

ALERT

Final Internet Closed Captioning Clip Deadline Hits July 1, 2017

June 9, 2017

The last of the FCC's phased-in IP Captioning clip deadlines hits July 1, 2017, and it is likely the most important for stations and networks. On or after that date, non-exempt video clips of programming aired within 24 hours of performance and recording, such as newscast clips, must be captioned online.

The IP Captioning clip rules flow from a 2014 rulemaking, and as with all closed captioning rules, there are some caveats and exceptions:

First, the rules provide a grace period: captioning online must be accomplished within 12 hours after TV publication for live (i.e. simultaneous) programming, and within 8 hours for near-live (i.e. not live, but aired within 24 hours) programming.

Second, live and near-live clips that are currently posted and that will be posted prior to July 1, 2017 do not need captioning. Third, the rules do not currently apply to "advance video clips," which are clips posted online after July 1, 2017 but before the clip airs on television. Finally, the rules apply only when video programming distributors (VPDs) post clips on their own website or app, not when the clip is posted by third-party websites.

Notably, several of the carve-outs are the subject of a 2014 Further Notice of Proposed Rulemaking on which the FCC has yet to act.

Should you have any questions with closed captioning compliance, please contact the attorneys on this alert.

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