

In-Flight Entertainment: Captions at Any Altitude



Presenter:

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Commission's Captioning Requirements

The FCC's requirements to caption video programming vary, depending on whether the programming is shown on television (e.g., via satellite) or via Internet protocol (IP).

(§ 713 of the Communication Act, 47 U.S.C. § 613.)



Commission's TV Captioning Rules

- 100% of all “new, non-exempt” programming shown on television must be captioned.
- 75% of older “pre-rule” programs (i.e., published or exhibited before 1/1/98 for analog programs, and before 7/1/02 for digital programs) must be captioned.

If via **television**, video programming must be captioned unless the programming falls under 1 of the 13 self-implementing categorical exemptions or can claim an exemption based on economic burden. (47 CFR §79.1.)



Commission's IP Captioning Rules

Full-length programming delivered via IP must be captioned if shown on television with captions:

Archived IP programming must be captioned if it was shown on TV with captions since March 30, 2014.

- It must be captioned within 15 days after the date shown on TV with captions.

IP video clips must be captioned if shown on TV with captions:

- If posted after 1/1/16 for straight lift clips (single excerpt of a program).
- If posted after 1/1/17 for montages of video clips (single file contains multiple video clips).
- If posted after 7/1/17 for clips of live or near-live television programming.

(See 47 CFR § 79.4. Exemption petitions based on economical burden may be filed under § 79.4(d).)



Captioning Quality Standards

- In February 2015, the FCC adopted rules governing the quality of closed captions on television. 47 C.F.R. § 79.1(j)(2).
- Captioning quality of covered Internet programming must be “at least of the same quality as the television captions provided for the same programming.” 47 C.F.R. § 79.4(c)(1)-(2).



Captioning Quality Standards (con't)

To comply with the caption quality rules, captions must be (to the fullest extent possible):

Accurate: Reflect the dialogue/sounds, and must identify speakers;

Synchronous: Correspond accurately with the dialogue/sounds, and at a speed that can be read by viewers;

Complete: Run from the beginning to the end of the program;

Be Correctly Placed: May not cover up other important on-screen information – e.g. character faces, text, graphics, or other information essential to the understanding or accessing of a program's content,



Captioning Responsibilities

- **§79.1 TV Captioning and Responsible Party:**
 - Video programming distributor (VPD) must ensure the closed captioning of non-exempt covered televised programming.
- **§79.4 IP Captioning and Responsible Parties:**
 - Video programming owners are responsible for captioning & sending program files with captions to VPDs.
 - VPDs are required to enable the “rendering or pass through” of all required captions to the end user.



Apparatus Captioning Requirements

§79.103: Apparatus Captioning-Enabled

- Effective January 1, 2014, all digital apparatus designed to receive or play back video programming transmitted simultaneously with sound must be able to display closed-captioned video programming, if technically feasible. Apparatus with screens less than 13 inches in size may be exempt if captioning is not achievable.
- Manufacturers and covered VPDs must ensure covered apparatus have specific technical capabilities as defined in CEA-708, and interconnections (video outputs must be capable of conveying from the source device to the consumer equipment the information necessary to permit or render the display of closed captions).



In-Flight Entertainment May Be Covered

- In the case of TV programming shown on aircraft, the Commission looks to:
 - Whether the programming is provided over the MVPD's network to determine whether the programming is covered by section 79.1, the TV captioning rule.
 - If the entity providing the programming intends for the programming to be distributed to residential households, the entity will meet the definition of a "video programmer" and will be covered by the captioning rules, even if the video programmer's programming also reaches devices, such as tablets and other mobile devices, that can be used outside the home.
 - For example, satellite-received IFE retransmitted to consumers may be covered under § 79.1, where the IFE operator is a VPD.



In-Flight Entertainment May be Covered

(Continued)

In the case of full-length video programming delivered using Internet protocol (IP), the Commission looks to:

- Section 79.4, the IP captioning rule.
- This rule requires closed captions if the programming was published or exhibited on television in the United States with captions after the applicable compliance deadline.
- This requirement covers programming delivered via IP, even when the aircraft's own private network is used.



IFE and the Commission's Rules

- Section 79.4 examples:
 - Video-on-demand (VOD) systems or live-TV systems may be covered if they distribute content to consumers via IP -- i.e., from the server on the plane to the consumer's personal electronics or seat-back screen, when an IP network is used.
 - VOD systems may also be considered to be delivered via IP if the content is transferred to the server in the aircraft via IP, but to consumers via another protocol (e.g., Firewire).
- 79.103: Video Programming Equipment
 - Additionally, all systems – VOD and live – may be covered if the network on the aircraft was manufactured after January 1, 2014 and transmits content to seat-back screens via IP.
 - However, if consumers view streaming content from a service unaffiliated with the IFE network/aircraft operators to their personal devices, neither the aircraft nor the IFE vendor has a closed captioning obligation as those fall to the device manufacturer and the unaffiliated VPD.



FCC Resources

- Subscribe to AccessInfo@fcc.gov.
- Visit FCC Disability Rights Office webpage:
<http://www.fcc.gov/cgb/dro>.
- Contact FCC DRO at:
 - DRO@fcc.gov (e-mail)
 - 844-432-2275 (VP)
 - 202-418-2517 (Voice)
 - 888-835-5322 (TTY)
- Online Complaint Form: www.fcc.gov/complaints.

