

## CONTENT & TECHNOLOGY POLICY REPORT SEPTEMBER 15, 2023



### I. Congressional Updates:

- On Tuesday, September 12, 2023, the Senate Judiciary Committee held a hearing titled “*Book Bans: Examining How Censorship Limits Liberty and Literature.*” The hearing centered on several key points while also diving into partisan arguments and unrelated policy tangents. Some members voiced concern about the recent increase in book bans in 2022. Others raised concern about the type of material accessible by young children in school. A link to the hearing can be found [here](#). A full summary from ACG can be provided upon request.
- On Tuesday, September 12, 2023, the Senate Judiciary Committee Subcommittee on Privacy, Technology, and the Law held a hearing titled, “*Oversight of A.I.: Legislating on Artificial Intelligence.*” Overall, the hearing was incredibly bipartisan and led to great discussion on how AI regulation should be considered going forward. The Blumenthal-Hawley legislative framework was widely accepted by the witnesses as a good starting point. Two particularly interesting comments were made. (1) Senator Klobuchar asked about AI usage of local news content without compensation. Mr. Smith replied saying that local news/journalists should be allowed to decide if their work is used for training/developing AI. They should be able to negotiate collectively. (2) During her second round of questions Senator Klobuchar asked about NVIDIA’s partnership with Getty Images. Mr. Dally replied by saying “We believe in respecting people’s intellectual property rights. We did not want to infringe on the rights of the photographers that took the images that our models had been trained on. We did not just scrap a bunch of images off the web to train our model, we partnered with Getty.

### Headlines and Highlights:

- Senate Judiciary Committee Holds AI Oversight Hearing
- Majority Leader Schumer Holds AI Forum with Tech CEOs
- More Tech Companies Join White House AI Principles
- DiMA Announces New CEO
- Copyright Alliance Relaunches Creators Advisory Board

### In the Blogs:

- Hugh Stephens Blog: [Canada’s Online News Act: Will New Regulations Clarifying Revenue Expectations from Dominant Platforms Bring an End to Their News Blocking Tactics?](#)
- Microsoft Blog: [Introducing the Microsoft Copilot Copyright Commitment](#)
- Washington Post: [Transcript: Across the Aisle with Sens. Martin Heinrich \(D-N.M.\) and Mike Rounds \(R-S.D.\)](#)

When people use our model Picasso to generate images the people who provided the original content get remunerated. We see this as a way of going forward in general where people who are providing the IP for the training of these models should benefit from the use of them and that IP.” A link to the livestream can be found [here](#). A summary from ACG can be provided upon request.

- On Tuesday, September 12, 2023, the Senate Commerce, Science, and Transportation Subcommittee on Consumer Protection, Product Safety & Data Security held a hearing entitled “The Need for Transparency in Artificial Intelligence.” Witnesses included Ms. Victoria Espinel (CEO, BSA, The Software Alliance), Dr. Ramayya Krishnan (Dean of the Heinz College of Information Systems and Public Policy, Carnegie Mellon University), Mr. Sam Gregory (Executive Director of WITNESS), and Mr. Rob Strayer (Executive Vice President for Policy, Information Technology Industry Council). A few highlights from the hearing included: (1) Senator Hickenlooper asked about existing rights for consumers to maintain ownership of their creations and any additional rights they might have. In response, Dr. Krishnan highlighted concerns regarding the use of data and content by AI models, particularly when it comes to compensating creators. He emphasized the importance of copyright protection and suggested that creators should have the right to seek advertising opportunities related to their content used by AI models. (2) Senator Cantwell said she would be introducing separate legislation to combat deepfakes to protect consumers and national security, stop potential disruptions of interstate commerce, and protect civil liberties and First Amendment rights. (3) Senator Young was curious about the distinction between AI developers and deployers. Ms. Espinel responded by explaining that developers create AI systems, while deployers are the users of these systems. She emphasized the importance of distinguishing them for legislative purposes, especially in high-risk situations where impact assessments should be conducted. A full summary from ACG can be provided upon request.
- On Wednesday, September 13, multiple tech CEOs gathered for an AI Insight Forum sponsored by Majority Leader Chuck Schumer. In an article published by the Wall Street Journal shortly after the meeting, it was revealed that nearly everyone present agreed that the government needs to play a role in regulating artificial intelligence. The article also stated that Members of Congress indicated that copyright violations are of particular concern. “One open question is what areas the legislation will cover. Issues previously raised by participants in Wednesday’s meeting covered a wide range of potential concerns involving esoteric areas of law. Among them: copyright violations, privacy invasions, racial discrimination, economic ties with China, and the use of AI by the government for military or other purposes.” Read more [here](#).

## **II. Administration Updates**

- On Tuesday, Adobe, IBM, Nvidia, and five other firms have signed President Biden’s voluntary commitments governing AI which require steps such as watermarking AI-generated content, the White House reported. “The president has been clear: harness the benefits of AI, manage the risks, and move fast – very fast,” White House chief of staff Jeff Zients said in a statement. “And we are doing just that by partnering with the private sector and pulling every lever we have to get this done.” The other five companies that signed the

commitments are Palantir, Stability, Salesforce, Scale AI, and Cohere. Read more from *Reuters* [here](#).

### **III. USCO Updates:**

- On Monday, September 11, the US Copyright Office (USCO) announced that they are now accepting applications for the Barbara A. Ringer Copyright Honors Program. Additional details about the Ringer Fellowship, including the application process, can be found on the Barbara A. Ringer Copyright Honors Program [website](#). Applications will be accepted through December 29, 2023.

### **IV. Industry Updates:**

- On Tuesday, the Digital Media Association (DiMA) announced that Graham Davis will be its next President and CEO. “Graham has long championed initiatives that bring the music industry together through collaborative discussion and action,” said DiMA’s Board of Directors. “His demonstrated track record of working constructively across diverse stakeholders – and across borders – for the betterment of creators and the music ecosystem as a whole resonated with us.” According to the press release, in his previous role with the Ivors Academy, Davies was instrumental to the landmark streaming industry inquiry which has led to U.K. government-backed reforms for metadata, contract transparency as well as research into creators earnings and the market. Read the full press release [here](#).
- On Tuesday, the Copyright Alliance announced that they have relaunched its Creators Advisory Board (CAB) with the appointment of new board members. According to Copyright Alliance CEO Keith Kupferschmid, “We are thrilled to be relaunching CAB as we breathe new life into this group by appointing additional stellar members, all of whom work diligently at their craft while simultaneously advocating for the rights of others across the copyright and creative community.” The Creators Advisory Board is comprised of the following members: Yanique DaCosta, Jayda Imanlihen, Lana Love, Blake Morgan, Jeff Sedlik, T.J. Stiles, Taura Stinson, and Maimouna Youssef (aka MuMu Fresh).