



Ottawa, 15 February 2018

Our reference: 8663-A182-201800467

BY EMAIL

Dr. Shan Chandrasekar
Asian Television Network International Limited for FairPlay Coalition
atn@asiantelevision.com

Tamir Israel
Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic
University of Ottawa, Faculty of Law, CML Section, 57 Louis Pasteur Street
Ottawa, Ontario K1N 6N5
cippic@uottawa.ca

Re: Application to disable on-line access to piracy sites – Procedural Request

On 29 January 2018, Asian Television Network International Limited filed an application on behalf of itself and a number of other persons (collectively, FairPlay Canada) seeking the establishment of a regime that would serve to identify websites and services that are “blatantly, overwhelmingly, or structurally engaged” in copyright piracy and result in a requirement on Internet Service Providers to block access to such identified sites and services.

On 2 February 2018, the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic (CIPPIC), on behalf of itself and OpenMedia, filed a letter in response to the above-referenced application. In its letter, CIPPIC argues that the procedural steps and timelines set out in the *CRTC Rules of Practice and Procedure*¹ for Part 1 applications will not provide interested persons with the proper ability to test the evidence put forth in the application and provide fulsome representations on the matters raised.

CIPPIC stated that the above-referenced application raises a number of far-ranging and complicated questions of law, fact and policy the resolution of which could have significant

¹ SOR/2010-277

impact and unintended consequences. As such, they submitted that the Commission should amend the otherwise applicable procedures as follows:

- The deadline for submitting answers and interventions be extended to a minimum of 60 days;
- Establishing a second comment period with an associated deadline to submit comments set no earlier than 30 days following the deadline to submit answers and interventions;
- Establishing formal procedures for the issuing and responding to requests for information, including the possibility of inter-party requests;
- Establishing a right of reply for all parties with a submission deadline set for after the completion of the request for information process proposed above;
- Holding a public hearing; and,
- Establishing a final right of comment.

CIPPIC also requested that the Commission consider staying consideration of the application and instead issue a notice of consultation to consider the matters raised.

Responses to CIPPIC's procedural request were received from the Union des consommateurs (Union), the Forum for Research and Policy in Communications (FRPC), the Canadian Network Operators Consortium Inc. (CNOOC), the Public Interest Advocacy Centre (PIAC) as well as FairPlay Canada. By letter dated 9 February 2018, CIPPIC provided a reply to the responses received.

Union, FRPC and PIAC supported CIPPIC's request for extended timelines and additional process. PIAC and the FRPC also supported CIPPIC's alternative request for the issuance of a notice of consultation. CNOOC agreed with CIPPIC that a more extensive process is justified in this proceeding but proposed that only a single round of reply comments be provided for. While FairPlay Canada did not object to extending the timelines for the filing of interventions and reply comments, it argued that the additional process requested by CIPPIC was not required at this time and that it would be best for the Commission to determine whether and what additional process may be justified only after it has reviewed the initial submissions it receives. FairPlay Canada requested that it be provided with 30 days to file its reply comments in the event that the Commission grants the requested extension of time to file interventions.

In reply, CIPPIC noted that all parties generally supported a change to the established procedures. It remained of the view that its procedural request would serve to provide the

Commission with a fulsome record but indicated that it could accept CNOC's proposed procedural amendments.

Having regard for both the breadth and the importance of the issues raised in the above-referenced application, Commission staff considers it reasonable to amend the timelines associated with this application as follows:

- Any interested person can file an intervention with the Commission, serving a copy on the applicant, by no later than **29 March, 2018**; and
- The applicant may file reply comments by no later than **23 April, 2018**.

The Commission will determine at a later time whether further process is warranted, and if so, in what form.

Sincerely,

Original signed by

Stephen Millington
A/Senior General Counsel and Executive Director
Canadian Radio-television and Telecommunications Commission

cc: Union des consommateurs,
the Forum for Research and Policy in Communications
the Canadian Network Operators Consortium Inc.
the Public Interest Advocacy Centre