

**Grey to Black**  
**Satellite Piracy in Canada**

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**ABSTRACT**

The reception of satellite television signals not authorized for the Canadian broadcasting system calls into question issues of copyright infringement, industrial protectionism, individual rights, and national sovereignty in the face of communication technology advances of approximately the last ten years. The legal and political debates surrounding “satellite piracy” denote a greater issue involving the role of the state within media governance in an age of increasingly fragmented populations and growing demand for consumer choice. This essay traces the history of satellite piracy in Canada and assesses the efforts of the courts, government and regulator to resolve the situation.

“for the years to come, nation-states will be struggling to control information circulating in globally interconnected telecommunications networks. I bet it is a lost battle. And with this eventual defeat will come the loss of a cornerstone of state power.”

-Manuel Castells. *The Information Age: Economy, Society and Culture Vol. II, The Power of Identity: 259*

The idea of communication as cornerstone has a long history in Canada. Major government initiatives in the Canadian communication system are often an effort to assert control over Canada’s sovereign territory, especially from perceived cultural and industrial threats from south of the border. For as long as there has been mass media, there have been concerns regarding foreign infiltration. Canadian broadcasting was born of a fear of American manifest destiny over the radio waves, long before anyone had coined the phrase “cultural imperialism”. After he introduced the legislation which launched national public broadcasting in Canada in 1932, Conservative Prime Minister

William Bennett remarked to public broadcasting advocate Graham Spry, “It may well be Graham, that you have saved Canada for the British Commonwealth.” (Nash 1994, 87)

Of course, when a government enacts laws, it creates outlaws. In 2005 Canada established a new breed of criminal - one whose crime consists of receiving satellite signals not intended for the Canadian market. In 2003, the size of this newly minted criminal underworld was estimated at 600,000 households in Canada.<sup>1</sup>

The struggle to control international flows of information is not a recent dilemma for Canadian legislators, nor is the concept of media ‘piracy’ a phenomenon born of digital technology. This century’s satellite ‘pirates’ are following a Canadian tradition that can trace its roots back to ham radio operators of the 1920s, and gained notoriety with the cable television ‘pirates’ of the 1960’s. These early media smugglers created large reception antennae and retransmitted American television broadcasts via cable, for a fee, often to places where over-the-air broadcasts would not reach. The demand for cable regularly came from rural areas which could not receive traditional over-the-air broadcasts; however, they still fell under the licensed territory for authorized broadcasters who held exclusive legal rights to the market. In a statement eerily similar to the satellite piracy debates of today, Richard Schultz writes that cable in the 1960s “threatened the most fundamental ideas and policies of the traditional broadcasting regulatory regime through its ability to deliver American television signals directly to Canadian viewers.” (Schultz 1999, 30)

This cable transmission process was of course legalized, regulated, and now forms a profitable section of the Canadian broadcasting system. As Lawrence Lessig

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<sup>1</sup> The source of this oft-quoted figure is the Coalition Against Satellite Signal Theft, an organization representing the satellite industry and cultural producers in Canada. The figure was also quoted in *Our Cultural Sovereignty*: 512

observes: “last generation’s pirates join this generation’s country club.” (Lessig 2004, 53)

The underground economy of satellite piracy is noteworthy in many respects, and reveals the limitations of the ‘freedom’ of the market which guides Canada’s private media sector. In order to gain admission to the protected world of the Canadian broadcasting system, cable and satellite (BDUs – broadcast distribution undertakings) are expected to contribute to the public good via a series of scheduling quotas and required payments to funding of Canadian content via the Canadian Television Fund (CTF). There is no pretense of the market’s invisible hand at work here – government regulation serves the interests of the market, provided certain public standards are met. Exclusive licenses are bought and paid for and involved corporations expect government to protect their investment. In the era of direct-to-home satellite (DTH), consumer choice, long the rallying cry of corporate media, has now come back to bite the hand of private enterprise... at least, established private enterprise. Many entrepreneurs in Canada used the legal uncertainty of the past decade to make healthy profits selling the equipment to receive and decode U.S. satellite signals, often out of home basements and garages.

The legal road to protect Canadian satellite broadcasting interests has seen its share of potholes. Bill C-2, which died in the House of Commons when the 2004 election was called, attempted to entrench in legislation a Supreme Court ruling from 2002 prohibiting unauthorized foreign satellite signal reception in Canada. The Supreme Court ruling was deemed unconstitutional under the Charter of Rights and Freedoms by a Quebec lower court in 2004, only to see that decision overturned in Quebec higher courts a year later. With no further legal appeals on the horizon, the basement and garage satellite dish vendors have by and large since closed their doors.

The grey satellite market is not ‘piracy’ per se, people are paying for the services they receive (the key dividing point from the black market); however, that money is not going to the Canadian companies, Bell ExpressVu (now Bell TV) and Star Choice (owned by Shaw), who have paid for exclusive rights to the Canadian airspace. Technology, coupled with the requisite social will, has brought the exclusivity of these licenses into question.

The grey market satellite issue stands in stark contrast to many of the media regulatory conflicts historically common to the global polity. It is neither a public vs. private broadcasting issue, nor a clear example of Herbert Schiller’s oft-debated notion of ‘cultural imperialism’. In fact, for many users of the grey market, signals being picked up in Canada originate in less developed nations and are retransmitted into Canadian homes via American satellite. The pressure is not coming from the more developed core industrial nations (though U.S. signals are the source), but often from demand for programming from the developing world. In his 1976 work *Communication and Cultural Domination*, Schiller defines cultural imperialism as:

the sum of the processes by which a society is brought into the modern world system, and how its dominating stratum is attracted, pressured, forced, and sometimes bribed into shaping social institutions to correspond to, or even to promote, the values and structures of the dominant center of the system.  
(Schiller 1976, 9)

For many in Canada’s various ethnic communities, the grey satellite market is cultural imperialism in reverse. The previously marginalized immigrant communities pose a direct challenge to established industry and political power.

The private industry, often at loggerheads with government regulators over issues such as content requirements and foreign ownership restrictions, now use these very issues as grounds for government support on this case. Schiller’s *dominant centre*

positions itself as under attack. This particular Canadian phenomenon has obvious implications for the global communications network as nation states struggle to maintain sovereignty in a quickly evolving mediascape. Shortly after their introduction on the market, DTH satellite dishes which pick up American broadcasts directly and economically were referred to as “tombstones for the CRTC” by former Canadian Radio-Television and Telecommunications (CRTC) chair John Meisel. (Fennel 1996, 38)

At its core the issue of grey market satellite reception is beyond a simple matter of government control or corporate access to specified markets; it is also emblematic of a shifting sense of Canadian identity, moving from a communications system designed to develop a collective, universalist sense of “Canada”, to a more fragmented system geared toward accommodating difference. Indeed the 1991 Broadcasting Act mandates that the Canadian broadcasting system:

through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society.  
(1991 Broadcasting Act 3,d,iii)

Again, this is not necessarily unique to the Canadian experience. In a world in which nations are becoming more multi-cultural and borders more porous, the satellite grey market becomes an interesting test case for the ability of governments to accommodate not only technological growth but also to adapt to changing heterogeneous populations. The satellite piracy debates of the 1990s and early this decade offer a glimpse into issues of copyright infringement, and accommodation of newer cultures within the greater Canadian public sphere, which continue to dominate the field of media policy.

According to the introductory quote from Manuel Castells, the regulatory struggle is lost, or soon will be. Many early indicators are proving Castells' prediction wrong. In the Canadian example, this conflict is waged in people's living rooms, federal legislatures, and judiciaries at various levels. National governments like Canada's are reacting and filling the regulatory void which remains at the global level. The moves thus far by the CRTC have successfully maintained Canadian control of the broadcasting system, while making efforts to accommodate rapidly evolving technology and the legitimate demands of a changing citizenry.

### **The Grey/Black Divide**

In 1995, the Liberal government issued a rare order to the CRTC, requiring them to license competitive Canadian direct-to-home satellite services (Canada, 1995). The CRTC currently licenses two suppliers for direct-to-home satellite broadcasting in Canada: Bell TV and Star Choice. Bell TV is the larger of the two with approximately 1.8 million customers to Star Choice's 870,000 (CRTC Communications Monitoring Report 2008, 158). The start-up costs are substantial. These providers claim to have invested over \$2 billion of shareholders money into building the technological infrastructure required to offer these services. (Our Cultural Sovereignty, 503) Bell TV and Star Choice are required to pay a licensing fee that the government then directs toward supporting Canadian content production (the Canadian Television Fund - CTF). According to the Coalition Against Satellite Signal Theft, an alliance of both industrial and cultural production interests in Canada, in 2002 the annual loss to the Canadian broadcasting system resulting from signal theft was \$400 million dollars (Our Cultural Sovereignty, 512).

Is it this loss to both broadcasters and content producers that resulted in a unified front on satellite piracy between proponents of industry (whose interests are often represented by Industry Canada) and the arts (who traditionally find a sympathetic ear in the Department of Canadian Heritage). While these two political solitudes may clash over many issues before the CRTC, there is no public split on this matter. As a regulating body accountable to both Industry Canada and Canadian Heritage, the CRTC was consistent in its anti-signal theft stance. Former CRTC chair Charles Dalfen referred to the issue of satellite piracy as “a nationwide epidemic of electronic shoplifting.” (Dalfen, 2002)

For years, a ‘grey’ satellite market has existed because of the legal limbo in which the practice found itself. There was never any legal uncertainty concerning the black market, where people use illegal equipment and hacked access cards to receive satellite broadcast signals – this practice has always been illegal. There is no financial compensation from the black market for satellite broadcasters on either side of the border. Even from the most adamant corporate critic, it is difficult to mount a credible defense of the back market; it thrives on the basic human impulse to acquire something for nothing. Even Lawrence Lessig, a strong advocate for change in the global approach to copyright, sees no credibility in black market enthusiasts: “the unauthorized taking of other people’s content within a commercial context...is wrong. No one should condone it and the law should stop it.” (Lessig, 62)

The grey market was different.<sup>2</sup> In this case, the Canadian receiver purchased U.S. satellite equipment, designed to receive American signals DirectTV or Echostar, set

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<sup>2</sup> Tenses are significant as the grey market was declared illegal (therefore no longer ‘grey’, but ‘black’ – past tense) in 2002 but successfully challenged in 2004 (therefore ‘grey’ again), only to see that decision

up a false U.S. address for billing purposes, and tapped into the U.S. signal which is legally not available in Canada. The receiver paid for the service (hence the legal “grey” zone), usually via a phony U.S. postal address. Because satellite technology does not recognize borders, the targeted geographical area of the U.S. satellite transmission, or ‘footprint’, inevitably spills over from the United States into the southern regions of Canada where the vast majority of Canadians reside. With the right equipment and the cards required to descramble the signal, people easily tapped into the U.S. satellite broadcast. Canadians picked up the dishes either by slipping across the border or via electronics entrepreneurs in border towns who profited from the legal loophole.

This dilemma is not exclusively of regulatory concern for Canada. There is also a ‘reverse grey market’ in areas of the U.S. where television viewers who wish to access Canadian programming (usually for hockey games or the CBC). Under Federal Communication Commission (FCC) laws in the U.S., these satellite broadcasts are not authorized for viewing within American borders. A major difference in the American/Canadian experience is the rhetoric surrounding broadcasting in the two countries, which may explain why the grey market is not as strong a concern in America. In his book, *Satellite Communications Regulations in the early 21<sup>st</sup> Century*, Patrick-André Salin writes

“through its Telecommunications Act, Canada claims ‘cultural and political’ considerations while the U.S. through its own Telecommunications Act and DISCO (Domestic International Satellite Consolidation Order) regulations, claims ‘market access’ concerns.” (Salin, 241)

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overturned in 2005 (once again ‘black’). Since that case the grey market has remained black, so this paper will use the past tense for the grey market, though it undoubtedly still exists.



The grey market in Canada is viewed as not only a matter of lost revenue, but also lost sovereignty; for the United States the domestic grey market constitutes a loss of market share too small to result in calls for strong political action.

There is nothing particularly new here. The idea of Canadian broadcasting being infused ‘with a national purpose’, as opposed to the more private American model, has been around since the time of the 1929 Royal Commission on Radio Broadcasting (the Aird Report). Again Salin:

“it should be kept in mind that –from a geopolitical point of view – Canada is suffering from two ‘evils’:

- i) an inside threat due to a lack of strong identification as a country, as compared with its main economic partners and,
- ii) an outside threat due to the presence of neighbour which is a superpower on a world scale.” (Salin, 240)

### **The Pirates**

Those who chose to watch the grey market in Canada often did so to access general interest channels unavailable on the legal providers, Bell TV or Star Choice. These ‘pirated’ channels from the American system frequently carry programming from the home countries of Canada’s recent immigrant population and allow them to keep in touch with stories from home. It is here that debate along the ethical lines of the grey market was murky, both from a regulatory and a moral, ‘*is this stealing?*’ perspective. As written in Maclean’s in 2002:

*“U.S. satellite firms carry a multitude of ethnic stations originating from Spain, Argentina, Chile, China, Russia and the Arab world that are simply not available in Canada because the population base is too small to support the programming.”* (Berlframe, 44)

Simple economics dictate U.S. providers have more incentive to offer this programming. In Canada, where potential audience numbers do not provide the same demand,

historically, there has been simply no legal way for various ethnic communities to access these channels.

The proliferation of the grey market satellite receivers mushroomed in the late 1990s and amounted to an open rebellion against the regulatory powers of the Canadian broadcasting system. The primary objective of the 1991 Broadcasting Act, “the broadcasting system shall be effectively owned and controlled by Canadians” (3.1), faced a growing insurrection. Just as Schultz wrote of the cable pirates of the 60s, satellite piracy challenged the very notion of a nation’s ability to regulate the flow of information within its borders. As noted in *Our Cultural Sovereignty*, “Across Canada, the message from ethnic communities is the same: If Canada's cable and satellite companies don't want to serve us in our language we'll buy our services from someone else.” (506)

There is no way to verify the accuracy of the numbers provided by the industry-sponsored Coalition Against Satellite Theft. What can be verified is that the Canadian DTH satellite industry remained very profitable and continued to eat into the base of the established cable companies in the late 90s and early part of this decade. The CRTC 2004 Broadcasting Monitoring Report shows that the number of DTH subscribers grew from 519, 000 in 1999 to 2 152, 000 in 2003 (CRTC 2004, 97). Whatever the number of offenders, there was little debate that the issue of satellite theft was widespread, often by people who did not see themselves as breaking the law.

In the interviews preceding their 2003 report, the Standing Committee on Canadian Heritage was told “99% of Canadian Latinos who are watching television in Canada ... are watching it through the Grey market” and that the equipment was “sold in church basements after Sunday mass and featured as prizes in raffles.”(506) Here was an entire group of new Canadians disengaged from the Canadian broadcasting experience - a

process long considered vital to the Canadian cultural assimilation process. In their study on third-language television access in 2004, Clifford Lincoln, Roger Tassé and Anthony Ciancotta underscored the role of Canadian media in the immigration process: "the core of the Canadian broadcasting system, operating in the two official languages, must remain the principal instrument for the integration of immigrants into our Canadian society."(Canada 2005, 5.2)

However, not everyone saw the reception of unauthorized television broadcasts as problematic. In 2004, NDP MP Brian Masse, spoke before the House of Commons and referred the grey market "a good connection for individuals and communities to reach back to their former homelands, to have education and entertainment and that connection." (2004) It should be noted that Masse's home constituency is in the Windsor region of southern Ontario; as Canada's southern-most border town, Windsor had a thriving grey market satellite business. Other pirate supporters included Forbes magazine (long an opponent of any government involvement in industry and champion of American privatization), which in 1996 joyfully declared that the problems posed by U.S. satellite broadcasts "spells the end of Canadian cultural protectionism."(Johnson 1996, 14)

Such bold pronouncements have proven premature.

### **The Rocky Legal Procession**

Any legal challenge mounted against the grey market satellite receivers in Canada had to account for what former CRTC chair Charles Dalfen calls the "three pillars of intellectual property right in Canada: the Copyright Act, the Radiocommunication Act and the Broadcasting Act." (2002) The Copyright Act provides broadcasters with a legal copyright for signals they transmit within Canada; for example, CTV owns the Canadian

rights to broadcast the Academy Awards. The Radiocommunication Act, governing the use of the radio frequency spectrum in Canada, states

*no person shall ... decode an encrypted subscription programming signal or encrypted network feed otherwise than under and in accordance with an authorization from the lawful distributor of the signal or feed. (9.1.c)*

In the Broadcasting Act of 1991, some policy points relevant in the case of satellite television include that the system be: *effectively owned and controlled by Canadians*, (1.A.); and *the obligation to strengthen the political, social economic fabric of Canada* (1.d).

Until April of 2002, there was little government or industry could do as the grey market was not technically illegal. The service was being paid for - it just was not supposed to be accessible. Whether or not this constituted stealing depended upon who you asked. It was Bell Express Vu who took the matter to the Supreme Court of Canada in 2002. The legal ambiguity changed with the Supreme Court decision that claimed the grey market was a violation of the Radiocommunication Act's clear prohibition against unauthorized signals and therefore "undeniably illegal". It was the act of decoding encrypted signals, the issue of reception, which resulted in the courts ruling in favour of Express Vu. The official judgment made the following central point:

*(why) would Parliament provide for Canadian ownership, Canadian production, Canadian content in its broadcasting and then simply leave the door open for unregulated, foreign broadcasting to come in and sweep it aside? What purpose would have been served? (Supreme Court, 2002)*

The Supreme Court realized there was much more at stake here than simply free satellite reception and upheld the legal guardianship of the federal government over the Canadian broadcasting system. With this decision, the grey market legally ceased to exist. It was all black now.

Within months of the decision the Canadian government moved to protect the interests of the satellite industry. Then Minister of Canadian Heritage Sheila Copps personally wrote a letter to Solicitor General Lawrence MacAulay requesting RCMP enforcement of the verdict “*to protect the broadcasting industry from the severe financial harm caused by black market access to unauthorized US direct-to-home (DTH) television services.*” Copps stated that the industry was “*extremely frustrated by what it sees as lack of enforcement action.*” (Copps, 2002)

The court decision also received support in 2003 from the Standing Committee on Canadian Heritage, who wrote in *Our Cultural Sovereignty*:

The Committee fully supports measures by the appropriate authorities to enforce compliance with Canadian law, which prohibits the reception of unauthorized satellite signals and the theft of satellite signals. (520)

Thus ordered, the RCMP faced an obvious dilemma: how does one go about enforcing a law where an estimated 600,000 people were in violation? The RCMP resolved to pursue the people who were reaping profits by marketing the decoding equipment, and not the individual users at home. By the spring of 2003 arrests were being made around the country.

The arrest of two Quebec men in May of that year led to a challenge to the Supreme Court’s ruling as an attack on personal expression under the Canadian Charter of Rights and Freedoms. In June of 2004, a lower court in Quebec, in the case of *R c Thériault*, Judge Danielle Côté ruled in favour of the two men and claimed that the federal law that criminalized their actions was unconstitutional because it violated the right to free expression. As a result of this decision, the law was struck down, the U.S. dish shops opened up again, and the grey-black debate was back on.

This was not an unexpected development. In its initial 2002 ruling, the Supreme Court anticipated such a challenge, writing:

It may well be that, when this matter returns to trial, the respondents' counsel will make an application to have s. 9(1)(c) of the Radiocommunication Act declared unconstitutional for violating the *Charter*. At that time, it will be necessary to consider evidence regarding whose expressive rights are engaged, whether these rights are violated by s. 9(1)(c), and, if they are, whether they are justified under s. 1.

However, the grey market victory was short lived. In March 2005, the Quebec Supreme court overturned the decision of the lower court, upholding the 2002 of the Supreme Court of Canada. Justice Wilbrod Claude Decarie found that Judge Côté had erred in her decision and that the Supreme Court ruling did not constitute a violation of the Charter of Rights.

The grey satellite market found itself once again solidly, decidedly in the black.

### **The Canadian Response**

As the few remaining music retailers in Canada have discovered, simply declaring something illegal does not mean it will go away. While the RCMP faced the daunting task of removing access to the satellite receivers, the fact remains many Canadians wish to access channels that are were not offered via legitimate Canadian broadcast satellites. The changing face of the Canadian public means the CRTC must adapt to a citizenry that did not exist when the regulator was established in 1968. As previously noted, the 1991 Broadcasting Act, the policies of which the CRTC is mandated to apply, explicitly states the multi-cultural nature of the population must be represented in the broadcasting system.

As has historically been the case in Canada, be it cable television or whiskey traders, often the best way to deal with ‘pirating’ is to bring it within the legal fold. Such has been the tactic employed by the CRTC thus far.

Canadian Cable Telecommunications Association president Michael Hennessy observed “there are ways to bring in more foreign services without undermining the Canadian broadcasting system.” (Thompson 2004) The public regulator seems to agree. In its 2007 Broadcasting Policy Monitoring Report, the CRTC states:

“As of 31 December 2006, there are 162 non-Canadian services, broadcasting in 25 languages from approximately 32 countries, authorized for distribution in Canada by digital distributors. Of these services, 75 are also authorized for distribution by broadcasting distribution undertakings on an analog basis.” (CRTC 2007)

This statistic is misleading. Just because channels may be approved does not mean they are all readily accessible. Many have been approved as category two channels – the truly deregulated zone of television broadcasting where channels must negotiate their own carriage agreements from BDUs who are under no obligation to carry them. In one such case, the Arabic news channel Al-Jazeera has been approved for carriage since 2004, yet is still unavailable on any Canadian cable or satellite. Distribution companies are not willing to endure the public scrutiny nor risk their license should Al-Jazeera run afoul of Canadian broadcasting standards. This refusal to carry remains despite a public appeal from the editor-in-chief of CBC News calling for access to the Al-Jazeera channel. (Burman 2006) The channel has been permitted in the United States since 1998.

The enduring question remains: how do citizens of a pluralist nation establish the mutual cultural and political bonds necessary for a functioning democracy, while at the same time recognizing and legitimizing difference? Regulation seeking to accommodate what Charles Taylor calls “the politics of recognition” is not a uniquely Canadian

problem. (Taylor: 37) Digital communication is threatening assumptions surrounding national sovereignty worldwide. As a nation built upon immigration with a tradition of using broadcasting as a tool of sovereignty via regulation, the Canadian experience is, as Monroe Price observes, “of international concern.” (Price 2002, 10)

Media regulators worldwide are searching for ways in which to accommodate expanding technology and a changing citizenry. There are inevitably those who celebrate this challenge to state oversight; however, to abandon regulation altogether would be to surrender complete control to industry. In his study *Media and Sovereignty*, Price documents the struggle of the Turkish government to contain the broadcasts of MED TV, a channel dedicated to the Kurdish Diaspora in the Middle East but based in London. Much like the Canadian case, the Turkish government struggled to keep regulatory pace with communications technology from beyond their borders. Other European nations harbour immigrant communities who do not see themselves reflected in the mass media of their new home. In Holland, the immigrant communities on the outskirts of Amsterdam are known locally as ‘dish cities’ due to the abundance of satellite dishes for receiving signals from the Middle East and North Africa. In his study of the British broadcasting system in 2002, James Curran observed “Pluralism must now be added to the objectives of the broadcasting system” and applauded the addition of multi-ethnic BBC4 “to reflect the diversity of a multi-cultural, multi-ethnic society.” (Curran 2002, 212) As communications become increasingly global, so do the regulatory burdens.

### **Conclusion**

By opening the door to content which reflects the changing face of its citizens, the CRTC and the Broadcasting Act of 1991 have thus far demonstrated an ability to adjust



in a rapidly morphing media environment. There has been progress on satellite regulation in Canada and many previous pirates have slowly been brought into the legal fold. Approving third-language channels for carriage simply removes much of the incentive for the grey market and brings new Canadian into the Canadian broadcasting system. Technology, political pressure, and the law helped decrease the attractiveness of the black market. In April 2004, compromised DirecTV access cards, the preferred method of satellite piracy in Canada, was stopped by a change in access technology. All earlier “smart cards” previously readily hacked by ambitious pirates, are now worthless. No one knows what the current number of DTH pirates in Canada might be. The industry-sponsored Coalition Against Satellite Piracy (CASST) has decommissioned its website and some in the on-line community are questioning the validity of its initial claims on the size of the pirate forces in Canada (Digital Home Canada 2005).

Despite the cries of theft on a massive scale, the satellite companies have continued to prosper. Between 2004 and 2008, direct-to-home satellite subscriptions in Canada increased 5.1 per cent, as opposed to 1.7 per cent over the same period for cable subscriptions (CRTC 2008, 158).

For the last decade, the CRTC has been examining ways to make the Canadian broadcasting system more relevant to a changing citizenry. In 1998, the CRTC held formal reviews into ethnic broadcasting in Canada and the following year the CRTC released its public notice which called to the Canadian system to

support the continued growth of high quality third-language Canadian programming. It will also encourage programming that promotes cross-cultural understanding as well as promoting the full participation of all people in Canadian society. (CRTC 1999-117)

This feeling was echoed by the 2005 Report of the Panel on Access to Third-Language Public Television Services which called upon the CRTC to be more sensitive to “the cultural needs of the third-language community” (20).

The CRTC has responded positively by recognizing, and therefore legitimizing the demands of recent immigrants who would otherwise find themselves outside the national broadcasting system. The struggle to keep pace with changing technologies and a cosmopolitan population will undoubtedly continue, but in this case the Canadian system has demonstrated the required flexibility.

## Bibliography

- Berlframe, Julian. "I Want My Satellite TV", *Macleans*. Vol. 115 (23), June 10, 2002. 44.
- Burman, Tony. Al-Jazeera should be available in Canada. *cbc.ca*. November 17, 2006.  
[http://www.cbc.ca/news/about/burman/letters/2006/11/aljazeera\\_should\\_be\\_available.html](http://www.cbc.ca/news/about/burman/letters/2006/11/aljazeera_should_be_available.html)
- Canada. Parliament. House of Commons. Canadian Heritage. Integration and Cultural Diversity: Report of the Panel on Access to Third-Language Public Television Services. Ottawa: 2005.
- House of Commons. Standing Committee on Canadian Heritage. Our Cultural Sovereignty : the second century of Canadian broadcasting. Clifford Lincoln, chair. Ottawa. 2003.
- Directions to the CRTC (Direct-to-Home (DTH) Satellite Distribution Undertakings) Order. July 6, 1995
- House of Commons. 1991 Broadcasting Act. Ottawa. 1991
- House of Commons. Radiocommunications Act. Ottawa. 1985.
- Canadian Radio-Television and Telecommunications Commission. Communications Monitoring Report. Ottawa. 2008
- Broadcasting Policy Monitoring Report. Ottawa. 2003
- Broadcasting Policy Monitoring Report. Ottawa. 2004
- Public Notice CRTC 1999-117. Ethnic broadcasting policy.
- Castells, Manuel. The Information Age: Economy, Society and Culture Vol. II, The Power of Identity 2<sup>nd</sup> Edition. Malden, MA: Blackwell. 2004
- Coalition Against Satellite Signal Theft. "Satellite Signal Theft is Still Illegal: CASST Welcomes Superior Court of Quebec's Decision". April 4, 2005  
<http://www.casst-ccvss.ca>.
- Copps, Sheila. Minister of Canadian Heritage, Letter to Solicitor General Lawrence MacAulay. Ottawa. Oct. 8, 2002.
- Curran, James. Media and Power. New York: Routledge. 2002.
- Dalfen, Charles. Chair, CRTC. "Crime, Competition and Culture". Address to International Institute of Communications, Canadian Chapter. Ottawa. Nov. 27, 2002.

Digital Home Canada. "Satellite Piracy in Canada: The Big Deception?" January 10 2005  
<http://www.digitalhome.ca/content/view/130/53/1/0/>

Fennell, Tom. "Is Canada's Broadcast Policy Lost in Space?" Maclean's. Vol. 109(22).  
May 27, 1996. 38-39.

Johnson, Stephen. "Culture cops, part deux", Forbes. New York March 11, 1996. 14.

Lessig, Lawrence. Free Culture: The Nature and Future of Creativity. New York:  
Penguin, 2004.

Masse, Brian. (Windsor West, NDP) "Speech on C-2 – Changes to the  
RadioCommunications Act" February 13, 2004. Ottawa: House of Commons.

Nash, Knowlton. The Microphone Wars: A History of Triumph and Betrayal at the CBC.  
Toronto: McClelland and Stewart, 1994.

Price, Monroe. Media and Sovereignty: the Global Information Revolution and its  
Challenge to State Power. Cambridge Mass: MIT Press, 2002.

Quebec Superior Court Decision. March 31, 2005. [www.judgements.qc.ca](http://www.judgements.qc.ca)

Salin, Patrick-Andre. Satellite Communications Regulations in the Early 21st Century:  
Changes for a New Era. Boston: Martinus Nijhoff Publishers, 2000.

Schiller, Herbert. Communication and cultural domination. White Plains, N.Y. :  
International Arts and Sciences Press, 1976.

Schultz, Richard J. "Still Standing: The CRTC, 1976-1996." Changing the Rules:  
Canadian Regulatory Regimes and Institutions. ed. Doern, G. Bruce. Toronto: U of  
T Press, 1999.

Standing Committee on Industry, Science and Technology 2003. *Opening Canadian  
Communications to the World*. Report of the Standing Committee on Industry,  
Science and Technology. Ottawa, House of Commons, 2003.

Supreme Court of Canada. Bell ExpressVu v. Richard Rex. April 26, 2002.

Taylor, Charles. "The Politics of Recognition." In Multiculturalism. ed. Amy Gutman.  
New Jersey: Princeton U.P. 1994.

Thompson, Elizabeth. "CRTC Clears the Way for RAI: loosens restrictions on third-  
language TV", *Montreal Gazette*, A1 Dec. 17, 2004,