



Writers Guild of Canada

## INTERNET SERVICE PROVIDERS SUBJECT TO BROADCASTING ACT, CREATIVE COALITION TELLS SUPREME COURT

*“At stake is the integrity and vibrancy of the Canadian broadcasting system,” Coalition tells highest court*

**January 16, 2012, OTTAWA** – The Canadian creative community and Internet Service Providers (ISPs) appeared in front of the Supreme Court of Canada today to contest the issue of whether ISPs should be subject to the *Broadcasting Act* when they provide their subscribers with access to video programming. At stake is whether the Canadian Radio–television and Telecommunications Commission (CRTC) has the authority to regulate ISPs in a manner that furthers the objectives of the Act.

“This case is about ensuring the integrity and vibrancy of the Canadian broadcasting system – a system that continues to evolve and that Canadians have built through sound public policy,” the Creative Coalition, an umbrella alliance of organizations including actors, directors, producers and screenwriters, said in a joint statement.

After conducting a review of its policies regarding broadcasting on the Internet, the CRTC referred the legal question of whether ISPs can be considered “broadcasting undertakings”, as defined under the Act to the Federal Court of Appeal. While the Federal Court of Appeal held that ISPs are not “broadcasting undertakings”, the Supreme Court of Canada granted the Coalition leave to appeal and heard the case earlier today.

The Creative Coalition argued that Parliament had always intended that the *Broadcasting Act* be applied in a technology neutral manner.

“Broadcasting is evolving as more and more Canadians watch television on their computers and flat screen TVs via their Internet connection,” continued the Creative Coalition in its statement. “Contrary to the assertions of the ISPs, the CRTC has the tools under the *Broadcasting Act* to evolve with the broadcasting system it regulates.”

**Members of the Creative Coalition:**

**Alliance of Canadian Cinema, Television and Radio Artists (ACTRA):** ACTRA is the national organization of 22,000 professional performers working in the English-language recorded media in Canada.

**Canadian Media Production Association (CMPA):** The CMPA is a non-profit trade association that represents almost 400 film, television and interactive media production companies across the country.

**The Directors Guild of Canada (DGC):** The Directors Guild of Canada is a national labour organization that represents key creative and logistical personnel in the film, television and digital media industry. Its membership includes over 3,500 individuals drawn from 47 different occupational categories covering all areas of direction; production; editing; and design of film, television and digital media production in Canada.

**The Writers Guild of Canada (WGC):** The Writers Guild of Canada (WGC) represents more than 2,000 professional English-language screenwriters across Canada. These are the creators who write the Canadian entertainment we enjoy on our televisions, movie screens and digital platforms.