

Federal Court



Cour fédérale

Date: 20240712

Docket: T-743-24

Ottawa, Ontario, July 12, 2024

PRESENT: Justice Andrew D. Little

BETWEEN:

**ROGERS MEDIA INC.
ROGERS COMMUNICATIONS INC.
BCE INC.
BELL MEDIA INC.
CTV SPECIALTY TELEVISION ENTERPRISES INC.
THE SPORTS NETWORK INC.
LE RESEAU DES SPORTS (RDS) INC.
GROUPE TVA INC.
FUBOTV INC.**

Applicants

and

**JOHN DOE 1, JOHN DOE 2, JOHN DOE 3
OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED
STREAMING SERVERS THAT PROVIDE OR WILL PROVIDE ACCESS TO
CONTENT OWNED OR EXCLUSIVELY LICENSED BY THE APPLICANTS IN
CANADA**

Respondents

and

**BELL CANADA
BRAGG COMMUNICATIONS INC. dba EASTLINK
COGECO CONNEXION INC.
FIDO SOLUTIONS INC.
ROGERS COMMUNICATIONS CANADA INC.**

**SASKATCHEWAN TELECOMMUNICATIONS
TEKSAVVY SOLUTIONS INC.
TELUS COMMUNICATIONS INC.
VIDEOTRON LTD.
2251723 ONTARIO INC. dba VMEDIA**

Third Party Respondents

ORDER

UPON MOTION BY THE APPLICANTS to amend Schedule 1 of the Court's Judgment dated July 9, 2024, to add additional Protected Live Content in relation to which the applicants, or some of them, have exclusive rights to communicate live sports events to the public in Canada;

AND UPON considering that paragraph 19(a) of the Judgment dated July 9, 2024, contemplates that the applicants may file up to two motions to amend Schedule 1, without leave of the Court;

AND UPON reviewing the motion record filed by the applicants, including the affidavit of Louis-Philippe Neveu sworn on July 8, 2024; the affidavit of Shawn Redmond sworn on July 8, 2024; the affidavit of Greg Sansone sworn on July 8, 2024; the affidavit of Jason Valée Buchanan sworn on July 9, 2024; the written submissions of the applicants dated July 9, 2024; and the application materials that were before the Court leading to the Judgment and Reasons dated July 9, 2024;

AND UPON noting that not all of the Third Party Respondents have advised their position on the applicants' motion and the time for response under the *Federal Courts Rules* has not expired;

AND UPON considering the requirements for the amendment of Schedule 1 as contemplated by the contents of the Court's Judgment and Reasons dated July 9, 2024, and subsection 39.1(1) of the *Copyright Act*, RSC, 1985, c C-42;

AND UPON considering paragraphs 41.23(2)(b) and (c) of the *Copyright Act*, and upon observing that (c) appears to apply to the applicants' motion overall and that the applicants have provided substantially the same evidence on their motion as was described in paragraph 26 of the Judgment and Reasons other than affidavit evidence confirming the intentions of the copyright owners (which may be filed by way of supplementary affidavit, given the applicants' request for an immediate Order before the UEFA EURO 2024 final match on Sunday, July 14, 2024);

AND UPON determining that Schedule 1 of the Judgment should be amended now to include the applicants' rights in respect of the UEFA EURO 2024 final match on Sunday, July 14, 2024, and that all other aspects of the applicants' request for relief should be determined by subsequent order;

THIS COURT ORDERS that:

1. Schedule 1 of the Court's Judgment dated July 9, 2024, is amended to add the applicants' rights in respect of the UEFA EURO 2024 final match on Sunday, July 14, 2024.
2. No other terms of the Judgment are amended by this Order.
3. The Court maintains its jurisdiction to grant a further Order in respect of all other aspects of the relief sought in the applicants' Notice of Motion.

4. There is no costs order.

“Andrew D. Little”

Judge