



- An increasing number of individuals who are deaf or hard of hearing are challenging the absence of closed captioning as a violation of the Americans with Disability Act (ADA).
- Companies placing video on their websites should consider whether they need to include closed captioning under the ADA.



Website accessibility under the ADA continues to be a trending legal area, with multiple complaints filed against companies each week. Although most complaints allege that a website violates the ADA for failing to be accessible for users who are blind or visually impaired, an increasing number of complaints allege that online video without closed captioning violates the ADA. These plaintiffs assert that the failure to provide closed captioning makes the videos inaccessible to individuals who are deaf or hard of hearing. In March and April 2018, more than 25 complaints were filed in federal courts across the country alleging that a failure to provide closed-captioning violates the ADA. Title III of the ADA generally requires that places of public accommodation provide equal access to the goods and services they offer. The DOJ has not issued rules regarding website accessibility, but various courts have held that the ADA requires certain websites to be accessible to people who are blind and visually-impaired. Some courts have held there must be a nexus between the website and a physical place of public accommodation, but other courts do not require such nexus. Because plaintiff's lawyers continue to focus on this area, companies will want to pay attention to the accessibility of their websites, including closed captioning.

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