



AMERICAN CONTINENTAL GROUP

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## CONTENT & TECHNOLOGY POLICY REPORT MAY 28, 2021



### I. Congressional Updates:

- On Thursday, the House Judiciary IP Subcommittee held a hearing titled “The SHOP SAFE Act: Stemming the Rising Tide of Unsafe Counterfeit Products Online.” Overall, the bill enjoyed broad support from all members on the subpanel except for Rep. Thomas Massie (R-KY), who warned that SHOP SAFE is trying to solve crimes before they happen. Furthermore, Jonathan Berroya with the Internet Association was the only witness to oppose the bill. The rest of the witnesses voiced general support for the bill, although there was a broad consensus among witnesses that the scope should be broadened beyond just goods that impact health and safety. Watch the full hearing [here](#).
- On Wednesday, Senate Judiciary IP Subcommittee Ranking Member Thom Tillis (R-NC) wrote to Register of Copyrights Shira Perlmutter urging the U.S. Copyright Office to examine state bills across the country that, in Senator Tillis’ view, appear to be encroaching on the exclusive domain of federal copyright law. For instance, Ranking Member Tillis cites that one state recently passed legislation that would require “a publisher who offers to license an electronic literary product to the public to also offer to license the electronic literary product to public libraries in the state on reasonable terms that enable public libraries to provide library users with access to the electronic literary product.” He raises alarm that these state legislative efforts appear to be directly in conflict with the Copyright Act’s clear language preempting “all legal or equitable rights that are equivalent to any of the exclusive rights within the general scope of copyright....”
- House Energy & Commerce Committee Chairman Frank Pallone (D-NJ) reportedly met with Facebook, Google, and

### Headlines and Highlights:

- House Judiciary IP Subcommittee considers SHOP SAFE Act at hearing.
- Senator Tillis asks USCO to examine state bills that appear to be encroaching on exclusive domain of federal copyright law.
- House E&C leader discusses content moderation legislation with Big Tech.
- Amazon announces plans to acquire MGM, lawmakers raise antitrust concerns.
- Application open for Assistant USTR for IP and Innovation Policy.
- DC AG brings antitrust complaint against Amazon.

### In the Blogs:

[Should User-Generated Content \(UGC\) be Exempt from Law and Regulation? Should Internet Platforms Bear any Responsibility for UGC they Distribute?](#)

Hugh Stephens Blog

May 24 by Hugh Stephens

Twitter, as well as civil rights and public interest groups on Monday to discuss legislative proposals to mitigate content moderation practices. *Axios* reports that the group discussed proposals to better protect marginalized communities, such as Rep. Yvette Clarke’s (D-NY) Civil Rights Modernization Act, which would amend Section 230 of the communications Decency Act so that civil rights always apply to targeted advertising. Read more [here](#).

## **II. Judicial Updates:**

- On Tuesday, D.C. Attorney General Karl A. Racine (D) brought an antitrust complaint against Amazon, accusing the e-commerce giant of fixing prices through contract provisions with third-party sellers who sell their products on the platform. Specifically, Racine’s office points to a clause that prevents sellers from offering their products at lower prices or on better terms on any other online platforms. The suit reasons that such a prohibition results in “artificially high” prices across e-commerce sales. Amazon spokesman Jack Evans insisted that the DC Attorney General “has it exactly backward,” claiming that “sellers set their own prices for the products they offer in our store.” He continued, “Amazon takes pride in the fact that we offer low prices across the broadest selection, and like any store we reserve the right not to highlight offers to customers that are not priced competitively.” Read more [here](#).

## **III. Administration Updates:**

- The U.S. Copyright Office announced this week certain updates to its organizational structure. Of note, the Office of the Chief Operation Officer, Copyright Modernization Office, and Office of the Chief Financial Officer have been consolidated under a new Assistant Register and Director of Operations (ARDO). The new position will be held by Jody Harry. The Office is also renaming some offices to better reflect their function and/or positions within the Copyright Office, including the Office of Public Records and Repositories functions (renamed the Office of Copyright Records); the Office of the Chief Financial Officer (renamed the Financial Management Division); and the Copyright Modernization Office (renamed the Product Management Division). Work units under the existing Office of the Chief Financial Officer are also renamed. Find an updated organizational [here](#).
- The Office of the United States Trade Representative (USTR) is soliciting applications for the Assistant USTR for IP and Innovation Policy position. The individual will be responsible for developing and implementing U.S. bilateral and multilateral trade policies and negotiating strategies regarding innovation and IP rights. Applications are due by June 7<sup>th</sup>. More info. [here](#).

## **IV. International Updates:**

- On Tuesday, Germany’s antitrust watchdog announced that it has launched a probe into whether Google Germany, Google Ireland and its parent company Alphabet are exploiting their market dominance in the way they handle data. Specifically, regulators will examine whether the tech giant offers users enough choice in how it uses their data across its wide range of digital services the search platform provides. Google spokesman Ralf Bremer insisted that Google gives “people easy control over how their information is used,” and limits “the use of personal information.” Read more [here](#).

## **V. Industry Updates:**

- On Tuesday, Amazon announced that it had reached a deal to acquire TV company MGM for \$8.45 billion, giving the e-commerce giant a library content with an estimated 4,000 films and 17,000 hours of TV. After the announcement, Senate Judiciary Antitrust Subcommittee Chair Amy Klobuchar (D-MN) called on the Department of Justice to investigate the deal before it is finalized. “This is a major acquisition that has the potential to impact millions of consumers,” Klobuchar asserted. “The Department of Justice must conduct a thorough investigation to ensure that this deal won’t risk harming competition.” House Judiciary Antitrust Subcommittee Chairman David Cicilline (D-RI) and Ranking Member Ken Buck (R-CO) have also raised concerns about the deal. Read more [here](#).