



SHAW CABLESYSTEMS: INFORMATION FOR COMMUNITY ACCESS PROGRAMMERS

COMMUNITY TELEVISION BROADCASTING GUIDELINES

The community channel as defined by the *Broadcasting Distribution Regulations* means the channel of a distribution undertaking (in this case, Shaw Cablesystems) that is used by a licensee (Shaw) for the distribution of community programming within a licensed area of the distribution undertaking. Shaw Cablesystems operates within the general broadcasting environment and also complies with voluntary guidelines established by Canada's Broadcast Standards Council (CAB Code of Ethics, CAB Violence Code, CAB Sex Role Portrayal Code, and RTNDA Code of (Journalistic) Ethics). CBC Radio-Canada also provides Journalistic Standards which are useful. From a legal perspective we must ensure access programming complies under Canadian laws for issues including but not limited to copyright and defamation (libel and slander).

Programming on Shaw Cablesystems must be "community programming" which is defined by the regulations as programming that is produced:

- a) by the licensee in the licensed area or by members of the community served in the licensed area;
- b) by the licensee in another licensed area or by the members of the community served in that other licensed area and that is relevant to the community referred to in paragraph (a);
- c) by another licensee in a licensed area or by the members of the community served in that licensed area and that is relevant to the community referred to in paragraph (a); or
- d) by a person licensed to operate a network for the purpose of producing community programming for distribution by the licensee on a community channel.

This definition includes community access television programming and local community television programming.

SUBMITTING A SHOW IDEA OR PROGRAM PROPOSAL TO SHAW CABLESYSTEMS

SAMPLE: SHAW ACCESS PROGRAMMING PROPOSAL LETTER/PACKAGE

Thank you for your interest in community television. We are pleased to accept completed shows and new show ideas. We are attaching our program information package to assist you in submitting your programming or program proposal. If you have a demo available, you may submit the demo for review along with a general overview of the idea or program proposal. Shaw is available to assist with the production if required (see below).

Please note: the community channel is a free service provided by Shaw Cablesystems. Shaw Cablesystems does not purchase television programming. There is no charge to you or your group to produce any local television or to televise your event. Sponsorship revenues may be used to offset the cost of producing and televising your proposal or event.

The community channel is focused on the City of Calgary and its people, issues, arts and entertainment. Programming should reflect local viewpoints, activities and diverse voices that are not being heard.

Please submit your programming proposal in writing via e-mail, fax or mail. Provide the following key information:

1. Name (individual, organization or society)
2. Contact Information (email, fax, mailing address, and daytime phone number)

Please outline information about yourself or your organization as it relates to this proposal, including any previous experience in television or multi-media. Your proposal should answer these questions and supply the following information:

1. Is the content of the proposed show or series specific to Calgary?
2. What is the objective of the show or series?
3. Will the assistance of the licensee be required?

You are encouraged to include any extra material that would help to explain or demonstrate your idea (i.e. resume, videotape, background information on the topic or those involved and marketing ideas).

Please note that if you're proposing coverage of an event, we need sufficient notice to evaluate, technically plan for and promote the event.

Program Outline

1. Please define the general format of the show or series: The general format defines the overall format of the show and includes the placement of the Open and Close, sponsorship blocks (if any), hosting segments, and program segments.
2. If this is a proposal for a series of shows, provide a detailed outline for each of the episodes in the proposed series: The detailed outline includes specific details of what will be covered in the series, including projected guest names, interview topics and specific community events.

Production Details

1. Production Facilities: Please provide a detailed description of the equipment, facilities and licensee support that may be used or is required for the production or packaging of the show/series.
2. Production Personnel: Please provide a detailed list of the production personnel and their television experience, if any. Training is available if needed.
3. On-Air Personnel: Please provide a detailed list of the on-air personnel and their television experience, if any. Training is available if needed.

Demo Video

Video samples are not necessarily required, but can be helpful to the review process. If you are able to provide a sample copy of the show or series, we accept DVD, DVcam, VHS or BetaSP format for review. Please clearly label both the videotape and the spine of the tape case with the show or series title and your contact information.

Provide one of these two review formats:

1. Demo Video: a sample program of any kind, of any length, etc. that provides a snapshot of what the program looks like.
2. Pilot Program: A program packaged to standard length of 27:30, and including Open, Close, sponsorship spots, viewer advisories, etc. This is the completed version of the proposed show, or premiere episode if a series of shows.

Copyright Clearance

You should be aware that legal issues may arise if any part of your proposal is protected by copyright. Any song, music, play, or work created by an author who is alive or has not been dead for more than 50 years may possess copyright in Canada. Any person performing or recording such a work must obtain permission from the owner of the copyright before the work is performed or recorded. It is the obligation of you or your organization to ensure that all copyright and usage permissions are secured prior to production (discussed in further detail below)

THE APPLICATION PROCESS:

All proposals are reviewed as quickly as possible. The evaluation process is based on a combination of factors including our current schedule of commitments to other access producers, compliance with CRTC regulations and policies, agreement between the producer and Shaw Cablesystems on the perceived value of the project to community channel viewers and the resources available to fulfill your request.

All program managers will consider the following questions while working with you on your program proposal:

1. Is the programming "community programming" as defined by the regulations? For example:
 - Is the programming a true reflection of the people, places and issues that matter most to the community?
 - are local community members involved and showcased in the programming?
 - are the issues discussed in the programming relevant to the community?

2. Does the programming highlight both sides of an issue or is it mostly one-sided?
 - Shaw is responsible for providing balanced view points on the channel – managers will either ask the producer to incorporate alternative view points or seek out other programming that highlights the other side of the story

3. Has this group or individual provided programming or used Shaw's facilities before?
 - Shaw is responsible for encouraging a diversity of voices on the channel and therefore will try to give as many people an opportunity to produce programming on the community channel

4. Does the programming comply with CRTC regulations and other Canadian laws? For instance:
 - copyright issues
 - defamation
 - balance and diversity
 - violence, adult subject matter, inappropriate language, etc.
 - sponsorship messages rules

5. Does Shaw have the proper resources to fulfill this request?
 - Shaw needs to ensure that the proper equipment, facilities, volunteers and staff members are available for any particular project

The application process is really a collaborative discussion between Shaw and community members to ensure the production of relevant, entertaining, and hyper-local stories to the communities we serve. We want to help you create and share those stories with your friends, neighbours, colleagues and fellow residents.

PROGRAM OWNERSHIP

As each case is different, the program producer and Shaw Cablesystems will jointly determine ownership rights for any programs created or produced through use of the facilities of Shaw Cablesystems.

The term "program" describes the product of production which includes, but is not limited to:

1. raw footage
2. completed programs and portions of completed programs
3. promotions, IDs, bumpers and the like
4. audio tapes
5. photographs, printed materials or artwork
6. models, sets, props and the like

Shaw Cablesystems retains the right to edit or add to the program, at its discretion, to ensure that the program complies with CRTC regulations.

We will work with the community producer to determine suitable airtimes and repeat times.

Shaw Cablesystems is open to discussions regarding future uses of programs for non-commercial or non-profit uses in the community. These uses might include use of a copy of a program for in-house orientation and training for a community group or a private showing to a special interest group.



Shaw Community Access Programming

Name (please print): _____

Group or organization (if applicable): _____

Contact numbers: cell: _____ home: _____ office: _____

Fax #: _____ e-mail: _____

Event date(s): _____

Event location(s): _____

Brief description of event, story or program idea:

We welcome your, or your organization's, direct participation in the production process:

Please select one: ___ On-camera ___ Producer ___ Writer ___ Director ___ Other

Do you or someone in your organization require training? ___ Yes ___ No

Signature: _____

To be completed by Shaw staff

Date received by Shaw Cablesystems: _____ Staff name: _____

Production commitment: _____ Story segment _____ Event coverage _____ Show / series

Production meeting(s) & follow-up assigned to:

Airing (date(s)/time(s):

CRTC Program Class (check one): A _____ B _____ C _____ D _____ E _____

Submit form to: Judy Barrette, 2400 – 32 AVENUE NE Calgary, Alberta T2E 9A7
Judy.Barrette@sjrb.ca

SHOW GUIDELINES



PRODUCTION PLANNING AND EXECUTION

Production and Staging

1. Ensure that video levels are correct, and neither over nor under exposed.
2. Tripod shots are generally more stable than hand-held camera and are preferable where possible. Good hand-held camera work is a highly developed skill set and is best used by experienced shooters. Hand-held shots should not be used for subjects over three feet in distance.
3. Avoid shooting interview subjects in profile, and endeavour to shoot subjects straight on.
4. Keep all segments visually interesting and relevant.
5. If the show or segment will be posted (edited) from a one camera shoots, take some establishing audience shots so that there is flexibility for video coverage in post production.
6. If the show or segment is live-to-tape with no post, cutting is critical to ensure there are no camera shots which are shaky, unfocused or roving around the location.

Audio Production

1. Ensure that audio (sound) is not too low, hollow, distorted or over-modulated.
2. Ensure that audio is not out of sync with video.

Lighting

1. A television camera requires sufficient light to electronically form an image (signal) that is focused and renders all colours accurately.
 - a. Light levels that are too low will result in an image that is dark, grainy and undefined
 - b. Light levels that are too high will result in an image that is 'hot' and overexposed, and that also appears undefined as the effect of shadows and gradation in colour is lost.
2. Use a sun gun when needed.
3. If using more than one camera, ensure that the shots match in terms of lighting. No camera should have darker or lighter imaging than the other.

Content Production

1. Ensure that appropriate copyright and performance clearances are acquired for any material (music, performances, art work etc.) that are used in the production.
2. Ensure that you establish a consistent format in planning the show open, content flow and wrap, graphics and continuity.
3. Ensure that the show is formatted, timed, labeled and cue sheeted as per Shaw's packaging guidelines.
4. Include viewer advisory graphics at the beginning of the show as needed.

Graphics

1. Name graphics (supers)
 - a. should be displayed with a guest's first appearance on screen
 - b. should be displayed for a duration that will allow easy reading
 - c. should be placed at the bottom of the screen (not over faces)
 - d. should be an appropriate colour to be seen over changing background visuals
 - e. should be an appropriate size and font (letter type) for easy viewing on home television screens
2. Full-page graphics
 - a. should be an appropriate font, size and colour against the graphic background page for easy viewing on home television screens
 - b. should be displayed for a duration that will allow easy reading, but not for an excessive length of time
3. Spelling
 - a. always review the accuracy of spelling on all graphics
 - b. be particularly diligent in ensuring the correct spelling of names and titles

Post-Production Editing

1. Ensure that audio levels are consistent from segment to segment and within the range defined by the signal standards.
2. Do not edit to or from a moving shot (zooms, tilts and pans) while the camera move is in progress.
3. Shaky camera moves and roving unplanned pans and zooms that are seeking or attempting to follow a subject should be removed or covered in post production and should never appear in a packaged show.
4. Ensure continuity and logical progression of all edited segments and do not cut speakers mid-sentence.
5. Do not fade up from black at the start of a segment: audio and video should start at the same time.
6. Use audio such as music as a bridge or background where needed in the production.

SHOW PACKAGING FOR SHAW CABLESYSTEMS

Digital Submissions

With the advent of digital video and its proliferation throughout modern society, it has never been easier to submit access programming to Shaw TV. We can facilitate DVDs plus digital file formats provided via USB drive or FTP upload. Given that there are so many different ways to create a digital video file, it is highly recommended you speak with your local Shaw TV representative to determine the most efficient way to deliver a high-quality product.

Also, please be aware that all aforementioned production standards (listed under [PRODUCTION PLANNING AND EXECUTION](#)) apply to all digital submissions.

Formatting Tapes

1. Lay black on the entire tape, starting the time-code at 00:58:30:00 at the head (start) of the tape.
2. Start the program at the one hour mark: time-code 01:00:00:00.
3. (01:00:00:00 is the first on-air video/audio of the program).
4. The last video/audio of the program is at 01:27:30:00.
5. Once the time-code has been correctly installed, it will remain on the videotape as long as only Insert Mode is used in subsequent edit sessions. The start of the program should be positioned at 01:00:00:00 for each edit session.
6. Time code must be continuous and uninterrupted.
7. Please enter the time-code on the cue sheet. A time-code is always written in eight digits.

Packaging for On-Air Broadcast

1. 00:58:30:00 to 00:59:30:00 Bars and Tone recorded to match the program video and audio each time the tape is reused.
2. 00:59:30:00 - 00:59:45:00 Graphic slate with the following information (***** denote mandatory fields)
 - a. ***** Program Name and (episode # if applicable)
 - b. Guests or content info
 - c. ***** Producer Name and phone number
 - d. ***** Audio Info (Channel 1 & 2 , Stereo)
 - e. Airdate Info
3. 00:59:45:00 - 01:00:00:00 Black
4. 01:00:00:00 Time-code start of program
5. No countdown is needed.

Standard Packaging Guidelines

1. Program length: 27:30 for 30:00 format, 57:30 for 60:00 format.
2. Minimum 1:00 of synchronous black immediately following the last frame of programming.
3. Adult viewer advisory graphics as required should be included prior to the show title, and throughout as appropriate

Labeling

Tape labels will be completed by Shaw Cablesystems as needed based on information compiled from the cue sheet.

Cue Sheeting

Cue sheets must be completed for each videotape and must be attached to the outside or inside (preferable) of the tape case. The cue sheet includes:

1. Program Name
2. Subtitle / Description
3. Time In: time of 1st frame of program video
4. Length (27:30/57:30): length from 1st frame of program video to last frame of program video
5. Audio Type: channel 1,2 or mix
6. First Video / Audio
7. Last Video / Audio
8. Technical Advisory
9. Producer Contact / Guest Contact

Signal

1. Video
 - a. the white portion of video signals generally peak at 100 IRE divisions
 - b. colour burst is normally at 40, plus or minus 2 IRE divisions
 - c. sync pulse is normally at 40, plus or minus 2 IRE divisions
 - d. the black level standard is 7.5 - 10 IRE divisions
2. Audio
 - a. audio levels should generally peak at 0, plus or minus 1 vu
 - b. audio levels should be recorded to prevent distortion at playback
 - c. audio recorded too low can cause noise when amplified at playback
 - d. audio recorded too high can cause distortion
 - e. audio on bars and tone should be calibrated to match what the levels are on the program

SAMPLE: CUE SHEET

Shaw)		SUPPLIER:	
SHOW TITLE:		Episode Title / # :	
Time-code: 01:00:00:00	Air Date:		
Length: 27:30 / 57:30	Audio: 1 2 Mix Stereo		
First video of program	First audio of program		
Last video of program	Last audio of program		
Technical Advisory			

VIDEO STANDARDS

Videotape Standard

1. Shows will only be accepted on previously unrecorded DVCam or Betacam SP tape stock.
2. All tapes to be supplied in NTSC 29.97 standard format.
3. 4 x 3 aspect ratio to be utilized. If shot in 16:9 then letterboxed 4:3 frame is acceptable.
4. The tape shall not contain any scratches which cause visible picture or audio degradation.

Video Standards

1. Peak white at 100 IRE.
2. Blacks will not fall below 7.5 IRE for analog, 0 IRE for digital.
3. Audio not to exceed +4 Analog, -10 Digital. No distortion.
4. Video is to be free of undesirable or noticeable artifacts.
5. Reference colour bars shall be a true indication of the program's chroma, video, pedestal and phase.
6. Reference tone is to be set to 0 for analog, -20 for digital

7. Camera masters must be shot at 25 Mbit compression rate or higher.
8. All tapes will be supplied with unbroken drop frame time code and control track.
9. Tape time code should start at 00:58.30.00 Header of the tape should be:
 - a. 1 minute of bars and tone
 - b. 15 seconds of slate
 - c. 15 seconds of black
 - d. Program start at 01:00.00.00
10. Program slate will contain: program name, program length, production center, audio track information.
11. Submissions must be accompanied by an accurate cue sheet
12. Label on the program box to clearly identify the production's name, episode, production company, reel number, length, stereo, SAP and CC (if applicable).

ACCESS FACILITIES GUIDELINES

APPROPRIATE USE OF EQUIPMENT

The equipment and facilities of Shaw Cablesystems may be used only for creating content intended for broadcast on a community channel.

SECURITY - BUILDING AND KEYS

In order to protect the equipment and facilities of Shaw Cablesystems, each production facility has a security procedure. Your Shaw representative can give you the appropriate information regarding after hours access at such time as it is necessary.

SAFETY

Safety is our first concern and everyone's responsibility. Safety is an attitude. Safety is care and attention. Safety is constant observation and checking of co-workers and yourself. Follow established operating procedures. Enforce all safety rules. Recognize unsafe acts and conditions.

AUTHORIZED USE OF EQUIPMENT

Independent community producers and associates may only use equipment for which they are trained and authorized to use. We will provide the necessary training if required. Each office has its own procedure for booking equipment and authorizing bookings. Your Shaw Cablesystems representative can give you complete details.

GENERAL HOUSEKEEPING

1. You are responsible for tidying up after yourself and your group or production team. All equipment must be put back in its proper place, all chairs and tables returned, coffee cups and liners discarded.
2. Smoking, drinking and eating are not permitted at any time in the control rooms (mobile or studio), studios or edit bays. In addition, anti-smoking by-laws have been enacted in all the municipalities served by Shaw Cablesystems. Please check with your community channel representative for details.
3. Drinking alcoholic beverages in Shaw facilities is not permitted.
4. The use of drugs or controlled substances is not permitted in Shaw facilities.
5. Drinking alcoholic beverages is not permitted on any location production. Being under the influence of alcohol, drugs or controlled substances is not permitted on any location production.
6. Operating any Shaw equipment while under the influence of alcohol or any drug is not permitted.
7. Any violations of the rules concerning alcohol or drugs will be cause to end your association with the Community Channels of Shaw Cablesystems.



ACCESS AGREEMENT

I acknowledge that I have carefully read the Shaw Cablesystems "Access Facilities Guidelines" document and I accept and agree to the provisions contained therein, and will abide by these guidelines.

Please print clearly

Name: _____

Address: _____

Contact information:

Email: _____ FAX: _____

Phone/voicemail: _____ Cell/pager: _____

Drivers License # _____

Emergency Contact Information (someone we may contact in an emergency):

Name _____ Phone _____

Do you have any physical or medical condition that would prevent you from carrying out the physical requirements of the job or that would pose a hazard to yourself or others ?

Yes _____ No _____

Background check: A background check is required for all community access programmers using Shaw facilities.
Cancellation of privileges: Shaw reserves the right to discontinue access privileges at any time, with cause.

Signature: _____

Date: _____

Signature: _____
for Shaw Cablesystems

Date: _____



OVERVIEW OF LEGAL REQUIREMENTS FOR BROADCASTING CONTENT

The following is an overview of some of the codes and rules Shaw and access producers must abide by:

CANADIAN BROADCAST STANDARDS COUNCIL

The CBSC was created in 1990 by the Canadian Association of Broadcasters (CAB) to oversee the self-regulating system of codes and standards created by Canada's broadcast industry.

The CBSC is an independent, non-governmental organization and includes nearly all of Canada's private radio and television broadcasters and specialty television services. The voluntary codes administered by the CBSC reflect the industry's commitment to respect community standards for programming. They include:

1. The CAB Code of Ethics
2. The CAB Sex-Role Portrayal Code
3. The CAB Violence Code
4. The RTNDA Code of (Journalistic) Ethics

Link

The Canadian Broadcast Standards Council

<http://www.cbsc.ca/english/index.php>

CANADA'S BROADCASTING CODES

The CBSC administers several voluntary codes on behalf of Canada's private broadcasters. In brief, the codes cover issues including:

Violence on television

Television programs broadcast in Canada may not glamorize or show gratuitous violence (violence unnecessary to the development of the plot, characters or theme). Programming containing violence intended for adults may air only after 9:00 p.m. The rules on violent content in children's programming are even stricter.

The portrayal of men and women

Programming must respect the intellectual and emotional equality of men and women and may not demean either sex. Broadcasters must be careful when making use of gender stereotypes in their programming.

Fairness and accuracy in the news

News and public affairs issues have to be reported fairly and accurately and must not focus on irrelevant factors. Broadcast journalists will respect the dignity, privacy and well-being of everyone with whom they deal.

Controversial public discussion

Controversial public issues must be treated fairly. Open-line shows may be provocative but on-air commentary must be full, fair and proper.

Human rights

All programming must respect human rights and must be free of abusive or unduly discriminatory comment.

CAB CODE OF ETHICS: MATURE SUBJECT MATTER

"Mature Subject Matter" relates to programming which may offend some viewers through its content, visual images, language and/or themes.

The Watershed

The Watershed marks the start of the late evening viewing period, defined as running from 9:00 p.m. to 6:00 a.m. Television content which contains material "*intended exclusively for an adult audience*" (containing sexually explicit content or coarse or offensive language) must be aired after the Watershed.

Use of Coarse Language

Television programming which contains "*coarse or offensive language intended for adult audiences*" must not be broadcast prior to the Watershed hour of 9:00 p.m. Even when broadcast after 9:00 p.m., the programming must be accompanied by viewer advisories.

Materials Susceptible of Offending Viewers

Programming which is not "*intended for adult audiences*" may be aired prior to the Watershed. It must, however, be accompanied by viewer advisories if it contains "*mature subject matter or scenes with [...] coarse or offensive language, or other material susceptible of offending viewers*" which is unsuitable for children.

Viewer Advisories

To assist consumers in making their viewing choices, a viewer advisory should be aired when programming includes:

1. mature subject matter or scenes with nudity
2. sexually explicit material
3. coarse or offensive language
4. other material susceptible of offending viewers

Sample Viewer Advisories

"The following program contains scenes of coarse language and is not suitable for younger children."

"The following program contains sexually explicit material intended for adult audiences. Viewer discretion is advised."

"The following program contains sexually explicit material. Viewer discretion is advised."

"The following program contains scenes of violence, coarse language and nudity intended for adult audiences. Viewer discretion is advised."

"The following program deals with mature subject matter and is intended for adult audiences. Viewer discretion is advised."

"The following program deals with mature subject matter and contains scenes of nudity and coarse language. Viewer discretion is advised."

CLEARANCES FOR TELEVISION AIRING

INTRODUCTION

All creative materials that are used in programming which is to air on television must have been cleared for broadcast.

Creative Materials

Creative materials encompass original literary, artistic, musical and dramatic works, and can include:

1. books, poetry, newspapers, dictionaries, manuals, catalogues, magazines, pamphlets, scripts, maps
2. computer software, paintings, drawings, design trade-marks, sculptures, architectural works, engravings
3. dramatic works, photographs, films, videos
4. lyrics, musical works, choreography

Creative materials can also be a complex mix of sources where one single clearance is not sufficient. For example, if you tape a dance performance, you might need clearances from the composer(s) of the music, the performer(s) of the music, the dancer(s) and the choreographer(s).

Documentation

You must acquire all clearances in writing from the appropriate parties for any broadcast use. Clearance must be documented and verbal agreements are not acceptable.

It is recommended that you always have a written clearance on file for anyone you videotape for an interview. The clearance should define whether they are giving rights for the full interview only, whether they are providing permission for the interview to be edited, whether the interview can be used for promotional purposes, and when and where the interview can be aired.

The Ephemeral Exception

The Copyright Act does allow a programming undertaking to record and reproduce for broadcast a public performance or work providing the following criteria are met. The programming undertaking:

1. must be authorized to communicate the performance to the public by telecommunication;
2. must make the reproduction itself, for its own broadcasts;
3. must not combine the reproduction with all or part of another recording, performance or work;
4. must not use the reproduction in advertisements intended to sell or promote;
5. must destroy the reproduction 30 days after it is made;
6. must keep a record of the dates of reproduction and destruction of such performances or works.

Parental Consent for Minor Children

Parental consent is always required when videotaping minor children. A minor child is a child who has not reached the age of majority in that province.

18	Alberta, Manitoba, Ontario, Prince Edward Island, Quebec, Saskatchewan
19	British Columbia, New Brunswick, Newfoundland/Labrador, Northwest Territories, Nova Scotia, Nunavut, Yukon Territories

Only the parent or legal guardian has the authority to provide a clearance for a minor child. A teacher or school principal's permission for taping a school event is not sufficient.

Copying Programs

Once the appropriate clearances are on file for any creative materials used in a show, it is then the producer's decision as to whether a copy of the episode will be made available to a show participant. There is generally no additional copyright issue associated with complimentary copies provided for personal use (viewing) by the recipient.

Sample Clearance Form

The sample clearance form (*reference page 12*) can be adapted as appropriate for the situation/show. It's useful to acquire as flexible a clearance as you can, i.e. if you acquire the rights for one airing only, you would not be able to rebroadcast the episode with this segment.

Musicians unions will have very specific clearance arrangements – they will provide you with any information needed.

COPYRIGHT BOARD OF CANADA & THE CANADIAN COPYRIGHT ACT

The Copyright Board of Canada is an economic regulatory body empowered to

1. establish the royalties to be paid for the use of copyrighted works
2. supervise agreements between users and licensing bodies
3. issue licenses when the copyright owner cannot be located

The Canadian Copyright Act recognizes three main rights:

1. The right to produce or copy the musical work (such as sheet music).
2. The right to reproduce the musical work, including mechanical rights (such as cassette and digital audio reproductions) and synchronization rights (such as music in films, videos, and multimedia productions).
3. Performing rights, which are the rights to perform a work in public (such as a live concert, a recording or any other type of public performance) and the right to communicate to the public by telecommunication (such as a broadcast).

Links

The Copyright Act

<http://www.cb-cda.gc.ca/info/act-e.html>

Copyright Law In Canada

<http://www.trytel.com/~pbkerr/copyright.html>

THE SOCIETY OF COMPOSERS, AUTHORS, AND MUSIC PUBLISHERS OF CANADA (SOCAN)

SOCAN deals exclusively with performing rights. All other rights are handled by the copyright owners or by other organizations.

Performing Rights

The performing right gives copyright owners of musical works (lyricists, composers, songwriters) the sole right to perform, or to authorize the performance in public (in concert or in a club) or to communicate by telecommunication (broadcast on television or radio) their works. In return for paying their royalties, SOCAN administers these performing rights in musical works on behalf of its members.

For the telecommunication by cable systems, SOCAN has a blanket licensing tariff applicable in relation to performing rights. The tariff provides that all telecommunication of music and non-broadcast channels carried by each cable system operator is licensed according to a single fee structure, payable by each cable system operator on a monthly basis.

The Role of SOCAN

SOCAN provides a link between the music and the music user. The purchase of a CD or other recording only gives the purchaser the right to listen to it in private. The public performance of these musical works is subject to copyright law and therefore requires a SOCAN license.

SOCAN is the Canadian copyright collective for the public performance of musical works. They administer the performing rights of their members (composers, lyricists, songwriters and their publishers) and those of affiliated international societies by licensing the use of their music in Canada. The society licenses music users, collects license fees and distributes royalties to the creators and publishers of the musical works performed in Canada and around the world.

SOCAN works with their clients to determine what kind of licensing arrangement is required and what the cost will be. The licensing cost is dependent on a range of factors including where and how the musical work is being performed, the seating capacity of the venue and the nature of the event. SOCAN licenses only apply for the public performances and telecommunication to the public of copyright-protected musical works contained within SOCAN's repertoire.

A SOCAN License

A SOCAN license entitles the licensee to use the musical works contained in SOCAN's repertoire in a particular way, recognizing the work of those who create and publish it. A license is required whether the music is live or played on a tape/CD player, jukebox, video or karaoke, and a license is required whether the live performers are paid or not.

Neighbouring Rights

Copyright also protects neighbouring rights in sound recordings and reproduction rights relating to sound recordings and musical works. The SOCAN license does not cover these uses. A list of organizations, including those that administer other rights pertaining to music such as the CMRRA (Canadian Musical Reproduction Rights Agency) and AVLA (Audio Visual Licensing Agency), is available on the SOCAN website under Resource & Education / Industry Associations.

Links

SOCAN

www.socan.ca

CMRRA

www.cmrra.ca

AVLA

www.avla.ca

SAMPLE: COPYRIGHT CLEARANCE FOR ACQUIRED PROGRAMMING

(COPYRIGHT HOLDER'S LETTERHEAD)

(DATE)

(COPYRIGHT RECIPIENT'S NAME, COMPANY ADDRESS)

RE: COPYRIGHT CLEARANCE FOR *SERIES NAME*

On behalf of *COPYRIGHT HOLDER BUSINESS NAME*, I hereby extend copyright clearance for the following television series to *COPYRIGHT RECIPIENT BUSINESS NAME*. These rights are exclusive to *COPYRIGHT RECIPIENT BUSINESS NAME* for broadcast in North America/ Canada/ British Columbia/ Vancouver (*as appropriate*):

titles(s) of television series, or clearance for all product produced by copyright holder

COPYRIGHT HOLDER BUSINESS NAME is the sole owner and copyright holder for the above television programs; all music, performance and mechanical rights to these productions have been cleared for broadcast in Canadian markets. *COPYRIGHT HOLDER BUSINESS NAME* grants copyright clearance rights for **unlimited airings/ number of airings (as appropriate)** of each television series for **beginning date of clearance coverage to end date of clearance coverage**.

(Signatory)

Signatory title
COPYRIGHT HOLDER BUSINESS NAME)

PERFORMANCE RELEASE

PROGRAM NAME _____

PARTICIPANT'S NAME _____
(please print)

AFFILIATION _____
(band name, company name, organization, etc.)

TYPE OF PARTICIPATION _____
(live performance, live interview, etc.)

LOCATION: _____

I have participated as indicated on the above television program (the "Program"). In consideration of my appearance on the Program, I hereby grant permission to you to use my appearance in connection with the Program.

I agree that my participation in the Program may be deleted at your sole discretion. I consent to the use of my name, likeness, voice and biographical material in connection with the Program publicity and related institutional promotional purposes. I expressly release you, your agents, employees, licensees and assigns from and against any and all claims that I may have for invasion of privacy, defamation, copyright or any other cause of action arising out of the production, distribution, broadcast or exhibition of the Program.

Signature of Participant: _____

Mailing Address: _____

Tel: _____ Fax: _____ e-mail: _____

If the participant is a minor, add the following:

I represent that I am a parent (guardian) of the minor who has signed the above release and I hereby agree that we shall both be bound thereby.

Signature of parent (guardian): _____

Name (printed): _____

Mailing Address: _____

CANADIAN DEFAMATION LAW

INTRODUCTION

The common law protects every person from harm to their reputation by false and derogatory remarks about their person, known as defamation. In addition, all Canadian provinces have libel and slander legislation. Defamation includes slander and libel, where slander is verbal defamation and libel is printed defamation.

Defamation tort law protects your actual reputation, not your feelings about what your reputation should be.

DEFAMATION LAW

The major points of defamation law in Canada are as follows:

1. Defamation is an unusual tort (or body of law) in that it is a "strict liability" tort. It does not matter if the defamation was intentional or the result of negligence. Defamatory material is presumed to be false and malicious.
2. Defamation must be a direct attack on an actual reputation, not an alleged reputation that the victim believes they deserve. A judge will assess the statement against the evidence of the victim's reputation in their community.
3. The remarks must be harmful or defamatory and this will be assessed on a case-by-case basis. While some statements are clearly defamatory, other statements may only be deemed defamatory by the person targeted by the remarks. What may be a mildly offensive remark to one person may constitute serious defamation to another. The judge will consider the situation of the person defamed in assessing the claim of defamation.
4. The defamatory remark must be clearly aimed at the plaintiff. General inflammatory remarks aimed at a large audience would not qualify as the remarks must be clearly pointed at a specific person.
5. The defamatory remarks must be somehow conveyed to a third party. Private defamation just between two parties causes no damage to reputation because there are no other persons to be impacted by the remarks. With libel, the damage is presumed as it is published. With slander, proof of repetition to other people is essential to the claim. Damages have to be proven, except in these four exceptions when the defamation imputes
 - a. the commission of a crime
 - b. the unchaste status of a woman
 - c. a "loathsome disease"
 - d. a professional incompetence
6. Citizens are entitled to make "fair comment" on matters of public interest without fear of defamation claims. A good example of this is a letter to the editor on a matter of public concern. The author of the remarks may even go so far as to presume motives on the part of the person whose actions are being criticized provided only that the imputation of motives is reasonable under the circumstances. The rule of thumb is that the fair comment must reflect an honestly held opinion based on proven fact and cannot be motivated by malice. Some provinces have enacted laws which give their citizens varying rights to "fair comment."

LIBEL AND SLANDER

The difference between slander and libel is that libel is the written or otherwise published, public defamation of a person or entity such as an organization or company, while slander is the spoken false defamation of a person or entity.

Slander can also include bodily gestures while libel can include published photographs.

While the right to fairly criticize people or entities and publicly share information is one of the hallmarks of personal freedom, it is illegal to malign the reputation of another through slander or libel.

LINKS

Canadian Defamation Law

www.duhaime.org/LegalResources/TortPersonalInjury/tabid/348/articleType/ArticleView/articleId/76/Canadian-Defamation-Law.aspx

Libel and Slander

www.duhaime.org/Tort/ca-defam.aspx