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In the area of equal access to the Internet for people with disabilities, my colleagues and I have been engaged in complex litigation using the Americans with Disabilities Act (ADA). But this litigation often has been more contentious than it should be. This is because, in my view, there is a huge potential market share available to web-based retailers and others from the consumer segment including people with disabilities, and indeed a competitive loss from not affirmatively addressing the needs of these consumers (see articles in support at <http://bbi.syr.edu>).

In the pending and widely publicized US legal case, National Federation for the Blind (NFB) versus Target Stores, the plaintiffs prevailed from a preliminary ruling by the court that they could proceed to demonstrate the Target website is not accessible. But this showing must be made under circumstances where purchases at Target's physical stores are linked to Target's website activity. Thus, to the extent a person with a disability who is blind regularly buys items via the target.com website and then goes to collect them at the Target stores (i.e., a relationship or nexus between the physical store and the web site), the litigation could proceed under the ADA.

In the United States, as well as abroad, such legal questions have far-reaching implications. Interestingly, other anti-discrimination disability laws like those in the United Kingdom and Australia have written into their legislation that the web is covered as a place of accommodation regardless of whether there is a nexus to a physical store. The next generation question in the United States is whether those retailers who do not have physical store locations, but sell solely off the web, are covered by the anti-discrimination ADA law as well.

On the international front, there is another important issue pending. In the United States, there was a recent case decided by the Supreme Court that held Norwegian line cruise ships, which are foreign companies, when docked in United States waters to pick up passengers are covered by the ADA. Therefore, these ships were required to be

accessible and have accessible services for persons with disabilities, for instance ramps for those using wheel chairs. The next generation question, therefore, from this line of reasoning will be whether foreign entities doing business in United States “cyber waters,” as a kin to the Norwegian cruise ship case, will be required under the ADA to make their websites accessible for use by people with disabilities.

In closing, prior study shows it makes economic sense to make websites accessible to all people, people with and without disabilities. Often times, litigation in this area is over a broader legal principle. Yet, major corporations understand the market share opportunities from making their website accessible to consumers with disabilities. It is my hope that in short order, the points of dispute will be muted due to this growing economic reality. The important issue remains as to whether website accessibility, in the absence of litigation, may be integrated into American and other countries’ policy as part of the new generation of disability anti-discrimination laws around the world.