

Sony Music gets ahead of ADA lawsuits pertaining to Web Content Accessibility as celebrities start the legal battle.

INTRODUCTION

Sony Music is a global recorded music company headquartered in New York, New York, USA. The company's roster includes local and international musicians with a catalog of some of the best music in history. Sony Music is home to over 40 record labels including Arista, Columbia, and RCA.



SONY MUSIC

PROBLEM

Music industry professionals are being named in ADA compliance and discrimination lawsuits, as websites are failing to meet minimum web accessibility standards. From 2017 to 2018, the number of ADA compliance lawsuits filed in federal court increased by 177%. This trend continues through 2019, with some of the music industry's most famous entertainers being named in lawsuits.

Parkwood Entertainment, LLC, the agency owned by multi-platinum recording artist, Beyonce Knowles-Carter, was named in a class-action lawsuit in January of 2019. The lawsuit claims "the one and only form of entertainment that truly presents an even playing field between the visually-impaired and the sighted is music." The class-action suit is calling for changes in policies and procedures which will require Parkwood to make Beyonce.com accessible to blind and visually-impaired consumers. The plaintiff is also suing for compensatory damages for having been subjected to unlawful discrimination.

The Americans with Disabilities Act was signed into law in 1990 but the almost 30-year-old law is as prevalent as ever. Website accessibility lawsuits account for the majority of ADA lawsuits filed in 2018. As the Internet Economy evolves this will continue to be a leading and growing legal issue for all industries who have a public-facing web site and particularly those sites who have any type of site providing goods or services as a function of the internet economy. ADA compliance lawsuits have been brought against many major retailers including Target, Winn-Dixie, Barney's, and Amazon to name a few.

SOLUTION

Sony Music contracted Devvly, LLC to perform an accessibility audit and to execute corrective measures. Devvly utilized a two-part strategy to begin bringing two of Sony's subsidiary websites into compliance by meeting WCAG 2.1 (Web Content Accessibility Guidelines) standards. The strategy included the use of human and machine analysis to identify and correct non-compliant issues.

Devvly's Two-Part Process

PHASE I

The initial phase of the accessibility audit included a software assessment of the site which tests the web properties against the WCAG2.1 standards. This review produces a high-level report to serve as the basis for manual testing.

PHASE II

Phase two involved making initial code corrections based on the initial audit findings. Once this was done manual/user testing of the site were performed. Testers simulate how a user with disabilities might navigate a website and its functionality. The results of these tests are then provided to programmers to update if the corrections did not meet both the machine assessment and the user evaluation.

Periodic updates continue through the life of a website which is followed by rescans of the accessibility standards to ensure that the site remains compliant, to track progress over time and to use data to drive improvements.

The review for Sony Music's site was staged to address all Level A issues first then additional scans and reviews continue to be conducted to bring the sites up to AA Level compliance



OUTCOME

In partnering with Devvly, LLC to bring two sites up to WCAG2.1 Level AA compliance, Sony Music has reduced their risk for costly litigation. Most web accessibility compliance lawsuits are identifying Level AA as universally standard level of compliance. While ADA lawsuits do not allow for compensatory damages, as in the case against Parkwood Entertainment, Beyonce's company, the defendant claims unlawful discrimination and is seeking damages for herself and others impacted by the alleged discrimination. Pre-emptive corrective measures can cost a company as little as a few thousand dollars whereas corrective measures required by a legal finding has run in excess of \$250,000. These costs do not account for the legal expense related to web accessibility which are purported to range in fees from \$4,000 to \$100,000.

Within the United States it is estimated that a quarter of the population has a disability. In creating accessible websites Sony Music directly increases the number of users that can visit the sites. Site visits and clicks impact ranking in search engines. Google has already begun development of an automated accessibility standards assessment with their Lighthouse project and since accessibility standards so tightly align with site performance and best practices

WCAG compliance is already impacting site rank. The development community at large is expecting google to formalize WCAG standards a component of their search engine algorithm.



Sony Music has invested in creating accessibility compliant websites that are welcoming to all of its consumers and mitigated risks. This has positioned Sony as an inclusion leader in the music industry and they have ensured their web assets will continue to rank first in Google organic search.

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