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CONTENT & TECHNOLOGY POLICY REPORT

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I. Congressional Updates:

- Last week, Senators Chris Coons, Josh Hawley, Amy Klobuchar, and Susan Collins introduced the bipartisan *Protect Elections from Deceptive AI Act*. The bill would ban the use of AI to generate content that falsely depicts federal candidates in political ads with the intent of influencing federal elections. According to the press release, the bill would allow federal candidates targeted by materially deceptive content to have that content taken down and enables them to seek damages in federal court. Read more [here](#).
- Last week, the House Oversight and Accountability Cybersecurity, Information Technology, and Government Innovation Subcommittee held a hearing titled “How are Federal Agencies Harnessing Artificial Intelligence?” The hearing discussed the potentially transformative impact of AI across various sectors, especially its influence on government agencies. Witnesses highlighted the importance of American leadership in AI, the risks associated with the technology, and the government's role in managing them. A hearing summary from ACG can be provided upon request.
- On Tuesday September 19, Congresswoman Deborah Ross (D-NC-02) introduced the [*Protect Working Musicians Act of 2023*](#). The legislation will give small independent artists and music creators the power to collectively negotiate with both streaming platforms and generative artificial intelligence (AI) developers for fair compensation. The legislation allows independent artists to band together and collectively negotiate with large streaming platforms and AI developers, without the obstacles of antitrust laws. The *Protect Working Musicians Act* is endorsed by

Headlines and Highlights:

- Thune and Klobuchar Hint at AI Legislation
- Sen. Bennet Calls for New Independent Regulator For AI
- IPEC Nomination Vote Scheduled
- USCO Extends Deadline for AI Study Comments
- Authors Guild Sues OpenAI
- Britain Invites China to its Global AI Summit

In the Blogs:

- Hugh Stephens Blog: [India Government Adopts New Tool to Tackle Film Piracy and Modernizes Content Classification](#)
- IP Watchdog: [U.S. Chamber Announces Framework Aimed at Reshaping National IP Narrative](#)
- Government Shutdown FAQs: [Government Shutdowns Q&A: Everything You Should Know | Committee for a Responsible Federal Budget \(crfb.org\)](#)

the American Association of Independent Music (A2IM) and the Artist Rights Alliance (ARA). The press release can be found [here](#).

- This week, Senators John Tune (R-SD) and Amy Klobuchar (D-MN) announced intentions to introduce legislation to address growing concerns over artificial intelligence by categorizing the technology based on risk and subjecting developers to disclosure or self-certification requirements. According to *Bloomberg Government*, the bill aims to promote safety and transparency by targeting high-risk uses of AI. It's poised to be "the most comprehensive, well-thought-out piece of AI legislation that we have yet seen from Congress and that's why we are happy to support it," said Ryan Hagemann, co-director of IBM Policy Lab. It is expected that the legislation will be introduced sometime next week. Read more from *Politico* [here](#).
- On Wednesday, September 20, Sen. Michael Bennet (D-CO) wrote to Majority Leader Schumer (D-NY) following last week's Senate AI Insight Forum to highlight the growing consensus around the need for a new independent regulatory agency to oversee Big Tech companies and AI. "Although the perspectives did not always align, everyone seemed to agree that we must meet the transformative challenge of AI with a thoughtful and comprehensive regulatory framework," wrote Bennet. "In my view, this moment requires a new federal agency to effectively protect consumers, promote competition, and assert the public interest." The text of the letter is available [here](#).
- Next Wednesday September 27, the House Judiciary Committee Subcommittee on Courts, Intellectual Property, and the Internet is holding a hearing on Oversight of the U.S. Copyright Office. The hearing will examine the U.S. Copyright Office's (USCO) operations and the status of programs and reforms enacted in previous Congresses. The hearing will also explore the USCO's efforts in areas such as artificial intelligence, music copyrights, and the right to repair. Register of Copyrights Shira Perlmutter is the sole witness. A link to the hearing livestream can be found [here](#).

II. Administration Updates

- Next Thursday, September 28, at 10am ET the Senate Judiciary Committee will hold an executive meeting to vote on Deborah Robinson for Intellectual Property Enforcement Coordinator (IPEC), among others. A link to the livestream can be found [here](#).

III. USCO Updates:

- On Thursday, the US Copyright Office announced that they will be extending the deadline for submission of comments for its Artificial Intelligence study. Written comments are now due on October 30, with reply comments due on November 29. More information can be found [here](#).

- Next week, the House Administration Committee will be hosting a roundtable discussion on US Copyright Office (USCO) modernization from 4-5pm ET on Tuesday September 26. Topics/questions expected to be discussed include (1) What functions and features of the new registration system are most important and what would you like to see added in the future? (2) What purpose does a physical deposit copy serve for the Copyright Office? For the Library of Congress? (3) Is the Copyright Office equipped to properly protect copyrighted works transferred to it by rights holders? To attend/RSVP email Hannah Fraher at Hannah.Fraher@mail.house.gov

IV. Industry Updates:

- Last week, *The Guardian* reported that Cengage, Macmillan Learning, McGraw Hill, and Pearson Education sued Library Genesis (LibGen) citing “extensive violations” of copyright law. “LibGen’s massive infringement completely undermines the incentive for creation and the rights of authors, who earn no royalties for the millions of books LibGen illegally distributes,” Matt Oppenheim, the attorney representing the publishing companies, told *The Guardian*. The suit calls for an unspecified amount of money in damages and called for all LibGen related domain names to be deleted or transferred to the publishing companies. Read more [here](#).
- On Wednesday September 20, the Authors Guild along with 17 individual authors filed a class-action lawsuit against OpenAI in the Southern District of New York alleging copyright infringement. The named plaintiffs include David Baldacci, Mary Bly, Michael Connelly, Sylvia Day, Jonathan Franzen, John Grisham, Elin Hilderbrand, Christina Baker Kline, Maya Shanbhag Lang, Victor LaValle, George R.R. Martin, Jodi Picoult, Douglas Preston, Roxana Robinson, George Saunders, Scott Turow, and Rachel Vail. Authors Guild CEO Mary Rasenberger commented, “It is imperative that we stop this theft in its tracks or we will destroy our incredible literary culture, which feeds many other creative industries in the U.S.” Scott Sholder, a partner with Cowan, DeBaets, Abrahams & Sheppard and co-counsel for Plaintiffs and the Proposed Class, added, “Plaintiffs don’t object to the development of generative AI, but Defendants had no right to develop their AI technologies with unpermitted use of the authors’ copyrighted works. Defendants could have ‘trained’ their large language models on works in the public domain or paid a reasonable licensing fee to use copyrighted works.” A copy of the press release is attached and you can read the full complaint [here](#).

V. International Updates:

- Last week, *The Hill* reported that TikTok was fined \$368 million by the Irish Data Protection Commission citing the platform failed to protect children’s privacy by setting children’s accounts to public by default and failing to provide sufficient transparency about rules to users. The app has updated its policies since the investigation started back in late 2021. Read more [here](#).
- On Monday September 18, *The Verge* reported that the UK’s Competition and Markets Authority has set out seven principles to help guide AI regulations and development. The seven principles are (1) Making sure developers and businesses that use AI models are

accountable for the output that consumers are given, (2) Ensuring broad access to chips and processors and the training data needed to develop these AI systems, (3) Offering a diversity of business models by including open and closed models, (4) Companies should provide a choice for businesses to decide how to use the model, (5) Offer flexibility or interoperability to switch to other models or use multiple models at the same time, (6) Avoid anti-competitive actions like bundling or self-preferencing, and (7) Offer transparency into the risks and limitations of generative AI content. Read more [here](#).

- On Tuesday September 19, *Reuters* reported that Britain has officially invited China to its global AI summit in November after weeks of speculation. Britain's Foreign Minister James Cleverly stated, "We cannot keep the UK public safe from the risks of AI if we exclude one of the leading nations in AI tech." Britain has opted to take a more inclusive approach towards AI, as opposed to the United States. Expected topics for the summit include how AI is a potential threat for biosecurity as well as potential benefits of the technology such as safer transportation. Read more [here](#).