



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT JANUARY 8, 2021



I. Congressional Updates:

- On December 27, 2020, President Trump signed [H.R. 113](#), the Consolidated Appropriations Act, 2021, into law. The massive end-of-the-year spending package funds the federal government through the remainder of Fiscal Year (FY) 2021 and included a \$900 billion stimulus. The package included several provisions related to copyrights and trademarks in Division Q, Title II ([PDF page 2,539](#)). First, the package contained the *Copyright Alternative in Small-Claims Enforcement (CASE) Act of 2019* ([H.R.2426/S.1273](#)), which establishes a voluntary, streamlined adjudication process in the Copyright Office to consider copyright infringement matters for claims that do not exceed \$30,000. The *CASE Act* also includes many of the recommendations that were outlined in the U.S. Copyright Office's "[Copyright Small Claims](#)" report in 2013. The landmark copyright legislation was introduced in May 2019 by Reps. Hakeem Jeffries (D-NY), Chairman of the House Democratic Caucus and Doug Collins (R-GA), then-Ranking Member of the House Judiciary Committee. Sens. John Kennedy (R-LA), Thom Tillis (R-NC), Chairman of the Senate Judiciary IP Subcommittee, Dick Durbin (D-IL), and Mazie Hirono (D-HI) introduced companion legislation in the upper chamber. Find the U.S. Copyright Office's statement on the *CASE Act's* passage [here](#).
- The *Protecting Lawful Streaming Act (PLSA)* was also included in the end-of-the-year package. This consensus legislation, which is the result of decades of efforts by Congress, the Copyright Office, and law enforcement, modernizes criminal copyright law by ensuring the availability of felony penalties for illegal streaming, consistent with those that have long existed for illegal downloading and distribution. The bill language does not

Headlines and Highlights:

- *CASE Act* and *PLSA* signed into law as part of the end-of-the-year government funding and stimulus package.
- IP Subcommittee Chairman Tillis releases first discussion draft of the *Digital Copyright Act of 2021*.
- President-elect Joe Biden taps Rhode Island Governor Gina Raimondo to serve as Commerce Secretary.
- USCO extends certain temporary adjustments to timing provisions due to COVID-19.
- Alibaba announces plans to shut down music streaming app.

In the Blogs:

[Making Sausage: How the CASE Act Finally Became Law](#)

Hugh Stephens Blog

January 4 by Hugh Stephens

[Section 230 and Trump's Legislative Circus](#)

Illusion of More

December 31 by David Newhoff

sweep in normal practices by online service providers, good faith business disputes, noncommercial activities, or impact individuals who access pirated streams or unwittingly stream unauthorized copies of copyrighted works. PLSA was co-sponsored by Senate Judiciary IP Subcommittee Chairman Thom Tillis (R-NC) and Ranking Member Chris Coons (D-DE), as well as by Senators Patrick Leahy (D-VT), Marsha Blackburn (R-TN), Mazie Hirono (D-HI), Catherine Cortez Masto (D-NV), John Cornyn (R-TX), Richard Blumenthal (D-CT), Kelly Loeffler (R-GA), and David Perdue (R-GA). In the House, the bill was supported by House Judiciary Committee Chairman Jerrold Nadler (D-NY) and Ranking Member Jim Jordan (R-OH), as well as Reps. Martha Roby (R-AL), Ted Deutch (D-FL), and Ben Cline (R-VA). PLSA was also supported by a diverse array of stakeholders, including organizations representing content creators, legitimate content distributors, and sports leagues. Find a statement on PLSA entered into the congressional record by Chairman Tillis [here](#); Chairman Tillis' statement on the passage of the PLSA [here](#); and a statement from Ranking Member Coons [here](#).

- On December 22, 2020, Senate Judiciary IP Subcommittee Chairman Thom Tillis released the first discussion draft of legislation to reform the Digital Millennium Copyright Act (DMCA). The *Digital Copyright Act of 2021* (DCA) seeks to modernize U.S. copyright law for the new millennium by amending key provisions for combatting online copyright piracy, improving the exemptions available to users for circumventing technological protection measures (TPMs), and increasing attribution protections so that authors can be properly credited. The legislative proposal would also make the Register of Copyrights a Presidential appointee and place the Copyright Office under the Department of Commerce. Chairman Tillis has invited all interested stakeholders to submit redline edits and comments to his office by March 5, 2021. Find Chairman Tillis' statement announcing the DCA's release [here](#), the discussion draft [here](#), a section-by-section of the proposal [here](#), and a one-pager of the draft bill [here](#).

II. Judicial Updates:

- At a status hearing last month, Judge Amit Mehta set September 12, 2023, as a tentative start date for the trial of the antitrust lawsuit brought by the U.S. Department of Justice (DOJ) against Google. The trial date suggests that the search giant, who currently faces three lawsuits from different groups of states and the DOJ, will stay in the public spotlight in the coming years as policymakers examine its practices. Read more [here](#).

III. Administration Updates:

- News surfaced on Thursday that President-elect Joe Biden intends to nominate Rhode Island Governor Gina Raimondo as Commerce Secretary. Before running for office, Raimondo was a founding employee at the investment firm Village Ventures and co-founded her own venture capital firm, Point Judith Capital. Read more [here](#).
- As required by the Music Modernization Act (MAA), this week the USCO issued a final rule addressing music providers' obligations to transfer and report accrued royalties for the use of unmatched music works to the mechanical licensing collective for the purposes of the MMA's limitation on liability for prior unlicensed uses. Read more [here](#).
- In a Federal Register notice published on Wednesday, the U.S. Copyright Office (USCO) initiated a study to evaluate the impact on the satellite television market of the *Satellite*

Television Community Protection and Promotion Act of 2019's adoption of new statutory requirements for certain uses of the section 119 compulsory license for distant-into-local satellite transmission, as well as the sunseting of other uses from the license. As the USCO prepares a report for Congress on the matter, it is seeking public feedback by March 8, 2021. Read more [here](#).

- On Thursday, the U.S. Copyright Office announced that it is further extending temporary adjustments to certain timing provisions under the Copyright Act for persons affected by COVID-19. The Office extended the modifications pertaining to registration claims and notices of termination from January 8, 2021 through March 9, 2021. However, the Register did not extend the adjustments pertaining to section 115 after determining that they are no longer needed. More info. [here](#).

IV. International Updates:

- News surfaced this week that the Chinese tech firm Alibaba is shutting down its music streaming app Xiami next month, due to “adjustments in business development.” The app, which was established in 2006 and brought by Alibaba in 2013, will no longer be available as of February 5, 2021. *CNN Business* noted that Alibaba faced regulatory challenges from Beijing and scrutiny for copyright infringement. After Beijing began cracking down on music copyright infringement in July 2015, Ali Music reportedly removed 26,000 infringing songs over a three-week period. Alibaba also faced fierce competition from entertainment giant Tencent, which owns the popular streaming platforms Kugou Music, QQ Music, and Kuwo Music. Read more [here](#).

V. Industry Updates:

- According to a new report from the BPI, a trade body representing the United Kingdom's recorded music industry, recorded music consumption in the United Kingdom grew for the 6th year in a row in 2020, with 115 million albums or their equivalent either streamed or purchased last year. This represents an 8.2% growth in recorded music consumption from 2019. BPI CEO Geoff Taylor hailed the power of music in getting the UK through lockdown and acknowledged the new wave of talent driving streaming growth. Read more [here](#).