



**Independent
Media Arts Alliance**
Alliance des arts
médiatiques indépendants

Canadian broadcasting in new media

The Independent Media Arts Perspective

INTRODUCTION

The Independent Media Arts Alliance (IMAA) is a member-driven non-profit national organization working to advance and strengthen the media arts community in Canada. Representing over 80 independent film, video, audio, and new media production, distribution, and exhibition organizations in all parts of the country, the IMAA serves over 12,000 independent media artists and cultural workers.

The following comments are presented in the context of the Canadian Radio-television and Telecommunications Commission (CRTC) proceeding to examine broadcasting in the new media environment. Upon learning about the CRTC proceeding, the IMAA launched its own consultation amongst its member organizations with the objective of providing the CRTC with a comprehensive and forward-thinking set of propositions related to new media broadcasting, from the perspective of the Canadian independent media arts sector. The consultation is ongoing and is generating lots of interest and concerns from our membership. In order to expand on our general position (see below) and make more specific recommendations, the IMAA would like to appear at the public hearing that is going to be held in Gatineau, QC on February 17, 2009.

The IMAA's position is articulated around these four main points:

PUBLIC INTERVENTION

The IMAA is in favour of some level of intervention from the CRTC in order to encourage and support the production and dissemination of independent Canadian content via new media networks and platforms (Internet, cellphones, other mobile devices). The rapid-changing nature of the new media landscape has in the past made it difficult to clearly identify ways in which governments can intervene to support and stimulate growth. This being said, new media technologies have now reached a level of sophistication and a threshold of penetration in the day to day lives of Canadians that makes them crucial agents of innovation, social interaction and national identity building. They also contributed to the creation of a fast-growing dissemination environment and marketplace for Canadian productions. Hopefully, the current proceeding will provide the CRTC with a broad spectrum of opinions and arguments and enable it to make an informed and well thought out decision. The IMAA believe that the CRTC should avoid trying to control the type of content available through new media networks and platforms and concentrate instead on creating a set of measures to provide adequate resources for the production and dissemination of Canadian content. In the old media paradigm, a finite amount of media "space" (radio and television frequencies) would make it more feasible to set quotas for

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specific types of content. In the new media environment, such attempt would be futile. The IMAA also hopes that the CRTC will NOT simply approach the new media environment as an extension of the old one. While we have to facilitate the circulation of content across media platforms and support the foray of traditional broadcasters in the new media environment, it is also crucial to make room for content that is specifically designed to be experienced via the Internet, cellphone or mobile devices. Some of the new media funds already in existence are making it mandatory to have traditional broadcasters as part of the financial structure of a project in order to access financing. This type of approach could have a detrimental effect on the development of new media broadcasting in Canada by interfering with innovation in the competitive, global and interconnected new media landscape.

NET NEUTRALITY

The IMAA is in favor of net neutrality and against traffic shaping and network management practices by Internet Service Providers (ISP). Even if this question will be the subject of a different consultation over the course of the coming year, it is nonetheless closely linked to this proceeding, as the leading media organizations in Canada are large conglomerates with high levels of vertical integration. By reducing the speed of data transfer over the Internet for certain users of peer-to-peer technologies (P2P), ISPs are jeopardizing the freedom of choice of Canadians in relation to online content consumption. Several producers and distributors are now turning towards P2P technologies in order to broadcast quality media content at an affordable cost. It strikes us as particularly unfair for ISPs that are also media content producers and distributors, to deliberately penalize their competitors who don't own network infrastructure. This is even more inequitable when you take into consideration the fact that the largest portion of the monthly fee charged by ISPs to their clients goes into paying for their network infrastructure and not for the cost of the actual service. Equal access to Canadian productions by all Canadian citizens should be a prime concern for the CRTC and traffic shaping and network management practices are standing in the way. (Other things standing in the way of equal access to the Internet for all Canadians is the fact that high-speed services are still not available in several regions only connected through dial-up and that Canada is now lagging behind other developed countries in term of fiber wire connections.)

INDEPENDENT CANADIAN CONTENT

If a fund is created to support the production and dissemination of Canadian content via new media networks and platforms (either through an ISP fee or any other means), we believe a portion of that fund should be reserved for INDEPENDENT Canadian content projects and the money should be administered by the Media Arts section of the Canada Council for the Arts. (The term "independent" means, here and elsewhere in this document, that the director/creator/artist initiates and is the driving force behind the proposed project and maintains complete creative and editorial control over the work.) It is somehow ironic to hear suggestions that the CRTC should use the Canadian Television Fund as model for a potential New Media Fund. Since we still don't know at this point in time how the CTF will emerge from the recent crisis initiated by Quebecor and Shaw Communications, it would be ill advised to use its controversial old model or its yet inexistent new model as template for the new

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media sector. What we do know for sure is that if the CRTC wants to foster a balanced, sustainable and dynamic new media environment, it has to support both the industry and the independent sides of the spectrum. Instead of creating a new body to administer the portion of the monies earmarked for independent new media production and dissemination, we would suggest to transfer these directly to the organization that is in the best position to redistribute them: the Media Arts section of the Canada Council for the Art. As a national, arm's-length funding agency with a long and successful track record, a strong peer assessment structure and a direct relationship with the Canadian independent media arts sector, the Canada Council for the Arts would be the perfect choice to set the objectives and provide the adequate support for independent new media broadcasting.

COMMUNITY ACCESS

ISPs should be invited to provide a limited quantity of free data transfer (data transferred to or from the website or server within a prescribed period of time) to community access new media projects in the same way cable companies have to provide free airtime for community TV programming. As we are moving from an alphanumeric text-based new media environment to one rife with images, sounds, audio-visual and interactive content, the prohibitive cost of data transfer will start to become an increasingly heavy burden on smaller independent and community producers. Even in a "neutral" new media environment were the ISPs would not interfere with P2P users by slowing down their speed of access to the network, transferring data will still carry a price that will rise exponentially with the demand for specific content. Access to new media content is never "free". Most domestic plans are giving that illusion because once the monthly fee is paid, the cap on upload and download is high enough to accommodate most web browsing habits. Users that are transferring lots of data (P2P exchange of music or video, online gaming, etc) are fully aware of the high costs attached, as are the users of smartphones. If we want to keep "space" in the new media environment for Canadian community programming, the issue is not to give access to the Internet to community producers but to make it affordable for them to share their work without the fear of going bankrupt if it becomes popular and appreciated by the public.

CONCLUSION

The IMAA is currently consulting with its member organizations and other partners in order to further expand its understanding of this crucial issue and put together precise recommendations with regards to all the questions raised by the CRTC in its notice of consultation and hearing about Canadian broadcasting in new media. We would like to have the opportunity to appear at the February 17, 2009 public hearing to present the final result of our consultation with all Canadian independent media arts stakeholders.

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