

Washington Internet Daily

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A service of **WARREN COMMUNICATIONS NEWS**

FRIDAY, MARCH 13, 2020

VOL. 21, NO. 50

Top News

Washington State Privacy Bill Hits ‘Impasse’; Maryland Reconsiders Its Bills.....	2
C-Band Rider Called ‘Possibility’ in FCC Funding Bill; House Panel Slams RDOF.....	3
Fate of Data Protection, Privacy Shield in UK Uncertain After Brexit.....	5

Capitol Hill

Eshoo, Maloney Bow Honest Census Communications Act.....	6
Judiciary Leaders Introduce Legislation on Trademark Fraud.....	6

Agencies

RUS Extends Deadline for ReConnect Applications to March 31	7
---	---

States

Updated Form 477 Broadband Mapping Data Out	7
---	---

Internet Governance

Wireline Bureau Sets Funding Caps for E-rate, RHC USF Programs	7
--	---

International

Silicon Labs Says \$308M Purchase of Indian Chipmaker Quickens Wi-Fi 6 Work.....	7
--	---

Intellectual Property

ITC Judge Orders May 2021 Target Date for Completing Sonos-Google Patent Probe.....	8
---	---

Privacy

Sen. Moran Introduces Republican Privacy Bill	8
---	---

Security

CTIA, Wireless Carriers Say They’re Adopting CSRIC Diameter Recommendations	8
---	---

Industry Notes

Mastercard, Samsung Partner on Pay on Demand Platform for Emerging Markets.....	9
---	---

Internet People.....

9

know exactly where those communities are.” The [Competitive Carriers Association](#), [Connect Americans Now](#) and [USTelecom](#) lauded S-1822’s passage.

“It is absolutely time” for the FCC to talk about possible coronavirus disruptions and “how technology can help,” Rosenworcel said. U.S. consumers’ anticipated increased reliance on telework, telehealth and tele-education amid the outbreak will “expose some truly hard facts” on “the scope of the digital divide.” The FCC should “be convening broadband providers right now to prepare,” she said. The commission “should be identifying how it can use its universal service powers to support connected care for quarantined patients and Wi-Fi hot spots for loan for students whose schools have shut.”

Quigley faulted the FCC’s conduct of the wireless location data probe, in which the commission found all four major U.S. carriers failed to safeguard that information. The FCC proposed \$208 million in fines (see [2002280065](#)). The investigation “took nearly two years” to complete, which is unacceptable, Quigley said. “Perhaps if the FCC would have prioritized their enforcement duty, this would not have been such a drawn out undertaking.” He cited instances when the FCC “can’t seem to move fast enough” to enact policies benefiting wireless carriers and ISPs while appearing to treat consumer protection as “an afterthought.” — *Jimm Phillips*

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Don't 'Bet... on Anything'

Fate of Data Protection, Privacy Shield in UK Uncertain After Brexit

The status of existing data protection rules and Privacy Shield in Britain is unclear following the nation’s Jan. 31 departure from the EU, privacy attorneys told us. The two sides are in a transition period until Dec. 31 to allow them to negotiate a new relationship. During that time, the EU general data protection regulation will apply in the U.K., and companies won’t need to take immediate action, a U.K. Information Commissioner’s Office (ICO) [FAQ](#) says. It’s anyone’s guess how the talks will pan out and what they will mean for data protection rules between the U.K. and EU or the U.K. and the U.S., lawyers said.

“If the negotiations do not deliver and there is no agreement, the UK will become a third country,” Linklaters (Brussels) data protection attorney Tanguy Van Overstraeten emailed us last month. Whether U.K. data protection law will be recognized as adequate to allow transfers depends on the outcome of a review by the European Commission and other bodies. That process is supposed to take place during the transitional period, “but there is no guarantee that this will be completed on time” or that the decision will be positive, he said. Issues could arise about some U.K. laws on state surveillance or immigration exemptions, as well as because data protection will no longer be a right safeguarded by the EU Charter of Fundamental Rights.

Unless the U.K. data protection level takes a “sudden and unexpected plunge,” which is unlikely, there should be nothing standing in the way of an EU adequacy decision, emailed Morrison & Foerster (Brussels) privacy attorney Alja Poler De Zwart last week. The only question is when the EU will find the U.K. adequate, she said: It’s hoped that will happen by year’s end, but “I would not bet my money on anything right now.”

Privacy Shield's fate depends on the U.K.'s future relationship with the U.S., Van Overstraeten said. The mechanism may no longer be required, but that could affect the adequacy of U.K. law because “the EU may worry about a less stringent UK-US regime that would enable less robust EU-US data transfers to occur through the UK.”

Little might change for PS, though U.S. organizations relying on it to receive personal data from the U.K. probably should update their certifications, said Poler De Zwart. Commerce Department FAQs [note](#) participants seeking to receive personal data from the U.K. will have to update their public commitments to refer to the U.K. specifically, she said.

One key change will be to the ICO's role, [said](#) a Jan. 31 Covington & Burling client alert. The law firm noted the U.K. will lose its status as a full member of the European Data Protection Board and, once the transition ends, its “role as a lead authority will come to an end.” — *Dugie Standeford*

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Capitol Hill

Eshoo, Maloney Bow Honest Census Communications Act

Reps. Anna Eshoo, D-Calif., and House Oversight Committee Chairwoman Carolyn Maloney, D-N.Y., filed the Honest Census Communications Act Thursday in a bid to stem false information being distributed to prevent U.S. citizens from completing census forms. The [measure](#) would set the penalty for using written, digital or telephone communications to prevent others from filling out census forms at up to \$11,000 per communication and/or five years imprisonment. Those penalties would be similar to one included in the False Claims Act, Eshoo's office said. The bill “ensures that any attempt to intentionally spread lies about the once-in-a-decade count is met with severe consequences befitting such an egregious crime,” Eshoo said.

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Judiciary Leaders Introduce Legislation on Trademark Fraud

House Judiciary Committee leaders introduced [legislation](#) Wednesday to address “significant increases in fraudulent trademark filings.” The Trademark Modernization Act was introduced by Chairman Jerry Nadler, D-N.Y., ranking member Doug Collins, R-Ga., House Intellectual Property Subcommittee Chairman Hank Johnson, D-Ga., and subcommittee ranking member Martha Roby, R-Ala. Senate Intellectual Property Subcommittee Chairman Thom Tillis, R-N.C., and ranking member Chris Coons, D-Del., introduced companion legislation. The bill would create “new expedited ex parte cancellation procedures that would allow a new-market entrant or other third party to request cancellation of a trademark registration when the mark was never used or was not used before registration.” It would give the Patent and Trademark Office additional trademark review authority to gather evidence, and clarify “a rebuttable presumption of irreparable harm exists for trademark violations.”

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