This Long-Range Plan (Plan) is divided into three principal sections: (I) a brief overview of the Media and Technology Committee (Committee); (II) a discussion of the legal and policy issues on which the Committee expects to focus over the next three to five years; and (III) long-term proposals to strengthen the Committee.

There are also three principal long-range initiatives reflected throughout this Plan:

1) to increase the level of active engagement by our membership in thought leadership on antitrust and consumer-protection issues in increasingly dynamic markets;
2) to showcase that thought leadership through Committee programs and publications, with an eye towards making Committee content available timely and accessibly on mobile platforms; and

3) to improve our outreach and communications with our members, members of other Antitrust Section committees, and those outside the Section, in order to increase the Committee’s value to their practices and to encourage broad participation in Committee activities.

I. Committee Overview

A. Scope of Charter

The Committee is responsible for competition and consumer-protection law and policy issues in the development and commercialization of the hardware, software, and distribution networks for communications, video programming, data, and information. The Committee’s mandate includes sectors like telecommunications, information technology, and social media.

Recent years have seen both accelerated competition as technology platforms enter adjacent markets and accelerated integration of historical telecommunications- and technology-platform owners with content providers. This Committee will continue to address the legal and policy issues that confront the public, regulators and policymakers, and competitors and their customers and suppliers on issues as diverse as (1) competition among distributors and distribution media, (2) competition among content providers, (3) vertical integration of content and distribution, and (4) access to intellectual property and communications networks.

B. Interaction with Other Committees

The Media and Technology Committee focuses on industries that cut across a vast swath of the global economy. Consequently, we interact with many other committees within the Section. Issues of significance to our Committee are also particularly interesting and relevant to, among others, members of the following committees: Consumer Protection, Federal Civil Enforcement, Intellectual Property, International, Joint Conduct, Mergers & Acquisitions, Privacy & Information Security, and Unilateral Conduct.

We have regularly partnered with those committees in Spring Meeting Programs and Committee Programs, and will continue to do so in order to expand all of our reach.

C. Membership

We currently have approximately 750 members. Our membership has remained fairly stable over the past three years. We also currently have about 380 members in our LinkedIn group. Our membership includes a wide array of U.S. and foreign enforcement officials, in-house lawyers, private practitioners, trade-association counsel, academics, economists, and law students. Our Committee also has international reach, with
numerous members based outside the United States, including in particular Canada and Europe.

As described in greater detail elsewhere in this Plan, we will continue our efforts to increase Committee membership, particularly with respect to younger, minority, and international practitioners. We also will continue to encourage both new and existing members to participate actively in our various Committee activities.

D. Recent Accomplishments

For our recent and ongoing accomplishments, we refer the Long Range Planning Committee to our October 26, 2018 Committee Report to Council and the Q2 Update to our Committee Annual Plan and Tracking Report (Dec. 21, 2018).

II. Anticipated Policy Issues and Plans to Address Them

We briefly identify the principal legal and policy issues we anticipate addressing in Committee programming and publications over the next three to five years. We identified these issues in our previous long-range plan. They continue to be issues of significance to the public and regulatory and judicial bodies, and so we expect to maintain our attention on them.

1. Technology-platform competition, e.g., Internet search engines, mobile-phone operating systems, and mobile-applications stores. Competition-law and consumer-protection scrutiny of platforms perceived to be dominant has increased substantially since our last LRP, particularly outside the U.S. The seemingly differing approaches taken by enforcement authorities outside the U.S., and calls for U.S. authorities to take similar approaches, promise to be of great interest to audiences both in the U.S. and globally. We will continue working with the International and Unilateral Conduct Committees in developing programming and other resources focused on the multitude of issues encompassed by this topic.

2. Technology and information privacy & security. This issue is the most significant to the general public, and is often part of the debate over technology-platform competition. We will continue working with the Consumer Protection and Privacy & Information Security Committees in addressing that overlap.

3. Convergence of telecom and video delivery services. As these services increasingly move to Internet Protocol platforms, we are seeing new and different ways in which entities from ostensibly different industries compete with one another—while still being subject to very different regulatory regimes. Such dynamic competition also increases the challenges in assessing suppliers in the relevant market and in assessing the competitive effects from a proposed merger. We will continue working with the Mergers & Acquisitions Committee on this topic.
4. **Regulation of broadband access.** We expect that “net neutrality” and the Federal Communications Commission’s revocation of the 2015 Open Internet Order will continue to receive national attention in the coming years.

## III. Long Term Plans to Strengthen the Committee

### A. Membership Plans

The Media and Technology Committee has a strong membership, with approximately 750 members in total and about 380 members in our LinkedIn group. In fact, our Committee has one of the larger memberships in the Section, with more members than any other industry-specific committee.

Going forward, the Committee will employ a variety of measures to sustain its membership, encourage new members to join, and enhance the level and quality of participation by both members and non-members. In our view, the best way to do so is to develop programming that addresses the most important or most debated competition and consumer-protection issues in media and technology industries, several of which we have identified above. Such programming engages members and, by expanding participation beyond the Committee, non-members. And it enhances the Committee’s reputation for thought leadership—creating a virtuous cycle of participation and program development.

Specific steps to enhance programming will include: (1) surveying Committee members and perhaps non-members on the topics they would like to see the Committee address; (2) exploring holding an open “town hall” meeting for both Committee members and other interested persons; (3) exploring the use of an advisory committee, which would consist of our most significant contributors and other selected members; and (4) developing programming with non-Antitrust Section entities, such as the ABA Section on Science & Technology Law, the ABA Section on Intellectual Property Law, and the Federal Communications Bar Association, whose membership’s interests overlap with those of our own members.

With regard to Committee publications, we will continue to recruit new contributors to our various publications, including in particular our biweekly e-Bulletin and our newsletter, *Icarus*. Our e-Bulletin has been one of the Committee’s strengths. It has been regularly published, biweekly for many years, by volunteer Committee members and overseen by a rotating Committee Vice Chair. The e-Bulletin has become our primary means of communicating with our members about timely developments in a frequent, systematic way. The Committee members involved have taken a major, active role and have been and should continue to be rewarded with greater Section leadership roles in the future, which will also enable new members’ active participation in Committee activities and scholarship. In recruiting new volunteers for the e-Bulletin, we will emphasize our need for younger lawyers, consumer-protection lawyers, and lawyers who practice outside the U.S. so that we can strengthen our coverage of consumer-protection and international developments.
A very important goal for the Committee is to diversify its membership, especially by increasing the numbers of members who practice outside the United States, in-house counsel, newly practicing lawyers, minority lawyers, and non-antitrust lawyers. In addition, we will seek to take advantage of the fact that our Committee leadership includes attorneys at the DOJ and Texas Attorney General to increase the number of government lawyers involved in our Committee. We discuss below specific proposals to achieve these objectives.

B. Past Weaknesses and Plans to Address

The primary challenges for our Committee have been: (1) finding the optimal strategy for communicating with our substantial Committee membership, particularly on the mobile devices and platforms on which they are most likely to read Committee content; and (2) creating unique programming to differentiate ourselves from other Section and external programming, given the popularity of media and technology antitrust issues.

We intend to address these challenges by continuing to improve and expand the Committee’s mechanisms for delivering information to our members in the most readily accessible format possible, and involving our members in Committee activities. Specifically:

- **Icarus.** The last issue of our newsletter, *Icarus*, featured four new Committee volunteers, including one of the editors. The primary authors and editor were all women, two of them lawyers outside the U.S. The articles concerned the European Commission’s Google Search (Shopping) decision, rebates under EU competition law, and the U.S. Supreme Court’s antitrust analysis of two-sided markets in *Ohio v. American Express*. While the issue was a success, it took a long time to produce and the Committee has struggled to produce one issue of *Icarus* per year. We are considering potentially shorter formats, which would both enable more timely publication and be more amenable to consumption on mobile devices. We also recognize that it is a crowded marketplace of information; we are exploring ways to highlight the content of our *Icarus* publications so that recipients can notice and access articles of interest more quickly.

- **Social Media.** We have set up a LinkedIn group to which we post content in addition to Connect. Going forward, we will develop a more sophisticated understanding of our members’ use of social media outlets and mobile platforms, most likely through a membership survey and an advisory committee that we are exploring. We will tailor our publications, programming, and other activities via those outlets used most frequently by our members.
C. Technology and Innovative Forms of Delivering Value to Our Members

The Committee actively contributes to the Section’s social media offerings through our LinkedIn account, where we post the same content as on Connect. We have continued the practice of assigning responsibility for our LinkedIn account to our Young Lawyer Representative. We use Connect primarily to distribute our e-Bulletin and announcements of upcoming programming. In addition, our members periodically post recent judicial and agency developments on Connect. We are considering how best to use Connect. In particular, we are trying to determine how frequently to post, given the number of other communications our members typically receive.