



# MAXIMIZE IMPACT AND MEMBER VALUE

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[www.newsmediaalliance.org](http://www.newsmediaalliance.org)

**“Don't underestimate the power of  
being underestimated.”**

— Tim Fargo (author)

## I. HOW WE GOT HERE

### **Trying to solve the industry’s “biggest problem”: July, 2017**

- Theory and argument
- Solution
- Create conversation where there was none.

EU Copyright directive: June, 2019

House Antitrust Hearing: June, 2019

Facebook News Tab: October, 2019

McConnell co-sponsorship of JCPA: January, 2020

Australian Bargaining Code: February, 2021

**We now have a chance to fundamentally rewire the economics of the whole system for the long-term. This akin to the long fights that were need to create Music Licensing and Retransmission Consent.**

## I. HOW WE GOT HERE

### Journalism Competition & Preservation Act (JCPA)

- Simple idea: antitrust safe harbor to allow us to fight for ourselves
- Wasn't asking the government for anything – other than leave us alone
- Now bolstered by concepts employed in Australia (i) negotiating structure, and (ii) dispute resolution
- Reps. David Cicilline and Ken Buck – and Sens. Amy Klobuchar and John Kennedy

# Negotiating Framework

NEWS MEDIA  
ALLIANCE



EU

- Defined news narrow
- Copyright Law/  
Competition Law
- Nondiscrimination
- NO Arbitration



Australia

- Defined news vague
- Competition Law
- Nondifferentiation
- Arbitration



US

- Define “news” broad, 1<sup>st</sup> Amend
- Competition Law
- Good faith, reasonable offer
- Arbitration

## II. PROCESS

### Major hearing on March 12th

- Brad Smith, Glenn Greenwald
- Opponent framing : “Big Media vs. Big Tech” -- buying sand for the gears
- The Platforms are organizing their preferred industry solutions – *News Showcase*, etc.

**We are now in a race to determine who will control the compensation process**

***Current focus on a mark-up in the House***

## II. PROCESS

### **Antitrust Actions:**

- Texas Case re. Digital Advertising
- Private Actions
- Potential Department of Justice actions?

**Very important and impactful – but will also  
take quite awhile**

## III. STRESSES

### Critics

As we move into these next innings, our critics and opponents are trying to impose frames that undermine our efforts for the industry:

- *Journalism is valuable but shouldn't be a "business" (i.e., a self-sustaining enterprise)*
- *Journalism can be a business, but it really isn't that valuable to most people*
- *In either case, legacy media shouldn't be a part of the future*

**The common goal is to make sure that legacy publishers don't get paid very much since that would undermine various ideological and/or business objectives.**

### III. STRESSES

These are core messages that frame everything we do:

- **Professional journalism is incredibly valuable -- and we are fully justified in demanding fair value for it.**
- **The best means to encourage new entrants is to have a system that returns fair value for journalism.**
- **Legacy media brands and editorial operations carry trust and community connection that are (i) rare, (ii) powerful, (iii) extremely hard to re-create -- and, therefore, (iv) very valuable.**

## **IV. A FEW OTHER FRONTS**

- **Local Journalism Sustainability Act**
- **PPP Expansion**
- **Pension Relief**
- **Postal Reform**
- **Private and Federal Antitrust**
- **Media Cross-Ownership**
- **Privacy**
- **Section 230**
- **State Digital Taxation**
- **Photo Embeds**
- **Producer Fees to Pay for Recycling**

# *Questions/Comments*