



1800 M Street NW | 5th Floor | Washington D.C. 20036  
Tel: (202) 327-8100 | Fax: (202) 327-8101

## CONTENT & TECHNOLOGY POLICY REPORT JULY 23, 2021



### I. Congressional Updates:

- House lawmakers are set to vote this week on the Consumer Protection and Recovery Act, [H.R. 2668](#), which would restore the FTC's Section 13(b) authority to seek monetary relief from companies that violate the law. The Supreme Court unanimously gutted that power earlier this year. FTC leaders have encouraged Congress to move quickly and have earned the support of relevant committee leaders like Senate Commerce Chair Maria Cantwell (D-Wash.). Read more [here](#). The White House on Monday [threw its support](#) behind the legislation as well. On Tuesday July 20<sup>th</sup> [H.R. 2668](#) passed the House by a 221 – 205 margin.
- The House will also consider [H.R. 678 \(117\)](#), which would prevent cell service carriers from reassigning users' phone numbers after a disaster declaration, and [H.R. 1250 \(117\)](#), which directs the FCC to issue reports after activating its disaster reporting system and to better report on network outages. Both measures passed the House on Tuesday July 20<sup>th</sup>.
- In an op-ed published by Data for Progress, Sen. [Elizabeth Warren](#) says Congress needs to pass legislation to complement the vision laid out in the White House executive order on competition. She voices her support for the provisions laid out by the White House to attack big tech. Read the op-ed [here](#).

### Headlines and Highlights:

- Vote on Consumer Protection and Recovery Act (H.R. 2668)
- Infrastructure vote fails in Senate on Wednesday but expected to return.
- Jonathan Kanter nominated to be head of Antitrust for the DOJ
- The USCO announced the members of the new Copyright Claims Board on Tuesday July 20<sup>th</sup>
- Copyright Public Modernization Committee July 2021 Public Forum.
- FTC Vote on Right to Repair
- Gigi Sohn has surfaced as a new possible alternative to become head of the FCC.

### In the Blogs:

- Hugh Stephens Blog: [The American Music Fairness Act \(AMFA\): A Better and Fairer Solution for Performers than Seeking “National Treatment”](#)

- Acting FCC Chair Jessica Rosenworcel updated Congress in a [new letter released Friday](#), noting agency staff are “expeditiously” reviewing mapping-related bids received this month. “High-speed internet connections are not available in many areas throughout the United States. I believe this needs to be addressed and I share your commitment to finding ways to get 100 percent of Americans connected, no matter who they are or where they live.”
- Senate Republicans are calling on Senate Majority Leader Chuck Schumer (D-NY) to push Wednesday’s planned procedural vote on a motion to begin debate on the \$579 billion bipartisan infrastructure package to next Monday, warning that until they have legislative text on a final deal, the motion would not garner the 60 votes needed to pass. “We need to see the bill before voting to go to it. I think that’s pretty easily understood,” Senate Minority Leader Mitch McConnell (R-KY) told reporters Monday. Lead GOP negotiator Senator Rob Portman (R-OH) confirmed today that the bipartisan group will not have legislative text ready before Wednesday’s planned vote. The vote Wednesday night failed as expected however, Schumer changed his vote to “no” and is expected to bring the vote back to the floor sometime early next week. Read more [here](#).

## II. USCO Updates:

- The U.S. Copyright Office (USCO) announced the members of the new Copyright Claims Board on Tuesday July 20<sup>th</sup>. Register of Copyrights Shira Perlmuter announced the appointments by the Librarian of Congress of David Carson, Monica P. McCabe, and Brad Newberg as the first copyright claims officers on the newly established Copyright Claims Board (CCB). In December 2020, Congress passed the Copyright Alternative in Small-Claims Enforcement Act of 2020 (CASE Act), which directed the Copyright Office to establish the CCB as a tribunal to provide an efficient and user-friendly option to resolve copyright disputes of a small monetary value. More information about the CCB is available on the Copyright Office’s website [here](#).
- On June 21, 2021, the U.S. Copyright Office issued a letter to the House and Senate Appropriations Committees on the results of its study regarding the effects of the Satellite Television Community Protection and Promotion Act of 2019 (STCPPA) on the satellite television marketplace. This letter is now available to the public. In its letter, the Office concludes that it is too soon to identify the ultimate effects of the STCPPA on the marketplace. The letter, in addition to the Office’s notice of inquiry and responses thereto, is available on the Copyright Office’s website [here](#).
- Register of Copyrights Shira Perlmuter announced that George Thuronyi will serve as interim head of the Office of Public Information and Education at the United States Copyright Office, effective July 27, 2021. “George has extensive experience with the Office and its mission,” stated Perlmuter. “He has been instrumental in the success of the Office of Public Information and Education and will ably guide the Office as interim head.”

- On Thursday July 22<sup>nd</sup>, 2021, from 1:00pm ET to 4:00pm ET the United States Copyright Office (USCO), held a public forum titled, “Copyright Public Modernization Committee July 2021 Public Forum.” The objective of the meeting was to enhance communication and provide a forum for the technology-related aspects of the [U.S. Copyright Office’s modernization initiative](#). The meeting included an update from Library of Congress (LOC) experts on the development of the Enterprise Copyright System (ECS), a discussion about Copyright IT modernization with the CPMC members and a public Q&A period. A recording of the meeting will be available on their website [here](#).

### III. Judicial Updates:

- *Reuters* reports that Swedish telecom company Ericsson and Chinese smartphone maker TCL have settled long-running disputes over smartphone patents in California and Texas federal courts. In the California case, TCL had alleged that Ericsson refused to license its wireless standard-essential patents on fair terms, and in the Texas case, Ericsson had accused TCL of infringing patents related to network security technology. Ericsson’s Mikaela Idermark said that “all patent-related legal disputes” between the parties had been withdrawn following a settlement agreement, but details of the agreement remain confidential. Read more [here](#).

### IV. Administration Updates:

- President Joe Biden plans to nominate Jonathan Kanter as head of the Justice Department’s antitrust division, the White House said Tuesday, the latest sign that the administration is preparing a broad crackdown on large technology companies. Kanter is closely aligned with FTC Chair Lina Khan as well as Tim Wu, who was appointed as a White House adviser on technology and competition policy. Unlike Khan, who needs a majority of the five-member FTC to take enforcement actions, Kanter would have the sole authority to file lawsuits seeking to stop mergers and challenge companies over practices that harm competition. Read the Bloomberg Article [here](#). For more information click the following: [Axios](#), [CNBC](#), [New York Times](#), [White House Official Press Release](#), [Jonathan Kanter’s Biography](#), and [LinkedIn](#).
- The Federal Trade Commission voted Wednesday on whether to change its approach to repair restrictions. The White House urged the agency to consider crafting rules to limit anticompetitive restrictions on third-party or self-repair of products as part of the Biden administration's wide-ranging [executive order](#) on competition issues earlier this month. In May, the FTC released [a report](#) called "Nixing the Fix" on repair restrictions that found "scant evidence to support manufacturers’ justifications for repair restrictions." The vote was unanimously in favor of adopting new policy on repair restrictions. Read more [here](#) and [here](#).
- The name of broadband backer and one-time Public Knowledge head [Gigi Sohn](#) has surfaced as a new possible alternative to become head of the FCC. Just as Khan’s

appointment was taken as a sign Biden had chosen a get-tough policy on Big Tech, Sohn's could be viewed as a sign Biden was going to get tough on internet service providers in the effort to achieve universal broadband under a definition that includes high speeds and low prices in the definition of broadband availability. Read more [here](#).

## **V. International Updates:**

- Europe's second-top court will rule on Alphabet unit Google's challenge against a 2.4 billion euro (\$2.8 billion) EU antitrust fine on Nov. 10, the first of a trio of cases, people familiar with the matter said on Tuesday. Read more [here](#).