

CASL Series Episode Number 1: What is a CEM and what mediums does it apply to?

A lawyer was consulted in the preparation of this material but it is only provided for educational purposes and not to be taken as legal advice. To be certain about your situation, consult a lawyer.

Hey there, I'm Andrew Schiestel from tbk Creative.

tbk Creative is a marketing company that works with medium sized organizations, helping them solve complex web design and digital marketing challenges, allowing them to grow their brand value and revenue as a result.

Are you a marketer, executive or CEO watching this video? If you are, I have some questions for you:

- Are you struggling in some way still with the Canadian Anti Spam Law?
- Are you looking to have your company comply with CASL?
- Are you looking for tips to improve your marketing efforts while complying with CASL?

If you answered yes to any of these questions, you've come to the right place. And let me explain why. Over the next several months, I'm going to be covering in very short videos over a dozen marketing scenarios where CASL applies, with tips on what you should do in each scenario to comply with the legislation and optimize your marketing results.

I'm going to be removing the legal jargon in the legislation and looking at these very specific scenarios that you're going to be able to relate to as a marketer, executive or CEO.

Alright, so that's a bit of a background so without further ado, let's begin with our first episode. A large part of CASL governs when and how you may send out a commercial electronic message short for CEM. So I want to kick off this series by better defining what a CEM is and what mediums they apply to.

According to CASL, in summary, a CEM is an electronic message whose purpose is to encourage participation in a commercial activity.

A CEM can also occur if you are promoting a person that is encouraging participation in a commercial activity.

It doesn't matter whether or not the sender profits from the message or transaction.

An electronic message is defined as sending a message to an electronic address and includes text, sound, voice or image.

The following mediums can trigger a CEM under CASL: email, mobile SMS, instant messaging over a platform like Skype, and private or direct messages over social networking websites like Facebook, LinkedIn, Twitter, etc.

A CEM can not be triggered over Skype calls, the telephone, facsimiles, or voice recording.

And here is the importance of all this, here's why you want to understand what a CEM is: Under CASL, you may only send a CEM if you have consent from the recipient or meet certain exemptions. Alright, So that concludes our first episode – we covered what a CEM is and what mediums they apply to and some mediums they don't apply to.

On upcoming CASL episodes, I will cover for you topics such as:

- What contents in your electronic message could make it a CEM,
- How to get proper consent to send CEMs to someone in the first place along with some other exemptions,
- What legally must accompany a CEM to comply with CASL,
- And several other important scenarios effecting marketers, executives and CEOs.

In the meantime, if you wish to expedite your knowledge on CASL and make it easier to operate inside of the rules, tbk Creative has produced an e-guide specifically for you titled The 33-Point Checklist to help Marketers & CEOs Comply with the Canadian Anti-Spam Law (CASL). To download this free e-guide, you may visit www.tbkCreative.com/eguide/CASL. Enjoy the read.

I'm Andrew Schiestel from tbk Creative. Good luck with your CASL compliance and in growing your company.