I. Congressional Updates:

- United States Trade Representative (USTR) Robert Lighthizer is slated to testify before both chambers of Congress next Wednesday, June 17th at hearings to consider the President’s 2020 trade policy agenda. USTR Lighthizer will testify virtually before the House Ways & Means Committee in the morning (10:00 a.m. ET), before heading to the Senate Finance Committee for a 3:00 p.m. ET hearing. USTR delivered President Trump’s 2020 trade policy agenda to Congress earlier this year. The [document](#) asserts that the Administration hopes to negotiate new trade agreements with strategic partners – such as the U.K., EU, and Kenya – aggressively enforce trade agreements, and reform the World Trade Organization (WTO). More info. [here](#) and [here](#).

- On Wednesday, Senate Judiciary IP Subcommittee Chairman Tillis (R-NC) sent a letter to Internet Archive (IA) Founder Brewster Kahle expressing concern that the IA is engaged in the “unauthorized digitization and dissemination” of copyright-protected sound recordings. Chairman Tillis questioned the legality of the IA’s “Great 78 Project,” which has digitized a “vast trove of 78 rpm recordings,” many of which are also commercially valuable recordings already in the marketplace. He wrote that the IA purchase of Bop Street Records’ full collection of 500,000 sound recordings with the intent to digitize and publish freely online “raises serious alarms about copyright infringement.” Chairman Tillis wrote that he is concerned that the “Internet Archive thinks that it – not Congress – gets to determine the scope of copyright law.” Chairman Tillis invited Kahle to “share with me the legal support, in copyright law or elsewhere, for reproducing and

### Headlines and Highlights:

- USTR Lighthizer to testify before the House Ways & Means Committee and the Senate Finance Committee next Wednesday.

- USC to hold modernization webinar on June 18th.

- European Commission poised to file formal antitrust charges against Amazon.

- Senate Republicans urge FCC to take a “fresh look” at Section 230.

- IA to close “National Emergency Library” on June 16th.

- U.S. and UK to convene second round of FTA negotiations next week.

### In the Blogs:

- [DMCA Review III – SJC Sounds Skeptical That Everything Is Fine Illusion of More](#) June 3 by David Newhoff

- [Independent Creators Must Remain in the Foreground Illusion of More](#) June 8 by David Newhoff
distributing copyrighted works that are owned by others.”

- Supporting the direction provided under President Trump’s recent Executive Order (EO), on Tuesday Sens. Rubio (R-FL), Loeffler (R-GA), Cramer (R-ND), and Hawley (R-MO) sent a letter urging the Federal Communications Commission (FCC) to take a “fresh look” at Section 230 of the Communications Decency Act (CDA). The Republican senators raise concern that social media companies “have increasingly engaged in partisan editorializing, censorship of Chinese dissidents, and a host of politically motivated speech policing.” The letter claims that social media companies enjoy immunity from liability under Section 230 CDA because they act as distributors, not publishers. Axios also reported this week that the White House has tapped Senator Hawley to draft new legislation targeting Section 230. Hawley previously introduced the Ending Support for Internet Censorship Act (S. 1914) last year, which would remove the liability tech companies receive under Section 230 unless they submit to an external audit that proves that their algorithms and content-removal practices are politically neutral. Read the full letter here.

II. Judicial Updates:

- On Tuesday, three songwriters filed suit against Travis Scott and other credited authors and producers for “Highest in the Room,” claiming that the hit song ripped off their distinctive guitar melody. In the 37-page complaint, Olivier Bassil, Benjamin Lasnier and Lukas Benjamin Leth accuse Scott and the other authors and producers of “pretending to be interested in a collaboration,” only to “intentionally [break] the rules by exploiting plaintiffs work without consent or a license, masquerading as if plaintiff’s music is their own.” In addition to requesting that the judge declare that Scott and others willfully infringed their work, the three songwriters are seeking damages and their share of the royalties for “Highest in the Room.” Read more here.

III. Administration Updates:

- The Copyright Office will hold its ninth public modernization webinar on Thursday, June 18th at 1:00 p.m. ET. Participants must register for the webinar online here.

- The eCO Registration System will be offline for system maintenance from 10:00 p.m. ET on Saturday, June 13th until 3:00 p.m. ET on Sunday, June 14th.

IV. International Updates:

- The European Commission reportedly plans to file formal antitrust charges against Amazon over the company’s treatment of third-party sellers as soon as next week. The formal charges stem from Amazon’s dual role as a marketplace operator and seller of its own products. A WSJ investigation published this spring found that, at times, Amazon employees used data from other sellers to develop competing products. According to people familiar with the matter, the EU’s case delves into the same type of conduct. Read more here.

- Canada will virtually host the Fifth Ministerial Meeting of the Ottawa Group on World Trade Organization Reform next Monday, June 15th. Ministers from the 13 Ottawa Group countries will discuss how the WTO and the rules-based trading system can help mitigate the impacts of COVID-19, lay the groundwork for a sustainable recovery, and adapt trade rules to prepare for future crises. Ministers will also discuss priorities, including greater transparency
around export restrictions, ways to ensure the smooth flow of goods and services to benefit their countries’ people, and helping businesses and workers adapt to an increasing digital economy. The meeting was originally scheduled for March but was postponed due to the pandemic. More info. here.

- The U.S. and UK will convene for their second two-week long negotiating round next Monday, June 15th. Speaking on a panel hosted by the Washington International Trade Association on Thursday, Antony Phillipson, the British consul general in New York and Her Majesty’s trade commissioner for North America, made news when he said that said that the U.S. and UK are pushing to broker a trade deal before the U.S. presidential election on November 3rd. Despite this rapid timetable, Phillipson underscored that the UK is determined to reach a “comprehensive” deal.

V. Industry Updates:

- In a blog post published on Wednesday, IA Founder Brewster Kahle announced that its “National Emergency Library” will close on June 16th rather than on June 30th. Building upon its Open Libraries initiative, the IA launched the “Emergency Library” in March, offering access to 1.4 million free books during the coronavirus pandemic. The “Emergency Library” was criticized by many in the creative community, including the Copyright Alliance, Authors Guild, and the Association of American Publishers. Last Monday, four major publishers filed suit against the IA in the United States District Court for the Southern District of New York, accusing the IA of engaging in “willful mass copyright infringement.” In the blog post announcing the early closure, Kahle said that the IA decided to shut down the “Emergency Library” two weeks early because of the copyright infringement suit. Read the announcement here.

- On Thursday, Terrica Carrington of the Copyright Alliance, Tom Kennedy of the American Society of Media Photographers (ASMP), and Akili-Casundria Ramsess of the National Press Photographers Association (NPPA), penned an op-ed in The Hill highlighting the role copyright law plays in enabling journalists to shine a light on injustice and protecting democracy. The authors wrote that “times like these highlight the importance of professional journalism.” They stated that it is essential that journalism and news media are “afforded the necessary resources to continue to do their jobs effectively and with integrity.” Carrington, Kennedy, and Ramsess noted that it is because of copyright that “freelance photographers can afford to invest in quality equipment and lend their time and expertise” to documenting history. They highlighted the importance of last week’s Senate Judiciary IP Subcommittee’s DMCA reform hearing, noting that “ensuring that copyright law is effective plays a critical role in enabling the press to report on the events unfolding all across the country, elevate the voices of marginalized communities, and hold those in power accountable.” Read more here.

- Former Vice President Joe Biden issued an open letter to Facebook this week calling on the social media platform to eliminate misinformation and tamp down on voter suppression ahead of the election. “Folks, we saw in 2016 what can happen when social media platforms are left unchecked and allow disinformation to run rampant. It puts the very integrity of our elections at risk,” Biden tweeted. “We simply cannot let it happen again in 2020.” Among other actions, Biden urged Facebook to promote authoritative and trustworthy sources of election information, “rather than the rants of bad actors and conspiracy theorists.” Facebook responded in a statement on Thursday, asserting that “the people’s elective representatives should set the rules” around campaigns and Facebook stands ready to follow them.