

Frequently Asked Questions

3. Our company distributes content over the Internet. Are we required to comply with Canadian Radio-television and Telecommunications Commission (CRTC) regulations for broadcasters?

Not all “content” is treated as “broadcasting”; the term is defined by the *Broadcasting Act*. But even for broadcasting content, if it is delivered and accessed only over the Internet, or delivered using point-to-point technology and received by way of mobile devices, it will likely benefit from an exemption that is available. The most recent version of the CRTC’s “New Media Exemption Order” was issued in 2012 and provides that digital media broadcasting is not required to be licensed, to be Canadian-owned and controlled, and is not subject to the content rules that apply to traditional broadcasters.

However, if broadcasting content is distributed over the Internet *and* through traditional means, e.g. over-the-air programming, or specialty programming services delivered by cable or direct-to-home distribution services, CRTC rules do impose some limitations on Internet distribution, to ensure fairness to the various distributors. Businesses claiming the benefits of the exemption may not give any “undue preference” to themselves or other entities. There are also certain filing requirements, to enable the CRTC to monitor broadcasting in digital media. For these reasons, you should seek specialized legal advice on whether you are required to comply with the CRTC’s broadcasting regulations. For specific legal advice contact Carol Anne O’Brien at caob@caobrienlaw.com or (416) 640-7270.