

FCC Internet Protocol (IP) Captioning Rules

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The FCC's rules for captioning of videos distributed via Internet Protocol (IP) were published in the Federal Register on March 30, 2012, thus starting the clock on the schedule for implementation. These rules are an outcome of the "21st Century Communications and Video Accessibility Act" which was signed into law in October of 2010. The rules cover only video previously captioned and distributed via broadcast, cable or satellite television. All deadlines and milestones are dated from the official publication of these rules in the Federal Register. A summary follows.

Content and distribution

- The following schedule is established for captioning of covered Internet-distributed programming:
 - 6 months (**Sept. 30, 2012**) for prerecorded TV programming not edited for Internet distribution;
 - 12 months (**March 30, 2013**) for live and near-live programming (recorded less than 24 hours before air time);
 - 18 months (**Sept. 30, 2013**) for prerecorded programming "substantially" edited for Internet distribution (i.e., not just changing advertising or sponsorship messages);
 - Additional milestones are provided for archival content, and programming already in the program distributor's online library, i.e.,
 - After two years (**March 30, 2014**), content already available on the Internet must be captioned if it is shown on TV again after that deadline; providers will have a 45-day grace period after re-airing to add captions to the Internet version; the grace period decreases to 30 days after three years (**March 30, 2015**), and 15 days after four years (**March 30, 2016**).
- Video programming owners (VPOs) must send caption files for IP-delivered video programming to video programming distributors (VPDs) and providers (VPPs) along with program files. The terms VPO, VPD and VPP are defined in the rules (with VPDs and VPPs considered to be essentially the same).
- Video clips are not covered, unless a previously broadcast and captioned full-length program is segmented and posted on the Internet in its entirety

in multiple clips.

- *De minimis* failures to comply will not be treated as violations.
- The SMPTE-Timed Text format is considered a "safe harbor" for use as an interchange and delivery format, though other technical standards are allowable.
- VPDs and VPPs must enable the rendering or pass through of all required captions to the end user, including through the hardware or software that a distributor or provider makes available for this purpose.
- VPOs, VPDs and VPPs must agree upon a mechanism to make available to distributors and providers information on video programming that is subject to the IP closed captioning requirements on an ongoing basis.
- VPOs must provide VPDs and VPPs with captions of at least the same quality (in terms of "completeness, placement, accuracy, and timing") as the televised captions for the same programming. Device manufacturers must also provide support for features equivalent to the DTV captioning user experience (see Device section below).
- VPDs and VPPs must maintain the quality of the captions provided by the VPO (no degradation of quality).
- Exemptions will be granted on a case-by-case basis upon proof of economic burden, considering four factors¹, in a public petition to the FCC, following a 30-day public comment period (during the pendency of the exemption request, captions will not be required). A detailed, full showing, supported by affidavit, of any facts or considerations is required to gain an exemption. The FCC will consider the overall budget and revenues of the individual outlet and its ability to provide closed captioning, and not simply the resources the petitioner chooses to devote to a particular program.

Devices and hardware

- Devices that receive and play back IP-delivered video programming, such as smartphones, tablets, personal computers, and television set-top boxes must support playback of captions. Hardware and/or software-based video players in these devices must support caption display with user-controllable features that mirror the DTV captioning experience (i.e., user

¹ (1) the nature and cost of the closed captions for the programming; (2) the impact on the operation of the provider or program owner; (3) the financial resources of the provider or program owner; and (4) the type of operations of the provider or program owner

control of fonts, sizes, text and background colors, etc.).

NOTE: The FCC has delayed the requirement for support of user configurable caption look-and-feel until January 1, 2014.

- "Integrated software" in covered devices must support display of captions (that is, software installed in the device by the manufacturer before sale or that the manufacturer requires the consumer to install after sale in order to enable video playback).
- Not covered (at this time; though may be revisited in the future) is third-party software that is downloaded or otherwise added to the device independently by the consumer after sale and that is not required by the manufacturer to enable the device to play video.
- Covered devices include those which can make recordings and/or which use removable (physical) media, such as DVDs and Blu-ray disk players. Also covered are devices from companies such as Roku and Western Digital and video game consoles.
- The rules make it clear that the ability to display English subtitles on DVDs is not a substitute for support for the decoding of closed caption data, not only because of the common addition of "non-speech information" in closed captions which are tailored to the needs of deaf and hard of hearing viewers, but also because the English subtitling feature on DVDs does not permit users to control the size, font, color and other caption features which are now required. However, the Commission is not requiring that the content of physical media, such as DVDs, be made accessible under these rules, only DVD players must be able to allow users to decode and control closed caption data display.²
- Video apparatus must either decode ("render") for display or pass-through closed caption data on each of their video outputs. Though not required to pass-through closed-caption data at this time, HDMI Licensing is "encouraged" to update the HDMI specification to allow for passage of closed caption data from video source devices to devices' HDMI inputs so that caption data can be decoded at the display (e.g., HDTV receiver) rather than at the source (e.g., cable set-top box).
- The rules allow for a "technical infeasibility" exemption for devices, not based on cost or undue burden, but substantiated by empirical evidence

² Since the Blu-ray disk specification does not include the ability to carry closed caption data, this section of the rules appears to be irrelevant to that platform.

or documentation.³

- Professional and commercial equipment are excluded as well as display-only monitors.
- No blanket waivers for devices are allowed nor are any device or class of devices exempt, except as noted above. Manufacturers of devices with screens less than 13" in diameter may request exemptions upon proof of lack of technically "achievable" support for captions.
- Existing television receiver closed captioning decoder requirements are modified to conform to new screen size and achievability provisions, with a compliance deadline, for all devices, of January 1, 2014 for devices.

Complaints

- A complaint procedure has been established, similar to the complaint process for DTV closed captioning.
- Contact information for closed caption complaints must be posted conspicuously on VPP/VPD web sites, though "on-call" contacts and responses are not required (as they are for DTV captioning).

³ "Technical infeasibility" cannot be based, for example, on insufficient processor or memory, or lack of appropriate standards such as for 3D video, since expanding the processor or memory or developing standards for a new product such as 3D video would be technically feasible absent additional evidence demonstrating the technical barriers to doing so.