

Wi-Fi Interference Is Illegal

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On January 27, 2015, the Federal Communications Commission (“FCC”) issued an “Enforcement Advisory” warning that Wi-Fi blocking is prohibited. Section 333 of the Communications Act (47 U.S.C. §333), as amended, provides the statutory basis for this prohibition. Violators may be subject to substantial monetary penalties, seizure of unlawful equipment, and criminal sanctions including imprisonment. As one business discovered, civil penalties for violating this law can be significant.

In 2014 the FCC Enforcement Bureau conducted an investigation into the activities of Marriott International, Inc., concerning Wi-Fi blocking. The investigation culminated in a Consent Decree and Marriott agreeing to pay a civil penalty of \$600,000.

In the Marriott investigation by the FCC it was found that Marriott deployed a Wi-Fi de-authentication protocol to deliberately block consumers who sought to connect to the Internet using their own personal Wi-Fi hot spots. Marriott admitted that the customers it blocked did not pose a security threat to the Marriott network and agreed to the settlement with the FCC and payment of the \$600,000 civil penalty.

Under current law, the bottom line is that no hotel, convention center, or other commercial establishment, or the network operator providing services at such establishments, may intentionally block or disrupt personal Wi-Fi hot spots on such premises, including as part of an effort to force consumers to purchase access to the property owner’s Wi-Fi network. Such action is illegal and violations could lead to the assessment of substantial monetary penalties, seizure of unlawful equipment, and criminal sanctions including imprisonment. General information about the prohibitions

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against the operation, marketing, or sale of any type of jamming equipment, including devices that interfere with Wi-Fi, cellular, or public safety communications is available at the FCC’s website at <http://www.fcc.gov/encyclopedia/jammer-enforcement>.

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