

Example language for SDOC and Indemnification

Date: July 10, 2001

Source: Tim Jeffries
ACTA Director

Recommendation:

ACTA approve the enclosed example language for a Supplier's Declaration of Conformity, and Statement of Indemnification and Liability. The example language will be included in the *ACTA Guidelines & Procedures for Terminal Registration* document.

Background:

To ensure consistency in the information provided by responsible party's utilizing the SDoC methodology, example language has been developed to assist in the creation of an ACTA acceptable SDoC, and statement of indemnification and liability. Party's filing under a SDoC will be encouraged to follow the examples provided.

Supplier's Declaration of Conformity

Reference Number: _____

Place of Issue: _____

Date of Issue: _____

<Responsible party> located at *<company address>* hereby certifies that the *<product name and model number>* bearing labeling identification number *< labeling number based on TIA TSB-168 >* complies with the Federal Communications Commission's ("FCC") Rules and Regulations 47 CFR Part 68, and the Administrative Council on Terminal Attachments ("ACTA") adopted technical criteria *<specification number, title, revision, and date of issue>*.

Submitter note: insert the following (if applicable) for a telephone compliant with §68.316.

<Responsible party> hereby asserts that the *<product name and model number>* complies with §68.316 of the FCC Rules and Regulations defining Hearing Aid Compatibility (HAC) and, as such, is deemed compatible with hearing aids.

Submitter note: insert the following (if applicable) for a telephone that is not compliant with §68.316.

<Responsible party> hereby issues notice that the *<product name and model number>* is not compliant with §68.316 of the FCC Rules and Regulations defining Hearing Aid Compatibility (HAC). Accordingly, the FCC prohibits the use of this product in certain locations, such as, *<insert list of locations per §68.112>*.

Submitter note: insert the following if multiple listings are required as specified in §68.324(b).

<Responsible party> hereby asserts that the *<product name and model number>* is designed to operate in conjunction with other equipment, the characteristics of which can affect compliance of the *<product name and model number>* with Part 68 Rules and Regulations and/or with technical criteria adopted by the ACTA. The other equipment is *<list all product name(s) and model number(s)>* and the *<Supplier's Declaration of Conformity or Telecommunications Certification Bodies certificate(s)>* relevant to each product listed are enclosed.

Additional information on the *<product name and model number>*, and a copy of this statement, can be found on our website at *<enter URL>*.

<Name of company officer>

<Function of officer>

<Signature>

Date

ACTA Secretariat
c/o ATIS
1200 G Street, NW
Suite 500
Washington, DC 20005

RE: Statement of Indemnification and Liability for the *<inset product name, model number, and labeling number>*

ACTA Secretariat:

<Responsible party> hereby indemnifies and hold harmless the Administrative Council for Terminal Attachment (“ACTA”), its members, affiliates, Secretariat, and Sponsors, and each of their officers, directors, employees, participants, agents and representatives (the “ACTA Parties”), of and from any and all liabilities, losses, costs, damages, claims, suits or expenses (including reasonable attorneys’ fees and costs) of any kind whatsoever, arising from or relating to the above-referenced Product or *<Responsible Party’s>* Declaration of Conformity submitted to ACTA in connection therewith.

<Responsible party> hereby acknowledges and agrees that ACTA, and the ACTA Parties shall not, and do not, assume, and expressly disclaim, any and all liability, responsibility and obligation in connection with any loss, damage or claim arising from or relating to, in any way, ACTA’s marketing, publication, distribution or other use of any information relating to or concerning the Product, including without limitation in connection with any claims or liabilities sounding in contract, tort (including negligence or strict liability), or otherwise, and in no circumstances shall ACTA or the ACTA Parties be liable for any loss of profits, lost of use, loss of production, loss of goodwill, or incidental, direct, indirect or consequential damages of any kind.

<Responsible party> certifies that during the period this declaration is in effect, liability insurance in excess of two million dollars will be maintained. This policy’s limits will cover claims or suits arising from the specified product.

Pursuant to §68.348 of the FCC Rules and Regulations, no changes will be made to the above referenced product or its protective circuitry that would result in any change in the information contained in the corresponding Supplier’s Declaration of Conformity (SDoC) *<insert SDoC Reference Number>*.

<Name of company officer>

<Function of officer>

<Signature>