



Broadcasting Notice of Consultation CRTC 2009-777

Ottawa, 15 December 2009

Call for comments on a new definition of “Canadian program” that includes the dubbing of Canadian programs

1. In *Certification for Canadian Programs – A revised approach*, Public Notice CRTC 2000-42, 17 March 2000 (Public Notice 2000-42), the Commission set out its determinations on revisions to the definition of a Canadian program, including certification criteria for the dubbing of foreign programs.
2. Specifically, in part VI of Appendix I, the Commission set out the criteria for determining what percentage of the program time of a foreign program is recognized as Canadian:

Where a foreign program is produced in an official language of Canada or a native Canadian language, and the audio portion of that program is converted into the other official language of Canada or a native Canadian language by a process of lip synchronization done in Canada, using Canadian resources, 25% of the program time shall be recognized as Canadian.

Where a foreign program is produced in a language other than an official language of Canada or a native Canadian language, and the audio portion of that program is converted into an official language of Canada or a native Canadian language by a process of lip synchronization done in Canada, using Canadian resources, 50% of the program time (to a maximum of 50 hours during each six-month reporting period), shall be recognized as Canadian.

3. However, Public Notice 2000-42 did not provide details relating to the dubbing of Canadian programs in the other official language, even though a number of these programs produced in either official language are dubbed in Canada or abroad. This situation is more common for English-language Canadian programs dubbed in French.

Issues

4. The Commission notes that in recent years several Canadian productions have been very successful both in Canada and abroad, with the result that these productions, whether animation programs for children or Canadian drama, are increasingly dubbed in the other official language and then broadcast in both language markets in Canada, mainly by specialty television services.

5. An English-Canadian program dubbed in French abroad is more akin to a foreign program than a Canadian one. In the case of a program dubbed in France, for example, significant differences in speech can be noted since French and Quebec expressions and accents differ significantly. Consequently, the French-language audience in Canada may have trouble identifying with the program. The same phenomenon occurs, albeit to a lesser degree, when dubbing from French to English is performed abroad.
6. Among the objectives of the *Broadcasting Act* (the Act), section 3(1)(d) provides that “the Canadian broadcasting system should [...] (ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity [and] by displaying Canadian talent in entertainment programming”. Section 3(1)(f) further provides that “each broadcasting undertaking shall make maximum use [...] of Canadian creative and other resources in the creation and presentation of programming”.
7. One of the criteria used to define a Canadian program, as set out in Public Notice 2000-42, is that the first lead performer (first voice) or second lead performer (second voice) must be Canadian.
8. In light of the objectives of the Act and the criteria used to define a Canadian program, the Commission wishes to clarify its policy on the dubbing of Canadian programs. In order to establish the time credit that should be allocated to Canadian productions dubbed in Canada or abroad, the Commission is seeking public comment on the following matters:
 - Should a Canadian production dubbed in Canada in one of the official languages or in a Native language be given the same time credit as its original version or should it be given a greater time credit?
 - Should a Canadian production dubbed outside Canada in one of the official languages or in a Native language be given a 100% Canadian content credit and be considered an original program or should it receive a lower credit, given that the audio portion is converted outside Canada, thus involving the hiring of non-Canadian performers and linguistic and cultural markers that French-speaking Canadians have difficulty recognizing?
9. At the same time, the Commission seeks comments from the public on the following question relating to the credits awarded for the dubbing of a foreign production, as set out in paragraph 2 above:
 - With respect to a foreign production dubbed by a process of lip synchronization done in Canada using Canadian resources, are the 25% and 50% time credits currently awarded still appropriate or should they be revised? In the event that they are revised, what revisions should be made?

Call for comments

The Commission invites comments that address the issues and questions set out in this notice. The Commission will accept comments that it receives on or before **29 January 2010**.

The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedure for filing comments

Interested parties can file their written comments to the Secretary General of the Commission in **only one** of the following formats:

by using the
[[Broadcasting interventions/comments form](#)]

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

The Commission advises those who file and serve by electronic means to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service of the notification was completed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. In addition, where the comment is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Important notice

All information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

Examination of documents

A list of all comments will also be available on the Commission's website. An electronic version of all comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's website.

The public may examine public comments and related documents at the following Commission offices during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

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Les Terrasses de la Chaudière
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Secretary General

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