

Showing at CES? Make Sure You Comply With FCC Rules

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The Consumer Electronics Show (CES) in Las Vegas will showcase thousands of new products, nearly all of which are subject to Federal Communications Commission (FCC) approval requirements. While the FCC does not require products to be approved before they can be shown at trade shows, it has specific rules intended to protect prospective purchasers and to ensure that unapproved products are not sold. These rules apply whether a product is being demonstrated or merely displayed, and to devices subject to any kind of FCC approval, including the Supplier's Declaration of Conformity. The FCC has imposed fines on exhibitors at CES in the past for failing to comply with these rules.

Displaying products at a trade show

- If a product has been authorized and is in production, you can display (and sell) the final production version of the product without any additional signage or disclaimers.
- If a product has been authorized, and you display a prototype, it must be labeled with the following language: "Prototype. Not for Sale."
- If the product has not been authorized, you must have a conspicuous notice near the product that reads as follows: "This device has not been authorized as required by the rules of the Federal Communications Commission. This device is not, and may not be, offered for sale or lease, or sold or leased, until authorization is obtained."

Product demonstrations at a trade show

- If a product has been authorized and is in production, you can demonstrate (and sell) the final production version of the product without any additional signage or disclaimers.
- If a product has not been authorized, you can demonstrate it if you meet the following conditions:
 - The product is operated at power levels that are permissible for an unlicensed device under the FCC's rules.
 - The product must be retrieved or destroyed after the demonstration is complete. You cannot give it to a prospective customer for a trial (or to anyone else) or sell it.
 - The product must operate in compliance with all FCC rules (including rules that have been adopted but are not in effect) or waivers that are in effect for that product.
 - You must either:
 1. Display the language shown above for products that have not been authorized conspicuously on the product or close to it.
 2. Give prospective buyers a written notice saying that the product is subject to the FCC's rules and will comply with the relevant rules before it is sold.

Remember that unlicensed devices always are required not to cause harmful interference and not to accept harmful interference from other devices. If you receive a complaint about interference, you must stop operating the product.

For more information about displaying and demonstrating FCC-regulated products at trade shows, please contact one of the Cooley communications lawyers below.

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Key Contacts

Henry Wendel Washington, DC	hwendel@cooley.com +1 202 776 2943
J.G. Harrington Washington, DC	jgharrington@cooley.com +1 202 776 2818

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