

**FEDERAL COURT OF APPEAL**

Between: John Schoales (Applicant)

-and-

Canadian Radio-television and Telecommunications Commission (Respondent)

**APPLICANT MOTION RECORD**

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(Moving Party)

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Between: John Schoales (Applicant)

-and-

Canadian Radio-television and Telecommunications Commission (Respondent)

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Between: John Schoales (Applicant)

-and-

Canadian Radio-television and Telecommunications Commission (Respondent)

**NOTICE OF MOTION**

*Pursuant to Rule 369.2 of the Federal Court Rules*

TAKE NOTICE THAT John Schoales will make a motion to the Federal Court of Appeal under rule 369.2 or the Federal Court Rules.

**THE MOTION IS FOR:**

1. Leave to appeal Broadcasting Regulatory Policy CRTC 2025-299 - The Path Forward — Defining "Canadian program" and supporting the creation and distribution of Canadian programming in the audio-visual sector issued by the Canadian Radio-television and Telecommunications Commission (the "CRTC" or "Commission") on November 18, 2025.
2. An order extending the time for bringing this motion pursuant to Rule 8 of the Federal Court Rules;
3. Costs of this motion; and
4. Such further and other relief as the Court may deem just.

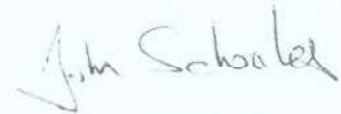
## **THE GROUNDS FOR THE MOTION ARE:**

1. The Federal Court of Appeal may grant leave to appeal under Section 31(2) of the Broadcasting Act.
2. The definition of 'Canadian' used by the Commission is contrary to the Canadian Human Rights Act that prohibits discrimination based on race or national origin. It is also notable that the human rights codes of all provinces prohibit discrimination based on race and on place, ethnic, or social origin; four prohibit discrimination based on nationality; and one prohibits discrimination based on citizenship.
3. While the Commission's definition of 'Canadian' does not explicitly discriminate against specific national origins or races, the definition is consistent with the Canadian Human Rights Commission's description of systemic bias that effectively discriminates against people whose origin is not Canada and who are racialized.
4. Systemic and cultural barriers to the immigration of audiovisual industry workers and other culture sector workers are contrary to the objective of the Immigration and Refugee Protection Act to permit Canada to pursue the maximum social, cultural and economic benefits of immigration.
5. As the Federal Court notes in its public documents, the proceeding for judicial review is a complicated process. The focus of this application is people who are generally excluded from relevant processes and regulations and may not have the same means to engage in the process as experienced or well-resourced parties. It is requested that any necessary extensions be granted to leave to appeal. It may also be relevant to consider that key information on whether expert legal advice was sought in the CRTC decision was not provided until several weeks after the decision was released. It may be considered relevant that this application concerns a matter of public interest and presumably an interest from all parties in whether the CRTC decision is in potential violation of the Human Rights Act.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the motion hearing:

1. CRTC Decision (Broadcasting Regulatory Policy CRTC 2025-299)
2. Information Session: Canadian content
3. Canadian Human Rights Commission Discussion paper on systemic racism
4. Intervention at public proceeding of John Schoales
5. Final Submission to public proceeding of John Schoales
6. Population Projections for Canada, Provinces and Territories
7. Two-step Immigration Selection: A Review of Benefits and Potential Challenges.
8. Canada in 2041: A larger, more diverse population with greater differences between regions
9. Applicant Motion Record

Date: January 10, 2026



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TO:

**FEDERAL COURT OF APPEAL**

Between: John Schoales (Applicant)

-and-

Canadian Radio-television and Telecommunications Commission (Respondent)

**AFFIDAVIT OF John Schoales**

*Pursuant to Rule 80 of the Federal Court Rules*

I, John Schoales, of the City of Toronto, AFFIRM THAT:

1. I am an Adjunct Professor with Toronto Metropolitan University and am the applicant of this motion.
2. Attached **Exhibit "A"** is CRTC Decision (Broadcasting Regulatory Policy CRTC 2025-299)
3. Attached **Exhibit "B"** is Information Session: Canadian content, email from CRTC providing responses to questions raised at online information session
4. Attached **Exhibit "C"** is Canadian Human Rights Commission Discussion paper on systemic *racism*
5. Attached **Exhibit "D"** is Intervention at public proceeding of John Schoales
6. Attached **Exhibit "E"** is Final Submission to public proceeding of John Schoales
7. Attached **Exhibit "F"** is Statistics Canada report *Population Projections for Canada, Provinces and Territories*
8. Attached **Exhibit "G"** is Statistics Canada report *Two-step Immigration Selection: A Review of Benefits and Potential Challenges*.
9. Attached **Exhibit "H"** is Statistic Canada Report *Canada in 2041: A larger, more diverse population with greater differences between regions*

AFFIRMED before me at the City of Toronto on *January 16, 2026*



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**ALICE PRODAN GIL**  
SENIOR REGISTRY OFFICER  
AGENT PRINCIPAL DU GREFFE



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John Schoales

**This is Exhibit "A" referred to in the  
Affidavit of John Schoales  
affirmed before me on January 16, 2026**



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**COMMISSIONER FOR TAKING AFFIDAVITS**

# Broadcasting Regulatory Policy CRTC 2025-299

[PDF version](#)

References: [2024-288](#), [2024-288-1](#), [2024-288-2](#), [2024-288-3](#) and [2024-288-4](#)

Gatineau, 18 November 2025

Public record: [1011-NOC2024-0288](#)

## The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector – Part 1 – Certification framework for Canadian programs, artificial intelligence, data collection and publication, and reporting requirements

### Summary

The *Online Streaming Act* made significant changes to the *Broadcasting Act* that require the Commission to modernize the Canadian broadcasting framework and ensure that broadcasting undertakings, including non-Canadian undertakings, meaningfully support Canadian programs and talent.

As part of its broader regulatory plan to implement the modernized *Broadcasting Act*, the Commission launched a public consultation to modernize its definition of “Canadian program” and ensure the sustainability and growth of Canada’s broadcasting system.

As part of this consultation, the Commission received 480 written submissions and held a public hearing within a three-week period in May 2025 with 78 appearing parties.

Today, based on the public record, the Commission is addressing four issues that were considered in the consultation (Broadcasting Notice of Consultation [2024-288](#)): the certification framework for Canadian programs; artificial intelligence (AI); data collection

and publication; and reporting requirements. Canadian programming expenditures, including expenditures on news, and supports for the independent production sector will be addressed in a regulatory policy to be issued in the near future.

In this regulatory policy, the Commission recognizes how much the broadcasting industry has changed, while also taking key actions to ensure that Canadian creative voices in English and French are well supported. This regulatory policy introduces greater flexibility for producers and broadcasters while helping protect Canadian cultural objectives and jobs. It also takes into account the differences between English-language and French-language production in Canada, while ensuring that the business models present in both markets continue to be recognized.

The modernized certification framework will apply to audio-visual content that meets the criteria set out in this regulatory policy. The content may be broadcast by any broadcasting undertaking, whether traditional or online. In the Commission's view, its modernized framework will strongly support Canadian creative voices and allow the Canadian production and creative industries to continue to make and distribute content to Canadians and the world.

To this end, the Commission has recognized a greater number of key creative positions. The Commission is expanding the points system used to recognize "Canadian programs" to provide more paths for Canadian certification. In doing so, the Commission has recognized the importance of having Canadians occupy a wide range of positions in programming. It has also recognized that the way in which productions are made has changed over time, and that this needs to be reflected in the points system.

The Commission further recognizes that the key creative positions used in any Canadian production need to be staffed by humans and not by AI. Having heard the concerns about the use of AI in creating content and the transparency of AI use, the Commission is striking a balance by recognizing the usefulness and potential benefits of AI as a creative tool to assist producers and creators, while also recognizing the importance of human control being maintained. In doing so, the Commission emphasizes that Canadian creators continue to be at the heart of the Canadian broadcasting system.

The Commission is introducing requirements regarding minimum Canadian copyright ownership while providing a path for non-Canadian companies to share copyright in a production, with enhanced commitments to employing Canadian creators and using Canadian talent. This regulatory policy introduces a flexible copyright model that draws inspiration from international co-production treaties signed by the Government of Canada. This approach will lead to possibilities created by a broad spectrum of productions, and of business models and broadcasting and distribution models, while maintaining important safeguards. These safeguards include minimum Canadian copyright retention and best practices for fair negotiations.

This regulatory policy also levels the playing field in regard to the publication of financial data, thereby promoting transparency and accountability in the broadcasting industry. It also streamlines a number of reports filed by some broadcasting undertakings, thereby alleviating administrative burden and ensuring more consistency in disclosure requirements across broadcasters. To ensure transparency, the Commission has decided that Canadian broadcasting revenues and Canadian programming expenditures made by all players in the Canadian broadcasting system, including non-Canadian online undertakings, will be aggregated by entity and made public. This will provide Canadians with insight into how players in the broadcasting system are making meaningful contributions to Canadian creative industries and to the overall Canadian economy.

For ease of reference, the Commission has set out in Appendix 1 to this regulatory policy the detailed criteria of the certification framework. In Appendix 2, the Commission has set out its approach to the certification, verification and assessment of certain types of productions as well as the interpretation of terms used in Appendix 1.

To implement its decisions regarding the criteria for defining “Canadian program,” the Commission intends to issue in the near future a notice of consultation calling for comments on proposed new regulations defining “Canadian program” in the audio-visual sector and on consequential amendments to the *Television Broadcasting Regulations, 1987* and to the *Discretionary Services Regulations*. The Commission invites interested persons to consult that notice of consultation for further details.

## Introduction

1. In Broadcasting Notice of Consultation [2024-288](#) (the Notice), the Commission launched a public consultation to modernize its definition of “Canadian program” for the audio-visual sector. This proceeding is part of the Commission’s broader regulatory plan to implement the *Online Streaming Act* and ensure the sustainability and growth of Canada’s broadcasting system.
2. In the Notice, the Commission sought comments on:
  - how to modernize the current definition of “Canadian program” in the audio-visual sector;
  - whether and how to adjust Canadian programming expenditure (CPE) and programs of national interest (PNI) expenditure requirements in the audio-visual sector and the funding of at-risk programming (including news content);
  - whether and how to address the use of artificial intelligence (AI) by audio-visual creators and broadcasters; and

- how to ensure that the Commission, the broadcasting industry and Canadians have access to data and information to make informed choices about Canadian programs.
3. Throughout this proceeding, the Commission was guided by the following objectives:
- to better support and promote Canadian stories through audio-visual programming that makes use of Canadian creativity and other resources, including French-language, Indigenous and news content;
  - to facilitate flexible audio-visual Canadian programming and a financial support ecosystem that encourages a variety of productions, and a variety of business models and broadcast and distribution models;
  - to better recognize the role played by Canadian key creators in the creation, broadcast and distribution of audio-visual Canadian programming;
  - to foster a sustainable Canadian broadcasting system where Canadian creators are able to profit from their creations, including through intellectual property rights;
  - to further the exportability and discoverability of Canadian programming; and
  - to ensure that Canada’s diversity is reflected in the Canadian broadcasting system.
4. This regulatory policy is the first of two covering the issues examined during this proceeding. In the Commission’s view, defining what constitutes a “Canadian program” is a necessary step before establishing financial or policy measures to support its creation and distribution in the audio-visual sector. Accordingly, the Commission is issuing this regulatory policy to provide key determinations as to what constitutes a “Canadian program” in the audio-visual sector, in addition to making determinations on the use of AI in Canadian programming and on the collection and publication of financial and other data and information.
5. Building on the foundations set out in this regulatory policy and in Broadcasting Regulatory Policy [2024-121](#), <sup>Footnote 1</sup> the Commission will issue a regulatory policy in the near future that will focus on the funding and support for Canadian programming, including funding for news and at-risk programming. The Commission will address financial contributions, including contributions that could benefit the independent production sector, as part of its second regulatory policy.

## Interventions

6. The Commission received 480 interventions in response to the Notice. A total of 78 parties appeared at the public hearing that was held from 14 to 27 May 2025. Several parties responded to requests for information and filed final submissions.
7. Parties to this consultation included Canadian and non-Canadian audio-visual undertakings, distributors, public broadcasters, private broadcasters, the creative and production sector, equity-deserving groups, <sup>Footnote 2</sup> groups representing official language minority communities (OLMCs) and Indigenous peoples, screen offices, public interest and research groups, and numerous individuals.
8. The public record of this proceeding also includes reports from industry workshops held by the Commission in early 2024 on defining Canadian content and a report on public opinion research conducted in November 2024 by Phoenix SPI on the views of people across the country in regard to Canadian programming.

## Legal framework

9. The *Online Streaming Act* came into force on 27 April 2023 and made significant changes to the *Broadcasting Act* (the Act). Those changes require the Commission to modernize the Canadian broadcasting framework and ensure that Canadian and non-Canadian audio-visual broadcasting undertakings, including online undertakings, <sup>Footnote 3</sup> contribute to the Canadian broadcasting system by, among other things, investing in Canadian and Indigenous audio and audio-visual content.
10. On 9 November 2023, the Government of Canada issued *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)* (the Policy Direction). The Policy Direction emphasizes the need to support Canadian and Indigenous content and ensure equitable contributions by all players. It also provides specific guidance for determining what constitutes a Canadian program. <sup>Footnote 4</sup>
11. Subsection 5(2) of the Act identifies the regulatory policy the Commission must consider when determining how to regulate the broadcasting system. Notably, the Commission must regulate and supervise the Canadian broadcasting system in a flexible manner that takes into account the diversity of Canadian society, as well as the different characteristics of English-, French- and Indigenous-languages broadcasting, and the nature and diversity of services, along with their size and impact on the Canadian creation and production industry. It must also facilitate providing Canadians with Canadian programs made in both official languages, including content made by and for OLMCs. In addition, under paragraphs 5(2)(a.2) and (g) of the Act, regulations applicable to the broadcasting system must ensure that broadcasting undertakings that cannot make maximum use of Canadian resources in the creation, production and presentation of programming contribute to those

resources in an equitable manner, and that the Commission is sensitive to administrative burden.

12. Under paragraph 10(1)(b) of the Act, the Commission may make regulations that define “Canadian program” and, in doing so, must consider the factors set out in subsection 10(1.1) of the Act and section 13 of the Policy Direction. Paragraphs 9.1(1)(n) and (o) of the Act authorize the Commission to require that it be provided with various types of information, while subsections 25.3(4) and (5) authorize the Commission to make certain information provided to it available in the public interest.
13. French-language content and content creators are an important part of the Canadian broadcasting system. Paragraph 3(1)(c) of the Act stipulates that English- and French-language broadcasting, while sharing common aspects, operate under different conditions – in particular, the minority context of French in North America – and may have different requirements. The Commission recognizes the importance of French-language content for Canadians, especially in a context where online undertakings that operate in Canada predominantly offer English-language content. The Commission took into consideration these particularities in making the determinations in this regulatory policy.
14. Throughout this proceeding, the Commission has taken into account the needs and interests of OLMCs and the need to protect and promote the French language, consistent with the Commission’s obligations under the Act, the Policy Direction and the *Official Languages Act*. The Commission continues to consider these elements in its deliberations regarding financial supports for the creation of Canadian programs.
15. Finally, under paragraph 3(1)(d)(iii) of the Act, the Canadian broadcasting system, through the employment opportunities arising out of its operations, should serve the needs and interests of all Canadians and reflect the special place of Indigenous peoples within Canadian society. The Commission recognizes the distinct contributions of Indigenous creators and aims to harmonize the regulatory framework for Canadian programs with broader policy initiatives that support Indigenous storytelling, governance, and participation in the broadcasting system. Of note, Indigenous content-related issues are currently under consideration by the Commission as part of the ongoing co-development of an Indigenous Broadcasting Policy.<sup>Footnote 5</sup>

## Issues

16. After examining the record for this proceeding, the Commission considered the following issues in regard to a modernized definition of “Canadian program”:

- modernizing the certification framework for Canadian audio-visual programs;
- the use of AI in Canadian productions;
- data collection and publication; and
- the streamlining of reporting requirements.

## Modernizing the certification framework for Canadian audio-visual programs

17. The criteria set out in the current certification framework for Canadian audio-visual programs<sup>Footnote 6</sup> form the basis for the definition of “Canadian program.”<sup>Footnote 7</sup> These criteria support the reflection of Canadian creativity, decision-making, and storytelling. While these criteria also set clear requirements for Canadian creative and financial control, they do not ensure minimum copyright retention.
18. The certification framework includes a points system for key creative positions and functions along with requirements to focus production and post-production spending in Canada. It also includes conditions ensuring that Canadian producers retain control over the production of Canadian audio-visual content by ensuring that they are the central decision makers of a production from beginning to end. Other elements of the Canadian production system, including funds such as the Canada Media Fund (CMF) and certification bodies such as the Canadian Audio-visual Certification Office (CAVCO), also have certain requirements that help ensure, among other things, that copyright in relation to funded programs is retained by Canadians.
19. In the Notice, the Commission invited interested persons to comment on how the certification framework should be modernized to better reflect the state of the broadcasting industry, while ensuring Canadians maintain creative and financial control over their Canadian audio-visual productions. As such, the following issues are addressed below:
  - what the certification threshold(s) should be in regard to key creative positions and functions filled and performed by Canadians;<sup>Footnote 8</sup>
  - whether it should continue to be mandatory for certain key creative positions to be filled by Canadians, and whether to provide flexibility for certain positions when filled by multiple individuals;
  - whether it would be appropriate to add new key creative positions to the points system;
  - whether the number of points awarded to key creative positions and functions should be reviewed;

- whether, for animated productions, certain functions that must now be performed in Canada should instead be performed by Canadians, regardless of where they are located;
  - whether incentives (such as bonus points) should be added for the use of Canadian works, characters and settings in productions;
  - whether current requirements relating to production costs should be maintained;
  - whether and how Canadian intellectual property ownership, and more specifically, Canadian copyright ownership, should be embedded in the certification framework; and
  - whether and, if so, how the Commission should simplify and update other elements relating to certification.
20. The determinations set out in the following sections address those areas of the certification framework that the Commission believes need to be modernized. For greater clarity, elements from the current certification framework that are not addressed in this regulatory policy remain in place. The modernized certification framework will establish the criteria for qualifying a production as a Canadian program and form the basis of the new definition of “Canadian program.”

#### Threshold for certification

21. The Commission’s Canadian program certification framework seeks to ensure that Canadian stories are told from a Canadian perspective. By requiring that a number of key creative positions and functions be filled and performed by Canadians, the certification framework also supports Canadian creativity, employment, and skills development of Canadian talent across the wider audio-visual industry.
22. The current certification framework includes a points system mostly based on the key creative positions and functions filled and performed by Canadians. To qualify for certification, productions must generally reach a minimum of 6 points out of a maximum total of 10 points for positions and functions filled and performed by Canadians. If a production does not have a sufficient number of key creative positions or functions to attain the minimum 6 points, the Commission requires that all key creative positions and functions be filled and performed by Canadians to achieve a perfect score.<sup>Footnote 9</sup>
23. In the Notice, the Commission sought comments on its preliminary view that, in order to receive Canadian program certification, a production (either live action productions and continuous action animated productions,<sup>Footnote 10</sup> or animated productions other than continuous action animation<sup>Footnote 11</sup>) should be required to

attain at least 9 points out of a proposed maximum total of 15 points. The Commission's preliminary view was also to maintain the existing perfect score requirement when certain key creative positions or functions are not used.

#### Positions of parties

24. The Canadian Broadcasting Corporation (CBC) supported the current 10-point system given that it ensures stability and consistency with the requirements of CAVCO. Telefilm Canada added that alignment with CAVCO's criteria would ensure the creation of Canadian-led productions that reflect the country's unique cultural and artistic perspectives.
25. BCE Inc. (BCE), the Documentary Organization of Canada (DOC) and the Independent Broadcast Group (IBG) submitted that requiring 9 out of 15 points (i.e., 60%) for certification of a production as Canadian would unfairly disadvantage documentaries, given that many key creative positions are absent from this type of production. To address this, the DOC, supported by the Canadian Media Producers Association (CMPA), proposed a separate 7-point scale for documentaries, with a minimum of 6 points needed for certification as Canadian. Other interveners including the Directors Guild of Canada (DGC) and TLN Media Group Inc. (TLN Media) stated their preference for maintaining the current threshold of 6 out of 10 points, for consistency and predictability.
26. Certain interveners proposed a threshold based on the percentage of points attained rather than the number of points. The Motion Picture Association of Canada (MPA-C) proposed a 51% certification threshold for non-Canadian online platforms as this would align with the requirement of the Act to make the greatest practicable use of Canadian talent. Rogers Communications Inc. (Rogers) also considered that a majority of Canadian key creative points (over 50%) should be enough to qualify a production as Canadian. Quebecor Media Inc. (Quebecor) proposed a 70% certification threshold to ensure broad Canadian creative control and to grant flexibility that would allow up to three key creative positions in a production to still be filled by non-Canadians.

#### Commission's decisions

27. In the Commission's view, the modernized certification framework should be sufficiently flexible and adaptable given that many types of productions differ in regard to their genre, the size of their budgets, and the multitude of business models in the Canadian broadcasting system. For example, smaller Canadian productions may not include the full array of key creative positions, which means that establishing overly restrictive criteria for defining "Canadian program" would place an undue burden on those producers. As such, the Commission recognizes that the needs of

productions and producers may vary and that they may use different key creative elements. Accordingly, the Commission considers that it would be appropriate to introduce greater flexibility in the points system for key creative positions and functions.

28. This framework must also continue to ensure the significant involvement of Canadian key creative talent and that the overall creative direction of Canadian programs is strongly influenced by Canadians.
29. As noted above, under the current framework, a production must generally be awarded a minimum of 6 points to meet the definition of “Canadian program”. The Commission considers that this approach can be challenging, especially for smaller productions that may not make use of all possible key creative elements. A minimum threshold requirement set in terms of a percentage of points would provide greater flexibility for productions that do not have a sufficient number of key creative positions to attain a minimum number of points.
30. For this reason, the Commission considers that it would be appropriate to establish a minimum percentage threshold based on the number of points a production attains, as opposed to a minimum number of points. In terms of establishing what that percentage should be, the Commission considers that a minimum threshold of 60% would provide sufficient flexibility to suit various types of productions while ensuring consistency with CAVCO’s requirements. This approach would support the policy objectives set out in paragraphs 3(1)(f) and 3(1)(f.1) of the Act, which state that Canadian broadcasting undertakings must employ and make maximum use of Canadian creative and other human resources in the creation of programming, and that non-Canadian online undertakings must make the greatest practicable use of such resources. At the same time, it would allow the framework to apply to the widest variety of productions, without unduly impacting smaller productions.
31. The sections that follow discuss the points to be awarded when various positions and functions of the certification framework are filled and performed by Canadians. <sup>Footnote 12</sup> The following examples illustrate the application of the minimum percentage threshold based on certain of those positions and functions in a production.
32. A live action production that uses the key creative positions of Director (2 points), Screenwriter (2 points), First Lead Performer (1 point), Second Lead Performer (1 Point), Director of Photography (1 point), Music Composer (1 point) and Picture Editor (1 point) would be awarded a perfect score of 9 out of 9 points if all of the key creative positions used are filled by Canadians. However, if only the Director (2 points), Screenwriter (2 points) and First Lead Performer(1 point) positions are filled by Canadians (and the other key creative positions are filled by non-Canadians), the production would be awarded 5 out of 9 points. This production would therefore

- achieve a percentage threshold of 55.6% and would not qualify and be certified as a Canadian program as it would not meet the minimum percentage threshold of 60%.
33. By contrast, if a Canadian filled the position of Music Composer (1 point) in this same production, it would be awarded 6 out of 9 points, or 66.7%, thereby meeting the minimum percentage threshold for certification.
  34. Another example is a production with fewer key creative positions that allow for a maximum of 4 points in total. In this case, the number of Canadians filling these positions must be sufficient to achieve 3 out of 4 points (75%), which exceeds the 60% threshold. Similarly, for a larger-scale production with a total of 12 points available, the number of Canadians filling key creative positions must be sufficient to achieve 8 out of 12 points (66.7%).
  35. As discussed below, the modernized certification framework introduces bonus points, whereby a production could be awarded extra points if it meets certain criteria that contribute to the wider distribution and discovery of Canadian cultural works, characters and settings. The awarding of bonus points should not negatively impact the score a production attains. That is, it should increase the total number of points a production earns (i.e., the numerator) and not increase the number of points needed to meet the minimum percentage threshold (i.e., by increasing the denominator). For example, where a production is awarded 5 out of 9 points (5/9) for key creative positions or functions filled or performed by Canadians and is also awarded 1 bonus point, the total score for the production will be 6 out of 9 points (6/9, or 66.7%), thereby meeting the minimum percentage threshold of 60%.
  36. For greater clarity, for the production to qualify and be certified as a Canadian program, the number of points awarded must always reach or exceed the required threshold, regardless of the value of the denominator, which may change based on the specific type of production and the positions and functions filled and performed by Canadians (as such, scores of 6/10, 7/11, 8/12, 8/13 and 9/14 would reach or exceed the 60% threshold). For a score that results in a percentage below the required threshold, that percentage will not be rounded up to meet that threshold.
  37. Accordingly, the Commission determines that to qualify as a Canadian program, a production must meet, at a minimum, the 60% threshold of points possible for the production, based on the number of points it is awarded. This minimum threshold is contingent on copyright ownership in the program, which is addressed below.

#### Key creative positions, functions and elements

38. Having set a threshold, the Commission now addresses mandatory key creative positions in productions; flexibility on who can fill certain of those positions; the

addition of new key creative positions to the certification framework; amendments to existing key creative positions and functions in animated productions; and the awarding of bonus points for other key creative elements of a production.

#### Mandatory key creative positions

39. A production requires various individuals to play a large variety of roles, from creative positions to post-production functions. Some of these roles are considered essential for the production, while the use of others may depend on the type of production. In the Commission's view, it is important to ensure that the roles that shape the creative vision and storytelling of a production (such as writers and directors) be given the appropriate weight to reflect their importance in conveying Canadian expression as referred to in the Act.
40. In the Commission's view, for live action productions, the key creative positions of Director and Screenwriter are essential in defining and guiding the creative control of a production. As such, where a production makes use of these key creative positions, the positions must be filled by Canadians for the production to qualify and be certified as Canadian. Further, the points awarded to and the prominence of these key creative positions in the current certification framework, and their status as mandatory positions for a production, should be maintained in the modernized certification framework. Accordingly, for live action productions, the Commission will continue to award the points noted below for the following key creative positions, when filled by Canadians:
  - o Director (2 points); and
  - o Screenwriter (2 points).
41. For animated productions, the Commission considers that the key creative positions of Director, and Scriptwriter and Storyboard Supervisor are essential in defining and guiding the creative control of a production. As such, where an animated production makes use of these key creative positions, the positions must be filled by Canadians for the production to qualify and be certified as Canadian.
42. Further, the Commission determines that it would be appropriate to align the points allocated to the key creative positions Director, and Scriptwriter and Storyboard Supervisor with those awarded for comparable positions in live action productions (i.e., Director and Screenwriter), given their comparable level of influence on the creative direction of a production. Accordingly, for animated productions, the Commission will now award 2 points (instead of 1 point) for each of the key creative positions Director, and Scriptwriter and Storyboard Supervisor, when filled by Canadians.

43. In addition, the key creative positions of First and Second Lead Performers (or first and second voices) for live action productions, and First and Second Voice (or first and second lead performers) for animated productions, which communicate Canadian cultural expression to audiences of audio-visual programs, are key to the look and feel of Canadian productions. As such, where live action or animated productions make use of these key creative positions, the positions must be filled by Canadians for the production to qualify and be certified as Canadian.
44. Currently, for live action productions, the positions of First Lead Performer (or first voice) and Second Lead Performer (or second voice) must be filled by Canadians for each to be awarded 1 point towards certification. This Commission maintains this approach in the modernized certification framework.
45. For animated productions, either the First Voice (or first lead performer) or Second Voice (or second lead performer) must be Canadian, but only 1 point is awarded if either or both positions are filled by Canadians. In the Commission's view, these key creative positions in animated productions should also benefit from greater recognition in the certification framework for their contributions to Canadian storytelling. Accordingly, the Commission will now award 1 point for each of the positions First Voice (or first lead performer) and Second Voice (or second lead performer) in an animated production if these positions are filled by Canadians, as is currently the case for comparable key creative positions in live action productions.
46. Therefore, for animated productions, the Commission will award the points noted below for the following key creative positions, when filled by Canadians:
- Director (2 points; previously 1 point);
  - Scriptwriter and Storyboard Supervisor (2 points; previously 1 point); and
  - First Voice (or first lead performer) and Second Voice (or second lead performer) (1 point each; previously 1 point for one or the other, but not both).
47. As with the current approach to certification, the Commission is of the view that the following key creative positions and functions must be filled or performed by Canadians for a production to qualify and be certified as Canadian:
- for live action productions: Director OR Screenwriter, and either the First Lead Performer (or first voice) OR Second Lead Performer (or second voice); and
  - for animated productions: Director OR Scriptwriter and Storyboard Supervisor, and either the First Voice (or first lead performer) OR Second

Voice (or second lead performer), and Key Animation AND Camera Operator.<sup>Footnote 13</sup>

48. In this regulatory policy, the Commission introduces new rules regarding copyright ownership. To ensure that the overall Canadian creative vision for a production is maintained and that Canadians retain prominent roles in Canadian productions, adjustments to the rules on the key creative positions set out above will be discussed alongside the determinations on copyright ownership.

#### *Flexibility on who can fill certain mandatory key creative positions*

49. In the Notice, the Commission proposed a new, flexible approach where the key creative positions of Director, Screenwriter, and Scriptwriter and Storyboard Supervisor would be awarded points even if filling each position is shared by Canadians and non-Canadians, provided that at least 80% of the individuals filling the position are Canadian. Currently, a production only receives points for a given position where all of the individuals filling that position are Canadian.

#### Positions of parties

50. The CMPA and the Black Screen Office (BSO) supported lowering the requirement for Canadian control over key creative positions from 100% to 80% for shared roles, as this would preserve Canadian creative control while creating more space for international collaboration. The BSO also noted benefits for working with the global Black diaspora, provided Black Canadian talent remains prioritized.
51. Some interveners<sup>Footnote 14</sup> opposed the change, arguing that it could weaken Canadian control over key creative positions. They noted that co-production treaties already allow international collaboration and stressed the need to protect Canadian cultural and economic benefits. Broadcasters including Quebecor and Corus Entertainment Inc. (Corus) agreed, while the MPA-C and major studios considered the 80% threshold too rigid, proposing a more flexible threshold of 50% for shared roles.

#### Commission's decisions

52. The Commission is of the view that it is important to ensure that key creative positions in a production are filled by Canadians. This ensures that a Canadian production is built on Canadian ideas, perspectives and creativity and that these elements are broadcast to Canadians and the world. At the same time, the Commission has considered other goals and outcomes in making its decisions.
53. The Commission has traditionally viewed significant Canadian key creative input into productions as important. The Commission maintains this view. It notes, however,

that imposing a requirement that all individuals filling the totality of key creative positions be Canadian could unduly restrict producers from making use of non-Canadian resources that could bring value to improving a production and to training or mentoring Canadian talent.

54. The use of non-Canadian talent may be particularly important for productions that leverage co-production arrangements with different countries. This consideration also stands for racialized and newly arrived Canadian producers who may have elaborate networks in other countries and who, absent certain flexibilities, may not be able to use their networks when making programming that would otherwise be eligible for Canadian certification. The use of non-Canadian talent may also be necessary in certain genres of audio-visual content, such as documentaries, when shot in locations outside Canada.
55. In the Commission's view, it is appropriate to introduce some flexibility into the points system to allow for the use of non-Canadian talent for certain key creative positions. This could facilitate mentorship opportunities that strengthen Canadian productions through the sharing of expertise. Mentors from diverse backgrounds could contribute by sharing distinct perspectives, values and visions, thereby advancing inclusion and innovation at each step of a production.
56. The Commission also considers, however, that contributions made by Canadian talent should not be diluted. As such, it finds that in allowing the use of non-Canadian talent, safeguards should be put in place. Limiting the applicability of flexibility to only certain key creative positions will mitigate the risk of diluting the contributions of Canadians to a production and still provide sufficient support to the overarching goal of having primarily Canadians in key creative positions.
57. In the Commission's view, granting flexibility only to the key creative positions of Director, Screenwriter, and Scriptwriter and Storyboard Supervisor is likely to be used in larger productions that employ multiple individuals in these key creative positions and where training and mentoring is likely to be valuable. This approach would strike a balance between introducing flexibility and ensuring strong support for the use of Canadian talent.
58. Further, requiring not less than 80% of the individuals filling each of those positions to be Canadian would ensure the inclusion and prominence of Canadian talent in these key creative positions and would stimulate growth within the Canadian film and television industry. This would, in turn, lead to increased employment opportunities and the development of homegrown expertise. The Commission also considers that using certain non-Canadian resources with name recognition in other jurisdictions, without unduly diminishing the Canadian character of these key

creative positions, may facilitate the discoverability of a program abroad, which could also enhance its appeal.

59. In light of the above, the Commission determines that where each of the key creative positions of Director, Screenwriter, and Scriptwriter and Storyboard Supervisor is filled by multiple individuals, points will be awarded where at least 80% of all individuals filling a given position are Canadians.

#### *Additional key creative positions*

60. The key creative positions that are included as part of the modernized certification framework will influence the extent to which Canadian creative control is predominant in a production. The recognition of key creative positions in a production can also support the employment and development of Canadian talent and incentivize producers to hire Canadians to meet the certification requirements.
61. While the key creative elements currently included in the certification framework remain appropriate to further the objectives of the Act, there are other key creative elements often present in a production that could influence the overall direction, look and feel of a production. In the Commission's view, the addition of new key creative positions would better reflect how the broadcasting industry is evolving and would maintain a certain balance in the allocation of points to ensure that positions related to creative vision and storytelling remain predominant.
62. In the Notice, the Commission proposed to add, as key creative positions in the modernized certification framework, the following roles:
- o Showrunner;
  - o Heads of Department Responsible for Costume Design, Make-up Artists and Hair Artists; and
  - o Visual Effects Director and Special Effects Director.
63. The Commission addresses these proposals below.

#### **Role and definition of Showrunner**

#### **Positions of parties**

64. Unifor, the Public Interest Advocacy Centre (PIAC) and the Indigenous Screen Office (ISO) expressed support for the Commission's preliminary view to add Showrunner as a key creative position. Unifor and PIAC added that if a production includes a Showrunner, this position should be filled by a Canadian. Certain

interveners<sup>Footnote 15</sup> supported the Commission's preliminary view to add the position Showrunner but also expressed concerns. According to the DGC, recognizing this position could replace or diminish the key creative positions of Director and Screenwriter.

65. Several interveners opposed adding Showrunner to the list of key creative positions. Quebecor considered that adding this position would be more problematic in the French-language market, where it is essentially non-existent. The Association québécoise de la production médiatique (AQPM) questioned the relevance of the position given that showrunners are not widely used in Canada. Lionsgate Canada (Lionsgate) noted that a Showrunner is not a credited position within the Canadian production industry. The Shaw Rocket Fund noted that the position is uncommon in children's and youth programming and is rarely found in animation productions, while Telefilm Canada noted that it is uncommon in feature film productions, including long-form documentaries.
66. Certain interveners<sup>Footnote 16</sup> noted possible ambiguity in regard to defining Showrunner. Apple Canada Inc. (Apple) and Lionsgate, for example, indicated that the position can mean different things depending on the nature of the production.
67. According to the MPA-C, if Showrunner is included as a key creative position, it should be optional within the certification framework, earning only a bonus point<sup>Footnote 17</sup> or counting as a CPE credit<sup>Footnote 18</sup> if the position is filled by a Canadian. The MPA-C further proposed that a point (or points) should be awarded to a production for the Showrunner position if at least one of two individuals filling the position is Canadian or if at least 51% of three or more individuals filling the position is Canadian. Netflix Services Canada ULC (Netflix), Amazon, and Paramount Global (Paramount) opposed mandating Canadian Showrunners, citing limits on creative flexibility, genre exclusions, and obstacles to mentorship and financing. Apple noted the mixed support expressed for the Commission's preliminary view of including Showrunners in the certification framework and proposed focusing on other cast, crew, and creative positions instead.
68. Netflix noted that its Canadian productions "Wayward" and "North of North" involved non-Canadian showrunners, while Paramount noted that a Canadian showrunner worked on the non-Canadian production "Beauty and the Beast".

#### Commission's decisions

69. A showrunner in a production is typically responsible for helping to shape and maintain the overall vision, tone, and narrative of a production. The showrunner provides oversight of the creative process, plays a significant role in the development of the script and concept at pre-production stage, and has significant oversight in regard to the final edit of a production in post-production. The showrunner

collaborates closely with a production's directors, writers, actors, producers, financiers, and broadcasters.

70. In the Commission's view, recognizing Canadian showrunners in the points system would reflect the increased importance of this position in the creation of some programming and would support Canadian artistic and cultural expression. This would further better align the criteria for qualifying a production as a Canadian program with global production practices, particularly for larger productions.
71. The Commission further expects that the presence of showrunners in Canadian productions will grow and that the role will become more widespread over time. Recognizing the contribution this position makes in the creative process by including it in the points system would likely accelerate the introduction of showrunners in more productions and support the hiring and development of Canadian talent.
72. The Commission acknowledges that the Canadian French-language market operates differently from the Canadian English-language market when it comes to the use of showrunners. Based on the public record, the use of showrunners in French-language productions is currently limited. The Commission is mindful of this difference and considers that any determinations it makes on the introduction of the position Showrunner into the point system should not undermine the distinctive conditions of the French-language market. Furthermore, in considering adding Showrunner as a key creative position to the points system, the Commission's objectives are to recognize the importance of that position in a production and to foster the growth of Canadian creative talent in this capacity. Accordingly, the Commission considers that it would be appropriate to include the position Showrunner as a key creative position in the points system, but that its presence should not be mandatory for certification purposes.
73. In light of the above, the Commission determines that the position Showrunner will be included, on a non-mandatory basis, as a key creative position in the points system for both live action productions and animated productions. As such, productions not using a Showrunner will not be penalized in that points for the Showrunner position will not be used to determine whether the production should be certified as Canadian. Where a production uses a non-Canadian showrunner, the production could still be certified as Canadian if it meets the minimum threshold for certification using other Canadian key creative elements. In such a case, it will be incumbent on the production to ensure that other key creative positions and functions are filled and performed by Canadians to meet that threshold.
74. A showrunner on a production plays a crucial role in shaping the overall creative direction of the production. In supporting other functions, namely, those of the directors, actors and writers, and in translating concepts and ideas in ways that engage

audiences, the showrunner's importance in a production is comparable to that of those other creative positions. The Commission considers that this should be reflected in the weight awarded to the position of Showrunner. Accordingly, the Commission determines that a production will be awarded 2 points when the Showrunner position is filled by a Canadian.<sup>Footnote 19</sup> Where one or more non-Canadian individuals fill this position, no points will be awarded.

75. For the purposes of meeting the Canadian certification criteria, the Commission determines that the key creative position of Showrunner should be defined as follows:
- a Showrunner is the creative leader of a production, overseeing its vision, tone, and style;
  - a Showrunner manages the production process and ensures quality from start to finish, working closely with Writers to keep the narrative aligned with the creative direction from inception to final delivery;
  - while they provide oversight on a production and act as a liaison between various elements of the production, which may include certain key creative positions and functions, producers, financiers and the broadcaster commissioning the programming, a Showrunner is subordinate to a producer in terms of exercising the overall control of a production;
  - a Showrunner is often called on to ensure that the creative direction of a production aligns with the creative vision and cultural relevance that is intended for the production;
  - in pre-production, a Showrunner is the key creative authority that guides the development of the final script and concept of a production. In post-production, a Showrunner is the key creative authority that oversees the final edit of a production, providing notes on picture, sound, music and visual effects to shape the finished product for delivery; and
  - while a Showrunner may be present in production meetings, in the Writer's room or at the Director's table, a Showrunner's role is viewed as distinct from those roles in a production.

Roles and definitions of Heads of Department Responsible for Costume Design, Make-up Artists and Hair Artists

Positions of parties

76. The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada

(IATSE) and the CMPA supported the inclusion of positions relating to costumes, make-up and hair in the points system.

77. Certain interveners<sup>Footnote 20</sup> noted that these positions are rarely used in smaller productions and documentaries. According to Digital First Canada, adding these positions to the certification framework could disadvantage smaller productions given that team members for such productions often occupy many positions or collaborate with non-Canadian professionals.
78. Quebecor considered that adding these positions to the certification framework could lead to some productions being certified despite a significant and influential non-Canadian presence.
79. According to Corus, adding these positions as key creative positions to the points system and awarding them points when filled by Canadians should not disqualify productions that currently qualify as Canadian, should not affect the eligibility of programs that are already recognized as Canadian under existing frameworks, and should remain harmonized with existing systems, such as that of CAVCO.

#### Commission's decisions

80. The heads of the departments responsible for a production's costume design, make-up and hair play a key role in shaping a production's artistic vision. In particular, these positions contribute to the overall look and feel of a production, support actors in performing their roles, and ultimately reinforce the creative vision communicated to the audience. Their functions support other Canadian professionals in a production who might have been inadequately represented in the points system, including women and individuals from underrepresented groups, in better defining the production's visual identity.
81. The Commission considers that it would be appropriate to better recognize the contributions that Heads of Departments Responsible for Costume Design, Make-up Artists and Hair Artists make to Canadian productions. Adding these positions to the points system would better reflect the current audio-visual production environment and support the development of Canadian creative talent. It would also ensure greater Canadian control over the look and feel of a production and its overall artistic and aesthetic vision, in a way similar to the existing recognition of Production Designer or Art Director as a key creative position.
82. In light of the above, the Commission adds as key creative positions in the certification framework the following three positions: Head of Department Responsible for Costume Design, Head of Department Responsible for Make-up Artists, and Head of Department Responsible for Hair Artists.

83. Further, given that these positions taken together ensure, as a singular unit, an overall cohesive, artistic vision for a production, the Commission will consider these positions to form a group and will award 1 point if each position is filled by a Canadian.
84. Where not all of these positions are used on a production, the point will be awarded only if all persons employed in the position(s) that is used is Canadian. For example, if only one of the positions is credited on a production, a point will be awarded if the person filling the position is Canadian. This provides flexibility for numerous production and business models and does not unfairly penalize a production where only one individual heads each of the three possible departments and receives credit on the production. Similarly, where two or three department heads exist and are credited, this ensures that the point is only awarded where Canadians fill all of the positions.
85. Based on views heard from industry stakeholders and during workshops held prior to the launch of this proceeding in regard to what is involved in filling these positions, for the purposes of the certification framework, the Commission defines these positions as follows:

The Head of Department Responsible for Costume Design is responsible for overseeing the costume department in a production. Their duties may include conceptualizing and designing costumes that align with the Director's vision, managing the costume department team, coordinating with other departments, sourcing or creating costumes, and ensuring that all costumes are completed on time and within budget.

The Head of Department Responsible for Make-up Artists is responsible for overseeing and executing the make-up design for a production. They collaborate closely with the Director, costume designers, and other creative team members to develop looks that enhance characters or themes. The Head of Department Responsible for Make-up Artists manages a team of assistants or technicians and ensures the consistency and quality of the make-up throughout the project.

The Head of Department Responsible for Hair Artists is responsible for overseeing and executing the hair design for a production. They collaborate closely with the Director, costume designers, and other creative team members to develop looks that enhance characters or themes. The Head of Department Responsible for Hair Artists manages a team of assistants or technicians and ensures the consistency and quality of the hair throughout the project.

86. In light of the above, the Commission also amends the definition of the key creative position of Production Designer or Art Director to remove the reference to that position being in charge of costumes.

## Roles and definitions of Visual Effects Director and Special Effects Director

### Positions of parties

87. Amazon noted the significant economic contributions made by visual effects directors and special effects directors to Canada's production and post-production sectors. It noted the extensive use of Canadian talent and the integral role these positions play in large-scale productions.
88. Other interveners<sup>Footnote 21</sup> raised concerns over the applicability of these positions to documentaries and lower-budget or unscripted productions, noting that such productions rarely employ visual or special effects. The MPA-C and The News Forum Inc. (TNF) supported adding the position Special Effects Director to the certification framework, stressing that this is a distinct, specialized discipline whose artistic and technical contributions should be recognized. TNF also recommended a flexible points system that accounts for the broader team contribution, allowing Canadian certification points even when department heads are non-Canadian, but the majority of the team is Canadian.

### Commission's decisions

89. Canada is known as a leader in terms of audio-visual post-production capacity. The Commission recognizes that as AI tools become integrated into the production process, the supervision of the artistic vision and technical execution of visual and special effects, in both production and post-production, will play an increasingly important role in the business of a production. Further, recognizing the Canadian oversight of the departments responsible for these visual and stylistic elements helps to ensure that Canadian creativity continues to receive appropriate weight in the creation of Canadian productions.
90. Visual and special effects directors help ensure the creation of the most compelling and immersive visual experiences. This is because visual and special effects significantly enhance storytelling and contribute to overall production quality, making stories more engaging and visually captivating. In the Commission's view, adding Visual Effects Director and Special Effects Director as key creative positions in the certification framework would enhance the representation of Canadian creators in productions. These additions would also acknowledge the industrial importance of these positions for the competitiveness of the Canadian audio-visual sector and would

help to contribute to Canada being a world leader in this domain, including in terms of post-production capacity.

91. In light of the above, the Commission adds Visual Effects Director and Special Effects Director to the list of key creative positions. A production that uses a Visual Effects Director and a Special Effects Director will be awarded 1 point only if all individuals filling these positions are Canadians. Where a production uses either a Visual Effects Director or a Special Effects Director, but not both, 1 point will be awarded only if the person(s) filling the position is Canadian.
92. For the purposes of the certification framework, the Commission defines the key creative positions Visual Effects Director and Special Effects Director as follows, to be consistent with existing collective agreements in the industry:

The Visual Effects Director is responsible for overseeing and managing the creation and integration of visual effects in a production. The Visual Effects Director collaborates with the producer(s), the Director and the Showrunner (where applicable) to ensure that visual effects enhance the storytelling, meet artistic and technical standards, and are executed efficiently. The Visual Effects Director directs the visual effects team(s), oversees the design and implementation of effects, reviews work for quality and consistency, and ensures that visual effects are completed on time and within budget.

The Special Effects Director is responsible for creating and overseeing the practical effects in a production. These effects include anything manually or mechanically manipulated, such as explosions, car crashes, animatronics, etc. The Special Effects Director collaborates closely with the producer(s), the Director and the Showrunner (where applicable) to ensure the effects align with the creative vision, meet artistic and technical standards, and are executed safely and efficiently. The Special Effects Director directs the special effects team(s), oversees the design and implementation of effects, reviews work for quality and consistency, and ensures that special effects are completed on time and within budget.

#### Amendments to existing key creative positions and functions in animated productions

93. One purpose of modernizing the certification framework is to ensure that certification requirements are flexible and in line with the current Canadian audio-visual environment and industry practices. As such, the Commission considered the following issues for animated productions:
  - o **Location requirements:** Whether the key creative function of Key Animation and the key creative position of Camera Operator (person) and Operation

(location), as well as the key creative functions Layout and Background and Assistant Animation/In-betweening, in animated productions, should be filled or performed “by Canadians” instead of “in Canada” and, if so, whether this should be mandatory for certification.

- o **Virtual Camera Operator:** Whether the key creative position Camera Operator and Operation in animated productions should include Virtual Camera Operator.

### Positions of parties

94. Certain interveners<sup>Footnote 22</sup> noted that the role of the traditional camera operator is no longer current in modern animation methods and/or productions.
95. The BSO, the AQPM and Corus submitted that the Key Animation function should be performed by Canadians, but not necessarily in Canada. Corus argued that the Commission’s proposed amendment would provide animated productions with greater flexibility in terms of remote work. According to the BSO, the proposed amendment would be consistent with similar requirements for other key creative positions.
96. The MPA-C and Apple welcomed the shift from “performed in Canada” to “by Canadians” for reasons of flexibility and recognizing the global nature of animation work. The MPA-C also noted that residency requirements make it more difficult for non-Canadian online undertakings to obtain Canadian program certification for their productions, which, it argued, is inconsistent with the objectives of the Act.<sup>Footnote 23</sup>
97. The IATSE stated that maintaining the “in Canada” requirement “offers the best opportunities for Canadian resident animators – particularly more junior animators seeking training experiences – to develop their skills and careers in Canada and contribute to truly Canadian productions.”

### Commission’s decisions

98. The key creative functions of Key Animation, Layout and Background Design, and Assistant Animation/In-betweening and the key creative position of Camera Operator and Operation play important roles in the creation of Canadian animated programs. They shape the visual style, pacing, and overall storytelling of a production, ensuring that the final work reflects a distinctly Canadian cultural voice.
99. The Commission is mindful of modernizing its approach to the framework related to the recognition of these key creative positions and functions to better align with industry practices. As such, the Commission finds that placing the emphasis on positions and functions in animated productions to be filled and performed by

Canadians, rather than in Canada, would align with the principle of fostering Canadian talent while recognizing that Canadians may choose to live and work abroad. Accordingly, the Commission amends the criteria for animated productions to be certified as Canadian programs such that the key creative functions of Key Animation, Layout Artist and Background, and Assistant Animation/In-betweening and the key creative position of Camera Operator must be performed and filled “by Canadians” rather than “in Canada” for each to be awarded 1 point.

100. In regard to adding Virtual Camera Operator to the key creative position Camera Operator, the Commission notes that technological advancements have not only impacted Canadian workforce mobility but have also contributed to automating and improving camera functions. Images are increasingly being generated by virtual means. Accordingly, the Commission considers that it would be appropriate to adopt a regulatory approach that offers greater flexibility and adaptability to evolving industry practices, and particularly in the context of animation, where greater flexibility is required to adjust to technological advancements in methods and tools used in the creation of animated productions.

101. The Commission further considers that amending the position Camera Operator to add the position Virtual Camera Operator to the points system would also align with CAVCO’s approach. Footnote 24

102. In light of the above, the Commission includes Virtual Camera Operator as part of the key creative position Camera Operator. This amended position will be awarded 1 point if filled by a Canadian.

103. The Commission notes that CAVCO, in its certification framework, recognizes the use of technology as part of its definitions for these positions. Accordingly, for the purposes of Canadian certification and to be consistent with CAVCO’s approach, the Commission defines Virtual Camera Operator as follows:

A Virtual Camera Operator manages digital cameras within virtual environments, directing scenes and creating dynamic camera movements in a production. They also collaborate with the Director and visual effects teams to ensure camera work aligns with the creative vision.

For digitally animated productions, the Commission will generally accept a lead compositor in 3D digital animation or a layout supervisor in 2D digital animation as equivalent positions. Requests for consideration of other individuals occupying a position equivalent to the position Camera Operator will be examined by the Commission on a case-by-case basis.

Bonus point for the use of Canadian characters and settings

104. In the Notice, the Commission expressed the preliminary view that cultural elements should not be included within the certification framework but also noted that it was open to other views and alternate proposals. As such, the Commission sought comments on whether additional cultural elements should be added to the criteria for qualifying and certifying a production as a Canadian program.

#### Positions of parties

105. While parties generally commented on the importance of incorporating cultural elements in Canadian programs, several interveners<sup>Footnote 25</sup> opposed using cultural elements for certifying a production as Canadian as they considered such elements to be subjective. The ISO stated that adding cultural elements would be highly restrictive for Indigenous screen-based storytelling and would negatively impact the sovereignty of Indigenous narrative. The AQPM supported the Commission's preliminary view that cultural elements should not form a criterion. It cited the 2024 report entitled Defining Canadian Content – Workshops with Stakeholders and Industry: What We Heard Report, which notes challenges with considering cultural elements given that “there are many ways of being Canadian.”

106. According to the Alliance des producteurs francophones du Canada (APFC), requiring key creative positions to be filled by Canadians already guarantees a Canadian viewpoint in a production seeking certification. In its view, adding intellectual property requirements instead of adding a criterion relating to cultural elements would further strengthen Canadian cultural expression by empowering producers and creators.

107. The IATSE, on the other hand, stated that the cultural criteria used in the certification frameworks of other countries<sup>Footnote 26</sup> “generally include cultural content criteria that are objective and simple to verify.” It explained that such criteria include, among other things, whether the story takes place in the country, whether characters are identified as being from the country, the language spoken in the program, and whether the program is based on underlying literary, artistic or historical material that originates from the country.

108. Other interveners<sup>Footnote 27</sup> stated that cultural elements should be part of the definition of “Canadian program” but should not be the basis for a mandatory requirement. In their view, this would provide greater flexibility for ways in which productions can meet the criteria for certification as a Canadian program. Instead, they proposed recognizing such elements through bonus points or via CPE credits, so as to emphasize markers of Canadian experience and expression and incentivize contributions to Canadian cultural expression. Intervenors noted that this proposal is partly based on observations made in non-Canadian jurisdictions that recognize a cultural element in their domestic certification systems.

## Commission's decisions

109. The certification framework for Canadian audio-visual programs is both a powerful cultural policy tool and a catalyst for Canadian employment in the Canadian production industry. When it comes to cultural policy objectives and ensuring that the broadcasting system serves to safeguard, enrich and strengthen the cultural fabric of Canada, cultural elements in a production could play a role as they could be leveraged in a production to further enhance the recognition of Canadian experience and expression.
110. Public opinion research shows that Canadian locations, actors and stories are important markers for Canadian viewers, and that their use in productions helps Canadians better relate to Canadian programming.
111. Generally speaking, the record of the proceeding demonstrates a desire by many parties to recognize and reward efforts to promote markers of Canadian identity in Canadian programs while preserving the independence of creators' artistic expression. While not all parties supported the inclusion of cultural elements in the definition, those who did generally favoured doing so as a non-mandatory bonus point.
112. Identifiable characters and settings reinforce Canadian identity, support audience engagement, and enhance the domestic and international presence of Canadian programming. Canadian productions can tell a variety of stories. In many instances, the stories that are told may be about international events from a Canadian perspective or may be about fantastical settings made by Canadians. In other instances, plots and story lines may not lend themselves to using Canadian characters or settings. The Commission must nevertheless be mindful that Canadian characters and settings can resonate with domestic and world audiences in ways that help to support key markets and storytelling that would otherwise have been undervalued in the current certification framework.
113. In the Commission's view, awarding a bonus point for the use of these cultural elements would recognize the benefits of adding some markers of Canadian identity to a production without diluting the points allocated to key creative positions and functions. It would also avoid unfairly penalizing Canadian creators that choose to focus on characters and settings that may not be identifiably Canadian but who continue to display a Canadian perspective in telling those stories. This approach would appropriately promote Canadian identity, while maintaining the primacy of key creative positions in ensuring that Canadian perspectives are reflected in audio-visual productions.

114. In light of the above, the Commission will award 1 bonus point where identifiable Canadian characters and identifiable Canadian settings are included in a production.

115. The Commission heard the concerns of some interveners that assessing “cultural elements” could be too subjective for the purpose of awarding points. However, in the Commission’s view, the submission of the IATSE in regard to the objective and verifiable nature of cultural criteria, if properly defined, is compelling. As such, the Commission determines that, to be awarded a bonus point for Canadian characters and settings, a production must meet the following three criteria:

**Characters:**

- i. All lead characters (up to 5 main fictional characters in dramatic productions) must be identified as Canadian or members of First Nations, Inuit or Métis in Canada.
- ii. All persons on screen in non-dramatic productions, such as presenters, musicians, dancers or hosts, and all persons who are the main subjects of documentaries must be Canadian or members of First Nations, Inuit or Métis in Canada.

**Synopsis:** The synopsis of the production must be centred on or include these lead characters/subjects. The production must identify them as Canadian or members of First Nations, Inuit or Métis in Canada.

**Location:** The location of the story must be set in Canada. The story or narrative must take place entirely in an identified Canadian city/region/province/territory. The location can be identified by a Canadian landmark or by identification on screen or otherwise identified overtly in the narrative or text of the program.

**Bonus point for productions based on Canadian written works, and removing pilot projects from the definition of Canadian program**

116. In Broadcasting Regulatory Policy 2015-86, <sup>Footnote 28</sup> the Commission announced that it would be launching two pilot projects to recognize as Canadian live-action drama/comedy productions that are based on the adaptation of best-selling, Canadian-authored novels or that have a budget of at least \$2 million/hour. It noted that this would encourage governments and partner agencies to consider more flexible and forward-looking approaches to the production and financing of high impact Canadian programs in the future.

117. Pilot projects are special high-impact Canadian productions that still qualify as Canadian programs even though they do not meet the current certification criteria.

To reduce the barriers to qualification, some certification criteria are waived for these riskier projects under certain conditions.

118. A key element of the pilot project component of the certification framework is the recognition of live-action drama/comedy productions based on the adaptation of best-selling, Canadian-authored novels as Canadian. As reflected by the record of this proceeding, this approach did not yield the benefits that were initially anticipated when pilot projects were first put in place (only three applications for the Canadian certification of pilot projects have been received since 2015, none of which successfully qualified as a Canadian program).
119. As part of this proceeding, the Commission sought comments on whether points or other incentives should be included for the use of pre-existing Canadian source material. It also invited parties to comment on the possible removal of pilot projects from the definition of “Canadian program.”

#### Positions of parties

120. Various interveners<sup>Footnote 29</sup> opposed awarding points or creating other incentives for the use of pre-existing Canadian source material. They cited the risk of having source material falling into the hands of large non-Canadian players, who may distort Canadian stories. According to the AQPM, there is no guarantee that adapting a pre-existing Canadian work will preserve its Canadian cultural essence on screen. The CMPA stated that awarding points for the use of pre-existing Canadian source material could allow larger players to secure certification without surrendering creative and financial control of the production itself.
121. Telefilm Canada and The Ontario Educational Communications Authority (TVO), on the other hand, considered that it would be appropriate to encourage the production of audio-visual productions based on pre-existing Canadian source material. The MPA-C, Apple, the CMF, and Lionsgate supported the consideration of pre-existing Canadian source material as part of the certification process. The CMF proposed awarding up to 1 point for Canadian-authored material.
122. While some interveners<sup>Footnote 30</sup> agreed with the Commission’s preliminary view to discontinue the certification of pilot projects as Canadian, others considered that their certification should be maintained.<sup>Footnote 31</sup> The Canadian Association of Broadcasters (CAB) supported maintaining their certification for flexibility purposes.

#### Commission’s decisions

123. The use of Canadian written works and other pre-existing source material in the creation of audio-visual programs remains of cultural and policy value today.

These works contribute directly to several policy objectives of the Act, including serving to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada (subparagraph 3(1)(d)(i)), providing Canadians with the opportunity to see and hear Canadian stories (subparagraph 3(1)(d)(ii)), and ensuring that the programming provided includes a significant contribution from the Canadian independent production sector (subparagraph 3(1)(i)(v)). In this respect, Canadian written works help to promote Canadian stories, enhance discoverability of Canadian content, reinforce Canadian identity and heritage, and support a sustainable Canadian broadcasting system where creators can profit from their works.

124. In particular, the Commission considers that adaptations of Canadian written works of fiction and non-fiction can strengthen the presence of Canadian perspectives in audio-visual content, increase access to Canadian creativity and resources, showcase Canadian heritage domestically and internationally, and support Canadian authors and the discoverability and monetization of their written work.

125. Accordingly, the Commission finds that recognition of Canadian written works is better achieved through the points system and offers a more effective mechanism to advance cultural and policy outcomes than the current pilot project framework.

126. In light of the above, the Commission determines that 1 bonus point will be awarded for the use of Canadian written works as source material. For certification purposes, “written work” is defined as follows:

A written work of fiction or non-fiction (such as a novel, short story, graphic novel, novella, play, biography, autobiography, or poem), in either digital or print form, that is authored by a Canadian(s). This excludes written works such as manuals, programming text, pamphlets, tables and compilations, government publications, and blog posts. For further clarity, material developed solely and specifically to support the development of scripts and concepts as part of a production is not eligible to receive a point.

127. Further, the Commission will no longer recognize as Canadian programs pilot projects, that is, live-action drama/comedy productions based on the adaptation of best-selling, Canadian-authored novels and live-action drama/comedy productions with a budget of at least \$2 million per hour of content created.

#### Bonus point for Canadian musical selections

128. In the Notice, the Commission sought comments on whether to amend the key creative position of Music Composer so that a point could be awarded either for a

Canadian Music Composer or the Canadian rights holders of pre-existing or pre-recorded music.

### Positions of parties

129. The Screen Composers Guild of Canada (SCGC), supported by hundreds of individual Canadian music creators, strongly opposed expanding the music point as proposed by the Commission. It argued that doing so would result in giving key creative points for the purchase of rights as opposed to the employment of Canadian individuals. The Association des professionnels de l'édition musicale (APEM) also opposed changing the point for the position Music Composer. Both interveners proposed instead the addition of a criterion requiring that not less than 75% of the budget allocated to pre-existing music be devoted to Canadian musical selections. The APEM added that the 75% budget allocation could take the form of a production expenditure or of a contribution to a fund supporting Canadian music.
130. According to the National Film Board and BIPOC TV & Film, a point should be awarded for music originally composed by Canadian or Indigenous artists, even if the rights are held by both Canadian and non-Canadian owners.
131. Rogers supported awarding a point for the position of Music Composer when filled by a Canadian or to the rightsholders of pre-existing or pre-recorded music when purchased from both Canadian and non-Canadian rights holders as this would provide producers with more flexibility.

### Commission's decisions

132. Supporting the inclusion of Canadian Music Composers and existing Canadian music in the certification framework recognizes the role of key Canadian creators. It also fosters a sustainable Canadian broadcasting system and ensures that Canadian creators can profit from their work, including through intellectual property rights. Further, it advances Canadian artistic and cultural expression and provides employment opportunities for Canadians, consistent with subparagraphs 3(1)(d)(ii) and (iii) and paragraphs 3(1)(f) and (f.1) of the Act.
133. In the Commission's view, hiring Canadian Music Composers for Canadian programs remains important. Maintaining a point for Canadian Music Composers would continue to support the policy objectives of promoting Canadian artistic and cultural expression. Accordingly, the Commission will continue to award 1 point for the key creative position of Music Composer when that position is filled by a Canadian. Footnote 32

134. That said, the Commission acknowledges that the current points system can have the unintended consequence of penalizing smaller productions that do not have the financial means to hire a Music Composer and must instead purchase music rights. In the Commission's view, there exists an opportunity to address this unintended consequence and also to support Canadian music in ways that it has not done in the past. Recognizing the inclusion of pre-recorded or pre-existing Canadian music in the certification system would support the discoverability of Canadian talent and would further the above-noted objectives of Act. As such, the Commission finds that it would be appropriate to allow for the inclusion of pre-recorded or pre-existing Canadian music in the certification framework, while continuing to recognize Canadian Music Composers. Through such an approach, producers may rely on different musical accompaniments to help support the overall narrative of their productions. Such an approach could also enhance the discoverability of Canadian music, not only for Canadians but also on the world stage.
135. In light of the above, a production will be eligible to receive 1 bonus point to count toward the threshold for certification if more than 50% of the pre-recorded or pre-existing musical selections featured in the production, including an excerpt of the musical selections of any duration of time, are Canadian. These musical selections must not include original music specifically composed for the production for the bonus point to be awarded. Further, to qualify for the bonus point, the musical selections in question must meet the criteria of a "Canadian selection" as defined in subsection 2.2(2) of the *Radio Regulations, 1986* (the Regulations).<sup>Footnote 33</sup> The point will be awarded only if there is no Music Composer specifically hired for that production, or, in the alternative, if there is a Canadian Music Composer hired for that purpose. For clarity, no point will be awarded if there is a non-Canadian Music Composer or if 50% or more of the music selections are non-Canadian.

#### Conclusion

136. For ease of reference, the Commission has set out in Appendix 1 to this regulatory policy the detailed criteria of the certification framework. In Appendix 2, the Commission has set out its approach to the certification, verification and assessment of certain types of productions as well as the interpretation of terms used in Appendix 1.

#### Production costs

137. Requirements relating to Canadian production costs are key safeguards for promoting Canadian employment in the broadcasting system and for encouraging the use and development of Canadian creative talent, ultimately fostering Canadian

cultural expression. In the Notice, the Commission sought comments on its preliminary view that it should maintain the current requirement that at least of 75% of a production's services costs be paid to Canadians and that at least 75% of the production's post-production and laboratory costs be paid for services provided in Canada by Canadians or Canadian companies.<sup>Footnote 34</sup>

#### Positions of parties

138. Rogers, Quebecor, and several associations representing the creative sectors and funding organizations<sup>Footnote 35</sup> generally expressed support for maintaining the current 75% requirement regarding a production's service costs. Certain interveners<sup>Footnote 36</sup> proposed lowering the threshold requirement for non-Canadian online undertakings such that from 10% to 50% of a production's service costs be paid to Canadians, with a lower percentage for post-production and laboratory costs.

#### Commission's decisions

139. The 75% thresholds for production service costs and for post-production and laboratory costs ensure that a substantial portion of the economic activity associated with production and post-production remains in Canada, thereby reinforcing Canadian employment and expertise in both technical and creative sectors for audio-visual productions. This is consistent with the objective of the Act relating to safeguarding, enriching and strengthening the cultural, political, social and economic fabric of Canada (subparagraph 3(1)(d)(i)).
140. As such, the Commission is concerned that lowering the thresholds for these costs would not be consistent with supporting Canadian creative control and key creators in their role of shaping Canadian storytelling. In the Commission's view, the current 75% thresholds for production service costs and post-production and laboratory costs continue to provide sufficient flexibility within the system to encompass Canadian and non-Canadian costs, while ensuring that most of these costs are paid to Canadians.
141. Accordingly, the Commission maintains the requirements that at least 75% of a production's service costs be paid to Canadians and that at least 75% of a production's post-production and laboratory costs be paid for services provided in Canada by Canadians or Canadian companies.

#### Intellectual property ownership and producer control

142. Under its current approach to Canadian program certification, the Commission does not take the Canadian ownership of intellectual property into consideration. Nor

does the Commission extend any protections to support Canadian copyright retention in the way that other organizations do (including the CMF and Telefilm Canada) or in the way contemplated in co-production treaties signed between Canada and various international jurisdictions.

143. In the Notice, the Commission sought comments on a modernized approach where intellectual property rights retention, specifically, copyright retention, would be applied to maintain, strengthen, expand, and protect Canada's competitiveness in the audio-visual production industry, while ensuring continued international investment in the Canadian broadcasting production system. The Commission expressed the preliminary view that such an approach should foster Canadian financial control but be flexible enough to accommodate diverse business models and distribution methods, facilitate the exportability of Canadian programming and formats, and encourage all types of players to make Canadian programming discoverable both domestically and abroad, on traditional and online platforms.

#### Position of parties

144. In general, interveners' views on copyright requirements were divergent. Some interveners<sup>Footnote 37</sup> proposed different models recognizing that different levels of Canadian copyright ownership can be included in Canadian programs. Several Canadian interveners<sup>Footnote 38</sup> supported aligning copyright ownership requirements with those of CAVCO, including a 25-year retention period. Other interveners<sup>Footnote 39</sup> urged the Commission to require 100% Canadian copyright ownership as a certification requirement, while some<sup>Footnote 40</sup> favoured flexibility in regard to copyright sharing, with a requirement that most copyright remains Canadian. Conversely, the MPA-C and Netflix opposed mandatory Canadian copyright ownership, favouring instead flexible copyright models to foster investments and align with current industry practices and European trends. The MPA-C proposed incentivizing Canadian copyright ownership through bonus points or CPE credits.
145. Among interveners who stressed the importance of an approach focusing on strong Canadian copyright ownership retention, the Writers Guild of Canada (WGC) noted the relationship at law between "authors" and "works" under the *Copyright Act* and considered that no other factor is more determinative to the nature and character of a creative work than the creator(s) of the work. Corus proposed adopting CAVCO's approach of requiring copyright to be held by a Canadian producer for 25 years, while the CMPA proposed a model under which copyright ownership would be entirely with Canadian independent producers.
146. The IATSE, on the other hand, submitted that financial control and copyright ownership should only be part of the definition of "Canadian program" when

included with other criteria, such as an expanded list of key creative positions and the inclusion of cultural elements as part of the certification framework. According to Netflix, existing models are in place where certification is achieved even when flexible copyright ownership is shared between producers in different territories. Other interveners<sup>Footnote 41</sup> also favoured flexibility in regard to copyright sharing, with a requirement that most copyright remains Canadian.

147. Rogers expressed the view that Canadians must hold more than 50% of intellectual property rights. It proposed that Canadian broadcasting undertakings be eligible to own intellectual property rights and that programming produced or commissioned by a Canadian broadcasting undertaking automatically qualify as Canadian. Rogers explained that its proposed flexible approach would give Canadian broadcasters enhanced flexibility to work with non-Canadian undertakings to produce programming for Canadian audiences that could then be exploited globally on non-Canadian platforms.

#### Commission's decisions

#### Canadian control and benefit in programs

148. Intellectual property is an umbrella term for a set of legal rights and protections that include copyright under the *Copyright Act*. Under that statute, copyright ownership provides creators with a series of exclusive rights to exploit their works, including the right to reproduce, publish and perform Canadian programs and authorize such uses among others. In Canada, producers are generally the owners of copyright in programs for broadcast. The Commission notes that participation in copyright ownership enables creators to have control in and benefit from the creation of programming.
149. The Commission acknowledges that other forms of intellectual property, such as trademark ownership, can be involved in an audio-visual production and lead to financial benefit for Canadians. It is notable, however, that the Act makes particular mention of copyright as a consideration. Various parties, including the CMPA and Corus, emphasized the importance of copyright ownership as a criterion for Canadian programs to meet the objectives of the proceeding. A focus on copyright, among other forms of intellectual property, in defining “Canadian program” aligns with other Canadian content policies, such as those of Telefilm Canada, that have copyright protections.
150. The record of the proceeding did not yield any consensus on an appropriate model for copyright ownership. Many interveners who commented on this issue expressed the view that copyright should fully remain with Canadian creators, while others took the contrary view that no rules should be introduced. The Commission is

not convinced that either position is appropriate as neither meets the objectives of reaching a balance between incentivizing international partnerships and maximizing the benefits to Canadians.

151. Paragraph 10(1.1)(a) of the Act states that in defining Canadian programs, the Commission must consider whether Canadians, including independent producers, have a right or interest in relation to a program, including copyright, that allows them to control and benefit in a significant and equitable manner from the exploitation of the program. Further, the Policy Direction requires the Commission to support Canadian intellectual property ownership in defining “Canadian program” and to consider how its determinations will complement other Canadian content policies, including those regarding audio-visual tax credits and government funding. Footnote 42
152. While the Commission recognizes that copyright ownership is an important determinant of financial control in a production, there are ways other than copyright through which the Commission currently enables Canadian creators to retain fair and equitable financial control of and benefit from their productions. These include the following:
- **Canadian producer control:** Canadian programs must always involve Canadian producers.
  - **Employing Canadians in a broad range of key creative positions and functions:** Requiring that the majority of key creative positions and functions of a production be filled or performed by Canadians significantly contributes to creative control.
  - **Production costs:** Requiring that at least of 75% of a production’s services costs be paid to Canadians and that at least 75% of the production’s post-production and laboratory costs be paid for services provided in Canada by Canadians or Canadian companies ensures that a substantial portion of the economic activity associated with production and post-production remains in Canada, reinforcing economic benefits to Canadians.
153. In addition to the safeguards arising from the Commission’s certification framework, there are other mechanisms within the larger Canadian content ecosystem that offer protections for Canadian producers to control and benefit financially from their productions in a significant and equitable manner. Importantly, this includes the following protections that specifically support Canadian copyright ownership of Canadian programs:
- Most Certified Independent Production Funds (CIPFs), which are certified by the Commission, require Canadian producers to hold all rights to their productions. Footnote 43

- The CMF includes eligibility requirements for funding on copyright, financial control and creative control. Certain CIPFs also impose similar requirements, although the specific criteria may vary from fund to fund.<sup>Footnote 44</sup>
- Productions that are certified as eligible for federal tax credits require a Canadian production company to hold 100% copyright ownership for 25 years for a production to be eligible for tax credits.<sup>Footnote 45</sup>
- Certain provincial tax credit programs also include Canadian and/or provincial copyright provisions as part of their eligibility criteria, with some offering higher tax credits when Canadian ownership meets or exceeds defined thresholds.<sup>Footnote 46</sup>

154. Still, in the Commission's view, requirements relating to copyright should be included in the criteria for defining "Canadian program." Such requirements would provide long-term tangible benefits to Canadians by ensuring that the economic and cultural value of Canadian programming remains tied to Canadian creators. Including copyright ownership requirements in the certification framework would also offer additional and stronger support for Canadians' works than would the existing co-venture model, which does not include such safeguards relating to Canadian intellectual property.

155. The Commission recognizes the presence of safeguards ensuring that Canadian creators retain creative and financial control of their works in the larger ecosystem, and in a context where international partnerships in audio-visual productions are sought as ways to, notably, fund expensive productions and facilitate their exportation and discoverability abroad. As such, the Commission considers that copyright ownership requirements should be flexible and responsive to different business models, including international partnerships. The Commission is considering this flexibility in setting an appropriate threshold for Canadian copyright ownership in Canadian programs.

156. In establishing a new Canadian copyright ownership threshold, the Commission notes that such requirements are found in many co-production treaties already in place between Canada and other countries.<sup>Footnote 47</sup> In the Commission's view, aligning the Canadian copyright ownership threshold with the provisions found in these treaties would be simpler to administer and would reduce confusion in the industry. Accordingly, the Commission determines that for a production to qualify as a Canadian program, Canadians must retain at least 20% of the copyright ownership in the program. In the Commission's view, this determination complements other Canadian content policies and ensures that Canadian creators retain fair and equitable control over and benefit from the exploitation of their productions without unduly deterring international investments.

157. However, the Commission is also of the view that where Canadians do not hold a majority of the copyright in a program, other measures must be put in place to ensure that the overall creativity, direction, and look and feel of a Canadian production remains Canadian. As noted above, to qualify as a Canadian program, a production must meet, at a minimum, the 60% threshold of points possible for the production, based on the number of points awarded. However, when 50% or less of the copyright in the program is retained by Canadians, the Commission finds that a greater number of Canadian key creative elements must be present in a production and that a greater number of points must be attained. The Commission also considers that copyright ownership should be recognized whether it is retained by Canadian producers or by Canadian broadcasters, who would work in partnership with non-Canadians.

158. The Commission is of the view that it would be appropriate to introduce support for Canadian copyright ownership in programs as a criterion of defining “Canadian program.” Accordingly, the Commission adopts the following approach for Canadian copyright ownership, oversight and control in the Canadian program certification framework:

Minimum copyright requirement

- o For a production to be eligible to qualify as a Canadian program, not less than 20% of the copyright in the program must be retained by a Canadian(s). This could mean a Canadian broadcaster or a Canadian producer.

Where Canadians own not less than 20% and not more than 50% of the copyright in a program, for the production to qualify as a Canadian program:

- o it must attain not less than 80% of the maximum number of points possible for the production, based on the points awarded for key creative positions and functions along with any bonus points that may be awarded for other key creative elements;
- o for live action productions, both the Director AND the Screenwriter positions in addition to either the First Lead Performer (or first voice) OR Second Lead Performer (or second voice) position must be filled by Canadians; and
- o for animated productions, both the Director AND Scriptwriter and Storyboard Supervisor positions in addition to either the First Voice (or first lead performer) OR Second Voice (or second lead performer) position must be filled by Canadians. Further, the Key Animation function AND the Camera

Operator/Virtual Camera Operator position must be performed or filled by Canadians.

Where Canadians own more than 50% of the copyright in a program, for the production to qualify as a Canadian program:

- it must attain not less than 60% of the maximum number of points possible for the production, based on the points awarded for key creative positions and functions along with any bonus points that may be awarded for other key creative elements;
- for live action productions, either the Director OR Screenwriter position in addition to either the First Lead Performer (or first voice) OR Second Lead Performer (or second voice) position must be filled by Canadians; and
- for animated productions, either the Director OR Scriptwriter and Storyboard Supervisor position in addition to either the First Voice (or first lead performer) OR Second Voice (or second lead performer) position must be filled by Canadians. Further, the Key Animation function AND the Camera Operator/Virtual Camera Operator position must be performed or filled by Canadians.

#### Producer creative and financial control

159. As an additional safeguard measure to strengthen Canadian creative and financial control, the Commission considers that there is merit in continuing to support Canadian producer decision-making control. This has been present in the criteria for defining a Canadian program to date, as well as in the Commission's co-venture system, which is addressed below. Canadian producers are not captured under the key creative positions. However, the Commission recognizes the importance of the role of Canadian producers among other creative resources used in Canadian productions. Accordingly, in instances of shared copyright, to qualify as a Canadian program, the production must be produced by a Canadian production company<sup>Footnote 48</sup> that has no less than equal measure of decision-making responsibility<sup>Footnote 49</sup> with partners on all creative elements of the production.

160. Currently, the roles of producer, co-producer, line producer and production manager must be entirely occupied by Canadians for a production to be eligible for certification as Canadian. A flexible copyright ownership model as implemented in this regulatory policy allows non-Canadian producers to work alongside Canadian producers on a Canadian program. Accordingly, it would be appropriate to ease the requirements relating to the nationality of the producers who take part in a

production in cases of shared copyright ownership in the program. However, the Commission needs to balance the fostering of partnerships with international producers while ensuring that Canadian producers continue to play a vital role in Canadian productions.

161. In light of the above, for programs with 100% Canadian copyright ownership, the Commission maintains that the roles of producer, co-producer, line producer and production manager must be occupied by Canadians. As discussed below, courtesy credits are available for non-Canadians in producer-related roles. For productions involving shared copyright ownership, the Commission amends the current requirement to read as follows:

Not less than 50% of persons occupying the roles of producer, co-producer, production manager and line producer, and all producer-related roles (such as executive producer, associate producer and supervising producer), must be Canadian.

#### Copyright retention period

162. In regard to a Canadian copyright retention period, the Commission notes that in the case of international treaties administered by Telefilm Canada, no retention period is imposed. The Commission finds it important to grant some flexibility to incentivize collaboration with international partners and to allow for all parties involved in a production to negotiate their own copyright retention periods. Accordingly, the Commission determines that it would not be appropriate to include a copyright retention period requirement as part of the criteria for defining a production as a Canadian program.

#### Guiding principles in negotiations among production partners

163. The Commission acknowledges the close relationship between copyright ownership, financial control and shared participation by all parties involved in a production. In the Commission's view, while aligning these three aspects of a production may be a good practice, it would not be appropriate to limit non-Canadian financial participation or financial participation of Canadian partners in a production. Being overly prescriptive about financial arrangements of productions would run counter to regulating in a flexible manner. Further, it would undermine the goal of fostering partnerships that further the exportability and discoverability of Canadian programs and of fostering a financial support ecosystem. It would also undermine the different ways that producers may choose to structure production agreements and may discourage some productions.

164. The Commission considers that it must balance the goals of regulatory flexibility so as to encourage a variety of productions, and of business models and broadcast and distribution models, while fostering a broadcasting system in which Canadian producers can retain significant, equitable control of their works and benefit from their long-term exploitation. The Commission is mindful, however, of its role and authority in respect of the business and trade arrangements among production partners involved in audio-visual productions and that being overly prescriptive can undermine flexibility. Accordingly, the Commission adopts the following guiding principles in negotiations among production partners:
- **Fair compensation and exploitation:** Ensure that remuneration, rights, and revenues are allocated in a way that fairly reflects the financial and human contributions to the production, while ensuring Canadian producers retain significant, equitable control and benefit from long-term exploitation.
  - **Good-faith negotiation:** Production partners negotiate in good faith. <sup>Footnote 50</sup>
165. The Commission may assess the effectiveness of these non-binding principles in the future.

#### Co-ventures

166. Currently, there is a co-venture model <sup>Footnote 51</sup> that offers flexibility for Canadian producers who wish to work with non-Canadian producers, by sharing creative and financial decision-making responsibilities. The copyright provisions as introduced in this regulatory policy are meant to incentivize co-productions with non-Canadian partners and provide protections for Canadian creative and financial control that are not found in the current co-venture model. Accordingly, the measures adopted in this regulatory policy replace the co-venture framework.

#### Other criteria and issues relating to certification

167. The current certification framework includes incentives, such as the granting of time credits for the broadcast of certain types of certified programs, along with requirements, such as those relating to foreign courtesy credits and affidavits. In addition, the framework allows for specific types of productions and programming to be certified, including production packages <sup>Footnote 52</sup> and twinnings. <sup>Footnote 53</sup> Adult programming is also included in the scope of certification.
168. To simplify and modernize the certification framework in a way that aligns with a wide variety of business models, the Commission explored in the Notice <sup>Footnote 54</sup> the possibility of amending or eliminating the above-noted elements.

#### Positions of parties

169. Most of the interveners who commented on time credits<sup>Footnote 55</sup> stated that they should be discontinued given that they are less relevant in an on-demand environment. The AQPM and the Société de télédiffusion du Québec, among others, proposed adding new incentives for Canadian dubbing if time credits are removed. The CAB stated that since dubbing uses production resources, time credits should remain as long as exhibition requirements exist. BCE and Corus noted that time credits for dubbed productions continue to be especially valuable for French-language broadcasters.
170. Many interveners<sup>Footnote 56</sup> supported the Commission's preliminary view that foreign courtesy credits should be streamlined. They proposed consolidating the credits into a single list and removing the Commission's equivalency approach. Intervenors also agreed with the Commission's proposal to replace the notarized affidavit with an attestation of duties.<sup>Footnote 57</sup>
171. Finally, intervenors generally agreed with discontinuing the Canadian certification of adult programming. Rogers, however, proposed maintaining the certification of adult programming while excluding it for the purpose of meeting CPE requirements. Kate Sinclair, a producer of adult programming, opposed the exemption of adult programming from certification. In this intervener's view, "[a]rbitrarily exempting adult programming from Canadian designation will harm creative workers, harm film training, harm creativity, harm public opinion of sex workers, help monopolies, and open the Commission up to jurisdictional and Charter-based legal challenges."

## Commission's decisions

### Time credits

172. Currently, when a production is certified as Canadian, it also receives a time credit that broadcasters use to meet certain regulatory requirements. The time credit represents the percentage of time that a broadcaster can claim as Canadian content in its program logs. Supplementary time credits are also granted for productions dubbed in Canada using Canadian resources and for certain drama productions that hire Canadians for all key creative positions (i.e., the 150% drama time credit).
173. The Commission acknowledges that time credits are generally unsuitable in an on-demand environment, where programs are accessible by viewers at a time of their choosing rather than at any scheduled time, which makes it impossible to track for time credit purposes. As such, time credits no longer represent a strong incentive for broadcasting Canadian programming. In addition, the removal of time credits would reduce the administrative burden on certain broadcasters by simplifying reporting when they file their program logs. Finally, the Commission notes that very few

traditional broadcasting undertakings are eligible to use the 150% drama time credit, especially since large English- and French-language broadcasters operating under the group-based approach are not eligible to claim them.

174. In regard to dubbing, the Commission has recognized in the past the contribution that artists and production resources in Canada's dubbing industry make to the production of Canadian programs. It has also recognized that Canadian dubbing reinforces the identification of Canadian viewers with dubbed Canadian programs. The contribution of the dubbing industry remains important today, especially in the French-speaking Quebec market. The dubbing industry in Quebec plays a vital role not only in sustaining local employment and economic activity, but also, and more importantly, in preserving and promoting distinctly Canadian French-language cultural expression by making audio-visual productions accessible to Quebec and Francophone audiences across the country, including those in OLMCs.
175. The Commission acknowledges that since dubbing uses production resources, time credits for dubbing should remain as long as exhibition requirements for traditional broadcasting undertakings exist. Moreover, maintaining time credits for dubbed content aired on linear services would ensure continued support for the Canadian dubbing industry. As such, the Commission maintains the following credits for programs broadcast on linear services:
- for Canadian programs:
    - 100% + 33% Canadian time credit if dubbed in Canada using Canadian resources, from an official language of Canada or an Indigenous language in Canada into the other official language of Canada or an Indigenous language in Canada; Footnote 58 and
    - no time credit if dubbed outside of Canada; and
  - for foreign programs:
    - 33% Canadian time credit if dubbed in Canada using Canadian resources, from an official language of Canada or an Indigenous language in Canada into the other official language of Canada or an Indigenous language in Canada; and
    - 50% Canadian time credit if dubbed in Canada using Canadian resources, from a language other than an official language of Canada or an Indigenous language in Canada into an official language of Canada or an Indigenous language in Canada.
176. Further, the Commission determines that it will discontinue the use of other time credits as part of its regulatory tools. With the exception of the dubbing credits noted above, Canadian programs will count for no more than full time duration (i.e.,

100%) for the purpose of Canadian content exhibition requirements. This means that the 150% time credit for certain Canadian drama programs is discontinued and that a program under this category will count for 100% of its time duration.

### Foreign courtesy credits and affidavits

177. Currently, to ensure that Canadians are clearly recognized as the central decision-makers for a domestic production, non-Canadians cannot receive a producer, co-producer, line producer, or production manager credit. They can however be awarded courtesy credits under certain conditions.<sup>Footnote 59</sup>
178. Notarized affidavits are currently required for all non-Canadians receiving foreign courtesy credits. The Commission currently separates producer-related roles into two distinct groups based on the importance of their creative and financial control on a production, and reviews any courtesy credits given to a non-Canadian to ensure that their duties do not interfere in any way with the administrative, creative or financial decisions of the Canadian producer. If a non-Canadian obtains a foreign courtesy credit in a producer-related role from either of these groups, the Commission requires that a Canadian occupy a similar producer-related role also from these groups. This is known as an equivalency scope. In the Notice, the Commission proposed to simplify this criterion by consolidating the foreign courtesy credits into a single list (as opposed to having two distinct groups), thus eliminating the need to require equivalencies. It also proposed to simplify the affidavit requirement with a standardized attestation of duties form.
179. Parties that intervened on this issue generally agreed with the Commission's proposed approach. In the Commission's view, this simplified and streamlined approach would lighten the administrative burden for applicants without impacting Canadian productions. The framework includes safeguards (such as high-level requirements for Canadian key creative positions and production costs) that ensure Canadian creative and financial control are well supported.
180. Accordingly, the Commission amends the certification framework as follows for productions that are characterized by 100% Canadian copyright ownership:
- The foreign courtesy credits will be consolidated into a single list, without requiring equivalencies between the two above-noted distinct groups of producer-related roles. The Commission therefore requires that for every non-Canadian obtaining a foreign courtesy credit from the producer-related roles of the consolidated list, a Canadian also needs to be credited in a producer-related role from this same consolidated list.
  - The notarized affidavit requirements will be replaced with an attestation of duties form. This form will specify that the duties of the non-Canadian do not

interfere in any way with the administrative, creative or financial decisions of the Canadian producer. The form will clearly state that the Commission has the right to audit and ask for additional documentation in relation to the foreign courtesy credit and has the right to revoke the certification if the requirements are not met.

### Production packages and twinnings

181. The Commission has received very few applications for the certification of production packages and twinnings since their implementation decades ago. As such, the Commission is of the view that certifying such productions does not add value to the flexibility or versatility of the certification framework. Accordingly, the Commission discontinues the certification of production packages and twinnings.

### Adult programming

182. In the Notice, the Commission stated that adult programming is an element of the production industry that does not require regulatory support for its overall economic stability. Further, the certification or non-certification of this type of programming does not impact the Canadian production industry associated with the creation or availability of such content. As such, the Commission confirms its preliminary view that it will no longer certify adult programming as Canadian for the purposes of the certification framework. The Commission notes that this determination does not materially affect the Commission's jurisdiction over that type of programming, as adult programs would remain "programs" under the Act.
183. The Commission notes that other existing requirements relating to the broadcast of adult programming by discretionary services remain in place, in particular, the standard condition of service<sup>Footnote 60</sup> requiring a licensee that broadcasts adult programming to adhere to section D.3 of the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*.<sup>Footnote 61</sup> The Commission further notes that on-demand services continue to be subject to the requirement to maintain a code governing the broadcast of adult programming, and that other applicable programming codes, including those relating to equitable portrayal and related standards, remain in force. The Commission clarifies that, while it will no longer certify these programs as Canadian, this does not constitute the elimination or easing of any existing regulatory requirements.

### Conclusion on modernizing the certification framework

184. In brief, the Commission has considered the factors set out in the Act and in the Policy Direction and is satisfied that its decisions set out above for modernizing the certification framework for Canadian programs will adequately support Canadian artistic and cultural expression by ensuring that Canadian stories, perspectives, and creative talent remain central to the audio-visual sector, while also helping generate Canadian employment opportunities across key creative and technical positions. By setting clear criteria for Canadian programs, the framework strengthens the capacity of the Canadian production industry to develop distinctive programming that reflects national identity. A modernized framework that incorporates flexible Canadian copyright ownership provisions further enhances these benefits by safeguarding Canadian creative rights, thereby enabling Canadian creators to retain greater control over their programs while providing opportunities to foster partnerships with non-Canadian creators and other partners.

### Next steps – Implementation of the modernized certification framework

185. To implement its decisions regarding the criteria for defining “Canadian program,” the Commission intends to issue in the near future a notice of consultation calling for comments on proposed new regulations defining “Canadian program” in the audio-visual sector and on consequential amendments to the *Television Broadcasting Regulations, 1987* and to the *Discretionary Services Regulations*. The Commission invites interested persons to consult that notice of consultation for further details.
186. In view of the time required to make regulations, the Commission will assess Canadian program certification applications that it received before the date of this regulatory policy under the certification framework currently in place, and not under the modernized certification framework, which will be implemented only once the above-noted new regulations come into force. For applications received between the date of this regulatory policy and the date the above-noted new regulations come into force, the Commission will also apply the certification framework currently in place. However, an applicant who submits an application during that same time period and wishes to be certified under the modernized criteria set out in this regulatory policy can indicate this in its application. In such cases, the application will be put on hold and subsequently evaluated when the new regulations come into force. The Commission further notes that once the new regulations come into force, the new criteria will apply to all applications received on or after that coming into force date.

### The use of AI in Canadian productions

187. As part of this proceeding, the Commission sought comments on the growing use of AI-generated content and on the appropriateness of considering AI-generated content as Canadian. More specifically, the Commission wished to examine AI in light of, among other things, the impact it may have on various elements in the audio-visual production industry (such as dubbing, animation and scriptwriting) in so far as that impact relates to Canadian programming and pre-production and post-production practices.

#### Positions of parties

188. Interveners including Unifor and the Conseil provincial du secteur des communications du Syndicat canadien de la fonction publique (CPSC-SCFP) called for clear boundaries around the use of AI, to protect Canadian jobs, uphold creative standards, and ensure the integrity of Canadian content. Broadcasters emphasized the need for flexibility and innovation in regard to their use of AI in programming production, so as to improve efficiency by automating tasks that allow for faster and more cost-effective production.

189. Several interveners expressed concerns over the integration of AI into the Canadian broadcasting system, particularly in regard to the potential replacement of media workers, loss of creative control, and the implications on eligibility for Canadian program certification. The DGC, Unifor, the CPSC-SCFP, Music Canada, and the Société professionnelle des auteurs compositeurs du Québec et des artistes entrepreneurs emphasized the critical need to ensure the primacy of human creators over AI, and for AI to serve only as a support tool. According to Accessible Media Inc., the use of AI should not replace human intervention, especially in regard to captioning, and American Sign Language (ASL) and Langue des signes québécoise (LSQ) (a position shared by the Disability Screen Office and by the Deaf and Hard of Hearing Coalition), but should be used as a tool to streamline production processes, reduce costs, and enhance accessibility.

190. The Computer & Communications Industry Association submitted that questions regarding copyright and authorship as they relate to AI-generated material remain unsettled and that determining the nationality of AI outputs is impractical. Broadcasters and producers, including Channel Zero Inc. (Channel Zero), Rogers and the IBG, expressed differing views on AI in broadcasting. Channel Zero cautioned against the Commission making hard and fast rules on broadcaster use of AI, urging it instead to encourage experimentation. Rogers stated that the Commission must take a cautious view toward the use of AI. It expressed support for the use of AI in programming production, but only to the extent that it improves efficiency. Rogers added that although technological innovation has always been an important part of Canadian broadcasting, content must truly strengthen Canada's cultural, political,

social and economic fabric. The IBG argued that AI-generated material or elements within a production should not affect the qualification of a production that would otherwise meet the Canadian certification criteria, as long as the persons using that tool are Canadian. Finally, Pelmorex Weather Networks (Television) Inc. stated that AI-generated or AI-assisted content (including its AI-assisted avatar, when produced by its Canadian staff) should be considered Canadian content.

### Commission's decisions

191. The use of AI in the broadcasting system is in its early stages; however, the impact of this technology is anticipated to grow. Many non-Canadian jurisdictions have initiated public consultations regarding AI and are establishing guidelines or have adopted regulatory frameworks for the technology.<sup>Footnote 62</sup> In Canada specifically, the use of AI is not currently contemplated in the Act or in its broadcasting policy objectives. However, the Commission notes that broad discussions are ongoing in Canada on the legislative framework for AI.
192. The Canadian broadcasting industry is adapting to the growing presence of AI and is taking measures to set boundaries. Protective measures have been introduced in several collective agreements, notably those of the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) and the WGC.
193. The Commission heard during this proceeding how AI is being integrated into certain functions throughout the content production cycle, and how its use can raise concerns. The Commission also heard concerns about the transparency of AI content and whether users are able to tell what is AI-generated and what is not.
194. In the Commission's view, the record of this proceeding did not yield any clear policy proposals in response to the AI-related issues identified in the Notice, or any specific clear path forward in regard to addressing the use of AI in the broadcasting system. However, the Commission is mindful of the need to emphasize the importance of human input and creative control in the production of Canadian audio-visual programming.
195. It is the Commission's view that the key creative positions and functions of the modernized certification framework should be filled and performed by humans. While AI may serve as a potential tool to assist in the creation of Canadian content, the Commission is of the view that humans should hold creative control to support economic opportunities and remuneration for Canadians creators. The Commission will apply this lens when evaluating whether a production meets the criteria for key creative positions and functions, and other criteria used to certify productions as Canadian programs.

## Data collection and publication requirements

196. In the Notice, the Commission sought comments on how to ensure that the Commission, the broadcasting industry and Canadians have access to appropriate data for accountability and transparency purposes.
197. As part of this proceeding, the Commission has considered the publication of financial data and CPE data collection requirements.

## Positions of parties

198. Non-Canadian online undertakings<sup>Footnote 63</sup> and the MPA-C generally did not oppose being required to file CPE-related data with the Commission where they are subject to such obligations. However, they opposed making such financial information public. According to Roku, Inc., collecting and making public information about the revenues and expenditures of online undertakings could jeopardize the competitive position of smaller and growing services. Amazon stated that publishing undertaking-level data would be competitively harmful. Google LLC proposed publishing only aggregate CPE-related data to show system-level spending and trends. Many interveners noted that the Commission had determined, with respect to base contributions,<sup>Footnote 64</sup> that these undertakings' financial information could be treated as confidential.
199. Organizations that represent public-interest and equity-deserving groups<sup>Footnote 65</sup> submitted that comprehensive data collection and publication for all undertakings is necessary for accountability, market transparency and public participation. Friends of Canadian Media argued that the online undertakings that opposed these measures failed to demonstrate how the current obligations cause competitive harm. It called for the Commission to apply the current disclosure requirements to online undertakings.
200. The CAB considered the Commission's current category groupings for programming and production expenditures to be reasonable and expressed support for the public disclosure of aggregate CPE-related data where there is a clear public policy interest. Broadcasters including Rogers and Quebecor, however, argued that the current requirements are excessive and hinder content production, and should be reduced and harmonized with other sectors.
201. Certain producer associations including the CMPA and the APFC expressed support for the Commission's proposal endorsing the mandatory disclosure of disaggregated revenue and expense data from all broadcasters subject to CPE requirements.

## Commission's decisions

### Publication of financial data

202. Access to relevant data and information promotes transparency and accountability among industry players. Such access is also necessary for the Commission to regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in the Act. The Commission has a responsibility to regulate and supervise the Canadian broadcasting system. In doing so, it must take into account the nature and the diversity of the services provided by broadcasting undertakings, as well as their size, their impact on the Canadian creation and production industry (particularly with respect to employment in Canada and Canadian programming), and their contribution to implementing the broadcasting policy set out in the Act.<sup>Footnote 66</sup> Further, the Policy Direction directs the Commission to provide information to the public on a periodic basis regarding the achievement of the Canadian broadcasting policy objectives.<sup>Footnote 67</sup>
203. Accordingly, the Commission finds that there is a clear public interest in ensuring sufficient and transparent reporting by all players (Canadian or non-Canadian) in the Canadian broadcasting industry, of all sizes and regardless of origin, so that all broadcasters and Canadians are informed. Also, it is important for the Commission, as the regulator, to facilitate fair and equitable disclosure of data and information. This is achieved by balancing the public interest in disclosing information versus any potential harm that could result from its disclosure.
204. Under paragraph 9.1(1)(o) of the Act, the Commission may make orders requiring persons carrying on all types of broadcasting undertakings, including online undertakings, to provide any information to the Commission that it considers necessary for the administration of the Act, including financial or commercial information, and information related to programming or expenditures.<sup>Footnote 68</sup> Currently, most online undertakings are required to submit information requested by the Commission consistent with their conditions of service,<sup>Footnote 69</sup> while traditional broadcasting undertakings are subject to various similar provisions set out in regulations or orders, including exemption orders. Transparency is the default under the Act; only limited types of information submitted to the Commission may be designated as confidential. Under section 25.3 of the Act, the Commission is required to balance the protection of such confidential data and disclosure of information in the public interest, thereby maximizing transparency while safeguarding sensitive information.
205. Online undertakings are currently required to publicly disclose only limited financial information, with the Commission solely publishing aggregated information on Canadian broadcasting revenues across all online undertakings in the audio and

audio-visual sectors.<sup>Footnote 70</sup> In contrast, some large broadcasting ownership groups are subject to more extensive disclosure requirements, including for annual aggregate returns, service-specific financial summaries, and annual production reports.<sup>Footnote 71</sup>

206. The Commission acknowledges having taken a more cautious approach to the disclosure of information by online undertakings prior to their express inclusion in the Act. This approach continued after their inclusion and extended to the Commission's determinations set out in Broadcasting Regulatory Policies 2024-121 and 2024-121-1/Broadcasting Order 2024-194. With online undertakings being fully integrated into the Canadian broadcasting system as the Commission continues to implement the modernized Act, its current light approach to data publication for online undertakings limits the ability of the Commission and the public to monitor and adjust to changes in the system. The Commission considers that it must update its approach.

207. In the Commission's view, broadcasters' annual CPE and other contributions,<sup>Footnote 72</sup> and the total annual Canadian gross broadcasting revenues less excluded revenue<sup>Footnote 73</sup> as they relate to audio-visual activities<sup>Footnote 74</sup> in the Canadian broadcasting system, aggregated at the entity level,<sup>Footnote 75</sup> should be public information and not routinely treated as confidential. This approach would better align the data publication requirements between online and traditional players and offer valuable information to the public.

208. The Commission acknowledges the concerns raised by interveners that some information, and in particular financial data, is competitively sensitive, and that its disclosure could place the competitive position of smaller broadcasters – especially small independent Canadian undertakings – at risk. The Commission also notes that large traditional players in the Canadian broadcasting system have for many years been, and still are, required to publish financial data at the ownership group level, and in some cases, for their individual undertakings.

209. In Broadcasting Regulatory Policies 2024-121 and 2024-121-1/Broadcasting Order 2024-194, the Commission required certain online undertakings to make base contributions: those whose operator forms part of a broadcasting ownership group that has, after deducting any excluded revenue, annual Canadian gross broadcasting revenues of more than \$25 million, and those whose operator does not form part of a broadcasting ownership group and that have, after deducting any excluded revenue, annual Canadian gross broadcasting revenues of more than \$25 million. This threshold approach has merit for the purpose of setting a disclosure threshold as it balances fairness, simplicity and equity based on the size of undertaking. However, the Commission considers that it would be appropriate, in setting a threshold for the public disclosure of data, to consider total annual Canadian gross broadcasting

revenues rather than “annual contributions revenues”,<sup>Footnote 76</sup> since that is the data to be disclosed.

210. In the Commission’s view, it is necessary to balance the needs of meeting public interest and protecting smaller entities, taking into account existing practices for publication of traditional undertakings’ data and information. Accordingly, the Commission finds it appropriate to publish information on broadcasters’ annual CPE and other contributions, and on their annual Canadian gross broadcasting revenues less excluded revenue as it relates to the audio-visual activities in the Canadian broadcasting system, from both online undertakings and traditional broadcasting undertakings. This applies to online and traditional broadcasting undertakings whose operator forms part of a broadcasting ownership group that has, after deducting any excluded revenue, annual Canadian gross broadcasting revenues of \$25 million or more, and those whose operator does not form part of a broadcasting ownership group and that have, after deducting any excluded revenue, annual Canadian gross broadcasting revenues of \$25 million or more. For greater clarity, this publication will be at the entity level, which, depending on each undertaking’s ownership structure, is either an individual broadcasting undertaking or a broadcasting ownership group.
211. The Commission recognizes that large online undertakings are not always part of a broadcasting ownership group, and that in such cases, the data disclosure above would apply to a single undertaking. Certain online undertakings have expressed concerns that data disclosure could affect their level of competitiveness in the market. In the Commission’s view, it is unlikely that any harm resulting from disclosure of that data would outweigh the public interest, given the relatively large size of the online undertakings whose information is intended to be made public and their associated large impact on the Canadian broadcasting system.
212. In light of the above, the Commission intends to publish the following information as it relates to audio-visual activities on an annual basis, aggregated at the entity level:
- annual Canadian gross broadcasting revenues less excluded revenue;
  - CPE; and
  - other contributions.
213. This general approach would apply going forward, beginning with data collected in regard to the 2025-2026 broadcast year.
214. Leveling the playing field by modifying the publication requirements as described above is in the public interest as it fosters transparency and provides stakeholders with a more comprehensive view of market trends. As such, better informed interveners will be in a better position to fully participate in the

Commission's proceedings, thereby supporting the Commission's efforts in making its decisions. This public input is critical to the Commission properly taking into account broadcasting undertakings' impact on the Canadian broadcasting system in keeping with paragraph 5(2)(a.1) of the Act.<sup>Footnote 77</sup>

#### CPE data collection requirements

215. The Commission collects detailed CPE data annually from broadcasters, which include breakdowns of expenses directed to overall programming production, closed captioning, and programming production by Indigenous or OLMC producers. To date, CPE-related information currently collected and published by the Commission only reflects activities of traditional broadcasting undertakings and not online undertakings. Online undertakings, however, are active in creating programming in Canada and making that programming available to Canadian audiences. As such, the Commission and the public have access to only partial information on this important element of Canadian programming in the Canadian broadcasting system, which limits the Commission's ability to effectively regulate and supervise the Canadian broadcasting system to support various objectives outlined in the Act.
216. In regard to the granularity of the CPE data collected, the Commission considers that there is value in continuing to collect expenditure data on Canadian programs by program category. This allows for a more comprehensive picture of how CPE are allocated and amortized and offers valuable information to monitor and assess elements of the Canadian broadcasting system for which regulatory support might be necessary.
217. In light of the above, the Commission determines that operators of all broadcasting undertakings that currently are or may become subject to CPE requirements will be required to file with the Commission, via the annual returns, data on CPE. For the purposes of that requirement, the data collection approach requiring programming expenditure data divided by program category will be maintained.<sup>Footnote 78</sup>
218. In regard to the applicability and scope of CPE requirements, the Commission will issue its determinations in the above-noted separate regulatory policy that will focus on funding and support for Canadian programming.

#### Streamlining of reporting requirements

219. The Commission recognizes the importance of balancing data publication and collection requirements with the goal of streamlining reporting and reducing administrative burdens on broadcasters.

## Positions of parties

220. Several interveners<sup>Footnote 79</sup> supported the filing of a single, standardized production report for undertakings subject to CPE requirements.
221. The MPA-C supported a requirement to submit a streamlined production report focused solely on compliance monitoring. Apple noted that existing production reports are not standardized and considered that a single template would not suit diverse online models. It further stated that publication requirements should include confidentiality safeguards and limit disclosure to aggregate data.
222. Quebecor stated that the current reporting requirements are overly burdensome and hinder content production as they consume significant resources. It requested a substantial reduction in administrative burden and a harmonization of obligations with those in other sectors. Similarly, the CAB noted the burden of reporting and proposed a single, streamlined report.
223. Certain interveners<sup>Footnote 80</sup> proposed the addition of sufficient fields to the current production report to assess outcomes for equity-deserving groups and OLMCs. The APFC and the Quebec English-language Production Council proposed adding language-market data collection to the report.

## Commission's decisions

224. The Commission is mindful of the overall burden that data reporting and data publication requirements impose on the industry, and especially on traditional undertakings that, as noted above, file annual returns and a number of reports with the Commission. With that in mind, the Commission considers that it would be appropriate to alleviate some of that burden where there is duplication in the collection or publication of data.
225. Currently, vertically integrated broadcasters<sup>Footnote 81</sup> are required to disclose annual aggregate financial returns, as well as revenues and subscriber totals for each of their discretionary services. The filing and publication of these aggregate financial returns and service-specific financial summaries result in duplicated activities as the data is also collected as part of the annual returns in a disaggregated form. Furthermore, the Commission's current disclosure practices placed on large traditional broadcasting undertakings result in regulatory asymmetry given that online broadcasting undertakings are not subject to the same level of disclosure. This, in the Commission's view, can put the traditional broadcasters at a competitive disadvantage.
226. Some broadcasting undertakings are also currently required to file with the Commission annual production reports.<sup>Footnote 82</sup> These reports provide detailed

information<sup>Footnote 83</sup> on an individual program basis for broadcasters' production expenditures, except those for programming in the news and sports categories. The reports offer insights on broadcasters' spending on programming, including that produced by OLMCs and by Indigenous producers, and on the presence of women in key production roles. The data is published on an aggregated basis, by large English- and French-language broadcasting ownership groups. Production expenditures by online undertakings are not currently included in the reports.

227. Consistent with subparagraph 3(1)(d)(iii) of the Act, the broadcasting system should serve the needs and interests of a wide range of Canadian equity-deserving groups, including through its programming and employment opportunities. In the Notice, the Commission stated its goal of ensuring that Canada's diversity is reflected in the Canadian broadcasting system and that a range of creators is supported. In the Notice, equity-deserving groups were defined as racialized people, people with disabilities, individuals who identify as 2SLGBTQI+ and women. As such, and to better monitor progress towards meeting that objective and to meet the stated needs of the public for such data, the Commission is of the view that collecting data on key creative positions filled by Canadians that are part of equity-deserving groups is necessary, in addition to reporting on OLMC, Indigenous and women creators.
228. Given the success in tracking data on some equity-deserving groups (namely, women in production), OLMCs and Indigenous peoples through the production reports, the Commission is of the view that the report lends itself well to be expanded to gather information on all equity-deserving groups (specifically, racialized people, people with disabilities and individuals who identify as 2SLGBTQI+, in addition to women).
229. Accordingly, starting in the 2025-2026 broadcast year, the Commission will collect, as part of the annual production report, information on the presence, in key creative positions, of people who self-identify as members of the above-noted equity-deserving groups, members of OLMCs, and Indigenous peoples.
230. The Commission acknowledges the concerns raised during the proceeding regarding the administrative burden associated with compiling data for the production reports. Specifically, it can be difficult to track information for older, repeat programming where such data was not originally identified. Furthermore, reporting on the same content for multiple years (i.e., repeat programming) results in data duplication.
231. Accordingly, production reports to be filed with the Commission starting with the 2024-2025 broadcast year will only report on broadcasters' data relating to original first-run Canadian programming<sup>Footnote 84</sup> that they license or commission, excluding news and sports programming. The Commission acknowledges that this will reduce the information publicly available on spending directed to older, repeat

programming at the level of granularity the production report currently provides. However, CPE data will continue to be made publicly available, notably in the Open Data portal and the broadcasting financial summaries on the Commission's website. This, in combination with the original, first-run Canadian programming information from the production reports, will continue to provide sufficient information to interested parties to understand how various entities allocate their programming budget. Production information generally covering broadcasters operating in the Canadian broadcasting system is crucial to the Commission, industry stakeholders and the public to monitor compliance and trends and to ensure policy goals are met, especially when it comes to representation of equity-deserving groups. Currently, the Commission does not collect that data for online undertakings. This lack of data results in a partial picture of production spending and representation of equity-deserving groups in the production sector.

232. The Commission considers that online undertakings, given their strong presence in the Canadian broadcasting system, should also be required to submit production reports on an annual basis to provide a more fulsome picture of the diversity of people represented in that system.
233. Accordingly, the Commission determines that the requirement to file production reports with the Commission will apply to online undertakings and other broadcasting undertakings whose operator forms part of a broadcasting ownership group that has, after deducting any excluded revenue, annual Canadian gross broadcasting revenues of \$25 million or more and to online undertakings and other broadcasting undertakings whose operator does not form part of a broadcasting ownership group and that have, after deducting any excluded revenue, annual Canadian gross broadcasting revenues of \$25 million or more, and that currently are or will be subject to CPE requirements.
234. The Commission will require both a publicly available abridged version and a non-abridged confidential version of the production report to be filed at the entity level (i.e., single report per entity for groups) in a machine-readable format. The Commission will publish the aggregated abridged production reports by program (excluding financial data) provided by each entity subject to this reporting requirement.
235. Finally, while financial data (i.e., expenditures at the individual production level) will not be disclosed as part of published production reports, the Commission will publish broadcasters' aggregated regional production data in instances where data entries are provided by at least three entities in a given region, to preserve the confidentiality of the financial information.
236. To level the disclosure requirements across broadcasters, streamline regulatory processes, alleviate administrative burden, and ensure more consistency in disclosure

requirements across broadcasters, the Commission will, beginning with data collected in regard to the 2025-2026 broadcast year:

- o eliminate the requirements to file and disclose annual aggregate financial returns imposed on vertically integrated broadcasters; and
- o discontinue its publication of individual discretionary services' financial summaries.

Secretary General

## Related documents

- *The Path Forward – Supporting Canadian and Indigenous audio content*, Broadcasting Notice of Consultation CRTC [2025-52](#), 20 February 2025, as amended by Broadcasting Notices of Consultation CRTC [2025-52-1](#), 24 March 2025; [2025-52-2](#), 4 April 2025; [2025-52-3](#), 15 April 2025; [2025-52-4](#), 26 May 2025; and [2025-52-5](#), 3 October 2025
- *The Path Forward – Working towards a sustainable Canadian broadcasting system*, Broadcasting Notice of Consultation CRTC [2025-2](#), 9 January 2025, as amended by Broadcasting Notices of Consultation CRTC [2025-2-1](#), 24 March 2025, [2025-2-2](#), 31 March 2025, [2025-2-3](#), 23 July 2025, and [2025-2-4](#), 1 August 2025
- *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector*, Broadcasting Notice of Consultation CRTC [2024-288](#), 15 November 2024, as amended by Broadcasting Notices of Consultation CRTC [2024-288-1](#), 26 February 2024; [2024-288-2](#), 24 March 2024; [2024-288-3](#), 31 March 2025; and [2024-288-4](#), 29 May 2025
- *The Path Forward – Supporting Canadian and Indigenous content through base contributions*, Broadcasting Regulatory Policy CRTC [2024-121](#), 4 June 2024, as finalized by *The Path Forward – Supporting Canadian and Indigenous content through base contributions – Finalization of conditions of service*, Broadcasting Regulatory Policy CRTC [2024-121-1](#) and Broadcasting Order CRTC [2024-194](#), 29 August 2024
- *Call for comments – Co-development of an Indigenous Broadcasting Policy*, Broadcasting Notice of Consultation CRTC [2024-67](#), 22 March 2024
- *Review of exemption orders and transition from conditions of exemption to conditions of service for broadcasting online undertakings*, Broadcasting Regulatory Policy CRTC [2023-331](#) and Broadcasting Order CRTC [2023-332](#), 29 September 2023

- *Standard conditions of service for licensed discretionary services, national news discretionary services and mainstream sports discretionary services and exemption order for exempt discretionary services – Modifications to the advertising time limit requirement*, Broadcasting Regulatory Policy CRTC [2023-306](#) and Broadcasting Order CRTC [2023-307](#), 5 September 2023
- *Change to the treatment of stock footage costs as part of the evaluation of applications for Canadian program certification*, Broadcasting Regulatory Policy CRTC [2023-90](#), 23 March 2023
- *Production Report to be completed annually by large English- and French-language ownership groups*, Broadcasting Information Bulletin CRTC [2019-304](#), 29 August 2019
- *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC [2015-86](#), 12 March 2025
- *Regulatory framework relating to vertical integration*, Broadcasting Regulatory Policy CRTC [2011-601](#), 21 September 2011, as corrected by *Regulatory framework relating to vertical integration – Correction*, Broadcasting Regulatory Policy CRTC [2011-601-1](#), 14 October 2011
- *Definitions for television program categories*, Broadcasting Regulatory Policy CRTC [2010-808](#), 1 November 2010
- *Public disclosure of aggregate financial data for owners of large broadcasting distribution undertakings, multi-system operators and conventional television and radio ownership groups*, Broadcasting Regulatory Policy CRTC [2009-560](#), 4 September 2009
- *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, Broadcasting Public Notice CRTC [2003-10](#), 6 March 2003

## Appendix 1 to Broadcasting Regulatory Policy CRTC 2025-299

### Criteria for qualifying and certifying a Canadian audio-visual program

This appendix sets out the consolidated criteria for determining which audio-visual productions will qualify and be certified as Canadian programs.

The following requirements apply to live action and continuous action animation productions (referred to collectively as “live action productions” in this appendix) and to animated productions other than continuous action animation (referred to as “animated productions” in this appendix), unless specified otherwise.

Appendix 2 sets out the Commission’s approach to the certification, verification and assessment of certain types of productions as well as the interpretation of terms used in this appendix.

## 1. General requirements

To qualify and be certified as a Canadian program, the following requirements must be met in all cases:

- a) **Canadian production company:** The production must be produced by a Canadian production company.
- b) **Minimum Canadian expenses:** At least 75% of the production’s services costs must be paid to Canadians. Footnote 85 At least 75% of the production’s post-production/laboratory costs must be paid for services provided in Canada by Canadians or Canadian companies.
- c) **Canadian copyright ownership – Minimum threshold:** Not less than 20% of the copyright in the program must be retained by a Canadian, which for this purpose could mean a Canadian broadcaster or a Canadian producer.
- d) **Key creative positions and functions, and other Canadian key creative elements – Minimum percentage threshold:** A production must attain a minimum threshold of either 60% or 80% of the points possible for a production as detailed in Section 2 below. Further, where a production makes use of certain key creative positions and functions, those positions and functions must be filled or performed by Canadians for the production to qualify and be certified as a Canadian program (i.e., mandatory Canadian positions and functions). The specific minimum percentage threshold and the mandatory positions and functions will depend on the Canadian copyright ownership share in the program, as set out in Section 3 below.

## 2. The points system

Points are awarded for the key creative positions and functions set out in Tables 1 and 2 below when filled and performed by Canadians, up to the maximum possible points for each type of production.

Tables 1 and 2 also set out bonus points that are awarded for other Canadian key creative elements, which are added to the points awarded for key creative positions and functions. For greater clarity, bonus points increase the total number of points a production earns (i.e., the numerator) and do not increase the number of points needed to meet the minimum percentage threshold (i.e., by increasing the denominator).

Where bonus points are used to qualify and certify a production as a Canadian program, the mandatory key creative positions and functions must still be filled or performed by Canadians for the production to be certified as a Canadian program.

If a production does not use certain key creative positions and functions, the points associated with those positions and functions are not included (in the numerator and denominator) when calculating whether the production meets the applicable minimum threshold for Canadian certification.

Table 1 – Live action productions: Key creative positions, points to be awarded when filled by Canadians, and bonus points for Canadian key creative elements (see notes below)

<p>Key creative positions and points (maximum number of points possible: 14)</p>	<ul style="list-style-type: none"> <li>• Director – 2 points</li> <li>• Screenwriter – 2 points</li> <li>• Showrunner – 2 points</li> <li>• First Lead Performer (or first voice) – 1 point</li> <li>• Second Lead Performer (or second voice) – 1 point</li> <li>• Director of Photography – 1 point</li> <li>• Production Designer or Art Director – 1 point</li> <li>• Picture Editor – 1 point</li> <li>• Music Composer – 1 point</li> <li>• Head of Department Responsible for Costume Design, Head of Department Responsible for Make-up Artists, and Head of Department Responsible for Hair Artists – 1 point</li> <li>• Visual Effects Director/Special Effects Director – 1 point</li> </ul>
<p>Key creative elements and bonus points (maximum number of points possible: 3)</p>	<ul style="list-style-type: none"> <li>• Canadian musical selections – 1 point</li> <li>• Canadian written works – 1 point</li> <li>• Canadian characters and settings – 1 point</li> </ul>

Table 2 – Animated productions: Key creative positions and functions, points to be awarded when filled or performed by Canadians, and bonus points for Canadian key creative elements (see notes below)

<p>Key creative positions/ functions and points <small>Footnote 86</small> (maximum number of points possible: 15)</p>	<ul style="list-style-type: none"> <li>• Director – 2 points</li> <li>• Scriptwriter and Storyboard Supervisor – 2 points</li> <li>• Showrunner – 2 points</li> <li>• First Voice (or first lead performer) – 1 point</li> <li>• Second Voice (or second lead performer) – 1 point</li> <li>• Design Supervisor – 1 point</li> <li>• Layout Artist and Background – 1 point</li> <li>• Key Animation – 1 point</li> <li>• Assistant Animation/In-betweening – 1 point</li> <li>• Camera Operator or Virtual Camera Operator – 1 point</li> <li>• Music Composer – 1 point</li> <li>• Picture Editor – 1 point</li> </ul>
<p>Key creative elements and bonus points (maximum number of points possible: 3)</p>	<ul style="list-style-type: none"> <li>• Canadian musical selections – 1 point</li> <li>• Canadian written works – 1 point</li> <li>• Canadian characters and settings – 1 point</li> </ul>

### Multiple persons filling a key creative position

Other than for the positions of Director and Screenwriter (live action productions)/Scriptwriter and Storyboard Supervisor (animated productions), points are awarded for a particular position if all persons sharing the duties of and credited in that position are Canadian.

If more than one person fills any of the Director or Screenwriter (live action productions)/Scriptwriter and Storyboard Supervisor (animated productions) positions, at least 80% of the individuals filling the same position must be Canadian for the points to be awarded.

In animated productions that use Scriptwriters or Storyboard Supervisors, but not both, 2 points will be awarded if at least 80% of the persons filling the position are Canadian.

### **Notes on the awarding of points for key creative positions and functions**

Writer (Screenwriter [live action productions]/Scriptwriter and Storyboard Supervisor [animated productions])

All individuals involved in any stage of developing the screenplay (including outline or treatment, various drafts, dialogue polishing, and final shooting script) must be Canadian to be awarded 2 points for the Screenwriter, Scriptwriter and Storyboard Supervisor positions.

To assess the qualification for the Screenwriter, Scriptwriter and Storyboard Supervisor positions, the Commission will examine on-screen credits, including the following:

- Story Editor (Executive, Senior, Junior);
- Creative Consultant;
- Story Consultant, Executive Story Consultant; and
- Creative Producer.

### **Showrunner**

Showrunner points cannot be double counted. That is, if the Showrunner directs or writes the screenplays for a program, points may be awarded for either the Showrunner position or for the Director or Screenwriter positions, but not both.

Where a Showrunner writes or directs individual episodes of a series, at least 80% of the episodes must be written or directed by others for the writing and directing points to be awarded separately from the Showrunner points.

**First and Second Lead Performers (or first and second voices) [live action productions], and First and Second Voices (or first and second lead performers) [animated productions]**

Adding Canadians in minor roles is not sufficient for a production to qualify for the points for these positions. A production in which non-Canadians are the only lead performers or voices will not qualify or be certified. Footnote 87

For live action productions, determining the First and Second Lead Performer (or first and second voice) positions must take into account billing, on-screen time (or off-screen time for voices) and remuneration of the performers.

For animated productions, determining the First and Second Voice (or first and second lead performer) positions must take into account billing, on-screen time (or off-screen time for voices), number of lines and payment.

In non-dramatic productions, the Second Lead must have at least 50% of the on-screen time (or off-screen time where narrators or interviewers are involved) and at least 50% of the remuneration of the First Lead, plus billing appropriate for a Second Lead, in order to be awarded the point. Persons not meeting these criteria are considered to be filling minor roles.

### **Music Composer**

The position of Music Composer is awarded 1 point only if a Canadian has been commissioned to compose the original music specifically for the production. The rearrangement of existing music by the Music Composer, even if such music is Canadian, will not qualify for the point. Existing stock, library, or archival music may be used in addition to the original music.

### **Head of Department Responsible for Costume Design, Head of Department Responsible for Make-up Artists, and Head of Department Responsible for Hair Artists**

If a production uses all three Head of Department positions, 1 point will be awarded only if all persons filling these positions are Canadian. In productions that do not use all three positions, the point will be awarded only if all persons in the positions that are used by the production are Canadian.

### **Visual Effects Director/Special Effects Director**

If a live action production uses both a Visual Effects Director and a Special Effects Director, 1 point will be awarded only if all persons filling these positions are Canadian. If the production uses only one of these positions, the person filling the position must be Canadian for the production to be awarded the point.

## **Notes on the awarding of bonus points**

### **Bonus point for Canadian musical selections**

A bonus point for Canadian musical selections may be awarded where more than 50% of the pre-recorded or pre-existing musical selections featured in the production, including an excerpt of any duration of time, are Canadian musical selections. For greater clarity, original music specifically composed for a production is not eligible to count toward this point.

This bonus point will be awarded only if there is no Music Composer or, in the alternative, if there is a Canadian Music Composer. It will not be awarded where there is a non-Canadian Music Composer and where 50% of the musical sections in the production are non-Canadian.

#### Bonus point for Canadian written works

A bonus point may be awarded for the use of Canadian written works as source material for a production. For the purposes of this bonus point, a Canadian written work is defined as follows:

A written work of fiction or non-fiction (such as a novel, short story, graphic novel, novella, play, biography, autobiography, or poem), in either digital or print form, that is authored by a Canadian(s). This excludes written works such as manuals, programming text, pamphlets, tables and compilations, government publications, and blog posts. For further clarity, material developed solely and specifically to support the development of scripts and concepts as part of a production is not eligible to receive a point.

#### Bonus point for Canadian characters and settings

A bonus point for Canadian characters and settings may be awarded if a production includes identifiable Canadian characters and identifiable Canadian settings. For the purposes of this bonus point, the following criteria must be met (for a series, they must be met for each and every episode):

##### Character:

- i. All lead characters (up to 5 main fictional characters in dramatic productions) must be identified as Canadian or members of First Nations, Inuit or Métis in Canada.
- ii. All persons on screen in non-dramatic productions, such as presenters, musicians, dancers or hosts, and all persons who are the main subjects of documentaries must be Canadian or members of First Nations, Inuit or Métis in Canada.

**Synopsis:** The synopsis of the production must be centred on or include these lead characters/subjects. The production must identify them as Canadian or members of First Nations, Inuit or Métis in Canada.

**Location:** The location of the story must be set in Canada. The story/narrative must take place entirely in an identified Canadian city/region/province/territory. The location can be identified by a Canadian landmark or by identification on screen or otherwise identified overtly in the narrative or text of the program.

### 3. Calculating the minimum percentage threshold

To qualify and be certified as a Canadian program, a production must meet a minimum percentage threshold. This threshold is calculated by dividing the points a production is awarded (based on the key creative positions and functions filled or performed by Canadians, along with any bonus points) by the points that are possible for the production (based on the positions and functions the production uses). This would first be expressed as a fraction (where the numerator represents the points awarded and the denominator represents the points possible) and then converted to a percentage. This minimum threshold may be 60% or 80%, depending on the level of Canadian copyright ownership in the program, as explained in Section 4 below.

For example, a live action production that uses the key creative positions of Director (2 points), Screenwriter (2 points), First Lead Performer (1 point), Second Lead Performer (1 point), Director of Photography (1 point), Music Composer (1 point) and Picture Editor (1 point) would be awarded a perfect score of 9 out of 9 points if all of the key creative positions used are filled by Canadians. However, if only the Director (2 points), Screenwriter (2 points) and First Lead Performer (1 point) positions are filled by Canadians (and the other key creative positions are filled by non-Canadians), the production would be awarded 5 out of 9 points. This production would therefore achieve a percentage threshold of 55.6% and would not qualify and be certified as a Canadian program as it would not meet the minimum percentage threshold of 60%.

By contrast, if a Canadian filled the position of Music Composer (1 point) in this same production, it would be awarded 6 out of 9 points, or 66.7%, thereby meeting the minimum percentage threshold for certification.

Another example is a production with fewer key creative positions that allow for a maximum of 4 points in total. In this case, the number of Canadians filling these positions must be sufficient to achieve 3 out of 4 points (75%), which exceeds the 60% threshold. Similarly, for a larger-scale production with a total of 12 points available, the number of Canadians filling key creative positions must be sufficient to achieve 8 out of 12 points (66.7%).

Where bonus points are awarded, this should not negatively impact the score a production attains. That is, the bonus points should increase the total number of points a production earns (i.e., the numerator) and not increase the number of points needed to meet the minimum percentage threshold (i.e., by increasing the denominator). For example, where a production is awarded 5 out of 9 points ( $5/9$ ) for key creative positions or functions filled or performed by Canadians and is also awarded 1 bonus point, the total score for the production will be 6 out of 9 points ( $6/9$ , or 66.7%), thereby meeting the minimum percentage threshold of 60%.

For greater clarity, for the production to qualify and be certified as a Canadian program, the number of points awarded must always reach or exceed the required threshold, regardless of the value of the denominator, which may change based on the specific type of production and the positions and functions filled and performed by Canadians (as such, scores of 6/10, 7/11, 8/12, 8/13 and 9/14 would reach or exceed the 60% threshold). For a score that results in a percentage below the required threshold, that percentage will not be rounded up to meet that threshold.

## 4. Canadian copyright ownership and the minimum percentage thresholds

### 4.1. Requirements based on Canadian copyright ownership levels

Tables 3, 4 and 5 below set out various requirements of the certification framework under three different levels of Canadian copyright ownership in a program.

Table 3 – Canadian copyright ownership in the program: 100%

Requirement	Live action productions	Animated productions
<b>Minimum percentage threshold (includes bonus points)</b>	Not less than <b>60%</b> of the maximum number of points possible for the production.	
<b>Mandatory Canadian positions and functions</b> <small>Footnote 38</small>	Director <b>OR</b> Screenwriter <b>AND</b> First Lead Performer (or first voice) <b>OR</b> Second Lead Performer (or second voice)	Director <b>OR</b> Scriptwriter and Storyboard Supervisor <b>AND</b> First Voice (or first lead performer) <b>OR</b> Second Voice (or second lead performer) <b>AND</b> Key Animation <b>AND</b> Camera Operator or Virtual Camera Operator
<b>Canadian producer(s)</b>	All persons occupying producer, co-producer, line producer and production manager roles must be Canadian (foreign courtesy credits)	

Requirement	Live action productions	Animated productions
	for non-Canadians occupying producer-related roles, which are available under certain conditions, are discussed below).	

Table 4 – Canadian copyright ownership in the program: More than 50% and less than 100%

Requirement	Live action productions	Animated productions
<b>Minimum percentage threshold (includes bonus points)</b>	Not less than <b>60%</b> of the maximum number of points possible for the production.	
<b>Mandatory Canadian positions and functions</b> <small>Footnote 89</small>	Director <b>OR</b> Screenwriter <b>AND</b> First Lead Performer (or first voice) <b>OR</b> Second Lead Performer (or second voice)	Director <b>OR</b> Scriptwriter and Storyboard Supervisor <b>AND</b> First Voice (or first lead performer) <b>OR</b> Second Voice (or second lead performer) <b>AND</b> Key Animation <b>AND</b> Camera Operator or Virtual Camera Operator
<b>Canadian producer(s)</b>	Not less than 50% of persons occupying producer, co-producer, line producer and production manager and producer-related roles <small>Footnote 90</small> must be Canadian. <b>AND</b> The production must be produced by a Canadian production company that has no less than equal measure of decision-making responsibility with partners on all creative elements of the production.	

Table 5 – Canadian copyright ownership in the program: Not less than 20% and not more than 50%

Requirement	Live action productions	Animated productions
<b>Minimum percentage threshold (includes bonus points)</b>	Not less than <b>80%</b> of the maximum number of points possible for the production.	
<b>Mandatory Canadian positions and functions</b> <small>Footnote 91</small>	Director <b>AND</b> Screenwriter <b>AND</b> First Lead Performer (or first voice) <b>OR</b> Second Lead Performer (or second voice)	Director <b>AND</b> Scriptwriter and Storyboard Supervisor <b>AND</b> First Voice (or first lead performer) <b>OR</b> Second Voice (or second lead performer) <b>AND</b> Key Animation <b>AND</b> Camera Operator or Virtual Camera Operator
<b>Canadian producer(s)</b>	Not less than 50% of persons occupying producer, co-producer, line producer and production manager and producer-related roles <small>Footnote 92</small> must be Canadian. <b>AND</b> The production must be produced by a Canadian production company that has no less than equal measure of decision-making responsibility with partners on all creative elements of the production.	

## 4.2. Foreign courtesy credits

The use of foreign courtesy credits applies only to programs with 100% Canadian copyright ownership.

To use foreign courtesy credits, applicants must submit an attestation of duties form.

Courtesy credits are available only for the following producer-related roles:

- Executive Producer, Senior Executive, Executive in Charge of Production, Supervising Producer, Associate Producer, Supervising Executive, Production Supervisor, Production Executive, Production Associate, Executive Consultant, Production Consultant and Creative Consultant.

For every non-Canadian obtaining a courtesy credit, a Canadian also needs to be credited in any producer-related role from the list above.

Non-Canadians may receive courtesy credits for producer-related roles provided that:

- the remuneration to the Canadian producer(s) exceeds the aggregate remuneration to non-Canadians in producer-related roles;
- with the exception of a non-Canadian lead performer, non-Canadians in producer-related roles must limit their time on the set to 25% of principal photography, and limit their role solely to that of observers;
- the duties of non-Canadians in producer-related roles shall be limited to non-creative, non-production-related functions. Such functions could include arranging financing or foreign distribution; and
- non-Canadians in producer-related roles may not interfere with the administrative financial and creative authority of the Canadian producer(s)/Canadian production company.

## 5. Certification criteria specific to certain types of productions

As set out below, different types of productions have specific criteria to qualify and be certified as Canadian programs.

### Series

For a series to qualify and be certified as a Canadian program, the following criteria must be met, in addition to the general requirements listed in Section 1:

- a) The principal photography for all episodes must be completed within a 12-month period.
- b) The program must have a title, theme, and situation or set of characters common to each episode.
- c) Each episode must be of similar duration.

The production elements of a series can vary, and some individual episodes might not meet the minimum requirements of the points system. For a series in which some episodes do not meet the minimum percentage threshold to be considered a Canadian program:

- a) At least 60% of the series' episodes must meet or exceed the applicable minimum percentage threshold based on the points possible for the series, and the average percentage threshold for the entire series, based on the points awarded for each individual episode, must meet the applicable minimum percentage threshold.
- b) The episodes must be broadcast or otherwise distributed at equitable times.

c) For live action series and animated series, each episode must meet the two mandatory requirements for the positions of Director or Screenwriter/Scriptwriter and Storyboard Supervisor, and First or Second Lead Performer (live action productions)/ First or Second Voice (animated productions) [for a minimum of 3 points for key creative positions]. For animated productions, each episode must also fulfill the mandatory requirements regarding the Key Animation function and the position of Camera Operator/Virtual Camera Operator.

Episodes that are ineligible for qualification and certification as a Canadian program for any reason will not be segregated from the remainder of the episodes.

### **Live or live-to-tape productions of sports events or tournaments**

Live or live-to-tape productions of sports events or tournaments will be considered Canadian if the following criteria are met:

- a) A Canadian production company exercises control over the production and provides the commentators.
- b) One of the major on-camera personalities (commentators, analysts or hosts) must be Canadian.

If the event or tournament takes place outside Canada, the production will qualify and be certified as a Canadian program only if Canadian-based teams or Canadian athletes participate in the sporting event or tournament. Other types of sports programs are assessed under the general requirements in Section 1.

### **Music video clips**

Music video clips played in their entirety will be considered Canadian programs if the following criteria are met:

- a) The music is a Canadian musical selection.
- b) The music video clip meets at least one of the following conditions:
  - i. the video director or producer is Canadian;
  - ii. the video production facilities are located in Canada; or
  - iii. the video has already been qualified as a Canadian selection under regulations previously in effect.
- c) The music video clip must be played in its entirety. It will not be credited if played in part as an opening, a bridge or a closing, or as a backdrop for program credits.

To be considered Canadian programs, all performances exceeding five minutes in length, including commercially released music videos appearing outside music video clip programs and logged as program category 8(b) Music video clips, <sup>Footnote 93</sup> require a certification number from the Commission.

## Music video programs

A music video program will be considered a Canadian program if all elements other than the music video clips qualify as Canadian, and if a minimum of 30% of those music video clips are Canadian. This is not applicable to music specialty services.

## 6. Dubbing

For programs broadcast on linear services, broadcasting undertakings may claim a Canadian program time credit in respect of certain dubbed programs, as set out below:

a) for Canadian programs:

- i. 100% + 33% Canadian time credit if dubbed in Canada using Canadian resources, from an official language of Canada or an Indigenous language in Canada into the other official language of Canada or an Indigenous language in Canada; <sup>Footnote 94</sup> and
- ii. no time credit if dubbed outside of Canada.

b) for foreign programs:

- i. 33% Canadian time credit if dubbed in Canada using Canadian resources, from an official language of Canada or an Indigenous language in Canada into the other official language of Canada or an Indigenous language in Canada; and
- ii. 50% Canadian time credit if dubbed in Canada using Canadian resources, from a language other than an official language of Canada or an Indigenous language in Canada into an official language of Canada or an Indigenous language in Canada.

## 7. Treatment of other programs

### A. Programs generally recognized as Canadian programs without formal certification

Programs that are produced solely by Canadian broadcasting undertakings (which include Canadian online undertakings) and that meet the Canadian program criteria set out in this appendix will be recognized as Canadian programs without formal certification.

Interstitials (program category 12) and public service announcements (program category 13) that meet the criteria and are not produced solely by a Canadian broadcasting undertaking will also be recognized as Canadian programs without formal certification.

News and public affairs programs produced solely by Canadian broadcasting undertakings automatically qualify as Canadian programs and, therefore, are not subject to the criteria set out in this appendix and will be recognized as Canadian programs without formal certification.

## **B. Programs that will not qualify or be certified as Canadian programs**

Infomercials, promotional and corporate videos (program category 14), such as those produced by groups and businesses for public relations reasons, recruitment, or other reasons, and other forms of advertising material will not qualify or be certified as Canadian programs. Footnote 25

Productions made up of pre-existing content will not qualify or be certified as Canadian programs, as follows: except for documentaries, productions that are made up predominantly of existing footage (stock, archival, library, B-roll, etc.) produced by a foreign producer, even if assembled or edited in Canada with Canadian narration.

Also, existing foreign productions or program segments will not qualify or be certified as Canadian programs or as Canadian documentaries by repackaging or adapting them using any of the following techniques:

- excerpts from an original foreign production;
- the use of a significant portion of the original foreign production in essentially unedited chunks; and
- the mention of the original foreign production in the credits.

Productions that have not used such mechanisms require more intense editing of stock footage. Relatively short portions of such footage are carefully selected from a variety of sources to illuminate and develop the subject.

Adult programming will not be certified as Canadian programs (see paragraphs 182-183 of *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector – Part 1 – Certification framework for Canadian programs, artificial intelligence, data collection and publication, and reporting requirements*, Broadcasting Regulatory Policy CRTC 2025-299, 18 November 2025).

## **C. Exception to qualification**

Upon application, where an applicant has provided compelling reasons why a production should qualify and be certified as a Canadian program as an exception to the criteria set out above, the Commission may certify, as a Canadian program, a production in which the following positions are filled by non-Canadians:

- a) Director and Writer positions, or
- b) First and Second Lead Performer/Voice positions,

as long as Canadians fill and perform all other key creative positions and functions.

## Appendix 2 to Broadcasting Regulatory Policy CRTC 2025-299

### Certification, verification, assessment and interpretation in regard to qualifying and certifying an audio-visual production as a Canadian program

This appendix sets out the Commission’s approach to the certification, verification and assessment of certain types of productions as well as the interpretation of terms used in Appendix 1 to Broadcasting Regulatory Policy 2025-299.

For the purposes of this appendix, “live action productions” refers to live action productions and continuous action animation productions, whereas “animation” and “animated productions” refers to animated productions other than continuous action animation productions.

#### 1. Commission certification

The Commission will issue a final certification (“C” number) for a production that meets the criteria for certifying audio-visual productions as Canadian programs set out in Appendix 1 to *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector – Part 1 – Certification framework for Canadian programs, artificial intelligence, data collection and publication, and reporting requirements*, Broadcasting Regulatory Policy CRTC 2025-299, 18 November 2025 (Broadcasting Regulatory Policy 2025-299).

To be certified, the production must be underway, with all key creative personnel under contract and committed budgets in place.

For programs generally recognized as Canadian without formal certification, and for News and public affairs programs produced solely by Canadian broadcasting undertakings (which include Canadian online undertakings) as set out in Section 7 of Appendix 1 to Broadcasting Regulatory Policy 2025-299, Canadian broadcasting undertakings do not need to apply for certification or submit production information unless the Commission requests that they do so or if they are requesting a time credit for those programs.

The Commission will also recognize as Canadian programs those productions that are certified as Canadian by the Minister of Canadian Heritage on recommendation of Telefilm Canada, or by the Canadian Audio-Visual Certification Office (CAVCO).

## **2. Verification**

The Commission may require audited statements, affidavits and other legal documents in support of an application for Canadian certification of a production. For example, to verify producer control of a production, the producer must be prepared to demonstrate the necessary decision-making power by submitting, upon Commission request, ownership documents, contracts, attestation of duties forms, or other relevant information. The producer must also submit, upon Commission request, an independent legal opinion confirming that financial and creative control of the production lies in the hands of Canadians.

## **3. Assessment of certain animated productions**

### **A. Assessment of computer-animated productions**

Depending on the nature of the production, computer-assisted animation is assessed using either the criteria for frame-by-frame animation or those for live action productions set out in Appendix 1 to Broadcasting Regulatory Policy 2025-299. Computer-generated animation is assessed on a case-by-case basis, generally using the criteria for frame-by-frame animation.

### **B. Assessment of productions that mix live action and animation formats**

Productions may include a mix of live action and animation formats. The Commission will assess such productions based on the following considerations:

- A documentary on or including animation will be dealt with as a documentary under the criteria for live action productions. A documentary exclusively in animation format will be dealt with under the criteria for animated productions.

- Non-documentary productions with scenes combining live action and animation will generally be considered live action productions.
- Productions combining a mix of forms of traditional animation or less commonly used forms of traditional animation will be dealt with on a case-by-case basis according to the most applicable scheme for traditional animation (e.g., cell, puppet, pixilation or camera-less).
- Productions that include a mix of live action and animation formats will be assessed according to the criteria of the predominant format. If more than 20% of the production is in the minor format, both sets of criteria will be used.

#### 4. Policy regarding artificial intelligence

As set out in Broadcasting Regulatory Policy 2025-299, key creative positions and functions should be filled and performed by humans. While artificial intelligence may serve as a potential tool to assist in the creation of Canadian content, humans should hold creative control.

#### 5. Guiding principles for financial participation negotiations

As set out in Broadcasting Regulatory Policy 2025-299, negotiations among production partners regarding financial participation in Canadian programs should reflect the following principles:

- **Fair compensation and exploitation:** Ensure that remuneration, rights, and revenues are allocated in a way that fairly reflects the financial and human contributions to the production, while ensuring Canadian producers retain significant, equitable control and benefit from long-term exploitation.
- **Good faith negotiation:** Production partners negotiate in good faith.

#### 6. Interpretation notes

The following interpretation notes assist the Commission in assessing and defining the various elements of the certification framework set out in this appendix and in Appendix 1 to Broadcasting Regulatory Policy 2025-299. Where the Commission does not have detailed specific descriptions or interpretations, those set out in the CAVCO certification guidelines may be used.

**Animation:** The process of creating the illusion of motion through the use of inanimate or still images. Animation can be produced using either traditional methods or digital synthesis in computer-assisted or computer-generated animation. Animation includes computer animation and traditional animation.

#### A. Computer animation

- **Computer-assisted animation:** The technique of revising existing animated material using computer technology.
- **Computer-generated animation:** The technique of generating animated movement principally or wholly through digital image synthesis using computers and computer programs.

**B. Traditional animation:** Traditional animation is referred to as either “continuous” or “frame-by-frame”.

- **Continuous action animation:** The process of filming real figures, shapes or objects as they are manipulated using mechanical or other devices. When the film or the recording is played, the rapid projection of the multiple images gives the illusion of movement.
- **Frame-by-frame animation:** The process of filming or otherwise recording a series of poses of figures, objects or shapes, or drawings, each slightly displaced from the preceding pose, or of drawing them in sequence on successive frames of recording material, one or more frames at a time. When the film is projected or the recording is played, the rapid projection of the multiple images gives the illusion of movement.

Among the many types of traditional animation are the following:

- **Pixilation animation:** The technique of using live action shots of real people in real locations, manipulated to achieve the effect of having actors jump, jerk or twitch as if they were being animated. The three ways to obtain this effect are:
  - by editing live action film to remove single frames;
  - by taking single-frame photographs of actors posed as puppets; and
  - by taking one frame at a time during normal action (speed-up) or slowed-down action (normal).
- **Cell animation:** “Cell” refers to a single piece of transparent celluloid material on which a drawing is made and subsequently recorded, exposing one or more frames of film for each such cell.

- **Puppet animation:** Puppet animation is accomplished by two methods:
  - In the first method, sometimes referred to as stop-motion animation, the manipulation of two- or three-dimensional figures is recorded frame-by-frame.
  - In the second method, real figures controlled by a puppeteer are filmed continuously in real time. This latter form of animation is subject to the same criteria as live action productions.
- **Camera-less animation:** This technique involves drawing or painting directly on film frames.
- **Other forms of traditional animation:** Less common forms of traditional animation include pin-screen, silhouette, anaform and sand (drawing and form) techniques. The Commission will generally consider these styles to be frame-by-frame animation.

**Animation Director:** For large feature productions, this role is sometimes created to supervise the animation of entire sequences. For television specials and series, the Animation Director will sometimes be responsible for supervising the entire production. (Also see Director [animated productions].)

**Assistant Animation/In-betweening:** The person(s) performing these key creative functions completes the breakdown drawings and in-between work once the key characters or figures have been determined by the animator and the animation has been completed. Breakdown drawings are the main drawings between the key animation drawings that help to define the path of action. In-between drawings are done after the main path of action breakdown drawings are completed.

**Background:** The person performing this key creative function provides finished backgrounds for individual scenes of a film.

**Camera Operator:** The person filling this key creative position operates the camera for the purpose of recording the sequences of cells and backgrounds according to instructions from the director.

**Canadian:** A person who is, at all relevant times, a Canadian citizen as defined in the *Citizenship Act* or a permanent resident as defined in the *Immigration and Refugee Protection Act* who has received a Permanent Residence Certificate.

For the purposes of eligibility for the criteria of a Canadian program, First Nations, Inuit or Métis peoples in Canada meet any requirement that applies to a “Canadian.”

“At all relevant times” refers to the commencement of the person’s duties in relation to the production, and for the entire course of the filming or taping and post-production.

**Canadian expenses:** All expenses related to services and post-production and laboratory (including remuneration, fringe or employee benefits, and travel and living expenses incurred in Canada or abroad) paid to or in respect of Canadians or for services rendered by Canadian companies in Canada. This includes travel and living expenses for Canadians, even if spent outside of Canada. For greater clarity, this does not include non-Canadian expenses.

**Canadian musical selection:** A musical selection that conforms to the criteria in the definition of “Canadian selection” set out in subsection 2.2(2) of the *Radio Regulations, 1986*, as amended from time to time.

**Canadian production company:** A Canadian company carrying on business in Canada, with a Canadian business address, that is owned and controlled by Canadians and whose principal business is the production of film, videotape or live programs for distribution on television or in theatrical, industrial or educational markets.

**Design Supervisor (sometimes referred to as Art Director or Character Designer):** The person filling this key creative position is responsible for style, visual character, colour theme and colour continuity; develops the tones of the backgrounds, figures and textures; can sometimes create the actual characters jointly with the director; and prepares visual proportion charts of the characters to safeguard uniformity during the production.

**Director (animated productions):** The person filling this key creative position has overall control of the artistic and creative aspects of the production; establishes the instructional workbook for the production from script and storyboard; times the action and supervises the creative and technical aspects of the work in the various stages of production; provides shot-by-shot and frame-by-frame details of the camera movement and shot punctuation by preparing the timing of each individual scene at the storyboard stage; and prepares the bar-sheets or exposure sheet instructions for the animator. These functions may also be performed in collaboration with or by the person performing the function Key Animation or the role of Animation Director.

**Director (live action productions):** The person filling this key creative position controls the action and dialogue in front of the camera and is therefore responsible for realizing the intentions of the scripted concept.

**Director of Photography or Chief Camera Operator:** The person filling this key creative position is in charge of the camera and lighting crews working on a film. This person is responsible for making artistic and technical decisions related to the image. If there is no Director of Photography, the equivalent is Chief Camera Operator.

**Dubbing:** Refers to dubbing processes of lip synchronization or voice-over translation.

**First Lead Performer/Voice and Second Lead Performer/Voice (live action productions/animated productions):** The persons filling these key creative positions speak

lines of dialogue, mime a scene, or interpret a character even where there is no dialogue. The First or Second Voice is an actor reading a character voice.

For program categories <sup>Footnote 26</sup> 7 Drama and Comedy, 8 Music and dance, Music video clips and Music video programs, and 9 Variety, the leads are the actors, musical performers, singers, or dancers, etc. The hosts of these productions are not considered lead performers unless the hosts also perform.

In other program types, the leads will usually be the host, narrator, moderator, quizmaster, commentator or interviewer (a performer engaged to perform narrative material or commentary on- or off-camera), off-camera performer (a performer other than the narrator or commentator engaged to perform a role in a dramatic work off-camera), or the person who performs or reads the voice of a character in a film or animated production.

Guests on a magazine program or the subjects of biographical documentaries are not considered performers for certification purposes.

**Head of Department Responsible for Costume Design:** The person filling this key creative position is responsible for overseeing the costume department in a production. Their duties may include conceptualizing and designing costumes that align with the Director's vision, managing the costume department team, coordinating with other departments, sourcing or creating costumes, and ensuring that all costumes are completed on time and within budget.

**Head of Department Responsible for Make-up Artists:** The person filling this key creative position is responsible for overseeing and executing the make-up design for a production. They collaborate closely with the Director, costume designers, and other creative team members to develop looks that enhance characters or themes. The Head of Department Responsible for Make-up Artists manages a team of assistants or technicians and ensures the consistency and quality of the make-up throughout the project.

**Head of Department Responsible for Hair Artists:** The person filling this key creative position is responsible for overseeing and executing the hair design for a production. They collaborate closely with the Director, costume designers, and other creative team members to develop looks that enhance characters or themes. The Head of Department Responsible for Hair Artists manages a team of assistants or technicians and ensures the consistency and quality of the hair throughout the project.

**Key Animation:** The person performing this key creative function (sometimes referred to as the animator) is primarily responsible for the creative vitality of the production. This person draws the key phases of movement that determine the life and expression of the characters; creates the movement of figures or objects; roughs out the timing path or sequence of the animation; and provides on dope sheets technical information to the camera operator about the order in which individual animation phases should be photographed. This person depicts

extremes of movement to provide key drawings and sets the style and character of the sequence. This person's work is part of the final print.

**Layout Artist:** The person filling this key creative position works from the storyboard to outline the graphic organization of an animated production in the form of line drawings of background environment and by staging action for the animators' and background artists' reference. This person also draws up camera field references. In feature work, this person will also provide a detailed tonal rendering for the background department. (A related role is that of the poser. The poser, however, is an animator whose work is preliminary and ephemeral and does not form part of the final print.)

**Music Composer:** The position of Music Director is not accepted as equivalent to Music Composer.

**Music video clips:** Short films, videotape productions or concert excerpts (clips) not produced primarily for the program in which they are presented, and which normally contain one musical selection with visual material.

**Non-Canadian expenses:** All expenses paid to or in respect of non-Canadians or paid to non-Canadian companies. This includes any remuneration (and fringe/employee benefits) paid to non-Canadians, even if earned in Canada. This also includes travel and living expenses for any non-Canadians involved in the production, whether incurred in Canada or abroad.

**Opaquer:** The person occupying this role applies paint to the inked-in outlines of acetate drawings or cells or does the equivalent using electronic methods.

**Picture Editor (animated productions):** The person filling this key creative position assembles individual shots and sequences in continuity and fits them to the various soundtracks; provides the sound effects track; analyzes the characteristics of the music or dialogue track; provides information to animators in terms of timed film frames; supervises the dubbing, the separate soundtracks; and liaises with laboratories to obtain prints.

**Picture Editor (live action productions):** Means Film Editor. The positions of Sound or Music Editor will not be acceptable in the place of Picture Editor. For videotape productions, the equivalent to Picture Editor is the Off-Line Editor.

**Post-production/laboratory costs:** Includes all costs for the post-production, including laboratory work, sound recording, and sound and picture editing, but excludes the costs for the key creative position of Picture Editor.

**Producer:** The person occupying this role is expected to, among other things, be involved in acquiring and developing the story, selecting and hiring the persons to fill and perform the key creative positions and functions, preparing the budget, obtaining financing, and controlling expenditures on and the distribution of the production.

**Producer and key creative personnel costs:** Includes:

- remuneration for producer(s), co-producer(s), and key creative personnel eligible for points but does not include remuneration for producer-related roles; and
- related fringe or employee benefits, and travel and living expenses for the above-noted individuals.

**Production Designer or Art Director:** For a live action production, the Art Director will be considered equivalent to Production Designer. The person filling this key creative position is in charge of a production's artistic design, which consists of everything that appears on the screen, including sets and properties. This person is generally responsible for the conception, planning and supervision of the overall visual design of the production.

**Series:** A program with two or more episodes produced by the same production company or producer.

**Service costs:** The total cost of a production including the costs related to the "non-key" creative personnel (i.e., production labour, executive producers), rentals and acquisition rights. Service costs do not include the following:

- producer and key creative personnel costs;
- costs for the acquisition of stock footage;
- post-production/laboratory costs;
- accounting and legal fees;
- insurance brokerage and financing costs;
- indirect expenses;
- contingency costs; and
- costs for goods purchased and other costs not directly related to production (such as overhead, financing, interest, legal, insurance, auditing, contingency, distribution and publicity, etc.).

**Showrunner:** A Showrunner is the creative leader of a production, overseeing its vision, tone, and style. A Showrunner manages the production process and ensures quality from start to finish, working closely with Writers to keep the narrative aligned with the creative direction from inception to final delivery. While a Showrunner provides oversight on a production and acts as a liaison between various elements of the production, which may include certain key creative positions and functions, producers, financiers and the broadcaster commissioning the programming, it is subordinate to a producer in terms of exercising the overall control of a production. A Showrunner is often called on to ensure that the creative

direction of a production aligns with the creative vision and cultural relevance that is intended for the production. In pre-production, a Showrunner is the key creative authority that guides the development of the final script and concept of a production. In post-production, a Showrunner is the key creative authority that oversees the final edit of a production, providing notes on picture, sound, music and visual effects to shape the finished product for delivery. While a Showrunner may be present in production meetings, in the Writer's room or at the Director's table, a Showrunner is viewed as distinct from those roles on a production.

**Special Effects Director:** The person filling this key creative position is responsible for creating and overseeing the practical effects in a production. These effects include anything manually or mechanically manipulated, such as explosions, car crashes, animatronics, etc. The Special Effects Director collaborates closely with the producer(s), Director and Showrunner (where applicable) to ensure the effects align with the creative vision, meet artistic and technical standards, and are executed safely and efficiently. The Special Effects Director directs the special effects team(s), oversees the design and implementation of effects, reviews work for quality and consistency, and ensures that special effects are completed on time and within budget.

**Tracer/Photocopier:** The person occupying this role copies the animated line drawings onto acetate sheets or does the equivalent using electronic methods.

**Virtual Camera Operator:** The person filling this key creative position manages digital cameras within virtual environments, directing scenes and creating dynamic camera movements in a production. This person also collaborates with Directors and visual effects teams to ensure that camera work aligns with the creative vision for the production.

**Visual Effects Director:** The person filling this key creative position is responsible for overseeing and managing the creation and integration of visual effects in a production. The Visual Effects Director collaborates with the producer(s), the Director and the Showrunner (where applicable) to ensure that visual effects enhance the storytelling, meet artistic and technical standards, and are executed efficiently. The Visual Effects Director directs the visual effects team(s), oversees the design and implementation of effects, reviews work for quality and consistency, and ensures that visual effects are completed on time and within budget.

**Writer:** This includes the following key creative positions:

- **Screenwriter (live action productions):** The person who fills this key creative position is involved in any stage of developing the screenplay (including outline or treatment, various drafts, dialogue polishing, and final shooting script).

- **Scriptwriter (animated productions):** The person who fills this key creative position provides the written treatment; outlines the continuity of the story, dialogue or action and the parts the various characters will play in it; and elaborates upon the script during the process of visual development at the storyboard stage.
- **Storyboard Supervisor (animated productions):** Depending on the type of production and studio organization, the person filling this key creative position (either in co-operation with or instead of the Writer) creates a series of pictures to illustrate the development of the story in parallel with the written text; determines the flow of action from one scene to another; and creates a series of drawings with associated continuity showing the major action and scene changes.

In the case of a dance production, the choreographer will be considered equivalent to the Writer.

## Footnotes

### Footnote 1

The Commission’s decisions set out in that regulatory policy were finalized by Broadcasting Regulatory Policy [2024-121-1](#)/Broadcasting Order [2024-194](#).

[Return to footnote 1](#) referrer

### Footnote 2

Including but not limited to racialized people, people with disabilities, individuals who identify as 2SLGBTQI+, and women. The Government of Canada uses 2SLGBTQI+ (2S: at the front, recognizes Two-Spirit people as the first 2SLGBTQI+ communities; L: Lesbian; G: Gay; B: Bisexual; T: Transgender; Q: Queer; I: Intersex, considers sex characteristics beyond sexual orientation, gender identity and gender expression; +: is inclusive of people who identify as part of sexual and gender diverse communities, who use additional terminologies).

[Return to footnote 2](#) referrer

### Footnote 3

As set out in the Act, “online undertaking” means “an undertaking for the transmission or retransmission of programs over the Internet for reception by the public by means of broadcasting receiving apparatus.” Pursuant to subsection 2(1) of the Act, the definition of “broadcasting undertaking” includes an online undertaking. For clarity, audio and audio-visual creators, whether amateur or professional, are not broadcasting undertakings or online undertakings and are therefore not subject to the Act. This means that the Commission cannot make regulatory requirements that apply directly to content creators.

[Return to footnote 3](#) referrer

### Footnote 4

See section 13 of the Policy Direction.

[Return to footnote 4](#) referrer

**Footnote 5**

See Broadcasting Notice of Consultation [2024-67](#).

[Return to footnote 5](#) referrer

**Footnote 6**

The current certification criteria are described in further detail in the appendices to Broadcasting Regulatory Policy [2023-90](#) and paragraphs 128 to 130 of Broadcasting Regulatory Policy [2015-86](#).

[Return to footnote 6](#) referrer

**Footnote 7**

The definition of “Canadian program” in the *Television Broadcasting Regulations, 1987* (SOR/87-49) and in the *Discretionary Services Regulations* (SOR/2017-159) refers to criteria for certification in Appendices 1 and 2 to Broadcasting Regulatory Policy [2023-90](#), paragraphs 128 to 130 of Broadcasting Regulatory Policy [2015-86](#), or programs in respect of which a *Canadian film or video production certificate*, as defined in subsection 125.4(1) of the *Income Tax Act*, has been issued.

[Return to footnote 7](#) referrer

**Footnote 8**

For the purposes of defining a “Canadian program”, a “Canadian” is a person who is, at all relevant times, a Canadian citizen as defined in the *Citizenship Act* or a permanent resident as defined in the *Immigration and Refugee Protection Act* who has received a Permanent Residence Certificate. People who are First Nations, Inuit or Métis peoples in Canada meet any certification requirement that applies to a “Canadian.”

[Return to footnote 8](#) referrer

**Footnote 9**

For example, a perfect score requirement of 5/5, 4/4, 3/3, etc.

[Return to footnote 9](#) referrer

**Footnote 10**

Referred to collectively as “live action productions” in this regulatory policy.

[Return to footnote 10](#) referrer

**Footnote 11**

Referred to as “animated productions” in this regulatory policy

[Return to footnote 11](#) referrer

**Footnote 12**

For complete information on these positions and functions and the points to be awarded, see Appendices 1 and 2 to this regulatory policy.

[Return to footnote 12](#) referrer

**Footnote 13**

The Commission’s decisions regarding criteria for Key Animation and Camera Operator are discussed in greater detail below.

[Return to footnote 13](#) referrer

**Footnote 14**

The Alliance des producteurs francophones du Canada, the Association québécoise de la production médiatique, the Producers Roundtable of Ontario, and the Writers Guild of Canada (WGC).

[Return to footnote 14](#) referrer

**Footnote 15**

The IBG, the DGC, and the CBC.

[Return to footnote 15](#) referrer

**Footnote 16**

The AQPM, Reelworld Screen Institute, On Screen Manitoba, Apple Canada Inc., and Lionsgate.

[Return to footnote 16](#) referrer

**Footnote 17**

The awarding of bonus points is discussed below.

[Return to footnote 17](#) referrer

**Footnote 18**

The Commission's determinations regarding the modernization of the CPE regulatory framework will be set out in the above-noted regulatory policy that will focus on funding and support for Canadian programming.

[Return to footnote 18](#) referrer

**Footnote 19**

The Commission notes there should be no double-counting of points awarded based on the multiple roles that a Showrunner may play in a production. That is, if the Showrunner directs, writes the screenplays and/or provides the written treatment for a production, points will be awarded for only one position, either Showrunner, Writer or Director. In a case where a Showrunner writes or directs individual episodes of a series, at least 80% of the episodes must be written or directed by others for a production to be eligible to be awarded the writing and directing points as well as the points for the position of Showrunner.

[Return to footnote 19](#) referrer

**Footnote 20**

The DOC, TLN Media, Blue Ant Media Inc. (Blue Ant), and Digital First Canada.

[Return to footnote 20](#) referrer

**Footnote 21**

TLN Media, Blue Ant, and the DOC.

[Return to footnote 21](#) referrer

**Footnote 22**

The CMPA, 9 Story Media Group Inc., Corus, Andromedia Distribution Inc., and the MPA-C.

[Return to footnote 22](#) referrer

**Footnote 23**

Specifically, the objective set out in paragraph 3(1)(f.1), which states that “each foreign online undertaking shall make the greatest practicable use of Canadian creative and other human resources, and shall contribute in an equitable manner to strongly support the creation, production and presentation of Canadian programming, taking into account the linguistic duality of the market they serve.”

[Return to footnote 23](#) referrer

**Footnote 24**

For digitally animated productions, CAVCO will generally accept a lead compositor in 3D digital animation or a layout supervisor in 2D digital animation as equivalent positions. Requests for consideration of other individuals occupying a position equivalent to the camera operator position are examined by CAVCO on a case-by-case basis.

[Return to footnote 24](#) referrer

**Footnote 25**

The CMPA, the DGC, the CBC, the APFC, the AQPM, the WGC, Unifor, Telefilm Canada, and the ISO.

[Return to footnote 25](#) referrer

**Footnote 26**

Citing the research report conducted on behalf of the MPA-C, “[Defining Canadian Content: Approaches Taken in Other Jurisdictions and Lessons Learned for Canada](#)”, published 23 February 2023 (filed in this proceeding as Appendix E of the MPA-C’s intervention).

[Return to footnote 26](#) referrer

**Footnote 27**

The MPA-C, Netflix, Apple, Google LLC, and the Forum for Research and Policy in Communications (FRPC).

[Return to footnote 27](#) referrer

**Footnote 28**

See paragraphs 128-131 of that regulatory policy.

[Return to footnote 28](#) referrer

**Footnote 29**

Including the CMPA, Rogers, the CBC, Quebecor, the AQPM, and the ISO.

[Return to footnote 29](#) referrer

**Footnote 30**

Including the DGC, the BSO, the CMF, the Bell Fund, the Deaf Wireless Canada Committee (DWCC), Canada Deaf Grassroots Movement (CDGM), the Disability Screen Office (DSO), and Irene Berkowitz.

[Return to footnote 30](#) referrer

**Footnote 31**

This includes the MPA-C, Apple, Paramount, Buena Vista International, Inc. (Buena Vista), Discovery Digital Ventures, LLC (Discovery+), the DWCC, and BIPOC TV & Film.

[Return to footnote 31](#) referrer

**Footnote 32**

As specified in Appendices 1 and 2 to Broadcasting Regulatory Policy [2023-90](#), “The point [for Music Composer] is awarded only if a Canadian has been commissioned to compose the original music specifically for the production. The rearrangement of existing music, even if it is Canadian, utilizes the position but does not earn the point. Existing stock, library, or archival music may be used in addition to the original music. The position of Music Director is not accepted as equivalent to Music composer.”

[Return to footnote 32](#) referrer

**Footnote 33**

The Commission notes that the Regulations define “musical selection” as “any live or recorded music of one minute or more in duration that is broadcast uninterrupted, and includes a medley and a montage.” The definition of “Canadian musical selection” is currently under review as part of Broadcasting Notice of Consultation [2025-52](#). Determinations to be made in that proceeding regarding that definition will apply here.

[Return to footnote 33](#) referrer

**Footnote 34**

The Commission’s [Canadian Program Certification Guide](#) defines a Canadian production company either as a licensee of the Commission or as a Canadian company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians.

[Return to footnote 34](#) referrer

**Footnote 35**

Including the BSO, the SCGC, the Bell Fund, and FilmOntario.

[Return to footnote 35](#) referrer

**Footnote 36**

The MPA-C, Apple, Paramount, Buena Vista, the Racial Equity Media Collective (REMC), and Discovery Digital Ventures, LLC (Discovery+).

[Return to footnote 36](#) referrer

**Footnote 37**

The CMPA and the AQPM.

[Return to footnote 37](#) referrer

**Footnote 38**

Quebecor, the CAB, Blue Ant, the DGC, the CBC, and the Bell Fund.

[Return to footnote 38](#) referrer

**Footnote 39**

The AQPM, the IBG, Meridian Artists, and the SCGC.

[Return to footnote 39](#) referrer

**Footnote 40**

The REMC, Rogers, and the DOC.

[Return to footnote 40](#) referrer

**Footnote 41**

*Ibid.*

[Return to footnote 41](#) referrer

**Footnote 42**

See paragraphs 13(c) and 13(g) of the Policy Direction.

[Return to footnote 42](#) referrer

**Footnote 43**

The Eastlink TV Independent Production Fund Program is an exception in that it requires producers to own and control at least 20% of rights and revenues.

[Return to footnote 43](#) referrer

**Footnote 44**

For example, the Bell Fund requires rights to be owned and meaningfully developed by Canadians and that creative and financial control remain with the Canadian producer throughout the production and post-production.

[Return to footnote 44](#) referrer

**Footnote 45**

See [Section 3 Copyright Ownership](#) of CAVCO's Application guidelines for the Canadian Film or Video Production Tax Credit.

[Return to footnote 45](#) referrer

**Footnote 46**

Including in British Columbia, Alberta, Saskatchewan, Ontario, Quebec, New Brunswick, and Nunavut.

[Return to footnote 46](#) referrer

**Footnote 47**

For example, many treaties, including those with Austria, Brazil, Germany, Greece, Hong Kong, and South Africa, allow co-producer contributions to range from 20% to 80% of the budget, with a requirement that copyright ownership must match their respective contributions.

[Return to footnote 47](#) referrer

**Footnote 48**

A Canadian company carrying on business in Canada, with a Canadian business address, that is owned and controlled by Canadians.

[Return to footnote 48](#) referrer

**Footnote 49**

Decision-making responsibilities could include determining the production schedule, selecting and hiring above- and below-the-line cast and production personnel, and selecting and contracting production services (camera package, sound package, post-production facilities, and post-production elements).

[Return to footnote 49](#) referrer

**Footnote 50**

The Commission acknowledges that defining the concept of "good faith" in negotiations is being considered in another proceeding to implement the modernized Act (see Broadcasting Notice of Consultation [2025-2](#)). Any

definition resulting from that proceeding will be applicable in the context of these guiding principles for negotiations in respect of Canadian programs.

[Return to footnote 50](#) referrer

**Footnote 51**

This model includes ventures with co-producers from a foreign country that does not have a film or television production treaty with Canada and ventures with co-producers of a treaty country that do not otherwise meet Telefilm Canada's eligibility requirements.

[Return to footnote 51](#) referrer

**Footnote 52**

A production package is defined as two or more co-productions or co-ventures by a Canadian production company with one or more non-Canadian production companies, where a production with minor foreign involvement that qualifies as a Canadian production is matched with a foreign production with minor Canadian involvement.

[Return to footnote 52](#) referrer

**Footnote 53**

Twinning refers to the practice of pairing a fully Canadian production with a foreign production in which any Canadian participation is primarily financial and in which there is little to no Canadian participation in the creative or production aspects.

[Return to footnote 53](#) referrer

**Footnote 54**

See paragraphs 62 to 80 of the Notice for a detailed description for these items and the Commission's related preliminary views.

[Return to footnote 54](#) referrer

**Footnote 55**

Including the BSO, the Bell Fund, Rogers, Quebecor, the Société de télédiffusion du Québec, the CMF, the AQPM, the DWCC, the DSO, the FRPC, and Irene Berkowitz.

[Return to footnote 55](#) referrer

**Footnote 56**

This includes the BSO, the MPA-C (supported by Buena Vista and Paramount), Rogers, the AQPM, the CMF, the Bell Fund, the DWCC, the DSO, CDGM, Discovery Digital Ventures, LLC (Discovery+), and Irene Berkowitz.

[Return to footnote 56](#) referrer

**Footnote 57**

As indicated at paragraph 70 of the Notice, this form would specify that the duties of the non-Canadian do not interfere in any way with the administrative, creative or financial decisions of the Canadian producer. The attestation would clearly state that the Commission has the right to audit and ask for additional documentation in relation to the foreign courtesy credit and has the right to revoke the certification if the requirements are not met.

[Return to footnote 57](#) referrer

**Footnote 58**

Two forms of dubbing processes are recognized by the Commission when done in Canada using Canadian resources: lip synchronization or voice-over translation.

[Return to footnote 58](#) referrer

**Footnote 59**

Courtesy credits may be awarded to non-Canadians for non-creative, non production-related functions that in no way interfere with the financial and creative authority of the Canadian producer and either relate to the arranging of foreign distribution or financing or services to the production under the strict supervision and control of the Canadian producer.

[Return to footnote 59](#) referrer

**Footnote 60**

See Broadcasting Regulatory Policy [2023-306](#) for further details.

[Return to footnote 60](#) referrer

**Footnote 61**

Broadcasting Public Notice [2003-10](#).

[Return to footnote 61](#) referrer

**Footnote 62**

For example, the United Kingdom launched a public consultation on copyright that closed in February 2025. In January 2025, the United States Copyright Office issued guidelines on the copyrightability of AI-generated works, which reinforces the policy that only human authorship qualifies for copyright protection. China, the European Union and Korea have adopted regulatory frameworks on AI.

[Return to footnote 62](#) referrer

**Footnote 63**

Including Netflix, Apple, and Roku, Inc.

[Return to footnote 63](#) referrer

**Footnote 64**

See Broadcasting Regulatory Policy [2024-121-1](#).

[Return to footnote 64](#) referrer

**Footnote 65**

Including the BSO, the REMC, PIAC, Friends of Canadian Media, and the Quebec English-language Production Council.

[Return to footnote 65](#) referrer

**Footnote 66**

See paragraph 5(2)(a.1) of the Act.

[Return to footnote 66](#) referrer

**Footnote 67**

Under section 18 of the Policy Direction, the Commission is directed to provide information to the public on a periodic basis regarding the progress made in achieving the objectives of the broadcasting policy set in subsection 3(1) of the

Act, including progress on the inclusion and participation of Indigenous persons, members of OLMCs and members of equity-seeking groups and ethnocultural groups in the Canadian broadcasting system.

[Return to footnote 67](#) referrer

**Footnote 68**

The Commission makes ad hoc requests for information and conducts routine data collection notably through annual surveys, annual and quarterly reports, and annual production reports. Information submitted to the Commission in its proceedings is proactively made publicly available and information filed in the above-noted surveys and reports to be treated as confidential is generally identified in advance by the Commission.

[Return to footnote 68](#) referrer

**Footnote 69**

See Broadcasting Order [2023-332](#), set out in the appendix to Broadcasting Regulatory Policy [2023-331](#), and Broadcasting Order [2024-194](#), set out in the appendix to Broadcasting Regulatory Policy [2024-121-1](#).

[Return to footnote 69](#) referrer

**Footnote 70**

Estimates from Omdia for the period 2018-2020 are publicly available, but actual revenues, collected as part of the Commission's Annual Digital Media Survey, have been published, on an aggregated basis, since 2021.

[Return to footnote 70](#) referrer

**Footnote 71**

See Broadcasting Regulatory Policy [2009-560](#).

[Return to footnote 71](#) referrer

**Footnote 72**

This refers to expenditures to be made pursuant to the Act for Canadian content, including any contributions to be made as contemplated in Broadcasting Regulatory Policy [2024-121-1](#).

[Return to footnote 72](#) referrer

**Footnote 73**

As defined in Broadcasting Order [2024-194](#).

[Return to footnote 73](#) referrer

**Footnote 74**

Confidentiality and publication of data and information in respect of the audio sector is being considered in the proceeding initiated by Broadcasting Notice of Consultation [2025-52](#) (see in particular Broadcasting Notice of Consultation [2025-52-3](#)).

[Return to footnote 74](#) referrer

**Footnote 75**

This refers to either the individual operator level or the broadcasting ownership group level if the operator forms part of such a group, as set out in Broadcasting Regulatory Policy [2024-121-1](#).

[Return to footnote 75](#) referrer

**Footnote 76**

Annual contributions revenue is based on online undertakings' activities, whereas annual Canadian gross broadcasting revenues encompass broader broadcasting activities in Canada. The threshold applied will be aligned with that approach taken in regard to base contributions, to maintain consistency and simplicity.

[Return to footnote 76](#) referrer

**Footnote 77**

Specifically, “[t]he Canadian broadcasting system should be regulated and supervised in a flexible manner that takes into account the nature and diversity of the services provided by broadcasting undertakings, as well as their size [and] their impact on the Canadian creation and production industry [...]”

[Return to footnote 77](#) referrer

**Footnote 78**

The full list and definitions of program categories are set out in the appendix to Broadcasting Regulatory Policy [2010-808](#).

[Return to footnote 78](#) referrer

**Footnote 79**

Knowledge Network, Apple, the DSO, the BSO, the REMC, Rogers, and PIAC.

[Return to footnote 79](#) referrer

**Footnote 80**

The BSO, the DSO, PIAC, and the REMC.

[Return to footnote 80](#) referrer

**Footnote 81**

As noted in Broadcasting Regulatory Policy [2011-601](#), vertical integration can refer to the ownership or control by one entity of both programming services and distribution services, or of both programming undertakings and production companies.

[Return to footnote 81](#) referrer

**Footnote 82**

See Broadcasting Information Bulletin [2019-304](#) for details on current production reports.

[Return to footnote 82](#) referrer

**Footnote 83**

For example, original, first-run programming and other content; content produced by OLMC producers as defined in Broadcasting Information Bulletin [2019-304](#), and Indigenous producers; and the commissioning of programming made by women occupying the roles of producer, director, writer, cinematographer and editor and women occupying the roles of first and second lead performer.

[Return to footnote 83](#) referrer

**Footnote 84**

For these purposes, this means the original exhibition of a program that has not been broadcast or distributed by another broadcasting undertaking.

[Return to footnote 84](#) referrer

**Footnote 85**

For the purposes of defining a “Canadian program”, a “Canadian” is a person who is, at all relevant times, a Canadian citizen as defined in the Citizenship Act or a permanent resident as defined in the Immigration and Refugee Protection Act who has received a Permanent Residence Certificate. People who are First Nations, Inuit or Métis peoples in Canada meet any certification requirement that applies to a “Canadian.”

[Return to footnote 85](#) referrer

**Footnote 86**

While the following functions play a significant role in animated productions, no points are awarded to them: Tracer/Photocopier, Opaquer and Animation Director.

[Return to footnote 86](#) referrer

**Footnote 87**

See 1.d) in the “General requirements” section above and Tables 3 and 4 regarding mandatory positions.

[Return to footnote 87](#) referrer

**Footnote 88**

This means that these key creative positions/functions, when used in a production, must be filled/performed by Canadians for the production to qualify and be certified as a Canadian program.

[Return to footnote 88](#) referrer

**Footnote 89**

*Ibid.*

[Return to footnote 89](#) referrer

**Footnote 90**

These roles are set out in the following section on foreign courtesy credits.

[Return to footnote 90](#) referrer

**Footnote 91**

*Ibid*, footnote 88.

[Return to footnote 91](#) referrer

**Footnote 92**

*Ibid*, footnote 90.

[Return to footnote 92](#) referrer

**Footnote 93**

The program categories and their definitions are set out in the appendix to *Definitions for television program categories*, Broadcasting Regulatory Policy CRTC 2010-808, 1 November 2010.

[Return to footnote 93](#) referrer

**Footnote 94**

Two forms of dubbing processes are recognized by the Commission when done in Canada using Canadian resources: lip synchronization or voice-over translation.

[Return to footnote 94 referrer](#)

**Footnote 95**

See *Definitions for new types of priority programs; revisions to the definitions of television content categories; definitions of Canadian dramatic programs that will qualify for time credits towards priority programming requirements*, Public Notice CRTC [1999-205](#), 23 December 1999.

[Return to footnote 95 referrer](#)

**Footnote 96**

The program categories and their definitions are set out in the appendix to *Definitions for television program categories*, Broadcasting Regulatory Policy CRTC [2010-808](#), 1 November 2010.