



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT MARCH 16, 2018



I. Congressional Updates:

- On Monday, Sen. Ron Wyden (D-OR), Ranking Member of the Senate Finance Committee, told reporters that he will not place a hold on the Fight Online Sex Trafficking Act (FOSTA)—legislation that would amend Section 230 of the Communications Decency Act in an effort to hold websites accountable for knowingly publishing ads that facilitate sex trafficking. Wyden went on to warn tech platforms that if they don't improve the governance of content on their sites they will likely face more bills like FOSTA. "Section 230 gave the companies very significant opportunities to police their platforms. If they don't do it, this won't be the only bill," he said. "The idea that somehow these companies have these neutral pipes is not a view I share." Read more [here](#).
- On Wednesday, March 21st at 10 a.m. the House Ways and Means Committee will hold a hearing on the "U.S. Trade Policy Agenda" featuring United States Trade Representative (USTR) Robert Lighthizer. USTR Lighthizer will also testify before the Senate Finance Committee on the same topic on Thursday. More info [here](#).
- On Tuesday, March 20th at 9:30 a.m. the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies will hold a hearing on the FY2019 Dept. of Commerce Budget. Secretary of Commerce Wilbur Ross will testify.
- In an interview with *Recode*, published on Monday, Senate Minority Leader Chuck Schumer (D-NY) said he is "sympathetic" to tech giants like Facebook and Amazon and he approaches government regulation of

Headlines and Highlights:

- Senate Finance and House Ways and Means Committees to hold hearings on "U.S. Trade Policy Agenda" featuring USTR Lighthizer.
- Dept. of Commerce releases report on "Defining and Measuring the Digital Economy."
- Non-profit releases report detailing Google's "cultivated links with academics in Europe" to influence tough regulatory stance toward company.

In the Blogs:

[Time for a Fresh Conversation About Privacy and Publicity](#)

Illusion of More

March 7 by David Newhoff

[The Effectiveness of Site Blocking: It is a Matter of Common Sense](#)

Hugh Stephens Blog

March 11 by Hugh Stephens

[Brief: US Copyright Royalty Board Boosts Songwriters' Streaming Pay Nearly 50%](#)

IP Watch

March 14 by IP Watch

them with “care.” “Yes, they’re big,” Schumer said. “Big can do good things as well as bad things, and you’ve got to separate the wheat from the chaff. Would the world be a better place or a worse place if there were no Amazon right now? My guess is a worse place. And yet, there’s a lot of problems, for sure.” Read more [here](#).

- On Wednesday, Sen. Shelby (R-AL) told reporters that the Senate Appropriations Committee will vote to name the next chairman on April 9th. The current chairman, Sen. Cochran (R-MS), announced he will resign from Congress effective April 1st, citing poor health. Sen. Shelby is widely expected to succeed Cochran as the next full committee chairman.
- On Friday, Rep. Louise Slaughter (D-NY), Ranking Member of the House Rules Committee and a member of Congress since 1987, passed away. She was 88. Read more [here](#).

II. Judicial Updates:

- On March 9, clothing retailer Hennes & Mauritz filed a complaint for declaratory judgment at the US District Court for the Eastern District of New York in response to copyright litigation threats by a graffiti artist, whose work was featured in H&M’s promotional materials. The artist, Jason Williams, argues that H&M infringed his copyrights by shooting photos and video in front of his graffiti in Williamsburg, Brooklyn. H&M, meanwhile, says that it checked with the City whether it needed to pay royalties, but the city indicated it did not as the graffiti was not supposed to be on the handball court in the first place. Read more [here](#).
- On Monday, March 12, the trial against Impax Laboratories for alleged “pay-for-delay” antitrust violations started in Boston, MA. Impax is accused of agreeing to delay the launch of a generic version of an acme medication following an alleged payment of millions of dollars by the drug’s manufacturer. The suit follows the Supreme Court’s 2013 decision finding that such arrangements may violate antitrust laws. Impax has denied the existence of any agreement. Read more [here](#).

III. Administration Updates:

- This week, President Trump selected Larry Kudlow, a CNBC television commentator, to serve as the next Director of the National Economic Council (NEC) following Gary Cohn’s resignation. As Director of the NEC, Kudlow will be President Trump’s top economic advisor. Read more [here](#).
- On Thursday, the Department of Commerce’s Bureau of Economic Analysis released a report titled “Defining and Measuring the Digital Economy” which claims the digital economy has grown at an average annual rate of 5.6 percent from 2001-2016. The report further showed the digital economy sector, including e-commerce, network infrastructure and digital media, accounted for \$1.2 trillion, or 6.5 percent, of gross domestic product. Read more [here](#).

IV. International Updates:

- This week, Merlin, a London-based agency that represents 20,000 independent record labels and makes up 12% of the world’s digital music catalogue, signed licensing deals

with five of China's biggest streaming services, including Tencent, Alibaba, and NetEase. Read more [here](#).

- On Friday, the Campaign for Accountability, a Washington-based non-profit, published a report titled "Google's Academic Influence in Europe" that details the search engine's "cultivated links with academics and research organizations across Europe to influence the region's tough regulatory stance toward" the company. Read the report [here](#).

V. Industry Updates:

- On Monday, Tim Berners-Lee, the inventor of the World Wide Web and founder of the World Wide Web Foundation, penned a blog post titled "The web is under threat. Join us and fight for it." In the letter, Berners-Lee says the web "has been compressed under the powerful weight of a few dominant platforms" which allows for these platforms to act as "gatekeepers" controlling "which ideas and opinions are seen and shared." Read more [here](#).
- On Tuesday, March 20th from 12-2:00 pm the Technology Policy Institute (TPI) will host an event titled "Music Licensing – Proposals for Reform" featuring remarks from Rep. Doug Collins, one of the lead sponsors of the Music Modernization Act, and a panel with Chris Harrison, CEO of the Digital Media Association (DiMA); David Israelite, President and CEO of the National Music Publishers Association, and more. According to the press release, the music licensing conference will "discuss current issues in music use, legislative proposals to reform a broken system and forge a way forward that will bring clarity and equity to a licensing framework that currently is neither." Read more [here](#).
- On Monday, March 12, 2018, former congressman Charles Boustany (R-LA-3), published a column in The Detroit News, advocating for strong intellectual property protections in the NAFTA renegotiations. In the column, Boustany argues that the negotiators should aim for a 12-year regulatory data protection for biologics in order to ensure continued investment in the research and development of life-saving medicines. He also notes that price controls lead to delayed introduction of medicines. Read the whole column [here](#).