

How Kelley Drye's Communications Group Supports Manufacturers

PRODUCTS, NETWORKS, SERVICES, AND TRANSACTIONS



Marketing, Importation, and Use of Manufactured Goods and Equipment That Generate Radiofrequency (RF) Energy

We assist companies involved in the manufacture, import, distribution, and retail chains of industrial, medical, and consumer electronic products that intentionally, or unintentionally, emit radio waves or utilize RF energy on the applicability of and compliance with Federal Communications Commission ("FCC") regulations that apply to the sale, resale, lease, and importation of such products. We have assisted enterprises in the automotive, computing, communications, healthcare, personal fitness, home appliance, power tool, aerospace and defense, and utility industry sectors with matters regarding equipment authorization (certification and Supplier's Declaration of Conformity); compliance testing; experimental licensing; sale, lease, and import restrictions and exceptions; operation of equipment and devices that emit or radiate RF energy; human exposure to RF energy and signals; and cybersecurity and other labeling.

Communications Services and Private Networks

We assist manufacturing enterprises with communications services contracting and resolving disputes that arise under communications services agreements with providers. We help ensure that any options manufacturers select to install their own private networks or communications equipment to support their manufacturing, assembly, and back office business operations comply with FCC licensing requirements, if applicable, and otherwise are structured to avoid, or at least minimize, regulatory obligations and burdens. If issues arise regarding RF interference with licensed communications networks, we assist in identifying pragmatic and cost-effective options.

Mergers and Acquisitions

We combine the firm's extensive corporate transactional experience with a thorough understanding of the FCC regulatory issues that merit examination during due diligence to assist companies, owners, and investors that are seeking to buy, sell, or invest manufacturing enterprises and businesses. When issues are identified, we help develop with practical solutions to reduce or eliminate the prospects that regulatory issues will hold up or prevent an advantageous transaction. We aim to ensure our client's interests, whether buying, selling, or investing, are protected through clear and unambiguous language in transactional documents addressing regulatory matters.

Federal communications regulatory compliance is often not the first thing that comes to mind for manufacturers, but issues can arise involving

- **The sale, lease, offering for sale or lease, and the import into the U.S. of products with electronics functions, such as those supporting Internet of Things features, machine-to-machine connectivity, and artificial intelligence capabilities**
- **The installation of private networks to support operations on the manufacturing floor or across enterprise campuses**
- **Interference from manufacturing systems and equipment into radiocommunications services**
- **The sale or acquisition of, or investment in, manufacturing businesses**

CONTACTS:

Chip Yorkgitis

Partner

cyorkgitis@kelleydrye.com

(202) 342-8540

Winafred R. Brantl

Senior Associate

wbrantl@kelleydrye.com

(202) 945-6649