

**BEFORE THE CANADIAN RADIO-TELEVISION
AND TELECOMMUNICATIONS COMMISSION**

**IN THE MATTER OF
BROADCASTING NOTICE OF CONSULTATION CRTC 2025-52**

The Path Forward – Supporting Canadian and Indigenous audio content

SUBMISSION OF



May 5, 2025

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Executive Summary

1. Music Canada, the trade association for Canada’s major labels, Sony Music Entertainment Canada, Universal Music Canada, and Warner Music Canada, welcomes the opportunity to participate in the CRTC’s consultation on “The Path Forward – Supporting Canadian and Indigenous audio content” as set out in *Broadcasting Notice of Consultation CRTC 2025-52*.¹ We work with our members and our industry colleagues to promote a vibrant and robust Canadian music ecosystem.
2. Music Canada has engaged meaningfully throughout the Commission’s regulatory process because we recognize that regulating music streaming could have far-reaching impacts across the Canadian music industry. This proceeding considers introducing regulations that could impact the core features of the music streaming consumer experience that Canadian audiences have embraced and that underpin a market that is driving renewed industry growth and investment in the next generation of Canadian and Indigenous artists. It’s important to get this right.
3. As key players in the Canadian commercial music streaming market, who partner with Canadian and Indigenous artists to help them achieve their creative and commercial goals, Canada’s major labels have extensive experience and industry knowledge to help inform the Commission’s work.
4. **This submission outlines a number of key principles to inform the development of a modern regulatory framework for music streaming.** We submit that these principles are necessary to ensure that the regulatory framework aligns with the unique features of the music streaming market and achieves the goal of supporting Canadian and Indigenous music:
 - a. Music streaming is the key revenue driver for the Canadian recorded music industry and regulations should be carefully calibrated to support, not hinder, its growth;
 - b. Music streaming platforms have established methods of promoting Canadian music and the regulatory framework should recognize, reflect, and incentivize these business models;
 - c. The regulatory framework for music streaming should help Canadian and Indigenous artists compete on the global stage;
 - d. Radio rules will not work for music streaming;
 - e. User choice must be protected; and

¹ Broadcasting Notice of Consultation CRTC 2025-52 (“**Notice of Consultation 2025-52**”).

- f. Discoverability means promoting Canadian and Indigenous music, not dictating what Canadians listen to.
5. It is important to recognize that **this is the first time the Commission has ever regulated services that provide the key source of revenue for Canadian artists and the Canadian recorded music industry.** While radio has always been and continues to be important, it has never been the primary source of revenue for Canadian artists or the domestic recorded music industry. **Regulating music streaming means that the decisions the Commission makes in building the regulatory framework stand to impact the foundation of the modern Canadian recorded music industry and the livelihoods of Canadian and Indigenous artists.** These regulations must be carefully calibrated to avoid harming the growth of the Canadian music streaming market and the critical investments of music streaming platforms in Canada that support artists.
 6. Adopting the key principles outlined above will support the development of a regulatory framework that maximizes the opportunities for Canadian and Indigenous artists to leverage the global reach of music streaming and ensure that Canadian audiences continue to benefit from unparalleled access to the rich and diverse repertoire of Canadian music.
 7. **In response to the questions outlined in Notice of Consultation 2025-52,** this written submission makes the following key points:
 - a. **Defining Canadian content (Q1 & Q4):**
 - i. Music Canada has serious concerns with how defining Canadian content is being approached in this proceeding, in particular the proposal to apply one common definition to music streaming and radio. This would mean imposing a definition onto music streaming that was purpose-built as a tool to audit and enforce a content quota system for the entirely different medium of radio. **Imposing radio rules onto streaming platforms will not work.**
 - ii. **Defining Canadian content for music streaming:**
 1. Music streaming is user-driven. In an environment where it is users, not programmers (as in radio), who ultimately choose what to listen to, there is no need for a rigid formula to identify “Canadian” songs.
 2. The regulatory framework for music streaming needs to put Canadian and Indigenous creators at the heart of the policy. What Canadian creators need is a flexible approach for music streaming designed with the *global* market in mind, rather than a rigid formula that arbitrarily excludes and punishes artists who find global success. The target should

be helping develop more Canadian stars, not auditing plays of “CanCon” songs.

3. Any definition of Canadian content for music streaming must be informed by *how* it will be used. The Commission has rightly determined that it will not impose content quota requirements on streaming platforms, yet is seeking to adapt and extend the definition that is used as a tool to administer a quota system onto streaming. Knowing *how* the definition will be used has a direct impact on how feasible it is to operationalize the definition for music streaming, as it impacts the scale of metadata needed.
4. The CRTC’s proposed “MAL Definition” presents significant, costly, and burdensome challenges to operationalize for music streaming. **Metadata on the nationality of artists, songwriters, and composers, (all of which is necessary to implement the MAL Definition) is not delivered to music streaming platforms.** Changing the metadata requirements for delivering music to platforms would have massive knock-on effects on music distributors and the artists they service. Ultimately it is emerging, independent, and DIY artists not signed to a label who are most likely to face the greatest barriers to complying with additional metadata requirements.

iii. **Defining Canadian content for radio:**

1. Music Canada does not support the CRTC’s proposed MAL Definition, which undervalues the role of the performing artist and creates distorted, unfair, and unbalanced results.
2. Under the CRTC’s proposed MAL Definition, **a song performed by a Canadian artist cannot qualify as CanCon unless it is also written or composed by a Canadian**, whereas a song principally written and composed by a Canadian songwriter but performed by a non-Canadian artist would qualify. This is a perverse result that undermines the important role of Canadian performing artists and favours songwriters and composers to the detriment of artists.
3. Music Canada proposes a definition for Canadian content for radio (below) that corrects this imbalance and advances the policy objectives of the *Broadcasting Act* by recognizing the key creative contributors to Canadian music. **The Canadian content rules should define music by Canadian creators as Canadian** – whether the creators are performing

artists, songwriters, or composers. This is the only way to ensure a common sense, fair, and balanced approach.

4. **Music Canada’s proposed definition for Canadian content for radio:**

| A musical selection must fulfill 1 out of 2 points to qualify as Canadian content | | |
|--|--|---------------|
| Category | Criteria | Points |
| Music & Lyrics | Songwriting credits for the musical work are held principally (50%+) by Canadian songwriters/composers | 1 point |
| Artist | The musical selection is performed principally (50%+) by a Canadian performing artist | 1 point |

b. **Adding “First Maker” to CanCon definition (Q5-6):**

- i. Music Canada strongly opposes the proposal to add “First Maker” to the definition of Canadian content. Doing so would interfere in the commercial relationships of performing artists and the businesses they choose to partner with and has nothing to do with the nationality of the key creative contributors to music.
- ii. Contrary to what has been suggested by some stakeholders in the CanCon Workshops, the “First Maker” represents *neither* the producer nor the owner of the rights to the master recording. Moreover, metadata on the nationality of the First Maker is not reported to music streaming platforms or radio broadcasters. Adding First Maker does not meet any of the Commission’s conditions outlined in paragraph 31 of Notice of Consultation 2025-52 for eligibility as a new “P” criterion in a “MAPL” CanCon definition.
- iii. Adding First Maker would constrain and dictate how performing artists must structure their commercial business relationships in order to be considered “Canadian.” It would also create further imbalance between performing artists and songwriters/composers in the CanCon definition by constraining commercial relationships and, potentially, rights ownership on the performing artist/sound recording side, but not on the songwriter/composer side, where publishing rights could be held by a foreign publisher and still qualify as “Canadian.” This proposal must be rejected.

c. **Defining Emerging Artist (Q7-8):**

- i. Music Canada does not agree with tying the definition of “emerging artist” to

the first issuance of an ISRC code, as it would artificially and unreasonably constrain which artists can qualify as “emerging artists” under this definition and is out of step with how music is made today. This defeats the purpose of designing policies to support the careers of emerging Canadian and Indigenous artists.

- ii. The music industry encourages artists to get an ISRC code as early as possible as an industry best practice, because ISRCs are necessary to ensure creators get paid for the use of their works. By tying the definition of emerging artist to an ISRC code, it would “start the clock” for artists to be considered emerging long before many artists are actually at a point of beginning a professional career. The proposed definition works *against* the industry’s best practice, because it effectively penalizes artists who get ISRC’s early in their careers.
- d. **Discoverability for traditional radio broadcasters (Q11-13):**
- i. Music Canada agrees with the Commission that the current requirements to broadcast Canadian and French-language music should be maintained for commercial radio stations. These requirements remain vital to the support and promotion of Canadian artists today on radio and to ensuring that Canadian voices and stories continue to be heard by Canadian radio audiences.
- e. **Discoverability - music by emerging and Indigenous artists (Q14-15 & Q17):**
- i. Music Canada agrees that there should be specific requirements for radio broadcasters to support emerging artists and Indigenous music.
 - ii. With respect to a quota requirement to support emerging artists, its success and effectiveness is directly tied to finding an appropriate definition of emerging artist. Further efforts should be made to arrive at an appropriate definition of emerging artists before implementing a quota system. If an effective quota system is not feasible, Music Canada would recommend extending obligations to all commercial radio stations to support emerging artists through targeted promotional initiatives.
 - iii. In assessing how best to encourage the play and support of Indigenous music, we recommend the CRTC work closely with Indigenous groups and broadcasters to ensure measures are designed in a way that can be effectively implemented.
- f. **Discoverability - other content (Q21):**
- i. Music Canada opposes radio expenditures on news programming being considered contributions. We do not support contributions being taken away

from supporting the Canadian music ecosystem for commercial radio broadcasters to fund their operations.

g. **Discoverability - online audio services (Q22-26 & Q28):**

- i. Music Canada agrees with the Commission that content requirements similar to those applied to radio are not appropriate for on-demand music streaming services.
- ii. Any consideration of imposing discoverability obligations on music streaming platforms must begin with a clear understanding of what “discoverability” means. **Discoverability means promoting Canadian and Indigenous music – it does not mean controlling what Canadians listen to.**
- iii. In accordance with the Policy Direction, any consideration of setting discoverability requirements should begin with an examination of what platforms are *already* doing to promote Canadian and Indigenous music.
- iv. The best way for music streaming platforms to support the discoverability of Canadian and Indigenous music is to **recognize and incentivize the following platform investments and initiatives:**
 1. investments in local platform teams who work with the industry to champion Canadian artists both domestically and internationally through their global editorial teams and networks;
 2. marketing and promotion expenditures and initiatives aimed at elevating Canadian and Indigenous artists;
 3. support for the production of original audio and video content;
 4. initiatives to support artists from Indigenous and equity-seeking groups;
 5. sponsorships of industry events, live music, and initiatives that promote the health and diversity of the Canadian music industry; and
 6. creator-centred incubators, accelerator programs, training, and mentorships.
- v. Recognizing these investments and initiatives which support the discoverability of Canadian and Indigenous music would provide platforms the flexibility to tailor their support in a manner that aligns with the nature of their particular service – an approach that is supported by both the *Broadcasting Act* and Policy Direction.

h. **A sustainable financial contribution framework (Q30-31 & Q38):**

- i. **Music Canada submits that the Commission should reconsider the music streaming platform contributions set through the Contributions Decision**

by recognizing platforms' direct investments in Canada as qualifying contributions. Failing to do so puts at risk platforms' investments in Canada, particularly investments in local teams and initiatives that help Canadian and Indigenous artists succeed in the highly competitive global streaming market.

- ii. Music Canada has concerns with how the Commission is approaching refining the contributions framework in this proceeding. Music streaming, radio, satellite radio, and pay audio are not a cohesive group of “audio services.” Regulating them in the same way fails to take into account the significant differences between the business models of music streaming and radio.
 - iii. With respect to the Commission’s proposal to revise the radio contributions framework to apply to ownership groups with revenues over \$25 million, Notice of Consultation 2025-52 does not provide sufficient data or information to enable the public to properly evaluate the impact of this proposal. Music Canada’s submission outlines the key data points that would allow for the impacts of the Commission’s proposal to be assessed.
 - iv. Ultimately, the design of contributions for radio broadcasters should maintain the historical regulatory bargain that underpins radio regulations. The operation of music streaming services in Canada does not alter this regulatory bargain or justify the reduction of contributions by radio stations.
 - v. The current Tangible Benefits Policy should be maintained, as these contributions support the careers of Canadian and Indigenous artists in furtherance of the policy objectives of the *Broadcasting Act*.
- i. **News programming on audio services (Q40-41):**
- i. The music streaming platform subsidy for commercial radio news should be eliminated and no additional obligations should be imposed on music streaming services to support news programming. The diversion of 1.5% of platform revenues to subsidize commercial radio news risks harming Canadian and Indigenous artists who rely on music streaming platforms’ presence and investments in Canada.
- j. **Artificial intelligence (Q43-45 & Q47):**
- i. Extending copyright or Canadian content qualification to generative AI outputs created without any human authorship risks devaluing Canadian (human) creators and flooding the marketplace with machine-made content, making it harder for consumers to find and support the works from Canadian artists they love. Moreover, if generative AI is used to harvest and repurpose

Canadian content into new, unlicensed outputs, it risks fundamentally undermining the production and discoverability of Canadian content and effectively whitewashing existing Canadian content into unlicensed products.

8. We look forward to working with the Commission to ensure that the regulatory framework supports continued industry growth and platform investment in Canada, with the goal of preserving the streaming listening experience that Canadian audiences have embraced and increasing opportunities for Canadian and Indigenous artists to compete in the global music streaming marketplace.

Music Canada's submissions on related issues in other CRTC consultations

9. This consultation touches on a range of issues that have also been covered in a number of previous consultations, including: developing a modernized contributions framework, supporting discoverability of Canadian and Indigenous content, funding of news programming, the market dynamics of the broadcasting system and the Canadian music streaming market, and artificial intelligence. Music Canada relies on and reiterates the points raised in our submissions filed to the following consultations:
 - 1) *Broadcasting Notice of Consultation CRTC 2023-138*, “The Path Forward - Working Towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content” (**“Contributions Consultation”**):
 - a) Initial Submission of Music Canada, filed July 11, 2023
 - b) Reply Submission of Music Canada, filed July 26, 2023
 - c) Final Submission of Music Canada, filed February 15, 2024
 - 2) *Broadcasting Notice of Consultation CRTC 2024-270*, “Call for comments regarding the Canadian Association of Broadcasters’ proposed plan for the operation of a temporary fund supporting local news production by commercial radio stations in smaller markets” (**“Radio News Fund Consultation”**):
 - a) Initial Submission of Music Canada, filed December 4, 2024
 - 3) *Broadcasting Notice of Consultation CRTC 2024-288*, “The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector” (**“Audiovisual Consultation”**):
 - a) Initial Submission of Music Canada, filed January 20, 2025
 - 4) *Broadcasting Notice of Consultation CRTC 2024-290*, “Modernization of radio processes” (**“Radio Processes Consultation”**):
 - a) Initial Submission of Music Canada, filed January 20, 2025
 - b) Reply Submission of Music Canada, filed February 4, 2025

- 5) *Broadcasting Notice of Consultation CRTC 2025-2*, “The Path Forward – Working towards a sustainable Canadian broadcasting system” (**“Market Dynamics Consultation”**):
 - a) Initial Submission of Music Canada, filed February 24, 2025, including the report filed as Appendix A by Will Page, “Laying a Foundation for Success: Canada’s Online Streaming Act”
 - b) Reply Submission of Music Canada, filed March 11, 2025

Key principles to support Canadian and Indigenous music through the regulatory framework

10. Over the last decade, Canada’s music streaming market has been instrumental in helping the Canadian music industry rebound from the era of piracy that decimated the industry, and has created new opportunities for Canadian and Indigenous artists to share their music and build audiences across the country and around the world. This proceeding considers introducing regulations that could impact the core features of the music streaming consumer experience that Canadian audiences have embraced and that underpin a market that is driving renewed industry growth and investment in the next generation of Canadian and Indigenous artists.
11. The success of Canada’s music streaming marketplace is built on close collaboration across the music ecosystem. Canada’s major labels play an essential role in the industry by partnering with Canadian and Indigenous artists to help build their careers and make the music Canadians love to listen to. Music Canada’s members also work with Canada’s leading independent labels to distribute the music of independent artists both in Canada and around the world, and collaborate closely with music publishers, managers, studios, and the local music streaming platform teams to help artists achieve commercial success.
12. As key players in the commercial music streaming market, Canada’s major labels want to ensure that the regulatory framework grows, rather than hinders, the power of music streaming to connect Canadian and Indigenous artists to fans at home and abroad. Music Canada has engaged meaningfully throughout the CRTC’s regulatory framework proceedings as this is a once-in-a-generation process that stands to impact the market that is the key revenue driver of the Canadian recorded music industry and the platforms through which Canadians listen to, engage with, and discover music.
13. **Before responding to the consultation questions, this submission outlines a number of key principles to inform the development of a modern regulatory framework for music streaming.** We submit that these principles are necessary to ensure that the regulatory framework aligns with the unique features of the music streaming market and achieves the goal of supporting Canadian and Indigenous music:

- a. Music streaming is the key revenue driver for the Canadian recorded music industry and regulations should be carefully calibrated to support, not hinder, its growth;
 - b. Music streaming platforms have established methods of promoting Canadian music and the regulatory framework should recognize, reflect, and incentivize these business models;
 - c. The regulatory framework for music streaming should help Canadian and Indigenous artists compete on the global stage;
 - d. Radio rules will not work for music streaming;
 - e. User choice must be protected; and
 - f. Discoverability means promoting Canadian and Indigenous music, not dictating what Canadians listen to.
14. These key principles are discussed in further detail in the sections below.

Music streaming is the key revenue driver for the Canadian recorded music industry and regulations should be carefully calibrated to support, not hinder, its growth

Overview

15. Music Canada’s initial submission to *Broadcasting Notice of Consultation CRTC 2025-2*² provides a comprehensive and evidence-based explanation of the current market dynamics of the Canadian music streaming market. The submission outlines the many ways in which the Canadian music streaming market is *already* achieving the policy objectives of the *Broadcasting Act* as a well-functioning, competitive market that supports the delivery and discoverability of diverse Canadian and Indigenous music. While Music Canada reiterates and relies on its Market Dynamics Submission in this consultation, the key elements of the Canadian music streaming market that are central to this proceeding are summarized below.

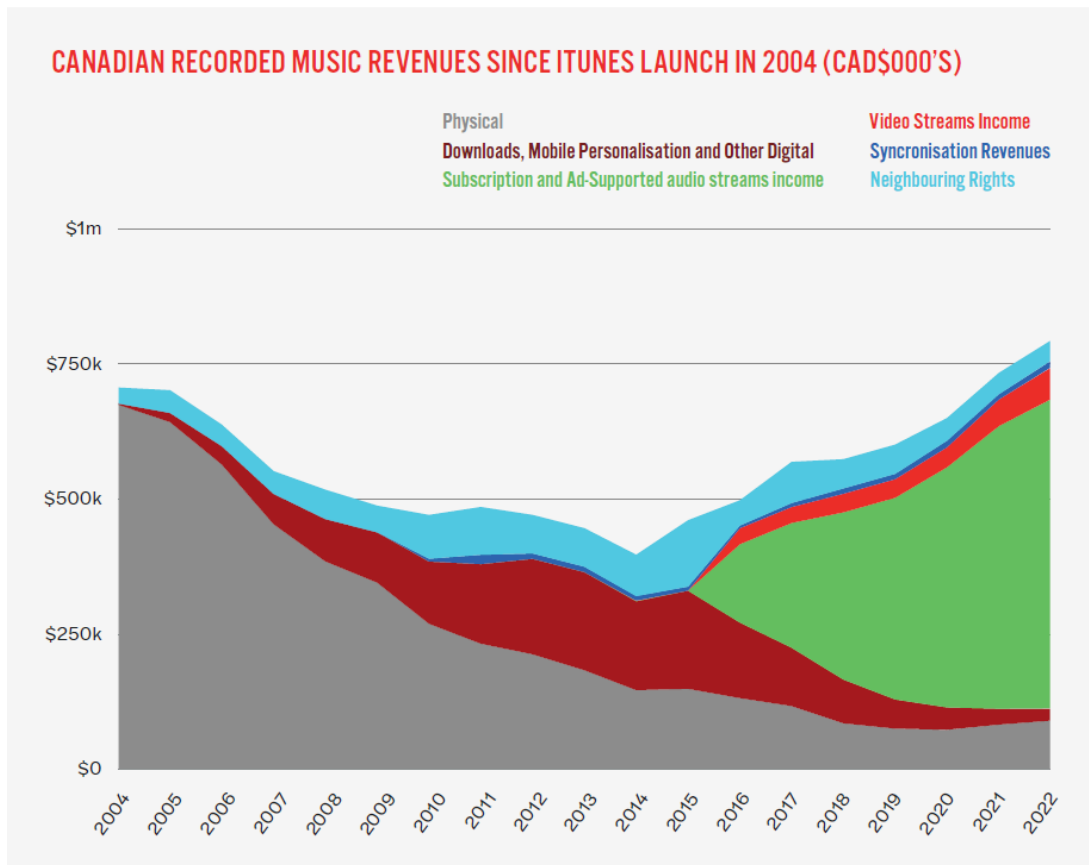
Licensed music streaming is driving growth for the Canadian music industry

16. Any consideration of how and to what extent to regulate the modern Canadian licensed music streaming market cannot lose sight of the period that preceded it: more than a decade of widespread piracy that virtually decimated the music industry. A generation of Canadians grew up during a period when illegally downloading music was not only

² Initial Submission of Music Canada to Broadcasting Notice of Consultation CRTC 2025-2, filed February 24, 2025 (“**Market Dynamics Submission**”).

socially acceptable, it was the norm. That meant that artists, songwriters, and music companies weren't paid for their music, which was used to build the platforms of others. This not only harmed the livelihoods of artists at the time, but it threatened investment in the next generation of Canadian talent.

17. In his report “Laying a Foundation for Success: Canada’s *Online Streaming Act*” (attached as **Appendix A** to this submission),³ economist Will Page traces the trajectory of the Canadian recorded music industry since the introduction of iTunes in 2004 (see chart below). Revenues in the industry were on a steep decline due to the influence of rampant digital piracy until 2014, when the first licensed music streaming service launched in Canada. **The arrival of these services, coupled with significant and strategic investments in infrastructure and talent by labels and other players across the sector, helped the Canadian music industry rebound and has brought with it renewed investment in the music of Canadian and Indigenous artists.**



³ Will Page, “Laying a Foundation for Success: Canada’s *Online Streaming Act*”, April 2024, attached as Appendix A to this submission (“**Appendix A**”).

⁴ Appendix A, page 26.

18. As noted by Page, Canada is “by any honest reckoning a case study in streaming success.”⁵ **Licensed music streaming is the primary distribution means and revenue driver for artists and labels.** In 2024, **78.8% of Canada’s recorded music revenues were generated from licensed music streaming**, with streaming revenues increasing by 4.2% over 2023. Paid subscription streaming is the key driving force, comprising 81.3% of overall streaming revenues, with ad-supported audio streaming contributing 10.9%, and ad-supported video streaming accounting for 7.8%.⁶
19. Today, it is licensed subscription streaming services, which pay royalties when music is played, that allow all music companies, big and small, to reinvest in the next generation of Canadian and Indigenous talent. Music streaming is the listening experience that Canadian audiences have embraced and a business model that has opened doors for domestic artists to build global fanbases.
20. It is important to recognize that **this is the first time the Commission has ever regulated services that provide the key source of revenue for Canadian artists and the Canadian recorded music industry.** While radio has always been and continues to be important, it has never been the primary source of revenue for Canadian artists or the domestic recorded music industry.⁷ **Regulating music streaming means that the decisions the Commission makes in building the regulatory framework stand to impact the foundation of the modern Canadian recorded music industry and the livelihoods of Canadian and Indigenous artists.**
21. Given the significance of music streaming to the industry and its widespread adoption by Canadian consumers, **the regulations imposed on music streaming services must be carefully calibrated to avoid harming the critical investments of music streaming platforms in Canada and the growth of the Canadian music streaming market.** We need to maintain an environment that grows this marketplace for Canadian and Indigenous artists and avoid interventions and regulations that risk stifling or undermining the opportunities and revenue streams that music streaming provides to stakeholders across the Canadian music industry.
22. Music Canada’s submissions on how contributions imposed on platforms should be reconsidered to ensure that the regulatory framework does not harm critical local platform investments are included in response to the Commission’s questions on [A sustainable financial contribution framework supporting diverse Canadian content \(Q30-31 & Q38\)](#) below.

⁵Appendix A, page 26.

⁶ IFPI “Global Music Report 2025”, available at <https://globalmusicreport.ifpi.org/>.

⁷ In the chart on page 14, revenue from radio represents a portion of the “Neighbouring Rights” revenue stream (in blue).

The music streaming market is highly competitive and has improved access for both Canadian artists and audiences

23. The Canadian music streaming market is a healthy, competitive market that is delivering value to Canadian audiences and artists alike.⁸ Canadian listeners have access to a wide range of music streaming services of all sizes, available at a reasonable subscription cost or free with advertising. The four largest subscription music streaming platforms, Spotify, Apple Music, Amazon Music, and YouTube Music Premium are all available to Canadians, along with a variety of smaller services, such as Tidal, Deezer, Qobuz, Audiomack, and SoundCloud.
24. **Through these services, Canadian listeners have virtually the entire global repertoire of recorded music at their fingertips.** Streaming puts the music of the newest Canadian and Indigenous artists on the same shelf space as Canadian icons such as Gordon Lightfoot, along with global superstars. It has provided Canadian audiences with unprecedented access to the music of Canadian and Indigenous artists, across all genres, representing the rich and diverse spectrum of Canadian voices.
25. **The barriers for Canadian and Indigenous artists to distribute their music have never been lower.**⁹ When it comes to the Canadian music streaming market, *anyone* who wants to share their music on a music streaming platform can do so easily. Contrast this to a time not long ago where the only way for an artist to reach their fans was to convince a radio programmer to play their song, or to convince a live music venue to allow them to perform. **Across the industry, there were gatekeepers who decided which artist could reach which fans. With global streaming, those days are gone.**
26. The music industry's transition from physical to digital distribution has transformed the entire music value chain. Distribution has been democratized, creating new opportunities for Canadian and Indigenous artists of *all levels* to share their music. Artists can partner with a major or independent label to help them create, market, and distribute their recordings, or they can choose to self-release their music by using any of a number of digital distributors to deliver their music to platforms for a low cost. **With the advent of streaming, artists now have more power and choice to determine how they want to structure their business relationships, pursue their artistic vision, and control their careers.**
27. The low barriers to entry in music streaming have significantly grown the pyramid of artists whose music can be accessed on these platforms. In 2024, there were 202 million tracks available on music streaming platforms, with 99,000 tracks on average being

⁸ UK Competition & Markets Authority, "[Music and streaming market study: final report - Executive Summary](#)", November 29, 2022, ("CMA Report"), para. 1, 3-6, 18-24, 43, 45, 62.

⁹ CMA Report, para. 4.

uploaded daily.¹⁰ But not all songs are finding an audience: close to half of the songs available were streamed no more than 10 times in 2024.¹¹

28. The growth of this pyramid presents both opportunities and challenges for artists. On the one hand, **more artists are making more money than ever before on streaming¹² – the potential for artists has never been greater.** But while the pyramid at the top has never been wider, the pyramid at the bottom is now infinite because there are no gatekeepers. For example, there are now close to 12 million uploaders who have their music on Spotify.¹³ As explained by economist Will Page “[t]he music industry makes more money but has more mouths to feed.”¹⁴
29. While the intense competition for audiences in the crowded global music streaming market can be challenging for artists, it’s important to understand *what* is driving these challenges: **1) reduced barriers to entry that have made it easier than ever for artists to distribute their music; and, 2) the resulting rapid growth in the number of creators uploading their tracks.**¹⁵ These are features of a highly competitive industry with low barriers to entry – which are both positive market developments. And, critically, this is a market that has provided Canadian audiences with unparalleled access to music from across Canada and around the world.
30. The highly competitive, saturated environment of music streaming makes the local market investments that labels make, together with domestic investments by their streaming platform partners, even more vital. Canada’s major labels play an integral role in the domestic market by investing in the careers of the Canadian and Indigenous artists they sign and partnering with companies across the Canadian music industry to help artists to build audiences and stand out in a highly competitive global streaming market. They collaborate closely with the music streaming platforms’ domestic teams, who act as local champions to help drive commercial success for Canadian and Indigenous artists.
31. Without local teams at the platforms working together with labels, both majors and independents, Canadian music runs a major risk of getting lost in the noise of this crowded ecosystem. **Canadians will benefit most from a regulatory framework that supports and incentivizes continued platform investments in local teams that champion Canadian and Indigenous artists and help these artists build audiences in the global streaming market.**

¹⁰ Luminate, “2024 Year-End Music Report”, available at: <https://luminatedata.com/reports/yearend-music-industry-report-2024/> (“Luminate 2024 Report”), page 6, 56.

¹¹ Luminate 2024 Report, page 56.

¹² See, for example, Spotify’s 2024 “[Loud and Clear](#)” report.

¹³ Ibid.

¹⁴ Appendix A, page 29.

¹⁵ CMA Report, para. 4-5, 22-23.

Music streaming platforms have established methods of promoting Canadian music and the regulatory framework should recognize, reflect, and incentivize these business models

32. In developing a modern regulatory framework, it's important to understand that the Canadian music streaming market is neither a new entrant nor a mature incumbent – it is a well-established industry that has been embraced by Canadians for over a decade, while continuing to evolve and innovate to deliver greater value to customers and artists.¹⁶
33. Over the last decade, music streaming platforms and players across the music ecosystem have fundamentally transformed the music industry and have succeeded in fostering a fair, competitive, and growing marketplace.¹⁷ That transformation continues, as the industry works to maximize streaming's potential to generate value for artists and fans, and respond quickly to technological developments and bad actors¹⁸ that threaten to undermine the sector. These changes are happening rapidly and involve coordination and collaboration between a vast network of industry players around the world. **Any consideration of regulatory intervention in this market requires a close examination of the impact and potential unintended consequences such regulations could have given the continuously evolving, global market in which music streaming operates.**
34. In this context, and in accordance with the Policy Direction,¹⁹ **any assessment of whether to impose discoverability obligations on music streaming platforms must begin with an examination and recognition of what the local platform teams are *already* doing to promote Canadian and Indigenous artists.** Over the last decade, music streaming platforms have established offices and teams in Canada who are dedicated to growing the Canadian market and championing domestic artists, both within Canada and internationally. These investments and initiatives support the discoverability of Canadian music in a manner that is tailored to the specific business model of music streaming.
35. **As explained in detail throughout the Commission's regulatory process, the platforms have made significant investments in teams, technology, and initiatives that support the discoverability of diverse Canadian and Indigenous music and contribute to a vibrant domestic music industry.**²⁰ Given the robust public record on

¹⁶ See for example: "[Universal Music Group and Deezer to launch the first comprehensive artist-centric music streaming model](#)", September 6, 2023.

¹⁷ CMA Report, para. 1, 3-6, 18-24, 43, 45, 62.

¹⁸ See for example: Music Canada, "[Record companies successfully act against nine streaming manipulation sites in Canada](#)", March 14, 2024.

¹⁹ Policy Direction, s. 6: "The Commission is directed to consider both *established* and emerging means of discoverability and showcasing to promote a wide range of Canadian programming." (emphasis added)

²⁰ See for example Music Canada's Final Submission to Broadcasting Notice of Consultation CRTC 2023-138, filed February 15, 2024, para. 6-7.

these platform investments and initiatives in earlier proceedings, it is surprising to see that the Notice of Consultation 2025-52 is silent on this point.

36. A regulatory framework that supports the discoverability and promotion of Canadian and Indigenous music needs to reflect the modern streaming market and leverage how platforms help artists reach fans and build global audiences. A flexible framework will enable platforms to promote Canadian and Indigenous artists in a way that aligns with their specific business model.
37. Music Canada's detailed submissions on the role of the current investments by platforms in supporting the discoverability of Canadian and Indigenous music are included in the [Fostering discoverability on online audio services \(Q22-26 & Q28\)](#) section below.

The regulatory framework for music streaming should help Canadian and Indigenous artists compete on the global stage

38. A modern regulatory framework that applies to music streaming platforms and aims to support the delivery and discovery of diverse Canadian and Indigenous music must recognize and embrace the fact that the **music streaming marketplace is truly global.**
39. The importance of global audiences to helping Canadian and Indigenous artists find success and build sustainable careers cannot be overstated. The global network of music streaming has opened doors for Canadian artists to develop and engage fanbases not only at home, but in far corners of the world. **This global reach is something to be celebrated, leveraged, and safeguarded.**
40. Canadian artists have succeeded in punching way above their weight on the world stage. Among the many achievements:
 - Canada is the third largest exporter of music internationally, behind only the US and the UK;²¹
 - For every one stream at home, Canadian artists generate approximately 10 overseas;²²
 - In 2024, 2 of the top 10 artists in the world were Canadian;²³
 - In 2022, 3 of the top 10 songs in India were by Canadian artists, singing in Punjabi;²⁴ and

²¹ Luminate 2024 Report, page 44.

²² Appendix A, page 36.

²³ IFPI, "[Global Music Report 2025: State of the Industry](#)", page 42-43.

²⁴ Appendix A, page 36.

- The top French-language song streamed globally on Spotify in the last year is by a Canadian artist.²⁵
41. The policy objectives of the *Broadcasting Act* recognize the importance of the broadcasting system fostering “[...] an environment that encourages the development and export of Canadian programs globally.”²⁶ Music streaming has broken down the barriers and costs of exporting Canadian music around the world. The regulatory framework should harness music streaming’s global reach.
 42. The global opportunities created by music streaming must also inform how to approach defining “Canadian Content” in music streaming. The regulatory framework needs to help Canadian and Indigenous artists succeed in a highly competitive *global* marketplace. The ability of a Canadian artist to reach fans in markets outside of Canada is also essential to their success at home. As Music Canada’s CEO Patrick Rogers emphasized in a keynote at Canadian Music Week, **“Canadian artists don’t need a made-in-Canada ceiling to keep them here. They need and importantly WANT a map of the world. We need a system that encourages Canadian artists to work with the best in the world so that they can compete with the world.”**²⁷
 43. Canada’s regulatory framework must facilitate the crucial role that international exposure and streams play in Canadian artists’ success at home and around the globe. Building proverbial walls around streaming in our country will only harm the Canadian voices we are trying to support.
 44. Music Canada’s detailed submissions of how defining Canadian content should help build global Canadian success stories are covered in response to the Commission’s questions on [Canadian musical selections \(Q1 & Q4\)](#) below.

Radio rules will not work for music streaming

Overview

45. Throughout this regulatory process, Music Canada has emphasized that building a regulatory framework to apply to music streaming requires all of us to come to terms with the differences between traditional broadcasting and the quintessential features of music streaming. The rules designed for the specific context of a closed, domestic, and heavily programmed radio broadcasting system will not work in the open, global, and user-driven environment of music streaming.

²⁵ Between August 2023-July 2024. See Spotify, [“Listeners Around the World Are Embracing French-Language Content on Spotify”](#), September 30, 2024.

²⁶ *Broadcasting Act*, s.3(1)(d)(ii).

²⁷ Music Canada, [“Music Canada CEO Patrick Rogers delivers CMW 2024 “State of the Industry” opening keynote”](#), June 4, 2024.

46. **To help Canadian and Indigenous artists compete in the highly competitive global streaming market, we need regulations that recognize the critical differences between radio and music streaming and that are tailored to the specific natures of these distinct business models.** This approach is consistent with the *Broadcasting Act* and the Policy Direction, which requires the regulatory framework to be responsive to the nature of the services and distinguish between foreign and domestic undertakings.²⁸
47. Music Canada is concerned that in Notice of Consultation 2025-52 the Commission fails to recognize these critical distinctions and in many places is looking to extend radio regulations onto music streaming. We submit that in its implementation of the modernized *Broadcasting Act*, the Commission should build an entirely new regulatory framework that is tailored to digital services, rather than try to force digital services into a framework designed for the terrestrial broadcasting system. The critical differences between radio and music streaming are described in further detail below.

Radio and music streaming have fundamentally different service offerings and business models

48. Licensed subscription music streaming and radio broadcasting have fundamentally different business models.²⁹ In particular:
- Music on radio is programmed; music streaming is driven by user-choice.³⁰ Music discovery through radio is controlled by radio programmers who perform a necessary gatekeeping role. In music streaming there are no gatekeepers determining which artists can and cannot share their music and music discovery is primarily user-driven.
 - Radio's competitive advantage is its localness;³¹ streaming is inherently global and has opened doors for artists to reach audiences around the world.
 - Radio relies on regulated access to scarce public frequencies; music streaming platforms do not.
 - Canadian commercial radio is funded by advertisers, while music streaming is funded primarily by Canadian subscribers.³²
 - There is a finite number of regulated radio hours each year; the amount of potential listening on streaming is infinite.

²⁸ *Broadcasting Act*, s.3(1)(a.1), 3(1)(f), 3(1)(f.1), 5(2)(a.1); [Order Issuing Directions to the CRTC \(Sustainable and Equitable Broadcasting Regulatory Framework\)](#): SOR/2023-239 ("Policy Direction"), s. 4.

²⁹ See [Joint letter filed by Music Canada and the Digital Media Association](#) to CRTC engagement sessions on Canadian content for audio services, filed September 25, 2024.

³⁰ Appendix A, page 33.

³¹ Submission of the Canadian Association of Broadcasters to Broadcasting Notice of Consultation CRTC 2020-374, March 29, 2021, para. 114.

³² See Market Dynamics Submission, para. 56-59.

- The diversity of music played on radio is constrained by format and airtime, whereas music streaming promotes the discovery of artists from every possible musical genre due to the vast music catalogues available on these platforms.
49. These differences have a direct bearing on *how* Canadian audiences consume and discover music through each medium – which is central to the CRTC’s assessment of discoverability in this consultation. **Critically, the share of Canadian music listened to on radio is a direct result of programming, whereas the share of music listened to through streaming is a reflection of user choice.** Radio is a medium that “pushes” content to a particular audience, whereas music listened to via streaming platforms is primarily “pulled” by the user.³³ As a result, radio regulations tied to radio programming have a direct impact on listening, **while platforms do not control what audiences listen to.** Platforms can promote and recommend content, but these features do not override a user’s ability to listen to the music they choose themselves.
50. As explained [above](#), **streaming is the primary distribution means and revenue driver for the Canadian recorded music industry and for Canadian artists.** Radio remains a vital partner to Canadian artists and labels and will always serve an essential role in the promotion and discovery of Canadian music and in supporting our domestic industry, but it does not serve the same purpose as music streaming.³⁴
51. A modern regulatory framework that supports the delivery and discoverability of diverse Canadian and Indigenous content must recognize the differences between the business models of radio and music streaming. **The rules that worked for radio broadcasting will not work for streaming.** In accordance with the *Broadcasting Act* and the Policy Direction, radio and music streaming should each be regulated in a way that is appropriate and tailored to the nature of their distinct business models.³⁵
52. This is particularly relevant to the exercise of defining Canadian content for music streaming. Music Canada’s further submissions on this issue are provided in the [Canadian musical selections \(Q1 & Q4\)](#) section below.

User choice must be protected

53. As the CRTC considers setting discoverability obligations for music streaming, we encourage the Commission to continue to uphold the fundamental principle of preserving user choice. As recognized by the Commission in the Market Dynamics Consultation: “A policy principle of this proceeding and of the resulting regulatory framework is to ensure choice in content and the ability to consume that chosen content, not to direct

³³ Appendix A, page 33.

³⁴ See also the differences between the ways that radio and music streaming remunerate artists, as described in Appendix A, page 30.

³⁵ *Broadcasting Act*, s.3(1)(a.1), 3(1)(f), 3(1)(f.1), 5(2)(a.1); Policy Direction, s. 4.

Canadians in which content they must consume, or how they must consume it.”³⁶ We agree that protecting user choice and the listener experience must be a central element of the regulatory framework, consistent with the Policy Direction.³⁷

54. We cannot lose sight that the listener experience, service offerings, and customization provided by music streaming has been instrumental in converting a generation raised on free access to pirated music into paying subscribers. Platforms have built this success by delivering fans what they want: a streamlined and safe way to hear the music they love, access to virtually all recorded music, and curation and recommendations that help fans discover their next favourite artist. **And, critically, these services pay artists and songwriters when their music is played.**
55. Canadians have embraced music streaming. There are currently 14.9 million consumers using music subscription services in Canada.³⁸ According to Luminate, Canadians streamed 145 billion tracks in 2024, an increase of 9.5% from the previous year.³⁹
56. Music streaming has not only improved choice for Canadians by providing access to virtually all recorded music – including the rich repertoire of Canadian and Indigenous artists and artists from around the world – but also by allowing users to customize their listening experience. Users can choose to search for particular artists, albums, or songs, build their own playlists, listen to other user-created playlists, or engage with a number of platform features, such as curated playlists and platform recommendations, designed to enrich the listening experience and help listeners discover new artists and genres.
57. Importantly, **playlists, curation, recommendations, and algorithms in no way stop Canadians from accessing the music they want to hear.** Music streaming allows users to choose any song they want to hear at any time. Curation features provide additional (and optional) opportunities for music discovery, but do not dictate a listener’s streaming experience, preferences, or taste.
58. **Research has shown that 60-80% of listening on music streaming services is driven by users,** either through users searching for particular artists or tracks, or by building their own playlists.⁴⁰ In contrast, editorial driven streams (e.g., generated through playlists or algorithms), represent between 15-30% of listening.⁴¹

³⁶ Broadcasting Notice of Consultation CRTC 2025-2, para. 21.

³⁷ Policy Direction, s. 8.

³⁸ Appendix A, page 28.

³⁹ Luminate 2024 Report, page 16.

⁴⁰ Appendix A, page 33.

⁴¹ Ibid.

59. As recognized by the Commission,⁴² the regulatory framework must not introduce friction into the listening experience or in any way undermine the unlimited choice that Canadian audiences expect from music streaming services. This could drive users to VPNs (virtual private networks) and unlicensed services that do not pay artists. Despite the growth of licensed legal streaming, piracy remains a critical issue. Even today, a significant subset of Canadians still obtain their music through unlicensed means: more than 26% of users – and 34% of 16-24 year olds – obtain their music through copyright infringement.⁴³ **Undermining user choice and the listening experience would put at risk a decade of industry growth in the wake of piracy, harm Canadian and Indigenous artists, and run counter to the achievement of the policy objectives of the *Broadcasting Act*.**

Discoverability means promoting Canadian and Indigenous music, not controlling what Canadians listen to

Canadians' consumption of music by Canadian artists cannot be equated with "discoverability"

60. Before determining whether to impose discoverability obligations on music streaming platforms, it is critical to set clear parameters on what “discoverability” actually means. As set out in the *Broadcasting Act* and Policy Direction, **discoverability means promoting, supporting, and making the music of Canadian and Indigenous artists available on these platforms⁴⁴ – something that the domestic platform teams do every day.** It does not mean controlling what Canadians listen to or dictating that they must consume more Canadian music.⁴⁵
61. The data referenced in paragraph 69 of Notice of Consultation 2025-52 reflect the level of *listening* or *consumption* of music on music streaming platforms by Canadian audiences – not the level of discoverability of Canadian music. While it may be instructive to evaluate the current levels at which Canadians are consuming Canadian music, **the level of consumption of Canadian music by Canadian listeners cannot be equated with platforms' efforts to promote or make that content discoverable.**
62. The amount of Canadian music listened to by Canadians in the on-demand, user-driven context of music streaming is a direct function of **user choice**, rather than a reflection of how “discoverable” Canadian music is.
63. **Canadian music has never been as discoverable as it is today on music streaming platforms.** Virtually the entire repertoire of Canadian music is available on these

⁴² Notice of Consultation 2025-2, para. 21.

⁴³ Canadian statistics generated by IFPI as part of its “[Engaging with Music 2023 report](#)”.

⁴⁴ *Broadcasting Act*, s.3(1)(f.1), 3(1)(r), 9.1(1)(e), 9.1(8); Policy Direction, s. 6, 8(c).

⁴⁵ This would contravene *Broadcasting Act* s. 9.1(8) and Policy Direction s. 6, 8(c).

platforms. Domestic artists who may never have had their album included on the limited shelf space of record stores or whose music does not conform easily to the rigid formats of commercial radio have opportunities to build local and international fanbases through music streaming. And for Canadian consumers, there are no barriers to accessing this music. Music streaming has greatly increased choice for Canadian listeners and improved access to the music of Canadian and Indigenous artists.⁴⁶

64. Platforms have invested in various curation features that enhance the listening experience and local platform teams' work with stakeholders across the Canadian music industry to ensure that their services promote and celebrate Canadian and Indigenous music. But, as explained in the [User choice must be protected](#) section above, playlists, curation, recommendations, and algorithms in no way stop Canadians from accessing the music they want to hear. **Platforms ultimately cannot – and should not – dictate what Canadians listen to.**
65. In the submissions to the Market Dynamics Consultation, some respondents urged the CRTC to set discoverability obligations that **hold music streaming platforms accountable for how much Canadian and French-language music Canadians listen to.** These proposals must be rejected. They reflect a clear misunderstanding of how the user-driven commercial streaming market works and would require the Commission to act outside of its mandate. Despite what some respondents would like, **the Commission's mandate in implementing the policy objectives of the *Broadcasting Act* does not extend to controlling what Canadians listen to.**⁴⁷
66. Any assessment of discoverability must recognize the unique market dynamics of the music streaming market that influence the share of Canadian and French-language music that Canadians listen to. As explained in the section [The music streaming market is highly competitive and has improved access for both Canadian artists and audiences](#) above, the low barriers to entry of music streaming has led to a massive rise in the number of people distributing their music on these platforms.⁴⁸ Music streaming provides unprecedented opportunities for Canadian and Indigenous artists to share their music, but it simultaneously *puts these artists in competition with virtually every artist and song ever recorded* – not only in Canada, but around the world.⁴⁹ The “market share” of Canadian music consumed by Canadians is influenced primarily by this high volume of content that provides unparalleled choice for consumers, rather than being directly correlated with the platforms' initiatives to promote and support Canadian music.

⁴⁶ See Music Canada's Market Dynamics Submission, para. 13, 22-25, 42-44, 62-65, 73, 77-78.

⁴⁷ *Broadcasting Act*, s.3(1)(r), 9.1(1)(e), 9.1 (8); Policy Direction, s. 6, 8(c).

⁴⁸ Market Dynamics Submission, para. 28-32, 41-46.

⁴⁹ CMA Report, para. 11.

67. **Ultimately, music discovery is driven by collaboration, investments, engagement, and innovation amongst *all players in the music streaming market*.** Stakeholders across the music industry value chain have a role to play in helping Canadian and Indigenous artists connect with audiences, build fanbases, and stand out in a highly competitive global marketplace. This requires leaning in and leveraging the tools, data, and analytics available through music streaming platforms to help artists connect with fans and help audiences discover the vast Canadian and Indigenous talent our country has to offer. It also involves meeting fans wherever they are (which extends far beyond music streaming environments) and making targeted investments in driving consumer awareness and engagement.
68. Canada's major labels have invested heavily in developing world-class Canadian teams, technology, and infrastructure to elevate the Canadian and Indigenous artists they partner with and help them cut through and build fanbases in a crowded market. The success of these efforts hinges on close collaboration with the music streaming platforms' domestic teams, who act as local champions to help drive commercial success for Canadian and Indigenous artists. The regulatory framework needs to foster an environment where platforms continue to invest in these local teams, who work with the industry to help them leverage the tools and opportunities available on these platforms.
- No other jurisdiction has imposed discoverability obligations on music streaming platforms*
69. In assessing whether and how to impose discoverability obligations on music streaming platforms, it's important to be mindful that these are uncharted waters. **There are no international precedents for discoverability regulations on music streaming.**
70. Respectfully, the examples raised in paragraphs 66-67 of Notice of Consultation 2025-52 do not relate to the discoverability of domestic music on music streaming platforms and have little bearing on this consultation.
71. The AVMSD initiatives referenced in paragraph 66 relate solely to audiovisual streaming platforms. As Music Canada has outlined throughout this regulatory process, music streaming and audiovisual streaming have entirely different business models and require different regulatory approaches.⁵⁰ This is particularly relevant to the issue of discoverability.
72. Audiovisual streaming platforms have more limited content catalogues, whereas music streaming platforms offer Canadians access to virtually all of the world's recorded music. In music streaming, there are no barriers to accessing and discovering Canadian and

⁵⁰ Music Canada Initial Submission to Notice of Consultation BNC-138, filed July 11, 2023, para. 42, 74; Market Dynamics Submission, para. 3b)ii, 23-24, 34, 71.

Indigenous music. **In fact, music streaming has made Canadian and Indigenous music, from all possible genres and by artists of all levels and from every corner of the country, more accessible to Canadian audiences than it has ever been.** The important distinctions between audiovisual and music streaming should be recognized and reflected in any potential regulations for music streaming platforms related to discoverability.

73. The examples referenced in paragraph 67 of Notice of Consultation 2025-52 relate primarily to initiatives aimed at increasing the prominence of local radio *stations* on connected devices. The question of access to programming *services* has already been examined through the Market Dynamics Consultation and has no relevance to the question of the discoverability of Canadian and Indigenous *music* that is central to this proceeding.
74. **Since the international examples noted in paragraphs 66-67 of Notice of Consultation 2025-52 by the Commission do not relate to music streaming, they in fact demonstrate that there is no pre-existing model to follow in regulating music streaming platforms.** Throughout these regulatory proceedings, Music Canada has encouraged the Commission to ensure that regulations are tailored to the unique business model of music streaming, with a clear recognition that music streaming differs significantly from both radio broadcasting and audiovisual streaming.⁵¹ **Porting over regulations designed for audiovisual streaming or radio to music streaming will not work.**
75. Music Canada's further submissions on how best to support the discoverability of Canadian Indigenous music on music streaming platforms, in a manner that reflects and aligns with their business models, are set out in the [Fostering discoverability on online audio services \(Q22-26 & Q28\)](#) section below.

Conclusion on key principles to support Canadian and Indigenous music through the regulatory framework

76. Music Canada has been actively engaged at every stage of the Commission's regulatory process to implement the modernized *Broadcasting Act* because we recognize that regulating music streaming could have far reaching impacts for every player in the Canadian music ecosystem. It's important to get this right. **This process cannot focus on adapting rules designed more than 50 years ago for a closed, domestic terrestrial radio broadcasting system; it must prioritize creating an *entirely new framework* to respond to the *entirely different reality* of the open, global music streaming market.**

⁵¹ Music Canada Initial Submission to Notice of Consultation BNC-138, filed July 11, 2023, para. 42, 74; Market Dynamics Submission, para. 3b)ii, 23-24, 34, 71.

77. Adopting the key principles outlined above will support the development of a regulatory framework that maximizes the opportunities for Canadian and Indigenous artists to leverage the global reach of music streaming and ensures that Canadian audiences continue to benefit from unparalleled access to the rich and diverse repertoire of Canadian music.
78. Music Canada’s responses to the specific questions raised in this consultation are outlined in the sections that follow.

Responses to Consultation Questions

Canadian musical selections (Q1 & Q4)

Q1. Do the Commission’s proposed criteria and exceptions provide enough flexibility for various business models of audio undertakings operating in both English- and French-language markets, including campus, community, Indigenous radio stations, satellite radio, as well as online audio services, to meet the policy objectives of the Act? If not, why, and how could this be addressed? Please explain.

Q4. Do Canadian owners of copyright in musical works and sound recordings collaborate with audio undertakings such as traditional radio stations, satellite radio, or online audio services through differing business practices? If so, how should the Commission account for these business practices to achieve the policy objectives of the Act?

Overview

79. Music Canada has serious concerns with how defining Canadian content for audio services is being approached in this proceeding, in particular that the Commission intends to apply one common definition to music streaming and radio. As expressed by both Music Canada and the Digital Media Association (“DIMA”) during the September 2024 workshops on defining Canadian content for audio services (“CanCon Workshops”), applying a single definition will not work and ignores the critical differences between radio and music streaming.⁵² Music Canada is disappointed that none of these concerns have been addressed or recognized in Notice of Consultation 2025-52 or in the Commission’s approach to defining Canadian content.
80. The Commission’s proposal is to tweak the radio CanCon “MAPL” definition (to be replaced by the Commission’s proposed “MAL” definition). This would mean imposing a definition onto music streaming that was purpose-built as a tool to administer a content quota system for the entirely different medium of radio. **Imposing radio rules onto streaming platforms will not work.**
81. Since a single definition for music streaming and radio will not work, we have separated our comments on the definition of Canadian music for music streaming and the definition

⁵² [Joint letter filed by Music Canada and the Digital Media Association](#) to CRTC engagement sessions on Canadian content for audio services, filed September 25, 2024.

of CanCon for radio into distinct sections.

Defining Canadian Content for Music Streaming

Radio and music streaming need different approaches to defining Canadian content

82. **[Answer to Q1]** As outlined in the [Radio and music streaming have fundamentally different service offerings and business models](#) section above, radio and music streaming aren't just a little bit different – in most cases, they are opposites. The differences in these mediums have a direct bearing on how Canadian content should be defined and how it will be administered in practice.
83. In radio, the only way for Canadian listeners to hear Canadian music is for radio programmers to choose to play Canadian songs. In response to the lack of Canadian music on public airwaves, regulations to support Canadian music on radio were designed to help radio stations identify Canadian songs and for the Commission to monitor and enforce compliance with this regime. These regulations include both content quotas and an objective definition of what qualifies as Canadian content. Over the last 50 years, these regulations have been successful in supporting the careers of Canadian artists, songwriters, and composers by ensuring their music is played on radio. But the success of these regulations for radio does not mean they will work in the on-demand, user-driven context of streaming.
84. In music streaming, virtually all of Canadian music is available to listeners (both in Canada and around the world) and it is *users* – not programmers – who drive music consumption.⁵³ Unlike radio, music streaming is not about the platforms “picking” songs. **It's Canadian listeners who ultimately choose what they want to listen to.**
85. The Commission has rightly concluded that content quotas will not work for music streaming.⁵⁴ Yet, surprisingly, it is seeking to extend the CanCon definition that was designed specifically to administer a quota system onto streaming. Streaming requires a different approach.

A Canadian content definition for music streaming should be designed to build Canadian and Indigenous success stories in the global streaming market

86. **[Answer to Q1]** Music Canada submits that the regulatory framework for music streaming needs to put Canadian and Indigenous creators, including artists, songwriters, and composers, at the heart of the policy. **The goal of any definition of Canadian content for music streaming should be to help build Canadian creator success stories in the *global* streaming market.**

⁵³ 60-80% of listening on music streaming is driven by users. See Appendix A, page 33.

⁵⁴ Notice of Consultation 2025-52, para. 72.

87. In an environment where it is users, not programmers, who ultimately choose what to listen to, there is no need for a rigid formula to identify “Canadian” songs. The radio MAPL definition was designed over 50 years ago as an audit tool used to enforce a quota system. Along with the recognition that content quotas won’t work in streaming, the Commission needs to recognize that the CanCon definition designed to administer a quota system is not the correct definition for music streaming. Policy development for music streaming should focus on how best to support Canadian and Indigenous artists in a highly competitive global marketplace. **The target should be helping develop more Canadian stars, not auditing plays of “CanCon” songs.**
88. Music streaming allows artists of all levels, from every genre and background, to easily share their music on these platforms. Through these global platforms, Canadian artists not only have access to Canadian audiences, but can build fanbases around the world. And this is something that Canadian artists have excelled at. As explained in the [The regulatory framework for music streaming should help Canadian and Indigenous artists compete on the global stage](#) section above, Canada is the third-largest exporter of music in the world, and Canadian artists receive 10 streams outside of Canada for every one stream at home.⁵⁵ Any CanCon definition for music streaming needs to recognize and support the value of the **global reach** of music streaming for Canadian artists.
89. Ultimately, what Canadian creators need is a flexible approach for music streaming designed with the global market in mind, rather than a rigid formula that arbitrarily excludes and punishes artists that find global success. We need a framework that fosters and celebrates the success of Canadian creators both at home and abroad.

The definition of Canadian content for music streaming must be informed by how it will be used

90. One of the challenges of defining Canadian content for music streaming is that the Commission has yet to determine *how* it will be used. While one can expect that the intended use is to support the discoverability objectives of the *Broadcasting Act*, the Commission has not yet determined what, if any, discoverability obligations will apply to music streaming platforms.
91. As explained above, the radio CanCon definition was designed as an audit tool to enforce a quota system. It had a clear purpose to enable the Commission to track compliance with airplay quota requirements. But the Commission has rightly determined that it will not impose content quota requirements on streaming platforms, so the definition will be used for different, yet-to-be-identified purposes.
92. Knowing *how* the definition will be used has a direct impact on how feasible it is to

⁵⁵ Luminare 2024 Report, page 44; Appendix A, page 36.

operationalize the definition for music streaming. In particular, it impacts the scale of metadata needed (e.g., does the Commission envision every song available on a platform needing to be tagged with the necessary “CanCon” metadata?), along with the timing of *when* platforms will need to have access to reliable metadata to be able to identify “Canadian” music and creators (e.g., when a track is first delivered to platforms, which is typically weeks before its public release?).

93. The significant challenges of operationalizing the Commission’s proposed “Music, Artists, Lyrics” definition⁵⁶ (the “MAL Definition”) in music streaming are discussed further below.

Operational challenges of implementing the MAL Definition for music streaming

94. **[Answer to Q1 & Q4]** This consultation is silent on the feasibility of implementing the MAL Definition for music streaming platforms. This is surprising, given that information was shared during the CanCon Workshops⁵⁷ and in other proceedings⁵⁸ on the significant challenges and lack of available metadata in music streaming to operationalize a “MAPL”-like Canadian content definition that relies on data on the nationality of artists, songwriters, and composers.
95. **Critically, metadata on the nationality of artists, songwriters, and composers, or the location of the recording, is not delivered to music streaming platforms.** This metadata would be necessary to implement and operationalize the MAL Definition.
96. Music Canada’s members are world-leaders in metadata management. Our members pride themselves on the quality and accuracy of the metadata they deliver to music streaming platforms. But this metadata does not include the data included in the MAL Definition, i.e., nationality of the artist, songwriter, or composer. The lack of information on nationality of creators delivered to music streaming platforms is not a case of poor metadata management – it is because there has *never* been a requirement, or a need, to deliver metadata on the nationality of creators to music streaming platforms.
97. Although the Commission has not indicated how the CanCon definition will be used in streaming, we are concerned the Commission is considering requiring music industry stakeholders to identify the nationality of Canadian artists, songwriters, and composers, and the share of songwriting credits held by Canadians, for all “Canadian” tracks available on streaming platforms, both retrospectively and prospectively. This would impose a massive and disproportionate burden and cost on music industry stakeholders to

⁵⁶ Notice of Consultation 2025-52, para. 26.

⁵⁷ V42 Management Consulting Inc., “[Industry Discussions on Canadian Content Definitions for the Audio Sector](#)”.

⁵⁸ Submission by Apple Canada to Part I application (2024-0491-1) by the Association of Professional Music Publishers for the Commission to collect and make publicly available data on the listening, promotion and recommendation of online music in Canada (“**APEM Part 1 Application**”), filed October 28, 2024, para. 2-7; Submission by DIMA to APPEM Part 1 Application, para. 8-11.

supply such information.

98. The scale of this exercise should not be underestimated. In 2024, there were 202 million tracks available on music streaming platforms, with 99,000 tracks on average being uploaded daily.⁵⁹
99. This presents a burden that dwarfs by orders of magnitude administering the MAPL CanCon definition for radio. **Radio deals with a much smaller subset of music.** Labels service a select group of singles to radio, whereas they deliver *all* of the tracks of *all* of the artists they distribute to streaming platforms. Compounding the impact, there are also a number of distributors who deliver the music of Canadian artists to platforms whose music is never serviced to radio. The pool of artists *and* tracks delivered to music streaming platforms is much greater than with radio.
100. The challenge of operationalizing the MAL Definition must be understood within the context of the democratized digital distribution of the modern music industry.⁶⁰ Music delivery to platforms is not a centralized process, but is managed by a broad network of both domestic and international distributors and labels. For some artists, music is delivered to platforms by labels in Canada, including Canada's major labels. But other artists, particularly independent, DIY, and emerging artists, choose to use any of a number of distribution platforms, many not based in Canada.
101. Changing the metadata requirements for delivering music to platforms would have massive knock-on effects on music distributors and the artists they service. **Ultimately it is emerging, independent, and DIY artists not signed to a label who are most likely to face the greatest barriers to complying with additional metadata requirements.** Canadian creators won't benefit from a framework that excludes, disadvantages, or increases the burden on emerging, independent artists.
102. Respectfully, building a database is not the solution.⁶¹ The Commission's work on a database for radio has been ongoing for several years,⁶² and, to the best of our knowledge, the database has yet to be released. Also, the creation of that database involves a much smaller subset of data and is designed for the different purpose of helping administer a content quota system. When it comes to streaming, no one will benefit from extensive time, resources, and funding being directed toward building a regulatory tool – particularly one that is unable to support or process the ever-growing dataset related to music streaming. **Even if the creation of a database correctly identifying all historical**

⁵⁹ Luminate 2024 Report, page 6, 56.

⁶⁰ See [The music streaming market is highly competitive and has improved access for both Canadian artists and audiences](#) section above for further information on how distribution has been democratized.

⁶¹ Notice of Consultation 2025-52, para. 24-25.

⁶² The Commission noted that it was working on an open database back in 2022 in the Commercial Radio Policy Decision, para. 181.

Canadian music were possible, at the day of release it would already be 99,000 tracks behind, and the next day, twice as far behind.

Defining Canadian Content for Radio

103. Music Canada's submissions in paragraphs 103-116 relate solely to a definition of Canadian content to be applied to radio (not music streaming). For the reasons outlined above, a definition for Canadian content for radio will not work in the context of music streaming, and none of Music Canada's submissions below should be construed as being applicable to music streaming.

The Commission's proposed MAL Definition is unbalanced and undervalues the important role of performing artists

104. **[Answer to Q1]** Music Canada agrees that the "MAPL" Canadian content definition currently being used to implement the radio Canadian airplay quota system needs to be updated to reflect how music is made today. However, Music Canada does not support the CRTC's proposed MAL Definition, which undervalues the role of the performing artist and creates distorted, unfair, and unbalanced results.
105. Music Canada agrees with the Commission that the "P" (performance) criterion is out of step with how music is made today and should be eliminated. But while we agree with dropping the "P" criterion, the outcome of simply eliminating it *without recalibrating* the remaining "M" "A" "L" criteria is distorted and unfair to Canadian performing artists.
106. Under the CRTC's proposed MAL Definition, **a song performed by a Canadian artist cannot qualify as CanCon unless it is also written or composed by a Canadian.** However, a song principally written and composed by a Canadian but performed by a non-Canadian artist would qualify. It would be hard to find a Canadian listener who would tell you that a song by Tate McRae or Celine Dion is not Canadian, but "American Woman" performed by Lenny Kravitz is – yet this would be the outcome of the Commission's proposed framework. This is a perverse result that undermines the important role of Canadian performing artists and favours songwriters and composers to the detriment of artists. **Ultimately, a Canadian songwriter's song being recorded by an international star like Kravitz is a Canadian success story that the regulatory framework should support and celebrate – but the same rules should apply when a Canadian performing artist collaborates with an international songwriter.**
107. Music Canada's proposed definition for Canadian content for radio, outlined in the section below, corrects this imbalance and advances the policy objectives of the *Broadcasting Act*. This updated definition for Canadian content for radio would ensure that performing artists, songwriters, and composers are treated equitably and the valuable contributions of these creators are all recognized and incentivized.

Music Canada’s proposal for a Canadian Content definition for radio

- 108. [Answer to Q1] Music Canada submits that the Commission’s proposed MAL Definition needs to be revised so that parity is restored between performing artists and songwriters/composers. **Most critically, the weighting needs to be revised so that musical selections by Canadian performing artists, like Canadian songwriters, can qualify as Canadian content on their own.**
- 109. **Ultimately, the Canadian content rules should define music by Canadian creators as Canadian** – whether the creators are performing artists, songwriters, or composers. This is the only way to ensure a common sense, fair, and balanced approach.
- 110. Music Canada’s proposed definition for Canadian content for radio is illustrated in the table below. For the reasons described in detail above, this definition should apply to radio, but not to music streaming:

Music Canada’s Proposed Definition of Canadian Content for Radio:

| A musical selection must fulfill 1 out of 2 points to qualify as Canadian content: | | |
|---|--|---------------|
| Category | Criteria | Points |
| Music & Lyrics | Songwriting credits for the musical work are held principally (50%+) by Canadian songwriters/composers | 1 point |
| Artist | The musical selection is performed principally (50%+) by a Canadian performing artist | 1 point |

- 111. Under this definition, a musical selection would need 1 out of a possible 2 points to qualify as “Canadian.” The definition has two categories, each worth 1 point:
 - 1) **“Music & Lyrics”**: The Music and Lyrics criteria would be merged to more accurately reflect the contemporary approach to songwriting, where composers and lyricists are typically not distinct and the process is often collaborative. The musical selection would be awarded 1 point if the songwriting credits for the musical work are held principally (50%+) by Canadian songwriters/composers.
 - 2) **“Artist”**: A musical selection would be awarded 1 point if it is performed principally by a Canadian performing artist.
- 112. Under this framework, a song by a Canadian performing artist can qualify as Canadian content on its own, and songwriters and composers will maintain their ability to have their songs qualify as Canadian without needing a Canadian performing artist. This is a

fair outcome for performing artists, songwriters, and composers.

113. Music Canada’s proposed definition provides creators with the flexibility to collaborate with international artists, songwriters, and composers. This recognizes that creators should be allowed to partner with those best able to help them achieve their creative and commercial goals.
114. Additionally, Music Canada’s proposed definition would be easy to administer and monitor compliance. This would reduce the administrative burden on radio broadcasters, consistent with the *Broadcasting Act* and Policy Direction.⁶³
115. **This definition would bring the assessment of Canadian music back to its core elements: its creators (performing artists, songwriters, and composers).** Music by a Canadian performing artist should not be considered “less Canadian” because the artist chooses to collaborate with a non-Canadian songwriter. Similarly, a song written by a Canadian songwriter should be considered Canadian even when an international performing artist chooses to record it.
116. These are professional successes that a modern regulatory framework should foster and support. In an increasingly global music industry, we need Canadian content rules that support and encourage international collaboration and do not penalize Canadian artists, songwriters, and composers who achieve international success.

Response to proposal to include First Maker in the CanCon definition for radio (Q5-6)

Q5. Is there an industry definition of “First Maker”? If so, what is that definition? Is this a universally accepted definition? What, if any, metadata is available to support this definition? Is there a way to objectively define a “First Maker” without resorting to self-assessment?

Q6. Given that in Broadcasting Regulatory Policy 2022-332 the Commission found that removal of the “Performance” criterion would reduce the administrative burden on industry, how would retaining a “P” criterion, whether defined as “First Maker” or an alternate definition that meets the criteria set out above, be relevant and contribute to achieving policy objectives under the Act without increasing administrative burden? Please explain.

117. **[Answer to Q5]** Music Canada strongly opposes adding First Maker as the new “P” criterion in a “MAPL” CanCon definition. Doing so would interfere in the commercial relationships of performing artists and the businesses they choose to partner with and has nothing to do with the nationality of the key creative contributors to music.
118. We are not aware of an industry-wide definition of “First Maker.” In practice, the “Maker” would be the individual or company who makes arrangements and enters into

⁶³ *Broadcasting Act*, s. 5(2)(g); Policy Direction, s. 8(a).

the necessary commercial contracts for the first fixation of the sound recording,⁶⁴ which presumably would also be the “First Maker.” Using this definition, typically the First Maker of a signed artist is the record company, but it could also be the artist or someone else.

119. **Note that the First Maker is not typically the producer of the sound recording.** Contrary to what was suggested by some participants in the CanCon Workshops, **adding First Maker as the new "P" criterion in MAPL is not an indicator of the producer of the sound recording.** The proposal to add First Maker by some workshop participants is not an attempt to acknowledge the role of the producer, but is intended to limit how performing artists choose to manage their commercial business arrangements on the sound recording side. Artists should be able to decide how to structure their business. **This proposal must be rejected.**
120. Moreover, “First Maker” does not mean “the one owning the rights to the master recording of the musical work”, as referenced in Notice of Consultation 2025-52 and suggested by one participant during the CanCon Workshops.⁶⁵
121. Adding First Maker to the definition of Canadian content would be harmful to Canadian performing artists in two significant ways:
- 1) It would constrain and dictate how performing artists must structure their commercial business relationships in order to be considered “Canadian”; and
 - 2) It would create further imbalance between performing artists and songwriters/composers in the CanCon definition by constraining commercial and, potentially, rights ownership⁶⁶ on the performing artist/sound recording side, but not on the songwriter/composer side, where publishing rights could be held by a foreign publisher and still qualify as “Canadian.”
122. **The Canadian content framework should not dictate how a Canadian artist must structure their business relationships and career in order for their music to qualify for special treatment by the regulator.** Today, music creation is increasingly collaborative and is not limited by national borders. In order to succeed in a highly competitive and saturated market, Canadian performing artists should be free and encouraged to structure their commercial relationships in the way that will best support their career and creative ambitions.

⁶⁴ This is, in fact, how the *Copyright Act* defines “maker.” *Copyright Act*, s. 2. The Consultation defines “First Maker” as “the one owning the rights to the master recording of the musical work,” Notice of Consultation 2025-52 at para. 30, which might better be defined as “current owner” of copyright in the sound recording, and is confusing for two reasons: 1) it eliminates the criteria for maker, and 2) it has nothing to do with who undertook the arrangements for the first fixation. In other words, it is neither “first” nor “maker.”

⁶⁵ Notice of Consultation 2025-52, para. 30; V42 Management Consulting Inc., “[Industry Discussions on Canadian Content Definitions for the Audio Sector](#)”. See also footnote 64.

⁶⁶ If First Maker is defined as set out in Notice of Consultation 2025-52, para. 30.

123. The regulatory framework should celebrate and support Canadian artist success stories, rather than penalize this success. **The CRTC must not stack the deck against artists aiming to find global success in an increasingly global and competitive music industry.** Adding First Maker to the definition of CanCon would do precisely this.
124. Additionally, adding First Maker would create a discriminatory imbalance between performing artists and songwriters/composers in the CanCon definition. Music Canada has already outlined concerns in the section [The Commission’s proposed MAL Definition is unbalanced and undervalues the important role of performing artists](#) above that the CRTC’s proposed MAL Definition creates an unacceptable imbalance between performing artists and songwriters/composers – but adding First Maker would *significantly* exacerbate this imbalance. It would constrain commercial relationships only on the sound recording side, which directly impacts performing artists, but would not do so on the songwriter/publishing side. A songwriter’s song would qualify as “Canadian” if the songwriter is Canadian, even if the rights to the song are held by a foreign publishing company; but a Canadian performing artist could never have a “Canadian” song unless the sound recording rights are held by a Canadian company⁶⁷ or the song is written by a Canadian songwriter. Songwriters would (rightfully) have the freedom to structure their business relationships to best support their careers, but Canadian artists would not. This would be a perverse and unfair result that has nothing to do with defining “Canadian” music.
125. Finally, adding First Maker does not meet *any* of the Commission’s conditions outlined in paragraph 31 of Notice of Consultation 2025-52:
- **Be supported by metadata:** There is no industry-wide definition of “First Maker”. The nationality of the “First Maker,” if defined as set out in Notice of Consultation 2025-52 as “the one owning the rights to the master recording of the musical work,”⁶⁸ is not tracked in any collective database. While Music Canada does not support imposing a radio CanCon definition onto music streaming platforms, it is worth noting that metadata on nationality of the First Maker is not delivered to music streaming platforms. It is also not reported to radio broadcasters.
 - **Be able to be universally adopted by all types of audio services and business models:** This data is not reported to either music streaming platforms or radio broadcasters. This proposal further complicates the assessment of Canadian content, which would *increase* the regulatory burden on broadcasters in a manner that is inconsistent with the *Broadcasting Act* and Policy Direction.⁶⁹
 - **Explain why the changed circumstances in the industry require a different**

⁶⁷ Assuming First Maker is defined as the CRTC does in para. 30 of Notice of Consultation 2025-52.

⁶⁸ Notice of Consultation 2025-52 at para. 30.

⁶⁹ *Broadcasting Act*, s. 5(2)(g); Policy Direction, s. 8(a).

“P” criterion: Adding First Maker would not be responsive to or supported by changing industry practices. In fact, the proposal is a backwards-looking approach that ignores the increasingly global, borderless nature of the modern music industry.

- **Describe how the proposed different “P” criterion would contribute to achieving policy objectives under the Act:** Adding First Maker would penalize Canadian artists who choose to structure their commercial relationships with a view to global success. This runs counter to the policy objectives of the *Broadcasting Act*, particularly the importance of supporting the export of Canadian programs globally.⁷⁰

126. **[Answer to Q6]** As described above, adding First Maker to the definition of Canadian content for musical selections would increase the regulatory burden on radio broadcasters. Also, since there is not an industry-wide definition for First Maker, it would be difficult to track and verify. Neither the broadcasters nor the Commission have ever been involved in assessing the commercial business and rights relationships of performing artists and sound recordings and there is no reason to change that practice.

Emerging Artist (Q7-8)

Q7. Overall, does the Commission’s proposed amended definition for an emerging artist offer an inclusive and traceable definition that can be used by all audio services in English- and French-language markets? If not, how should the proposed amended definition be modified and why?

Q8. Does the proposed amended definition of an emerging artist present any unintended barriers for emerging Indigenous artists or artists from equity-deserving groups? If so, what are those barriers and how should they be addressed? Please explain.

127. **[Answer to Q7]** Music Canada does not agree with tying the definition of “emerging artist” to the first issuance of an ISRC code, as it would artificially and unreasonably constrain which artists can qualify as “emerging artists” under this definition. In particular, this definition does not take into consideration how ISRC codes are being used in the modern music industry, where the barriers to producing and distributing music have never been lower.

128. As explained in the section [The music streaming market is highly competitive and has improved access for both Canadian artists and audiences](#) above, today *anyone* who wants to share their music on streaming platforms can do so easily. In order to upload a song, an artist or their distributor is required to obtain an ISRC code. This means that even hobbyists who are uploading their music on these platforms to share with family and friends would need to obtain an ISRC code.

⁷⁰ *Broadcasting Act*, s.3(1)(d)(ii).

129. The music industry encourages artists to get an ISRC code as early as possible, because ISRCs are necessary for collecting royalties. This is an industry best practice to ensure creators get paid for the use of their works. The Commission’s emerging artist definition works *against* this best practice, because it effectively penalizes artists who get ISRC’s early in their careers.
130. By tying the definition of emerging artist to an ISRC code, it would “start the clock” for artists to be considered emerging long before many artists are actually at a point of beginning a professional career. It would artificially constrain and limit the number of artists who could benefit from policies and regulations to promote emerging artists. This defeats the purpose of designing policies to support the careers of emerging Canadian and Indigenous artists.
131. Music Canada supports the Commission’s goal of arriving at an objective definition of emerging artist and plans to closely review and reply to the proposals of other groups filed in this proceeding.
132. **[Answer to Q8]** Music Canada supports the Commission’s goals of designing policies and regulations that do not create unintended barriers for artists from equity-deserving and Indigenous groups. Music Canada encourages the Commission to listen closely to the views shared by groups such as ADVANCE, Canada’s Black Music Business Collective (“ADVANCE”) and the Indigenous Music Office in these proceedings.

Discoverability - The place and role of traditional radio broadcasters (Q11-13)

Q11. Should content requirements for the broadcast of Canadian and French-language musical selections be maintained for commercial radio stations? Please explain.

Q12. Would reducing the administrative and financial burden on commercial radio stations while maintaining content requirements represent an equitable and sustainable approach to contributions? Would this approach help level the playing field? Please explain.

Q13. Given existing content requirements, how could traditional radio broadcasters enhance the presence of musical content from equity-deserving and ethnocultural communities, including Black and other racialized persons including in a diversity of languages?

133. **[Answer to Q11]** Music Canada agrees with the Commission that the requirements to broadcast Canadian and French-language musical selections should be maintained for commercial radio stations.
134. As outlined in detail in Music Canada’s reply submission to the Radio Processes Consultation, Canadian content airplay obligations are the cornerstone of the regulatory framework governing radio and continue to provide critical support to Canadian artists in

furtherance of the broadcasting policy objectives.⁷¹ They have contributed meaningfully to the development of a domestic Canadian music industry and have helped Canadian artists build audiences across the country. **These requirements remain vital to the support and promotion of Canadian artists today and to ensuring that Canadian voices and stories continue to be heard by Canadian radio audiences.**

135. The continued importance of Canadian content airplay quotas for commercial radio was reaffirmed by the Commission in the recent Commercial Radio Policy Decision.⁷² In that decision, the Commission considered radio broadcaster requests to lower Canadian content requirements and concluded that the existing quota levels remain appropriate and relevant. In doing so, the Commission underscored the critical and enduring role of radio's Canadian content requirements to the achievement of the policy objectives of the *Act*:

- “[T]he Commission considers that Canadian content requirements remain an efficient and relevant tool to ensure the presence of Canadian music on commercial radio stations and to ensure that audiences benefit from the exposure to such content.”⁷³
- “In the Commission’s view, the above seems to indicate that a 35% quota is both achievable for broadcasters and desirable from an audience perspective.”⁷⁴
- “In light of the above, the Commission considers that the minimum requirement of 35% for the broadcast of Canadian content category 2 musical selections remains efficient and flexible enough for broadcasters to achieve, and that this level continues to strike the appropriate balance between the interests of listeners, artists and broadcasters.”⁷⁵

136. The Commission’s determinations in the Commercial Radio Policy Decision remain equally relevant today. Canadian commercial radio stations derive significant benefits from being granted local monopolies through licensed access to scarce public frequencies. In exchange for such access, they should remain subject to Canadian content airplay obligations that are fundamental to the implementation of the policy objectives of the *Broadcasting Act*.

137. **[Answer to Q12]** Music Canada’s submissions on the financial contributions of radio stations are outlined in response to the questions in the [A sustainable financial](#)

⁷¹ Music Canada Reply Submission to Broadcasting Notice of Consultation CRTC 2024-290, filed February 4, 2025, para. 14-18.

⁷² Revised Commercial Radio Policy Decision, Broadcasting Regulatory Policy CRTC 2022-332 (“**Commercial Radio Policy Decision**”).

⁷³ Commercial Radio Policy Decision, para. 240.

⁷⁴ *Ibid*, para. 244.

⁷⁵ *Ibid*, para. 254.

[contribution framework supporting diverse Canadian content \(Q30-31 & Q38\)](#) section below.

138. With respect to the administrative burden imposed on radio broadcasters, Music Canada is supportive of updating regulations to reduce their administrative burden, provided that radio’s obligations to support and air the music of Canadian artists remains a foundational element of the regulatory framework. In particular, Music Canada’s proposed definition for Canadian content for radio (see [Music Canada’s proposal for a Canadian Content definition for radio](#) section above) would be simpler to administer than the current “MAPL” framework, which would reduce the administrative burden of complying with the airplay quota requirements.
139. Music Canada does not agree with the suggestion in Q12 that the regulatory framework should be designed to “level the playing field”. As outlined in the [Radio rules will not work for music streaming](#) section, music streaming and radio have completely different business models. Consistent with the *Broadcasting Act* and the Policy Direction, each should be regulated in a manner that is tailored to the nature of their services.⁷⁶ This means that radio rules should not be imposed on music streaming platforms and radio obligations should not be removed simply because they have not been imposed on the entirely different medium of music streaming.
140. **[Answer to Q13]** A recent study by ADVANCE found that while Black music dominates music streaming (accounting for 65% of streams), it remains underrepresented on radio.⁷⁷ Key stakeholders such as ADVANCE have important views to share on building the success of artists from equity-deserving communities in the broadcasting system, and we encourage the Commission to listen closely to their views.

Discoverability - Music by emerging artists and by Indigenous artists (Q14-15 & Q17)

Q14. Should the Commission maintain the 5% expectation on musical selections from Canadian emerging artists, or should a requirement be considered instead? If a requirement were set, should it be 5% or a different percentage? Please explain.

Q15. What other measures could be considered to incentivize airplay of emerging artists? Please provide details on the applicability and how the proposals would be easily measurable.

Q17. Please comment on a possible implementation of progressive requirements for traditional commercial broadcasters to broadcast Indigenous music selections as per the above table. Would this approach effectively support the promotion and discoverability of Indigenous musical selections? Please explain.

⁷⁶ *Broadcasting Act*, s.3(1)(a.1), 3(1)(f), 3(1)(f.1), 5(2)(a.1); Policy Direction, s. 4.

⁷⁷ ADVANCE, “Industry Analysis & the Value of Black Music”, available at: <https://www.advancemusic.org/advocacy/blackmusic>, page 4, 26-28, 32.

141. **[Answer to Q14 & Q15]** Music Canada agrees that there should be specific requirements for radio broadcasters to support emerging artists. Despite introducing an expectation (rather than a requirement) that broadcasters allocate 5% of musical selections to the music of emerging artists in the Commercial Radio Policy Decision, the Commission’s data demonstrates that few broadcasters met the desired level of airplay.⁷⁸ It is clear that a different approach is needed.
142. With respect to introducing a specific quota requirement to support emerging artists, the success and effectiveness of such a requirement is directly tied to finding an appropriate definition of emerging artist. As indicated in Music Canada’s submissions in the [Emerging Artist \(Q7-8\)](#) section above, we are concerned that linking the definition to the issuance of an ISRC code as proposed by the Commissions could in fact *exclude* many artists who should be considered “emerging” from airplay. It would arbitrarily and improperly limit the number of artists who would qualify and would defeat the purpose of introducing a quota requirement. Further efforts should be made to arrive at an appropriate definition of emerging artists before implementing a quota system.
143. Another way to support emerging artists is through targeted promotional initiatives such as the Bell Media Future Star program.⁷⁹ If an effective quota system is not feasible, Music Canada would recommend expanding similar obligations to support emerging artists to all commercial radio stations.
144. **[Answer to Q17]** Music Canada agrees that radio stations should do more to play and support Indigenous music. Indigenous artists are amongst Canada’s most talented, and Canadian audiences would benefit from greater exposure to Indigenous music on domestic airwaves.
145. In assessing how best to encourage the play and support of Indigenous music, we encourage the CRTC to work closely with Indigenous groups and broadcasters to ensure measures are designed in a way that can be effectively implemented, particularly as it applies to specific radio formats.

Discoverability - Other content (Q21)

| |
|---|
| Q21. Should the Commission consider implementing measures to recognize on-air talent as a form of contribution? If so, please provide examples of measures. If not, please explain. |
|---|

146. **[Answer to Q21]** At paragraph 62 of the Notice of Consultation 2025-52, the Commission notes that some participants of the discussion sessions proposed that expenditures on news programming should count as contributions and “CanCon” within the regulatory framework. Music Canada opposes radio expenditures on news

⁷⁸ Notice of Consultation 2025-52, para. 54.

⁷⁹ Established further to Broadcasting Decision CRTC 2013-310.

programming being considered contributions.

147. As explained in the section [Discoverability - The place and role of traditional radio broadcasters \(Q11-13\)](#) above, radio stations are subject to specific regulations in exchange for being granted local monopolies over scarce public frequencies. Providing news programming to the local communities that radio stations serve is a fundamental element of this regulatory bargain, rather than an over-and-above “contribution”. Music Canada does not support contributions being taken away from supporting the Canadian music ecosystem and artists for commercial radio broadcasters to fund their operations.
148. Music Canada also has serious concerns with the requirement imposed through Broadcasting Regulatory Policy CRTC 2024-121⁸⁰ for music streaming platforms to subsidize the production of commercial radio news outside of major markets. Music Canada’s concerns are detailed in the [News programming on audio services \(Q40-41\)](#) section below.

Fostering discoverability on online audio services (Q22-26 & Q28)

Q22. Which types of financial contributions or targeted initiatives from online audio services can have a measurable impact on the discoverability of Canadian, French-language and Indigenous musical selections? Please explain.

Q23. Beyond ensuring availability, how can online audio services specifically contribute to the increased exposure and prominence of Canadian, French-language and Indigenous musical selections?

Q24. Should the Commission recognize initiatives from online audio services which increase the discoverability of Canadian, French-language and Indigenous content as a form of contribution, similar to how it is suggesting it recognize Canadian and/or French-language content requirements as contributions for traditional radio? Please explain?

Q25. If the Commission recognized such initiatives as a form of contribution, should certain initiatives or types of initiatives be prioritized? How could their outcomes be assessed and/or measured? Please explain.

Q26. Are there any inequities due to shifting dynamics in the industry that specifically prevent Canadian, French-language and Indigenous music from being discovered on online services? If so, what are these inequities and how can they be addressed?

Q28. Do online undertakings collect data identifying Canadian and/or French-language musical selections? If so, what kind of information is available? Can this data help support the discoverability of Canadian content? Please explain.

149. Music Canada applauds the Commission for recognizing that content requirements similar to those applied to radio are not appropriate for on-demand music streaming services.⁸¹ Music streaming platforms provide Canadians with access to virtually all of

⁸⁰ CRTC, Broadcasting Regulatory Policy CRTC 2024-121 (“Contributions Decision”).

⁸¹ Notice of Consultation 2025-52, para. 72.

the world's recorded music. Content quotas would require them to *decrease* choice and *restrict* content access for consumers, which would run counter to the *Broadcasting Act* and Policy Direction.⁸² It would also undermine the listening experience that Canadian audiences have embraced.

150. As outlined in detail in the [Discoverability means promoting Canadian and Indigenous music, not controlling what Canadians listen to](#) section above, any consideration of imposing discoverability obligations on music streaming platforms must begin with a clear understanding of what “discoverability” means. **Discoverability means promoting Canadian and Indigenous music – it does not mean controlling what Canadians listen to.** Trying to hold music streaming platforms accountable for the “market share” of Canadian music Canadians listen to, as some respondents to the Market Dynamics Consultation suggested,⁸³ is simply a quota by another name.
151. It is also critical to begin with an examination of what platforms are *already* doing to promote Canadian and Indigenous music. The Policy Direction is clear that “[t]he Commission is directed to consider both *established* and emerging means of discoverability and showcasing to promote a wide range of Canadian programming” (emphasis added).
152. Over the last decade, music streaming platforms have invested in local teams who work with stakeholders across the music industry to champion Canadian and Indigenous artists, both within Canada and internationally through their global editorial teams and networks. The platforms have a number of initiatives, programs, and tools that are designed to promote these artists and help them reach fans and build audiences. Extensive evidence has been provided throughout this regulatory process on these platform initiatives and investments, yet Notice of Consultation 2025-52 is silent on these points.
153. Music Canada submits that the best way for music streaming platforms to support the discoverability of Canadian and Indigenous music is to **recognize and incentivize the following platform investments and initiatives:**
 - a. investments in local platform teams who work with the industry to champion Canadian artists both domestically and internationally through their global editorial teams and networks;⁸⁴
 - b. marketing and promotion expenditures and initiatives aimed at elevating Canadian

⁸² *Broadcasting Act*, s.3(1)(d)(v); Policy Direction, s. 8.

⁸³ See Music Canada's Reply Submission to Broadcasting Notice of Consultation CRTC 2025-2, filed March 11, 2025, para. 8-27.

⁸⁴ See the following transcripts from the Contributions Consultation: Hearing Transcript Vol. 2, November 21, 2023, Google LLC, line 1581, 1654, 1710; Hearing Transcript Vol. 3, November 22, 2023, Music Canada, lines 2169-2170, 2194, 2240-2241; Hearing Transcript Vol. 4, November 23, 2023, Nettwerk Music Group Inc., lines 3258-3259, 3261; Hearing Transcript, Vol. 8, November 29, 2023, Spotify, lines 6615, 6713, 6724-6726; Hearing Transcript Vol. 10, December 1, 2023, Amazon, lines 8055-8057, 8064, 8148; Hearing Transcript, Vol. 11, December 4, 2023, Apple Canada Inc., lines 8781-8782, 8871, 8874, 8938, 8944.

- and Indigenous artists;⁸⁵
- c. support for the production of original audio and video content;⁸⁶
 - d. initiatives to support artists from Indigenous and equity-seeking groups;⁸⁷
 - e. sponsorships of industry events, live music, and initiatives that promote the health and diversity of the Canadian music industry;⁸⁸ and
 - f. creator-centred incubators, accelerator programs, training, and mentorships.⁸⁹
154. Recognizing the investments and initiatives outlined above would provide platforms the flexibility to tailor their support in a manner that aligns with the nature of their particular service – an approach that is supported by both the *Broadcasting Act* and Policy Direction.⁹⁰
155. **[Answer to Q22]** The initiatives and investments outlined above in paragraph 153 all support the discoverability of Canadian, French-language and Indigenous music. In the user-driven environment of music streaming, promoting Canadian and Indigenous artists requires a range of approaches to help them stand out amidst a sea of content. It involves building awareness of and supporting Canadian artists on and off platform, whether through direct means such as playlists and banners, or through initiatives that help artists build their profile and engage with fans, such as through the sponsorship of industry festivals and events. In addition, platform training and mentorship opportunities help artists and their teams develop the skills and knowledge to reach their fans and engage listeners through streaming.

⁸⁵ See the following transcripts from the Contributions Consultation: Hearing Transcript Vol. 3, November 22, 2023, Music Canada, line 2170; Hearing Transcript Vol. 4, November 23, 2023, Nettwerk Music Group Inc., line 3261; Hearing Transcript, Vol. 8, November 29, 2023, Spotify, lines 6617, 6620-6622, 6725, 6740, 6743; Hearing Transcript Vol. 10, December 1, 2023, Amazon, lines 8058-8059, 8062-8063, 8187, 8225; Hearing Transcript, Vol. 11, December 4, 2023, Apple Canada Inc., lines 8771-8772, 8776, 8873, 8929.

⁸⁶ See the following transcripts from the Contributions Consultation: Hearing Transcript Vol. 2, November 21, 2023, Google LLC, lines 1568, 1711; Hearing Transcript Vol. 10, December 1, 2023, Amazon, lines 8058-8060; Hearing Transcript, Vol. 11, December 4, 2023, Apple Canada Inc., line 8873.

⁸⁷ See the following transcripts from the Contributions Consultation: Hearing Transcript Vol. 2, November 21, 2023, Google LLC, line 1568, 1583, 1711; Hearing Transcript Vol. 6, November 27, 2023, Indigenous Music Alliance and National Indigenous Music Office, lines 4388-4391; Hearing Transcript, Vol. 8, November 29, 2023, Spotify, lines 6620-6621; Hearing Transcript Vol. 10, December 1, 2023, Amazon, lines 8060-8061, 8187, 8225; Hearing Transcript, Vol. 11, December 4, 2023, Apple Canada Inc., lines 8773-8774; 8871-8873, 8876, 8925-8926, 8928-8929.

⁸⁸ See the following transcripts from the Contributions Consultation: Hearing Transcript Vol. 2, November 21, 2023, Google LLC, line 1654; Hearing Transcript Vol. 3, November 22, 2023, Music Canada, lines 2170, 2199; Hearing Transcript, Vol. 8, November 29, 2023, Spotify, line 6623; Hearing Transcript Vol. 10, December 1, 2023, Amazon, lines 8060-8061.

⁸⁹ See the following transcripts from the Contributions Consultation: Hearing Transcript Vol. 2, November 21, 2023, Google LLC, lines 1568, 1583, 1653, 1711; Hearing Transcript Vol. 4, November 23, 2023, Nettwerk Music Group Inc., line 3262; Hearing Transcript, Vol. 8, November 29, 2023, Spotify, lines 6618, 6726; Hearing Transcript Vol. 10, December 1, 2023, Amazon, line 8187; Hearing Transcript, Vol. 11, December 4, 2023, Apple Canada Inc., lines 8876, 8948.

⁹⁰ *Broadcasting Act*, s.3(1)(a.1), 3(1)(f), 3(1)(f.1), 5(2)(a.1); Policy Direction, s. 4.

156. **[Answer to Q23]** Music streaming platforms do a lot more to support Canadian and Indigenous music than simply ensuring the availability of their music on these platforms. While the low barriers to entry for distributing music through streaming has greatly improved access to Canadian and Indigenous music, platforms' support of Canadian and Indigenous artists does not stop there. As outlined above, there are a range of platform investments and initiatives that promote Canadian music, and which should be recognized and incentivized through the regulatory framework.
157. **[Answer to Q24]** Yes, the Commission should recognize platform initiatives which increase the discoverability of Canadian, French-language and Indigenous content as a form of contribution. The investments and initiatives outlined in paragraph 153 above are precisely the types of contributions that the discoverability objectives set out in the *Broadcasting Act* and Policy Direction are intended to support. Failing to recognize these contributions to the Canadian music industry puts these vital contributions at risk.
158. **[Answer to Q25]** The best way to support the discoverability of the music of Canadian and Indigenous artists is to ensure that platforms continue to employ local platform teams that champion these artists. They not only support the discoverability of domestic artists within Canada, but also use their global network to help these artists build audiences internationally. The regulatory framework must not jeopardize these critical on-the-ground investments in local Canadian platform teams.
159. **[Answer to Q26]** Music streaming has greatly improved Canadians' access to the music of *all* artists, including Canadian, French-language, and Indigenous artists. There are no impediments or barriers for these artists to distribute their music on streaming platforms and nothing prevents Canadians from searching for and listening to this music.
160. Music streaming platforms provide a number of tools to help artists and their teams leverage the potential of music streaming to drive engagement with their fans.⁹¹ The best way to ensure that Canadian, French-language, and Indigenous artists are empowered to make the most of streaming's potential is to recognize the platforms' investments in local teams and training opportunities that educate artists on these valuable tools.
161. **[Answer to Q28]** As explained in the [Operational challenges of implementing the MAL Definition for music streaming](#) section above, metadata on the nationality of performing artists, songwriters, and composers is not delivered to music streaming platforms.

⁹¹ See the following transcripts from the Contributions Consultation: Hearing Transcript Vol. 2, November 21, 2023, Google LLC, lines 1653, 1711; Hearing Transcript Vol. 4, November 23, 2023, Nettwerk Music Group Inc., line 3262; Hearing Transcript, Vol. 8, November 29, 2023, Spotify, lines 6618, 6726; Hearing Transcript, Vol. 11, December 4, 2023, Apple Canada Inc., lines 8876, 8948.

A sustainable financial contribution framework supporting diverse Canadian content (Q30-31 & Q38)

Q30. Does the Commission’s preliminary view for a renewed annual financial contribution framework, which includes online and traditional audio undertakings, align with various business models found within the current broadcasting system? Please explain.

Q31. How can the Commission ensure that traditional audio undertakings (radio stations, satellite and pay audio services,) and online audio services contribute equitably to the development and promotion of Canadian content? Should the financial contribution level be the same or different for various types of undertakings? Please explain.

Q38. How much do tangible benefits support the long-term viability of the broadcasting system? Should the Commission look at other sources of funding to ensure sustainability and predictability of the system?

The Contributions Decision puts at risk platforms investments that support Canadian and Indigenous artists

162. **[Answer to Q31] In considering how to refine the contributions framework, Music Canada submits that the Commission should reconsider the music streaming platform contributions set through the Contributions Decision by recognizing platforms’ direct investments in Canada as qualifying contributions.**⁹² Music Canada has raised serious concerns regarding the decision and how it puts at risk platforms’ investments in Canada, particularly investments in local teams and initiatives that are critical to helping Canadian and Indigenous artists succeed in the highly competitive global streaming market.⁹³
163. Music Canada has engaged in this regulatory process as a once-in-a-generation opportunity to create new and meaningful opportunities for Canadian and Indigenous artists and the businesses that invest in them. A contribution framework designed for the digital streaming marketplace requires new models and new criteria to reflect how music is made and listened to today and expand opportunities for Canadian and Indigenous artists to achieve commercial success on global platforms. Unfortunately, the Contributions Decision – and the significant allocation of platform contributions to commercial radio news – reflects a missed opportunity to truly start from a “blank page” and develop a framework that harnesses the power of streaming to help artists build audiences at home and abroad.

⁹² Music Canada has filed a motion with the Federal Court of Appeal seeking leave to intervene in the appeal of the Contributions Decision. Specifically, Music Canada is asking the court to consider music streaming services’ direct investments in Canada among qualifying contributions. See Music Canada’s [public statement](#) dated April 22, 2025.

⁹³ Music Canada, “[Canada needed a reimagined broadcasting system. The CRTC’s contribution decision offers more of the same while risking the important role played by licensed streaming in building the careers of artists](#)”, July 23, 2024.

164. A 5% levy on music streaming is unprecedented. The value of the levy was set without reference to the role that music streaming platforms have played in helping the music industry rebound from over a decade of piracy, or the fact that music streaming is the key driver of revenue for Canadian artists and companies across the Canadian recorded music industry.
165. Critically, the Contributions Decision fails to take into account platforms' local investments that are essential to helping Canadian and Indigenous artists leverage the domestic and global reach of music streaming. During the Contributions Consultation, Music Canada urged the Commission to recognize as contributions the platform investments in local Canadian teams, along with their investments and expenditures that support the discoverability of Canadian and Indigenous music.⁹⁴ Failing to recognize these investments in setting the platform contributions jeopardizes these critical supports for domestic artists.
166. **The presence and investment of music streaming platforms in Canada is essential to the success of Canadian and Indigenous artists and to the sustainability of the domestic music industry.** The contributions framework should not impose contributions that would dissuade new services from entering the market or cause incumbents to reduce investments in Canada. We cannot risk creating regulations that would threaten these vital on-the-ground investments.
167. The allocation of funds collected through the levy further exacerbates the potential damage to the Canadian music industry. In particular, allocating 30% of music streaming platform contributions to support commercial radio news does nothing for the Canadian and Indigenous artists who we believe should be at the centre of this framework. Any contributions by platforms should be directly tied to their business models. Platforms that do not produce or distribute news should not be required to fund the production of news. The contributions framework for music streaming should focus on helping domestic artists compete in the highly competitive global streaming market – not prop up the traditional broadcasting system. Furthermore, the music ecosystem should not be called upon to cross-subsidize the news industry.
168. Refining the contributions framework is an opportunity to correct the problems with the Contributions Decision outlined above. **This requires recognizing as contributions what platforms are *already* doing to support Canadian and Indigenous artists and ensuring that these vital investments are protected and incentivized.**

⁹⁴ See paragraph 153 above and Music Canada's Final Submission to Broadcasting Notice of Consultation CRTC 2023-138, filed February 15, 2024, para. 4-8.

The contributions framework should be tailored to the nature of the services being regulated

169. **[Answer to Q30 & Q31]** Music Canada has concerns with how the Commission is approaching refining the contributions framework in Notice of Consultation 2025-52. Music streaming, radio, satellite radio, and pay audio are not a cohesive group of “audio services” that should be regulated and contribute in the same way. Doing so fails to take into account the significant differences between the business models of music streaming and radio, as outlined in the [Radio rules will not work for music streaming](#) section above.
170. The regulatory framework should be designed to take into account the distinct business models and markets of each type of service. This must be firmly rooted in an understanding of how music streaming differs from both terrestrial and satellite radio broadcasting and from pay audio and audiovisual streaming. This priority would be consistent with the *Broadcasting Act* and the Policy Direction, which require the regulatory framework to be responsive to the nature of the services and distinguish between foreign and domestic undertakings.⁹⁵
171. In particular, in assessing whether regulated contributions by platforms are warranted, the Commission cannot lose sight that music streaming is the key economic driver for the Canadian recorded music industry. As explained in the [Licensed music streaming is driving growth for the Canadian music industry](#) section above, the regulatory framework must recognize the importance and growth of music streaming revenue for the Canadian music industry ecosystem and should be carefully calibrated to support, not hinder, this growth.

Refining the contributions framework of radio broadcasters

172. **[Answer to Q30 & Q31]** In examining how to refine contributions of commercial radio stations, the Commission cannot lose sight of *why* radio stations are required to make contributions that support Canadian and Indigenous music. The contributions by radio are part of a regulatory bargain established by the Commission in exchange for radio stations being granted a local monopoly over scarce public spectrum. This regulatory bargain remains relevant today and should not be diluted simply because music streaming platforms operate in Canada.
173. With respect to the Commission’s proposal to revise the radio contributions framework to apply to ownership groups with revenues over \$25 million, Notice of Consultation 2025-52 does not provide sufficient data or information to enable the public to properly assess the impact of this proposal.
174. Due to the commercial sensitivity and confidentiality of broadcaster financial

⁹⁵ *Broadcasting Act* s.3(1)(a.1), 3(1)(f), 3(1)(f.1), 5(2)(a.1); Policy Direction s. 4.

information, the Commission only publishes revenue information for the top 5 ownership groups.⁹⁶ That data demonstrates that the top 5 ownership groups owned 41% of commercial radio stations in Canada in 2023.⁹⁷ However, there is insufficient data to accurately assess how many other ownership groups would be required to make Canadian content development (“CCD”) contributions based on the proposed \$25 million threshold, the number of radio stations those ownership groups own, or the impact of this change to overall CCD contributions.

175. While we agree that the Commission should not disclose confidential revenue data of broadcasters, we encourage the Commission to provide the following key data points to allow the impacts of the Commission’s proposal to be assessed:
- a. The aggregate number of radio stations that are part of ownership groups that would be required to contribute under this threshold;
 - b. How that number compares to the number of radio stations that currently make CCD contributions because their revenues are above \$1.25 million; and
 - c. How the value of total annual radio CCD contributions is projected to change using the proposed \$25 million threshold and the current contributions rate for commercial radio.
176. The Commission notes that the choice of a \$25 million exemption level for ownership groups is intended to provide “consistency” with the \$25 million threshold used for music streaming platforms as set out in the Contributions Decision. While we can’t comment on the appropriateness of a \$25 million threshold for radio for the reasons outlined above, we do not agree with standardizing regulations across all audio services. As explained above, audio services are not a cohesive group and regulations for each type of service should be tailored to the nature of their specific business model.
177. Ultimately, the design of contributions for radio broadcasters should maintain the historical regulatory bargain that underpins radio regulations. The operation of music streaming services in Canada does not alter this regulatory bargain or justify the reduction of contributions by radio stations.
178. **[Answer to Q38]:** Music Canada submits that the Commission’s current Tangible Benefits Policy should be maintained. The variance and unpredictability of the funding provided through tangible benefits does not nullify the importance of these contributions to supporting the careers of Canadian and Indigenous artists and meeting the policy

⁹⁶ Tab RD-T9 in "Data-Radio" dataset available through the CRTC Communications Market Reports - Open Data, April 2025.

⁹⁷ Following Bell Media’s sale of 45 radio stations announced in 2024, we estimate that the top 5 ownership groups will own 35% of Canadian commercial radio stations. See Broadcasting Dialogue, “[Bell to reduce workforce by 4,800, divest 45 radio stations](#)”, February 8, 2024.

objectives of the *Broadcasting Act*.

179. In the recent Commercial Radio Policy Decision, the Commission determined that the Tangible Benefits Policy should be maintained, as these contributions provide critical support to the broadcasting system.⁹⁸ The Commission reaffirmed that tangible benefit contributions by radio stations serve the public interest by funding the development of Canadian content, and remain appropriate and proportionate given the absence of a competitive process for changes in ownership and control of broadcasting undertakings.⁹⁹ The Commission's conclusions regarding the continued relevance and purpose of the Tangible Benefits Policy remain equally applicable today.

News programming on audio services (Q40-41)

Q40. How can a modernized broadcasting regulatory framework support the availability of audio news programming? Specifically:

- Does the proposed creation of the fund to support news production stemming from Broadcasting Regulatory Policy 2024-121 provide enough support to ensure the accessibility of news in Canadian communities? Please explain.
- Should the Commission impose more prescriptive obligations regarding audio news programming? If yes, what should those obligations be and why?
- What measures could the Commission consider to support audio news programming in Indigenous languages and in a diversity of languages that reflect ethnocultural communities, including Black and other racialized persons?

Q41. Aside from making contributions into a news fund as ordered through Broadcasting Order 2024-194, how could online undertakings support news programming?

180. **[Answer to Q41]** Music Canada relies on and reiterates its submissions made in response to the Radio News Fund Consultation.¹⁰⁰ **Music Canada submits that the music streaming platform subsidy for commercial radio news should be eliminated, and no additional obligations should be imposed on music streaming services to support news programming.**
181. The CRTC's Contributions Decision requires applicable music streaming platforms to contribute 1.5% of Canadian revenues (30% of the 5% levy) to a new fund to support commercial radio news in smaller markets. This allocation of funding away from the music industry to subsidize commercial radio news puts at risk critical platform investments in Canada that help Canadian and Indigenous artists succeed in the highly competitive global streaming market. **Music streaming money that goes to commercial radio news does nothing for the Canadian and Indigenous artists who we believed would be at the centre of this framework.**

⁹⁸ Commercial Radio Policy Decision, para. 160.

⁹⁹ Ibid, para. 158-160.

¹⁰⁰ Music Canada Submission to Broadcasting Notice of Consultation CRTC 2024-270, filed December 4, 2024 (“**Commercial Radio Fund Submission**”), para. 2-6.

182. Local radio news undoubtedly provides an important service to surrounding communities. But the public value of local news does not justify the significant subsidy of commercial radio news programming by music streaming platforms.¹⁰¹ Platform funding of commercial radio news, which music streaming platforms do not produce, also runs counter to s. 3(1)(a.1) of the *Broadcasting Act*, which states that each broadcasting undertaking should contribute to the broadcasting system “in a manner that is appropriate in consideration of the nature of the services provided by the undertaking.”¹⁰²
183. Ultimately, the diversion of 1.5% of platform revenues to subsidize commercial radio news risks harming Canadian and Indigenous artists who rely on music streaming platforms’ presence and investments in Canada. The local platform teams partner with major labels, indie labels, artists, and their various teams to amplify the music of those artists and help them build audiences in a highly competitive market. **The radio subsidy jeopardizes these critical on-the-ground domestic investments by platforms that support Canadian and Indigenous artists and fails to direct money where it is needed most: to provide artists with the tools and opportunities they need to leverage the potential of the global streaming market.**
184. **[Answer to Q40]** With respect to the Commission’s question as to whether the funding provided by platforms as set out in the Contributions Decision is “enough support”, Music Canada reiterates the concerns raised in our submission to the Radio News Fund Consultation that the fund is being established without a firm evidentiary basis for the need for such funding.¹⁰³ This foundational issue must be addressed *before* the Commission considers whether the level of funding mandated in the Contributions Decision is sufficient.
185. In the Commercial Radio Policy Decision, the CRTC found **no evidence of a shortage of local news** coverage and declined to set up a fund to support local news due to the difficulty in assessing the “needs and funds available.”¹⁰⁴ The evidence filed in the Contributions Consultation did not fill these evidentiary holes. The Contributions Decision does not explain why the CRTC chose to reverse course from its recent Commercial Radio Policy Decision.
186. In fact, the most recent data published by the CRTC on radio news expenditures indicates that expenditures on radio news have *increased* 4.3% since 2018.¹⁰⁵ This does not support the finding that local radio news outside of major markets represents an area of immediate need to justify a significant subsidy from music streaming platforms.

¹⁰¹ *Radio Regulations*, 1986, s. 15(2).

¹⁰² *Broadcasting Act*, s. 3(1)(a.1).

¹⁰³ Commercial Radio Fund Submission, para. 7-9, 14-18.

¹⁰⁴ Commercial Radio Policy Decision, para. 411-414.

¹⁰⁵ CRTC, “[Annual Highlights of the Broadcasting Sector, 2021-2022](#)”, page 11.

187. As explained above, commercial radio stations benefit significantly from being granted local monopolies over scarce public frequencies. These stations serve an important role in their communities and should be required to provide local news programming as part of their regulatory obligations. Music streaming platforms should not subsidize the operational costs of commercial radio stations, including with respect to news.

The future of audio - Artificial Intelligence (Q43-45 & Q47)

Q43. Under what circumstances can AI-generated music be attributed to a Canadian for the purpose of meeting the MAPL criteria?

Q44. Can AI be used innovatively to promote Canadian content? Please explain.

Q45. How is the use of AI by online and traditional audio undertakings impacting the discoverability of Canadian content?

Q47. Should the use of AI and the purpose for which it is used by broadcasting undertakings be disclosed? Please explain.

188. We appreciate the Commission’s recognition of the impact that AI has on the audio sector, and its interest in issues raised by the use of AI such as transparency.
189. Tools driven by AI play an increasingly important role in the artistic process in the music sector, including in audio mixing, mastering, computer-aided orchestration, and elsewhere. AI is a tool that can help unlock an artist’s creativity or find efficiencies in processes – but it is not a substitute for the human element of creativity.
190. But AI models and systems are not Canadian creators, artists or songwriters. Content created by generative AI alone does not warrant recognition as Canadian content, just as works or recordings created solely by generative AI do not warrant copyright protection. There is wide agreement amongst virtually all stakeholders actively engaged on generative AI and copyright on this point.¹⁰⁶
191. Canadian artists and songwriters may decide to use AI products as *tools* in their creative process, but those tools are no substitute for Canadian voices and stories.
192. Music Canada and other stakeholders have been engaged extensively with the federal government on matters relating to generative AI and copyright to help ensure that copyright frameworks are upheld in the face of training on works and sound recordings by AI models and systems without permission of rightsholders. We further detailed that work in our submission to the Audiovisual Consultation.¹⁰⁷

¹⁰⁶ Innovation, Science, and Economic Development Canada, “[What We Heard Report: Consultation on Copyright in the Age of Generative Artificial Intelligence](#)”, pages 9-10.

¹⁰⁷ Initial Submission of Music Canada to Broadcasting Notice of Consultation CRTC 2024-288, filed January 20, 2025, para. 17-18.

193. **[Answer to Q43]:** Extending Canadian content qualification or copyright to generative AI outputs created solely by AI risks devaluing Canadian (human) creators and flooding the marketplace with machine-made content, making it harder for consumers to find and support the human-made content from Canadian artists they love.
194. Moreover, if generative AI systems are used to harvest and repurpose Canadian content into unlicensed outputs, it risks fundamentally undermining the production and discoverability of Canadian content and effectively whitewashing existing Canadian content into unlicensed products.
195. **[Answer to Q44 & Q45]:** Among the many uses of AI as a tool in the music sector is that it can be used to help artists find their fans in new markets, create new and exciting ways for artists to engage with fans, and to help music streaming platforms understand more about what fans want to hear and when. It is important that AI tools for discoverability and fan engagement be free to develop in a way that serves artists and how they want to reach their fans, so long as those tools are trained ethically and with a respect for the intellectual property rights that made them possible.
196. **[Answer to Q47]:** Transparency and labelling of works or sound recordings created solely by generative AI is essential to protect both consumers and the creative industries.

Conclusion

197. Music Canada appreciates the opportunity to file this written submission in this proceeding.

Request to Appear at Hearing

198. Music Canada requests to appear at the public hearing. As the representative of Canada's major labels whose business model is to partner with, support, and celebrate Canadian and Indigenous artists, whether signed to them or their partner independent labels, we have unique insights into how a modernized regulatory framework can best support Canadian and Indigenous music. At the hearing, we will also be able to elaborate on our submission to help shape the Commission's work.
199. We are prepared to participate in person at the main location for the public hearing in Gatineau.

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