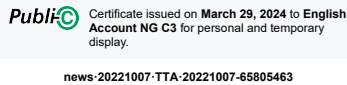


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## Online creators fear the worst of streaming bill

Should Netflix or YouTube be required to push Canadian content on their platforms?

Raisa Patel Toronto Star

**O**TTAWA - OTTAWA Montreal-based animator Justin Tomchuk is worried.

Across his two YouTube channels, the 32-year-old content creator has amassed hundreds of thousands of followers and more than 100 million views.

Content creation is his full-time job, and his success has allowed him to hire other people to help him make his videos.

But Tomchuk is concerned his content might get caught up in Ottawa's online streaming bill, which would subject streaming giants like Netflix, Spotify and YouTube to the same regulations that already apply to conventional television and radio broadcasters in Canada. That means some of those rules - like determining what percentage of what you see and hear on Canadian airwaves is actually Canadian content (Cancon) - could also be applied to streaming sites. Requirements around promoting Cancon, which is content that meets certain criteria ensuring it is partly created by Canadians, have been in place for decades in an effort to support Canadian productions.

"Let's say if you're a Canadian musician... and (YouTube) starts showing your music to other Canadians artificially. It doesn't necessarily mean that those people that are seeing your video are the best audience for your music," Tomchuk told the Star.

"It just means that they're Canadian. And so you're going to be showing your videos to people who have less interest in your video."

Tomchuk is one of many online creators worried the effect of such requirements could teach website algorithms that Canadian content is not worth recommending. If people don't have an interest in Cancon, the argument goes, algorithms will tell streaming sites that such content isn't something people want to see - both within the country and outside of it.

Tension over the issue was amplified this week by YouTube, after the company launched what it called an "extraordinary" campaign against the bill.

YouTube's chief business officer Robert Kyncl issued an email to creators, which was obtained by the Star, warning that

Justin Tomchuk is one of many online creators worried the effect of such requirements could teach website algorithms that Canadian content is not worth recommending. Peter McCabe for THE TORONTO STAR

Bill C-11 "has the potential to put the Canadian creators who build on our platform at a significant disadvantage."

In a similar blog post, chief product officer Neal Mohan wrote Wednesday the bill could "change the personalized experience of millions of Canadians who visit YouTube every day."

He said YouTube uses "signals" like the amount of clicks a video gets, how long someone sticks around to watch it, and how often it is shared and liked to "introduce viewers to new content and creators they may not have thought to look for."

Mohan said the bill would require the platform to "manipulate" how it uses those metrics to recommend videos, and said it could also lead to a situation where Cancon that doesn't have much engagement would not be recommended on a "global scale."

On Thursday, Heritage Minister Pablo Rodriguez fired back at YouTube, saying online platforms like YouTube are free to "control their own algorithms."

"I don't necessarily appreciate a company trying to intimidate Canadians," he said of YouTube's comments.

A government source confirmed to the Star it will not be up to the Canadian Radio-television and Telecommunications Commission (CRTC) alone to decide how so-called "discoverability" requirements will operate on each platform; rather, the regulator will need to work closely with companies to determine what works best.

The source also said the "crux" of the discoverability issue among digital creators is that they're not targeted by the legislation in the first place.

Indeed, one of the most contentious debates over C-11 has revolved around whether "user-generated content" - or regular videos posted by individuals - would be subject to regulation.

The government has insisted the bill only concerns commercial content, and has repeatedly said users like Tomchuk will not be regulated.

But one section of the bill "spells out the circumstances under which the CRTC can establish those regulations on user content," said Michael Geist, a Canada research chair in internet and e-commerce law at the University of Ottawa.

"I think the read from most people is that there's a wide latitude for the CRTC to do exactly that."

Regardless of whether individual content is subjected to discoverability mea-

sures still leaves the question of whether controlling what people see online is a valid way to support Canada's film, television and music sector.

"I just think it is wrong for the government of Canada to be in the business of promoting any content in any capacity," said J.J. McCullough, a former political commentator and writer who now broadcasts to nearly 850,000 subscribers each week on his YouTube channel.

"Bill C-11 is sort of based on a false pretence, which is the idea that Canadians and Canadian content needs a paternalistic, helping hand from the federal government, because otherwise, we would just be destined to wilt on the vine," he said.

For the most part, the issue of discoverability depends on how it works in practice, said Sen. Paula Simons, a member of the Senate committee studying the bill.

If discoverability means something like promoting Canadian content on Netflix's front-facing portal, for example, "then I think it's relatively benign," Simons said. "If we're talking about dynamic discoverability, getting people to torque their algorithms, then I have a lot more discomfort."