



Writers Guild of Canada

CREATIVE COALITION DISAPPOINTED BY SUPREME COURT DECISION ON ISPs

"Principles of the Broadcasting Act are sound but their application remains inconsistent"

February 9, 2012, Toronto – The Canadian creative community today expressed its disappointment with the Supreme Court of Canada's decision to uphold a Federal Court of Appeal ruling that Internet Service Providers (ISPs) cannot be considered 'broadcasting undertakings.'

The Coalition, an alliance of national organizations representing Canadian actors, directors, producers and screenwriters, maintains that the principles of the *Broadcasting Act*, and the policy goals it sets out for a strong Canadian culture, must be technology neutral and apply as media evolves to all those involved in broadcasting – including ISPs. The principles of the *Broadcasting Act* continue to be sound but, with this decision, their application remains inconsistent.

The CRTC had referred the legal question of whether ISPs can be considered 'broadcasting undertakings,' as defined under the *Broadcasting Act*, to the Federal Court of Appeal in 2009. 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 this past January.

The creative Coalition had argued before the Supreme Court that Parliament had always intended that the *Broadcasting Act* be applied in a technology neutral manner. In doing so, the coalition sought to ensure that the CRTC had the regulatory tools it needs to pursue the social policy goals under the *Broadcasting Act*.

The Coalition will continue to press for solutions to ensure that all those involved in broadcasting, including ISPs, have a regulatory responsibility to contribute to the Canadian broadcasting system.

-30-

For further information, please contact:

David Kinahan, Writers Guild of Canada, d.kinahan@wgc.ca; 416-797-7907 x5234

Carol Taverner, ACTRA, ctaverner@actra.ca; 416-644-1519

Anne Trueman, Canadian Media Production Association, anne.trueman@cmpa.ca; 613-688-0951

Alexandra Sosa, Directors Guild of Canada, asosa@dgc.ca; 416-416-949-4194

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.