

FCC Proposes Rules for Captioning of Online Video - Important Considerations for TV Stations Putting Programming on the Internet

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Putting TV or cable programming onto the Internet may soon not be as easy as it once was, as the FCC has just issued its [Notice of Proposed Rulemaking](#) on the **captioning requirements for online video**. The proposals advanced by the Commission are summarized in [our firm's Advisory on the subject, here](#). These rules are proposed pursuant to a Congressional mandate that requires captioning of television programming that has already been captioned pursuant to an FCC rule, when that programming is later shown on the Internet. This obligation was adopted as part of the **21st Century Communications and Video Accessibility Act ("CVAA")** which, [among other things](#), looks to **make Internet video programming accessible to the hearing impaired**. Programming that has run on TV stations or cable systems, and is later delivered through the Internet, will apparently be under the captioning obligations, subject to any exceptions adopted by the FCC in this proceeding. The legislation requires that rules be adopted in January, and that implementation begin 6 months thereafter. Thus, there is a **very quick comment period - with comments due 20 days after the NPRM is published in the Federal Register, and replies 10 days later**.

The proceeding asks about who should be covered by the rules, and what exemptions to the requirements should be adopted. For instance, it asks whether the exemptions that apply to TV captioning (including exemptions for small channels with less than \$3 million in annual revenue) should be carried over to the Internet. The report also asks what devices should be covered by the regulations that will be adopted. Will these rules apply to smartphone and tablets, as well as to standard computer screens? It also asks a number of technical questions about how the captioning should be implemented, though the FCC does not propose any single captioning standard. These are all important issues for a requirement that may soon become a reality for traditional video providers looking to put their content online. Thus, review our [advisory](#) and the [NPRM](#) itself, and comment by the deadline that will soon be set. Obviously, where the FCC comes out on these questions may significantly impact the development of online video, and could set a precedent for a further expansion of the captioning obligations in the future. Watch this proceeding as it develops in coming months.

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