Policy recommendations will empower businesses, regulators, and the public to hold AI developers and deployers accountable for AI risks, while allowing society to harness the benefits that AI tools offer.” According to the press release, the report calls for improved transparency into AI systems, independent evaluations to verify the claims made about these systems, and consequences for imposing unacceptable risks or making unfounded claims. “The AI Accountability Policy Report makes eight sets of policy recommendations across three categories to accomplish these goals: Guidance, Support, and Regulations.” A fact sheet can be found [here](#) and the full report can be found [here](#). Read the full press release [here](#).
- On March 27, the US Patent and Trademark Office (USPTO) Artificial Intelligence (AI) and Emerging Technologies (ET) Partnership held a virtual and in-person [Public Symposium on Artificial Intelligence \(AI\) and Intellectual Property \(IP\)](#) at Loyola Marymount University’s Loyola Law School in Los Angeles, CA. The event consisted of three panel discussions. The first panel explored the copyrightability and patentability issues surrounding innovation and creativity aided by AI. The second panel led a discussion of current AI-related copyright infringement lawsuits where panelists debated the merits of recently filed lawsuits by the *New York Times* and other copyright owners against generative AI companies. The third and final panel focused on the name, image, and likeness rights issues surrounding generative AI and deep fake technologies. The USPTO plans to hold another symposium sometime in April. A summary from ACG can be provided upon request.
- On Thursday, March 28, the Office of Management and Budget (OMB) issued a government-wide policy to mitigate the threats posed by AI (including discrimination and privacy violations) and increase transparency over how government uses the technology. According to a White House fact sheet, agencies will be required to implement “concrete safeguards” by Dec. 1 when they use AI in ways that could affect Americans’ rights or safety. The guidelines also stated that Chief AI officers will be appointed at federal agencies to coordinate the use of AI across the government and insure implementation of OMB’s guidance. The administration intends to hire at least 100 employees with a focus on AI by this summer, according to the fact sheet. This was one of the tasks outlined in the AI Executive Order due 150 days after being signed. The White House stated that federal agencies completed all 150-day actions required in the executive order. Read more from *The Hill* [here](#).

III. USCO Updates:

- On Tuesday, March 26, the US Copyright Office published a blog post about their AI initiatives for 2024, highlighting the next steps of their ongoing study and summarizing recent Congressional updates. “Over the coming months, the Office will issue a report, published in several sections, analyzing the impact of AI on copyright, and making recommendations about any legislative or regulatory action. The first section will focus on digital replicas, or the use of AI to digitally replicate human artists’ appearances, voices, or other aspects of their identities. This section will be published later this spring. The second section, to be published this summer, will address the copyrightability of works incorporating AI-generated material. Later sections will focus on the topic of training AI models on copyrighted works as well as any licensing considerations and liability issues. The Office’s goal is to finalize the entire report by the end of the fiscal year.” The office also stated that they will publish an update to the Compendium of the U.S. Copyright Office Practices. New announcements, updates, and publications will be posted on the [Copyright and Artificial Intelligence webpage](#) throughout the rest of this fiscal year. [Subscribe](#) to the Office’s [NewsNets](#) to stay up to date on the Office’s AI initiative. Read more [here](#).
- In February, the US Copyright Office published a [notice of proposed rulemaking](#) (NPRM) proposing to create a new group registration option for two-dimensional artwork. The new option, which will be known as “GR2D,” would allow applicants to register up to ten pictorial or graphic works which are created by the same author/copyright claimant published within a 30-day time period. The proposed filing fee for this new option is \$85. Comments are due to the Copyright Office by April 1.
- In January, the US Copyright Office issued a notification of inquiry seeking public comments regarding its periodic review of the designations of the mechanical licensing collective and digital licensee coordinator. Initial submissions from the existing designees must be received on April 1, 2024. Initial public comments must be received on May 29, 2024. Reply public comments must be received on June 28, 2024. Reply submissions from the existing designees must be received on July 29, 2024. More details are available on the rulemaking's webpage [here](#).

IV. Industry Updates:

- On March 20, the Competition Authority of France [announced](#) that it is imposing a fine of 250 million Euros on Google for breaching an agreement made in 2022 with news media publishers for use of their news content. The French regulator stated that Google violated four out of the seven commitments agreed to in the 2022 negotiations, and specifically cited to how Google failed to inform the news publishers or the regulator about using news content as training data to develop Google’s AI model, Bard. More information is available [here](#).
- On March 22, CEO of Stability AI, Emad Mostaque, announced that he is resigning from his role at the company and from the board of directors “to pursue decentralized AI.” Stability AI’s board appointed COO, Shan Shan Wong, and CTO, Christian Laforte, as interim co-CEOs. More information is available [here](#).

- On Monday March 25, the US Bureau of Economic Analysis (BEA) released the results of its [Arts and Cultural Production Satellite Account](#). According to the release, BEA found “that arts and cultural economic activity, adjusted for inflation, increased 4.8 percent in 2022 after increasing 10.8 percent in 2021. By comparison, the broader economy, as measured by real gross domestic product (GDP), increased 1.9 percent in 2022 after increasing 5.8 percent in 2021. Arts and cultural economic activity accounted for 4.3 percent of GDP, or \$1.10 trillion, in 2022.” Read more [here](#).