

# Digital Content Next

Legal and Legislative Committee  
April 11, 2016

# Agenda

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- VPPA Legislative Language
- FCC Plan for Net Neutrality
- Topics for DCN Legal and Legislative Day 2017

- Current draft legislative language:  
(2) the term “ordinary course of business” ~~means~~ only includes, without limitation, any activities relating to debt collection~~activities~~, order fulfillment, request processing, ~~and the transfer of ownership,~~ or the sale, rental, distribution, delivery, licensing, promotion, development or analysis of any content offered in an electronic medium through any delivery technology by the video tape service provider;

- Current draft legislative language:
  - (1) Any person ~~aggrieved~~injured by any act of a person in violation of this section may bring a civil action in a United States district court to recover damages and/or equitable relief.
  - (2) The court may award—
    - (A) actual damages ~~but not less than liquidated~~and, in the event of a violation committed with actual knowledge of the violation, in the court's discretion, the court may also award statutory damages in an amount of up to \$2,500;

- FCC Broadband Privacy rules were repealed using the Congressional Review Act
  - FCC now prohibited from issuing any rules
  - Title II classification removes FTC jurisdiction over ISPs

- FCC Chairman Pai proposal coming late April
  - Shift jurisdiction back to the FTC
    - reversal of Title II?
  - Rely on promises of ISPs
    - No throttling
    - No blocking
    - No paid prioritization
    - Zero rating?
    - Consumer Privacy?
- Proposal would be subject to public comment

Tuesday, June 13<sup>th</sup>

12 Noon to 5 PM

NPR (1111 N Capitol Street)

- Discussion
- Education
- Networking

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- Topics Under Consideration:
  - Content Distribution Outside the U.S.
  - Fake News: Update on Google/FB Efforts
  - ePrivacy Regulation Update/Discussion re DCN Position
  - FTC Official Q&A re Native Advertising Enforcement
  - FTC/Vizio Settlement: Implications for Industry
  - Vendor Management Checklist
  - Net Neutrality
  - Ad Blocking