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May 26, 2008

Mr. Robert A. Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON
K1A 0N2

Re: CRTC Broadcasting Public Notice CRTC 2008-16

**Call for Comments on the Definition of Emerging
Canadian Artists on Commercial Radio**

Dear Mr. Morin:

INTRODUCTION

1. These are the written comments regarding the definition of emerging Canadian artists on commercial radio, submitted by the Canadian Independent Recording Artists' Association (CIRAA).
2. CIRAA is a national not-for-profit association exclusively representing Canadian independent recording artists. Serving over 4,000 members across Canada, our mandate is focused on advocacy, education and member services.
3. In both written and oral presentations as part of the review of Canada's commercial radio policy in 2006, CIRAA presented a position with respect to emerging artists and recommended an emerging artist quota for CanCon airplay based on the definitions we provided.
4. We agree with the CRTC that the first step towards increasing emerging radio artist airplay is to clearly define who emerging radio artists are. The second step is to

decide whether to add emerging radio artist airplay to Conditions of Licence, and how to use either a “quota” or a “bonus” system for radio stations based on that definition. We are thankful that the CRTC is taking the first step.

5. Our proposal is very simple and brief, as we believe the CRTC’s emerging radio artist policy can and should be.

THE IMPORTANCE OF WORDS

6. Understanding that the specific term that the Commission seeks to define is “emerging Canadian artists on commercial radio”, CIRAA wishes to state the importance of ensuring that the definition is indeed limited to use with respect to radio.
7. The music industry is changing very rapidly and even *it* is inconsistent with defining “emerging” or “established” artists in a general sense.
8. Today’s independent recording artists are finding new and innovative ways to build their careers. Some artists are giving away their music online, building a fan club and performing in front of thousands of fans on tour. Other artists are selling units in ways that are untracked by conventional methods, such as selling “digi-cards” with passwords for fans to use to download music, rather than the usual CD or iTunes release. Some artists are getting significant airplay at college and online radio, which is also untracked. Other artists are making a name for themselves by becoming media stars through YouTube or *Canadian Idol*, without receiving any radio airplay. Some artists make substantial incomes writing songs for others, while their own solo projects receive little or no attention.
9. These are just a few of the variables in play. The traditional ways of defining an artist’s overall success simply by looking at radio chart information and retail album sales are behind us. The new models being developed by artists and managers are varied and unpredictable and the methods used to gauge success are also evolving.
10. Here is a quote from Terry McBride, the President of Nettwerk, heard recently on CIRAA’s educational podcast series, *The New Indie*:

“You have a lot of artists that sell a million or two million units due to Top 40 radio that can't sell out a 1,000 seat club. You have artists that don't get any radio play that sell out arenas.”
11. In keeping with the Canadian Content policy scope of this proceeding, we strongly recommend that the use of the definition of “emerging Canadian artists on commercial radio” be limited exclusively to radio measurement criteria (audience exposure), not record store sales, digital sales or any other indicator.
12. For greater certainty, we suggest using the terms: “emerging radio artist” and “established radio artist”.

USING CHART POSITION AS THE KEY FACTOR IN DEFINING “EMERGING”

13. CIRAA understands that the Commission believes a definition based on chart position attained by artists on trade charts used by the Commission to determine hits may be the most practical, since current and historical chart information is relatively easy for the music and broadcast industries and the Commission to obtain.
14. We want to briefly explain why we think this measurement system would be inherently flawed. We will also propose a solution that we believe balances accuracy and accessibility in determining the ultimate measurement and definition of emerging Canadian artist on commercial radio.
15. CIRAA’s position is that time should not be a factor at all in determining whether an artist is “emerging” or “established”. If artists have not reached a certain cumulative exposure level over the period of their career to date, they are still “emerging radio artists” and should be considered as such.
16. At the radio review hearings in May 2006, some of the “emerging artists” mentioned by the Canadian Record Industry Association (CRIA) included Mobile, DD Clifford, Matthew Barber and Amanda Stott.
17. By any of the chart-position-based definitions used in the “Emerging Canadian Artists on Commercial Radio” study released by the Commission on February 27, 2008, none of the artists listed above would still be considered emerging. CIRAA believes that while these artists have all achieved admirable success, they are by no means household names in Canada, and should not be considered “established radio artists”, as would be the case under a chart-based emerging radio artist definition.
18. Let’s explore the Mobile example. They released their debut album, *Tomorrow Starts Today*, in 2006. The album featured a #1 rock single, debuted in the Top 10 Canadian sales, and earned two Juno awards for Rock Album of the Year and New Group of the Year. Radio played an important part in their success, but it is our contention that it would be a mistake to remove Mobile from consideration as emerging radio artists based on a peak chart position attained for a single off of their first album. We believe that until Mobile is an unequivocal household name in Canada, as determined by cumulative radio exposure, they should not be considered established radio artists.
19. Our own analysis of several randomly selected recent all-format charts shows that a number of moderately successful artists will be “left out in the cold” if they are considered to be “established” based simply on time on the charts.
20. Here are a few brief case studies that demonstrate our point (data provided by Nielsen BDS as of May 12, 2008):
21. The 2006 *Canadian Idol* winner Eva Avila peaked at the #6 position on the All-Format chart with her single “Meant to Fly”. Her debut album, *Somewhere Else*, sold more than 70,000 copies and the single “Meant to Fly” sold more than 10,000 units. As of May 12, 2008, however, her cumulative spins are only 60,958. We do not believe Eva Avila is an “established Canadian artist on commercial radio”, like you would The Tragically Hip.

22. In 2007, pop artist Elise Estrada had two Top 40 charting singles, “Insatiable” (which reached #20) and “Unlove You” (which reached #11). As of May 12, 2008, her cumulative spin numbers are 30,010. Under a chart-based emerging radio artist definition, later this year Estrada would no longer be considered emerging, despite the fact that as of the date of this filing, the full length album containing these Top 40 singles had yet to be released. We do not believe Elise Estrada should be considered an “established Canadian artist on commercial radio”, like you would Avril Lavigne.
23. Even a long-standing artist such as Kardinal Offishall should not be considered “established”. Over his more than decade-long music career, his songs have only received a cumulative 25,102 spins on Canadian commercial radio (as of May 12, 2008). Due to the Hip-Hop format of his music, he has been limited in the amount of radio play that he has been able to access nationally. His current radio single, “Dangerous” featuring Akon, is his first major cross-over hit, and held the #12 position on the May 23, 2008 Canadian Hot 100 Chart. He is just hitting his stride, and we do not believe Kardinal Offishall should be considered an “established Canadian artist on commercial radio”, like you would Neil Young.
24. CIRAA believes that an artist should receive significant exposure to help make them a “household name” before being considered an “established Canadian artist on commercial radio”. The only fair and accessible way to measure that exposure is through cumulative national spins over an artist’s entire career, considering the artist’s full body of work.

CIRAA’S APPROACH TO DEFINING EMERGING ARTISTS

25. In the context of this very specific Canadian radio policy discussion, CIRAA’s position is that the determination of who is or is not an “emerging radio artist” should *solely* be based on airplay and/or audience exposure, which is the most relevant measure.
26. In our view, an artist only becomes an “established radio artist” after reaching a certain exposure level with Canadian radio listeners. We believe that national cumulative radio spins over the artist’s entire body of work most fairly calculates this measurement. Nielsen BDS has confirmed the feasibility of producing a national cumulative spin chart, and could make it widely available and easily accessible by all stakeholders.
27. We recommend that the Commission considers utilizing national cumulative spin data, which would measure cumulative spins over the span of an artist’s entire catalogue of songs. A threshold number of spins can be identified by the Commission in consultation with the music industry, after which an artist is no longer considered an “emerging radio artist” and becomes an “established radio artist”.
28. CIRAA believes that the level of spins required to graduate from “emerging” to “established” artist should be set extremely high, so that artists are unequivocally “household names” in Canada. In the 2006 review of radio, we made some suggestions as to what that graduation number might be, however we are not

proposing here where that bar should be set. When appropriate, an industry committee can be established to thoroughly examine all the relevant and necessary data to determine the appropriate spin level to determine who is an “established radio artist”.

CONCLUSION

29. Our goal, shared by many within the Canadian music industry, is to see a modernization of CanCon regulations, in which new and diverse voices gain more access to Canadian airwaves.
30. CIRAA’s main concern in this discussion lies with who may potentially be excluded from consideration as an “emerging Canadian artist on commercial radio” if a definition based on chart-position and time is implemented. By using a more accurate measurement of radio success, national cumulative spins over an artist’s career, a more fair determination can be made as to which artists have surpassed the threshold of exposure for which CanCon was created.
31. Perhaps the definition that the Commission truly seeks is that of an “established Canadian radio artist”. Those who are not yet “established” remain “emerging”.
32. Thank you for the opportunity to present our position.

Sincerely,



Aisha Wickham Thomas
Executive Director
Canadian Independent Recording Artists’ Association

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