

## The CASL Series Episode Number 2: What triggers a CEM?

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, my name is Andrew Schiestel of tbk Creative.

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

If you're a marketer, executive or CEO who's looking to comply with the Canadian Anti-Spam Law and while doing so optimize your marketing results, you've come to the right place. And I'll explain why.

Recently, tbk Creative launched the CASL Series which is made up of a series of video episodes that help marketers, executives, and CEOs break down CASL into digestible and actionable subparts to allow their companies, your company, to comply with the legislation.

In our first episode, we covered what a commercial electronic message is, short for CEM, and what mediums they apply to.

In this episode, we're going to cover what can trigger a CEM.

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Okay, so lets begin, let's start with CASL's definition of what a CEM is.

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

So you need to ask yourself what the intent of your electronic message is.

Once you've considered the purpose of your electronic message (lets say for example, an email), you want to next look at what hyperlinks are in your email as a hyperlink could also cause the electronic message to be a CEM.

Regulators have said a mere hyperlink to your website in your signature in most cases isn't enough to have a message be a CEM but a link to a very promotional website could.

Your electronic message could also be labeled as a CEM if in your signature you listing out your goods or your services or have a call to action about goods or services.

Lastly, your electronic message can also be considered a CEM if you're promoting the goods and services of another person and it doesn't matter whether or not you intend to profit from the promotion or transaction.

Okay. SO today we covered what can trigger an electronic message to become a commercial electronic message.

In the last couple minutes or so, we covered the legislation's definition of a CEM, how links are treated in your electronic messages, how signatures are treated in your electronic messages, and we clarified that it doesn't matter if you're promoting someone else through an electronic message – it could still be perceived as a CEM.

On upcoming CASL Series episodes, here are some topics you can expect that I'm going to cover that will assist in you succeeding with the Canadian Anti Spam Law. I'm going to cover things like:

- How to get proper consent to send CEMs in the first place
- to someone along with some other exemptions,
- What legally must accompany a CEM to comply with CASL,
- What record keeping must you do to ensure you're safe if ever audited by regulators in the future
- What the rules are if you receive a business card from someone at an event or tradeshow. Can you send them a CEM? I'm going to cover what you can in that Scenario and what you can't do.

And we'll go over many more important scenarios that you're going to be able to relate as a marketer, executive or CEO.

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](http://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.