



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT MARCH 9, 2018



I. Congressional Updates:

- On Monday, Sen. Thad Cochran (R-MS), Chairman of the Senate Appropriations Committee, [announced](#) his intention to resign from the U.S. Senate effective April 1, 2018, citing poor health as the reason. “I regret my health has become an ongoing challenge,” Cochran said. “I intend to fulfill my responsibilities and commitments to the people of Mississippi and the Senate through the completion of the 2018 appropriations cycle, after which I will formally retire from the U.S. Senate.” Read more [here](#).
- On Wednesday, Rep. David Cicilline (D-RI), Ranking Member of the House Judiciary Subcommittee on Regulatory Reform, Commercial and Antitrust Law, introduced a bill called the Journalism Competition and Preservation Act of 2018. The legislation would “let news publishers use collective leverage with the tech companies that capture much of digital advertising money.” “Our democracy is strongest when we have a free, open press that informs citizens, holds public officials accountable, and roots out corruption,” said Cicilline. “That’s why I’m introducing the Journalism Competition and Preservation Act. This bill empowers local newspapers to negotiate collectively with the biggest technology platforms to ensure consumers have access to the best journalism possible.” Read more [here](#).
- On Thursday, March 15th at 10 a.m. the House Science, Space and Technology Committee will hold a hearing on “An Overview of the National Science Foundation Budget Proposal for FY2019” featuring France Cordova, Director of the National Science Foundation, and Maria Zuber, Chair of the National Science Board. The

Headlines and Highlights:

- Sen. Cochran announces intent to resign on April 1.
- CFIUS stalls Broadcom takeover of Qualcomm, citing potential national security risks.
- Rep. Cicilline introduces Journalism Competition and Preservation Act of 2018.
- SXSW to hold a number of IP-focused panels, including “Tech Under Trump: A 2017/2018 Scorecard” featuring Matt Lira of the Office of American Innovation.

In the Blogs:

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

Illusion of More

March 7 by David Newhoff

[InternetNZ’s Copyright Proposals: Neither Balanced nor Fair](#)

Hugh Stephens Blog

March 3 by Hugh Stephens

[Brief: Council Of Europe Agrees New Guidelines on Media Pluralism, Transparency Of Media Ownership](#)

IP Watch

March 7 by IP Watch

National Science Foundation funds research and education in most fields of science and engineering. It does this through grants, and cooperative agreements to more than 2,000 colleges, universities, K-12 school systems, businesses, informal science organizations and other research organizations throughout the United States. The Foundation accounts for about one-fourth of federal support to academic institutions for basic research.

- On Tuesday, March 6th, the Senate Committee on Finance held a hearing titled “Protecting E-commerce Consumers from Counterfeits.” The purpose of the hearing was for members on the Committee to consider legislative solutions to identify and stop counterfeit goods from entering the United States marketplace, specifically in the E-Commerce market. Chairman Hatch cited a recent Government Accountability Office (GAO) investigation, which revealed that counterfeiting through E-commerce is “causing major issues” for both the Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE); due to the advancements in online purchasing, the GAO found that federal agencies are being forced to adopt new tactics, and work closer together to identify counterfeit products and remove them from the market. Chairman Hatch urged his colleagues to take the GAO report seriously, as well as better track the CFP’s intellectual property enforcement methods. Watch the hearing [here](#).

II. Judicial Updates:

- On February 15, the US District Court for the Southern District of New York issued an opinion holding that embedding a tweet of a copyrighted image can constitute direct copyright infringement. The case, *Goldman v. Breitbart News, LLC*, involved a viral picture of Tom Brady that was tweeted multiple times and those tweets consequently embedded by multiple news outlets to their stories concerning Brady. Read more [here](#).
- On Monday, March 5, various technology companies sued the FCC over the repeal of the so-called net neutrality rules. The companies, including Etsy, Kickstarter, Foursquare, and Shutterstock, argue that they will be harmed by the rollback when it takes effect in April. Read more [here](#).

III. Administration Updates:

- Congressional Quarterly (CQ) reported this week on the continued vacancies in the White House Office of Science and Technology Policy (OSTP) as well as the Trump Administration’s “markedly” different approach to open data than the Obama Administration. “The Trump Administration has shown that it does not value science- and data-based policies, proven by its disregard for filling key positions at the White House Office of Science & Technology Policy,” Sen. Maggie Hassan, D-N.H., told CQ. Hassan is one of the seven Democratic senators who has now written to the White House twice about the vacancies — once in April 2017 and again in November — without getting a response. Read more [here](#).
- On Wednesday, President Trump tweeted that the U.S. is “acting swiftly on intellectual property theft,” and noting that the U.S. cannot “allow this to happen as it has for many years.” In August 2017, the Office of the United States Trade Representative (USTR) announced an investigation of China to determine if their policies “may be harming American intellectual property rights, innovation, or technology development.” Read more [here](#).

IV. International Updates:

- On Wednesday, the International Authors Forum, a self-described network representing nearly 700,000 professional creators worldwide, sent a letter to MP Dan Ruimy, chair of the Canadian government’s standing committee on industry, science and technology, expressing concern over Canada’s copyright laws. Specifically, the group states they are “concerned that the ongoing extension of the legal principle of ‘fair dealing’ to cover educational uses has created an unjust copyright imbalance for Canadian authors.” The letter comes as the Canadian parliament leads a review of their Copyright Act. Read the letter [here](#).

V. Industry Updates:

- On Wednesday, the Computer and Communications Industry Association (CCIA), which represents tech giants like Facebook and Google, released a statement criticizing the Journalism Competition and Preservation Act, legislation introduced by Rep. David Cicilline (D-RI) that would allow news publishers to collectively negotiate with big tech platforms. “Curtailing antitrust laws to allow competitors to collude would be harmful to consumers,” said CCIA President Ed Black. “Dynamic, innovative, and competitive companies can prosper in the evolving digital ecosystems centered around content and distribution and exchange. This legislation favors publishers and, in some cases, competitors of leading tech services to the detriment of consumers and the fostering of dynamic markets.” Read more [here](#).
- This week, the Trump Administration moved to stall a potential takeover of Qualcomm, the leading American chip maker, by Singapore-based Broadcom, citing national security implications. The Committee on Foreign Investment in the United States (CFIUS), an inter-agency committee authorized to review transactions that could result in control of a U.S. business by a foreign person, is reviewing the deal before it is complete. CFIUS, in a letter to Qualcomm and Broadcom, cited “national security risks related to weakening of Qualcomm’s technological leadership” as well as “risks related to disruption of trusted supply relationship” as red flags. Read more [here](#).
- On Monday, March 12 at 11 a.m. SXSW will hold a panel at the Hilton Austin Downtown Hotel titled “The Persistence of Patent Trolls in Tech” with panelists including Rep. Darrell Issa (R-CA), Chair of the House IP Subcommittee and Evan Engstrom of Engine. Other panels at SXSW include “Tech Under Trump: A 2017/2018 Scorecard” featuring Matt Lira of the White House Office of American Innovation and “Innovating in Legacy Industries” featuring Sen. Coons (D-DE).