



AMERICAN CONTINENTAL GROUP

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## CONTENT & TECHNOLOGY POLICY REPORT JUNE 22, 2018



### I. Congressional Updates:

- This week, POLITICO reported that the House Judiciary Committee has summoned CEOs from leading social media companies for a June 26<sup>th</sup> hearing. Read more [here](#).
- The Senate Judiciary Committee on Thursday held an Executive Business Meeting to consider the Music Modernization Act. The bill was listed for consideration but was held over for one week and will be marked up on June 28<sup>th</sup>.
- On Tuesday, June 26<sup>th</sup> the House Energy and Commerce Subcommittee on Communications and Technology will hold a hearing on the “National Telecommunications and Information Administration Reauthorization Act of 2018.”
- On Wednesday, June 27<sup>th</sup> the Senate Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights will hold a hearing on the proposed T-Mobile and Sprint merger.

### II. Judicial Updates:

- This week, Anish Kapoor, the British-born artist responsible for designing Chicago’s *Cloud Gate* sculpture, filed a copyright infringement lawsuit against the National Rifle Association after the organization refused to remove an image of the work from a promotional video. The complaint, filed in the U.S. District Court for the Northern District of Illinois, calls on the NRA to stop running the video and pay statutory

### Headlines and Highlights:

- White House releases report on Chinese intellectual property theft.
- Free State Foundation publishes paper advocating for Congress to make online piracy via streaming a felony.
- European Parliament votes in favor of tougher copyright rules.
- Senate Judiciary Antitrust Subcommittee to hold hearing on proposed T-Mobile, Sprint merger.

### In the Blogs:

[Considering Jessica Litman’s Call to Rethink Copyright Doctrine](#)

Illusion of More

June 19 by David Newhoff

[So You Admire Your Neighbour’s House? Best Not to Copy the Design](#)

Hugh Stephens Blog

June 18 by Hugh Stephens

[Brief: Data Localization \(Nearly\) Banned in EU](#)

IP Watch

June 21 by Monika Ermert

damages equivalent to \$150,000 per infringement. Read more [here](#).

### III. Administration Updates:

- This week, the Trump Administration revealed that Secretary of Commerce Wilbur Ross and Gilbert Kaplan, the Commerce Department's international trade undersecretary, would lead a trade mission to Africa later this month in an effort to deepen ties with the African business community. Ross will visit Ghana and Kaplan will head the delegation in Ethiopia, Kenya, and Ivory Coast.
- On Tuesday, the White House released a report titled "How China's Economic Aggression Threatens the Technologies and Intellectual Property of the United States and the World." Read the report [here](#).

### IV. International Updates:

- On Wednesday, the European Parliament Legal Affairs Committee voted in favor of tougher copyright rules. The rules are designed to force online platforms to share revenues with publishers and bear liability for copyright infringement on the internet. Europe's news and magazine publishers applauded the move, saying "The internet is only as useful as the content that populates it. This publishers' neighboring right will be key to encouraging further investment in professional, diverse, fact-checked content for the enrichment and enjoyment of everyone, everywhere." Read more [here](#).

### V. Industry Updates:

- On Tuesday, Early Anthony Wayne, a public policy fellow at the Wilson Center and a former U.S. Ambassador to Mexico and Argentina, wrote an op-ed urging NAFTA negotiators to redouble efforts to pass a renegotiated agreement. "An agreement that preserves and increases the almost 14 million American jobs supported by NAFTA is clearly in the U.S. interest," Wayne writes. "But, important differences remain on issues including the auto rules, intellectual property, agricultural market access, labor, geographical indications, dispute settlement, government procurement and whether or not to have a "sunset clause" (an issue that helped set off the public clash with Canada)." Read more [here](#).
- This week, The Free State Foundation, a free market think tank based in Maryland, published a paper titled "Modernizing Criminal Copyright Law to Combat Online Piracy" in which the authors argue Congress should make "online piracy via streaming a felony." "Although criminal copyright law is sometimes subject to attack by critics, criminal enforcement against piracy or willful infringement of copyrighted works has solid constitutional and historical foundations. In order to address growing copyright piracy taking place through online streaming sites and enabled by illicit streaming devices, Congress should draw on those foundations and update criminal copyright law." Read more [here](#).
- The United States Copyright Office is extending the deadline for the submission of written comments in response to a notice of proposed rulemaking that recommends the adoption of a new fee schedule with proposed changes to fees for services in the following areas: registration; recordation; record retrieval, search, and certification; the Licensing Division;

and other ancillary services. The Office is extending the deadline by an additional sixty days to ensure that members of the public have sufficient time to respond. Written comments must be received no later than September 21, 2018, at 11:59 p.m. eastern time. The formal extension notice, the notice of proposed rulemaking, and instructions on how to submit a comment are available [here](#).

- On Monday, Stephanie Moore, an former chief counsel to the House Judiciary IP Subcommittee and former senior adviser to the Register of Copyrights, wrote an op-ed in the Houston Chronicle urging the United States Trade Representative and Congress to not let Big Tech “take over the NAFTA negotiations.” Moore alleges that Big Tech is “actively working to have the most expansive, unreformed versions of these broken and dangerous safe harbors embedded in the new NAFTA. That would effectively cut out the Congress and the Copyright Office and prevent U.S. policymakers from fixing a 20-year-old mistake — right at the very moment when reform is finally possible and imminently necessary.” Read more [here](#).