



28 May 2015

Office of Technical and Informational Services Access Board

1331 F Street NW, Suite 1000

Washington, DC 20004-1111

Dear Members of the Board,

Re: Comments of Mobile Manufacturers Forum, Docket No. ATBCB-2015-0002, RIN No. 3014-AA37

The Mobile Manufacturers Forum (“MMF”) submits these comments in response to the Architectural And Transportation Barriers Compliance Board (“Access Board”) Notice of Proposed Rulemaking (“NPRM”) on Information and Communication Technology (“ICT”) Standards and Guidelines.

The MMF is an international association of telecommunications equipment manufacturers with an interest in mobile or wireless communications, including the manufacturers of mobile handsets and wireless devices as well as the manufacturers of the network

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infrastructure. MMF shares the Access Board’s concern for improved accessibility and consumer awareness of the accessibility features that are provided within devices. To this end we have developed the Global Accessibility Reporting Initiative (“GARI”) providing consumers with a detailed overview of the accessibility features of hundreds of mobile devices available in the United States. GARI is accessed at www.gari.info while further information on the MMF can be found on our website at www.mmfai.org.

The MMF wishes to place on record our general support for the approach adopted by the Access Board in the NPRM and in particular the efforts to harmonize with the European accessibility standard for procurement, ETSI EN 301 549. The MMF believes that greater harmonization of accessibility requirements will lead to improved consumer experiences as well as product development and design efficiencies. The Access Board has also recognized the value of harmonization in the discussion on the Regulatory Impact Assessment, and to this end, the MMF would recommend to the Access Board that the harmonization effort with ETSI EN 301 549 be completed in relation to the requirement for Real Time Text (“RTT”) in provision 410.6.

I- COMPLETE HARMONISATION OF RTT REQUIREMENTS WITH EUROPE PROVIDES A BETTER APPROACH.

“(T)he Board believes that RTT is sufficiently mature as a technology (and has

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sufficiently proliferated in the current ICT marketplace) to warrant coverage”¹.

This statement would seem to equally argue against coverage in the NPRM given the market has not demonstrated any specific failure and conversely provides several mainstream equivalent applications and services such as real-time instant messaging. In view of the absence of a clear market failure, the current proliferation of text-based messaging solutions, and the absence of a compelling usage case that would clearly justify mandating the proposed requirement across all ICT with two-way voice communications, the MMF urges the Access Board to revise its approach to align more closely with that of the ETSI EN 301 549 standard which provides industry with the flexibility necessary to support innovative solutions as technology and standards evolve.

The benefit of the ETSI EN 301 549 approach lies in the flexibility that it provides for a solution that best suits the individual. In that sense, the requirement for RTT to be provided as either “a factory default or added later”² allows the individual a greater degree of choice as to which platform and/or software that best suits their particular needs, rather than having one essentially mandated for them by the Access Board. ETSI EN 301 549 also provides for a wider range of implementation options than does 410.6 through referencing a number of standards rather than just RFC 4103 providing industry with the flexibility

¹ NPRM, Federal Register, Vol. 80 No. 39, Friday, February 27, 2015 at 10880

² ETSI EN 301 549 section 6.3.1.1 Note 1

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required to utilize appropriate technology standards applicable to each product category of ICT. The combination of both elements means that while the functional expectations are clear, the methodology and implementation is left to the manufacturer and the market to decide.

The Access Board argues that the prescription of only one standard, RFC 4103, is justified because the ETSI EN 301 549 references a number of standards, some of which “are not applicable to the type of technology used in the United States”. The MMF believes that this is rather short sighted. While this statement may be true today for some of the reference standards cited, it certainly may not be true tomorrow. More fundamentally, the limitation imposed by specifying one only standard is more likely to hamper future innovation in this space, something which is not in the interests of those it is designed to assist.

The MMF also notes that the official status of RFC 4103 is that of only a “Proposed Standard”³ rather than a finalized one, and that RFC 4103 has not been universally accepted even in the United States.⁴ Both are important issues to resolve, especially the latter, as this seems to undermine one of the arguments put forward by the Access Board in justifying RFC 4103.

³ http://www.rfc-editor.org/search/rfc_search_detail.php?rfc=4103&pubstatus%5B%5D=Any&pub_date_type=any

⁴ See discussion of the XMPP standard XEP-0301 in Section V-D, NPRM

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In view of the above comments, the MMF would encourage the Access Board to revisit this particular aspect of the NPRM with a view of promoting true global harmonization by exact alignment in the language and approach used by ETSI EN 301 549. Such an outcome will serve the interests of the deaf community far better in the long term than the approach currently proposed in the NPRM.

II- CONFINE SECTION 255 GUIDELINES TO THE SCOPE PROVIDED BY STATUTE.

The MMF is concerned about the rather ambitious expansion of scope that appears in the NPRM whereby the Board proposes that its section 255 guidelines should encompass any software or content “associated with the use” of covered telecommunications equipment⁵. Furthermore, the Board also proposes that manufacturers “shall ensure that *ICT* (a broader category than telecommunications equipment) is accessible to and usable by individuals with disabilities....”⁶ The MMF believes that this scope is broader than the authority granted to the Access Board under section 255, and in this respect fully supports the proposals put forward by Information Technology Industry Council (“ITI”) and urges the Board to clarify in its final regulations that the section 255 guidelines are restricted to the “accessibility of

⁵ Proposed C201.1 Scope.

⁶ Proposed C201.3 Access to Functionality.



telecommunications equipment and customer premises equipment.”⁷

III – CONCLUSIONS

The MMF supports most of the elements in the NPRM, but in relation to RTT we believe that the rationale for mandating it equally justifies an alternative view that the market has already provided a range of solutions. That said, and in recognition of the recently finalized ETSI EN 301 549, the MMF would urge the Access Board to fully align its RTT requirements with the language and approach adopted therein. ETSI EN 301 549 provides greater flexibility in terms of either building RTT in or adding it later and also provides for a number of standards that the technology can be built upon, thus encouraging, not limiting future innovation in this space.

Finally the MMF is concerned by the apparent expansion of scope of the section 255 guidelines that are now being sought to apply to a wider category of ICT equipment than what section 255 covers. The MMF supports the comments of the ITI in this regard, and urges the Access Board to revisit both this and the approach to RTT as outlined above.

The MMF wishes to thank the Access Board for its consultation and the opportunity to

⁷ 47 U.S.C. 255 (e)



**Mobile Manufacturers
Forum**

provide our views on these important issues.

Yours sincerely,

Michael Milligan
Secretary General

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