



## Broadcasting Decision CRTC 2016-78

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Reference: Part 1 application posted on 1 September 2015

Ottawa, 1 March 2016

**Fight Media Inc.**  
Across Canada

*Application 2015-1062-8*

### **Fight Network – Licence amendments**

*The Commission **approves** an application to delete certain nature of service conditions of licence for the national English-language specialty Category B service Fight Network.*

*In addition, the Commission adds a condition of licence allowing Fight Network to broadcast programming from all program categories, as well as a condition of licence limiting the amount of live professional sports programming it may broadcast, except for combat sports programming.*

### **Background**

1. In Broadcasting Regulatory Policy 2015-86, the Commission stated that it would eliminate its genre exclusivity policy, which limited programming services to offering certain types of programming (that is, a “nature of service”) and precluded other services from offering that programming. Consequently, it no longer enforces conditions of licence relating to nature of service, with certain exceptions, such as the condition of licence relating to the broadcast of live professional sports programming by services other than mainstream sports services.
2. It further stated that licensees must provide the Commission with a name and a brief description of the service, to be listed on the Commission’s website, and update this information any time it changes. This will allow both Canadians and the Commission to continue having basic information about the discretionary services in operation.
3. Moreover, paragraph 253 of the above policy noted the following as it pertained to the retention of certain conditions of licence relating to the broadcast of live sports programming:

The Commission will also retain limitations with respect to mainstream sports services. Licensees that choose to operate mainstream sports services are required to meet, among other things, high CPE requirements of 50% of each year’s gross broadcast-related revenues. Other discretionary services that wish to offer some sports programming are limited to a maximum of 10% live professional sports programming in each broadcast month, unless they choose to undertake the

greater CPE and other requirements of mainstream sports services. The Commission will therefore retain the current 10% limit on live professional sports programs for discretionary services other than mainstream sports services. This will ensure that other services do not morph into mainstream sports services without the same expenditure and exhibition requirements.

## Application

4. Fight Media Inc. (Fight Media) filed an application relating to the national English-language specialty Category B service Fight Network. Fight Media requested the deletion of the following nature of service conditions of licence:<sup>1</sup>

2 (a) The licensee shall provide a national, English-language specialty Category B service devoted to programming related to the arts, skills and science of combatants.

(b) The programming shall be drawn exclusively from the following program categories, set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:

- 1 News
- 2 (a) Analysis and interpretation  
(b) Long-form documentary
- 3 Reporting and actualities
- 5 (b) Informal education/Recreation and leisure
- 6 (a) Professional sports  
(b) Amateur sports
- 7 Drama and comedy
  - (a) Ongoing dramatic series
  - (b) Ongoing comedy series (sitcoms)
  - (c) Specials, mini-series or made-for-TV feature films
  - (d) Theatrical feature films aired on TV
  - (e) Animated television programs and films
  - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
  - (g) Other drama
- 8 (b) Music video clips
- 9 Variety
- 10 Game shows
- 11 (a) General entertainment and human interest  
(b) Reality television
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

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<sup>1</sup> Fight Network's current conditions of licence are set out in Appendix 4 to Broadcasting Decision 2013-466.

- (c) The licensee shall devote no more than 20% of all programming broadcast during the broadcast week to programming drawn from program categories 2(a) and 2(b).
- (d) The licensee shall devote no more than 20% of all programming broadcast during the broadcast week to programming drawn from program category 7.
5. Pursuant to Broadcasting Regulatory Policy 2015-86, Fight Media provided the following description for Fight Network:
- Programming related to news, information, personalities, skills and science of all aspects of combat sports.
6. Further, Fight Media indicated that it would adhere to the following condition of licence:
- The licensee may draw programming from all the program categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time.
7. The applicant did not propose to abide by the standard 10% monthly limit on live professional sports programming drawn from program category 6(a), arguing that this limit would be inappropriate for its niche sports service. Instead, it proposed that Fight Network adhere to the following condition of licence:
- The licensee shall not devote more than 10% of the programming during the broadcast month to live event sports programming from category 6(a) dedicated to stick and/or ball sports, including hockey, baseball, football, basketball, golf, soccer and tennis.
8. In support of its request, Fight Media indicated that Fight Network was previously bound by a weekly 5-hour limit on the broadcast of original programming drawn from program categories 6(a) and 6(b), which the Commission eliminated in Broadcasting Decision 2013-466. It argued that the Commission provided Fight Network with greater programming flexibility given that the wording of that condition of licence had the unintended consequence of imposing greater constraint on the broadcast of original programming produced by third parties.
9. In its present application, Fight Media argued that it must be able to produce and broadcast an unlimited amount of programming from categories 6(a) and 6(b) to grow as a niche sports service and ensure its relevance and attractiveness to consumers in an environment where many of the traditional safeguards for discretionary services have been eliminated. It further submitted that if Fight Network were forced to abide by a blanket 10% limit on all live professional sports programming per broadcast month, it would again be forced to adhere to an unfair and unworkable limit on its programming.
10. The Commission did not receive any interventions regarding this application.

## Commission's analysis and decisions

11. The Commission finds that the proposed amendments to Fight Network's nature of service conditions of licence are consistent with the Commission's determinations set out in Broadcasting Regulatory Policy 2015-86. It also finds that the applicant's request for flexibility regarding the standard limit on live professional sports is reasonable given the service's focus on combat sports. However, the Commission considers that the list of sports provided by the applicant in its proposed condition of licence on sports programming is limited. To prevent Fight Network from morphing into a mainstream sports service, the Commission is of the view that this condition of licence should be clearer and more focused and should limit to 10% of the broadcast month the broadcast of all live professional sports programming except for combat sports programming.
12. While there was no discussion or definition of the term "combat sports" in the service's licensing decision<sup>2</sup> or in its present application, this term is clear and includes sports in which two armed or unarmed opponents confront each other in combat. These sports include boxing, kickboxing, wrestling, judo, karate, kung fu, jiu-jitsu, aikido, kendo, sumo, fencing and mixed martial arts.
13. In light of the above, the Commission **approves** the application by Fight Media Inc. to amend the broadcasting licence for the national English-language specialty Category B service Fight Network by deleting conditions of licence 2 (a), (b), (c) and (d). The Commission also adds the following **conditions of licence**:
  - The licensee may draw programming from all the categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time.
  - The licensee shall devote not more than 10% of the programming broadcast during the broadcast month to live professional sports programming, which falls under program category 6(a) Professional sports. Combat sports are excluded from the calculation of this condition of licence.

Secretary General

## Related documents

- *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015
- *Various independent specialty Category B services – Licence renewals*, Broadcasting Decision CRTC 2013-466, 30 August 2013

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<sup>2</sup> See Broadcasting Decision 2004-62.

- *TFN – The Fight Network – Category 2 specialty service*, Broadcasting Decision CRTC 2004-62, 30 January 2004

*\*This decision is to be appended to the licence.*