

**Open letter to the Government of Canada
from over 270 Members of the Film and Television Industry**

September 26, 2017

Prime Minister Justin Trudeau
Minister of Canadian Heritage Melanie
Joly Minister of Foreign Affairs Chrystia
Freeland House of Commons

Dear Prime Minister, Minister of Canadian Heritage and Minister of
Foreign Affairs,

We, the undersigned, respectfully request the Government of Canada maintain and strengthen Canada's cultural sovereignty. We are especially concerned that Canada maintain control of its broadcasting system as you and the federal cabinet, consider changes to the Broadcasting Act, the Telecommunications Act, the Copyright Act, NAFTA and the institutions that support the production and distribution of Canadian content.

We have arrived at a defining moment in Canadian cultural history with as much, or more, at stake than all past decisions taken by both Conservative and Liberal Governments to create and maintain Canadian broadcasting in North America. Between the Aird Report of 1929, the founding of public broadcasting in 1932, the CBC in 1936 and subsequent Broadcasting Acts, nearly every Canadian Government has fought, regardless of the odds or the technological challenges, to maintain our own broadcasting system in both official languages, including the special place of Aboriginal peoples within our society.

This history has been a struggle for our national survival in North America, and this survival is now in peril.

Regulation of Canadian broadcasting has not kept pace with changes in technology, especially since the CRTC's 1999 decision to exempt Internet companies from regulation. We see distribution, subscription and advertising revenues moving from analogue to digital platforms,

and to unregulated foreign companies operating in Canada. Between 2010 and 2015, Netflix increased from zero share of the Canadian on-demand TV market to 59%.¹ Canadian program expenditures are only 38% of the Canadian television market, or \$1.7 billion, and foreign programming is 62%, or \$2.8 billion.²

Even that small share of funding for Canadian content is in danger as the largest corporations in the world are increasing control over our domestic marketplace. These foreign corporations, called “over-the-tops” (OTTs), include Facebook, Amazon, Google and Netflix.

Unlike regulated Canadian companies, these foreign companies do not provide any information on their activities in Canada as required by CRTC regulations. They do not pay taxes. They do not pay a 5% Canadian content levy. Nor are they required to spend a minimum of their content expenditures on Canadian programming.

These foreign OTTs have created an unregulated sector within the broadcasting system. This unregulated sector continues to grow, consuming the revenues of the regulated Canadian sector, and taking billions of dollars out of Canada each year.

Now CBS has announced it will establish an OTT in Canada in 2018.³ Disney announced it is also making plans. Will regulated Canadian commercial broadcasters be able to buy the rights to CBS, Disney’s ABC or other American programming after their current contracts expire? If the Canadian rights market collapses, we will be watching the deconstruction of the Canadian broadcasting system, and the sovereignty that is critical to the existence of that system. To appreciate the difference between regulated and unregulated markets, we only have to look at the difference between Canadian broadcasting stations and Canadian movie theatres.

¹ On-demand TV market includes PPV, VOD, Canadian OTTs, and Netflix. *Profile 2016*, Exhibit 13-4

² *Canadian Regional Production Monitoring Report, 1996-7 to 2014-15*, Quebec English-language Production Council, August, 2016, p. 10.

³ O’Brien, Greg, “Analysis: Why CBS All Access moving north is a big deal”, Aug.10, 2017, *CARTT.ca*; and Parker, Maureen, “Commentary: Canadian broadcasters are on the road to extinction if they don’t adapt”, Aug.9, 2017, *CARTT.ca*

The OTTs don't have any obligation to fund domestic production unlike their Canadian competitors, the "broadcasting distribution undertakings" (BDU). Bell, Rogers, Corus and Quebecor are required to fund Canadian content, and support the Canada Media Fund. However, as they lose market share in Canada to OTTs, that support is declining.

Over the last five years, private conventional TV broadcaster revenue fell an average of 4.8% per year, and spending on programming and production fell an average of 2.6% per year. Last year, TV program and production spending dropped 5.2%.⁴

Revenues are migrating from the regulated Canadian BDU broadcasting system to the unregulated OTT system in Canada. Subscribers to BDU services have plateaued since 2011, and BDU investment in Canadian programming has been in decline since 2012.⁵ Internet advertising is now \$3.8 billion or 34% of the total ad market, and growing. Traditional TV advertising is \$3.4 billion or 30% of the total ad market, and shrinking. About 65% of all digital advertising in Canada is spent on two "exempt" and unlicensed OTTs: Google and Facebook.⁶

Foreign OTTs must be required to pay for Canadian content, just as the BDUs are. We fear if their foreign competitors are able to negotiate a voluntary agreement to avoid regulation, Canadian BDUs will also ask for a voluntary agreement in lieu of regulation. If we can no longer regulate the broadcasting system, we no longer have sovereignty over it.

These OTT distributors have used the Internet to side-step Canadian sovereignty. We must bring the foreign OTTs within the Canadian broadcasting system no matter how difficult. We must regulate them just as we regulate the domestic BDUs. We must require they play by the rules. Our rules, not their rules.

⁴ CRTC, *Statistical and Financial Summaries, 2016, Conventional Television*, p.1

⁵ *Profile 2016*, Exh. 13-3

⁶ Anderson, John, "An Over-The-Top Exemption- It's time to fairly tax and regulate the new internet media services", Canadian Centre for Policy Alternatives, June, 2016, Tables 1 ad 2.

As we see Canadian production funds shrinking, the quality of our programming cannot remain competitive, and with that, our audiences in Canada and abroad will decline.

Some say Canadians care only about their pocketbook and nothing else. In effect, they say we no longer want a country if that country is too difficult, or too expensive, to maintain. We don't believe most Canadians think that. We don't believe this generation wants to give up Canada to these, or any, foreign companies no matter how large or powerful they may be.

We must regulate foreign OTTs so they too support the production of Canadian content. If we don't bring foreign OTTs within the national legislative regime, we will lose control over broadcasting in Canada, and with it, our national independence.

It is time to heed the calls for action⁷. It is time for this Government to decide how it will be remembered in the history of Canadian broadcasting.

Thank you.

Yours truly,

Mark Achbar, documentary filmmaker, *Manufacturing Consent: Noam Chomsky and the Media*, *The Corporation* (BC)

Fortner Anderson, former business agent, DGC- Quebec, Board, ELAN

Irene Angelico, DLI Productions, *Dark Lullabies*, *Cola Conquest*

Mary Armstrong, documentary producer

Martine Asselin, Scénariste, réalisatrice, membre, ARRQ

Jean Aubert, Blue Bug Entertainment

Vincent Audet-Nadeau, réalisateur de documentaires, membre, ARRQ

Monica Auer, Ex. Dir., Forum for Research and Policy in Communications (ON)

⁷ *Lapresse.ca*, Aout 31, 2017, "Netflix et Amazon doivent être taxés, plaide Denis Coderre", Pierre-André Normandin; *Le Devoir*; Sept.14, 2017, "Continuity-Fairness-Support, Coalition launches a declaration for sustainable cultural expression in the digital era"; Sept. 16, 2017, "Netflix: Québec dénonce Ottawa, Le fédéral doit absolument taxer les géants du Web, dit le ministre Luc Fortin", Guillaume Bourgault-Côté

Alexandre Auger, auteur, scénariste
Mila Aung-Thwin, EyeSteelFilm, *Up the Yangtze, The Fruit Hunters*
Catherine Bainbridge, Rezolution Pictures, *Mohawk Girls, Reel Injun, Rumble*
Marie Barcelo, Zero Musique
André Barro, abarro Productions
Marie-Claude Beauchamp, Carpe-Diem Film and TV
Mélissa Beaudet, réalisatrice, membre, ARRQ
Michel Beaudin, réalisateur, membre, ARRQ
Jean Beaudry, réalisateur, membre, ARRQ
Marleen Beaulieu, Attraction Images
Marie-Ève Beaumont, réalisatrice, membre, ARRQ
Garry Beitel, reFrame Films
Catherine Benoit, Directrice générale, Coopérative SPIRA
Claire Benoit, Co-Chair, QEPC
Khosro Berahmundi, artist, Board, ELAN
Tom Berry, Reel One Entertainment/Première Bobine
Sophie Bienvenu, auteure, scénariste
Marc Bisailon, scénariste/réalisateur, membre, ARRQ
Sophie Bissonnette, documentary filmmaker
Richard Blaimert, réalisateur, membre, ARRQ
Frederick Bohbot, Bunbury Films
Isabelle Anouk Borduas, Minority VR
Jacquelin Bouchard, President and founder, Productions Pixcom
Pierre Bouchard, Membre de la Table Cinéma Télévision de la Ville de Québec
Léo Boulanger, réalisateur, membre, ARRQ
Bruno Boulianne, cinéaste, board, ARRQ
Vicky Bounadère, productrice, Passez Go
Stéphane Bourdeau, réalisateur, member, ARRQ
Luc Bourdon, cinéaste
Paul Bracegirdle, author, Board, ELAN
Jason Brennan, Nish Media
Marie Brodeur, réalisatrice, productrice, membre, ARRQ
Sandrine Brodeur-Desrosiers, actrice-comédienne, chanteuse
Jamie Brown, Frantic Films, former Chair of CMPA, (MB)
Jean Bureau, Incendo; President, AQPM
Alison Burns, film editor, *Is the Crown at War With Us?*
Rudy Buttignol, Pres, Knowledge Network and BBC TV Kids (BC)

Jason Camlot, Associate Dean, Faculty Affairs, Concordia U., Board, QWF
 Valerie Buddle, Board, ELAN
 Erik Canuel, director, actor, producer, *Bon Cop, Bad Cop, The Outlander*
 Louise Campbell, musician and composer, Board, ELAN
 Merit Jensen Carr, Merit Motion Pictures, *Conspiracy Rising* (MB)
 Mélanie Carrier, Mo Films
 Louis Champagne, réalisateur , membre, ARRQ
 Alain Chartrand, réalisateur, membre, ARRQ
 Alexis Chartrand, réalisateur, membre, ARRQ
 Luc Chatelain, Echo Media
 Karen Cho, filmmaker, Board, ELAN
 John Christou, Prospector Films, former Chair, DOC, *The Saver*
 Nicolas Comeau, 1976 Productions
 Phil Comeau, président, FRIC
 Marie-Pierre Corriveau, Orbi XXI
 Michel Corriveau, composer, Agogo Productions
 Stéphanie Couillard, Productions Claire Lamarche
 Ethan Cox, editor and co-founder, ricochet.media, CJAD commentator
 Kirwan Cox, Ex. Dir., Quebec English-language Production Council (QEPC)
 Harold Crooks, documentary filmmaker, *Surviving Progress, The Price We Pay*
 Daniel Cross, EyeSteelFilm, professor, Mel Hoppenheim School, Concordia U.
 Gaëlle d'Ynglemare, réalisatrice . Scénariste, membre, ARRQ
 Marc Daigle, producteur ACPAV
 Fernand Dansereau, cinéaste, écrivain, producteur
 Mireille Dansereau, cinéaste, Ciné-Plurielles, *La vie revée*
 Pierre David, Lance Entertainment, *Scanners, Videodrome, Platoon* (LA)
 Tracey Tekahentakwa Deer, Mohawk Princess Pictures, director/creator, *Mohawk
 Girls*
 Guillaume De Fontenay, réalisateur
 François Delisle, scénariste, réalisateur
 Sophie Deraspe, Films Siamois
 Jocelyn Deschenes, Sphere Media Plus
 Christopher DiRaddo, writer, Board, QWF
 Xavier Dolan, cineaste, *J'ai tué ma mère, It's Only The End of the World* (Grand
 prix, Cannes, 2016)
 Jacques Drolet, auteur, scénariste
 Jean-François Dubé, Directeur general, FRIC

Martin Duckworth, documentary filmmaker
Jean-François Dugal, producteur, Studio Element
André Dupuy, Amalga Créations Médias
Atom Egoyan, CC, writer, director, and producer, *Exotica*, *The Sweet Hereafter*,
Remember (ON)
Anne Émond, réalisatrice, scénariste
Marc Fafard, réalisateur et scénariste
Philippe Falardeau, réalisateur, Academy Award nominee, *Monsieur Lazhar*
Christine Falco, Les Films Camera Oscura
Bonnie Farmer, writer, Board, QWF
Robert Favreau, réalisateur, member, ARRQ
Denis Fecteau, Blue Tone Production
Carlos Ferrand, réalisateur, membre, ARRQ
Jonathan Finkelstein, Apartment 11 Productions, *Prank Patrol*, *Mystery Hunters*
Frank Fiorito, Noble Television
Christina Fon, Rezolution Pictures, *Mohawk Girls*, *Reel Injun*, *Rumble*, Board QEPC
Marie-Alexandra Forget, Amalga Créations Médias
Bettina Forget, visual artist, Board Chair, ELAN
Joanne Forgues, Productions Casablanca, *The Disappearance*, *Les Invincibles*
Jacques Fortin, Coco TV
Luc Fortin, president, la Guilde des musiciens et musiciennes du Québec (GMMQ)
Alain Fournier, réalisateur, membre, ARRQ
Pierre-Antoine Fournier, réalisateur, membre, ARRQ
Roger Frappier, Max Films, *Le Déclin de l'empire américain*, *Un zoo la nuit*, *Jésus
de Montréal*
Martin Frigon, réalisateur, membre, ARRQ
Jean Fugazza, Productions Ecranhia
Carmen Garcia, Argus Films
Richard Gariepy, Productions RG
Brice Garnier, Kaibou Productions
Sandra Gathercole, former National Chair, Council of Canadian Filmmakers
Emilie Gauthier, réalisatrice, membre, ARRQ
Annie Gelbart, Galafilm, *The Valour and the Horror*, *18 to Life*
Jacques B. Gélinas, essayiste
Éric Gervais-Després, nGenious Studio
David Giasson, professor, CEGEP André-Laurendeau
Rodney Gibbons, film director, former President, DGC Quebec

Douglas Gibson, editor and publisher, Douglas Gibson Books; former president and publisher, McClelland and Stewart (ON)

Ronald Gilbert, Entreprises Ronald Gilbert

Claude Girard, Agence Claude Girard

Michel Giroux, film editor

Charles Goudreau, Attraction

Nancy Grant, Meta Films, *Mommy*

Paul Gratton, Whistler Film Festival (BC)

Izabel Grondin, cineaste, membre, ARRQ

Susie Grondin, Oasis Animation

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Suzanne Guèvremont, UQAC, École des arts numérique, de l'animation, et du design (NAD) et Présidente du conseil du Fonds Bell

Dr. Penelope Gurstein, University of British Columbia

Malcolm Guy, Productions Multi-Monde, *Red Square on a Blackboard*

Alan Handel, Handel Productions, *Bermuda Triangle: The Definitive Guide*

Herschel Hardin, playwright and broadcasting historian (BC)

George Hargrave, Mushkeg Media

Robbie Hart, Adobe Productions International, *Fennario: The Good Fight, Rise*

Dorothy Henaut, documentary filmmaker, NFB

Anne Henderson, Arcady Films, *A Song for Tibet, The Key of Claire*

Kenneth Hirsch, PMA Productions, *21 Thunder*, Board, QEPC

John Hobday, CM : Former Director, Canada Council for the Arts, and former Executive Director of the Samuel & Saidye Bronfman Family Foundation.

Harold Hoefle, writer, Board, QWF

Benjamin Hogue, directeur de l'Observatoire du documentaire

Matt Holland, writer, screenwriter, Past-President ACTRA Montreal

Emanuel Hoss-Desmarais, réalisateur

Richard Hughes, former Director, Cowichan Valley Regional District (BC)

Raphaëlle Huysmans, Urbania

Jéricho Jeudy, réalisateur, membre, ARRQ

Rami Katz, documentary filmmaker (BC)

Julie Keith, writer, Board, QWF

Andrea Kenyon, Andrea Kenyon & Associates Casting

Harry Killas, Emily Carr University (BC)

Sergeo Kirby, Loaded Pictures

Leigh Kotsilidis, Mgr. Editor, *Vallum Magazine*, Treas., QWF

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Coprésident et directeur general, Fondation Michaëlle Jean (ON)
Lyse Lafontaine, Lyla Films, *Léolo*, *Barney's Version*, *Laurence Anyways*
Marie-Hélène Lafortune, auteure, scénariste
Sylvain Lafrance, Président du conseil d'administration, BCTQ
Anne Lagacé Dowson, radio host and commentator
Richard Lalonde, Forum Films, *Ma fille mon ange*
Nancy Lambert, réalisatrice, member, ARRQ
Ève Lamont, réalisatrice, membre, ARRQ
Simon Lamontagne, réalisateur, membre, ARRQ
Mélanie Lamothe, productrice KOTV
Claude Landry, auteur, scénariste
Denise Landry, Océan Télévision
Robert Lang, Kensington Communications (ON)
Chuck Lapp, Envision Productions (NS)
Craig Lapp, independent producer
Christian Larouche, Cristal Films
Maryse Latendresse, auteure, scénariste
Hugo Latulippe, président de l'Observatoire du documentaire
Marie-Pascale Laurencelle, réalisatrice, membre, ARRQ
Barry Lazar, reFrame Films
Jean-Pierre Lefebvre, Cinak, *Le Révolutionnaire*, *Il ne faut pas mourir pour ça*
Catherine Léger, auteure, scénariste
Claude Léger, Pres., Transfilm International
Yanick Legrand, réalisateur, membre, ARRQ
Brigitte Lemonde, Zone 3
Marquise Lepage, Productions du Cerf-volant
Yanick Letourneau, Peripheria Productions
Chantal Limoges, réalisatrice, membre, ARRQ
Susi Lovell, writer, Board, QWF
Ben Ged Low, Silver Wolf Productions, *Skeleton Woman*, *Of This Place* (BC)
Stephen Low, The Stephen Low Company, *Titanica*, *Rocky Mountain Express*
Janis Lundman, Back Alley Film Productions, *Durham County*, *Bomb Girls*, Board
QEPC
Rob Lutes, songwriter, Board, ELAN
Jeffrey Mackie, writer, Board, QWF

Fanny-Laure Malo, productrice, la Boîte à Fanny, *Sarah préfère la course*
René Malo, producteur, distributeur, *Le Déclin de l'empire américain*
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Iphigénie Marcoux-Fortier, réalisatrice, membre, ARRQ
Dominic Marleau, réalisateur, membre ARRQ
Margaret McBrearty, auteure, scénariste
Brian McKenna, documentary director/writer, *The Valour and the Horror, Pierre Trudeau: The Memoirs*
Nabil Mehchi, Noble Television
Marie-Eve Mercier, directrice générale, École de Cinéma et Télévision de Québec
Nicola Merola, Productions Pixcom
Hélène Messier, présidente-directrice générale, AQPM
George Mihalka, film director, former DGC National 1st Vice President (ON)
Adrienne Mitchell, Back Alley Film Productions, *Durham County, Bomb Girls* (ON)
Bob Moore, EyeSteelFilm
Pierre Moreau, Président-directeur général, BCTQ
Linda Morra, professor, Bishop's University, Pres., Board, QWF
Michael Mosca, Equinoxe Films, *A Sunday in Kigali, Winnie*
Elise Moser, writer, Board, QWF
Catherine Mullins, Green Lion Productions Inc.
Josette Normandeau, productrice, Ideacom International,
Alanis Obomsawin, OC, documentary filmmaker, singer, *Kanehsatake: 270 Years of Resistance*
Charles Ohayon, Productions Casablanca, *The Disappearance, Les Invincibles*
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Pierre Paiement, réalisateur, membre, ARRQ
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Pierre Paquin, réalisateur, membre, ARRQ
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Jacques Pettigrew, Cinegroupe
Karine Philibert, Productions KOTV

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Carol Ann Pilon, Directrice générale, APFC
Phyllis Platt, PDM Entertainment, *Still Life: A Three Pines Mystery* (ON)
Erica Pomerance, documentary filmmaker
Johanne Prigent, réalisatrice, membre, ARRQ
Michael Prupas, Muse Entertainment, Board QEPC
Janis Pullinger, former NDP MLA & Minister of Small Business, Tourism and Culture (BC)
Virginia Rankin, Sphere Media Plus (ON)
Erika Reyburn, réalisatrice, member, ARRQ
Audrey Riberdy, réalisatrice, membre, ARRQ
Paul Risacher, writer
Denise Robert, Cinémaginaire, Academy Award winner, *Les Invasions barbares*,
Ma vie en cinémascope, *Le Confessional*
Dominic Robert, réalisateur, membre, ARRQ
Guy Rodgers, Ex. Dir., English-language Arts Network (ELAN)
André Rouleau, Caramel Films, *Ballerina*
Glen Salzman, Cineflix Media Inc. (ON)
Gregory Santos, writer, Board, QWF
Alain Saulnier, professeur invité département de communication Université de
Montréal, Ancien directeur général de l'information à Radio-Canada
Patrice Sauvé, réalisateur
Ariane Savard, Directrice générale, Groupe Fair-Play
Nancy Florence Savard, 10 Ave Production
Lori Schubert, Ex. Dir., Quebec Writers' Federation (QWF)
Tommy Schnurmacher, CJAD radio host and commentator
Robert Schwartzwald, professor, Univ. de Montréal, Board, QWF
Anna Scollan, ACTRA Montreal; Co-Chair, QEPC
Pietro L. Serapiglia, The Stephen Low Company, *Titanica*, *Rocky Mountain Express*
Tom Shandel, documentary filmmaker and public broadcasting advocate (BC)
Richard Speer, Attraction Média
Guy Sprung, Montreal theatre and film director
Jeremy Spry, Muse Entertainment
Alain Stanké, CM, CQ, journaliste, éditeur et producteur de television
Michel St-Cyr, Groupe Fair-Play
David Suzuki, CC, scientist, writer, host, *The Nature of Things*, *The Secret of Life*, *A
Planet for the Taking*, final nominee, CBC's *The Greatest Canadian* (BC)
Anne-Marie Sylvestre, réalisatrice, scénariste, membre, ARRQ

Adam Symansky, former producer, NFB, Academy Award winner, *Flamenco at 5:15*

Jean-Pierre Tadros, Rédacteur en chef, CTVM

Félix Tanguay, réalisateur, membre, ARRQ

Dagan Taylor, réalisateur, membre, ARRQ

Normand Thauvette, Studio Singing Frog

Maxime Théorêt, réalisateur, membre, ARRQ

Kevin Tierney, ParkEx Pictures, *Bon Cop, Bad Cop*

Meg Tilly, Academy Award nominee, and Golden Globe winning actress, *The Big Chill, Bomb Girls, Agnes of God*

Janet Torge, documentary producer

Jeremy Torrie, High Definition Pictures (MB)

Josée Vallée, Sphere Media Plus

Charles Vallerand, Editor, Cultures in the Digital Era/Cultures à l'ère numérique

Sylvie Van Brabant, Productions Rapide-Blanc

Jonathan Vanger, Producer, Transfilm International

Dominique Veillet, Zone 3

Robert Verrall, five-time Academy Award nominee; former Dir. of English Prod., NFB

Denis Villeneuve, réalisateur, Academy Award nominee, *Maelström, Polytechnique, Incendies, Prisoners, Enemy, Arrival*

Guy Villeneuve, Groupe Fair-Play

Stephen Waddell, National Ex. Dir., ACTRA

Ernest Webb, Rezolution Pictures, *Mohawk Girls, Reel Injun, Rumble*

Dan Webster, Greenland Productions, Board, ELAN

Luc Wiseman, Avanti Ciné Vidéo **(274 signatures)**

Association Identification/ Nom des associations

*ACTRA- Alliance of Canadian Cinema, Television and Radio Artists

*APFC- Alliance des producteurs francophones du Canada (hors Québec)

*AQPM- Association québécoise de la production médiatique

*ARRQ- Association des réalisateurs et réalisatrices du Québec

*BCTQ- Bureau du cinéma et de la télévision du Québec/Quebec Film and Television Commission

CM- Member, Order of Canada

CC- Companion, Order of Canada

CMPA- Canadian Media Producers' Association

CQ- Chevalier de l'ordre national du Québec

CTVM- L'Actualité des écrans

DOC- Documentary Organization of Canada

DGC- Directors' Guild of Canada

*ELAN- English-language Arts Network (Quebec)

*FRIC- Front des réalisateurs indépendants du Canada

*FRPC- Forum for Research and Policy in Communications

*GMMQ- la Guilde des musiciens et musiciennes du Québec

*QEPC- Quebec English-language Production Council

*QWF- Quebec Writers' Federation

NFB- National Film Board of Canada

*This organization supports the letter in addition to its members who signed it.

* Outre les membres signataires de cette lettre, l'association marquée d'un astérisque y apporte son appui.