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CONTENT & TECHNOLOGY POLICY REPORT FEBRUARY 2, 2024



I. Congressional Updates:

- On Tuesday, the House Administration Committee held a hearing titled “[Artificial Intelligence \(AI\): Innovations within the Legislative Branch](#).” The hearing focused on the potential risks and rewards of artificial intelligence (AI) in legislative branch operations. Chair Bryan Steil (R-WI) and Ranking Member Joe Morelle (D-NY) emphasized the need for AI governance plans and transparency. Witnesses from the U.S. Government Publishing Office (GPO), Library of Congress, House of Representatives, and Government Accountability Office (GAO) discussed their respective uses of AI and the importance of data governance. The panel also addressed concerns about AI misuse, the need for human oversight, and the potential for AI to improve efficiency and accessibility. The hearing concluded with a discussion on the importance of leveraging AI benefits while managing its risks. A full summary from ACG can be provided upon request.
- On Wednesday, the Senate Judiciary Committee held a hearing titled “[Big Tech and the Online Child Sexual Exploitation Crisis](#),” which addressed the escalating crisis of online child sexual exploitation in America. CEOs from Meta, TikTok, Discord, Snap, and X Corp (formerly Twitter) testified before the full committee. Despite the tech CEOs facing harsh scrutiny, Chairs Graham and Durbin announced their plans to take the CSAM bills to the Senate floor in the coming weeks, seeking unanimous consent (UC) on a daily basis for their passage. It's important to note that X Corp. and Discord stood out by supporting the Kids Online Safety Act (KOSA). The five CSAM bills that Senators Durbin and Graham are pushing for include: (1) STOP CSAM Act, which aims to support

Headlines and Highlights:

- House Administration Committee Holds AI Hearing
- USTR Announces Departure of Ambassador Sarah Bianchi
- USTR Releases 2023 Review of Notorious Markets for Counterfeiting and Piracy
- US Copyright Office Issues Notification of Inquiry Regarding Periodic Review of the Designations of the Mechanical Licensing Collective and Digital Licensee Coordinator

In the Blogs:

- **Hugh Stephens Blog:** [More Balanced Interpretation of the US “Transformation” Fair Use Test gives Rightsholders Leverage to Protect their Works](#)
- **The Wall Street Journal:** [How Copyright Should Work in the Age of AI: Readers Weigh In](#)
- **Bloomberg Law:** [Creatives Battling AI Companies Over Copyright Turn to Congress](#)
- **ABC News:** [Taylor Swift and No AI Fraud Act: How Congress plans to fight back against AI deepfakes](#)

victims and enhance accountability and transparency for online platforms; (2) EARN IT Act, which introduces targeted exceptions to Section 230 of the Communications Decency Act of 1996, removing blanket immunity from civil and criminal liability under child sexual abuse material laws and establishing a National Commission on Online Child Sexual Exploitation Prevention; (3) SHIELD Act, addressing federal prosecutors' tools for privacy violations; (4) Project Safe Childhood Act, modernizing the investigation and prosecution of online child exploitation crimes; and (5) the REPORT Act, designed to combat the rise in online child sexual exploitation by reinforcing measures to strengthen reporting of these crimes to the CyberTipline. A full summary from ACG can be provided upon request.

- On Friday, the House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet held a field hearing in Los Angeles, California. The hearing, "Artificial Intelligence and Intellectual Property: Part II – Identity in the Age of AI" examined how Congress can support responsible innovation in applications of artificial intelligence (AI) technology and address growing concerns about the misuse of AI technology, especially with respect to the likeness, voice, and other identifying characteristics of individuals. The Subcommittee heard the perspective of artists and creators for whom their likeness, voice, etc., are critical to their livelihoods, as well as that of innovators leading the AI revolution. A full summary from ACG can be provided upon request.

II. Administration Updates

- Last week the USTR announced that Ambassador Sarah Bianchi will depart after more than two years of service as Deputy United States Trade Representative. “Ambassador Sarah Bianchi has played an integral role in executing on USTR’s work with our partners in Asia, the Indo-Pacific, and across the African continent, including the launch of the U.S.-Kenya Strategic Trade Partnership, the U.S.-Taiwan Initiative on 21st-Century Trade, and the success of our APEC Host Year,” said Ambassador Katherine Tai. Ambassador Bianchi’s last was January 29, 2024.
- Last week USTR Katherine Tai announced the appointment of Katy Mastman as Acting Assistant U.S. Trade Representative for Labor. “I look forward to working with Katy in this new capacity as we continue to empower workers and strengthen the middle class,” said Ambassador Katherine Tai. “As we welcome Katy into this new role, we must say farewell to Josh Kagan.” Read the full press release [here](#).
- On Monday, the USTR released the findings of its 2023 Review of Notorious Markets for Counterfeiting and Piracy which highlights online and physical markets that reportedly engage in or facilitate substantial trademark counterfeiting or copyright piracy. As a part of the Biden-Harris Administration’s worker-centered trade policy, this year’s Notorious Markets List’s issue focus section examines the potential health and safety risks posed by counterfeit goods. The complete 2023 Notorious Markets List can be found [here](#).

III. USCO Updates:

- On Monday, 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](#).
- On Wednesday, the Library of Congress announced that they will host the sixth bi-annual meeting of the Copyright Public Modernization Committee virtually on Thursday, February 15, at 1:00 p.m. eastern time. According to the press release, in addition to updates from Library and Copyright Office staff on the development of the Enterprise Copyright System, attendees will see a live demonstration of the Library's system for onsite access to rights-restricted content. The virtual public forum is free and open to the public. Interested participants must register in advance to attend [here](#).
- On Thursday, the Copyright Office announced the appointment of Nancy E Weiss as the fifth Abraham L. Kaminstein Scholar in residence. "Ms. Weiss is a deeply experienced leader at the intersection of law and culture," said Register Perlmutter. "She will be an asset to the Copyright Office as we consider the copyright issues with traditional cultural expressions. I look forward to our collaboration during her tenure as our scholar in residence." Read more [here](#).
- On February 21, the Copyright Office will be hosting an online event to celebrate Black History Month titled, "Hip-Hop Beyond 50: Protecting and Promoting Culture." Guest speakers include Dae Bogan, Jamila Sams, Bruce Wayne, and Junios Brickhouse. You can register for the event [here](#).
- On January 3, the US Copyright Office published a notice of proposed rulemaking in the Federal Register to update its regulations by adding a new registration option for frequently updated news websites. According to the press release, the proposed rule will enable online news publishers to register a group of updates to a news website as a collective work. The accompanying deposit will be composed of identifying material representing sufficient portions of the works rather than the complete contents of the website. The notice of proposed rulemaking and instructions on how to submit a comment are available [here](#). Written comments must be received no later than 11:59 p.m. eastern time on February 20th, 2024.
- The US Copyright Office announced upcoming deadlines in response to the October 19 notice of proposed rulemaking in the ninth triennial proceeding under section 1201 of Title 17. Based on the renewal petitions received and the lack of sufficient opposition, the Office intends to recommend readoption of all but one existing exemption. In addition, the notice outlines seven newly proposed classes of exemption and initiates three rounds of public comment. Comments from those who proposed new exemptions support adoption of a proposed exemption, as well as those that neither support nor oppose an exemption, are due December 22, 2023. Comments in opposition are due February 20, 2024. Reply comments from supporters of a proposed exemption and parties who neither support nor oppose an

exemption are due March 19, 2024. Additional background information about section 1201 is available [here](#).

IV. Industry Updates:

- On Wednesday, the *BBC* reported that Italy's Data Protection Authority (DPA) found ChatGPT to be in violation of data privacy laws. In a statement, the DPA said it "concluded that the available evidence pointed to the existence of breaches of the provisions contained in the EU GDPR [General Data Protection Regulation]". The concerns are related to the mass collection of users' data used to train the algorithm, as well as concerns that younger users may be exposed to inappropriate content generated by the chatbot. Read more [here](#).
- On Wednesday, *Reuters* reported that Universal Music Group (UMG) will stop licensing its content to TikTok and TikTok Music services after the two parties failed to reach a new licensing agreement. UMG will remove its entire song catalogue, which represents artists such as Taylor Swift, Drake, and Olivia Rodrigo, from the social media platform as soon as this week. In its letter, UMG accused TikTok of "trying to build a music-based business, without paying fair value for the music." According to the article, UMG said TikTok proposed paying artists and songwriters at a rate that is a "fraction of the rate" that similarly situated major social platforms pay. Read more [here](#).