

Communications and Video Accessibility Act Regulatory Compliance Guide

Your Comprehensive Guide for Ensuring Compliance with Federal Communications Commission (FCC) Regulations Covering Disability Access Requirements under the CVAA



**Communications Law
Compliance Series**
from The CommLaw Group



**MARASHLIAN
& DONAHUE, PLLC**
THE *COMMLAW* GROUP

Communications and Video Accessibility Act (CVAA) Regulatory Compliance Guide:

*Your Comprehensive Guide for Ensuring Compliance with Federal
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OVERVIEW

The Twenty-First Century Communications and Video Accessibility Act of 2010 (the "CVAA" or the "Act"),¹ was enacted to ensure that people with disabilities have access to innovative communications technologies. This Guide identifies obligations of covered entities at all stages of product development starting with research and development. In addition, this Guide recommends steps covered entities should take to comply with the CVAA requirements, to protect themselves in case of an enforcement or complaint proceeding, and to position themselves competitively as a provider of compliant equipment and services.

About the Authors

Marashlian & Donahue, PLLC, [The CommLaw Group](#), is not your ordinary law firm. Together with [The Compliance Group](#), its affiliated consultancy, The *CommLaw* Group is a professional services "organization" that was specially designed and staffed to service the full-range of legal, consulting and compliance needs of the telecommunications, broadcast, information technology and Internet services and manufacturing industries. Boasting a vibrant and diverse communications law practice, The *CommLaw* Group currently serves hundreds of clients throughout the U.S. and internationally. The firm's loyal base includes clients of all shapes and sizes, from start-ups to Fortune 100 enterprises, and from practically every sector of the communications and info tech industries. The firm also serves the intellectual property, privacy, cyber-security, litigation and general business law needs of its clientele.

In 2005, anticipating the seismic shift in the market for effective, yet affordable legal services, The *CommLaw* Group set out to engineer its one-of-a-kind, "[Full Spectrum](#)" professional services business model. The ground-breaking processes developed by the firm enable it to provide value-driven, high-quality professional services that deliver business-savvy solutions for reasonable, predictable, task appropriate costs; all provided with the customer-friendly approach that has become the firms' hallmark characteristic.

The *CommLaw* Group is led by its founder and managing partner, Jonathan S. Marashlian, an AV Preeminent Rated, nationally-recognized expert in the areas of communications taxes, regulatory fees, regulatory litigation, audits, advocacy and defense. Winner of a SmartCEO Executive Management Award for his [innovation and leadership](#) in the legal profession, Mr. Marashlian also earned multiple [Client Choice Awards](#) by Lexology/International Law Office; named overall winner in the Telecommunications Law – USA category.

The *CommLaw* Group is the recipient of several ACQ Law and ACQ Global Awards and was named "Customer Service Law Firm of the Year" and "Best Communications Law Firm of the Year" in the U.S., and was profiled in the Wall Street Journal as one of Washington D.C.'s [Premier Law Firms](#).

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¹ Pub. L. No. 111-260, 124 Stat. 2751 (2010) (as codified in various sections of 47 U.S.C.).

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SAMPLE

INTRODUCTION

The CVAA and the Federal Communications Commission's ("FCC" or "Commission") regulations implementing provisions of the CVAA require that providers of advanced communications services ("ACS") and manufacturers of end user and network equipment used for ACS make their services and products accessible to and usable by people with disabilities unless it is not achievable to do so. Accessibility generally means that the control and mechanical functions of equipment and services must be operable by people with disabilities. Usable generally means that "individuals with disabilities have access to the full functionality and documentation for the product."² The rules apply to ACS providers,³ manufacturers of equipment used to provide ACS (including end user equipment, network equipment and software),⁴ and providers of applications or services accessed over service provider networks.⁵ Advanced communications services defined under the CVAA include: (1) interconnected Voice over Internet Protocol ("I-VoIP");⁶ (2) non-interconnected VoIP; (3) electronic messaging service; and (4) interoperable video conferencing service.⁷

The CVAA defines "interconnected VoIP service" as having the same meaning given the term under the FCC's rules, 47 C.F.R. § 9.3, as such section may be amended from time to time.⁸ The CVAA defines "non-interconnected VoIP service" as a service that "enables real-time voice communications that originate from or terminate to the user's location using Internet protocol or any successor protocol; and (ii) requires Internet protocol compatible customer premises equipment; and does not include any service that is an interconnected VoIP service."⁹ The term "electronic messaging" is defined as "a service that provides real-time or near real-time non-voice messages in text form between individuals over communications networks."¹⁰ Finally, "interoperable video

² 47 C.F.R. § 14.21(c).

³ 124 Stat. 2752, 104(b)(1); 47 U.S.C. § 716(b)(1).

⁴ 124 Stat. 2752, § 104(a)(1); 47 U.S.C. § 716(a)(1).

⁵ Pub. L. No. 111-260, 124 Stat. 2751, § 101; 47 U.S.C. § 153(53).

⁶ I-VoIP is generally subject to the accessibility obligations of Section 255 of the Communications Act of 1934, as amended. *See* 47 U.S.C. § 716(f). Section 255 applies to telecommunications and services classified as I-VoIP services and equipment offered as of October 7, 2010. 47 C.F.R. § 6.1.

⁷ 124 Stat. 2752, § 101; 47 U.S.C. § 153(53).

⁸ 124 Stat. 2752, § 101; 47 U.S.C. § 153(56).

⁹ 124 Stat. 2752, § 101; 47 U.S.C. § 153(58).

¹⁰ 124 Stat. 2752, § 101; 47 U.S.C. § 153(56).