

August 5, 2022

FILED ELECTRONICALLY

Claude Doucet
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Re: Broadcasting Notice of Consultation CRTC 2022-182

Call for comments regarding changes to the treatment of stock footage as part of the Canadian program certification

1. Blue Ant Media Inc. (“**Blue Ant**”) is pleased to respond to *Broadcasting Notice of Consultation CRTC 2022-182* (the “**Notice**”).
2. Overall, Blue Ant Media supports the modifications to the treatment of stock footage costs as outlined in the Notice. However, for the reasons outlined below, Blue Ant is of the view that producers should be allowed the option to include those costs either under “Other” or under “Services”.
3. Over the years, producers have repeatedly raised the issue of documentary and other non-fiction productions as having an unfair disadvantage with respect to stock footage’s impact on Canadian spend. This is due to how stock footage and key creative costs are categorized. This disadvantage became an even more urgent matter with the onset of the COVID- 19 pandemic and continues with the ongoing new realities for production, specifically for documentary and non-fiction production.
4. Documentaries (and other non-fiction productions) often need to use non-Canadian stock footage either because of their subject matter of the program, or because a limited availability of stock footage available from Canadian sources. The licensing costs for non-Canadian stock footage are currently a limiting factor in remaining eligible for CRTC certification and can, therefore, serve to limit the range of subject matters that Canadian producers can explore for their productions. This puts Canadian producers at a competitive disadvantage in the marketplace solely based on having to design production content to fit within current Canadian spend limitations.
5. The proposed change as outlined in the Notice will provide Canadian producers with some additional creative flexibility to try to compete in the global marketplace. However, restricting the categorization of stock footage to “Other” can have unintended consequences to Canadian producers who supply stock footage to third parties. Without the option to include Canadian sourced stock footage in either the “Service” or the “Other” category, there will be no advantage for Canadian producers to use

Canadian stock footage, thus removing an advantage that Canadian stock footage producers may have otherwise had vis a vis their non-Canadian counterparts.

6. Accordingly, Blue Ant would support an ongoing option to keep stock footage as “Services” to continue to incentivize producers to use Canadian owned stock footage. Flexibility in the categorization of stock footage costs would also provide the ability for producers to determine how best to categorize their stock footage based on the creative and spend needs of the production. The ability to categorize stock footage either as “Other” or “Service” within an application will provide for the most beneficial outcome for both producers and Canadian stock footage suppliers.
7. In addition to the classification of stock footage, there are other areas where producers have repeatedly raised concerns over how costs are categorized that the Commission may want to examine:
 - Allowing flexibility in the classification of editing costs from “Key Creative” to “Services”. Documentaries that include any non-Canadian costs tend to already be close to the 75% Canadian spend requirement because a large proportion of their expenses go towards key creative positions. While generally held by Canadians, these “key creative” positions are excluded from the “Services” calculation. However, the remaining costs of the production must still meet the 75% spend threshold. Allowing editors’ fees to move to “Services” instead of requiring them to be classified as “Key Creative” is one way to ensure that the greatest number of Canadian productions, specifically documentary productions, can ensure Canadian certification through the Commission.
 - Commercial music licensing like stock footage can create the same problems with Canadian spends. We would support the Commission’s review of how these costs are considered in respect to Canadian spend.
 - Credits and position titles for foreign crew. Now more than ever documentaries must make use of non-Canadian local crews to safely and cost effectively complete portions of shooting for productions. The COVID-19 pandemic has made this an even greater necessity. When hiring local crew, particularly in the U.S and the UK, producers are often unable to provide appropriate credits to such crew. For example, in the U.S., many camera persons will not accept a title any less than Director of Principal Photography, even when their work is a small portion of the overall production. The position and credit restrictions currently within the Commission’s certification criteria leave Canadian producers working internationally at a competitive disadvantage to attract the best and most skilled local crew to work on their productions as they cannot provide such crew with the credits that they are requesting.



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8. Blue Ant thanks the CRTC for the opportunity to participate in this proceeding and would be pleased to answer any questions the Commission may have.

Yours truly,

A handwritten signature in black ink, appearing to read "Astrid Zimmer".

Astrid Zimmer

Executive Vice President, Legal & Business Affairs

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