

Federal Court



Cour fédérale

Date: 20241210

Docket: T-743-24

Ottawa, Ontario, December 10, 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 BCE Inc., Bell Media Inc., CTV Specialty Television Enterprises Inc., The Sports Network Inc. and Le Réseau des Sports (RDS) Inc. 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 considering that at the time of filing this motion, the applicants had previously filed two motions pursuant to paragraph 19(a) of the Judgment;

AND UPON considering that by Order dated December 2, 2024, this Court granted the applicants leave to file an additional motion pursuant to paragraph 19(b) of the Judgment;

AND UPON reviewing the motion record filed by the applicants, including the affidavits of Shawn Redmond and Jason Vallée Buchanan; the written submissions of the applicants; and recalling the application materials that were before the Court leading to the Judgment and Reasons dated July 9, 2024;

AND UPON noting that all the other parties have been given notice of the applicants' motion and that none of the Third Party Respondents opposes the motion or intends to make submissions;

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 being satisfied on the evidence, information and submissions before the Court that the copyright owners need not be made parties to this motion to amend Schedule 1 of the Court's Judgment dated July 9, 2024, owing to the exception in paragraph 41.23(c) of the *Copyright Act*;

AND UPON determining that Schedule 1 should be amended as proposed by the applicants;

THIS COURT ORDERS that:

1. Schedule 1 of the Court's Judgment dated July 9, 2024, is amended to add the underlined contents to items 6 and 7 below, as follows:

	Owner or Exclusive Licensee	Protected Live Content	Protected Live Content Window
1	Rogers Media Inc. Rogers Communications Inc. BCE Inc. Bell Media Inc. CTV Specialty Television Enterprises Inc. The Sports Network Inc. Le Réseau des Sports (RDS) Inc. Groupe TVA Inc.	National Hockey League (NHL)	All national and regional NHL games broadcast in Canada by any of the Applicants in the first column, via television broadcast and/or online streaming during the 2023-2024 NHL season, including the 2024 Stanley Cup playoffs and final series, and the 2024-2025 NHL season, including the 2025 Stanley Cup playoffs and final series, as per the schedule found on the NHL website (www.nhl.com/schedule), subject to variations by the NHL, as may be notified to the Third Party Respondents by the Applicants and/or their Agent from time to time.
2	BCE Inc. Rogers Communications Inc.	National Basketball Association (NBA)	The following NBA games for the 2023-2024 to the 2025-2026 NBA seasons: <ul style="list-style-type: none"> a) All pre-season NBA games and all regular season NBA games played by the Toronto Raptors basketball club; b) All regular season NBA games involving one or more NBA teams (other than the Toronto Raptors basketball club) that are broadcast on the Sportsnet or TSN stations; and c) All playoff NBA games involving one or more NBA teams (including the Toronto Raptors basketball club).

	Owner or Exclusive Licensee	Protected Live Content	Protected Live Content Window
3	FuboTV Inc.	Premier League	All Premier League matches for the 2023-2024 and 2024-2025 seasons.
4	Rogers Media Inc. Le Réseau des Sports (RDS) Inc. Groupe TVA Inc.	Major League Baseball (MLB)	<p>a) All 2024 regular season MLB games played by the Toronto Blue Jays, except for five (5) games that will be distributed by Apple TV+ during the course of the 2024 MLB season as indicated at https://www.mlb.com/schedule; and</p> <p>b) All “Jewel Events” until at least the 2026 MLB season, consisting of:</p> <ul style="list-style-type: none"> i. each postseason MLB game, currently consisting of each World Series Game, each League Championship Series Game, each Division Series Game and each Wild Card Game and, if applicable, each game played during any expanded or modified postseason; ii. each MLB All-Star Game; iii. each All-Star Home Run Derby; iv. each MLB All-Star Futures Game <p>except for a maximum of two Division Series Games per year that may be distributed on the MLB Network in Canada, unless the Toronto Blue Jays are participating in such games, in which case these games are also included.</p>

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5	Rogers Media Inc. Groupe TVA Inc.	Ultimate Fighting Championship (UFC)	<p>a) Until at least 2026, the Late Preliminary bouts and Main Card bouts for a minimum of 20 Fight Night Events per year, listed as available on Sportsnet on the UFC events website (www.ufc.com/events) for English-language rights, and listed as available on the TVA Sports website (www.tvasports.ca/television/grille-horaire) and/or the UFC events website (www.ufc.com/events) for French-language rights, as updated from time to time; and</p> <p>b) Until at least 2026, the Late Preliminary bouts for a minimum of 12 UFC “numbered” pay-per-view (PPV) Events per year, listed as available on Sportsnet or the UFC events website (www.ufc.com/events) for English-language rights, and listed as available on the TVA Sports website (www.tvasports.ca/television/grille-horaire) and/or the UFC events website (www.ufc.com/events) for French-language rights, as updated from time to time.</p>
6	CTV Specialty Television Enterprises Inc. Groupe TVA Inc.	Union of European Football Associations (UEFA) European Football Championship (UEFA EURO)	All UEFA EURO 2024 matches and ceremonies. <u>(Concluded)</u>

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<u>7</u>	<u>CTV Specialty Television Enterprises Inc.</u>	<u>International Ice Hockey Federation World Junior Championships</u>	<u>All hockey matches and ceremonies (preliminary matches, final matches, opening ceremony and closing ceremony) of the 2025 and 2026 International Ice Hockey Federation World Junior Championships.</u>

2. No other terms of the Judgment are amended by this Order.
3. There is no costs order.

“Andrew D. Little”

Judge