

Legal decision Helps CASST Arguments for Stronger Penalties for Satellite Signal Theft

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A recent decision by the **Quebec Superior Court** has resulted in the **Coalition Against Satellite Signal Theft** adding more pressure on the **Federal government** to amend the **Radiocommunication Act** to make penalties more onerous so as to deter future infringements of satellite signal theft.

The Marc. 31/05 decision, involving *R. v. D'Argy*, confirms sections of the Radiocommunication Act which provide that satellite signal theft is unlawful. The decision reinforces sections of the Radiocommunication Act which makes it an offence to manufacture, offer for sale or sell any device used to decode an encrypted subscription TV signal. It overruled a lower court decision - a sweet victory for CASST.

CASST is composed of a group of concerned broadcasters, actors, writers, content providers and distributors from across North America, including the **Canadian Association of Broadcasters, Canadian Cable Telecommunications Association, Canadian Film and Television Production Association, Canadian Television Fund, Canadian Motion Picture Distribution Association** and their members.

Pay and specialty channels depend on cable or satellite systems to reach viewers and depend on subscribers' fees. Therefore, only customers who pay a subscription fee have the legal authority to access encrypted cable and satellite signals through special equipment. Illegal satellite users purchase equipment or security cards that break or decode encrypted signals. CASST estimates that there are between 520,000 and 700,000 illegal satellite systems in Canada.

In *R v. D'Argy*, two co-accused were charged in Dec., 1998, with selling and using DIREC TV satellite receivers in order to receive and decode U.S. television signals, in contravention of sections 9(1)(c) and 10(1)(b) of the Radiocommunication Act. None of the copyright holders were getting any royalties.

The Quebec decision clarifies the Radiocommunication Act which prohibits:

- . Manufacturing, importing, distributing, leasing, offering for sale, selling, installing, modifying, possessing or operating an illegal decoder without lawful excuse (section 10(1)(b));
- . Decoding a scrambled signal without permission (section 9(1)(c));
- . Receiving and decoding a scrambled signal without permission (section 9(1)(ed)).

A contravention of section 10(1)(b) currently can result in individuals being fined up to \$5,000 or to imprisonment for a term up to one year (corporations can be fined up to \$25,000). A contravention of section 9(1)(c) can result in individuals being fined up to \$10,000 and/or to imprisonment for a term of up to six months (corporations can be fined up to \$25,000).

Luc Perreault, co-chair of CASST, says, "The Coalition Against Satellite Signal Theft is pleased that the Crown's appeal has clarified that all satellite signal theft is illegal under the Radiocommunication Act."

Enforcement of the Act has already been a priority for the government. The **RCMP** has been making on-going efforts to address the satellite theft issue. In Feb./05 alone, the RCMP carried out raids on six unauthorized satellite dealers in Montreal and one in Toronto. The RCMP seized software, access cards, computers and other related equipment.

As a result of the decision, CASST is pressuring the Federal government to amend the Radiocommunication Act to make the penalties even more onerous to deter future infringements. Satellite theft currently costs the Canadian broadcasting system approximately \$400 million dollars per year.

However, while enforcement by the government in targeting sellers and importers of illegal satellite dishes has been critical, there also needs to be more public education and awareness that satellite signal theft is still theft. Just because a satellite signal is invisible and an intellectual property right, and not tangible physical property, does not mean it's free or give individuals a right to steal it.

Editor's note: CASST has been fighting satellite signal for years. It ran a major [public service campaign](#) in 2002 against satellite theft.