

Federal Court



Cour fédérale

Date: 20240723

Docket: T-743-24

Ottawa, Ontario, July 23, 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; the application materials that were before the Court leading to the Judgment and Reasons dated July 9, 2024; and correspondence from counsel since that Judgment, including letters from the applicants' counsel dated July 11, from TELUS's counsel dated July 12, and from applicants' counsel dated July 17, 2024;

**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** noting the Court's Order dated July 12, 2024, which maintained the Court's jurisdiction to make the present Order, 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 of the Judgment 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 following:

	<b>Owner or Exclusive Licensee</b>	<b>Protected Live Content</b>	<b>Protected Live Content Window</b>
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 <a href="https://www.mlb.com/schedule">https://www.mlb.com/schedule</a>; and</p> <p>b) All “Jewel Events” until at least the 2026 MLB season, consisting of:</p> <ul style="list-style-type: none"> <li>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;</li> <li>ii. each MLB All-Star Game;</li> <li>iii. each All-Star Home Run Derby;</li> <li>iv. each MLB All-Star Futures Game</li> </ul> <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>

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 (<a href="http://www.ufc.com/events">www.ufc.com/events</a>) for English-language rights, and listed as available on the TVA Sports website (<a href="http://www.tvasports.ca/television/grille_horaire">www.tvasports.ca/television/grille_horaire</a>) and/or the UFC events website (<a href="http://www.ufc.com/events">www.ufc.com/events</a>) 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 UFC events website (<a href="http://www.ufc.com/events">www.ufc.com/events</a>) for English-language rights, and listed as available on the TVA Sports website (<a href="http://www.tvasports.ca/television/grille_horaire">www.tvasports.ca/television/grille_horaire</a>) and/or the UFC events website (<a href="http://www.ufc.com/events">www.ufc.com/events</a>) 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.

2. No other terms of the Judgment are amended by this Order.

3. There is no costs order.

“Andrew D. Little”

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Judge