



AMERICAN CONTINENTAL GROUP

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CONTENT & TECHNOLOGY POLICY REPORT MARCH 10, 2017



I. Congressional Updates:

- On Tuesday, Senate Finance Chairman Orrin Hatch (R-UT) [announced](#) that the Committee will convene a hearing on Tuesday, March 14th to consider the nomination of Robert Lighthizer to be the United States Trade Representative (USTR). In a press release announcing the hearing, Hatch said he looks forward to hearing Lighthizer's "views on trade policy, and specifically, how he plans to protect American intellectual property rights abroad and ensure U.S. global competitiveness in the 21st century." Despite the upcoming nomination hearing, Lighthizer still needs a congressional waiver before he can receive a vote on the Senate floor. *POLITICO* [reports](#) that the process may hit a snag as Democrats are unlikely to vote for his waiver unless a miner's benefits bill is attached.
- Country musician Rob Quist has been selected as the Democratic candidate to fill Interior Secretary Ryan Zinke's (R-MT) vacant House seat. The special election will take place on May 25th. Montana Democrats selected Quist after four rounds of voting at a nominating convention, passing over multiple state representatives vying for the nomination. Quist is widely known as a member of the Mission Mountain Wood Band. In related news, the Montana Republicans selected Greg Gianforte as their nominee for the special congressional election. Gianforte is a businessman who started the technology firm RightNow Technologies, which sold to Oracle for \$1.8 billion. Gianforte also ran for Governor of Montana last November, losing to the Democratic incumbent Steve Bullock. Read more [here](#) and [here](#).

II. Judicial Updates:

Headlines and Highlights:

- Commission on Theft of American IP releases update to its 2013 report.
- Senate Finance Committee to hold USTR nomination hearing on Tuesday.
- Nominee for U.S. Ambassador to China says nomination hearing likely in first week of April.
- Asia Society Policy Institute releases report on "Charting a Course for Trade and Economic Integration of Asia-Pacific"

In the Blogs:

[Is the TPP really "dead"? Maybe not if you believe in "Twelve minus One"](#)

Hugh Stephens Blog

March 6 by Hugh Stephens

[WIPO Committee on Protection Of Folklore: New Inspiration From Developing Countries](#)

IP Watch

March 3 by Catherine Saez

[Big Data in Politics. Maybe we should break the internet.](#)

Illusion of More

March 7 by David Newhoff

- Oxford University Press, Cambridge University Press, and Taylor & Francis have withdrawn their copyright suit against a Delhi University photocopying store. The suit alleged that the photocopying store was engaged in copyright infringement by selling photocopied excerpts from books on the university’s syllabus. The three publishers opted not to appeal to the Supreme Court an unfavorable December 2016 Delhi High Court ruling. An earlier September 2016 ruling in the case made headlines for stating that “copyright is not a divine right.” Read more [here](#).

III. Administration Updates:

- [Reports](#) this week indicate that former Utah Governor Jon Huntsman has accepted an offer from President Trump to serve as the next U.S. Ambassador to Russia. Aside from his stint as Governor of Utah from 2005 to 2009, Huntsman served as U.S. Ambassador to China from 2009 to 2011 and Singapore from 1992 to 1993. Huntsman is also the co-chair of the Commission on the Theft of American Intellectual Property, an independent, bipartisan initiative to document and assess the “cause, scale, and other major dimensions of international intellectual property theft as they affect the United States” and propose U.S. policy responses. The Commission’s initial report—released in 2013—was [updated](#) for the first time on February 27, 2017.
- Iowa Governor Terry Branstad—President Trump’s nominee for U.S. Ambassador to China—indicated to reporters last weekend that he expects his nomination hearing before the Senate Foreign Relations Committee to be held in the first week in April. Read more [here](#).

IV. International Updates:

- On Tuesday, the Asia Society Policy Institute, a think-tank devoted to explaining the “diversity...and the complexity” of Asia to the U.S., published a report called “[Charting a Course for Trade and Economic Integration in the Asia-Pacific](#).” The report was compiled by a seven-member commission—including Peter Gray, former Ambassador of Australia to Japan, the European Union, and the WTO; and Choi Seokyoung, former Ambassador of Korea to the WTO—and offers recommendations which aim to promote liberalized trade in the Asia-Pacific region in light of the United States’ withdrawal from the Trans-Pacific Partnership (TPP). The commission, amongst other recommendations, implored TPP countries to “urge the United States to reconsider its position on the TPP, even with possible adjustments” and for RCEP countries to “negotiate a high quality agreement and not be tempted to adopt the lowest common denominator approach.” Read more [here](#).
- The United Kingdom’s top soccer league has been granted a court order allowing it to shut down servers used to host infringing video streams. Previously, the Premier League was only able to target individual streams, not the servers themselves. The Premier League is targeting in particular the use of infringing streams accessed via Kodi boxes. Read more [here](#).

V. Industry Updates:

- On February 27th, the Commission on the Theft of American Intellectual Property—an independent, bipartisan initiative of leading Americans from the private sector, academia,

and politics tasked with assessing the causes of American IP theft and proposing policy solutions—released an update to their 2013 report. The 2017 update assesses the extent to which their 2013 policy recommendations were adopted and the successes or failures of said recommendations. The report provides a “conservative, low-end” estimate that IP theft costs U.S. businesses and individuals more than \$225 billion a year, and the cost “is possibly as high as \$600 billion,” the report claims. The Commission applauded President Obama’s pro-IP decisions, such as the signing of the *Defend Trade Secrets Act of 2016*, but said that they were generally “discouraged by the Obama Administration’s inaction on IP theft and cyberespionage.” Read the entire report [here](#).

- Voice of America (VOA) News has profiled Librarian of Congress Carla Hayden, focusing on her efforts to make the Library’s collections more accessible to the public. Hayden is working to leverage technology to accomplish this goal, in particular by increasing the amount of content available online. She also plans to hold traveling exhibits, bringing Library materials to the public around the country. Read more [here](#).
- Four thousand songwriters have signed a National Music Publishers Association (NMPA) [petition](#) voicing “outrage” at tech companies Apple, Amazon, Google, Spotify, and Pandora for “fighting to pay us [songwriters] as little as possible in the Copyright Royalty Board (CRB) proceedings.” The petition suggests that the tech companies should work with the songwriters “to create an industry ecosystem that grows not just tech companies’ valuations, but also the diversity and quality of music,” and warns them against working “to reduce the rates paid to songwriters so much that you have nothing left to deliver the fans who subscribe to your services.” Copyright Royalty Board rate setting proceedings began this week. Read more [here](#).
- Michael Wilkerson, Indiana University’s director of arts administration programs, has penned a hypothetical obituary in *The Hill* for the National Endowment for the Arts (NEA), imagining that the agency has been defunded under the Trump Administration’s budget cuts. The media has [reported](#) in recent weeks that the Administration plans to eliminate the NEA. Wilkerson writes that without the NEA “it is likely that the work of artists, already governed almost entirely by the marketplace, might have to veer even more toward the commercial.” The hypothetical obituary also argues that “at its end, the agency was so small that the cost of one military jet equaled its entire grants budget.” Read more [here](#).
- The Copyright Office has launched a new blog titled ‘Copyright: Creativity at Work.’ The blog will share the Office’s activities and feature topics such as Office news, registration practice updates, law and policy developments, copyright basics, and “copyright lore.” This week, Acting Register of Copyrights Karyn Temple Claggett wrote the blog’s first post, introducing readers to the Office and its work. Claggett also notes that in the future the blog “will provide helpful information about upcoming studies and reports, developments in domestic and international copyright law and policy, registration practice, and other exciting news related to the Office.” Read more [here](#).
- The Copyright Royalty Judges have announced that they will no longer entertain filings related to the distribution of royalties paid for the manufacture and distribution of digital audio recording devices and media (DART). The Judges argue that DART royalties have “declined dramatically, to the extent that amounts deposited are insufficient to cover the costs of managing the DART funds and subfunds and distributing royalties to claimants.” Read more [here](#).

