

CONTENT & TECHNOLOGY POLICY REPORT

NOVEMBER 17, 2023



I. Congressional Updates:

- This week, Senator Chris Coons (D-DE) released the following statement in response to the decision by the Office of the U.S. Trade Representative (USTR) to rescind support for longstanding U.S. negotiating objectives on digital trade: “Digital trade rules ensuring the free flow of information and protecting proprietary technology serve to strengthen the global competitiveness of the U.S. economy and provide valuable guarantees for U.S. businesses in every industry. That’s why I’m so disappointed to see USTR abandoning those priorities in our trade negotiations, despite years of broad bipartisan support and their inclusion in trade agreements negotiated by presidents of both parties. Important domestic debates on regulating technology should not hold us back from continuing to work with our allies to develop guardrails for the global digital economy that reflect our shared values. If we are not at the negotiating table, we are giving China a free pass to set the rules of the road for the future of the global economy.”
- On November 14, 2023, the House Committee on the Judiciary Subcommittee on the Administrative State, Regulatory Reform, and Antitrust held a hearing titled “[Oversight of the Department of Justice Antitrust Division](#)”. The hearing focused on the oversight of the Department of Justice Antitrust Division, led by Assistant Attorney General Jonathan Kanter. Concerns were raised about the DOJ's refocusing of efforts and revision of antitrust guidelines, lack of transparency, and potential misuse of antitrust as a political tool. Praise was given for efforts to ensure fair pay, support small businesses, and protect consumers. Criticisms were made about insufficient

Headlines and Highlights:

- Senator Coons Releases Statement on USTR Rescinding Support for Digital Trade
- HJC Holds Oversight of DOJ Antitrust Hearing
- Senators Introduce Bipartisan AI Bill to Strengthen Accountability and Boost Innovation
- Biden and Xi Set to Sign a Deal to Keep AI Out of Control Systems for Nuclear Weapons
- USCO Extends Deadline for Reply Comments on Artificial Intelligence NOI
- SAG-AFTRA Releases Summary of Agreement

In the Blogs:

- **Hugh Stephens Blog:** [AI's Copyright Challenges: Searching for an International Consensus](#)
- **IPWatchdog:** [The USPTO and the USCO Must Resolve Their Disparate Approaches to AI Inventorship and Copyrightability](#)
- **Music Business Worldwide:** [Why I Just Resigned from My Job in Generative AI.](#)

action against collusion among powerful institutions and the DOJ's losing record in civil cases. The importance of a fair, competitive, and open market was emphasized, as was the need for adequate resources for the Antitrust Division. A full summary from ACG can be provided upon request.

- On Wednesday, November 15, Senators Amy Klobuchar (D-MN), John Thune (R-SD), Roger Wicker (R-MS), John Hickenlooper (D-CO), Shelley Moore Capito (R-WV), and Ben Ray Lujan (D-NM), introduced the *Artificial Intelligence (AI) Research, Innovation, and Accountability Act*. The bipartisan legislation establishes a framework to bolster innovation while bringing greater transparency, accountability, and security to the development and operation of the highest-impact applications of AI. Read more [here](#).

II. Administration Updates

- On Monday, November 13, a coalition of left-leaning labor groups, tech watchdogs and civil society organizations sent a letter to Vice President Harris supporting her recent remarks on AI. They applauded her emphasis on addressing the near-term threats of the proliferation of artificial intelligence over the more abstract existential warnings. “As you astutely noted in your recent remarks at the U.S. Embassy in London, the harms are not only hypothetical or occurring in a far-off future; they are happening right now.” The groups praised Harris’ “leadership on this important issue,” and pledged “to amplify, support, and work together” with Harris “on future efforts.” Signatories included The Tech Oversight Project, Encode Justice, Fight For The Future, Public Citizen, and Public Knowledge, among others. Read the letter [here](#).
- On Tuesday, *Business Insider* reported that President Joe Biden and his Chinese counterpart Xi Jinping are set to sign a deal limiting the use of artificial intelligence in nuclear weapon control systems. According to the article, Biden and Xi will pledge a deal limiting the use of AI in autonomous weaponry, such as drones, as well as the systems used for the control and deployment of nuclear warheads. Read more [here](#).

III. USCO Updates:

- On Wednesday, November 15 the US Copyright Office (USCO) announced that they are extending the deadline to submit reply comments in response to the Office’s August 30, 2023, notice of inquiry regarding artificial intelligence and copyright. Reply comments are now due by 11:59 p.m. eastern time on Wednesday, December 6, 2023. The *Federal Register* notice announcing this extension and additional information, including instructions for submitting comments, are available on the [Artificial Intelligence Study webpage](#).
- On Thursday, November 16 the US Copyright Office (USCO) extended the deadline to submit reply comments in response to the Office’s September 26, 2023, supplemental notice of proposed rulemaking on termination rights and other topics related to the Music Modernization Act. Reply comments are now due by 11:59 p.m. eastern time on Tuesday, December 5, 2023. The *Federal Register* notice announcing this extension, and additional

information, including instructions for submitting comments, is available on the [rulemaking's webpage](#).

- On October 19, the US Copyright Office published a 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 re adoption 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 and those supporting adoption of a proposed exemption, as well as comments 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 November 15, the Open Markets Institute held an event titled AI and the Public Interest, a wide-ranging discussion about how to understand the promise, threats, and practical regulatory challenges in managing the advent of large-scale AI. The event brought together leading policymakers, law enforcers, technologists, entrepreneurs, writers, musicians, policy experts, and academics, from both the United States and Europe. Some of the participants include Alvaro Bedoya - Commissioner, Federal Trade Commission; Doha Mekki - Principal Deputy Assistant Attorney General, Department of Justice Antitrust Division; Tim Wu - Professor at Columbia Law School, former special assistant to the President for technology and competition policy; Ashley Irwin – President of the Society of Composers & Lyricists; and many more. Read more [here](#). A summary from ACG can be provided upon request.
- On Monday, *The Wrap* published an article detailing the recently agreed to AI protections between SAG-AFTRA and AMPTP. One of the main highlights of the strike was the concern over the use of artificial intelligence in Hollywood. According to the agreement, performers whose digital replicas are used must be compensated with the “performer’s pro rata daily rate or the minimum rate, whichever is higher” and must be compensated for the number of days that a project’s producer determines the performer would have needed to work if those scenes were filmed in person. Read the [summary in full here](#). “We are exceedingly grateful for all the support from the entertainment unions throughout the strike. This victory is for all of us,” SAG-AFTRA leader Duncan Crabtree-Ireland said during a press conference on Friday. “While the gains in these new contracts will keep the entertainment industry sustainable for working class performers, they serve as an example of what can be accomplished through collective action and solidarity.” Read more from *The Wrap* [here](#).