

E-Reader Coalition Seeks Waiver of Disabled Access Requirements

August 8, 2013

On August 1, 2013, the Federal Communications Commission ("FCC" or "Commission") released a Public Notice seeking comment by September 3, 2013 on a petition for waiver from the disabled access requirements filed by a coalition of e-reader manufacturers (Amazon, Kobo and Sony Electronics). [In late 2011, the FCC released a Report and Order implementing provisions of the Twenty-First Century Communications and Video Accessibility Act of 2010 \("CVAA"\) to ensure that people with disabilities have access to advanced communications services \("ACS"\).](#) Providers of ACS and manufacturers of equipment used for ACS are required to make their products and services accessible to people with disabilities, unless it is not "achievable" to do so, by October 8, 2013. The FCC previously granted class waivers from the accessibility requirements to classes of IP-TVs, IP-DVPs, set-top boxes leased by cable operators and game consoles and software until October 8, 2015.

The Coalition seeks a class waiver from the accessibility requirements for e-readers, such as Kindles, on the grounds that such devices are designed, marketed and used primarily for reading and not for ACS, although they may include some simple browsing and messaging capabilities (e.g., to email documents for viewing on the e-reader). The Coalition proposes that the waiver apply only to devices that: (1) have no LCD screen; (2) have no camera; (3) are not offered or shipped to consumers with built-in ACS client applications, though the devices may include a browser and social media applications; and (4) are marketed to consumers as reading devices and promotional material does not advertise the capability to access ACS.