



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC

May 25, 2018

Mike O’Rielly
Commissioner

Devin Wenig
President, CEO, Director
eBay
2065 Hamilton Ave.
San Jose, California 95125

Jeff Bezos
Chairman and CEO
Amazon
410 Terry Ave. North
Seattle, WA 98109

Gentlemen:

I am writing because certain manufacturers of video television set-top boxes are either failing to comply with Federal Communications Commission (FCC or Commission) equipment authorization requirements or falsely using FCC branding on their devices. Although sufficiently disturbing on its own, these devices are particularly problematic as they are perpetrating intellectual property theft and consumer fraud. While the Commission has obligations on our end to prevent unauthorized set-top boxes from being available no matter their use, I seek your partnership in helping to remove these illegal products from the stream of commerce.

By way of background, the FCC logo, or , is affixed to electronic products that have been authorized using the FCC’s Supplier’s Declaration of Conformity as a prerequisite to being lawfully marketed in the United States. The logo is intended to demonstrate compliance with the Commission’s equipment authorization requirements, including electromagnetic interference limits. Equipment authorization is mandatory for part 15 devices, including set-top boxes, and must either be affixed in a conspicuous location or utilize electronic labels.

Disturbingly, some rogue set-top box manufacturers and distributors are exploiting the FCC’s trusted logo by fraudulently placing it on devices that have not been approved via the Commission’s equipment authorization process. Specifically, nine set top box distributors were referred to the FCC in October for enabling the unlawful streaming of copyrighted material, seven of which displayed the FCC logo, although there was no record of such compliance. Many of these sellers are attempting to distribute their non-compliant products through online marketplaces such as yours. Although outside the jurisdiction of the Commission, it is equally troubling that many of these devices are being used to illegally stream copyrighted content, exacerbating the theft of billions of dollars in American innovation and creativity.

First, I recognize that both of your companies have taken proactive steps to remove devices that are marketed as facilitating piracy from your websites, and that any participation by your companies in selling non-compliant devices is unintentional. I also am aware that Amazon has prevented the sale of tens of thousands of unlawful devices that the company becomes aware of through automated proactive detection, preventative investigations, and notices of infringement from rights holders. eBay, for its part, also removes devices that are reported as infringing from rightsholders and actively removes devices with red flag phrases like “never pay another cable bill” or “fully loaded” that suggests an infringing purpose.

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Unfortunately, despite your good work in this area, devices continue to make it to consumers through your websites. Many of these devices contain harmful malware that will most certainly be passed on to the consumer. Moreover, the consumer may unwittingly believe that the device is lawful since they were able to purchase it from a legitimate company.

For these reasons, I am seeking your further cooperation in assisting the FCC in taking steps to eliminate non-FCC compliant devices or devices that fraudulently bear the FCC logo. Moreover, if your company is made aware by the Commission, with supporting evidence, that a particular device is using a fraudulent FCC label or has not been appropriately certified and labeled with a valid FCC logo, I respectfully request that you commit to swiftly removing these products from your sites. If this situation arises, I also ask that you provide information involving the manufacturers, distributors, and suppliers to the Commission.

Thank you in advance for your partnership in upholding the Commission's equipment authorization process and fighting IP theft and consumer fraud. I look forward to working with your companies on this important topic.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. O'Rielly".

Michael O'Rielly