

FCC Requires Closed Captions for Online Video Clips

July 17, 2014

On July 11, 2014, the FCC adopted a [Second Order on Reconsideration and Second Further Notice of Proposed Rulemaking](#) responding to a coalition of consumer groups that had pushed the FCC to reconsider its position and require that programming distributors (broadcast, cable, and satellite) include closed captioning for certain IP-delivered video clips. The new rules will apply to video clips only if the video clip was shown on television and then posted online to the programming distributor's own website or mobile app and do not apply to consumer-generated media. The Order sets forth a number of compliance deadlines:

- January 1, 2016: "Straight lift" clips - a single excerpt of a captioned program with the same video and audio as when the clip appeared on television
- January 1, 2017: Video montages that compile multiple straight lift clips
- July 1, 2017: Video clips of live and near-live television programming, subject to grace periods

Notably, the Order does not apply to clips in the distributor's online library that were posted online before the applicable compliance deadline. Further, the quality of captions must be at least as good as those on television. The Commission's release also includes a Second Further Notice of Proposed Rulemaking that seeks comment on four core issues:

1. The application of IP closed captioning rules to third-party distributors;
2. Whether to shorten or eliminate grace periods that apply to video clips of live or near live programming;
3. Whether to extend the rules to "mash-ups" of video clips from captioned programming and online only content; and
4. How to apply IP closed captioning rules to "advance" video clips that are posted online before being shown on TV.

The Commission's Order represents the latest step toward expanding access to digital technologies for those with disabilities, and Chairman Wheeler indicated that Friday's action is "just the beginning." As with the Commission's rules related to Advanced Communications Services ("ACS"), which we discussed previously in a [client advisory](#) and a [related blog post](#), this latest Order gives the FCC greater authority to regulate online content. Therefore, as distributors increasingly place their content online, they should remain mindful of the Commission's expanded jurisdiction.