

FEDERAL COURT

B E T W E E N:

**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.**

Plaintiffs

- and -

**JOHN DOE 1
JOHN DOE 2
OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
SERVERS PROVIDING ACCESS TO NHL LIVE GAMES IN CANADA**

Defendants

- and -

**BELL CANADA
BRAGG COMMUNICATIONS INC. dba EASTLINK
COGECO CONNEXION INC.
DISTRIBUTEL COMMUNICATIONS LIMITED
FIDO SOLUTIONS INC.
ROGERS COMMUNICATIONS CANADA INC.
SASKATCHEWAN TELECOMMUNICATIONS
SHAW COMMUNICATIONS INC.
TEKSAVYY SOLUTIONS INC.
TELUS COMMUNICATIONS INC.
VIDEOTRON LTD.**

Third Party Respondents

PLAINTIFFS' MOTION RECORD

(Motion for (a) an interlocutory injunction Order binding the Third-Party Respondents pursuant to Section 44 of the *Federal Courts Act* and Rule 373 of the *Federal Courts Rules*, and (b) an Order validating the service of documents pursuant to Rule 147 of the *Federal Courts Rules*)

VOLUME 3

(PUBLIC REDACTED VERSION)

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(Reference: 88173-23)

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Court File No. T-955-21

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Plaintiffs

- and -

JOHN DOE 1**JOHN DOE 2**

**OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
 SERVERS PROVIDING ACCESS TO NHL GAMES IN CANADA**

Defendants

AFFIDAVIT OF LOUIS-PHILIPPE NEVEU

I, Louis-Philippe Neveu, of the City of Longueuil, in the Province of Quebec, Canada,
 SOLEMNLY AFFIRM THAT:

1. I am the General Director of TVA Sports' programming at Groupe TVA Inc. ("**Groupe TVA**").
2. In my current position, which I have held since 2020, my responsibilities and duties include the management of TVA Sports' budgets and of its relations with its partners and talents. I am also involved in various decisions regarding TVA Sports' programming.
3. Between 2014 and 2020, I worked as an Executive Producer – Hockey for TVA Sports.

4. I understand that in the present proceeding, the Plaintiffs, including Groupe TVA, are seeking a dynamic site blocking order that would enjoin Internet Service Providers (“ISPs”) in Canada to block or attempt to block their subscribers’ access to servers that provide access to infringing live streams of National Hockey League (“NHL”) games.

5. I am authorized to sign the present affidavit on behalf of Groupe TVA.

6. I have personal knowledge of all the facts stated in this affidavit, unless indicated otherwise.

I. GROUPE TVA’S ACTIVITIES AND RIGHTS

7. Groupe TVA is a Canadian broadcaster that owns and operates a number of television stations throughout the province of Québec. The Québec Corporate Report for Groupe TVA is attached to my affidavit as **Exhibit LN-1**.

8. More particularly, Groupe TVA owns and/or operates six (6) “conventional” television stations under the “TVA” banner (CFTM-TV in Montreal, CFCM-TV in Québec, CHLT-TV in Sherbrooke, CHEM-TV in Trois-Rivières, CFER-TV in Rimouski-Matane-Sept-Îles and CJPM-TV in Saguenay-Lac-Saint-Jean), and ten (10) “discretionary” television programming services (collectively the “**TVA Stations**”).

9. “Conventional” television stations are stations that are broadcast over-the-air for free but that can also be accessed with a subscription to a broadcasting distribution undertaking (“**BDU**”), such as Groupe TVA’s affiliate Vidéotron Ltd. (“**Vidéotron**”). “Discretionary” television stations can only be accessed with a paid subscription to a BDU and include stations that have advertisements and stations that have no advertisements.

10. A list of the discretionary television programming services owned and operated by Groupe TVA is attached to my affidavit as **Exhibit LN-2** (I note that “TVA Sports” refers to three distinct stations, namely TVA Sports, TVA Sports 2 and TVA Sports 3).

11. The TVA Stations are distributed by Vidéotron and by other competing BDUs in Canada, such as those operated by Bell Canada (and its affiliate Bell ExpressVu) and Rogers Communications Canada Inc., which I understand to be affiliates of the two other co-Plaintiffs in

this matter, namely Bell Media Inc. (“**Bell Media**”) and Rogers Media Inc. (“**Rogers Media**”), respectively.

12. Groupe TVA broadcasts a wide variety of television programs on the TVA Stations (the “**TVA Programs**”) and owns the Canadian rights to communicate these programs to the public by telecommunication via television broadcast. These programs are either:

- a) produced by Groupe TVA, for example:
 - (a) News and current affairs on TVA;
 - (b) Lifestyle and talk-show programming such as “Salut Bonjour” and “Le Tricheur”;
 - (c) Sports programming including daily sports news and highlights programs, talk programming and live sports events, such as “Top 25 Insolite”, “Dave Morissette en direct” and “L’Avant-match CF Montreal”.
- b) commissioned by Groupe TVA and produced by independent producers; or
- c) acquired by Groupe TVA from rights holders around the world.

13. A list setting out a representative sample of the television programs in which Groupe TVA owns the exclusive Canadian communication right via television broadcast is attached to my affidavit as **Exhibit LN-3**.

14. Groupe TVA’s revenues and expenses are reported in more detail in the public versions of Québecor Media Inc.’s *Formulaire de rapport annuel cumulé des entreprises de télévision traditionnelle pour 2020* and *Formulaire de rapport annuel cumulé des services facultatifs pour 2020*, which were filed with the CRTC by Groupe TVA’s parent company Québecor Media Inc. (“**QMI**”), attached to my affidavit in a bundle as **Exhibit LN-4**.

15. As it appears from Exhibit LN-4, in 2020 alone, Groupe TVA has invested over \$270 million in producing and/or acquiring rights in its television programming.

16. Groupe TVA mainly derives its revenues from:

- a) selling advertising time on the TVA Stations; and
- b) obtaining payment from Canadian distribution undertakings that distribute the TVA Stations across Canada.

II. GROUPE TVA’S BROADCASTING OF NHL GAMES

A. The Broadcasting of NHL Games in Canada

17. I have reviewed the Affidavit of Greg Sansone (“**Sansone Affidavit**”), in the current action, and agree with and adopt Mr. Sansone’s summary of the activities of the NHL and the broadcasting of NHL games in Canada, as set out at paragraphs 20 to 36 therein.

B. Groupe TVA’s Broadcasting Rights to NHL Games in Canada

18. Pursuant to an agreement with Rogers Media, effective from the 2014-2015 NHL season until the 2025-2026 NHL season, Groupe TVA’s parent QMI holds the exclusive rights to distribute select National Games in the French language through TV broadcast and online streaming in Canada, such “National Games” (as defined and explained at paragraphs 35 and 36 of the Sansone Affidavit) including:

- (a) All national regular season NHL games played by a Canadian NHL team, including all such games occurring on Wednesday nights, Saturday nights and Sunday nights;
- (b) Select additional regular-season NHL games played by the Montreal Canadiens hockey team, determined before each NHL season. This is not applicable to the 2020/2021 NHL season, considering the exceptional shortened 2020/2021 NHL season;
- (c) Select regular-season NHL games involving two US-based NHL teams;
- (d) All NHL games of the Stanley Cup Playoffs and Stanley Cup Final including games featuring Canadian teams; and

- (e) Special events, including but not limited to NHL All-Star Games, NHL Draft, Winter Classic and NHL Awards.

19. In turn, QMI sublicenses the exclusive rights to distribute these National Games in the French language to Groupe TVA Inc.

20. I attach in a bundle as **Exhibit LN-5** a copy of the confirmatory copyright license between Rogers Media and QMI concerning the National Rights, and a copy of the corresponding confirmatory copyright sublicense between QMI and Groupe TVA.

21. The agreements through which QMI acquires its rights in the National Games are extremely complex and contain highly confidential commercial terms. Disclosing these agreements to the public, and equally to the co-Plaintiff Bell Media in this matter, which is otherwise competitor of QMI/Groupe TVA, would be extremely prejudicial. This is standard in the television programming industry, and I expect and would understand that the position of the co-Plaintiff Bell Media in this matter would be the same.

22. The costs related to Groupe TVA's acquisition of the National Rights in the French language (i.e., excluding production costs) amount to tens of millions of dollars per year.

C. Groupe TVA's Broadcasting of NHL Games in Canada

TV Broadcast

23. Groupe TVA broadcasts its NHL television programming for National Games on its TVA Sports-branded stations (which include TVA Sports, TVA Sports 2 and TVA Sports 3).

24. I attach as **Exhibit LN-6** a copy of the NHL Schedule - from January 13, 2021, until the end of the 2021 regular season - evidencing which games are broadcast by Groupe TVA through its TVA Sports-branded stations between April 28, 2021 and the end of the 2021 regular season (i.e., games that had already occurred at the time of accessing the schedule only show the results and not the stations on which the games were broadcast).

25. These stations are available to residential customers as part of their paid subscription to television services offered by BDUs. As mentioned at paragraph 54 of the Sansone Affidavit, the

lowest prices available for a basic television service (i.e., to access just 20–35 stations) range from \$14 - \$25 per month, depending on the area of the country. A basic television service would typically not provide access to discretionary stations such as the TVA Sports-branded stations. Access to this station can be purchased through a BDU in addition to a basic television service by purchasing a bundle of stations (the price of which can range from \$5 to \$107 per month), or *à la carte*, for approximately \$4 to \$15 per month (depending on the BDU).

26. The TVA Sports-branded stations are highly watched by their subscribers, mostly because of the NHL television programming they broadcast. Over half a million TV subscribers per regular season NHL game watch the Montreal Canadiens, the most popular NHL team in the Province of Quebec, *live* on TVA Sports-branded stations (only 3% of subscribers watch the replay of the game instead of *live*). This average number of viewers typically doubles during the playoffs and finals when the Montreal Canadiens are playing.

Digital Broadcast

27. Groupe TVA also offers NHL television programming (and other sports television programming) through an online service named “TVA SPORTS DIRECT”, accessible through the “www.tvasportsdirect.ca” and “www.tvasports.ca” websites. Customers can subscribe for a one-month access (for \$19.99 CAD) or for a one-year access (for \$199.99 CAD).

D. Groupe TVA’s Broadcasting of NHL-related Programs in Canada

28. In addition to its broadcast of live NHL games as described above, Groupe TVA also produces and broadcasts various daily hockey news and highlight shows such as JiC and talk programs such as *Dave Morissette en direct* (“**NHL-related Programs**”).

29. These programs are directly associated with Groupe TVA’s coverage of live NHL games, and since there are broadcast right before or after a game, they are typically watched by the same consumers as the NHL games themselves:

- a) **DAVE MORISSETTE EN DIRECT** is a late-night sports talk show hosted by ex-Montreal Canadiens hockey player Dave Morissette that focuses on news pertaining to the Montreal Canadiens and the NHL more generally. *Dave*

Morissette en direct first aired on the TVA Sports station in 2014 and, since then, has been airing as a live broadcast every Monday through Friday from approximately 10:00 pm ET to 11:00 pm ET, from September to June, and also airs as a live broadcast on Saturdays following Montreal Canadiens games. For the past season, *Dave Morissette en direct* had an average viewership of approximately 57,000 viewers per minute. The production of *Dave Morissette en direct* is financed by Groupe TVA.

- b) **JiC** is a daily sports news television program that features the news of the day in the world of sports, including hockey games, as well as recent sports highlights, analysis and interviews. *JiC* first aired on the TVA Sports station in January 2019 and has been airing every Monday through Friday from 5:00 pm ET to 7:00 pm ET. The program has an average viewership of approximately 25,000 viewers per minute. The production of *JiC* is financed by Groupe TVA.
- c) **L'avant Match** is a sports television program airing before an NHL Game and focusing on what is to be expected of the upcoming game. *L'avant Match* first aired on the TVA Sports station in October 2014 and typically airs around 7:00 pm and 8:00 pm ET from Sunday to Friday and from 6:00 pm ET to 7:00 pm ET on Saturdays. The program has an average viewership of between 27,000 and 114,000 viewers per minute, depending on the day of the week and the NHL teams playing on that day. The production of *L'avant Match* is financed by Groupe TVA.

III. THE EFFECTS OF ILLEGAL TELEVISION PIRACY ON THE PLAINTIFFS

30. I have reviewed the Sansone Affidavit, in the current action, and agree with and adopt Mr. Sansone's description of the effect of illegal television piracy set out at paragraphs 63 to 68 and 75 to 92 therein and which is equally applicable to Groupe TVA.

31. The TVA Sports-branded stations generated revenues of more than 75 million dollars for Groupe TVA during the 2018-2019 NHL season. NHL games represent a very significant portion of the live sports events broadcast by Groupe TVA and a very significant portion of the revenues generated by the TVA Sports-branded stations.

32. The important coverage of live NHL games by Groupe TVA is directly correlated with their popularity in Canada.

33. NHL hockey games are indeed widely watched across Canada, notably on Groupe TVA's stations and online services. Games of the Playoffs and Finals are even more popular, with high-stakes games consistently ranking among the top 10 most watched programs in Canada each year (along, notably, with other live sports events, such as the NBA Finals and the Super Bowl).

34. In addition, as explained above, Groupe TVA produces several NHL-related programs which it broadcasts on the TVA Stations and through its online services, often right before or after NHL games. The popularity of these programs is directly correlated with the popularity of NHL games: consumers watching an NHL game on one of the TVA Stations are typically the same consumers who watch pre or post-game programs.

35. Groupe TVA's revenues from NHL-related programs, which notably derive from advertising, is therefore directly correlated with the popularity of the NHL games broadcast by Groupe TVA.

IV. THE PLAINTIFFS' RECENT ENFORCEMENT EFFORTS

36. I have reviewed the Sansone Affidavit, in the current action, and agree with and adopt Mr. Sansone's summary of the Plaintiffs' recent enforcement efforts, as set out at paragraphs 93 to 95 and 104 to 140 therein.

37. Groupe TVA also monitors various online classified advertising services and other social media platforms (such as YouTube and Facebook) to identify individuals and entities advertising unauthorized services (such as unauthorized subscription services) that provide users with free or low-cost access to Groupe TVA's television content, including its NHL content.

38. Groupe TVA also works closely with co-Plaintiffs Bell Media and Rogers Media to monitor websites that sell access to unauthorized services through major payment process services (e.g., PayPal, Visa and MasterCard). As explained at paragraph 98 of Mr. Sansone's affidavit, over the past few years, Groupe TVA, Bell Media and Rogers Media have reported over 70 unauthorized

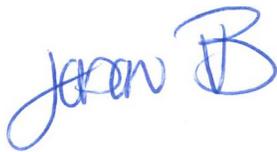
services to these payment processors, including 25 NHL-specific websites. I agree with Mr. Sansone's comments regarding the relative effectiveness of these efforts.

39. Finally, Groupe TVA frequently reports unauthorized services to the operators of advertising services that allow unauthorized services to monetize their websites by displaying advertisements on them.

40. The overall effectiveness of these measures to curb piracy, and most particularly the piracy of NHL games, is difficult to quantify and appears negligible. These self-help enforcement efforts are only effective with reputable services that are used by unauthorized services, but they do not stop the unauthorized services *per se* and most of them do not rely in any event on these reputable services that are known to take steps to prevent illegal activities.

SOLEMNLY AFFIRMED before me,
through videoconference, in accordance with
the Notice from the Ministère de la Justice du
Québec, in Montreal, Province of Quebec,
this 30th day of June 2021

AND I HAVE ELECTRONICALLY
SIGNED

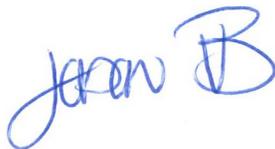


Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Louis-Philippe Neveu

This is **Exhibit LN-1** in support of the
Affidavit of Louis-Philippe Neveu,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 30th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Rechercher une entreprise au registre

État de renseignements d'une personne morale au registre des entreprises

Renseignements en date du 2021-03-25 16:25:42

État des informations

Identification de l'entreprise

Numéro d'entreprise du Québec (NEQ)	1142054189
Nom	GROUPE TVA INC.
Version du nom dans une autre langue	TVA GROUP INC.

Adresse du domicile

Adresse	7E ÉTAGE 1600, BOULEVARD DE MAISONNEUVE EST MONTRÉAL (QUÉBEC) H2L4P2
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Adresse du domicile élu

Nom de l'entreprise	SECRÉTARIAT CORPORATIF
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Adresse	612, SAINT-JACQUES MONTRÉAL (QUÉBEC) H3C4M8
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Immatriculation

Date d'immatriculation	1995-01-23
Statut	Immatriculée
Date de mise à jour du statut	1995-01-23
Date de fin d'existence prévue	Aucune date de fin d'existence n'est déclarée au registre.

Forme juridique

Forme juridique	Société par actions ou compagnie
Date de la constitution	1960-03-29 Constitution
Régime constitutif	QUÉBEC : Loi sur les compagnies, Partie 1 (RLRQ, C. C-38)
Régime courant	

QUÉBEC : Loi sur les sociétés par actions (RLRQ, C. S-31.1)

Dates des mises à jour

Date de mise à jour de l'état de renseignements	2021-01-11
Date de la dernière déclaration de mise à jour annuelle	2020-04-07 2019
Date de fin de la période de production de la déclaration de mise à jour annuelle de 2021	2022-06-30
Date de fin de la période de production de la déclaration de mise à jour annuelle de 2020	2021-06-30

Faillite

L'entreprise n'est pas en faillite.

Fusion et scission

Aucune fusion ou scission n'a été déclarée.

Continuation et autre transformation

La personne morale a fait l'objet d'une continuation.

Loi applicable	QUÉBEC : Loi sur les compagnies partie 1A, RLRQ, C. C-38
Date de la continuation ou autre transformation	1981-12-17

Liquidation ou dissolution

Aucune intention de liquidation ou de dissolution n'a été déclarée.

Activités économiques et nombre de salariés

1^{er} secteur d'activité

Code d'activité économique (CAE)	4812
Activité	Télévision
Précisions (facultatives)	TÉLÉVISION,ÉDIT. ET PUB. DE MAGAZINES, DISTRIBUTION DE PRO. AUDIO-VISUELS

2^e secteur d'activité

Aucun renseignement n'a été déclaré.

Nombre de salariés

Nombre de salariés au Québec
De 1000 à 2499

Convention unanime, actionnaires, administrateurs, dirigeants et fondé de pouvoir**Actionnaires****Premier actionnaire**

Le premier actionnaire est majoritaire.

Nom	QUEBECOR MÉDIA INC.
Adresse	612 rue Saint-Jacques Montréal (Québec) H3C4M8 Canada

Convention unanime des actionnaires

Il n'existe pas de convention unanime des actionnaires.

Liste des administrateurs

Nom	COURTOIS, MARC
Date du début de la charge	
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	57, CROISSANT ROSEMONT MONTRÉAL (QUÉBEC) H3Y2C8

Nom	LALANDE, SYLVIE
Date du début de la charge	
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	1610 ch. du Lac-Sir-John Lachute (Québec) J8H4M5 Canada

Nom	LAVIGNE, MICHEL A.
Date du début de la charge	
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	4450, PROMENADE PATON, APP. 201 LAVAL (QUÉBEC) H7W5J7

Nom	LÉGER, JEAN-MARC
Date du début de la charge	
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	3 rue Gagné Repentigny (Québec) J5Y1J4 Canada

Nom	ELGRABLY-LEVY, NATHALIE
Date du début de la charge	
Date de fin de la charge	

Fonctions actuelles	Administrateur
Adresse	6712 ch. Charest Côte-Saint-Luc (Québec) H4V1B5 Canada

Nom de famille	MONGEAU
Prénom	ANNICK
Date du début de la charge	2014-07-29
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	503-11 côte du Vésinet Montréal (Québec) H2V0B6 Canada

Nom de famille	DORION
Prénom	JACQUES
Date du début de la charge	2014-07-29
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	2841 av. Ernest-Hemingway Montréal (Québec) H4R3K1 Canada

Nom de famille	Paillé
Prénom	Daniel
Date du début de la charge	2017-05-09
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	304-8455 rue Saint-Dominique Montréal (Québec) H2P2L4 Canada

Dirigeants non membres du conseil d'administration

Nom de famille	Lauzière
Prénom	France
Fonctions actuelles	Président
Adresse	1001 ch. MacNaughton Mont-Royal (Québec) H3R3A6 Canada

Nom de famille	Riendeau
Prénom	Sophie
Fonctions actuelles	Secrétaire
Adresse	235 ch. Markham Mont-Royal (Québec) H3P2Z9 Canada

Fondé de pouvoir

Aucun fondé de pouvoir n'a été déclaré.

Administrateurs du bien d'autrui

Aucun administrateur du bien d'autrui n'a été déclaré.

Établissements

Numéro et nom de l'établissement	Adresse	Activités économiques (CAE)
0019 - TVA FILMS (Établissement principal)	1600 boul. De Maisonneuve E Montréal (Québec) H2L4P2 Canada	Distribution de films et de matériel visuel (9612)
0021 - Dock 619	619 rue Le Breton Longueuil (Québec) J4G1R9 Canada	Restaurants avec permis d'alcool (9211)
0020 - CFCM-TV - TÉLÉ 4	450 av. Béchard Québec (Québec) G1M2E9 Canada	Télévision (4812) Exploitants de bâtiments non résidentiels (7512)
0007 - CFER-TV - CANAL 11	337 boul. La Salle Baie-Comeau (Québec) G4Z2Z1 Canada	Télévision (4812)
0006 - CFER-TV - CANAL 11	410 av. Évangéline Sept-Îles (Québec) G4R2N5 Canada	Télévision (4812)
0005 - CFER-TV - CANAL 11	465 boul. Sainte-Anne Rimouski (Québec) G5M1G1 Canada	Télévision (4812)
0004 - CHLT - TÉLÉ 7	3330 rue King O Sherbrooke (Québec) J1L1C9 Canada	Télévision (4812)
0003 - CJPM-TV - CANAL 6	1, MONT SAINTE-CLAIRE CHICOUTIMI (QUÉBEC) G7H5G3	Télévision (4812)
0001 - CHEM-TV - CANAL 8	3625 boul. du Chanoine-Moreau Trois-Rivières (Québec) G8Y5N6 Canada	Télévision (4812) Exploitants de bâtiments non résidentiels (7512)

Documents en traitement

Aucun document n'est actuellement traité par le Registraire des entreprises.

Index des documents**Documents conservés**

Type de document	Date de dépôt au registre
Déclaration de mise à jour courante	2021-01-11
Déclaration de mise à jour courante	2020-07-09
Déclaration de mise à jour courante	2020-07-07
Déclaration de mise à jour de correction	2020-07-06
DÉCLARATION DE MISE À JOUR ANNUELLE 2019	2020-04-07
Déclaration de mise à jour courante	2020-01-06
Déclaration de mise à jour courante	2019-12-18
Déclaration de mise à jour courante	2019-06-17
Déclaration de mise à jour courante	2019-06-17
Déclaration de mise à jour courante	2019-05-09
DÉCLARATION DE MISE À JOUR ANNUELLE 2018	2019-01-24
Déclaration de mise à jour courante	2018-05-04

Type de document	Date de dépôt au registre
DÉCLARATION DE MISE À JOUR ANNUELLE 2017	2018-01-25
Déclaration de mise à jour de correction	2017-10-24
Déclaration de mise à jour courante	2017-10-19
Déclaration de mise à jour courante	2017-05-09
Déclaration de mise à jour courante	2017-03-02
Déclaration de mise à jour courante	2017-02-02
DÉCLARATION DE MISE À JOUR ANNUELLE 2016	2017-01-31
Déclaration de mise à jour courante	2016-05-12
DÉCLARATION DE MISE À JOUR ANNUELLE 2015	2016-04-13
Déclaration de mise à jour courante	2015-03-31
DÉCLARATION DE MISE À JOUR ANNUELLE 2014	2015-03-25
Déclaration de mise à jour courante	2014-10-20
Déclaration de mise à jour de correction	2014-08-04
Déclaration de mise à jour de correction	2014-08-01
Déclaration de mise à jour courante	2014-07-31
Déclaration de mise à jour courante	2014-05-07
Déclaration de mise à jour courante	2014-05-01
Déclaration de mise à jour courante	2014-03-13
Déclaration de mise à jour courante	2014-03-11
DÉCLARATION DE MISE À JOUR ANNUELLE 2013	2014-03-10
Déclaration de mise à jour courante	2013-05-13
Déclaration de mise à jour de correction	2013-04-17
DÉCLARATION DE MISE À JOUR ANNUELLE 2012	2013-03-26
Déclaration de mise à jour courante	2013-02-02
Déclaration de mise à jour courante	2012-06-11
DÉCLARATION DE MISE À JOUR ANNUELLE 2011	2012-02-28
Déclaration de mise à jour de correction	2012-01-06
Déclaration de mise à jour courante	2011-07-28
Certificat de modification	2011-06-14
Déclaration de mise à jour courante	2011-05-25
Déclaration de mise à jour courante	2011-04-08
Déclaration annuelle 2010	2011-03-10
Déclaration modificative	2010-12-22
Déclaration modificative	2010-06-11
État et déclaration de renseignements 2009	2010-03-17
Déclaration modificative	2010-02-06
État et déclaration de renseignements 2008	2009-04-03
Déclaration modificative	2008-11-11
État et déclaration de renseignements 2007	2008-05-21
Déclaration modificative	2008-05-21
Déclaration modificative	2008-01-22
Déclaration modificative	2007-10-23
État et déclaration de renseignements 2006	2007-09-21
Déclaration modificative	2007-06-06
Déclaration modificative	2007-03-21
Déclaration modificative	2007-02-10
Déclaration modificative	2006-12-21
Déclaration modificative	2006-09-29
Déclaration modificative	2006-08-08
Déclaration annuelle 2005	2006-01-16

Type de document	Date de dépôt au registre
Déclaration modificative	2005-09-23
Déclaration modificative	2005-06-09
Déclaration modificative	2005-05-16
Déclaration annuelle 2004	2005-01-12
Déclaration modificative	2004-06-30
Déclaration annuelle 2003	2004-02-09
Déclaration modificative	2003-04-15
Modification correction / Acte de régularisation	2003-04-03
Déclaration modificative	2003-03-13
Déclaration annuelle 2002	2003-02-17
Déclaration modificative	2002-09-03
Déclaration modificative	2002-06-25
Déclaration modificative	2002-03-11
Déclaration annuelle 2001	2002-02-04
Déclaration modificative	2001-09-25
Déclaration modificative	2001-03-06
Déclaration annuelle 2000	2001-02-12
Déclaration modificative	2000-03-10
Déclaration annuelle 1999	2000-01-10
Déclaration annuelle 1998	1999-02-22
Certificat de modification	1998-02-17
Déclaration annuelle 1997	1998-02-09
Déclaration modificative	1997-04-09
Déclaration annuelle 1996	1997-02-20
Déclaration annuelle 1995	1996-01-29
Déclaration initiale	1995-06-28
Avis relatif à la composition du conseil d'administration	1995-01-23

Index des noms

Date de mise à jour de l'index des noms	2021-01-11
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Nom

Nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
GRUPE TVA INC.	TVA GROUP INC.	1998-02-17		En vigueur
TÉLÉ-MÉTROPOLE INC.		1973-07-01	1998-02-17	Antérieur

Autres noms utilisés au Québec

Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
À la découverte des saveurs du Québec		2021-01-11		En vigueur
ADDIK.TV		2011-03-10		En vigueur

Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
ARGENT		2006-01-16		En vigueur
ARTIS		2004-06-30		En vigueur
ASPEBA MUSIQUE		2003-02-17		En vigueur
Caravane du plein air		2021-01-11		En vigueur
CASA		2011-04-08		En vigueur
CFCM-TV		1995-05-25		En vigueur
CFCM-TV - TÉLÉ 4		1995-05-25		En vigueur
CFER-TV		1995-05-25		En vigueur
CFER-TV - CANAL 11		1995-05-25		En vigueur
CFTM		1997-02-20		En vigueur
CFTM-TV		1995-05-25		En vigueur
Challenge plein air		2021-01-11		En vigueur
CHEM-TV		1995-05-25		En vigueur
CHEM-TV - CANAL 8		1995-05-25		En vigueur
Chic-Chocs, Guide des itinéraires de randonnées alpines		2021-01-11		En vigueur
CHLT - TÉLÉ 7		1995-05-25		En vigueur
CHLT-TV		1995-05-25		En vigueur
CJPM-TV		1995-05-25		En vigueur
CJPM-TV - CANAL 6		1995-05-25		En vigueur
Communications Instinct	Instinct Communications	2021-01-11		En vigueur
Communications O. Lalonde		2021-01-11		En vigueur
Dock 619		2019-12-18		En vigueur
Dock619		2019-12-18		En vigueur
ÉDITIONS CFTM		2003-04-03		En vigueur
ÉDITIONS TÉLÉ-SON		2003-02-17		En vigueur
ÉDITIONS TM		2001-02-12		En vigueur
ÉVASION		2021-01-11		En vigueur
FORT BOYARD		1995-05-25		En vigueur
GROUPE TVA		2017-03-02		En vigueur

Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
Guide du plein air au Québec		2021-01-11		En vigueur
ICI MONTRÉAL		1995-05-25		En vigueur
J.E.		1995-05-25		En vigueur
LA VIE À MONTRÉAL		1995-05-25		En vigueur
LCN		1998-02-09		En vigueur
LCN ARGENT		2006-08-08		En vigueur
LE CANAL ÉVASION		2021-01-11		En vigueur
LE CANAL ÉVASION: UN SERVICE DE TOURISME ET D'AVENTURE		2021-01-11		En vigueur
LE CANAL NOUVELLES TVA		1998-02-09		En vigueur
LE RÉSEAU DE TÉLÉVISION TVA		1995-05-25		En vigueur
LE RÉSEAU TVA		1995-05-25		En vigueur
LE TVA		1995-05-25		En vigueur
LES ATELIERS SCÉNOGRAPHIQUES TVA		1996-01-29		En vigueur
LES ÉDITIONS TM		1995-05-25		En vigueur
MOI&cie		2013-02-02		En vigueur
MOI&cie TÉLÉ		2013-02-02		En vigueur
PRISE 2		2008-11-11		En vigueur
SALUT BONJOUR		1995-05-25		En vigueur
Saveurs et tentations		2021-01-11		En vigueur
SERDY VIDÉO		2021-01-11		En vigueur
SPORT MAGAZINE		1995-05-25		En vigueur
STUDIO ARCADE		1997-02-20		En vigueur
TÉLÉ 4		1995-05-25		En vigueur
TÉLÉ 7		1995-05-25		En vigueur
TÉLÉ 8		1995-05-25		En vigueur
TÉLÉ-MÉTROPOLE		1995-05-25		En vigueur
TÉLÉ-MÉTROPOLE INC. - STUDIO ARCADE		1997-02-20		En vigueur
TM		2001-02-12		En vigueur
TVA		1995-05-25		En vigueur

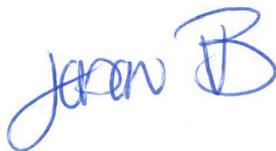
Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de retrait du nom	Situation
TVA ABITIBI-TÉMISCAMINGUE		2011-04-08		En vigueur
TVA CARLETON		2011-04-08		En vigueur
TVA DIRECT		2000-01-10		En vigueur
TVA ÉDITIONS		2001-02-12		En vigueur
TVA EST-DU-QUÉBEC		2011-04-08		En vigueur
TVA FILMS		1999-02-22		En vigueur
TVA GATINEAU		2011-04-08		En vigueur
TVA INTERNATIONAL		1998-02-09		En vigueur
TVA MAGAZINES		2001-02-12		En vigueur
TVA NOUVELLES		2011-03-10		En vigueur
TVA OTTAWA		2011-04-08		En vigueur
TVA QUÉBEC		2011-04-08		En vigueur
TVA RÉGIONAL		1997-02-20		En vigueur
TVA RIVIÈRE-DU-LOUP		2011-04-08		En vigueur
TVA SAGUENAY-LAC-ST-JEAN		2011-04-08		En vigueur
TVA SHERBROOKE		2011-04-08		En vigueur
TVA SPORTS		2011-07-28		En vigueur
TVA SPORTS 2 MD		2014-05-01		En vigueur
TVA SPORTS 3		2015-03-31		En vigueur
TVA TROIS-RIVIÈRES		2011-04-08		En vigueur
YOOPA		2011-03-10		En vigueur
Zeste Magazine		2021-01-11		En vigueur
AD LIB		1995-05-25	2001-02-12	Antérieur
ARGENT RICHE EN INFORMATION		2006-08-08	2017-02-02	Antérieur
ASTRAL MUSIQUE PUBLICATIONS ET SA VERSION ASTRAL MUSIC PUBLICATIONS		2003-02-17	2006-09-29	Antérieur
CANAL INDIGO		2008-11-11	2010-02-06	Antérieur
CANAL MYSTÈRE		2006-08-08	2017-02-02	Antérieur
ÇENTRE DE MONTAGE ÉLECTRONIQUE		1995-05-25	1997-04-09	Antérieur
CHOP SUEY		1995-05-25	2001-02-12	Antérieur
CLUB TVACHATS		2000-01-10	2017-02-02	Antérieur
CME		1995-05-25	1998-02-09	Antérieur
DRÔLE DE VIDÉO		1995-05-25	2017-02-02	Antérieur

Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
GRUPE TECHNER		1995-05-25	1998-02-09	Antérieur
JET 7		2001-02-12	2017-02-02	Antérieur
JEUNESSE D'AUJOURD'HUI		2001-02-12	2017-02-02	Antérieur
LA GRIFFE D'OR		1995-05-25	2017-02-02	Antérieur
LA PROMENADE DES STARS		1999-02-22	2017-02-02	Antérieur
LE MATCH DE LA VIE		1995-05-25	2017-02-02	Antérieur
LES ÉDITIONS DU 7E ART		2003-02-17	2017-02-02	Antérieur
LES ÉDITIONS MONTPELLIER		2003-02-17	2017-02-02	Antérieur
LES FILMS TVA		2002-06-25	2006-01-16	Antérieur
LES GRANDS ROMANS		1995-05-25	2017-02-02	Antérieur
LES IDÉES DE MA MAISON		2008-11-11	2017-02-02	Antérieur
L'ÉVÉNEMENT		1995-05-25	2017-02-02	Antérieur
LYS D'OR		1995-05-25	2001-02-12	Antérieur
MILLE		2011-04-11	2013-02-02	Antérieur
MONTPELLIER PUBLICATIONS		2003-02-17	2017-02-02	Antérieur
MYSTÈRE		2006-01-16	2017-02-02	Antérieur
MYSTÈRE CHANNEL		2006-08-08	2017-02-02	Antérieur
SONOLAB		1995-05-25	1997-04-09	Antérieur
STAR PLUS		1995-05-25	2017-02-02	Antérieur
STUDIO IMAGE		1995-05-25	1998-02-09	Antérieur
SUN TV (TM)		2010-12-22	2017-02-02	Antérieur
TÉLÉ-MÉTROPOLE INC. (DIVISION SONOLAB)		1995-05-25	1998-02-09	Antérieur
TÉLÉ-MÉTROPOLE INC. (DIVISION STUDIO ST-CHARLES)		1995-05-25	1997-04-09	Antérieur
TV ACCÈS PRODUCTIONS		2004-06-30	2005-01-12	Antérieur
TVA BOUTIQUES		2014-03-10	2017-02-02	Antérieur
TVA CRÉATION		2007-10-23	2014-03-11	Antérieur
TVA INTERACTIF		2011-03-16	2012-06-11	Antérieur
TVA INTERACTION		1999-02-22	2000-01-10	Antérieur
TVA PUBLICATIONS		2001-02-12	2007-03-21	Antérieur
TVA STUDIO		2011-03-16	2011-04-08	Antérieur
TVA VENTES ET MARKETING		1995-05-25	2008-11-11	Antérieur
TVACCÈS PRODUCTIONS		2005-01-12	2008-01-22	Antérieur
VIDÉO ROCK DÉTENTE		1995-05-25	2006-09-29	Antérieur



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This is **Exhibit LN-2** in support of the
Affidavit of Louis-Philippe Neveu,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 30th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

(L)

[LE GROUPE](#)[FINANCES](#)[CARRIÈRES](#)[SALLE DE PRESSE](#)[INITIATIVES](#)

LES CHAÎNES



addikTV, pure fiction

Un incontournable pour les accros aux fictions et aux fortes doses d'adrénaline. addikTV nous tient en haleine avec des productions d'ici captivantes et des séries du moment les plus palpitantes. Un concentré de suspense, d'enquêtes policières et d'intrigues à consommer sans modération!

[Québecor Média \(http://quebecormediaventes.ca\)](http://quebecormediaventes.ca)

[Visiter le site web \(http://www.addik.tv\)](http://www.addik.tv)



CASA, pour les passionnés de la maison

CASA, c'est une seule adresse pour divertir les adeptes de la rénovation, décoration et immobilier. Une programmation variée, débordante d'astuces et d'idées! Grande source d'inspiration, la chaîne met de l'avant de célèbres designers, des pros de la construction et des participants ingénieux dans des concepts rivalisant d'audace.

[Visiter le site web \(http://casatv.ca\)](http://casatv.ca)

TVA SUR MOBILE

POURSUIVEZ
L'EXPÉRIENCE TVA
EN MOBILITÉ.

[Trouvez toutes nos applications ici](#)
(/mobile)



Évasion, sans limites

Voyagez au-delà de vos limites pour vivre de nouvelles expériences!
Partez à la découverte d'ici et d'ailleurs à travers une programmation divertissante et remplie d'aventures.

[Visiter le site web \(https://www.evasion.tv/\)](https://www.evasion.tv/)



LCN, ça vous regarde

Grâce à une riche programmation du matin jusqu'au soir, suivez facilement l'évolution de l'actualité sur la chaîne de nouvelles en continu la plus écoutée au Québec en compagnie de personnalités et d'experts qui l'analyse et l'explique afin de s'y retrouver plus facilement et mieux comprendre les impacts.

[Visiter le site web \(http://tvanouvelles.ca\)](http://tvanouvelles.ca)



MOI ET CIE, Des histoires à vivre

Vivez des histoires vraies et accompagnez de personnages fascinants et attachants dans leurs univers uniques. Des docu-réalités, des séries et des films étant parfois intrigants, bouleversants ou dérangeants, mais toujours captivants et inoubliables.

[Visiter le site web \(http://tv.moietcie.ca\)](http://tv.moietcie.ca)



PRISE 2, Encore et encore

PRISE 2 est la chaîne dédiée aux séries-cultes et aux « blockbusters » les plus marquants de tous les temps, en version originale ou revisitée. Découvrez ou redécouvrez les contenus du Québec et d'ailleurs qui continuent à influencer la culture populaire.

[Visiter le site web \(http://prise2.tv\)](http://prise2.tv)



TVA, on se reconnaît

TVA est un point de ralliement pour tous les Québécois. Créateur de rendez-vous, il y en a pour tous les goûts: divertissement, informations, affaires publiques. Du contenu varié, novateur, avec les productions d'ici à cœur. Rattrapez vos émissions préférées, regardez TVA en direct ou accédez à des exclusivités!

[Visiter le site web \(http://www.tva.ca\)](http://www.tva.ca)



YOOPA, pour divertir toute la famille

La chaîne jeunesse pour toute la famille avec ses émissions pour les petits et les plus grands et son cinéma familial sans pause publicitaire. La chaîne YOOPA propose également un tout nouveau volet de programmation pour les 10 à 12 ans, YOO+, offrant des émissions divertissantes remplies d'aventures.

[Visiter le site web \(http://www.yoopa.ca\)](http://www.yoopa.ca)



Zeste, la télé qui cuisine

La seule chaîne québécoise dédiée à la bouffe et au contenu follement délicieux, Zeste présente des émissions divertissantes telles que la cuisine au quotidien, les compétitions culinaires et les découvertes gastronomiques.

[Visiter le site web \(https://www.zeste.tv/\)](https://www.zeste.tv/)



TVA Sports

TVA Sports, c'est une équipe hors pair de commentateurs et d'analystes qui vous présentent des événements sportifs de grande envergure, des matchs enlevants, des bulletins de nouvelles dignes du Réseau TVA en information et des émissions percutantes où ils confrontent leurs opinions sans aucune censure.

[Visiter le site web \(http://tvaspports.ca\)](http://tvaspports.ca)

LE GROUPE

[Profil de société \(/legroupe/profil-societe\)](/legroupe/profil-societe)

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[Opportunités \(https://tva.cvmanager.com\)](https://tva.cvmanager.com)

[Site des retraités \(http://arrgtva.tva.ca/\)](http://arrgtva.tva.ca/)

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This is **Exhibit LN-3** in support of the
Affidavit of Louis-Philippe Neveu,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 30th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

TVA

Exclusivités

15 avril au 15 juillet 2021

TITRE / Saison	GENRE	CHAÎNE	CATÉGORIE DE PROJET
9.1.1 / 2	Series	TVA	Acquisition de tiers
Alertes / 1	Series	TVA	Contenu commandé
Artis, Le gala (2021)	Gala	TVA	Production interne
Artis, Les coulisses (2021)	Magazine	TVA	Production interne
Bbq en boîte / 1	Documentaire	TVA	Contenu commandé
Bijoux de famille / 1	Variété	TVA	Contenu commandé
Bloopers TVA 42	Spécial - Intérêt général	TVA	Production interne
Ça finit bien la semaine / 11	Magazine	TVA	Contenu commandé
Chicago Fire: caserne 51 / 8	Series	TVA	Acquisition de tiers
Combien vaut cette maison? / 2	Documentaire	TVA	Contenu commandé
Complexe G / 1	Series	TVA	Contenu commandé
Dave Morissette - les vrais héros / 1	Documentaire	TVA	Contenu commandé
Denis Lévesque	Affaires publiques	TVA	Production interne
Deux filles le matin / 21	Magazine	TVA	Contenu commandé
Du talent à revendre / 15	Series	TVA	Acquisition de tiers
Escouade 99 / 1	Series	TVA	Contenu commandé
Fous du bbq / 2	Télé-réalité	TVA	Contenu commandé
Hors Québec / 2	Documentaire	TVA	Contenu commandé
Jean-Marc Parent: Urgence de vivre (1ère partie	Variété	TVA	Contenu commandé
La belle tournée / 1	Variété	TVA	Contenu commandé
La dérape / 3	Series	TVA	Contenu commandé
La dernière maison	Documentaire	TVA	Contenu commandé
La liste noire vf de The Blacklist / 7	Series	TVA	Acquisition de tiers
La poule aux oeufs d'or / 28	Jeu	TVA	Production interne
La vraie nature / 3	Magazine	TVA	Contenu commandé
Le Grand spectacle de la Fête nationale du Québ	Variété	TVA	Contenu commandé
Le Québec matin	Information	TVA	Production interne
Le tricheur / 10	Jeu	TVA	Production interne
L'Échappée / 5	Series	TVA	Contenu commandé

Les 5 saisons de Louis-José Houde	Variété	TVA	Contenu commandé
Les aventures de Tom & Jerry / 1	Series	TVA	Acquisition de tiers
Les feux de l'amour / 16	Series	TVA	Acquisition de tiers
Les gags / 20	Spécial - Intérêt général	TVA	Contenu commandé
Les looney tunes / 1	Series	TVA	Acquisition de tiers
Les rénos d'Hugo	Magazine	TVA	Contenu commandé
Lol:-) / 10	Series	TVA	Contenu commandé
Ma maison bien-aimée	Télé réalité	TVA	Contenu commandé
Mario Dumont	Affaires publiques	TVA	Production interne
Masterchef junior / 6	Télé réalité	TVA	Acquisition de tiers
Mitsou et Léa / 2	Télé réalité	TVA	Contenu commandé
Hôpital New Amsterdam / 1	Series	TVA	Acquisition de tiers
O' / 6	Series	TVA	Contenu commandé
P-A Méthot: Party 90	Variété	TVA	Contenu commandé
Rachid Badouri: Rechargé	Variété	TVA	Contenu commandé
Rêvons maisons / 3	Magazine	TVA	Contenu commandé
Roue de fortune chez vous / 12	Jeu	TVA	Contenu commandé
Rue King	Series	TVA	Contenu commandé
S.W.A.T. / 1	Series	TVA	Acquisition de tiers
Salut bonjour / 33	Magazine	TVA	Production interne
Salut bonjour week-end / 26	Magazine	TVA	Production interne
Sauvetage animal / 1	Magazine	TVA	Contenu commandé
Si on s'aimait / 2	Series	TVA	Contenu commandé
Spécial bloopers TVA 34	Spécial - Intérêt général	TVA	Production interne
Star académie 2020 - La quotidienne	Documentaire	TVA	Contenu commandé
Star académie 2020 - Le variété	Variété	TVA	Contenu commandé
Sucré salé / 20	Magazine	TVA	Contenu commandé
Téléthon Opération Enfant Soleil 2021	Spécial - Intérêt général	TVA	Contenu commandé
Top modèles / 29	Series	TVA	Acquisition de tiers
Tout le monde aime / 1	Variété	TVA	Contenu commandé
TVA Nouvelles	Information	TVA	Production interne
Un zoo pas comme les autres / 3	Magazine	TVA	Contenu commandé
Van aventure / 1	Magazine	TVA	Contenu commandé
Viens voir mes rénos! / 1	Télé réalité	TVA	Contenu commandé

addikTV**Exclusivités****15 avril au 15 juillet 2021**

TITRE	GENRE	CHAÎNE	CATÉGORIE DE PROJET
Absentia / 1	Dramatique	addikTV	Acquisition de tiers
Appelle-moi si tu meurs / 1	Dramatique	addikTV	Contenu commandé
Avocats de la rue / 1	Dramatique	addikTV	Contenu commandé
Blue Moon / 2	Dramatique	addikTV	Contenu commandé
Castle Rock / 1	Dramatique	addikTV	Acquisition de tiers
Chicago Fire: caserne 51 / 6	Télé-série	addikTV	Acquisition de tiers
Chicago Fire: caserne 51 / 7	Télé-série	addikTV	Acquisition de tiers
Chicago Fire: caserne 51 / 8	Télé-série	addikTV	Acquisition de tiers
Coroner / 1	Dramatique	addikTV	Acquisition de tiers
Coroner / 2	Dramatique	addikTV	Acquisition de tiers
Coroner / 3	Dramatique	addikTV	Acquisition de tiers
CSI: Les experts / 10	Dramatique	addikTV	Acquisition de tiers
CSI: Les experts / 11	Dramatique	addikTV	Acquisition de tiers
CSI: Les experts / 9	Dramatique	addikTV	Acquisition de tiers
DC: les légendes de demain / 4	Dramatique	addikTV	Acquisition de tiers
De guerre et de sang / 1	Dramatique	addikTV	Acquisition de tiers
Dieux américains / 2	Dramatique	addikTV	Acquisition de tiers
Dr Harrow / 1	Télé-série	addikTV	Acquisition de tiers
Esprits criminels / 12	Télé-série	addikTV	Acquisition de tiers
Esprits criminels / 13	Télé-série	addikTV	Acquisition de tiers
Esprits criminels / 14	Télé-série	addikTV	Acquisition de tiers
Esprits criminels / 15	Télé-série	addikTV	Acquisition de tiers
Flash / 5	Télé-série	addikTV	Acquisition de tiers
Frankie Drake: détective privée / 1	Dramatique	addikTV	Acquisition de tiers
Histoire d'horreur / 6	Télé-série	addikTV	Acquisition de tiers
Histoire d'horreur / 8	Télé-série	addikTV	Acquisition de tiers
Il était une fois / 5	Télé-série	addikTV	Acquisition de tiers
Il était une fois / 6	Télé-série	addikTV	Acquisition de tiers
Il était une fois / 7	Télé-série	addikTV	Acquisition de tiers

La capture / 1	Dramatique	addikTV	Acquisition de tiers
La liste noire vf de The Blacklist / 5	Téléserie	addikTV	Acquisition de tiers
La loi et l'ordre / 15	Téléserie	addikTV	Acquisition de tiers
La loi et l'ordre / 16	Téléserie	addikTV	Acquisition de tiers
La pécheresse / 3	Dramatique	addikTV	Acquisition de tiers
Le fils prodige / 1	Dramatique	addikTV	Acquisition de tiers
Le mobile du crime / 1	Dramatique	addikTV	Acquisition de tiers
Le trône de fer / 7	Téléserie	addikTV	Acquisition de tiers
Le trône de fer / 8	Téléserie	addikTV	Acquisition de tiers
Les as de L.A. / 2	Dramatique	addikTV	Acquisition de tiers
Les enquêtes de Murdoch / 10	Téléserie	addikTV	Acquisition de tiers
Les enquêtes de Murdoch / 11	Téléserie	addikTV	Acquisition de tiers
Les enquêtes de Murdoch / 12	Téléserie	addikTV	Acquisition de tiers
Les enquêtes de Murdoch / 13	Téléserie	addikTV	Acquisition de tiers
Les enquêtes de Murdoch / 7	Téléserie	addikTV	Acquisition de tiers
Les enquêtes de Murdoch / 9	Téléserie	addikTV	Acquisition de tiers
Les enquêtes de Nancy Drew / 1	Dramatique	addikTV	Acquisition de tiers
L'imposteur / 1	Dramatique	addikTV	Contenu commandé
M. Mercedes / 1	Dramatique	addikTV	Acquisition de tiers
M. Mercedes / 2	Dramatique	addikTV	Acquisition de tiers
M. Mercedes / 3	Dramatique	addikTV	Acquisition de tiers
Ma vie avec un tueur / 1	Dramatique	addikTV	Acquisition de tiers
Meurtres insolites / 1	Téléralité	addikTV	Acquisition de tiers
Rançon / 2	Dramatique	addikTV	Acquisition de tiers
Recherché / 1	Series	addikTV	Acquisition de tiers
Rêves électriques de Philip K. Dick / 1	Dramatique	addikTV	Acquisition de tiers
S.W.A.T. / 2	Series	addikTV	Acquisition de tiers
S.W.A.T. / 3	Series	addikTV	Acquisition de tiers
Shérif / 1	Dramatique	addikTV	Acquisition de tiers
Suits les deux font la paire / 9	Téléserie	addikTV	Acquisition de tiers
The Walking Dead / 7	Dramatique	addikTV	Acquisition de tiers
The Walking Dead / 8	Dramatique	addikTV	Acquisition de tiers
Victor Lessard / 3	Dramatique	addikTV	Contenu commandé

CASA

Exclusivités

15 avril au 15 juillet 2021

TITRE	GENRE	CHAÎNE	CATÉGORIE DE PROJET
2 jours pour acheter / 1	Téléralité	CASA	Acquisition de tiers
À vendre avec vue / 1	Variété	CASA	Acquisition de tiers
Accro aux rénos / 8	Spécial - Intérêt général	CASA	Acquisition de tiers
Acheter et vendre avec les frères Scott / 5	Spécial - Intérêt général	CASA	Acquisition de tiers
Acheter et vendre avec les frères Scott / 6	Spécial - Intérêt général	CASA	Acquisition de tiers
Arrive en campagne / 5	Magazine	CASA	Contenu commandé
Bienvenue chez vous! avec Kortney & Dave / 1	Téléralité	CASA	Acquisition de tiers
Bord de mer, loin de tout / 1	Téléralité	CASA	Acquisition de tiers
Bryan INC. / 2	Téléralité	CASA	Acquisition de tiers
Ça va chauffer! Australie / 10	Téléralité	CASA	Acquisition de tiers
Ça va chauffer! Australie / 8	Téléralité	CASA	Acquisition de tiers
Combien vaut cette maison? / 1	Documentaire	CASA	Contenu commandé
Combien vaut cette maison? / 2	Documentaire	CASA	Contenu commandé
Combien vaut cette maison? / 3	Documentaire	CASA	Contenu commandé
Expat - Spécial Canada / 1	Documentaire	CASA	Contenu commandé
Expat / 2	Documentaire	CASA	Contenu commandé
Fiez-vous à Bryan / 4	Spécial - Intérêt général	CASA	Acquisition de tiers
Flip 101 avec Tarek / 1	Téléralité	CASA	Acquisition de tiers
Flip de gars / 1	Téléralité	CASA	Acquisition de tiers
Flip de gars / 2	Téléralité	CASA	Acquisition de tiers
Fous du bbq / 2	Téléralité	CASA	Contenu commandé
Grandes maisons à petits prix / 1	Téléralité	CASA	Acquisition de tiers
Holmes : la nouvelle génération / 1	Documentaire	CASA	Acquisition de tiers
Holmes le fait bien : conseils d'expert / 1	Téléralité	CASA	Acquisition de tiers
Le bloc / 11	Téléralité	CASA	Acquisition de tiers
Le bloc Nouvelle-Zélande / 6	Téléralité	CASA	Acquisition de tiers
Les anges de la rénovation (2020) / 1	Téléralité	CASA	Acquisition de tiers
Les constructeurs de l'extrême / 2	Series	CASA	Acquisition de tiers
Les frères Scott : Drew se fiance !	Documentaire	CASA	Acquisition de tiers

Les frères Scott : une maison pour la vie / 1	Télé réalité	CASA	Acquisition de tiers
Les frères Scott : une maison pour la vie / 2	Télé réalité	CASA	Acquisition de tiers
Les rénos d'Hugo / 5	Magazine	CASA	Contenu commandé
Les rénos d'Hugo / 6	Magazine	CASA	Contenu commandé
L'escouade : cuisine / 8	Documentaire	CASA	Acquisition de tiers
L'escouade : salle de bain / 11	Documentaire	CASA	Acquisition de tiers
L'île de Bryan / 1	Télé réalité	CASA	Acquisition de tiers
L'île de Bryan / 2	Télé réalité	CASA	Acquisition de tiers
Maisons autosuffisantes / 1	Documentaire	CASA	Acquisition de tiers
Masterchef / 10	Télé réalité	CASA	Acquisition de tiers
Masterchef / 9	Télé réalité	CASA	Acquisition de tiers
Masterchef Australie / 11	Télé réalité	CASA	Acquisition de tiers
Masterchef Australie / 12	Télé réalité	CASA	Acquisition de tiers
Masterchef junior / 7	Télé réalité	CASA	Acquisition de tiers
Mini chalet - grandeur nature / 1	Documentaire	CASA	Contenu commandé
Mini-maison : grande vie / 4	Télé réalité	CASA	Acquisition de tiers
Mini-maison : grande vie / 5	Télé réalité	CASA	Acquisition de tiers
Mini-maison : grande vie / 6	Télé réalité	CASA	Acquisition de tiers
Mini-maison de luxe / 1	Télé réalité	CASA	Acquisition de tiers
Notre maison de rêve / 3	Spécial - Intérêt général	CASA	Acquisition de tiers
Notre maison de rêve / 7	Spécial - Intérêt général	CASA	Acquisition de tiers
Refuge animal / 6	Magazine	CASA	Contenu commandé
Rénos pour famille d'exception / 1	Documentaire	CASA	Contenu commandé
Rénover pour louer / 1	Magazine	CASA	Contenu commandé
Rêvons maisons / 3	Magazine	CASA	Contenu commandé
Sarah dans la nature / 1	Documentaire	CASA	Acquisition de tiers
Sublimes piscines / 1	Spécial - Intérêt général	CASA	Acquisition de tiers
S'unir pour louer / 1	Series	CASA	Acquisition de tiers
Super vet / 3	Télé réalité	CASA	Acquisition de tiers
Super vet / 4	Télé réalité	CASA	Acquisition de tiers
Trois véto à Houston / 1	Télé réalité	CASA	Acquisition de tiers
Un zoo pas comme les autres / 1	Magazine	CASA	Contenu commandé
Urgence vétérinaire / 1	Télé réalité	CASA	Acquisition de tiers
Viens voir mes rénos! / 1	Télé réalité	CASA	Contenu commandé

[Viens voir mes rénos! / 2](#)

[Téléréalité](#)

[CASA](#)

[Contenu commandé](#)

Évasion

Exclusivités

15 avril au 15 juillet 2021

TITRE	GENRE	CHAÎNE	CATÉGORIE DE PROJET
99 envies d'Évasion - Nouvelle-Orléans, Mexico	Documentaire	Évasion	Contenu commandé
99 envies d'Évasion - Vancouver, Las Vegas / 4	Documentaire	Évasion	Contenu commandé
99 raisons d'aimer / 1	Documentaire	Évasion	Contenu commandé
À la conquête des parcs américains / 1	Téléréalité	Évasion	Acquisition de tiers
À nous 2 Canada! / 1	Spécial - Intérêt général	Évasion	Contenu commandé
À vos risques et périls / 2	Spécial - Intérêt général	Évasion	Contenu commandé
À vos risques et périls / 3	Spécial - Intérêt général	Évasion	Contenu commandé
Arabie : le voyage inattendu / 1	Documentaire	Évasion	Acquisition de tiers
Attache ta tuque / 1	Documentaire	Évasion	Contenu commandé
Avec ou sans cash / 2	Spécial - Intérêt général	Évasion	Contenu commandé
Avis de voyageurs édition australienne / 1	Téléréalité	Évasion	Acquisition de tiers
Bagages aux enchères / 5	Téléréalité	Évasion	Acquisition de tiers
Ben & breakfast / 1	Spécial - Intérêt général	Évasion	Contenu commandé
Benoit le villageois / 1	Téléréalité	Évasion	Acquisition de tiers
Bienvenue au camping / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Bienvenue chez nous / 10	Téléréalité	Évasion	Acquisition de tiers
Bienvenue chez nous / 8	Spécial - Intérêt général	Évasion	Acquisition de tiers
Bonvelo / 1	Documentaire	Évasion	Contenu commandé
Call of the wildman : l'homme tortue / 3	Spécial - Intérêt général	Évasion	Acquisition de tiers
Call of the wildman : l'homme tortue / 4	Spécial - Intérêt général	Évasion	Acquisition de tiers
Chasseurs de trésors / 1	Dramatique	Évasion	Acquisition de tiers
Décollage pour la Nouvelle-Zélande / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Décollage pour l'Asie / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Décollage pour l'Espagne / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Des routes et nous au Québec / 1	Spécial - Intérêt général	Évasion	Contenu commandé
Des trains pas comme les autres / 1	Téléréalité	Évasion	Acquisition de tiers
Des trains pas comme les autres / 7	Téléréalité	Évasion	Acquisition de tiers
Direction la mer / 2	Spécial - Intérêt général	Évasion	Contenu commandé
Direction la mer / 3	Spécial - Intérêt général	Évasion	Contenu commandé

Direction la mer / 5	Spécial - Intérêt général	Évasion	Contenu commandé
Expat / 1	Documentaire	Évasion	Contenu commandé
Expédition X / 1	Téléréalité	Évasion	Acquisition de tiers
Explorations de l'extrême / 1	Téléréalité	Évasion	Acquisition de tiers
Flâneries dans les Balkans / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Grosse vie en VR / 3	Téléréalité	Évasion	Acquisition de tiers
Grosse vie en VR / 4	Téléréalité	Évasion	Acquisition de tiers
Guide et bourlingueur / 1	Spécial - Intérêt général	Évasion	Contenu commandé
Hôtel impossible 5 étoiles / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Hôtel impossible top 10 / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Hôtel inspector / 10	Spécial - Intérêt général	Évasion	Acquisition de tiers
Hôtel inspector / 11	Spécial - Intérêt général	Évasion	Acquisition de tiers
Hôtel inspector / 12	Spécial - Intérêt général	Évasion	Acquisition de tiers
Hôtel inspector / 13	Television series	Évasion	Acquisition de tiers
Hôtel inspector / 14	Téléréalité	Évasion	Acquisition de tiers
Hôtel inspector / 9	Spécial - Intérêt général	Évasion	Acquisition de tiers
Hôtels à couper le souffle / 1	Téléréalité	Évasion	Acquisition de tiers
Josh Gates, traqueur de mystères / 2	Spécial - Intérêt général	Évasion	Acquisition de tiers
Josh Gates, traqueur de mystères / 3	Spécial - Intérêt général	Évasion	Acquisition de tiers
Josh Gates, traqueur de mystères / 6	Téléréalité	Évasion	Acquisition de tiers
Josh Gates, traqueur de yéti / 1	Magazine	Évasion	Acquisition de tiers
La belle tournée / 1	Variété	Évasion	Contenu commandé
La Corée vue d'en haut / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
La course aux merveilles disparues / 1	Dramatique	Évasion	Acquisition de tiers
La mer Noire / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
La ruée vers l'or / 1	Documentaire	Évasion	Contenu commandé
La Thaïlande vue d'en haut / 1	Documentaire	Évasion	Acquisition de tiers
Le Japon vu d'en haut / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Le voyageur assoiffé / 3	Spécial - Intérêt général	Évasion	Acquisition de tiers
Les aventures de monsieur Gluzicki / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Les aventuriers de la baie d'Hudson / 1	Téléréalité	Évasion	Acquisition de tiers
Les frères Keefer : au coeur de l'inconnu / 1	Television series	Évasion	Acquisition de tiers
Les vacances de monsieur Bruno / 3	Magazine	Évasion	Contenu commandé
Mordu de la pêche / 3	Spécial - Intérêt général	Évasion	Contenu commandé

Mordu de la pêche / 4	Spécial - Intérêt général	Évasion	Contenu commandé
Mordu de la pêche / 6	Spécial - Intérêt général	Évasion	Contenu commandé
Mordu de la pêche / 7	Spécial - Intérêt général	Évasion	Contenu commandé
Mystères inexplorés / 1	Télé réalité	Évasion	Contenu commandé
Parcs aquatiques de l'extrême / 7	Spécial - Intérêt général	Évasion	Acquisition de tiers
Pêche ou crève / 1	Télé réalité	Évasion	Acquisition de tiers
Pêches impossibles / 1	Télé réalité	Évasion	Acquisition de tiers
Phototrip / 1	Documentaire	Évasion	Contenu commandé
Regarde le monde / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Rivière sans retour / 1	Télé réalité	Évasion	Acquisition de tiers
Seekers en Inde / 1	Documentaire	Évasion	Contenu commandé
Soleil tout inclus / 10	Spécial - Intérêt général	Évasion	Contenu commandé
Soleil tout inclus / 9	Spécial - Intérêt général	Évasion	Contenu commandé
Splendides hôtels: les coulisses du luxe / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Splendides hôtels: les coulisses du luxe / 2	Spécial - Intérêt général	Évasion	Acquisition de tiers
Stéréotypes / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Super fleuves avec Jeremy Wade / 1	Spécial - Intérêt général	Évasion	Acquisition de tiers
Supernaturel / 1	Magazine	Évasion	Contenu commandé
Tables avec vue / 1	Télé réalité	Évasion	Acquisition de tiers
Top 10 insolite / 1	Spécial - Intérêt général	Évasion	Contenu commandé
Tout un festival / 1	Spécial - Intérêt général	Évasion	Contenu commandé
Trésors vus du ciel / 3	Spécial - Intérêt général	Évasion	Acquisition de tiers
Un Québécois à Paris / 1	Documentaire	Évasion	Contenu commandé
Unis pour survivre / 4	Télé réalité	Évasion	Acquisition de tiers
Unis pour survivre / 6	Télé réalité	Évasion	Acquisition de tiers
Van aventure / 2	Magazine	Évasion	Contenu commandé
Vivre sous zéro / 3	Documentaire	Évasion	Acquisition de tiers
Vivre sous zéro : Canada / 1	Télé réalité	Évasion	Acquisition de tiers
Vu sur terre / 8	Documentaire	Évasion	Acquisition de tiers

MOI & cie**Exclusivités****15 avril au 15 juillet 2021**

TITRE	GENRE	CHAÎNE	CATÉGORIE DE PROJET
9-1-1 / 2	Dramatique	MOI & cie	Acquisition de tiers
9-1-1 / 3	Dramatique	MOI & cie	Acquisition de tiers
Accident, suicide ou meurtre? / 1	Téléréalité	MOI & cie	Acquisition de tiers
Ambulance / 1	Téléréalité	MOI & cie	Acquisition de tiers
Ambulance / 3	Téléréalité	MOI & cie	Acquisition de tiers
Ambulance / 4	Téléréalité	MOI & cie	Acquisition de tiers
Ambulance / 5	Téléréalité	MOI & cie	Acquisition de tiers
Ambulance / 6	Téléréalité	MOI & cie	Acquisition de tiers
Ambulanciers : vivre dans l'urgence / 1	Téléréalité	MOI & cie	Acquisition de tiers
Autiste, bientôt majeur / 1	Documentaire	MOI & cie	Contenu commandé
Autiste, maintenant majeur / 1	Documentaire	MOI & cie	Contenu commandé
Ça ne se demande pas / 1	Documentaire	MOI & cie	Acquisition de tiers
Ça ne se demande pas / 2	Documentaire	MOI & cie	Acquisition de tiers
Chirurgie botchée / 2	Téléréalité	MOI & cie	Acquisition de tiers
Chirurgie botchée / 4	Téléréalité	MOI & cie	Acquisition de tiers
Chirurgie botchée / 5	Téléréalité	MOI & cie	Acquisition de tiers
Chirurgie botchée / 6	Téléréalité	MOI & cie	Acquisition de tiers
Couples tueurs / 8	Téléréalité	MOI & cie	Acquisition de tiers
Couples tueurs / 9	Téléréalité	MOI & cie	Acquisition de tiers
Crime obscur / 3	Téléréalité	MOI & cie	Acquisition de tiers
Crime odieux: le meurtre de Jessica Chambers /	Téléréalité	MOI & cie	Acquisition de tiers
Dave Morissette - les vrais héros / 1	Documentaire	MOI & cie	Contenu commandé
Désordre extrême / 12	Téléréalité	MOI & cie	Acquisition de tiers
Désordre extrême / 3	Téléréalité	MOI & cie	Acquisition de tiers
Désordre extrême / 4	Téléréalité	MOI & cie	Acquisition de tiers
Désordre extrême / 5	Téléréalité	MOI & cie	Acquisition de tiers
Désordre extrême / 8	Téléréalité	MOI & cie	Acquisition de tiers
Disparition : Phoenix Coldon / 1	Téléréalité	MOI & cie	Acquisition de tiers
Disparition : Susan Cox Powell / 1	Téléréalité	MOI & cie	Acquisition de tiers

Distorsion / 1	Documentaire	MOI & cie	Contenu commandé
DOC / 1	Dramatique	MOI & cie	Acquisition de tiers
Embauchez-moi / 1	Téléréalité	MOI & cie	Acquisition de tiers
Fin de mois / 1	Documentaire	MOI & cie	Contenu commandé
Fin de mois / 2	Documentaire	MOI & cie	Contenu commandé
Handicap amoureux / 10	Téléréalité	MOI & cie	Acquisition de tiers
Handicap amoureux / 11	Téléréalité	MOI & cie	Acquisition de tiers
Handicap amoureux / 8	Téléréalité	MOI & cie	Acquisition de tiers
Histoires de coming out / 1	Documentaire	MOI & cie	Contenu commandé
Hôpital : la réalité / 1	Téléréalité	MOI & cie	Acquisition de tiers
Hôpital : la réalité / 2	Téléréalité	MOI & cie	Acquisition de tiers
Hôpital : la réalité / 3	Téléréalité	MOI & cie	Acquisition de tiers
Infractions / 1	Documentaire	MOI & cie	Contenu commandé
Infractions / 3	Documentaire	MOI & cie	Contenu commandé
Je suis / 3	Documentaire	MOI & cie	Acquisition de tiers
Je suis / 4	Documentaire	MOI & cie	Acquisition de tiers
La vallée meurtrière / 1	Documentaire	MOI & cie	Acquisition de tiers
La vie à 600 lb / 7	Téléréalité	MOI & cie	Acquisition de tiers
La vie à 600 lb / 8	Téléréalité	MOI & cie	Acquisition de tiers
La vie à 600 lb: où en sont-ils? / 3	Téléréalité	MOI & cie	Acquisition de tiers
La vie à 600 lb: où en sont-ils? / 4	Téléréalité	MOI & cie	Acquisition de tiers
La vie à 600 lb: où en sont-ils? / 5	Téléréalité	MOI & cie	Acquisition de tiers
L'affaire Caylee Anthony / 1	Téléréalité	MOI & cie	Acquisition de tiers
L'avocat du diable / 1	Téléréalité	MOI & cie	Acquisition de tiers
Le petit couple / 10	Téléréalité	MOI & cie	Acquisition de tiers
Le poids du devoir / 1	Téléréalité	MOI & cie	Acquisition de tiers
L'enfer de Gypsy Rose Blanchard / 1	Dramatique	MOI & cie	Acquisition de tiers
L'entrevue / 1	Documentaire	MOI & cie	Contenu commandé
L'Hôpital pour enfants / 1	Téléréalité	MOI & cie	Acquisition de tiers
Liens rompus / 1	Téléréalité	MOI & cie	Contenu commandé
Ma vie avec un tueur / 1	Dramatique	MOI & cie	Acquisition de tiers
Meurtres à l'hôpital / 2	Téléréalité	MOI & cie	Acquisition de tiers
Meurtres insolites / 1	Téléréalité	MOI & cie	Acquisition de tiers
Non coupable / 1	Dramatique	MOI & cie	Acquisition de tiers

Où es-tu? / 2	Documentaire	MOI & cie	Contenu commandé
Perdus dans le désordre / 1	Téléréalité	MOI & cie	Acquisition de tiers
Perdus dans le désordre / 2	Téléréalité	MOI & cie	Acquisition de tiers
Pot inc. / 1	Téléréalité	MOI & cie	Contenu commandé
Première ligne: chaque seconde compte / 1	Téléréalité	MOI & cie	Contenu commandé
Première ligne: chaque seconde compte / 2	Téléréalité	MOI & cie	Contenu commandé
Projet innocence / 1	Mini-série	MOI & cie	Acquisition de tiers
Sauvetages dans les Rocheuses / 1	Téléréalité	MOI & cie	Acquisition de tiers
Sous prescription / 1	Dramatique	MOI & cie	Acquisition de tiers
Survivalistes / 1	Documentaire	MOI & cie	Contenu commandé
Tragédie au manoir / 1	Téléréalité	MOI & cie	Acquisition de tiers
Traître / 1	Dramatique	MOI & cie	Acquisition de tiers
Traqué : Jeux mortels / 1	Dramatique	MOI & cie	Acquisition de tiers
Traqués Uk / 1	Téléréalité	MOI & cie	Acquisition de tiers
Unité canine / 1	Documentaire	MOI & cie	Contenu commandé
Urgence santé mentale / 1	Téléréalité	MOI & cie	Contenu commandé
Victimes de justice/ 1	Téléréalité	MOI & cie	Acquisition de tiers

Prise 2**Exclusivités****15 avril au 15 juillet 2021**

TITRE	GENRE	CHAÎNE	CATÉGORIE DE PROJET
450, chemin du golf / 1	Comédie de situation	Prise 2	Contenu commandé
450, chemin du golf / 6	Comédie de situation	Prise 2	Contenu commandé
450, chemin du golf / 7	Comédie de situation	Prise 2	Contenu commandé
Beverly Hills : Les retrouvailles / 1	Dramatique	Prise 2	Acquisition de tiers
Caméra café / IV	Comédie de situation	Prise 2	Contenu commandé
Caméra café / V	Comédie de situation	Prise 2	Contenu commandé
Catherine / 3	Series	Prise 2	Contenu commandé
Diagnostic meurtre / 4	Series	Prise 2	Acquisition de tiers
Diagnostic meurtre / 5	Series	Prise 2	Acquisition de tiers
Docteur Quinn, femme médecin / 1	Series	Prise 2	Acquisition de tiers
Docteur Quinn, femme médecin / 2	Series	Prise 2	Acquisition de tiers
Docteur Quinn, femme médecin / 3	Series	Prise 2	Acquisition de tiers
Elle écrit au meurtre / 6	Mini-série	Prise 2	Acquisition de tiers
Elle écrit au meurtre / 7	Mini-série	Prise 2	Acquisition de tiers
Elle écrit au meurtre / 8	Mini-série	Prise 2	Acquisition de tiers
Éternel / 1	Dramatique	Prise 2	Acquisition de tiers
Histoires de filles / 1	Comédie de situation	Prise 2	Contenu commandé
Histoires de filles / 10	Comédie de situation	Prise 2	Contenu commandé
Histoires de filles / 8	Comédie de situation	Prise 2	Contenu commandé
Histoires de filles / 9	Comédie de situation	Prise 2	Contenu commandé
Jinny / 1	Comédie de situation	Prise 2	Acquisition de tiers
Jinny / 2	Comédie de situation	Prise 2	Acquisition de tiers
Km/h / 1	Comédie de situation	Prise 2	Contenu commandé
Km/h / 4	Comédie de situation	Prise 2	Contenu commandé
La petite maison dans la prairie / 6	Series	Prise 2	Acquisition de tiers
La petite maison dans la prairie / 7	Series	Prise 2	Acquisition de tiers
La petite maison dans la prairie / 8	Series	Prise 2	Acquisition de tiers
La petite maison dans la prairie / 9	Series	Prise 2	Acquisition de tiers
L'arme fatale / 1	Dramatique	Prise 2	Acquisition de tiers

L'arme fatale / 2	Dramatique	Prise 2	Acquisition de tiers
L'arme fatale / 3	Dramatique	Prise 2	Acquisition de tiers
Le grand rire - meilleurs moments / 1	Variété	Prise 2	Contenu commandé
Le grand rire / 1	Variété	Prise 2	Contenu commandé
Les anges du bonheur / 3	Series	Prise 2	Acquisition de tiers
Les anges du bonheur / 5	Series	Prise 2	Acquisition de tiers
Les beaux malaises / 2	Comédie de situation	Prise 2	Contenu commandé
Les boys / 1	Series	Prise 2	Contenu commandé
Les boys / 2	Series	Prise 2	Contenu commandé
Les deux font la paire / 1	Dramatique	Prise 2	Acquisition de tiers
Les joyeux naufragés / 2	Series	Prise 2	Acquisition de tiers
Les Pierrafeu 1	Cartoon	Prise 2	Acquisition de tiers
Les Pierrafeu 2	Cartoon	Prise 2	Acquisition de tiers
Les recrues de la 15e / 2	Series	Prise 2	Acquisition de tiers
Les recrues de la 15e / 3	Series	Prise 2	Acquisition de tiers
Les recrues de la 15e / 4	Series	Prise 2	Acquisition de tiers
Les recrues de la 15e / 5	Series	Prise 2	Acquisition de tiers
Les recrues de la 15e / 6	Series	Prise 2	Acquisition de tiers
MacGyver (2016) / 2	Dramatique	Prise 2	Acquisition de tiers
MacGyver (2016) / 4	Dramatique	Prise 2	Acquisition de tiers
Magnum (2018) / 2	Dramatique	Prise 2	Acquisition de tiers
Magnum (2018) / 3	Dramatique	Prise 2	Acquisition de tiers
Shérif, fais-moi peur! / 7	Dramatique	Prise 2	Acquisition de tiers
Soirée canadienne / 14	Variété	Prise 2	Production interne
Soirée canadienne / 15	Variété	Prise 2	Production interne
Tarzan / 2	Dramatique	Prise 2	Acquisition de tiers
Tarzan / 3	Dramatique	Prise 2	Acquisition de tiers
Urgences / 7	Dramatique	Prise 2	Acquisition de tiers
Urgences / 8	Dramatique	Prise 2	Acquisition de tiers
Veronica Mars / 1	Dramatique	Prise 2	Acquisition de tiers
Walker, Texas Ranger / 1	Dramatique	Prise 2	Acquisition de tiers
Walker, Texas Ranger / 2	Dramatique	Prise 2	Acquisition de tiers
Walker, Texas Ranger / 3	Dramatique	Prise 2	Acquisition de tiers

Zeste**Exclusivités****15 avril au 15 juillet 2021**

TITRE	GENRE	CHAÎNE	CATÉGORIE DE PROJET
Affrontement au supermarché / 1	Téléréalité	Zeste	Acquisition de tiers
Bbq non-stop avec Hugo Girard / 1	Spécial - Intérêt général	Zeste	Contenu commandé
Beat The Chef : duel en cuisine/ 1	Téléréalité	Zeste	Acquisition de tiers
Bizarre appétit / 11	Spécial - Intérêt général	Zeste	Acquisition de tiers
Bizarre appétit / 12	Spécial - Intérêt général	Zeste	Acquisition de tiers
Bizarre appétit / 9	Spécial - Intérêt général	Zeste	Acquisition de tiers
Buddy contre Duff / 2	Téléréalité	Zeste	Acquisition de tiers
Casse-croûte à l'américaine avec Casey Webb / 1	Spécial - Intérêt général	Zeste	Acquisition de tiers
Casse-croûte à l'américaine avec Casey Webb / 2	Spécial - Intérêt général	Zeste	Acquisition de tiers
Casse-croûte à l'américaine avec Casey Webb / 4	Spécial - Intérêt général	Zeste	Acquisition de tiers
Client mystère / 9	Spécial - Intérêt général	Zeste	Acquisition de tiers
Coups de food / 5	Spécial - Intérêt général	Zeste	Contenu commandé
Coups de food / 6	Magazine	Zeste	Contenu commandé
Dessine-moi un gâteau / 1	Magazine	Zeste	Acquisition de tiers
Dessine-moi un gâteau / 2	Magazine	Zeste	Acquisition de tiers
Eddie dévore l'Amérique / 1	Téléréalité	Zeste	Acquisition de tiers
Face-à-face familial : États-Unis / 1	Téléréalité	Zeste	Acquisition de tiers
Fric-o-frigo / 3	Spécial - Intérêt général	Zeste	Acquisition de tiers
Gordon Ramsay : 24 h en enfer / 2	Téléréalité	Zeste	Acquisition de tiers
Gordon Ramsay : 24 h en enfer / 3	Téléréalité	Zeste	Acquisition de tiers
Hell's kitchen / 11	Spécial - Intérêt général	Zeste	Acquisition de tiers
Hell's kitchen / 12	Spécial - Intérêt général	Zeste	Acquisition de tiers
Hell's kitchen / 19	Spécial - Intérêt général	Zeste	Acquisition de tiers
Impossible n'est pas chocolat / 1	Téléréalité	Zeste	Acquisition de tiers
Impossible n'est pas gâteau! / 2	Spécial - Intérêt général	Zeste	Acquisition de tiers
Impossible n'est pas gâteau! / 3	Spécial - Intérêt général	Zeste	Acquisition de tiers
Iron chef Canada (vf) / 1	Téléréalité	Zeste	Acquisition de tiers
Jamie Oliver : ultimes légumes / 1	Téléréalité	Zeste	Acquisition de tiers
La guerre des frigos / 1	Documentaire	Zeste	Acquisition de tiers

La liste du parfait gourmand / 1	Télé réalité	Zeste	Acquisition de tiers
La liste du parfait gourmand / 2	Télé réalité	Zeste	Acquisition de tiers
Le boss des gâteaux / 9	Spécial - Intérêt général	Zeste	Acquisition de tiers
Le championnat de pâtisserie junior / 1	Télé réalité	Zeste	Acquisition de tiers
Le championnat de pâtisserie junior / 3	Télé réalité	Zeste	Acquisition de tiers
Le combat des gâteaux géants / 1	Télé réalité	Zeste	Acquisition de tiers
Le gâteau de mes rêves / 3	Spécial - Intérêt général	Zeste	Acquisition de tiers
Le meilleur pâtissier édition britannique / 8	Télé réalité	Zeste	Acquisition de tiers
Le mur des chefs / 1	Télé réalité	Zeste	Acquisition de tiers
Les garden-partys de Kimberly / 1	Spécial - Intérêt général	Zeste	Acquisition de tiers
Les pros du gril / 1	Télé réalité	Zeste	Acquisition de tiers
Les rois des fêtes foraines / 1	Spécial - Intérêt général	Zeste	Acquisition de tiers
L'escouade gâteau de Duff / 2	Télé réalité	Zeste	Acquisition de tiers
Mythes et réalités sur nos aliments / 3	Documentaire	Zeste	Acquisition de tiers
Opération sabotage / 10	Télé réalité	Zeste	Acquisition de tiers
Opération sabotage / 7	Télé réalité	Zeste	Acquisition de tiers
Opération sabotage / 8	Télé réalité	Zeste	Acquisition de tiers
Ouvert la nuit / 2	Spécial - Intérêt général	Zeste	Acquisition de tiers
Quand Benoit est là ! / 2	Magazine	Zeste	Contenu commandé
Restaurant impossible / 13	Spécial - Intérêt général	Zeste	Acquisition de tiers
Restaurant impossible / 14	Télé réalité	Zeste	Acquisition de tiers
Restaurant impossible / 9	Spécial - Intérêt général	Zeste	Acquisition de tiers
Resto mundo / 1	Spécial - Intérêt général	Zeste	Acquisition de tiers
Station Potluck / 1	Documentaire	Zeste	Contenu commandé
Station Potluck / 2	Magazine	Zeste	Contenu commandé
Sur le pouce / 1	Spécial - Intérêt général	Zeste	Contenu commandé
Sur le pouce / 2	Spécial - Intérêt général	Zeste	Contenu commandé
Sur le pouce / 3	Spécial - Intérêt général	Zeste	Contenu commandé
Tables avec vue / 1	Télé réalité	Zeste	Acquisition de tiers
Top chef / 16	Télé réalité	Zeste	Acquisition de tiers

YOOPA**Exclusivités****15 avril au 15 juillet 2021**

TITRE	GENRE	CHAÎNE	CATÉGORIE DE PROJET
44 chats / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Bam / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
Caillou / 2	Enfant / Jeunesse	YOOPA	Contenu commandé
Caillou / 3	Enfant / Jeunesse	YOOPA	Contenu commandé
Champion malgré lui / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Champion malgré lui / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Cinq / 1	Cartoon	YOOPA	Contenu commandé
Dino Dan / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
Dino Dan / 2	Enfant / Jeunesse	YOOPA	Contenu commandé
Dino Dan / 3	Enfant / Jeunesse	YOOPA	Contenu commandé
Dino Dana / 5	Enfant / Jeunesse	YOOPA	Contenu commandé
Dino Dana / 6	Enfant / Jeunesse	YOOPA	Contenu commandé
Dino Dana / 7	Enfant / Jeunesse	YOOPA	Contenu commandé
Dino Dana / 8	Enfant / Jeunesse	YOOPA	Contenu commandé
Dora et ses amis / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Dora et ses amis / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Drôle de manoir / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Drôles de bettes / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
Dronix / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Hank Zipzer / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Henry Danger / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Holly Hobbie / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
Kids vs wild: seuls face à la nature / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Kong; Le roi des singes / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Kong; Le roi des singes / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
La magie en plus / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
La minute sous marine	Enfant / Jeunesse	YOOPA	Acquisition de tiers
L'autre royaume / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
Le championnat de pâtisserie junior / 1	Télé-réalité	YOOPA	Acquisition de tiers

Le championnat de pâtisserie junior / 2	Téléralité	YOOPA	Acquisition de tiers
Le chat dans le chapeau / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
Le chat dans le chapeau / 2	Enfant / Jeunesse	YOOPA	Contenu commandé
Le club de la deuxième chance / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
L'école du rock / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
L'école du rock / 3	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Léna, rêve d'étoile / 3	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Les chroniques de la peur / 2	Enfant / Jeunesse	YOOPA	Contenu commandé
Les Kicks / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Les mystères d'Hunter Street / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Minuscule - la capsule / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Minuscule - Roméo et Fourmi 13 min / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Minuscule - Spécial 28 min (Halloween) / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Minuscule / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Mission zoo / 1	Magazine	YOOPA	Production interne
Mon petit poney / 4	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Mon petit poney / 5	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Mon petit poney / 6	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Monsieur Carton / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
NCK en coulisses / 1	Magazine	YOOPA	Production interne
Nella, princesse chevalier	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Où est Charlie / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Peanuts / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Rusty Rivets - inventeur en herbe / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
Rusty Rivets - inventeur en herbe / 2	Enfant / Jeunesse	YOOPA	Contenu commandé
Shimmer & Shine / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Shimmer & Shine / 3	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Skylanders Academy / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Skylanders Academy / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Skylanders Academy / 3	Enfant / Jeunesse	YOOPA	Acquisition de tiers
SuperBOOMi / 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers
T'es où Théo - la capsule / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
T'es où Théo / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
Vraiment top / 1	Enfant / Jeunesse	YOOPA	Contenu commandé

Yaya et Zouk / 1	Enfant / Jeunesse	YOOPA	Contenu commandé
Yaya et Zouk / 2	Enfant / Jeunesse	YOOPA	Contenu commandé
Yétili - la capsule / 2	Enfant / Jeunesse	YOOPA	Acquisition de tiers
Zak Storm - super pirate/ 1	Enfant / Jeunesse	YOOPA	Acquisition de tiers

LCN

Exclusivités

15 avril au 15 juillet 2021

TITRE	GENRE	CHAÎNE	CATÉGORIE DE PROJET
100% nouvelles / SAISON 2020-2021	Nouvelles.	LCN	Production interne
À vos affaires / 2020-2021	Nouvelles.	LCN	Production interne
Denis Lévesque / 2020-2021	Affaires publiques	LCN	Production interne
Détox	Documentaire	LCN	Contenu commandé
La face cachée des énergies vertes	Documentaire	LCN	Acquisition de tiers
La joute - Les meilleurs moments / 2020-2021	Nouvelles.	LCN	Production interne
La joute / 2020-2021	Nouvelles.	LCN	Production interne
LCN/maintenant	Nouvelles.	LCN	Production interne
Le Québec matin	Nouvelles.	LCN	Production interne
Le Québec matin 5H30 / 1	Nouvelles.	LCN	Production interne
Le Québec matin week-end (2020-2021)	Nouvelles.	LCN	Production interne
L'espoir bleu	Documentaire	LCN	Acquisition de tiers
Mario Dumont / saison 2020-2021	Affaires publiques	LCN	Production interne
Scoppa et moi, Partie 1	Documentaire	LCN	Contenu commandé
Scoppa et moi, Partie 2	Documentaire	LCN	Contenu commandé

TVA sports 1

Exclusivités

15 avril au 15 juillet 2021

TITRE	GENRE	CHAÎNE	CATÉGORIE DE PROJET
Après-match - CF Montréal / 2021	Sport	TVAS1	Production interne
Avant-match - CF Montréal 2021	Sport	TVAS1	Production interne
Avant-match 2021	Sport	TVAS1	Production interne
Avant-match des Canadiens / 1	Sport	TVAS1	Production interne
Avant-match Euro 2020 / 1	Sport	TVAS1	Production interne
Avant-match LNH 2020-2021	Sport	TVAS1	Production interne
Baseball des Blue Jays 2021	Sport	TVAS1	Production interne
Born to hunt: un mode de vie / 5	Sport	TVAS1	Contenu commandé
CF Montréal 2021	Sport	TVAS1	Production interne
Chassomaniak / 7	Sport	TVAS1	Contenu commandé
Combats d'une vie / 1	Sport	TVAS1	Production interne
Dave Morissette en direct / 2020-2021	Sport	TVAS1	Production interne
Dave Morissette en direct CH / 1	Sport	TVAS1	Production interne
En route vers l'Euro / 2	Sport	TVAS1	Production interne
Expédition faune / 7	Sport	TVAS1	Contenu commandé
Faits saillants Euro 2020	Sport	TVAS1	Production interne
Faunik chasse et pêche / 1	Documentaire	TVAS1	Contenu commandé
Femmes de sport / 1	Sport	TVAS1	Acquisition de tiers
Formule E - Avant-courses / 2021	Sport	TVAS1	Production interne
Formule E - Courses / 2021	Sport	TVAS1	Production interne
Formule E - Qualifications / 2021	Sport	TVAS1	Production interne
Golf mag / 2016-2017	Sport	TVAS1	Contenu commandé
Golf mag / 2017-2018	Sport	TVAS1	Contenu commandé
Hommage / 1	Sport	TVAS1	Acquisition de tiers
JiC	Sport	TVAS1	Production interne
La ligue majeure de baseball / 2021	Sport	TVAS1	Production interne
La LNH à TVA Sports / 2020-2021	Sport	TVAS1	Production interne
La super soirée Pepsi : Avant-match 2020-20	Sport	TVAS1	Production interne
La super soirée Pepsi 2020-2021	Sport	TVAS1	Production interne

L'académie du guide de l'auto / 1	Sport	TVAS1	Contenu commandé
L'avant-match des foodies / 1	Documentaire	TVAS1	Contenu commandé
Le hockey des séries Canadiens / 2021 / Ron	Sport	TVAS1	Production interne
Le hockey des séries Canadiens / 2021 / Ron	Sport	TVAS1	Production interne
Le hockey des séries Canadiens / 2021 / Ron	Sport	TVAS1	Production interne
Le hockey des séries LNH / Ronde 1	Sport	TVAS1	Production interne
Le hockey des séries LNH / Ronde 2	Sport	TVAS1	Production interne
Le hockey des séries LNH / Ronde 3	Sport	TVAS1	Production interne
Le magazine de la WTA / 1	Sport	TVAS1	Acquisition de tiers
Le top des tops / 1	Sport	TVAS1	Acquisition de tiers
Le top LNH / 2020-2021	Sport	TVAS1	Production interne
Motosports.tv 2021 / 1	Sport	TVAS1	Contenu commandé
Raw / 1	Sport	TVAS1	Production interne
Red Bull - le monde en action / 1	Sport	TVAS1	Acquisition de tiers
Red Bull Reel Rock / 6	Sport	TVAS1	Acquisition de tiers
Roadhunt / 2	Sport	TVAS1	Contenu commandé
Séries éliminatoires LHJMQ / 2021 / 1	Sport	TVAS1	Production interne
Tennis de la Fed Cup / 2021	Sport	TVAS1	Production interne
Tennis WTA 2021	Sport	TVAS1	Production interne
UEFA Euro 2020	Sport	TVAS1	Production interne
Ultimate Tennis Showdown / 2021	Sport	TVAS1	Production interne
WTA : mon histoire / 1	Sport	TVAS1	Acquisition de tiers

TVA sports 2

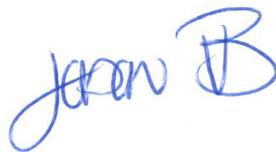
Exclusivités

15 avril au 15 juillet 2021

TITRE	GENRE	CHAÎNE	CATÉGORIE DE PROJET
Après-match - CF Montréal / 2021	Documentaire	TVAS2	Production interne
Avant-match - CF Montréal 2021	Sport	TVAS2	Production interne
Avant-match 2021	Sport	TVAS2	Production interne
Avant-match des Canadiens / 1	Sport	TVAS2	Production interne
Avant-match Euro 2020 / 1	Sport	TVAS2	Production interne
Avant-match LNH 2020-2021	Sport	TVAS2	Production interne
Baseball des Blue Jays 2021	Sport	TVAS2	Production interne
Born to hunt: un mode de vie / 5	Sport	TVAS2	Acquisition de tiers
Canada in the rough / 16	Sport	TVAS2	Acquisition de tiers
Carte principale	Sport	TVAS2	Production interne
CF Montréal 2021	Sport	TVAS2	Production interne
Chassomaniak / 7	Sport	TVAS2	Contenu commandé
Combats d'une vie / 1	Sport	TVAS2	Production interne
Dave Morissette en direct / 2020-2021	Sport	TVAS2	Production interne
Dave Morissette en direct CH / 1	Sport	TVAS2	Production interne
En route vers l'Euro / 2	Sport	TVAS2	Production interne
Équipes de rêve / 1	Sport	TVAS2	Acquisition de tiers
Expédition faune / 7	Sport	TVAS2	Contenu commandé
Faits saillants Euro 2020	Sport	TVAS2	Production interne
Faunik chasse et pêche / 1	Documentaire	TVAS2	Contenu commandé
Femmes de sport / 1	Sport	TVAS2	Acquisition de tiers
Formule E - Avant-courses / 2021	Sport	TVAS2	Production interne
Formule E - Courses / 2021	Sport	TVAS2	Production interne
Formule E - Qualifications / 2021	Sport	TVAS2	Production interne
Golf mag / 2015-2016	Sport	TVAS2	Contenu commandé
Golf mag / 2016-2017	Sport	TVAS2	Contenu commandé
Golf mag / 2017-2018	Sport	TVAS2	Contenu commandé
Golf mag / 2018-2019	Sport	TVAS2	Contenu commandé
Golf mag / 2019-2020	Sport	TVAS2	Contenu commandé

Gym 2013	Sport	TVAS2	Production interne
Gym 2014	Sport	TVAS2	Production interne
Hommage / 1	Sport	TVAS2	Acquisition de tiers
Interbox 2011-2012	Sport	TVAS2	Production interne
JiC	Sport	TVAS2	Production interne
JiC / 2020-2021	Sport	TVAS2	Production interne
La ligue majeure de baseball / 2021	Sport	TVAS2	Production interne
La LNH à TVA Sports / 2020-2021	Sport	TVAS2	Production interne
La question qui tue /1	Sport	TVAS2	Acquisition de tiers
La super soirée Pepsi 2020-2021	Sport	TVAS2	Production interne
L'académie du guide de l'auto / 1	Sport	TVAS2	Contenu commandé
Le hockey des séries Canadiens / 2021 / Rc	Sport	TVAS2	Production interne
Le hockey des séries Canadiens / 2021 / Rc	Sport	TVAS2	Production interne
Le hockey des séries Canadiens / 2021 / Rc	Sport	TVAS2	Production interne
Le hockey des séries LNH / Ronde 1	Sport	TVAS2	Production interne
Le hockey des séries LNH / Ronde 2	Sport	TVAS2	Production interne
Le hockey des séries LNH / Ronde 3	Sport	TVAS2	Production interne
Le magazine de la WTA / 1	Sport	TVAS2	Acquisition de tiers
Le top des tops / 1	Sport	TVAS2	Acquisition de tiers
Le top LNH / 2020-2021	Sport	TVAS2	Production interne
Les pros / 1	Sport	TVAS2	Contenu commandé
Loterie LNH 2021 / 1	Sport	TVAS2	Production interne
Motosports.tv 2021 / 1	Sport	TVAS2	Contenu commandé
Raw / 1	Sport	TVAS2	Production interne
Red Bull - le monde en action / 1	Sport	TVAS2	Acquisition de tiers
Red Bull Reel Rock / 6	Sport	TVAS2	Acquisition de tiers
Roadhunt / 2	Sport	TVAS2	Contenu commandé
Séries éliminatoires LHJMQ / 2021 / 1	Sport	TVAS2	Production interne
Tennis de la Fed Cup / 2021	Sport	TVAS2	Production interne
Tennis WTA 2021	Sport	TVAS2	Production interne
UEFA Euro 2020	Sport	TVAS2	Production interne
Ultimate Tennis Showdown / 2021	Sport	TVAS2	Production interne

This is **Exhibit LN-4** in support of the
Affidavit of Louis-Philippe Neveu,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 30th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

**Guide de présentation du
formulaire de rapport annuel cumulé
des entreprises de télévision traditionnelle pour 2020
*version publique***

1. Ce formulaire de rapport annuel cumulé doit être déposé au Conseil au plus tard le 30 novembre. Ce formulaire sera affiché sur le site Web du Conseil.
2. Pour les groupes de propriété ayant des intérêts aussi bien dans les entreprises de télévision traditionnelle que de radio, les données financières cumulatives doivent être présentées séparément pour chaque domaine.
3. Pour les groupes de propriété ayant des intérêts dans les services de télévision traditionnelle de langue anglaise et de langue française, les données financières cumulatives doivent être présentées séparément pour les services de chaque langue.
4. Tous les montants financiers doivent être déclarés en milliers de dollars (000\$).
5. Les montants à inscrire dans les cases de ce formulaire sont les sommes des montants individuels inscrits dans les cases correspondantes dans les rapports annuels de chaque entreprise de télévision traditionnelle du groupe de propriété. Lorsqu'un montant inscrit dans une case du formulaire cumulé n'est pas égal à la somme des montants correspondants de toutes les entreprises de télévision traditionnelle du groupe de propriété, veuillez soumettre un rapprochement tel qu'établie dans la PRR CRTC 2009-560.
6. La politique réglementaire en radiodiffusion CRTC 2009-560 exige l'identification de toutes les entreprises utilisées pour compiler le rapport cumulé (voir paragraphe 38).

Groupe de propriété :

Sommaire de données financières - Télévision
version publique
 pour l'année se terminant le 31 août 2020
 (Données cumulées pour toutes les stations titulaires d'une licence au Canada)

Recettes	Réciprocité ou autre transaction non monétaire	Transactions monétaires	
1 Ventes locales de temps d'antenne (excluant les infopublicités)			44,450 \$
	Réciprocité ou autre transaction non monétaire	Ventes nationales	Ventes régionales
2 Ventes nationales de temps d'antenne (excluant les infopublicités)			94,950 \$
3 Paiements du réseau à la station			
		Ventes locales de temps d'antenne	Ventes nationales de temps d'antenne
4 Infopublicités			
		canadiennes	non-canadiennes
5 Ventes de droits de diffusion d'émissions			
6 Ventes de services de production			
7 Subventions gouvernementales et crédits parlementaires			
8 Fonds pour les nouvelles locales indépendantes (FNLI)			
9 Autres recettes (précisez)			
10 Total des recettes			165,922 \$
Dépenses d'exploitation			
11 Programmation et production (montant déclaré à la ligne 10 de la page iii)			117,158 \$
12 Services techniques (montant déclaré à la ligne 23 de la page iii)			17,700 \$
13 Vente et promotion (montant déclaré à la ligne 30 de la page iii)			25,732 \$
14 Frais administratifs et généraux (montant déclaré à la ligne 41 de la page iii)			1,422 \$
15 Total des dépenses d'exploitation (montant déclaré à la ligne 43 de la page iii)			162,012 \$
16 Bénéfice (perte) d'exploitation			3,910 \$
17 Amortissement			14,970 \$
18 Contributions reçues des EDR pour la création d'émissions de nouvelles reflétant la réalité locale			97 \$
19 Bénéfice avant intérêts et impôts			-10,963 \$
Rémunération totale (incluse dans les dépenses d'exploitation ci-dessus)			
Rémunération (y compris les commissions et les cachets versés à des membres du personnel), avantages sociaux et jetons de présence des administrateurs			
20 Programmation et production			
21 Services techniques			
22 Vente et promotion			
23 Administration et frais généraux			
24 Rémunération totale			61,910 \$
Effectifs moyens (nombre total de salariés à plein temps et de salariés à temps partiel en équivalent à plein temps pour une semaine normale)			
25 Programmation et production			
26 Services techniques			
27 Vente et promotion			
28 Administration et frais généraux			
29 Total des effectifs moyens			667
30 Avantages sociaux (montant faisant partie de la rémunération déclarée ci-dessus)			
Bénévoles			
31 Nombre total de personnes bénévoles			
32 Nombre total d'heures travaillées par des bénévoles			

Veillez utiliser l'espace fourni ci-dessous pour les commentaires, explications, notes méthodologiques, mentions ou tout autre renseignement important concernant les données que vous avez soumises dans ce formulaire.

Télévision - Frais d'exploitation directs - Dépenses de programmation et de production (pour la période se terminant le 31 août 2020)
Version publique
 (Données cumulées pour toutes les services facultatifs - Canada)

Dépenses de programmation	Information				Sports		Musique et divertissement					Autres		Total	
	Nouvelles	Analyse et interprétation	Documentaires de longue durée	Autres informations	Émissions dramatiques et comiques	Longs métrages	Émissions et films d'animation	Musique/Variété	Jeux-questionnaire	Intérêt général (excluant Émissions de remise des prix)	Émission de remise de prix (excluant 11a)	Téléréalité	Autres (excl. Infopublicités)		Infopublicités
Catégorie	1	2a	2b	3 à 5	6	7a,b,f,g	7c et 7d	7e	8, 9	10	11a	11b	12, 13 et 15	14	
Dépenses pour les émissions canadiennes															
Diffusion d'émissions canadiennes															
1	25,950 \$	4,240 \$	38 \$	679 \$	303 \$	1,275 \$	590 \$	43 \$	635 \$	255 \$	663 \$	108 \$	8 \$	0 \$	34,787 \$
2	0 \$	10,148 \$	10 \$	1 \$	0 \$	321 \$	149 \$	11 \$	212 \$	5,672 \$	1,994 \$	311 \$	2 \$	0 \$	18,831 \$
3	-7,000 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	-7,000 \$
4	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
5	0 \$	125 \$	779 \$	-6 \$	0 \$	25,380 \$	150 \$	11 \$	13,794 \$	65 \$	12,251 \$	1,607 \$	2 \$	0 \$	54,158 \$
6	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
7	0 \$	0 \$	5 \$	0 \$	0 \$	359 \$	4 \$	0 \$	0 \$	0 \$	3 \$	0 \$	0 \$	0 \$	371 \$
8	18,950 \$	14,513 \$	832 \$	674 \$	303 \$	26,976 \$	1,248 \$	69 \$	14,641 \$	5,992 \$	14,908 \$	2,029 \$	12 \$	0 \$	101,147 \$
Autres dépenses d'émissions canadiennes:															
9	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	177 \$	0 \$	0 \$	177 \$
10	0 \$	0 \$	50 \$	0 \$	0 \$	512 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	562 \$
11	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
12	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
13	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
14	0 \$	0 \$	50 \$	0 \$	0 \$	512 \$	0 \$	0 \$	0 \$	0 \$	0 \$	177 \$	0 \$	0 \$	739 \$
15	18,950 \$	14,513 \$	882 \$	674 \$	303 \$	27,488 \$	1,248 \$	69 \$	14,641 \$	5,992 \$	14,908 \$	2,029 \$	189 \$	0 \$	101,886 \$
Dépenses pour les émissions non-canadiennes															
16															17,363 \$
17															0 \$
18															0 \$
19															17,363 \$
20															119,249 \$
Sommés incluses au total des dépenses de diffusion d'émissions canadienne pour:															
21	535 \$	49 \$	4 \$	-0 \$	0 \$	127 \$	59 \$	4 \$	63 \$	25 \$	66 \$	11 \$	1 \$	0 \$	943 \$
22	0 \$	75 \$	6 \$	-0 \$	0 \$	195 \$	90 \$	7 \$	97 \$	39 \$	101 \$	16 \$	1 \$	0 \$	627 \$
23	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	52 \$	0 \$	148 \$	284 \$	0 \$	0 \$	484 \$
24	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
25	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
26	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
27	18,950 \$	13,773 \$	770 \$	672 \$	303 \$	24,762 \$	0 \$	0 \$	13,633 \$	5,608 \$	13,758 \$	1,576 \$	177 \$	0 \$	93,982 \$
Émissions à l'écran:															
28	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
29	18,950 \$	13,773 \$	770 \$	672 \$	303 \$	24,762 \$	0 \$	0 \$	13,633 \$	5,608 \$	13,758 \$	1,576 \$	177 \$	0 \$	93,982 \$
30	0 \$	740 \$	112 \$	2 \$	0 \$	2,726 \$	1,248 \$	69 \$	1,008 \$	384 \$	1,150 \$	453 \$	12 \$	0 \$	7,904 \$
Émission pour enfants:															
31	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
32	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
33	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
Sommés incluses au total des autres dépenses d'émissions canadiennes pour:															
34	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$
35	0 \$	0 \$	340 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	0 \$	340 \$
Sommés incluses au total des dépenses de diffusion d'émissions non-canadiennes pour:															
36															

Veillez utiliser l'espace ci-dessous pour inscrire tout commentaire, explication, note méthodologique, mention ou autres renseignements importants concernant les données fournies dans le présent formulaire.

TÉLÉVISION TRADITIONNELLE - FRAIS D'EXPLOITATION DIRECTS

version publique

pour l'année se terminant le 31 août 2020

(Données cumulées pour toutes les stations titulaires d'une licence au Canada)

(000\$)

1 Dépenses totales pour les émissions canadiennes et non-canadiennes (montant déclaré à la ligne 20 de la page ii)	119,249 \$
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Frais de production

2 Coût de la vente/souscription d'émissions canadiennes	
3 Coût de la vente/souscription d'émissions non-canadiennes	
4 Coût des services de production vendue	
5 Infopublicités	
6 Contribution à FACTOR	
7 Contribution à Musicaction	
8 Autres (incluant les redevances musicales) (Si supérieur à 10% du total des dépenses de production, veuillez fournir les détails dans l'espace ci-dessous)	
9 Total des frais de production	-2,091 \$
10 Grand Total des frais de programmation et de production (montant déclaré à la ligne 11 de la page i)	117,158 \$

Montants inclus dans le Grand Total des frais de programmation et de production pour:

11 Rémunération (salaires et traitements)	
12 Cachets versés à des artistes ne faisant pas partie du personnel	
13 Services de nouvelles	
14 Redevances (sauf redevances musicales)	
15 Redevances musicales (Paiements à SOCAN)	
16 Paiements au réseau pour des émissions	
17 Autres frais de réseau (Si supérieur à 10% du total des dépenses de programmation, veuillez fournir les détails dans l'espace ci-dessous)	
18 Cachets versés à des artistes ne résidant pas au Canada	

Frais de services techniques

20 Antennes, studios, pièces, équipements d'enregistrements vidéo, fournitures, services techniques (consultants, réparations et frais d'entretiens et autres frais techniques)	
21 Location de voies de liaison, de voies hertziennes ou de voies par satellite	
22 Rémunération	
23 Total des frais de services techniques (montant déclaré à la ligne 12 de la page i)	17,700 \$

Frais de vente et de promotion

25 Promotion auprès du public, auprès des annonceurs et mesure des cotes d'écoute	
26 Commissions sur les ventes (vendeurs indépendants)	
27 Commissions sur les ventes versées aux membres du personnel	
28 Autres frais de vente et de promotion	
29 Rémunération	
30 Total des frais de vente et de promotion (montant déclaré à la ligne 13 de la page i)	25,732 \$

Frais d'administrations et frais généraux

32 Frais de représentation, d'accueil, de voyage, de matériel roulant, de téléphone, de télécopieur, de services TI et de fournitures de bureau	
33 Frais des locaux (loyer, réparations et entretien, assurance générale, services publics, etc.)	
34 Taxes immobilières et taxes d'affaires	
35 Services professionnels	
36 Créances douteuses	
37 Droits de licence du CRTC	
38 Services de gestion (par des tiers)	
39 Autres frais d'administration et frais généraux	
40 Rémunération (inclus les jetons de présence des administrateurs)	
41 Total des frais d'administrations et frais généraux (montant déclaré à la ligne 14 de la page i)	1,422 \$

43 Frais totaux (montant déclaré à la ligne 15 de la page i)	162,012 \$
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Veuillez utiliser l'espace fourni ci-dessous pour les commentaires, explications, notes méthodologiques, mentions ou tout autre renseignement important concernant les données que vous avez soumises dans ce formulaire.

CONTRIBUTIONS - Avantages (TV)

version publique

pour l'année se terminant le 31 août 2020

(Données cumulées pour toutes les stations titulaires d'une licence au Canada)

Contributions prévues d'après les engagements pris relativement à un bloc d'avantages

Veuillez répondre à cette partie seulement si votre société a fait l'objet d'un transfert de propriété ou de contrôle depuis l'introduction de l'avis public CRTC 1993-68.

Veuillez fournir un formulaire pour toutes les transactions cumulés.

Si certaines de vos stations n'avaient pas déjà rempli tous les engagements relatifs aux avantages inhérents à une transaction antérieure au moment où vous avez demandé l'autorisation d'effectuer un transfert de propriété ou de contrôle, veuillez remplir un formulaire distinct pour chacun de ces avantages.

1. a) Précisez tous les engagements que le Conseil a approuvés dans le cadre d'un transfert de propriété ou de contrôle. Spécifiez le nom de l'organisme et le montant promis.

Organismes :	Montant :
ENGAGEMENTS TOTAUX CONFORMÉMENT À LA TRANSACTION APPROUVÉE :	<input style="width: 100px;" type="text"/>

2. Quelle somme des montants indiqués avez-vous promis de payer durant l'année de radiodiffusion se terminant le 31 août 2020?

Organismes :	Montant :
ENGAGEMENTS TOTAUX POUR L'ANNÉE :	<input style="width: 100px;" type="text"/>

3. Indiquez le montant des contributions que vous avez versées durant cette année

Organismes :	Montant :
CONTRIBUTIONS TOTALES POUR L'ANNÉE :	<input style="width: 100px;" type="text"/>

**Guide de présentation du
formulaire de rapport annuel cumulé des
services facultatifs pour 2020
*version publique***

1. Ce formulaire de rapport annuel cumulé doit être déposé au Conseil au plus tard le 30 novembre. Ce formulaire sera affiché sur le site Web du Conseil.

2. Les rapports annuels cumulés de services facultatifs devront être déposés par les propriétaires de grandes entreprises identifiées dans PRR CRTC 2009-560 et la Société Radio-Canada (SRC). De plus, les grands groupes de propriété qui ont été renouvelés en vertu de la politique portant sur une approche par groupe de propriété sont tenus de déposer un rapport annuel de services facultatifs distincts pour les services qui composent le groupe désigné tel qu'énoncé dans les décisions de radiodiffusion CRTC 2011-441 et 2012-241.

3. Pour les groupes de propriété ayant des intérêts dans les services facultatifs de langue anglaise et de langue française, les données financières cumulatives doivent être présentées séparément pour les services de chaque langue.

4. Tous les montants financiers doivent être déclarés en milliers de dollars (000\$).

5. Les montants à inscrire dans les cases de ce formulaire sont les sommes des montants individuels inscrits dans les cases correspondantes dans les rapports annuels de chaque service facultatif pour le groupe de propriété. Lorsqu'un montant inscrit dans une case du formulaire cumulé n'est pas égal à la somme des montants correspondants de tous les services facultatifs du groupe de propriété, veuillez soumettre un rapprochement tel qu'établi dans la PRR CRTC 2009-560.

6. La politique réglementaire en radiodiffusion CRTC 2009-560 exige l'identification de toutes les entreprises utilisées pour compiler le rapport cumulé (voir paragraphe 38).

Groupe de propriété : _____

Sommaire de données financières - Services facultatifs

version publique

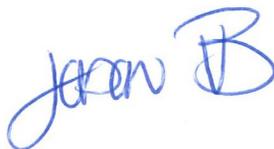
pour l'année se terminant le 31 août 2020

(Données cumulées pour toutes les services facultatifs - Canada)

Recettes	(000\$)
1 Abonnés terrestres	124,805 \$
2 Abonnés de SRD	18,177 \$
3 Publicité locale	0 \$
4 Publicité nationale	48,855 \$
5 Subventions gouvernementales et crédits parlementaires	0 \$
6 Autres recettes	5,898 \$
7 Total des recettes	197,735 \$
Dépenses d'exploitation	
8 Programmation et production	152,494 \$
9 Services techniques	4,479 \$
10 Ventes et promotion	13,022 \$
11 Administration et frais généraux	6,322 \$
12 Total des dépenses d'exploitation	176,317 \$
13 Bénéfice (perte) d'exploitation	21,418 \$
14 Amortissement	2,300 \$
15 Intérêts versés	1,370 \$
16 Revenus de placements, d'intérêts et autres recettes liées à la radiodiffusion (y compris les revenus de location)	0 \$
17 Amortissement de l'achalandage et des frais d'établissement	0 \$
18 Gain (perte) sur réalisation d'immobilisations de placements, etc.	0 \$
19 Bénéfice net (perte) avant impôts sur le revenu	17,748 \$
20 Provision pour impôts sur le revenu (recouvrement)	3,560 \$
21 Bénéfice net (perte) après impôts sur le revenu	14,188 \$
Rémunération totale (incluse dans les dépenses d'exploitation ci-dessus)	
Rémunération (y compris les commissions sur les cachets versés à des membres du personnel), avantages sociaux et jetons de présence des administrateurs	
22 Programmation et production	-
23 Services techniques	-
24 Ventes et promotion	-
25 Administration et frais généraux	-
26 Rémunération totale	10,460 \$
Effectifs moyens (nombre total de salariés à plein temps et de salariés à temps partiel en équivalent à plein temps pour une semaine normale)	
27 Programmation et production	-
28 Services techniques	-
29 Ventes et promotion	-
30 Administration et frais généraux	-
31 Total des effectifs moyens	99.00
32 Avantages sociaux (montant faisant partie de la rémunération déclarée ci-dessus)	-

Veillez utiliser l'espace fourni ci-dessous pour les commentaires, explications, notes méthodologiques, mentions ou tout autre renseignement important concernant les données que vous avez soumises sur ce formulaire.

This is **Exhibit LN-5** in support of the
Affidavit of Louis-Philippe Neveu,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 30th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

CONFIRMATORY COPYRIGHT LICENSE

WHEREAS National Hockey League, a professional ice hockey league in North America, with offices at 1185 Avenue of the Americas, New York, NY 10036, U.S.A., as agent for its member clubs and its affiliated entities (collectively, "LICENSOR"), owns the copyright in Canada in, *inter alia*, all national regular season NHL games and all post-season NHL games as well as in other NHL-related content (together "NHL CONTENT").

WHEREAS LICENSOR and Rogers Media Inc., a federal Canadian company with offices at 333 Bloor Street East, Toronto, Ontario M4W 1G9 Canada ("LICENSEE"), are parties to a media rights agreement dated November 25, 2013 pursuant to which, *inter alia*, LICENSOR granted to LICENSEE an exclusive license, in Canada, over the NHL CONTENT for the 2014/2015 through the 2025/2026 NHL seasons.

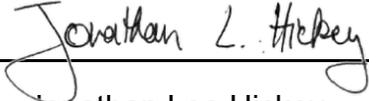
WHEREAS LICENSEE and Quebecor Media Inc., a Quebec company with offices at 612 rue Saint-Jacques, Montreal, Quebec H3C1C8 ("SUBLICENSEE") are parties to a sublicense agreement dated November 25, 2013 (the "AGREEMENT") pursuant to which, *inter alia*, LICENSEE granted to SUBLICENSEE an exclusive license, in Canada and in the French language only, to certain NHL CONTENT as further described in Schedule A (the "SUBLICENSED NHL CONTENT") for the 2014/2015 through the 2025/2026 NHL seasons.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSEE and SUBLICENSEE hereby confirm that pursuant to the AGREEMENT, LICENSEE granted SUBLICENSEE an exclusive audio/visual distribution rights license, for the 2014/15 through 2025/2026 seasons of the NHL, to communicate, *inter alia*, the live and in-progress SUBLICENSED NHL CONTENT in Canada to the public in the French language and on the linear programming services known as "TVA Sports" and "TVA" and the "tvasports.com" and "tvasports.ca" websites.
2. LICENSEE and SUBLICENSEE hereby confirm that the term of the AGREEMENT confirmed herein started and has been in force since at least as early as July 1, 2014 and ends at the end of the last game of the 2025-2026 NHL season.
3. LICENSEE and SUBLICENSEE hereby confirm that the license confirmed herein has been approved by the LICENSOR.

[Signature page to follow]

**QUEBECOR MEDIA INC.
(SUBLICENSEE)**



Name: Jonathan Lee Hickey

Title: Vice-President, Legal Affairs and
Corporate Secretariat

Date: May 7, 2021



Name: Catherine Tees

Title: Assistant Secretary

Date: May 7, 2021

**ROGERS MEDIA INC.
(LICENSEE)**



Name: Imran Khan

Title: VP Business Operations

Date: May 10, 2021



Name: Bart Yabsley

Title: SVP NHL & President of Sportsnet

Date: May 10, 2021

SCHEDULE A

SUBLICENSED NHL CONTENT

- i. All national regular season NHL games played by a Canadian NHL team, including all such games occurring on Wednesday nights, Saturday nights and Sunday nights;
- ii. Select additional national regular season NHL games played by the Montreal Canadiens hockey team, determined before each NHL season. This is not applicable to the 2020/2021 NHL season, considering the exceptionally shortened 2020/2021 NHL season;
- iii. Select regular season NHL games involving two US-based NHL teams;
- iv. All NHL games of the Stanley Cup Playoffs and Stanley Cup Final including games featuring Canadian teams; and
- v. Special events, including but not limited to NHL All-Star Games, NHL Draft, Winter Classic and NHL Awards.

CONFIRMATORY COPYRIGHT LICENSE

WHEREAS Quebecor Media Inc., a Quebec company with offices at 612 rue Saint-Jacques, Montreal, Quebec (“LICENSEE”), is the exclusive licensee over and has the rights to, *inter alia*, communicate in Canada certain national NHL games as further described in Schedule A (the “SUBLICENSÉD NHL CONTENT”) in the French language for the 2014/2015 through the 2025/2026 NHL seasons.

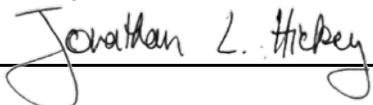
WHEREAS Groupe TVA Inc., a Quebec company with offices at 1600 de Maisonneuve East Boulevard, 7th Floor, Montreal, Quebec (“SUBLICENSEE”) is a wholly owned subsidiary of LICENSEE.

AND WHEREAS the Parties wish to confirm the exclusive sublicense granted by LICENSEE to SUBLICENSEE over rights in the SUBLICENSÉD NHL CONTENT in Canada.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSEE and SUBLICENSEE confirm that since at least as early as July 1, 2014, LICENSEE has granted and continue to grant SUBLICENSEE, the exclusive right, for the 2014/15 through 2025/26 NHL seasons, to communicate the live and in-progress SUBLICENSÉD NHL CONTENT in Canada to the public in the French language and on the linear programming services known as “TVA Sports” and “TVA”, and on the “tvasports.com” and “tvasports.ca” websites.

**QUEBECOR MEDIA INC.
(LICENSEE)**



Name: Jonathan Lee Hickey

Title: Vice-President, Legal Affairs and
Corporate Secretariat

Date: June 11, 2021

**QUEBECOR MEDIA INC.
(LICENSEE)**



Name: Catherine Tees

Title: Assistant Secretary

Date: June 11, 2021

**GROUPE TVA INC.
(SUBLICENSEE)**



Name: Martin Picard

Title: Vice-President and Chief Content Officer

Date: June 11, 2021

**GROUPE TVA INC.
(SUBLICENSEE)**



Name: Catherine Tees

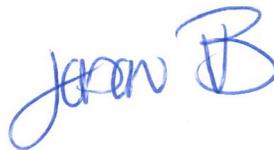
Title: Assistant Secretary

Date: June 11, 2021

SCHEDULE A**SUBLICENSED NHL CONTENT**

- i. All national regular season NHL games played by a Canadian NHL team, including all such games occurring on Wednesday nights, Saturday nights and Sunday nights;
- ii. Select additional national regular season NHL games played by the Montreal Canadiens hockey team, determined before each NHL season. This is not applicable to the 2020/21 NHL season, considering the exceptionally shortened 2020/21 NHL season;
- iii. Select regular season NHL games involving two US-based NHL teams;
- iv. All NHL games of the Stanley Cup Playoffs and Stanley Cup Final including games featuring Canadian teams; and
- v. Special events, including but not limited to NHL All-Star Games, NHL Drafts, Winter Classic and NHL Awards.

This is **Exhibit LN-6** in support of the
Affidavit of Louis-Philippe Neveu,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 30th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Schedule

WATCH NOW ON **LIVE**

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Select Team  Eastern Time 

Wednesday, Jan 13

Matchup	Result	Networks
 Pittsburgh @  Philadelphia	PIT 3, PHI 6	J. Farabee, E. Gustafsson, K. Hayes
 Montréal @  Toronto	MTL 4, TOR 5 (OT)	W. Nylander, J. Tavares, J. Anderson
 Chicago @  Tampa Bay	CHI 1, TBL 5	S. Stamkos, A. Vasilevskiy, M. Joseph
 Vancouver @  Edmonton	VAN 5, EDM 3	
 St. Louis @  Colorado	STL 4, COL 1	

 RECAP
  GAMECENTER
  WATCH

Thursday, Jan 14

Matchup	Result	Three Stars of the Game	
 Washington @  Buffalo	WSH 6, BUF 4	T. Oshie, N. Backstrom, A. Ovechkin	 RECAP  GAMECENTER  WATCH
 Boston @  New Jersey	BOS 3, NJD 2 (SO)	B. Marchand, M. Blackwood, T. Smith	 RECAP  GAMECENTER  WATCH
 NY Islanders @  NY Rangers	NYI 4, NYR 0	S. Varlamov, A. Lee, M. Barzal	 RECAP  GAMECENTER  WATCH
 Carolina @  Detroit	CAR 3, DET 0	N. Niederreiter, T. Greiss, P. Mrazek	 RECAP  GAMECENTER  WATCH
 Columbus @  Nashville	CBJ 1, NSH 3	F. Forsberg, L. Kunin, J. Saros	 RECAP  GAMECENTER  WATCH
 Calgary @  Winnipeg	CGY 3, WPG 4 (OT)	P. Laine, M. Scheifele, E. Lindholm	 RECAP  GAMECENTER  WATCH
 Vancouver @  Edmonton	VAN 2, EDM 5	C. McDavid, L. Draisaitl, R. Nugent-Hopkins	 RECAP  GAMECENTER  WATCH
 San Jose @  Arizona	SJS 4, ARI 3 (SO)	T. Hertl, E. Kane, C. Garland	 RECAP  GAMECENTER  WATCH
 Anaheim @  Vegas	ANA 2, VGK 5	M. Stone, M. Pacioretty, A. Pietrangelo	 RECAP  GAMECENTER  WATCH
 Minnesota @  Los Angeles	MIN 4, LAK 3 (OT)	K. Kaprizov, J. Brodin, D. Brown	 RECAP  GAMECENTER  WATCH

Friday, Jan 15

Matchup	Result	Networks	
 Washington @  Buffalo	WSH 2, BUF 1	J. Vrana, L. Eller, R. Ristolainen	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  Philadelphia	PIT 2, PHI 5	T. Konecny, C. Hart, O. Lindblom	 RECAP  GAMECENTER  WATCH
 Chicago @  Tampa Bay	CHI 2, TBL 5	A. Vasilevskiy, B. Coleman, V. Hedman	 RECAP  GAMECENTER  WATCH
 Toronto @  Ottawa	TOR 3, OTT 5	B. Tkachuk, T. Chabot, J. Tavares	 RECAP  GAMECENTER  WATCH
 St. Louis @  Colorado	STL 0, COL 8		 RECAP  GAMECENTER  WATCH

Saturday, Jan 16

Matchup	Result	Three Stars of the Game	
 Boston @  New Jersey	BOS 1, NJD 2 (OT)	Y. Sharangovich, M. Blackwood, J. Halak	 RECAP  GAMECENTER  WATCH
 San Jose @  Arizona	SJS 3, ARI 5	P. Kessel, O. Ekman-Larsson, A. Raanta	 RECAP  GAMECENTER  WATCH
 Montréal @  Edmonton	MTL 5 , EDM 1	C. Price, J. Petry, T. Tatar	 RECAP  GAMECENTER  WATCH
 NY Islanders @  NY Rangers	NYI 0, NYR 5	A. Georgiev, P. Buchnevich, A. Panarin	 RECAP  GAMECENTER  WATCH
 Carolina @  Detroit	CAR 2, DET 4	R. Fabbri, D. Larkin, F. Zadina	 RECAP  GAMECENTER  WATCH
 Toronto @  Ottawa	TOR 3 , OTT 2	M. Marner, A. Matthews, T. Stützle	 RECAP  GAMECENTER  WATCH
 Columbus @  Nashville	CBJ 2, NSH 5	B. Richardson, L. Kunin, F. Forsberg	 RECAP  GAMECENTER  WATCH
 Minnesota @  Los Angeles	MIN 4 , LAK 3 (OT)	J. Quick, J. Carter, M. Johansson	 RECAP  GAMECENTER  WATCH
 Anaheim @  Vegas	ANA 1, VGK 2 (OT)	M. Pacioretty, W. Karlsson, M. Stone	 RECAP  GAMECENTER  WATCH
 Vancouver @  Calgary	VAN 0, CGY 3	J. Markstrom, A. Mangiapane, M. Tkachuk	 RECAP  GAMECENTER  WATCH

Sunday, Jan 17

Matchup	Result	Three Stars of the Game	
 Washington @  Pittsburgh	WSH 3, PIT 4 (SO)	J. Guentzel, M. Pettersson, A. Ovechkin	 RECAP  GAMECENTER  WATCH
 Chicago @  Florida	CHI 2, FLA 5	E. Luostarinen, J. Huberdeau, K. Yandle	 RECAP  GAMECENTER  WATCH

Monday, Jan 18

Matchup	Result	Three Stars of the Game	
 Columbus @  Detroit	CBJ 3, DET 2	O. Bjorkstrand, J. Korpisalo, B. Ryan	 RECAP  GAMECENTER  WATCH
 Boston @  NY Islanders	BOS 0, NYI 1	S. Varlamov, J. Pageau, T. Rask	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Toronto	WPG 1, TOR 3	J. Tavares, F. Andersen, C. Hellebuyck	 RECAP  GAMECENTER  WATCH
 Buffalo @  Philadelphia	BUF 6, PHI 1	S. Reinhart, C. Lazar, J. Eichel	 RECAP  GAMECENTER  WATCH
 San Jose @  St. Louis	SJS 4, STL 5	J. Faulk, J. Kyrou, L. Couture	 RECAP  GAMECENTER  WATCH
 Carolina @  Nashville	CAR 4, NSH 2	A. Svechnikov, V. Arvidsson, F. Forsberg	 RECAP  GAMECENTER  WATCH
 Minnesota @  Anaheim	MIN 0, ANA 1	J. Gibson, K. Shattenkirk, N. Deslauriers	 RECAP  GAMECENTER  WATCH
 Vancouver @  Calgary	VAN 2, CGY 5	J. Gaudreau, E. Lindholm, J. Markstrom	 RECAP  GAMECENTER  WATCH
 Montréal @  Edmonton	MTL 3, EDM 1		 RECAP  GAMECENTER  WATCH
 Arizona @  Vegas	ARI 2, VGK 4	R. Smith, M. Pacioretty, W. Karlsson	 RECAP  GAMECENTER  WATCH

Tuesday, Jan 19

Matchup	Result	Three Stars of the Game	
 New Jersey @  NY Rangers	NJD 4, NYR 3	J. Hughes, M. Blackwood, A. Fox	 RECAP  GAMECENTER  WATCH
 Buffalo @  Philadelphia	BUF 0, PHI 3	B. Elliott, T. Konecny, I. Provorov	 RECAP  GAMECENTER  WATCH
 Chicago @  Florida	CHI 4, FLA 5 (OT)	F. Vatrano, C. Verhaeghe, D. Kubalik	 RECAP  GAMECENTER  WATCH
 Washington @  Pittsburgh	WSH 4, PIT 5 (OT)	S. Crosby, T. Wilson, T. Blueger	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Ottawa	WPG 4, OTT 3 (OT)	J. Morrissey, A. Galchenyuk, J. Norris	 RECAP  GAMECENTER  WATCH

Title: Schedule | Jan 1, 2021 ET | NHL.com, Link: <https://www.nhl.com/schedule/2021-01-01/ET,2021/04/28,12:19:42>

 Columbus @  Detroit CBJ 2, DET 3 (OT) D. Larkin, B. Ryan, T. Bertuzzi  RECAP  GAMECENTER  WATCH

 Colorado @  Los Angeles COL 3, LAK 2 N. MacKinnon, D. Toews, A. Athanasiou  RECAP  GAMECENTER  WATCH

Wednesday, Jan 20

Matchup	Result	Three Stars of the Game	
 Edmonton @  Toronto	EDM 3, TOR 1	M. Koskinen, A. Matthews, L. Draisaitl	 RECAP  GAMECENTER  WATCH
 San Jose @  St. Louis	SJS 2, STL 1 (SO)	E. Karlsson, B. Schenn, J. Kyrrou	 RECAP  GAMECENTER  WATCH
 Minnesota @  Anaheim	MIN 3, ANA 2	J. Ek, C. Rowney, R. Hartman	 RECAP  GAMECENTER  WATCH
 Montréal @  Vancouver	MTL 5, VAN 6 (SO)	T. Toffoli, J. Miller, B. Horvat	 RECAP  GAMECENTER  WATCH
 Arizona @  Vegas	ARI 2, VGK 5	S. Theodore, A. Tuch, M. Fleury	 RECAP  GAMECENTER  WATCH

Thursday, Jan 21

Matchup	Result	Three Stars of the Game	
 Philadelphia @  Boston	PHI 4, BOS 5 (SO)	J. DeBrusk, N. Ritchie, T. Rask	 RECAP  GAMECENTER  WATCH
 New Jersey @  NY Islanders	NJD 1, NYI 4	M. Barzal, J. Eberle, N. Dobson	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Columbus	TBL 3, CBJ 2 (OT)	B. Point, O. Bjorkstrand, R. McDonagh	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Ottawa	WPG 4, OTT 1	C. Hellebuyck, M. Scheifele, N. Ehlers	 RECAP  GAMECENTER  WATCH
 Montréal @  Vancouver	MTL 7, VAN 3	J. Armia, B. Horvat, T. Toffoli	 RECAP  GAMECENTER  WATCH
 Colorado @  Los Angeles	COL 2, LAK 4	J. Quick, D. Doughty, N. MacKinnon	 RECAP  GAMECENTER  WATCH

Friday, Jan 22

Matchup	Result	Three Stars of the Game	
 Buffalo @  Washington	BUF 3, WSH 4 (SO)	J. Vrana, J. Carlson, D. Cozens	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Pittsburgh	NYR 3, PIT 4 (SO)	B. Rust, P. Giuseppe, P. Joseph	 RECAP  GAMECENTER  WATCH
 Edmonton @  Toronto	EDM 2, TOR 4	F. Andersen, J. Tavares, L. Draisaitl	 RECAP  GAMECENTER  WATCH
 Detroit @  Chicago	DET 1, CHI 4	K. Lankinen, P. Kane, D. Larkin	 RECAP  GAMECENTER  WATCH
 San Jose @  Minnesota	SJS 1, MIN 4	Z. Parise, J. Ek, D. Dubnyk	 RECAP  GAMECENTER  WATCH
 Nashville @  Dallas	NSH 0, DAL 7	J. Pavelski, A. Khudobin, A. Radulov	 RECAP  GAMECENTER  WATCH
 Vegas @  Arizona	VGK 2, ARI 5	C. Garland, N. Schmaltz, D. Kuemper	 RECAP  GAMECENTER  WATCH
 Colorado @  Anaheim	COL 3, ANA 2 (OT)	G. Landeskog, H. Lindholm, J. Gibson	 RECAP  GAMECENTER  WATCH

Saturday, Jan 23

Matchup	Result	Three Stars of the Game	
 Tampa Bay @  Columbus	TBL 2, CBJ 5	E. Merzlikins, Z. Werenski, E. Robinson	 RECAP  GAMECENTER  WATCH
 Montréal @  Vancouver	MTL 5, VAN 2	C. Price, J. Drouin, E. Pettersson	 RECAP  GAMECENTER  WATCH
 Philadelphia @  Boston	PHI 1, BOS 6	B. Marchand, P. Bergeron, C. Coyle	 RECAP  GAMECENTER  WATCH
 Los Angeles @  St. Louis	LAK 2, STL 4	D. Perron, R. Thomas, T. Krug	 RECAP  GAMECENTER  WATCH
 Ottawa @  Winnipeg	OTT 3, WPG 6	P. Stastny, N. Ehlers, N. Paul	 RECAP  GAMECENTER  WATCH

Sunday, Jan 24

Matchup	Result	Three Stars of the Game	
 Detroit @  Chicago	DET 2, CHI 6	P. Suter, C. Murphy, P. Kane	 RECAP  GAMECENTER  WATCH
 Buffalo @  Washington	BUF 4, WSH 3 (SO)	E. Staal, J. Schultz, R. Ristolainen	 RECAP  GAMECENTER  WATCH
 Toronto @  Calgary	TOR 3, CGY 2	M. Rielly, J. Campbell, A. Mangiapane	 RECAP  GAMECENTER  WATCH
 Vegas @  Arizona	VGK 1, ARI 0	W. Karlsson, D. Kuemper, M. Fleury	 RECAP  GAMECENTER  WATCH
 NY Islanders @  New Jersey	NYI 0, NJD 2	S. Wedgewood, T. Smith, J. Hughes	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Pittsburgh	NYR 2, PIT 3	J. Guentzel, B. Rust, C. Blackwell	 RECAP  GAMECENTER  WATCH
 Colorado @  Anaheim	COL 1, ANA 3	J. Gibson, J. Silfverberg, H. Lindholm	 RECAP  GAMECENTER  WATCH
 Los Angeles @  St. Louis	LAK 6, STL 3	A. Kopitar, B. Schenn, A. Kempe	 RECAP  GAMECENTER  WATCH
 San Jose @  Minnesota	SJS 5, MIN 3	B. Burns, Z. Parise, K. Kahkonen	 RECAP  GAMECENTER  WATCH
 Nashville @  Dallas	NSH 2, DAL 3	J. Pavelski, R. Hintz, V. Arvidsson	 RECAP  GAMECENTER  WATCH
 Edmonton @  Winnipeg	EDM 4, WPG 3	C. McDavid, L. Draisaitl, N. Ehlers	 RECAP  GAMECENTER  WATCH

Monday, Jan 25

Matchup	Result	Three Stars of the Game	
 Ottawa @  Vancouver	OTT 1, VAN 7	B. Sutter, T. Demko, O. Juolevi	 RECAP  GAMECENTER  WATCH

Tuesday, Jan 26

Matchup	Result	Three Stars of the Game	
 Pittsburgh @  Boston	PIT 2, BOS 3 (OT)	C. Smith, B. Marchand, T. Rask	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Buffalo	NYR 2, BUF 3	R. Ristolainen, D. Cozens, T. Rieder	 RECAP  GAMECENTER  WATCH
 Philadelphia @  New Jersey	PHI 5 , NJD 3	J. Riemsdyk, I. Provorov, C. Giroux	 RECAP  GAMECENTER  WATCH
 NY Islanders @  Washington	NYI 2, WSH 3	J. Schultz, V. Vanecek, J. Carlson	 RECAP  GAMECENTER  WATCH
 Florida @  Columbus	FLA 4 , CBJ 3 (SO)	P. Hornqvist, A. Barkov, C. Atkinson	 RECAP  GAMECENTER  WATCH
 Chicago @  Nashville	CHI 2, NSH 3 (OT)	R. Josi, M. Granlund, Y. Trenin	 RECAP  GAMECENTER  WATCH
 Edmonton @  Winnipeg	EDM 4, WPG 6	N. Ehlers, A. Copp, A. Lowry	 RECAP  GAMECENTER  WATCH
 Los Angeles @  Minnesota	LAK 2 , MIN 1	C. Petersen, J. Ek, C. Grundstrom	 RECAP  GAMECENTER  WATCH
 Detroit @  Dallas	DET 1, DAL 2 (OT)	J. Dickinson, J. Klingberg, V. Namestnikov	 RECAP  GAMECENTER  WATCH
 St. Louis @  Vegas	STL 5 , VGK 4 (SO)	M. Pacioretty, B. Schenn, J. Binnington	 RECAP  GAMECENTER  WATCH
 Toronto @  Calgary	TOR 4 , CGY 3	J. Gaudreau, M. Marner, E. Lindholm	 RECAP  GAMECENTER  WATCH
 San Jose @  Colorado	SJS 3, COL 7		 RECAP  GAMECENTER  WATCH
 Anaheim @  Arizona	ANA 1 , ARI 0	J. Gibson, D. Kuemper, D. Heinen	 RECAP  GAMECENTER  WATCH

Wednesday, Jan 27

Matchup	Result	Three Stars of the Game	
 Chicago @  Nashville	CHI 1, NSH 2 (SO)	M. Duchene, N. Cousins, J. Saros	 RECAP  GAMECENTER  WATCH
 Ottawa @  Vancouver	OTT 1, VAN 5	J. Miller, E. Pettersson, T. Motte	 RECAP  GAMECENTER  WATCH

Thursday, Jan 28

Matchup	Result	Three Stars of the Game	
 Pittsburgh @  Boston	PIT 1, BOS 4	P. Bergeron, C. McAvoy, A. Bjork	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Buffalo	NYR 3, BUF 2 (OT)	A. Panarin, L. Ullmark, A. Lafrenière	 RECAP  GAMECENTER  WATCH
 Philadelphia @  New Jersey	PHI 3, NJD 1	C. Hart, C. Giroux, E. Gustafsson	 RECAP  GAMECENTER  WATCH
 NY Islanders @  Washington	NYI 3, WSH 6	C. Sheary, Z. Chara, J. Carlson	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Carolina	TBL 0, CAR 1 (OT)	P. Mrazek, M. Necas, A. Vasilevskiy	 RECAP  GAMECENTER  WATCH
 Florida @  Columbus	FLA 2, CBJ 3 (SO)	E. Merzlikins, M. Domi, A. Texier	 RECAP  GAMECENTER  WATCH
 Calgary @  Montréal	CGY 2, MTL 4	J. Drouin, J. Kotkaniemi, N. Suzuki	 RECAP  GAMECENTER  WATCH
 Los Angeles @  Minnesota	LAK 3, MIN 5	J. Ek, J. Brodin, D. Doughty	 RECAP  GAMECENTER  WATCH
 Detroit @  Dallas	DET 3, DAL 7	M. Heiskanen, D. Gurianov, T. Kero	 RECAP  GAMECENTER  WATCH
 San Jose @  Colorado	SJS 0, COL 3		 RECAP  GAMECENTER  WATCH
 Anaheim @  Arizona	ANA 2, ARI 3	C. Dvorak, D. Kuemper, C. Keller	 RECAP  GAMECENTER  WATCH
 Ottawa @  Vancouver	OTT 1, VAN 4	B. Boeser, B. Holtby, E. Pettersson	 RECAP  GAMECENTER  WATCH
 Toronto @  Edmonton	TOR 4, EDM 3	L. Draisaitl, J. Spezza, A. Matthews	 RECAP  GAMECENTER  WATCH

Friday, Jan 29

Matchup	Result	Three Stars of the Game	
 Columbus @  Chicago	CBJ 2, CHI 1	J. Korpisalo, O. Bjorkstrand, D. Strome	 RECAP  GAMECENTER  WATCH

Saturday, Jan 30

Matchup	Result	Three Stars of the Game	
 New Jersey @  Buffalo	NJD 3, BUF 4 (SO)	T. Smith, J. Hughes, V. Olofsson	 RECAP  GAMECENTER  WATCH
 Toronto @  Edmonton	TOR 3, EDM 4 (OT)	C. McDavid, A. Matthews, L. Draisaitl	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  NY Rangers	PIT 5, NYR 4 (OT)	S. Crosby, K. Miller, P. Joseph	 RECAP  GAMECENTER  WATCH
 NY Islanders @  Philadelphia	NYI 2, PHI 3 (OT)	S. Laughton, S. Mayfield, M. Barzal	 RECAP  GAMECENTER  WATCH
 Boston @  Washington	BOS 3, WSH 4 (OT)	A. Ovechkin, V. Vanecek, P. Bergeron	 RECAP  GAMECENTER  WATCH
 Dallas @  Carolina	DAL 1, CAR 4	V. Trocheck, M. Necas, S. Aho	 RECAP  GAMECENTER  WATCH
 Nashville @  Tampa Bay	NSH 3, TBL 4		 RECAP  GAMECENTER  WATCH
 Florida @  Detroit	FLA 3, DET 2 (OT)	A. Heponiemi, A. Barkov, A. Mantha	 RECAP  GAMECENTER  WATCH
 Calgary @  Montréal	CGY 2, MTL 0	J. Markstrom, J. Allen, J. Gaudreau	 RECAP  GAMECENTER  WATCH
 Colorado @  Minnesota	COL 5, MIN 1	M. Rantanen, N. MacKinnon, B. Saad	 RECAP  GAMECENTER  WATCH
 St. Louis @  Anaheim	STL 6, ANA 1	J. Kyrrou, J. Faulk, I. Lundestrom	 RECAP  GAMECENTER  WATCH
 Vancouver @  Winnipeg	VAN 4, WPG 1	B. Boeser, T. Demko, C. Hellebuyck	 RECAP  GAMECENTER  WATCH

Sunday, Jan 31

Matchup	Result	Three Stars of the Game	
 New Jersey @  Buffalo	NJD 5, BUF 3	M. Wood, M. McLeod, R. Ristolainen	 RECAP  GAMECENTER  WATCH
 Dallas @  Carolina	DAL 3, CAR 4 (SO)	J. Staal, N. Niederreiter, B. Pesce	 RECAP  GAMECENTER  WATCH
 Florida @  Detroit	FLA 3, DET 2	C. Verhaeghe, C. Driedger, A. Mantha	 RECAP  GAMECENTER  WATCH
 Columbus @  Chicago	CBJ 1, CHI 3	K. Lankinen, P. Kane, P. Kurashev	 RECAP  GAMECENTER  WATCH
 NY Islanders @  Philadelphia	NYI 3, PHI 4 (OT)	J. Farabee, J. Riemsdyk, K. Hayes	 RECAP  GAMECENTER  WATCH
 St. Louis @  Anaheim	STL 4, ANA 1	B. Schenn, V. Husso, R. Rakell	 RECAP  GAMECENTER  WATCH
 Colorado @  Minnesota	COL 3, MIN 4 (OT)	J. Brodin, V. Rask, C. Makar	 RECAP  GAMECENTER  WATCH
 Ottawa @  Edmonton	OTT 5, EDM 8	C. McDavid, L. Draisaitl, J. Neal	 RECAP  GAMECENTER  WATCH

Monday, Feb 1

Matchup	Result	Three Stars of the Game	
 Pittsburgh @  NY Rangers	PIT 1, NYR 3	I. Shesterkin, A. Panarin, A. Fox	 RECAP  GAMECENTER  WATCH
 Boston @  Washington	BOS 5, WSH 3	D. Pastrnak, B. Carlo, J. Vrana	 RECAP  GAMECENTER  WATCH
 Nashville @  Tampa Bay	NSH 2, TBL 5	R. McDonagh, Y. Gourde, A. Vasilevskiy	 RECAP  GAMECENTER  WATCH
 Vancouver @  Montréal	VAN 2, MTL 6	J. Petry, N. Suzuki, A. Lehkonen	 RECAP  GAMECENTER  WATCH
 Calgary @  Winnipeg	CGY 4, WPG 3 (SO)	K. Connor, C. Tanev, B. Wheeler	 RECAP  GAMECENTER  WATCH

Tuesday, Feb 2

Matchup	Result	Three Stars of the Game	
 Dallas @  Columbus	DAL 6, CBJ 3	J. Pavelski, J. Benn, M. Grigorenko	 RECAP  GAMECENTER  WATCH
 Vancouver @  Montréal	VAN 3, MTL 5	S. Weber, T. Toffoli, J. Anderson	 RECAP  GAMECENTER  WATCH
 Carolina @  Chicago	CAR 4, CHI 3 (SO)	W. Foegele, J. Staal, A. DeBrincat	 RECAP  GAMECENTER  WATCH
 Arizona @  St. Louis	ARI 3, STL 4	V. Dunn, R. O'Reilly, C. Dvorak	 RECAP  GAMECENTER  WATCH
 Calgary @  Winnipeg	CGY 2, WPG 3	D. Forbort, M. Tkachuk, T. Lewis	 RECAP  GAMECENTER  WATCH
 Minnesota @  Colorado	MIN 1, COL 2		 RECAP  GAMECENTER  WATCH
 Anaheim @  Los Angeles	ANA 3, LAK 1	C. Petersen, D. Backes, D. Doughty	 RECAP  GAMECENTER  WATCH
 Ottawa @  Edmonton	OTT 2, EDM 4	J. Puljujarvi, T. Barrie, E. Bouchard	 RECAP  GAMECENTER  WATCH

Wednesday, Feb 3

Matchup	Result	Three Stars of the Game	
 Detroit @  Tampa Bay	DET 1, TBL 5	V. Hedman, B. Coleman, A. Killorn	 RECAP  GAMECENTER  WATCH
 Boston @  Philadelphia	BOS 4, PHI 3 (OT)	P. Bergeron, D. Pastrnak, J. Riemsdyk	 RECAP  GAMECENTER  WATCH

Thursday, Feb 4

Matchup	Result	Three Stars of the Game	
 Washington @  NY Rangers	WSH 2, NYR 4	R. Strome, I. Shesterkin, A. Panarin	 RECAP  GAMECENTER  WATCH
 Nashville @  Florida	NSH 6, FLA 5 (OT)	F. Forsberg, J. Huberdeau, M. Duchene	 RECAP  GAMECENTER  WATCH
 Dallas @  Columbus	DAL 3, CBJ 4	O. Bjorkstrand, J. Roslovic, C. Atkinson	 RECAP  GAMECENTER  WATCH
 Ottawa @  Montréal	OTT 3, MTL 2	T. Stützle, M. Murray, P. Danault	 RECAP  GAMECENTER  WATCH
 Vancouver @  Toronto	VAN 3, TOR 7	J. Spezza, A. Matthews, M. Marner	 RECAP  GAMECENTER  WATCH
 Carolina @  Chicago	CAR 4, CHI 6	P. Kane, D. Kubalik, A. DeBrincat	 RECAP  GAMECENTER  WATCH
 Arizona @  St. Louis	ARI 4, STL 3	C. Garland, M. Hoffman, J. Oesterle	 RECAP  GAMECENTER  WATCH
 Calgary @  Winnipeg	CGY 1, WPG 4	C. Hellebuyck, M. Perreault, M. Appleton	 RECAP  GAMECENTER  WATCH

Friday, Feb 5

Matchup	Result	Three Stars of the Game	
 Boston @  Philadelphia	BOS 2, PHI 1	S. Kuraly, B. Marchand, T. Rask	 RECAP  GAMECENTER  WATCH
 Detroit @  Tampa Bay	DET 1, TBL 3	A. Vasilevskiy, M. Sergachev, B. Goodrow	 RECAP  GAMECENTER  WATCH
 Nashville @  Florida	NSH 1, FLA 2	C. Verhaeghe, A. Barkov, P. Rinne	 RECAP  GAMECENTER  WATCH
 Los Angeles @  Vegas	LAK 2, VGK 5	N. Hague, M. Pacioretty, W. Karlsson	 RECAP  GAMECENTER  WATCH
 San Jose @  Anaheim	SJS 5, ANA 4 (SO)	E. Kane, M. Comtois, T. Terry	 RECAP  GAMECENTER  WATCH

Saturday, Feb 6

Matchup	Result	Three Stars of the Game	
 Montréal @  Ottawa	MTL 2, OTT 1	J. Allen, M. Murray, J. Petry	 RECAP  GAMECENTER  WATCH
 Arizona @  St. Louis	ARI 3, STL 1	C. Keller, J. Chychrun, O. Sundqvist	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  NY Islanders	PIT 3, NYI 4	J. Eberle, M. Colle, A. Lee	 RECAP  GAMECENTER  WATCH
 Vancouver @  Toronto	VAN 1, TOR 5	A. Matthews, W. Simmonds, M. Marner	 RECAP  GAMECENTER  WATCH
 San Jose @  Anaheim	SJS 1, ANA 2 (SO)	I. Lundstrom, R. Miller, D. Dubnyk	 RECAP  GAMECENTER  WATCH
 Edmonton @  Calgary	EDM 4, CGY 6	M. Backlund, E. Lindholm, M. Lucic	 RECAP  GAMECENTER  WATCH

Sunday, Feb 7

Matchup	Result	Three Stars of the Game	
 Philadelphia @  Washington	PHI 7, WSH 4	S. Laughton, A. Ovechkin, S. Couturier	 RECAP  GAMECENTER  WATCH
 Los Angeles @  Vegas	LAK 3, VGK 4	C. Stephenson, Z. Whitecloud, R. Smith	 RECAP  GAMECENTER  WATCH
 Chicago @  Dallas	CHI 2, DAL 1 (OT)	A. DeBrincat, M. Subban, J. Oettinger	 RECAP  GAMECENTER  WATCH
 Detroit @  Florida	DET 4, FLA 1	T. Greiss, G. Smith, A. Wennberg	 RECAP  GAMECENTER  WATCH
 Carolina @  Columbus	CAR 6, CBJ 5	J. Staal, D. Hamilton, N. Foligno	 RECAP  GAMECENTER  WATCH

Monday, Feb 8

Matchup	Result	Three Stars of the Game	
 NY Islanders @  NY Rangers	NYI 2, NYR 0	S. Varlamov, M. Martin, C. Cizikas	 RECAP  GAMECENTER  WATCH
 Carolina @  Columbus	CAR 2, CBJ 3	J. Korpisalo, J. Roslovic, S. Jones	 RECAP  GAMECENTER  WATCH
 Edmonton @  Ottawa	EDM 3, OTT 1	L. Draisaitl, M. Murray, M. Smith	 RECAP  GAMECENTER  WATCH
 Vancouver @  Toronto	VAN 1, TOR 3	F. Andersen, A. Matthews, E. Pettersson	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Nashville	TBL 4, NSH 1	A. Cirelli, C. McElhinney, P. Rinne	 RECAP  GAMECENTER  WATCH
 Arizona @  St. Louis	ARI 4, STL 3 (SO)	C. Keller, R. O'Reilly, D. Perron	 RECAP  GAMECENTER  WATCH

Tuesday, Feb 9

Matchup	Result	Three Stars of the Game	
 Detroit @  Florida	DET 1, FLA 2	P. Hornqvist, S. Bobrovsky, A. Ekblad	 RECAP  GAMECENTER  WATCH
 Edmonton @  Ottawa	EDM 3, OTT 2	M. Koskinen, J. Khaira, E. Dadonov	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Nashville	TBL 6, NSH 1	M. Sergachev, S. Stamkos, A. Vasilevskiy	 RECAP  GAMECENTER  WATCH
 Chicago @  Dallas	CHI 2, DAL 1 (OT)	J. Oettinger, K. Lankinen, P. Suter	 RECAP  GAMECENTER  WATCH
 Anaheim @  Vegas	ANA 4, VGK 5	Z. Whitecloud, C. Glass, C. Stephenson	 RECAP  GAMECENTER  WATCH
 San Jose @  Los Angeles	SJS 4, LAK 3 (SO)	D. Brown, A. Iafallo, C. Petersen	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Calgary	WPG 2, CGY 3	E. Lindholm, M. Backlund, B. Froese	 RECAP  GAMECENTER  WATCH

Wednesday, Feb 10

Matchup	Result	Three Stars of the Game	
 Boston @  NY Rangers	BOS 3, NYR 2 (OT)	B. Marchand, T. Rask, B. Lemieux	 RECAP  GAMECENTER  WATCH
 Toronto @  Montréal	TOR 4, MTL 2	Z. Hyman, J. Tavares, J. Anderson	 RECAP  GAMECENTER  WATCH

Thursday, Feb 11

Matchup	Result	Three Stars of the Game	
 Pittsburgh @  NY Islanders	PIT 3, NYI 3 (SO)		 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Florida	TBL 2, FLA 5	A. Ekblad, A. Wennberg, B. Point	 RECAP  GAMECENTER  WATCH
 Columbus @  Chicago	CBJ 6, CHI 5	C. Atkinson, P. Kane, J. Roslovic	 RECAP  GAMECENTER  WATCH
 Detroit @  Nashville	DET 2, NSH 3	D. Fabbro, R. Josi, R. Ellis	 RECAP  GAMECENTER  WATCH
 Ottawa @  Winnipeg	OTT 1, WPG 5	C. Hellebuyck, P. Stastny, M. Appleton	 RECAP  GAMECENTER  WATCH
 Edmonton @  Montréal	EDM 3, MTL 0	C. McDavid, M. Smith, D. Nurse	 RECAP  GAMECENTER  WATCH
 Carolina @  Dallas	CAR 5, DAL 3	J. Staal, R. Hintz, N. Niederreiter	 RECAP  GAMECENTER  WATCH
 Calgary @  Vancouver	CGY 3, VAN 1	J. Gaudreau, N. Hoglander, J. Markstrom	 RECAP  GAMECENTER  WATCH
 Anaheim @  Vegas	ANA 1, VGK 0	M. Comtois, J. Gibson, M. Fleury	 RECAP  GAMECENTER  WATCH
 San Jose @  Los Angeles	SJS 2, LAK 6	C. Grundstrom, J. Anderson-Dolan, D. Doughty	 RECAP  GAMECENTER  WATCH

Friday, Feb 12

Matchup	Result	Three Stars of the Game	
 Boston @  NY Rangers	BOS 1, NYR 0	J. Halak, D. Krejci, I. Shesterkin	 RECAP  GAMECENTER  WATCH
 St. Louis @  Arizona	STL 4, ARI 1	J. Faulk, J. Larsson, J. Binnington	 RECAP  GAMECENTER  WATCH

Saturday, Feb 13

Matchup	Result	Three Stars of the Game	
 Ottawa @  Winnipeg	OTT 2, WPG 1	B. Tkachuk, C. Hellebuyck, E. Dadonov	 RECAP  GAMECENTER  WATCH
 Vegas @  San Jose	VGK 3, SJS 1	C. Stephenson, T. Hertl, B. Burns	 RECAP  GAMECENTER  WATCH
 Boston @  NY Islanders	BOS 2, NYI 4	J. Pageau, J. Eberle, L. Komarov	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Florida	TBL 6, FLA 1	T. Johnson, A. Vasilevskiy, O. Palat	 RECAP  GAMECENTER  WATCH
 Montréal @  Toronto	MTL 2, TOR 1	B. Gallagher, T. Toffoli, M. Marner	 RECAP  GAMECENTER  WATCH
 St. Louis @  Arizona	STL 5, ARI 4 (OT)	M. Hoffman, C. Garland, I. Barbashev	 RECAP  GAMECENTER  WATCH
 Columbus @  Chicago	CBJ 2, CHI 3 (OT)	A. DeBrincat, C. Atkinson, K. Lankinen	 RECAP  GAMECENTER  WATCH
 Detroit @  Nashville	DET 4, NSH 2	R. Fabbri, L. Glendening, D. Larkin	 RECAP  GAMECENTER  WATCH
 Carolina @  Dallas	CAR 4, DAL 3 (SO)	A. Nedeljkovic, J. Pavelski, J. Staal	 RECAP  GAMECENTER  WATCH
 Calgary @  Vancouver	CGY 1, VAN 3	Q. Hughes, J. Markstrom, B. Boeser	 RECAP  GAMECENTER  WATCH

Sunday, Feb 14

Matchup	Result	Three Stars of the Game	
 Washington @  Pittsburgh	WSH 3, PIT 6	B. Rust, J. Guentzel, C. Ceci	 RECAP  GAMECENTER  WATCH
 Colorado @  Vegas	COL 0, VGK 1	M. Fleury, M. Pacioretty, Z. Whitecloud	 RECAP  GAMECENTER  WATCH

Monday, Feb 15

Matchup	Result	Three Stars of the Game	
 St. Louis @  Arizona	STL 0, ARI 1	D. Kuemper, C. Keller, C. Garland	 RECAP  GAMECENTER  WATCH
 NY Islanders @  Buffalo	NYI 3, BUF 1	J. Bailey, A. Lee, S. Varlamov	 RECAP  GAMECENTER  WATCH
 Ottawa @  Toronto	OTT 6, TOR 5 (OT)	E. Dadonov, A. Matthews, C. Brown	 RECAP  GAMECENTER  WATCH
 Columbus @  Carolina	CBJ 3, CAR 7	B. McGinn, T. Teravainen, J. Bean	 RECAP  GAMECENTER  WATCH
 Florida @  Tampa Bay	FLA 6, TBL 4	A. Barkov, M. Weegar, A. Volkov	 RECAP  GAMECENTER  WATCH
 Chicago @  Detroit	CHI 3, DET 2 (OT)	D. Kubalik, M. Janmark, T. Greiss	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Edmonton	WPG 6, EDM 5	M. Scheifele, R. Nugent-Hopkins, A. Chiasson	 RECAP  GAMECENTER  WATCH
 Calgary @  Vancouver	CGY 4, VAN 3 (OT)	R. Andersson, B. Boeser, J. Gaudreau	 RECAP  GAMECENTER  WATCH
 Anaheim @  San Jose	ANA 2, SJS 3	L. Couture, K. Labanc, J. Leonard	 RECAP  GAMECENTER  WATCH

Tuesday, Feb 16

Matchup	Result	Three Stars of the Game	
 NY Islanders @  Buffalo	NYI 3, BUF 0	I. Sorokin, J. Pageau, R. Pulock	 RECAP  GAMECENTER  WATCH
 Washington @  Pittsburgh	WSH 3, PIT 1	R. Panik, V. Vanecek, N. Dowd	 RECAP  GAMECENTER  WATCH
 New Jersey @  NY Rangers	NJD 5, NYR 2	J. Kuokkanen, N. Merkley, M. Blackwood	 RECAP  GAMECENTER  WATCH
 Colorado @  Vegas	COL 3, VGK 2	N. Kadri, A. Martinez, M. Pacioretty	 RECAP  GAMECENTER  WATCH
 Minnesota @  Los Angeles	MIN 0, LAK 4	J. Quick, J. Anderson-Dolan, G. Vilardi	 RECAP  GAMECENTER  WATCH

Wednesday, Feb 17

Matchup	Result	Three Stars of the Game	
 Florida @  Carolina	FLA 4, CAR 3 (OT)	J. Huberdeau, V. Trocheck, C. Driedger	 RECAP  GAMECENTER  WATCH
 Ottawa @  Toronto	OTT 1, TOR 2	F. Andersen, A. Matthews, B. Tkachuk	 RECAP  GAMECENTER  WATCH
 Chicago @  Detroit	CHI 2, DET 0	K. Lankinen, P. Kurashev, J. Bernier	 RECAP  GAMECENTER  WATCH
 Vancouver @  Calgary	VAN 5, CGY 1	J. Miller, B. Boeser, B. Holtby	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Edmonton	WPG 2, EDM 3	C. McDavid, L. Draisaitl, J. Morrissey	 RECAP  GAMECENTER  WATCH

Thursday, Feb 18

Matchup	Result	Three Stars of the Game	
 New Jersey @  Boston	NJD 3, BOS 2	K. Palmieri, M. Blackwood, P. Zacha	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Philadelphia	NYR 3, PHI 2 (SO)	A. Panarin, J. Farabee, N. Aube-Kubel	 RECAP  GAMECENTER  WATCH
 NY Islanders @  Pittsburgh	NYI 1, PIT 4	J. Zucker, T. Jarry, M. Matheson	 RECAP  GAMECENTER  WATCH
 Nashville @  Columbus	NSH 0, CBJ 3	E. Merzlikins, C. Atkinson, M. Domi	 RECAP  GAMECENTER  WATCH
 Ottawa @  Toronto	OTT 3, TOR 7	A. Matthews, M. Marner, J. Thornton	 RECAP  GAMECENTER  WATCH
 Buffalo @  Washington	BUF 1, WSH 3	V. Vanecek, N. Backstrom, T. Wilson	 RECAP  GAMECENTER  WATCH
 San Jose @  St. Louis	SJS 2, STL 3 (OT)	D. Perron, M. Hoffman, J. Binnington	 RECAP  GAMECENTER  WATCH
 Los Angeles @  Arizona	LAK 3, ARI 2 (SO)	G. Vilardi, D. Brown, J. Carter	 RECAP  GAMECENTER  WATCH
 Minnesota @  Anaheim	MIN 3, ANA 1	R. Hartman, J. Ek, S. Steel	 RECAP  GAMECENTER  WATCH

Friday, Feb 19

Matchup	Result	Three Stars of the Game	
 Chicago @  Carolina	CHI 3, CAR 5	N. Niederreiter, M. Necas, J. Slavin	 RECAP  GAMECENTER  WATCH
 Florida @  Detroit	FLA 7, DET 2	A. Barkov, K. Yandle, P. Hornqvist	 RECAP  GAMECENTER  WATCH
 Edmonton @  Calgary	EDM 2, CGY 1	D. Rittich, A. Larsson, R. Andersson	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Vancouver	WPG 2, VAN 0	L. Brossoit, T. Demko, M. Scheifele	 RECAP  GAMECENTER  WATCH

Saturday, Feb 20

Matchup	Result	Three Stars of the Game	
 Buffalo @  New Jersey	BUF 3, NJD 2	S. Reinhart, C. Miller, M. Blackwood	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Washington	NYR 4, WSH 1	I. Shesterkin, R. Strome, A. Panarin	 RECAP  GAMECENTER  WATCH
 Vegas @  Colorado	VGK 2, COL 3	N. MacKinnon, D. Toews, A. Tuch	 RECAP  GAMECENTER  WATCH
Bridgestone NHL Outdoors Saturday (Edgewood Tahoe Resort, Stateline, Nev.) 			
 Florida @  Detroit	FLA 1, DET 2	J. Bernier, M. Brome, P. Nemeth	 RECAP  GAMECENTER  WATCH
 Los Angeles @  Arizona	LAK 4, ARI 2	A. Iafallo, P. Kessel, D. Doughty	 RECAP  GAMECENTER  WATCH
 San Jose @  St. Louis	SJS 5, STL 4	L. Couture, J. Kyrou, R. Balcers	 RECAP  GAMECENTER  WATCH
 NY Islanders @  Pittsburgh	NYI 2, PIT 3	S. Crosby, K. Letang, T. Jarry	 RECAP  GAMECENTER  WATCH
 Nashville @  Columbus	NSH 4, CBJ 2	C. Jarnkrok, B. Jenner, C. Sissons	 RECAP  GAMECENTER  WATCH
 Toronto @  Montréal	TOR 5, MTL 3	A. Matthews, M. Marner, P. Byron	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Carolina	TBL 0, CAR 4	A. Nedeljkovic, S. Aho, C. Paquette	 RECAP  GAMECENTER  WATCH
 Minnesota @  Anaheim	MIN 5, ANA 1	K. Fiala, J. Spurgeon, J. Hakanpaa	 RECAP  GAMECENTER  WATCH
 Calgary @  Edmonton	CGY 1, EDM 7	C. McDavid, M. Koskinen, R. Nugent-Hopkins	 RECAP  GAMECENTER  WATCH

Sunday, Feb 21

Matchup	Result	Three Stars of the Game	
 New Jersey @  Washington	NJD 3, WSH 4	T. Oshie, J. Carlson, N. Backstrom	 RECAP  GAMECENTER  WATCH
 Montréal @  Ottawa	MTL 2, OTT 3 (OT)	B. Tkachuk, D. Batherson, C. Brown	 RECAP  GAMECENTER  WATCH
 Philadelphia @  Boston	PHI 3, BOS 7	D. Pastrnak, B. Marchand, J. Riemsdyk	 RECAP  GAMECENTER  WATCH
Honda NHL Outdoors Sunday (Edgewood Tahoe Resort, Stateline, Nev.) 			
 Winnipeg @  Vancouver	WPG 4, VAN 3 (OT)	P. Dubois, E. Pettersson, M. Scheifele	 RECAP  GAMECENTER  WATCH

Monday, Feb 22

Matchup	Result	Three Stars of the Game	
 Dallas @  Florida	DAL 1, FLA 3	A. Barkov, A. Khudobin, A. Ekblad	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Carolina	TBL 4, CAR 2	V. Hedman, J. Fast, A. Vasilevskiy	 RECAP  GAMECENTER  WATCH
 Buffalo @  NY Islanders	BUF 2, NYI 3	J. Pageau, M. Martin, N. Leddy	 RECAP  GAMECENTER  WATCH
 Calgary @  Toronto	CGY 3, TOR 0	D. Rittich, S. Monahan, M. Tkachuk	 RECAP  GAMECENTER  WATCH
 Los Angeles @  St. Louis	LAK 3, STL 0	J. Quick, J. Binnington, D. Brown	 RECAP  GAMECENTER  WATCH
 Vegas @  Colorado	VGK 3, COL 0		 RECAP  GAMECENTER  WATCH
 Anaheim @  Arizona	ANA 3, ARI 4	C. Dvorak, J. Chychrun, D. Brassard	 RECAP  GAMECENTER  WATCH
 Minnesota @  San Jose	MIN 6, SJS 2	M. Foligno, M. Zuccarello, V. Rask	 RECAP  GAMECENTER  WATCH

Tuesday, Feb 23

Matchup	Result	Three Stars of the Game	
 Buffalo @  New Jersey	BUF 4, NJD 1	L. Ullmark, V. Olofsson, S. Reinhart	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  Washington	PIT 3, WSH 2 (OT)	K. Kapanen, T. Jarry, V. Vanecek	 RECAP  GAMECENTER  WATCH
 Chicago @  Columbus	CHI 6, CBJ 5 (SO)	P. Kane, P. Laine, O. Bjorkstrand	 RECAP  GAMECENTER  WATCH
 Montréal @  Ottawa	MTL 4, OTT 5 (SO)	B. Tkachuk, S. Weber, D. Batherson	 RECAP  GAMECENTER  WATCH
 Nashville @  Detroit	NSH 2, DET 0	F. Forsberg, P. Rinne, E. Tolvanen	 RECAP  GAMECENTER  WATCH
 Edmonton @  Vancouver	EDM 4, VAN 3	L. Draisaitl, E. Pettersson, D. Kahun	 RECAP  GAMECENTER  WATCH

Wednesday, Feb 24

Matchup	Result	Three Stars of the Game	
 Carolina @  Tampa Bay	CAR 0, TBL 3	B. Coleman, R. Colton, A. Vasilevskiy	 RECAP  GAMECENTER  WATCH
 Dallas @  Florida	DAL 3, FLA 0	A. Khudobin, J. Klingberg, A. Barkov	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Philadelphia	NYR 3, PHI 4	C. Giroux, C. Kreider, S. Gostisbehere	 RECAP  GAMECENTER  WATCH
 Calgary @  Toronto	CGY 1, TOR 2 (OT)	W. Nylander, M. Hutchinson, D. Rittich	 RECAP  GAMECENTER  WATCH
 Minnesota @  Colorado	MIN 6, COL 2		 RECAP  GAMECENTER  WATCH
 Anaheim @  Arizona	ANA 3, ARI 4 (SO)	C. Dvorak, P. Kessel, O. Ekman-Larsson	 RECAP  GAMECENTER  WATCH
 Los Angeles @  St. Louis	LAK 2, STL 1	C. Petersen, D. Brown, D. Doughty	 RECAP  GAMECENTER  WATCH

Thursday, Feb 25

Matchup	Result	Three Stars of the Game	
 Boston @  NY Islanders	BOS 2, NYI 7	A. Lee, M. Barzal, S. Varlamov	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  Washington	PIT 2, WSH 5	T. Wilson, V. Vanecek, T. Oshie	 RECAP  GAMECENTER  WATCH
 Carolina @  Tampa Bay	CAR 1, TBL 3	C. McElhinney, M. Sergachev, B. Pesce	 RECAP  GAMECENTER  WATCH
 Dallas @  Florida	DAL 2, FLA 3	F. Vatrano, S. Bobrovsky, A. Barkov	 RECAP  GAMECENTER  WATCH
 Chicago @  Columbus	CHI 2, CBJ 0	P. Kane, M. Subban, J. Korpisalo	 RECAP  GAMECENTER  WATCH
 Calgary @  Ottawa	CGY 1, OTT 6	B. Tkachuk, C. White, E. Gudbranson	 RECAP  GAMECENTER  WATCH
 New Jersey @  Buffalo	NJD 4, BUF 3 (OT)	P. Zacha, J. Bratt, C. Mittelstadt	 RECAP  GAMECENTER  WATCH
 Nashville @  Detroit	NSH 2, DET 5	S. Gagner, J. Bernier, L. Glendening	 RECAP  GAMECENTER  WATCH
 Montréal @  Winnipeg	MTL 3, WPG 6	K. Connor, N. Ehlers, J. Armia	 RECAP  GAMECENTER  WATCH
 Edmonton @  Vancouver	EDM 3, VAN 0	M. Smith, T. Demko, C. McDavid	 RECAP  GAMECENTER  WATCH

Friday, Feb 26

Matchup	Result	Three Stars of the Game	
 Boston @  NY Rangers	BOS 2, NYR 6	R. Strome, A. Fox, R. Lindgren	 RECAP  GAMECENTER  WATCH
 Los Angeles @  Minnesota	LAK 1, MIN 3	C. Talbot, K. Kaprizov, J. Brodin	 RECAP  GAMECENTER  WATCH
 Colorado @  Arizona	COL 3, ARI 2	N. Kadri, M. Rantanen, P. Kessel	 RECAP  GAMECENTER  WATCH

Saturday, Feb 27

Matchup	Result	Three Stars of the Game	
 Philadelphia @  Buffalo	PHI 3, BUF 0	S. Couturier, S. Gostisbehere, S. Laughton	 RECAP  GAMECENTER  WATCH
 Washington @  New Jersey	WSH 5, NJD 2	J. Vrana, J. Carlson, G. Hathaway	 RECAP  GAMECENTER  WATCH
 Calgary @  Ottawa	CGY 6, OTT 3	M. Backlund, A. Mangiapane, M. Tkachuk	 RECAP  GAMECENTER  WATCH
 Columbus @  Nashville	CBJ 1, NSH 2	M. Ekholm, J. Saros, F. Forsberg	 RECAP  GAMECENTER  WATCH
 Toronto @  Edmonton	TOR 4, EDM 0	M. Marner, J. Campbell, J. Tavares	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  NY Islanders	PIT 4, NYI 3 (OT)	K. Letang, S. Crosby, B. Nelson	 RECAP  GAMECENTER  WATCH
 Dallas @  Tampa Bay	DAL 0, TBL 5	A. Vasilevskiy, A. Cirelli, S. Stamkos	 RECAP  GAMECENTER  WATCH
 Carolina @  Florida	CAR 4, FLA 3 (SO)	M. Necas, J. Reimer, S. Bobrovsky	 RECAP  GAMECENTER  WATCH
 Detroit @  Chicago	DET 5, CHI 3	J. Bernier, R. Fabbri, E. Svechnikov	 RECAP  GAMECENTER  WATCH
 Los Angeles @  Minnesota	LAK 3, MIN 4 (OT)	M. Dumba, K. Kaprizov, J. Ek	 RECAP  GAMECENTER  WATCH
 Colorado @  Arizona	COL 6, ARI 2	J. Donskoi, N. MacKinnon, I. Lyubushkin	 RECAP  GAMECENTER  WATCH
 Vegas @  Anaheim	VGK 3, ANA 2 (OT)	W. Karlsson, A. Pietrangelo, C. Fowler	 RECAP  GAMECENTER  WATCH
 Montréal @  Winnipeg	MTL 1, WPG 2 (OT)	P. Stastny, N. Suzuki, C. Hellebuyck	 RECAP  GAMECENTER  WATCH
 St. Louis @  San Jose	STL 7, SJS 6	R. O'Reilly, T. Meier, E. Kane	 RECAP  GAMECENTER  WATCH

Sunday, Feb 28

Matchup	Result	Three Stars of the Game	
 Boston @  NY Rangers	BOS 4, NYR 1	C. Coyle, D. Pastrnak, T. Rask	 RECAP  GAMECENTER  WATCH
 Columbus @  Nashville	CBJ 1, NSH 3	F. Forsberg, J. Saros, E. Tolvanen	 RECAP  GAMECENTER  WATCH
 Philadelphia @  Buffalo	PHI 3, BUF 0	J. Riemsdyk, J. Farabee, C. Hart	 RECAP  GAMECENTER  WATCH
 Washington @  New Jersey	WSH 3, NJD 2	J. Vrana, A. Ovechkin, N. Backstrom	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  NY Islanders	PIT 0, NYI 2	I. Sorokin, O. Wahlstrom, J. Bailey	 RECAP  GAMECENTER  WATCH
 Detroit @  Chicago	DET 2, CHI 7	P. Kane, A. DeBrincat, K. Lankinen	 RECAP  GAMECENTER  WATCH

Monday, Mar 1

Matchup	Result	Three Stars of the Game	
 Carolina @  Florida	CAR 3, FLA 2 (OT)	M. Necas, A. Nedeljkovic, C. Driedger	 RECAP  GAMECENTER  WATCH
 Calgary @  Ottawa	CGY 1, OTT 5	D. Batherson, M. Murray, T. Stützle	 RECAP  GAMECENTER  WATCH
 Vancouver @  Winnipeg	VAN 4, WPG 0	T. Demko, N. Schmidt, A. Lowry	 RECAP  GAMECENTER  WATCH
 Minnesota @  Vegas	MIN 4, VGK 5 (OT)	M. Stone, M. Pacioretty, A. Tuch	 RECAP  GAMECENTER  WATCH
 St. Louis @  Anaheim	STL 5, ANA 4	I. Lundstrom, Z. Sanford, C. Fowler	 RECAP  GAMECENTER  WATCH
 Toronto @  Edmonton	TOR 3, EDM 0	M. Hutchinson, M. Rielly, W. Nylander	 RECAP  GAMECENTER  WATCH
 Colorado @  San Jose	COL 2, SJS 6	T. Meier, E. Karlsson, M. Jones	 RECAP  GAMECENTER  WATCH

Tuesday, Mar 2

Matchup	Result	Three Stars of the Game	
 NY Islanders @  New Jersey	NYI 2, NJD 1	S. Varlamov, O. Wahlstrom, A. Lee	 RECAP  GAMECENTER  WATCH
 Buffalo @  NY Rangers	BUF 2, NYR 3	P. Buchnevich, A. Fox, C. Kreider	 RECAP  GAMECENTER  WATCH
 Philadelphia @  Pittsburgh	PHI 2, PIT 5	K. Kapanen, T. Jarry, J. Farabee	 RECAP  GAMECENTER  WATCH
 Detroit @  Columbus	DET 1, CBJ 4	C. Atkinson, Z. Werenski, R. Nash	 RECAP  GAMECENTER  WATCH
 Ottawa @  Montréal	OTT 1, MTL 3	J. Kotkaniemi, B. Gallagher, D. Batherson	 RECAP  GAMECENTER  WATCH
 Carolina @  Nashville	CAR 4, NSH 2	S. Aho, S. Lorentz, M. Ekholm	 RECAP  GAMECENTER  WATCH
 Vancouver @  Winnipeg	VAN 2, WPG 5	L. Brossoit, K. Connor, B. Wheeler	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Dallas	TBL 2, DAL 0	A. Vasilevskiy, O. Palat, A. Khudobin	 RECAP  GAMECENTER  WATCH

Wednesday, Mar 3

Matchup	Result	Three Stars of the Game	
 Washington @  Boston	WSH 2, BOS 1 (SO)	A. Ovechkin, T. Rask, V. Vanecek	 RECAP  GAMECENTER  WATCH
 Toronto @  Edmonton	TOR 6, EDM 1	J. Vesey, Z. Hyman, J. Spezza	 RECAP  GAMECENTER  WATCH
 St. Louis @  Anaheim	STL 3, ANA 2	Z. Sanford, R. Rakell, R. O'Reilly	 RECAP  GAMECENTER  WATCH
 Minnesota @  Vegas	MIN 1, VGK 5	A. Tuch, M. Fleury, C. Stephenson	 RECAP  GAMECENTER  WATCH
 Arizona @  Los Angeles	ARI 3, LAK 2	A. Raanta, D. Doughty, J. Chychrun	 RECAP  GAMECENTER  WATCH
 Colorado @  San Jose	COL 4, SJS 0	M. Rantanen, G. Landeskog, P. Grubauer	 RECAP  GAMECENTER  WATCH

Thursday, Mar 4

Matchup	Result	Three Stars of the Game	
 Buffalo @  NY Islanders	BUF 2, NYI 5	M. Martin, J. Eberle, C. Cizikas	 RECAP  GAMECENTER  WATCH
 NY Rangers @  New Jersey	NYR 6, NJD 1	C. Kreider, I. Shesterkin, R. Strome	 RECAP  GAMECENTER  WATCH
 Detroit @  Carolina	DET 2, CAR 5	J. Staal, A. Svechnikov, J. Fast	 RECAP  GAMECENTER  WATCH
 Philadelphia @  Pittsburgh	PHI 4, PIT 3	C. Giroux, N. Aube-Kubel, J. McCann	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Montréal	WPG 4, MTL 3 (OT)	P. Dubois, P. Stastny, J. Drouin	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Chicago	TBL 3, CHI 2 (OT)	A. Killorn, A. Vasilevskiy, B. Hagel	 RECAP  GAMECENTER  WATCH
 Florida @  Nashville	FLA 5, NSH 4	A. Ekblad, A. Barkov, M. Ekholm	 RECAP  GAMECENTER  WATCH
 Columbus @  Dallas	CBJ 3, DAL 2	B. Jenner, M. Heiskanen, J. Korpisalo	 RECAP  GAMECENTER  WATCH
 Ottawa @  Calgary	OTT 3, CGY 7	D. Dube, D. Ryan, M. Tkachuk	 RECAP  GAMECENTER  WATCH
 Toronto @  Vancouver	TOR 1, VAN 3	J. Virtanen, T. Demko, B. Horvat	 RECAP  GAMECENTER  WATCH

Friday, Mar 5

Matchup	Result	Three Stars of the Game	
 Washington @  Boston	WSH 1, BOS 5	B. Marchand, P. Bergeron, J. Halak	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Chicago	TBL 3, CHI 4 (SO)	A. DeBrincat, A. Killorn, M. Subban	 RECAP  GAMECENTER  WATCH
 St. Louis @  Los Angeles	STL 3, LAK 2 (OT)	D. Perron, D. Brown, R. O'Reilly	 RECAP  GAMECENTER  WATCH
 Anaheim @  Colorado	ANA 2, COL 3 (OT)		 RECAP  GAMECENTER  WATCH
 Minnesota @  Arizona	MIN 5, ARI 1	K. Kaprizov, M. Zuccarello, C. Keller	 RECAP  GAMECENTER  WATCH

 Vegas @  San Jose **VGK 5, SJS 4 (OT)** M. Pacioretty, L. Couture, E. Karlsson  RECAP  GAMECENTER  WATCH

Saturday, Mar 6

Matchup	Result	Three Stars of the Game	
 NY Rangers @  New Jersey	NYR 6, NJD 3	F. Chytil, A. Fox, K. Rooney	 RECAP  GAMECENTER  WATCH
 Buffalo @  NY Islanders	BUF 2, NYI 5	S. Mayfield, M. Barzal, A. Lee	 RECAP  GAMECENTER  WATCH
 Philadelphia @  Pittsburgh	PHI 3, PIT 4	E. Malkin, B. Tanev, S. Laughton	 RECAP  GAMECENTER  WATCH
 Florida @  Nashville	FLA 6, NSH 2	N. Acciari, A. Ekblad, F. Forsberg	 RECAP  GAMECENTER  WATCH
 Toronto @  Vancouver	TOR 2, VAN 4	B. Boeser, B. Horvat, J. Miller	 RECAP  GAMECENTER  WATCH
 Minnesota @  Arizona	MIN 2, ARI 5	C. Garland, T. Pitlick, J. Chychrun	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Montréal	WPG 1, MTL 7	B. Gallagher, T. Toffoli, T. Tatar	 RECAP  GAMECENTER  WATCH
 Anaheim @  Colorado	ANA 5, COL 4 (OT)		 RECAP  GAMECENTER  WATCH
 Columbus @  Dallas	CBJ 0, DAL 5	J. Oettinger, M. Heiskanen, R. Hintz	 RECAP  GAMECENTER  WATCH
 St. Louis @  Los Angeles	STL 3, LAK 4 (OT)	A. Kopitar, A. Kempe, B. Schenn	 RECAP  GAMECENTER  WATCH
 Calgary @  Edmonton	CGY 2, EDM 3	C. McDavid, E. Lindholm, K. Yamamoto	 RECAP  GAMECENTER  WATCH
 Vegas @  San Jose	VGK 4, SJS 0	M. Fleury, A. Tuch, A. Pietrangelo	 RECAP  GAMECENTER  WATCH

Sunday, Mar 7

Matchup	Result	Three Stars of the Game	
 Buffalo @  NY Islanders	BUF 2, NYI 5	C. Cizikas, B. Nelson, C. Clutterbuck	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Chicago	TBL 6, CHI 3	Y. Gourde, V. Hedman, O. Palat	 RECAP  GAMECENTER  WATCH
 Florida @  Carolina	FLA 2, CAR 4	S. Aho, V. Trocheck, W. Foegele	 RECAP  GAMECENTER  WATCH
 New Jersey @  Boston	NJD 1, BOS 0	S. Wedgewood, P. Zacha, T. Rask	 RECAP  GAMECENTER  WATCH
 Washington @  Philadelphia	WSH 3, PHI 1	D. Orlov, J. Farabee, T. Oshie	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Pittsburgh	NYR 1, PIT 5	K. Kapanen, E. Malkin, S. Crosby	 RECAP  GAMECENTER  WATCH
 Nashville @  Dallas	NSH 4, DAL 3 (SO)	E. Tolvanen, J. Pavelski, P. Rinne	 RECAP  GAMECENTER  WATCH
 Ottawa @  Calgary	OTT 4, CGY 3 (SO)	D. Dube, A. Anisimov, C. Tierney	 RECAP  GAMECENTER  WATCH

Monday, Mar 8

Matchup	Result	Three Stars of the Game	
 Vegas @  Minnesota	VGK 0, MIN 2	K. Kahkonen, K. Fiala, M. Fleury	 RECAP  GAMECENTER  WATCH
 St. Louis @  San Jose	STL 2, SJS 3 (OT)	E. Kane, R. O'Reilly, R. Donato	 RECAP  GAMECENTER  WATCH
 Ottawa @  Edmonton	OTT 2, EDM 3	A. Chiasson, T. Chabot, K. Turris	 RECAP  GAMECENTER  WATCH
 Arizona @  Colorado	ARI 3, COL 2		 RECAP  GAMECENTER  WATCH
 Montréal @  Vancouver	MTL 1, VAN 2 (SO)	T. Demko, C. Price, B. Horvat	 RECAP  GAMECENTER  WATCH
 Los Angeles @  Anaheim	LAK 5, ANA 6 (OT)	R. Rakell, A. Kempe, A. Henrique	 RECAP  GAMECENTER  WATCH

Tuesday, Mar 9

Matchup	Result	Three Stars of the Game	
 NY Rangers @  Pittsburgh	NYR 2, PIT 4	S. Crosby, T. Jarry, T. Blueger	  
 Boston @  NY Islanders	BOS 1, NYI 2 (SO)	S. Varlamov, B. Nelson, J. Halak	  
 Buffalo @  Philadelphia	BUF 4, PHI 5 (SO)	S. Couturier, S. Reinhart, C. Giroux	  
 New Jersey @  Washington	NJD 4, WSH 5 (OT)	J. Vrana, D. Orlov, T. Zajac	  
 Nashville @  Carolina	NSH 2, CAR 3 (OT)	J. Staal, S. Aho, V. Trocheck	  
 Florida @  Columbus	FLA 4, CBJ 2	S. Bobrovsky, J. Korpisalo, O. Tippett	  
 Winnipeg @  Toronto	WPG 4, TOR 3	N. Pionk, A. Matthews, A. Copp	  
 Tampa Bay @  Detroit	TBL 4, DET 3 (OT)	E. Cernak, B. Coleman, D. Larkin	  
 Chicago @  Dallas	CHI 1, DAL 6	J. Robertson, J. Klingberg, R. Hintz	  

Wednesday, Mar 10

Matchup	Result	Three Stars of the Game	
 Vegas @  Minnesota	VGK 3, MIN 4	J. Ek, K. Kaprizov, C. Soucy	  
 Ottawa @  Edmonton	OTT 1, EDM 7	L. Draisaitl, C. McDavid, D. Nurse	  
 Arizona @  Colorado	ARI 1, COL 2 (OT)		  
 Los Angeles @  Anaheim	LAK 5, ANA 1	A. Kempe, D. Doughty, V. Lettieri	  
 Montréal @  Vancouver	MTL 5, VAN 1	J. Petry, J. Kotkaniemi, S. Weber	  

Thursday, Mar 11

Matchup	Result	Three Stars of the Game	RECAP	GAMECENTER	WATCH
 NY Rangers @  Boston	NYR 0, BOS 4	J. Halak, B. Marchand, D. Krejci			
 Pittsburgh @  Buffalo	PIT 5, BUF 2	E. Malkin, J. Guentzel, B. Tanev			
 New Jersey @  NY Islanders	NJD 3, NYI 5	A. Pelech, M. Martin, R. Pulock			
 Washington @  Philadelphia	WSH 5, PHI 3	J. Carlson, A. Ovechkin, S. Couturier			
 Nashville @  Carolina	NSH 1, CAR 5	M. Geekie, J. Reimer, J. Bean			
 Florida @  Columbus	FLA 5, CBJ 4 (OT)	O. Bjorkstrand, F. Vatrano, M. Domi			
 Winnipeg @  Toronto	WPG 3, TOR 4 (OT)	A. Matthews, N. Ehlers, W. Nylander			
 Tampa Bay @  Detroit	TBL 4, DET 6	A. Mantha, B. Point, F. Zadina			
 Chicago @  Dallas	CHI 4, DAL 2	K. Lankinen, A. Boqvist, R. Hintz			
 Montréal @  Calgary	MTL 1, CGY 2	D. Ryan, J. Leivo, N. Hanifin			

Friday, Mar 12

Matchup	Result	Three Stars of the Game	RECAP	GAMECENTER	WATCH
 Vegas @  St. Louis	VGK 5, STL 4 (OT)	R. Smith, V. Tarasenko, R. O'Reilly			
 Arizona @  Minnesota	ARI 0, MIN 4	K. Kaprizov, C. Talbot, M. Zuccarello			
 Ottawa @  Edmonton	OTT 2, EDM 6	C. McDavid, L. Draisaitl, T. Barrie			
 Los Angeles @  Colorado	LAK 0, COL 2				
 San Jose @  Anaheim	SJS 6, ANA 0	E. Kane, E. Karlsson, D. Dubnyk			

Saturday, Mar 13

Matchup	Result	Three Stars of the Game	
 NY Rangers @  Boston	NYR 4, BOS 0	M. Zibanejad, C. Kreider, K. Kinkaid	 RECAP  GAMECENTER  WATCH
 Dallas @  Columbus	DAL 3, CBJ 4 (OT)	M. Domi, Z. Werenski, C. Atkinson	 RECAP  GAMECENTER  WATCH
 Montréal @  Calgary	MTL 1, CGY 3	S. Monahan, M. Tkachuk, D. Dube	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  Buffalo	PIT 3, BUF 0	J. Guentzel, C. DeSmith, C. Hutton	 RECAP  GAMECENTER  WATCH
 NY Islanders @  New Jersey	NYI 3, NJD 2	K. Bellows, J. Eberle, J. Kuokkanen	 RECAP  GAMECENTER  WATCH
 Washington @  Philadelphia	WSH 5, PHI 4	A. Ovechkin, N. Dowd, J. Riemsdyk	 RECAP  GAMECENTER  WATCH
 Nashville @  Tampa Bay	NSH 3, TBL 6	E. Cernak, T. Johnson, B. Coleman	 RECAP  GAMECENTER  WATCH
 Chicago @  Florida	CHI 2, FLA 4	A. Barkov, A. Duclair, S. Bobrovsky	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Toronto	WPG 5, TOR 2	A. Lowry, M. Appleton, M. Scheifele	 RECAP  GAMECENTER  WATCH
 Vegas @  St. Louis	VGK 5, STL 1	M. Fleury, M. Stone, M. Pacioretty	 RECAP  GAMECENTER  WATCH
 Edmonton @  Vancouver	EDM 1, VAN 2	T. Demko, L. Draisaitl, T. Myers	 RECAP  GAMECENTER  WATCH
 San Jose @  Anaheim	SJS 3, ANA 1	B. Burns, L. Couture, M. Jones	 RECAP  GAMECENTER  WATCH

Sunday, Mar 14

Matchup	Result	Three Stars of the Game	
 Arizona @  Minnesota	ARI 1, MIN 4	K. Fiala, C. Talbot, J. Spurgeon	 RECAP  GAMECENTER  WATCH
 Carolina @  Detroit	CAR 2, DET 1	D. Hamilton, N. Niederreiter, J. Bernier	 RECAP  GAMECENTER  WATCH
 Dallas @  Columbus	DAL 2, CBJ 1 (SO)	J. Oettinger, J. Korpisalo, A. Radulov	 RECAP  GAMECENTER  WATCH
 NY Islanders @  New Jersey	NYI 3, NJD 2 (SO)	S. Wedgewood, O. Wahlstrom, K. Bellows	 RECAP  GAMECENTER  WATCH
 Los Angeles @  Colorado	LAK 1, COL 4		 RECAP  GAMECENTER  WATCH
 Toronto @  Ottawa	TOR 3, OTT 4	D. Batherson, Z. Hyman, J. Daccord	 RECAP  GAMECENTER  WATCH

Monday, Mar 15

Matchup	Result	Three Stars of the Game	
 Nashville @  Tampa Bay	NSH 4, TBL 1	C. Jarnkrok, P. Rinne, Y. Gourde	 RECAP  GAMECENTER  WATCH
 Washington @  Buffalo	WSH 6, BUF 0	T. Oshie, J. Schultz, D. Orlov	 RECAP  GAMECENTER  WATCH
 Philadelphia @  NY Rangers	PHI 5, NYR 4 (OT)	J. Voracek, A. Panarin, J. Farabee	 RECAP  GAMECENTER  WATCH
 Chicago @  Florida	CHI 3, FLA 6	A. Barkov, G. Forsling, S. Bobrovsky	 RECAP  GAMECENTER  WATCH
 Boston @  Pittsburgh	BOS 1, PIT 4	E. Malkin, T. Jarry, S. Crosby	 RECAP  GAMECENTER  WATCH
 Vancouver @  Ottawa	VAN 3, OTT 2 (OT)	T. Demko, J. Daccord, J. Miller	 RECAP  GAMECENTER  WATCH
 Montréal @  Winnipeg	MTL 4, WPG 2	T. Toffoli, K. Connor, C. Price	 RECAP  GAMECENTER  WATCH
 Edmonton @  Calgary	EDM 3, CGY 4	M. Backlund, A. Mangiapane, E. Lindholm	 RECAP  GAMECENTER  WATCH
 San Jose @  Vegas	SJS 1, VGK 2	M. Fleury, M. Pacioretty, M. Stone	 RECAP  GAMECENTER  WATCH

Tuesday, Mar 16

Matchup	Result	Networks
 Buffalo @  New Jersey	BUF 2, NJD 3	M. Wood, J. Kuokkanen, M. Blackwood
 NY Islanders @  Washington	NYI 1, WSH 3	A. Ovechkin, N. Backstrom, I. Samsonov
 Boston @  Pittsburgh	BOS 2 , PIT 1	D. Vladar, T. Frederic, C. DeSmith
 Carolina @  Detroit	CAR 2, DET 4	A. Erne, J. Bernier, F. Hronek
 Arizona @  Minnesota	ARI 0, MIN 3	K. Kahkonen, J. Spurgeon, I. Cole
 Tampa Bay @  Dallas	TBL 4 , DAL 3 (SO)	B. Point, V. Hedman, J. Oettinger
 Anaheim @  Colorado	ANA 4, COL 8	

Wednesday, Mar 17

Matchup	Result	Three Stars of the Game
 Vancouver @  Ottawa	VAN 3 , OTT 2 (SO)	B. Horvat, R. Dzingel, A. Gaudette
 Philadelphia @  NY Rangers	PHI 0, NYR 9	M. Zibanejad, P. Buchnevich, A. Georgiev
 Montréal @  Winnipeg	MTL 3, WPG 4 (OT)	K. Connor, B. Gallagher, D. Forbort
 San Jose @  Vegas	SJS 4, VGK 5	S. Theodore, R. Reaves, A. Martinez
 St. Louis @  Los Angeles	STL 1, LAK 4	T. Moore, C. Petersen, J. Anderson-Dolan
 Edmonton @  Calgary	EDM 7 , CGY 3	L. Draisaitl, T. Barrie, C. McDavid

Thursday, Mar 18

Matchup	Result	Three Stars of the Game	
 Pittsburgh @  New Jersey	PIT 2, NJD 3	J. Hughes, S. Wedgewood, P. Subban	 RECAP  GAMECENTER  WATCH
 Boston @  Buffalo	BOS 4, BUF 1	D. Pastrnak, D. Krejci, J. DeBrusk	 RECAP  GAMECENTER  WATCH
 Philadelphia @  NY Islanders	PHI 4, NYI 3	O. Lindblom, N. Leddy, C. Giroux	 RECAP  GAMECENTER  WATCH
 Columbus @  Carolina	CBJ 3, CAR 2 (OT)	S. Jones, S. Aho, J. Korpisalo	 RECAP  GAMECENTER  WATCH
 Chicago @  Tampa Bay	CHI 2, TBL 4	R. Colton, Y. Gourde, M. Janmark	 RECAP  GAMECENTER  WATCH
 Nashville @  Florida	NSH 2, FLA 1	C. Jarnkrok, J. Saros, J. Huberdeau	 RECAP  GAMECENTER  WATCH
 Dallas @  Detroit	DAL 2, DET 3	R. Fabbri, R. Hintz, J. Bernier	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Edmonton	WPG 1, EDM 2	C. McDavid, T. Barrie, M. Perreault	 RECAP  GAMECENTER  WATCH
 Minnesota @  Colorado	MIN 1, COL 5		 RECAP  GAMECENTER  WATCH
 Arizona @  Anaheim	ARI 2, ANA 3 (OT)	J. Drysdale, T. Zegras, R. Miller	 RECAP  GAMECENTER  WATCH

Friday, Mar 19

Matchup	Result	Three Stars of the Game	
 NY Rangers @  Washington	NYR 1, WSH 2	V. Vanecek, A. Ovechkin, A. Panarin	 RECAP  GAMECENTER  WATCH
 Vancouver @  Montréal	VAN 3, MTL 2 (OT)	J. Miller, J. Allen, T. Demko	 RECAP  GAMECENTER  WATCH
 Calgary @  Toronto	CGY 4, TOR 3	R. Andersson, D. Ryan, M. Marner	 RECAP  GAMECENTER  WATCH
 St. Louis @  San Jose	STL 2, SJS 1 (SO)	V. Tarasenko, M. Jones, R. Donato	 RECAP  GAMECENTER  WATCH
 Vegas @  Los Angeles	VGK 4, LAK 2	M. Pacioretty, A. Martinez, A. Iafallo	 RECAP  GAMECENTER  WATCH

Saturday, Mar 20

Matchup	Result	Three Stars of the Game	
 Pittsburgh @  New Jersey	PIT 3, NJD 1	C. DeSmith, B. Rust, S. Crosby	 RECAP  GAMECENTER  WATCH
 Nashville @  Florida	NSH 0, FLA 2	A. Barkov, J. Saros, C. Driedger	 RECAP  GAMECENTER  WATCH
 Minnesota @  Colorado	MIN 0, COL 6		 RECAP  GAMECENTER  WATCH
 Chicago @  Tampa Bay	CHI 1, TBL 4	A. Vasilevskiy, V. Hedman, Y. Gourde	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Washington	NYR 3, WSH 1	M. Zibanejad, K. Kinkaid, I. Samsonov	 RECAP  GAMECENTER  WATCH
 Philadelphia @  NY Islanders	PHI 1, NYI 6	I. Sorokin, C. Cizikas, T. Hickey	 RECAP  GAMECENTER  WATCH
 Columbus @  Carolina	CBJ 3, CAR 2 (SO)	E. Merzlikins, S. Jones, W. Foegele	 RECAP  GAMECENTER  WATCH
 Dallas @  Detroit	DAL 3, DET 0	A. Khudobin, T. Kero, T. Dellandrea	 RECAP  GAMECENTER  WATCH
 Vancouver @  Montréal	VAN 4, MTL 5 (SO)	T. Tatar, P. Danault, B. Gallagher	 RECAP  GAMECENTER  WATCH
 Calgary @  Toronto	CGY 0, TOR 2	J. Campbell, Z. Hyman, J. Spezza	 RECAP  GAMECENTER  WATCH
 Arizona @  Anaheim	ARI 5, ANA 1	D. Brassard, J. Chychrun, A. Henrique	 RECAP  GAMECENTER  WATCH
 St. Louis @  San Jose	STL 5, SJS 2	R. O'Reilly, D. Perron, V. Dunn	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Edmonton	WPG 2, EDM 4	C. McDavid, M. Smith, P. Dubois	 RECAP  GAMECENTER  WATCH

Sunday, Mar 21

Matchup	Result	Three Stars of the Game	
 New Jersey @  Pittsburgh	NJD 2, PIT 1 (OT)	J. Bratt, T. Jarry, M. Blackwood	  
 Florida @  Tampa Bay	FLA 3, TBL 5	C. McElhinney, A. Killorn, Y. Gourde	  
 Vegas @  Los Angeles	VGK 1, LAK 3	C. Petersen, D. Doughty, A. Kopitar	  
 Nashville @  Dallas	NSH 4, DAL 3 (SO)	E. Tolvanen, T. Dellandrea, F. Forsberg	  

Monday, Mar 22

Matchup	Result	Three Stars of the Game	
 Buffalo @  NY Rangers	BUF 3, NYR 5	A. Fox, C. Kreider, A. Panarin	  
 Carolina @  Columbus	CAR 3, CBJ 0	A. Nedeljkovic, S. Aho, J. Fast	  
 Calgary @  Ottawa	CGY 1, OTT 2	F. Gustavsson, A. Watson, N. Hanifin	  
 NY Islanders @  Philadelphia	NYI 2, PHI 1 (OT)	I. Sorokin, A. Beauvillier, O. Lindblom	  
 Anaheim @  Minnesota	ANA 1, MIN 2	J. Brodin, N. Bjugstad, R. Suter	  
 St. Louis @  Vegas	STL 1, VGK 5	K. Kolesar, M. Stone, J. Marchessault	  
 Winnipeg @  Vancouver	WPG 4, VAN 0	C. Hellebuyck, A. Lowry, B. Wheeler	  
 Colorado @  Arizona	COL 5, ARI 1	M. Rantanen, N. MacKinnon, O. Ekman-Larsson	  
 Los Angeles @  San Jose	LAK 1, SJS 2	R. Donato, M. Jones, L. Couture	  

Tuesday, Mar 23

Matchup	Result	Three Stars of the Game	
 New Jersey @  Philadelphia	NJD 4, PHI 3	Y. Sharangovich, T. Zajac, S. Couturier	 RECAP  GAMECENTER  WATCH
 Florida @  Chicago	FLA 2, CHI 3	K. Lankinen, P. Kane, B. Hagel	 RECAP  GAMECENTER  WATCH
 Detroit @  Nashville	DET 0, NSH 2	J. Saros, M. Granlund, M. Olivier	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Dallas	TBL 2, DAL 1	A. Vasilevskiy, R. Hintz, S. Stamkos	 RECAP  GAMECENTER  WATCH
 Colorado @  Arizona	COL 4, ARI 5 (SO)	C. Garland, P. Kessel, A. Hill	 RECAP  GAMECENTER  WATCH

Wednesday, Mar 24

Matchup	Result	Three Stars of the Game	
 Calgary @  Ottawa	CGY 1, OTT 3	F. Gustavsson, C. Tierney, M. Giordano	 RECAP  GAMECENTER  WATCH
 Anaheim @  Minnesota	ANA 2, MIN 3	J. Spurgeon, R. Suter, C. Talbot	 RECAP  GAMECENTER  WATCH
 Buffalo @  Pittsburgh	BUF 2, PIT 5	S. Crosby, Z. Aston-Reese, F. Gaudreau	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Vancouver	WPG 5, VAN 1	A. Copp, C. Hellebuyck, J. Morrissey	 RECAP  GAMECENTER  WATCH
 Los Angeles @  San Jose	LAK 2, SJS 4	M. Jones, E. Kane, B. Burns	 RECAP  GAMECENTER  WATCH

Thursday, Mar 25

Matchup	Result	Networks
 NY Islanders @  Boston	NYI 4, BOS 3 (OT)	A. Beauvillier, C. Coyle, S. Kampfer
 NY Rangers @  Philadelphia	NYR 8, PHI 3	M. Zibanejad, A. Fox, R. Strome
 New Jersey @  Washington	NJD 3, WSH 4	E. Kuznetsov, A. Ovechkin, D. Sprong
 Carolina @  Columbus	CAR 4, CBJ 3 (OT)	S. Aho, S. Jones, A. Nedeljkovic
 Toronto @  Ottawa	TOR 3, OTT 2 (OT)	J. Holl, J. Spezza, A. Forsberg
 Buffalo @  Pittsburgh	BUF 0, PIT 4	C. DeSmith, S. Crosby, J. McCann
 St. Louis @  Minnesota	STL 0, MIN 2	C. Talbot, K. Fiala, M. Johansson
 Florida @  Chicago	FLA 0, CHI 3	K. Lankinen, P. Kane, P. Suter
 Detroit @  Nashville	DET 1, NSH 7	R. Grimaldi, E. Haula, E. Tolvanen
 Tampa Bay @  Dallas	TBL 3, DAL 4	R. Hintz, J. Pavelski, J. Robertson
 Vegas @  Colorado	VGK 1, COL 5	

Friday, Mar 26

Matchup	Result	Three Stars of the Game
 New Jersey @  Washington	NJD 0, WSH 4	I. Samsonov, A. Ovechkin, C. Sheary
 Anaheim @  St. Louis	ANA 4, STL 1	J. Gibson, S. Steel, R. O'Reilly
 San Jose @  Arizona	SJS 2, ARI 5	C. Dvorak, P. Kessel, N. Schmaltz
 Winnipeg @  Calgary	WPG 3, CGY 2	C. Hellebuyck, P. Stastny, N. Hanifin

Saturday, Mar 27

Matchup	Result	Three Stars of the Game	
 Buffalo @  Boston	BUF 2, BOS 3	C. Smith, C. McAvoy, N. Ritchie	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Philadelphia	NYR 1, PHI 2	S. Morin, N. Patrick, I. Shesterkin	 RECAP  GAMECENTER  WATCH
 Vegas @  Colorado	VGK 3, COL 2 (OT)		 RECAP  GAMECENTER  WATCH
 Columbus @  Detroit	CBJ 1, DET 3	D. Larkin, C. Pickard, R. Fabbri	 RECAP  GAMECENTER  WATCH

Saturday, Mar 27

Matchup	Result	Three Stars of the Game	
 Buffalo @  Boston	BUF 2, BOS 3	C. Smith, C. McAvoy, N. Ritchie	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Philadelphia	NYR 1, PHI 2	S. Morin, N. Patrick, I. Shesterkin	 RECAP  GAMECENTER  WATCH
 Vegas @  Colorado	VGK 3, COL 2 (OT)		 RECAP  GAMECENTER  WATCH
 Columbus @  Detroit	CBJ 1, DET 3	D. Larkin, C. Pickard, R. Fabbri	 RECAP  GAMECENTER  WATCH

Saturday, Mar 27

Matchup	Result	Three Stars of the Game	
 Buffalo @  Boston	BUF 2, BOS 3	C. Smith, C. McAvoy, N. Ritchie	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Philadelphia	NYR 1, PHI 2	S. Morin, N. Patrick, I. Shesterkin	 RECAP  GAMECENTER  WATCH
 Vegas @  Colorado	VGK 3, COL 2 (OT)		 RECAP  GAMECENTER  WATCH
 Columbus @  Detroit	CBJ 1, DET 3	D. Larkin, C. Pickard, R. Fabbri	 RECAP  GAMECENTER  WATCH

Saturday, Mar 27

Matchup	Result	Three Stars of the Game	
 Buffalo @  Boston	BUF 2, BOS 3	C. Smith, C. McAvoy, N. Ritchie	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Philadelphia	NYR 1, PHI 2	S. Morin, N. Patrick, I. Shesterkin	 RECAP  GAMECENTER  WATCH
 Vegas @  Colorado	VGK 3, COL 2 (OT)		 RECAP  GAMECENTER  WATCH
 Columbus @  Detroit	CBJ 1, DET 3	D. Larkin, C. Pickard, R. Fabbri	 RECAP  GAMECENTER  WATCH
 Edmonton @  Toronto	EDM 3, TOR 2 (OT)	M. Smith, D. Nurse, M. Marner	 RECAP  GAMECENTER  WATCH
 Anaheim @  Colorado	ANA 2, COL 5		 RECAP  GAMECENTER  WATCH
 Los Angeles @  Vegas	LAK 1, VGK 4	A. Martinez, R. Smith, J. Marchessault	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Calgary	WPG 5, CGY 1	N. Ehlers, M. Scheifele, A. Copp	 RECAP  GAMECENTER  WATCH
 Minnesota @  San Jose	MIN 3, SJS 4 (SO)	E. Karlsson, M. Johansson, R. Donato	 RECAP  GAMECENTER  WATCH

Tuesday, Mar 30

Matchup	Result	Three Stars of the Game	
 Edmonton @  Montréal	EDM 0, MTL 4	P. Danault, T. Tatar, P. Byron	 RECAP  GAMECENTER  WATCH
 New Jersey @  Boston	NJD 4, BOS 5 (SO)	B. Marchand, D. Krejci, C. Coyle	 RECAP  GAMECENTER  WATCH
 Washington @  NY Rangers	WSH 2, NYR 5	A. Panarin, I. Shesterkin, K. Kakko	 RECAP  GAMECENTER  WATCH
 Columbus @  Tampa Bay	CBJ 3, TBL 1	E. Merzlikins, V. Hedman, Z. Werenski	 RECAP  GAMECENTER  WATCH
 Detroit @  Florida	DET 1, FLA 4	C. Verhaeghe, S. Bobrovsky, J. Huberdeau	 RECAP  GAMECENTER  WATCH
 Carolina @  Chicago	CAR 1, CHI 2	A. DeBrincat, K. Lankinen, D. Strome	 RECAP  GAMECENTER  WATCH

 Dallas @  Nashville DAL 2, NSH 3 (OT) E. Tolvanen, C. Jarnkrok, R. Josi
 [RECAP](#) [GAMECENTER](#) [WATCH](#)

Wednesday, Mar 31

Matchup	Result	Three Stars of the Game	
 Toronto @  Winnipeg	TOR 3, WPG 1	A. Matthews, M. Marner, J. Morrissey	RECAP GAMECENTER WATCH
 Philadelphia @  Buffalo	PHI 1, BUF 6	S. Fogarty, B. Montour, J. Bryson	RECAP GAMECENTER WATCH
 Arizona @  Colorado	ARI 3, COL 9	J. Donskoi, G. Landeskog, M. Rantanen	RECAP GAMECENTER WATCH
 Los Angeles @  Vegas	LAK 4, VGK 2	C. Petersen, A. Athanasiou, S. Theodore	RECAP GAMECENTER WATCH
 Minnesota @  San Jose	MIN 2, SJS 4	B. Burns, T. Hertl, N. Knyzhov	RECAP GAMECENTER WATCH

Thursday, Apr 1

Matchup	Result	Three Stars of the Game	
 Pittsburgh @  Boston	PIT 4, BOS 1	M. Matheson, C. DeSmith, Z. Aston-Reese	RECAP GAMECENTER WATCH
 NY Rangers @  Buffalo	NYR 3, BUF 2 (OT)	D. Tokarski, C. Blackwell, A. Panarin	RECAP GAMECENTER WATCH
 Washington @  NY Islanders	WSH 4, NYI 8	M. Barzal, J. Eberle, J. Carlson	RECAP GAMECENTER WATCH
 Columbus @  Tampa Bay	CBJ 2, TBL 3	B. Point, A. Vasilevskiy, R. Colton	RECAP GAMECENTER WATCH
 Detroit @  Florida	DET 2, FLA 3 (OT)	A. Wennberg, C. Driedger, T. Greiss	RECAP GAMECENTER WATCH
 Montréal @  Ottawa	MTL 4, OTT 1	P. Danault, B. Gallagher, T. Tatar	RECAP GAMECENTER WATCH
 Carolina @  Chicago	CAR 4, CHI 3	J. Fast, W. Foegele, D. Kubalik	RECAP GAMECENTER WATCH
 Dallas @  Nashville	DAL 4, NSH 1	A. Khudobin, R. Hintz, E. Lindell	RECAP GAMECENTER WATCH
 Minnesota @  Vegas	MIN 3, VGK 2 (SO)	C. Talbot, K. Fiala, B. McNabb	RECAP GAMECENTER WATCH

Friday, Apr 2

Matchup	Result	Three Stars of the Game	
 Washington @  New Jersey	WSH 2, NJD 1 (OT)	D. Orlov, M. Blackwood, M. McLeod	 RECAP  GAMECENTER  WATCH
 Toronto @  Winnipeg	TOR 2, WPG 1 (SO)	J. Campbell, C. Hellebuyck, J. Spezza	 RECAP  GAMECENTER  WATCH
 Calgary @  Edmonton	CGY 2, EDM 3	L. Draisaitl, M. Stone, K. Yamamoto	 RECAP  GAMECENTER  WATCH
 St. Louis @  Colorado	STL 2, COL 3	N. MacKinnon, G. Landeskog, D. Perron	 RECAP  GAMECENTER  WATCH
 Arizona @  Anaheim	ARI 4, ANA 2	J. Larsson, J. Drysdale, J. Chychrun	 RECAP  GAMECENTER  WATCH
 San Jose @  Los Angeles	SJS 3, LAK 0	M. Jones, T. Meier, T. Hertl	 RECAP  GAMECENTER  WATCH

Saturday, Apr 3

Matchup	Result	Three Stars of the Game	
 Pittsburgh @  Boston	PIT 5, BOS 7	B. Marchand, D. Pastrnak, D. Krejci	 RECAP  GAMECENTER  WATCH
 Detroit @  Tampa Bay	DET 1, TBL 2	V. Hedman, A. Vasilevskiy, T. Greiss	 RECAP  GAMECENTER  WATCH
 Chicago @  Nashville	CHI 0, NSH 3	J. Saros, C. Sissons, E. Tolvanen	 RECAP  GAMECENTER  WATCH
 NY Rangers @  Buffalo	NYR 2, BUF 3 (SO)	A. Panarin, A. Fox, C. Mittelstadt	 RECAP  GAMECENTER  WATCH
 Philadelphia @  NY Islanders	PHI 2, NYI 3 (SO)	A. Beauvillier, C. Giroux, I. Sorokin	 RECAP  GAMECENTER  WATCH
 Dallas @  Carolina	DAL 3, CAR 2	J. Benn, J. Oettinger, D. Hamilton	 RECAP  GAMECENTER  WATCH
 Columbus @  Florida	CBJ 2, FLA 5	S. Bobrovsky, A. Wennberg, M. Weegar	 RECAP  GAMECENTER  WATCH
 Ottawa @  Montréal	OTT 6, MTL 3	E. Dadonov, J. Anderson, A. Anisimov	 RECAP  GAMECENTER  WATCH
 Minnesota @  Vegas	MIN 2, VGK 1	J. Ek, K. Kaprizov, T. Nosek	 RECAP  GAMECENTER  WATCH

 St. Louis	@	 Colorado	STL 1, COL 2	P. Grubauer, C. Makar, N. MacKinnon	 RECAP	 GAMECENTER	 WATCH
 San Jose	@	 Los Angeles	SJS 3, LAK 2	E. Kane, T. Moore, K. Labanc	 RECAP	 GAMECENTER	 WATCH

Sunday, Apr 4

Matchup	Result	Three Stars of the Game					
 Detroit	@	 Tampa Bay	DET 5, TBL 1	T. Greiss, L. Glendening, A. Mantha	 RECAP	 GAMECENTER	 WATCH
 Washington	@	 New Jersey	WSH 5, NJD 4	A. Ovechkin, E. Kuznetsov, T. Zajac	 RECAP	 GAMECENTER	 WATCH
 Columbus	@	 Florida	CBJ 0, FLA 3	C. Driedger, A. Barkov, N. Acciari	 RECAP	 GAMECENTER	 WATCH
 Dallas	@	 Carolina	DAL 0, CAR 1	P. Mrazek, J. Martinook, V. Trocheck	 RECAP	 GAMECENTER	 WATCH
 Arizona	@	 Anaheim	ARI 3, ANA 2 (OT)	J. Chychrun, T. Zegras, J. Drysdale	 RECAP	 GAMECENTER	 WATCH
 Toronto	@	 Calgary	TOR 4, CGY 2	W. Nylander, J. Nordstrom, J. Tavares	 RECAP	 GAMECENTER	 WATCH

Monday, Apr 5

Matchup	Result	Three Stars of the Game					
 Ottawa	@	 Winnipeg	OTT 3, WPG 4	P. Dubois, A. Copp, R. Dzingel	 RECAP	 GAMECENTER	 WATCH
 Philadelphia	@	 Boston	PHI 3, BOS 2 (OT)	T. Sanheim, B. Elliott, P. Bergeron	 RECAP	 GAMECENTER	 WATCH
 Edmonton	@	 Montréal	EDM 2, MTL 3 (OT)	E. Staal, C. Perry, S. Weber	 RECAP	 GAMECENTER	 WATCH
 Vegas	@	 St. Louis	VGK 6, STL 1	A. Martinez, R. Lehner, W. Carrier	 RECAP	 GAMECENTER	 WATCH
 Colorado	@	 Minnesota	COL 5, MIN 4	S. Girard, N. MacKinnon, R. Hartman	 RECAP	 GAMECENTER	 WATCH
 Toronto	@	 Calgary	TOR 5, CGY 3	A. Matthews, R. Andersson, J. Tavares	 RECAP	 GAMECENTER	 WATCH
 Arizona	@	 Los Angeles	ARI 5, LAK 2	M. Bunting, D. Doughty, A. Hill	 RECAP	 GAMECENTER	 WATCH

Tuesday, Apr 6

Matchup	Result	Three Stars of the Game	
 Buffalo @  New Jersey	BUF 5, NJD 3	C. Mittelstadt, J. Bratt, R. Dahlin	 RECAP  GAMECENTER  WATCH
 Washington @  NY Islanders	WSH 0, NYI 1	S. Varlamov, B. Nelson, V. Vanecek	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  NY Rangers	PIT 4, NYR 8	A. Panarin, A. Fox, M. Zibanejad	 RECAP  GAMECENTER  WATCH
 Boston @  Philadelphia	BOS 4, PHI 2	P. Bergeron, J. Swayman, B. Marchand	 RECAP  GAMECENTER  WATCH
 Florida @  Carolina	FLA 2, CAR 5	V. Trocheck, J. Staal, P. Mrazek	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Columbus	TBL 2, CBJ 4	J. Korpisalo, M. Domi, J. Roslovic	 RECAP  GAMECENTER  WATCH
 Nashville @  Detroit	NSH 3, DET 2 (SO)	R. Josi, M. Granlund, A. Erne	 RECAP  GAMECENTER  WATCH
 Dallas @  Chicago	DAL 2, CHI 4	P. Kane, A. Cogliano, K. Dach	 RECAP  GAMECENTER  WATCH
 Anaheim @  San Jose	ANA 5, SJS 1	J. Gibson, E. Karlsson, A. Henrique	 RECAP  GAMECENTER  WATCH

Wednesday, Apr 7

Matchup	Result	Three Stars of the Game	
 Edmonton @  Ottawa	EDM 4, OTT 2	L. Draisaitl, C. McDavid, C. Brown	 RECAP  GAMECENTER  WATCH
 Montréal @  Toronto	MTL 2, TOR 3	J. Campbell, Z. Hyman, A. Matthews	 RECAP  GAMECENTER  WATCH
 Vegas @  St. Louis	VGK 1, STL 3	J. Binnington, V. Tarasenko, J. Walman	 RECAP  GAMECENTER  WATCH
 Colorado @  Minnesota	COL 3, MIN 8	K. Fiala, J. Spurgeon, K. Kaprizov	 RECAP  GAMECENTER  WATCH
 Arizona @  Los Angeles	ARI 3, LAK 4	D. Doughty, A. Kopitar, B. Lizotte	 RECAP  GAMECENTER  WATCH

Thursday, Apr 8

Matchup	Result	Three Stars of the Game	RECAP	GAMECENTER	WATCH
 New Jersey @  Buffalo	NJD 6, BUF 3	P. Zacha, J. Hughes, R. Dahlin			
 Philadelphia @  NY Islanders	PHI 2, NYI 3 (SO)	B. Nelson, J. Eberle, J. Voracek			
 Pittsburgh @  NY Rangers	PIT 5, NYR 2	R. Zohorna, E. Rodrigues, K. Letang			
 Boston @  Washington	BOS 4, WSH 2	B. Marchand, C. Smith, A. Ovechkin			
 Florida @  Carolina	FLA 0, CAR 3	A. Nedeljkovic, V. Trocheck, M. Necas			
 Tampa Bay @  Columbus	TBL 6, CBJ 4	Y. Gourde, B. Coleman, J. Roslovic			
 Winnipeg @  Montréal	WPG 4, MTL 2	C. Hellebuyck, J. Kotkaniemi, J. Morrissey			
 Edmonton @  Ottawa	EDM 3, OTT 1	M. Smith, C. Brown, J. Khaira			
 Nashville @  Detroit	NSH 7, DET 1	V. Arvidsson, B. Harpur, N. Cousins			
 Dallas @  Chicago	DAL 5, CHI 1	R. Hintz, B. Comeau, A. Khudobin			

Friday, Apr 9

Matchup	Result	Three Stars of the Game	RECAP	GAMECENTER	WATCH
 Washington @  Buffalo	WSH 4, BUF 3	J. Schultz, A. Ovechkin, C. Mittelstadt			
 Pittsburgh @  New Jersey	PIT 6, NJD 4	S. Crosby, B. Rust, J. Hughes			
 NY Rangers @  NY Islanders	NYR 4, NYI 1	A. Panarin, K. Miller, A. Lafrenière			
 Minnesota @  St. Louis	MIN 1, STL 9	R. O'Reilly, J. Schwartz, J. Faulk			
 Arizona @  Vegas	ARI 4, VGK 7	R. Smith, J. Marchessault, C. Stephenson			

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 Colorado @  Anaheim COL 2, ANA 0 V. Nichushkin, J. Gibson, J. Johansson  RECAP  GAMECENTER  WATCH

 Los Angeles @  San Jose LAK 2, SJS 5 M. Jones, B. Burns, R. Balcers  RECAP  GAMECENTER  WATCH

Saturday, Apr 10

Matchup	Result	Three Stars of the Game	
 Florida @  Dallas	FLA 1, DAL 4	J. Robertson, R. Hintz, A. Khudobin	 RECAP  GAMECENTER  WATCH
 Boston @  Philadelphia	BOS 2, PHI 3	T. Konecny, B. Elliott, S. Couturier	 RECAP  GAMECENTER  WATCH
 Detroit @  Carolina	DET 5, CAR 4 (SO)	A. Erne, D. Hamilton, M. Necas	 RECAP  GAMECENTER  WATCH
 Chicago @  Columbus	CHI 4, CBJ 3	A. DeBrincat, K. Lankinen, M. Zotto	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Montréal	WPG 5, MTL 0	M. Perreault, A. Copp, C. Hellebuyck	 RECAP  GAMECENTER  WATCH
 Ottawa @  Toronto	OTT 5, TOR 6	A. Matthews, M. Marner, C. Brown	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Nashville	TBL 3, NSH 0	A. Vasilevskiy, R. Colton, P. Rinne	 RECAP  GAMECENTER  WATCH
 Minnesota @  St. Louis	MIN 2, STL 3 (OT)	M. Hoffman, R. O'Reilly, V. Dunn	 RECAP  GAMECENTER  WATCH
 Edmonton @  Calgary	EDM 0, CGY 5	M. Giordano, M. Backlund, A. Mangiapane	 RECAP  GAMECENTER  WATCH
 Los Angeles @  San Jose	LAK 4, SJS 2	J. Carter, A. Athanasiou, D. Brown	 RECAP  GAMECENTER  WATCH

Sunday, Apr 11

Matchup	Result	Three Stars of the Game	
 Buffalo @  Philadelphia	BUF 5, PHI 3	R. Asplund, J. Skinner, S. Gostisbehere	 RECAP  GAMECENTER  WATCH
 Arizona @  Vegas	ARI 0, VGK 1	T. Nosek, M. Fleury, J. Marchessault	 RECAP  GAMECENTER  WATCH
 Colorado @  Anaheim	COL 4, ANA 1	C. Makar, S. Carrick, N. MacKinnon	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  New Jersey	PIT 5, NJD 2	C. Sceviour, T. Jarry, B. Rust	 RECAP  GAMECENTER  WATCH
 NY Rangers @  NY Islanders	NYR 2, NYI 3 (OT)	R. Pulock, K. Palmieri, I. Sorokin	 RECAP  GAMECENTER  WATCH
 Washington @  Boston	WSH 8, BOS 1	V. Vanecek, C. Sheary, T. Oshie	 RECAP  GAMECENTER  WATCH
 Dallas @  Nashville	DAL 2, NSH 3 (SO)	R. Johansen, J. Saros, Y. Trenin	 RECAP  GAMECENTER  WATCH

Monday, Apr 12

Matchup	Result	Three Stars of the Game	
 Detroit @  Carolina	DET 3, CAR 1	J. Bernier, M. Rasmussen, J. Reimer	 RECAP  GAMECENTER  WATCH
 Chicago @  Columbus	CHI 4, CBJ 3 (OT)	B. Hagel, P. Laine, P. Kane	 RECAP  GAMECENTER  WATCH
 Toronto @  Montréal	TOR 2, MTL 4	J. Anderson, P. Byron, T. Tatar	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Ottawa	WPG 2, OTT 4	B. Tkachuk, T. Chabot, C. Brown	 RECAP  GAMECENTER  WATCH
 Arizona @  Colorado	ARI 2, COL 4	N. MacKinnon, C. Makar, P. Grubauer	 RECAP  GAMECENTER  WATCH
 Vegas @  Los Angeles	VGK 4, LAK 2	M. Stone, A. Tuch, A. Wagner	 RECAP  GAMECENTER  WATCH
 Anaheim @  San Jose	ANA 4, SJS 0	A. Stolarz, A. Volkov, M. Comtois	 RECAP  GAMECENTER  WATCH

Tuesday, Apr 13

Matchup	Result	Three Stars of the Game	
 Buffalo @  Boston	BUF 2, BOS 3 (SO)	C. Smith, J. DeBrusk, C. Coyle	 RECAP  GAMECENTER  WATCH
 Philadelphia @  Washington	PHI 1, WSH 6	C. Sheary, A. Mantha, I. Samsonov	 RECAP  GAMECENTER  WATCH
 NY Rangers @  New Jersey	NYR 3, NJD 0	I. Shesterkin, M. Zibanejad, A. Panarin	 RECAP  GAMECENTER  WATCH
 Calgary @  Toronto	CGY 3, TOR 2 (OT)	J. Gaudreau, J. Markstrom, Z. Hyman	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Nashville	TBL 2, NSH 7	V. Arvidsson, R. Josi, R. Johansen	 RECAP  GAMECENTER  WATCH
 Florida @  Dallas	FLA 3, DAL 2 (OT)	F. Vatrano, C. Driedger, J. Benn	 RECAP  GAMECENTER  WATCH

Wednesday, Apr 14

Matchup	Result	Three Stars of the Game	
 Arizona @  Minnesota	ARI 2, MIN 5	M. Zuccarello, C. Talbot, N. Bonino	 RECAP  GAMECENTER  WATCH
 Calgary @  Montréal	CGY 4, MTL 1	M. Giordano, N. Hanifin, M. Backlund	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Ottawa	WPG 3, OTT 2	L. Brossoit, M. Scheifele, N. Paul	 RECAP  GAMECENTER  WATCH
 Colorado @  St. Louis	COL 4, STL 3	M. Hoffman, M. Rantanen, J. Compher	 RECAP  GAMECENTER  WATCH
 Vegas @  Los Angeles	VGK 6, LAK 2	T. Nosek, A. Martinez, T. Moore	 RECAP  GAMECENTER  WATCH
 Anaheim @  San Jose	ANA 4, SJS 1	D. Grant, A. Stolarz, A. Volkov	 RECAP  GAMECENTER  WATCH

Thursday, Apr 15

Matchup	Result	Three Stars of the Game	
 NY Islanders @  Boston	NYI 1, BOS 4	B. Marchand, T. Rask, T. Hall	 RECAP  GAMECENTER  WATCH
 New Jersey @  NY Rangers	NJD 0, NYR 4	A. Panarin, I. Shesterkin, C. Blackwell	 RECAP  GAMECENTER  WATCH
 Buffalo @  Washington	BUF 5, WSH 2	N. Backstrom, A. Bjork, D. Cozens	 RECAP  GAMECENTER  WATCH
 Nashville @  Carolina	NSH 1, CAR 4	V. Trocheck, A. Svechnikov, W. Foegele	 RECAP  GAMECENTER  WATCH
 Florida @  Tampa Bay	FLA 2, TBL 3 (OT)	A. Vasilevskiy, A. Barkov, V. Hedman	 RECAP  GAMECENTER  WATCH
 Philadelphia @  Pittsburgh	PHI 2, PIT 1 (SO)	C. Hart, J. Voracek, S. Crosby	 RECAP  GAMECENTER  WATCH
 Winnipeg @  Toronto	WPG 5, TOR 2	N. Ehlers, M. Scheifele, K. Connor	 RECAP  GAMECENTER  WATCH
 Chicago @  Detroit	CHI 1, DET 4	T. Stecher, J. Vrana, T. Greiss	 RECAP  GAMECENTER  WATCH
 Columbus @  Dallas	CBJ 1, DAL 4	D. Gurianov, M. Heiskanen, J. Benn	 RECAP  GAMECENTER  WATCH

Friday, Apr 16

Matchup	Result	Three Stars of the Game	
 Calgary @  Montréal	CGY 1, MTL 2	J. Armia, J. Allen, T. Toffoli	 RECAP  GAMECENTER  WATCH
 NY Islanders @  Boston	NYI 0, BOS 3	J. Swayman, T. Hall, M. Reilly	 RECAP  GAMECENTER  WATCH
 San Jose @  Minnesota	SJS 2, MIN 3	N. Bonino, J. Brodin, Z. Parise	 RECAP  GAMECENTER  WATCH
 Vegas @  Anaheim	VGK 4, ANA 0	C. Stephenson, A. Tuch, M. Pacioretty	 RECAP  GAMECENTER  WATCH

Saturday, Apr 17

Matchup	Result	Three Stars of the Game	
 New Jersey @  NY Rangers	NJD 3, NYR 6	P. Buchnevich, A. Panarin, M. Zibanejad	 RECAP  GAMECENTER  WATCH
 Washington @  Philadelphia	WSH 6, PHI 3	J. Carlson, A. Ovechkin, W. Allison	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  Buffalo	PIT 3, BUF 2	T. Jarry, J. McCann, T. Thompson	 RECAP  GAMECENTER  WATCH
 Ottawa @  Montréal	OTT 4, MTL 0	D. Batherson, S. Pinto, A. Zub	 RECAP  GAMECENTER  WATCH
 St. Louis @  Arizona	STL 2, ARI 3		 RECAP  GAMECENTER  WATCH
 Edmonton @  Winnipeg	EDM 3, WPG 0	T. Barrie, M. Smith, A. Chiasson	 RECAP  GAMECENTER  WATCH
 Nashville @  Carolina	NSH 1, CAR 3	J. Hakanpaa, J. Slavin, A. Nedeljkovic	 RECAP  GAMECENTER  WATCH
 Florida @  Tampa Bay	FLA 5, TBL 3	A. Barkov, S. Bobrovsky, B. Point	 RECAP  GAMECENTER  WATCH
 Chicago @  Detroit	CHI 4, DET 0	M. Subban, P. Kane, V. Hinostroza	 RECAP  GAMECENTER  WATCH
 San Jose @  Minnesota	SJS 2, MIN 5	N. Sturm, J. Brodin, J. Ek	 RECAP  GAMECENTER  WATCH
 Columbus @  Dallas	CBJ 1, DAL 5	J. Benn, E. Lindell, J. Pavelski	 RECAP  GAMECENTER  WATCH

Sunday, Apr 18

Matchup	Result	Three Stars of the Game	
 Washington @  Boston	WSH 3, BOS 6	P. Bergeron, D. Krejci, B. Marchand	 RECAP  GAMECENTER  WATCH
 NY Rangers @  New Jersey	NYR 5, NJD 3	M. Zibanejad, M. Maltsev, M. Studenic	 RECAP  GAMECENTER  WATCH
 Pittsburgh @  Buffalo	PIT 2, BUF 4	S. Reinhart, D. Tokarski, R. Dahlin	 RECAP  GAMECENTER  WATCH
 Vegas @  Anaheim	VGK 5, ANA 2	M. Pacioretty, M. Comtois, A. Tuch	 RECAP  GAMECENTER  WATCH
 NY Islanders @  Philadelphia	NYI 1, PHI 0 (OT)	I. Sorokin, B. Elliott, N. Leddy	 RECAP  GAMECENTER  WATCH
 Toronto @  Vancouver	TOR 2, VAN 3 (OT)	B. Holtby, W. Nylander, B. Horvat	 RECAP  GAMECENTER  WATCH

Monday, Apr 19

Matchup	Result	Three Stars of the Game	
 Carolina @  Tampa Bay	CAR 2, TBL 3 (OT)	Y. Gourde, A. Killorn, P. Mrazek	 RECAP  GAMECENTER  WATCH
 Columbus @  Florida	CBJ 2, FLA 4	F. Vatrano, S. Bennett, A. Duclair	 RECAP  GAMECENTER  WATCH
 Detroit @  Dallas	DET 2, DAL 3 (SO)	R. Hintz, J. Robertson, L. Glendening	 RECAP  GAMECENTER  WATCH
 Chicago @  Nashville	CHI 2, NSH 5	L. Kunin, M. Granlund, T. Jeannot	 RECAP  GAMECENTER  WATCH
 Minnesota @  Arizona	MIN 5, ARI 2	K. Fiala, J. Greenway, C. Fischer	 RECAP  GAMECENTER  WATCH
 Ottawa @  Calgary	OTT 4, CGY 2	C. Brown, M. Murray, B. Tkachuk	 RECAP  GAMECENTER  WATCH
 Montréal @  Edmonton	MTL 1, EDM 4	C. McDavid, J. Puljujarvi, E. Bear	 RECAP  GAMECENTER  WATCH
 San Jose @  Vegas	SJS 2, VGK 3 (SO)	M. Stone, A. Tuch, P. Marleau	 RECAP  GAMECENTER  WATCH

Tuesday, Apr 20

Matchup	Result	Three Stars of the Game	
 Boston @  Buffalo	BOS 2, BUF 0	T. Rask, B. Marchand, D. Pastrnak	 RECAP  GAMECENTER  WATCH
 New Jersey @  Pittsburgh	NJD 6, PIT 7	S. Crosby, E. Rodrigues, Y. Sharangovich	 RECAP  GAMECENTER  WATCH
 NY Rangers @  NY Islanders	NYR 1, NYI 6	A. Beauvillier, J. Bailey, J. Pageau	 RECAP  GAMECENTER  WATCH
 Carolina @  Tampa Bay	CAR 4, TBL 1	N. Niederreiter, J. Staal, B. Point	 RECAP  GAMECENTER  WATCH
 Columbus @  Florida	CBJ 1, FLA 5	S. Knight, S. Bennett, J. Huberdeau	 RECAP  GAMECENTER  WATCH
 Detroit @  Dallas	DET 2, DAL 5	J. Robertson, J. Dickinson, J. Benn	 RECAP  GAMECENTER  WATCH
 Toronto @  Vancouver	TOR 3, VAN 6	Q. Hughes, T. Pearson, W. Nylander	 RECAP  GAMECENTER  WATCH
 Anaheim @  Los Angeles	ANA 1, LAK 4	B. Lizotte, A. Athanasiou, D. Doughty	 RECAP  GAMECENTER  WATCH

Wednesday, Apr 21

Matchup	Result	Three Stars of the Game	
 Nashville @  Chicago	NSH 4, CHI 5 (OT)	B. Hagel, M. Subban, M. Granlund	 RECAP  GAMECENTER  WATCH
 Minnesota @  Arizona	MIN 4, ARI 1	C. Talbot, K. Fiala, C. Dvorak	 RECAP  GAMECENTER  WATCH
 San Jose @  Vegas	SJS 2, VGK 5	J. Marchessault, S. Theodore, M. Pacioretty	 RECAP  GAMECENTER  WATCH
 Montréal @  Edmonton	MTL 4, EDM 3	J. Anderson, C. McDavid, S. Weber	 RECAP  GAMECENTER  WATCH

Thursday, Apr 22

Matchup	Result	Three Stars of the Game	
 Toronto @  Winnipeg	TOR 5, WPG 3	M. Marner, A. Copp, A. Matthews	 RECAP  GAMECENTER  WATCH
 Philadelphia @  NY Rangers	PHI 3, NYR 2	B. Elliott, J. Riemsdyk, I. Provorov	 RECAP  GAMECENTER  WATCH
 Boston @  Buffalo	BOS 5, BUF 1	D. Pastrnak, B. Marchand, P. Bergeron	 RECAP  GAMECENTER  WATCH
 Washington @  NY Islanders	WSH 1, NYI 0 (SO)	I. Samsonov, S. Varlamov, E. Kuznetsov	 RECAP  GAMECENTER  WATCH
 Columbus @  Tampa Bay	CBJ 1, TBL 3	C. McElhinney, O. Palat, B. Coleman	 RECAP  GAMECENTER  WATCH
 Carolina @  Florida	CAR 4, FLA 2	N. Niederreiter, A. Barkov, S. Aho	 RECAP  GAMECENTER  WATCH
 New Jersey @  Pittsburgh	NJD 1, PIT 5	K. Kapanen, T. Blueger, B. Rust	 RECAP  GAMECENTER  WATCH
 Dallas @  Detroit	DAL 3, DET 7	J. Vrana, F. Zadina, T. Greiss	 RECAP  GAMECENTER  WATCH
 Colorado @  St. Louis	COL 4, STL 2	A. Burakovsky, J. Schwartz, N. MacKinnon	 RECAP  GAMECENTER  WATCH
 Ottawa @  Vancouver	OTT 3, VAN 0	M. Murray, T. Myers, D. Batherson	 RECAP  GAMECENTER  WATCH

Friday, Apr 23

Matchup	Result	Three Stars of the Game	
 Boston @  Buffalo	BOS 4, BUF 6	S. Reinhart, R. Dahlin, U. Luukkonen	 RECAP  GAMECENTER  WATCH
 Philadelphia @  NY Rangers	PHI 1, NYR 4	A. Georgiev, A. Lafrenière, P. Buchnevich	 RECAP  GAMECENTER  WATCH
 Nashville @  Chicago	NSH 3, CHI 1	J. Saros, M. Subban, L. Kunin	 RECAP  GAMECENTER  WATCH
 Montréal @  Calgary	MTL 2, CGY 4	A. Mangiapane, J. Gaudreau, S. Monahan	 RECAP  GAMECENTER  WATCH
 Minnesota @  Los Angeles	MIN 4, LAK 2	K. Kaprizov, A. Kempe, C. Talbot	 RECAP  GAMECENTER  WATCH

Saturday, Apr 24

Matchup	Result	Three Stars of the Game	
 New Jersey @  Pittsburgh	NJD 2, PIT 4	B. Rust, J. McCann, J. Hughes	 RECAP  GAMECENTER  WATCH
 Colorado @  St. Louis	COL 3, STL 5	R. O'Reilly, N. MacKinnon, M. Hoffman	 RECAP  GAMECENTER  WATCH
 Montréal @  Calgary	MTL 2, CGY 5	J. Gaudreau, C. Tanev, D. Ryan	 RECAP  GAMECENTER  WATCH
 Toronto @  Winnipeg	TOR 4, WPG 1	M. Marner, J. Tavares, J. Campbell	 RECAP  GAMECENTER  WATCH
 Washington @  NY Islanders	WSH 6, NYI 3	E. Kuznetsov, D. Sprong, B. Dillon	 RECAP  GAMECENTER  WATCH
 Carolina @  Florida	CAR 3, FLA 4 (OT)	A. Barkov, D. Hamilton, M. Weegar	 RECAP  GAMECENTER  WATCH
 Dallas @  Detroit	DAL 2, DET 1 (OT)	J. Bernier, J. Benn, M. Pysyk	 RECAP  GAMECENTER  WATCH
 Vegas @  Anaheim	VGK 5, ANA 1	C. Stephenson, S. Theodore, J. Gibson	 RECAP  GAMECENTER  WATCH
 Minnesota @  San Jose	MIN 6, SJS 3	K. Kaprizov, K. Fiala, J. Spurgeon	 RECAP  GAMECENTER  WATCH
 Ottawa @  Vancouver	OTT 2, VAN 4	B. Boeser, E. Dadonov, B. Horvat	 RECAP  GAMECENTER  WATCH
 Arizona @  Los Angeles	ARI 4, LAK 0	J. Chychrun, D. Kuemper, A. Goligoski	 RECAP  GAMECENTER  WATCH

Sunday, Apr 25

Matchup	Result	Three Stars of the Game	
 Boston @  Pittsburgh	BOS 0, PIT 1	J. Guentzel, T. Jarry, J. Swayman	 RECAP  GAMECENTER  WATCH
 New Jersey @  Philadelphia	NJD 3, PHI 4 (SO)	C. Giroux, J. Riemsdyk, M. Wood	 RECAP  GAMECENTER  WATCH
 Buffalo @  NY Rangers	BUF 3, NYR 6	M. Zibanejad, A. Fox, K. Kakko	 RECAP  GAMECENTER  WATCH
 Columbus @  Tampa Bay	CBJ 3, TBL 4 (OT)	V. Hedman, A. Barre-Boulet, O. Palat	 RECAP  GAMECENTER  WATCH

Monday, Apr 26

Matchup	Result	Three Stars of the Game	
 Montréal @  Calgary	MTL 2, CGY 1	T. Toffoli, M. Giordano, S. Weber	 RECAP  GAMECENTER  WATCH
 Colorado @  St. Louis	COL 1, STL 4	D. Perron, J. Binnington, B. Schenn	 RECAP  GAMECENTER  WATCH
 Vancouver @  Ottawa	VAN 1, OTT 2	M. Hogberg, B. Tkachuk, T. Chabot	 RECAP  GAMECENTER  WATCH
 Carolina @  Dallas	CAR 3, DAL 4 (OT)	J. Benn, D. Gurianov, M. Geekie	 RECAP  GAMECENTER  WATCH
 Florida @  Nashville	FLA 1, NSH 4	E. Haula, J. Saros, M. Granlund	 RECAP  GAMECENTER  WATCH
 Edmonton @  Winnipeg	EDM 6, WPG 1	C. McDavid, M. Smith, D. Nurse	 RECAP  GAMECENTER  WATCH
 Anaheim @  Los Angeles	ANA 1, LAK 4	J. Quick, A. Kopitar, M. Anderson	 RECAP  GAMECENTER  WATCH
 Arizona @  San Jose	ARI 4, SJS 6	E. Kane, J. Chychrun, A. Barabanov	 RECAP  GAMECENTER  WATCH

Tuesday, Apr 27

Matchup	Result	Three Stars of the Game	
 NY Islanders @  Washington	NYI 0, WSH 1	V. Vanecek, I. Sorokin, D. Sprong	 RECAP  GAMECENTER  WATCH
 Philadelphia @  New Jersey	PHI 4, NJD 6	P. Zacha, J. Hughes, T. Smith	 RECAP  GAMECENTER  WATCH
 Buffalo @  NY Rangers	BUF 1, NYR 3	I. Shesterkin, B. Smith, A. Lafrenière	 RECAP  GAMECENTER  WATCH
 Boston @  Pittsburgh	BOS 3, PIT 1	D. Krejci, T. Rask, B. Marchand	 RECAP  GAMECENTER  WATCH
 Detroit @  Columbus	DET 0, CBJ 1 (SO)	E. Merzlikins, T. Greiss, P. Laine	 RECAP  GAMECENTER  WATCH
 Tampa Bay @  Chicago	TBL 7, CHI 4	B. Point, M. Sergachev, P. Kane	 RECAP  GAMECENTER  WATCH
 Florida @  Nashville	FLA 7, NSH 4	J. Huberdeau, A. Barkov, S. Bennett	 RECAP  GAMECENTER  WATCH

 Carolina @  Dallas CAR 5, DAL 1 J. Staal, S. Aho, A. Svechnikov  RECAP  GAMECENTER  WATCH

Wednesday, Apr 28

Matchup	Time	Networks	
 Vancouver @  Ottawa 5:30 PM ET TVAS , TSN5, SNP → PREVIEW			
 St. Louis @  Minnesota 7:00 PM ET NBCSN → PREVIEW			
 Toronto @  Montréal 8:00 PM ET SN , RDS → PREVIEW			
 Edmonton @  Winnipeg 9:00 PM ET TSN3, SNW → PREVIEW			
 Colorado @  Vegas 9:30 PM ET NBCSN → PREVIEW			
 Anaheim @  Los Angeles 10:00 PM ET BSW, KDOC, BSW+ → PREVIEW			
 Arizona @  San Jose 10:30 PM ET NBCSCA, BSAZ+ → PREVIEW			

Thursday, Apr 29

Matchup	Time	Networks	
 Dallas @  Tampa Bay 7:00 PM ET BSSUN, BSSW+ → PREVIEW  TICKETS  BUY/SELL			
 Buffalo @  Boston 7:00 PM ET SN360 , NESNplus, MSG-B → PREVIEW			
 Philadelphia @  New Jersey 7:00 PM ET MSG+, NBCSP → PREVIEW			
 NY Islanders @  NY Rangers 7:00 PM ET MSG, MSG+ 2 → PREVIEW  TICKETS  BUY/SELL			
 Pittsburgh @  Washington 7:00 PM ET TVAS , NBCSWA, ATTSN-PT → PREVIEW			
 Detroit @  Carolina 7:00 PM ET BSSO, BSDT+ → PREVIEW  TICKETS  BUY/SELL			
 Vancouver @  Toronto 7:30 PM ET TSN4, SNP → PREVIEW			

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 St. Louis	@	 Minnesota	8:00 PM ET	BSN+, BSMW	→ PREVIEW
 Florida	@	 Chicago	8:00 PM ET	NBCSN, NBCSCH	→ PREVIEW  
 Calgary	@	 Edmonton	9:00 PM ET	 , TVAS2, NBCSN (JIP)	→ PREVIEW

Friday, Apr 30

Matchup	Time	Networks			
 Winnipeg	@	 Montréal	7:00 PM ET	TSN2, RDS, TSN3	→ PREVIEW
 San Jose	@	 Colorado	9:00 PM ET	ALT, NBCSCA+	→ PREVIEW
 Vegas	@	 Arizona	10:00 PM ET	BSAZ+, ATTSN-RM	→ PREVIEW
 Los Angeles	@	 Anaheim	10:00 PM ET	BSSC, BSW, KCOP-13	→ PREVIEW

Saturday, May 1

Matchup	Time	Networks			
 Buffalo	@	 Boston	1:00 PM ET	 , NHLN, NESN, MSG-B	→ PREVIEW
 Tampa Bay	@	 Detroit	3:00 PM ET	 , BSEDET, BSFL	→ PREVIEW
 NY Rangers	@	 NY Islanders	7:00 PM ET	MSG+ 2, MSG	→ PREVIEW
 New Jersey	@	 Philadelphia	7:00 PM ET	NBCSP, MSG+	→ PREVIEW
 Pittsburgh	@	 Washington	7:00 PM ET	NHLN, NBCSWA, ATTSN-PT	→ PREVIEW
 Columbus	@	 Carolina	7:00 PM ET	BSSO, BSOH	→ PREVIEW  
 Ottawa	@	 Montréal	7:00 PM ET	 , SNE, TVAS	→ PREVIEW
 Vancouver	@	 Toronto	7:00 PM ET	 , SNO, SNW, SNP	→ PREVIEW

 San Jose	@	 Colorado	8:00 PM ET	ALT, NBCSCA	→ PREVIEW
 St. Louis	@	 Minnesota	8:00 PM ET	BSN, BSWI, BSMW	→ PREVIEW
 Florida	@	 Chicago	8:00 PM ET	NBCSCH+, BSFL	→ PREVIEW ⚡ TICKETS ↔ BUY/SELL
 Dallas	@	 Nashville	8:00 PM ET	BSSO, BSSW+	→ PREVIEW ⚡ TICKETS ↔ BUY/SELL
 Vegas	@	 Arizona	10:00 PM ET	BSAZ+, ATTSN-RM	→ PREVIEW
 Los Angeles	@	 Anaheim	10:00 PM ET	BSSC, KDOC	→ PREVIEW
 Calgary	@	 Edmonton	10:00 PM ET	  TVAS2, NHLN	→ PREVIEW

Sunday, May 2

Matchup	Time	Networks			
 Tampa Bay	@	 Detroit	3:00 PM ET	NBC	→ PREVIEW

Monday, May 3

Matchup	Time	Networks			
 Dallas	@	 Florida	7:00 PM ET	BSFL, BSSW+	→ PREVIEW ⚡ TICKETS ↔ BUY/SELL
 NY Islanders	@	 Buffalo	7:00 PM ET	MSG-B, MSG+ 2	→ PREVIEW
 Boston	@	 New Jersey	7:00 PM ET	SNW, SNP, MSG+, NESN	→ PREVIEW
 Washington	@	 NY Rangers	7:00 PM ET	MSG 2, NBCSWA	→ PREVIEW ⚡ TICKETS ↔ BUY/SELL
 Pittsburgh	@	 Philadelphia	7:00 PM ET	NBCSP, ATTSN-PT	→ PREVIEW
 Chicago	@	 Carolina	7:00 PM ET	BSSO, NBCSCH	→ PREVIEW ⚡ TICKETS ↔ BUY/SELL

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 Nashville	@	 Columbus	7:00 PM ET	BSOH, BSSO	→ PREVIEW ↔ TICKETS ↔ BUY/SELL
 Toronto	@	 Montréal	7:00 PM ET	TSN2, RDS, SNO	→ PREVIEW
 Winnipeg	@	 Ottawa	7:00 PM ET	TSN5, RDS2, TSN3	→ PREVIEW
 Anaheim	@	 St. Louis	8:00 PM ET	BSMW+, BSSC, BSW	→ PREVIEW
 Vegas	@	 Minnesota	8:00 PM ET	NBCSN, BSN+, BSWI+, ATTSN-RM	→ PREVIEW
 Los Angeles	@	 Arizona	10:00 PM ET	BSAZ, KCOP-13	→ PREVIEW
 Edmonton	@	 Vancouver	10:00 PM ET	SNP, SNW	→ PREVIEW
 Colorado	@	 San Jose	10:30 PM ET	NBCSCA+, ALT	→ PREVIEW

Tuesday, May 4

Matchup	Time	Networks	
 NY Islanders @  Buffalo	7:00 PM ET	MSG-B, MSG+	→ PREVIEW
 Boston @  New Jersey	7:00 PM ET	MSG, NESNplus	→ PREVIEW
 Pittsburgh @  Philadelphia	7:00 PM ET	 SN, TVAS, NBCSN, NBCSP, ATTSN-PT	→ PREVIEW
 Chicago @  Carolina	7:00 PM ET	BSSO, NBCSCH	→ PREVIEW ↔ TICKETS ↔ BUY/SELL
 Edmonton @  Vancouver	10:00 PM ET	SNP, SNW	→ PREVIEW

Wednesday, May 5

Matchup	Time	Networks	
 Dallas @  Tampa Bay	7:00 PM ET	BSSUN, BSSW+	→ PREVIEW ↗ TICKETS ↔ BUY/SELL
 Montréal @  Ottawa	7:00 PM ET	 , RDS, RDS	→ PREVIEW
 Washington @  NY Rangers	7:00 PM ET	NBCSN, NBCSWA+	→ PREVIEW ↗ TICKETS ↔ BUY/SELL
 Nashville @  Columbus	7:00 PM ET	BSOH, BSSO	→ PREVIEW ↗ TICKETS ↔ BUY/SELL
 Anaheim @  St. Louis	8:00 PM ET	BSMW, BSSC, BSW	→ PREVIEW
 Vegas @  Minnesota	8:00 PM ET	BSN, ATTSN-RM	→ PREVIEW
 Colorado @  San Jose	9:30 PM ET	NBCSN, ALT	→ PREVIEW
 Winnipeg @  Calgary	9:30 PM ET	 , SNW, TSN3	→ PREVIEW
 Los Angeles @  Arizona	10:00 PM ET	BSAZX, KCOP-13	→ PREVIEW

Thursday, May 6

Matchup	Time	Networks	
 Chicago @  Carolina	7:00 PM ET	BSSO, NBCSCH+	→ PREVIEW ↗ TICKETS ↔ BUY/SELL
 NY Rangers @  Boston	7:00 PM ET	 , NBCSN, NESN, MSG	→ PREVIEW
 New Jersey @  NY Islanders	7:00 PM ET	MSG+, MSG+ 2	→ PREVIEW
 Buffalo @  Pittsburgh	7:00 PM ET	ATTSN-PT, MSG-B	→ PREVIEW ↗ TICKETS ↔ BUY/SELL
 Montréal @  Toronto	7:00 PM ET	TSN4, TSN2, RDS	→ PREVIEW
 Vancouver @  Edmonton	9:00 PM ET		→ PREVIEW

Friday, May 7

Matchup	Time	Networks	
 Dallas @  Tampa Bay	7:00 PM ET	BSSUN, BSSW+	→ PREVIEW ⚡ TICKETS ↔ BUY/SELL
 Philadelphia @  Washington	7:00 PM ET	SNTV , TVAS , NHLN, NBCSWA, NBCSP	→ PREVIEW
 Detroit @  Columbus	7:00 PM ET	BSOH, BSDET+	→ PREVIEW ⚡ TICKETS ↔ BUY/SELL
 Anaheim @  Minnesota	8:00 PM ET	BSN+, KCOP-13, BSW+	→ PREVIEW
 St. Louis @  Vegas	10:00 PM ET	ATTSN-RM, BSMW	→ PREVIEW
 Colorado @  Los Angeles	10:00 PM ET	SNTV , BSW, ALT2	→ PREVIEW
 Arizona @  San Jose	10:30 PM ET	NBCSCA+, BSAZ+	→ PREVIEW

Saturday, May 8

Matchup	Time	Networks	
 NY Rangers @  Boston	3:00 PM ET	NBC, NESN, MSG	→ PREVIEW
 Buffalo @  Pittsburgh	3:00 PM ET	NBC, ATTSN-PT, MSG-B	→ PREVIEW ⚡ TICKETS ↔ BUY/SELL
 Ottawa @  Winnipeg	7:00 PM ET	SN360 , SNTV , SNW	→ PREVIEW
 New Jersey @  NY Islanders	7:00 PM ET	MSG+, MSG+ 2	→ PREVIEW
 Philadelphia @  Washington	7:00 PM ET	NBCSWA, NBCSP	→ PREVIEW
 Tampa Bay @  Florida	7:00 PM ET	BSSUN, BSFL	→ PREVIEW ⚡ TICKETS ↔ BUY/SELL
 Detroit @  Columbus	7:00 PM ET	BSOH, BSDET	→ PREVIEW ⚡ TICKETS ↔ BUY/SELL
 Montréal @  Toronto	7:00 PM ET	 , Citytv , SNE, SNO, SNP, TVAS , NHLN	→ PREVIEW

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 Carolina	@	 Nashville	8:00 PM ET	BSSO, BSSO	→ PREVIEW	↔ TICKETS	↔ BUY/SELL
 Anaheim	@	 Minnesota	8:00 PM ET	BSN, BSWI+, KCOP-13, BSW+	→ PREVIEW		
 St. Louis	@	 Vegas	10:00 PM ET	ATTSN-RM, BSMW	→ PREVIEW		
 Colorado	@	 Los Angeles	10:00 PM ET	BSW, ALT	→ PREVIEW		
 Vancouver	@	 Edmonton	10:00 PM ET	 SN,  TVAS, NHLN	→ PREVIEW		
 Arizona	@	 San Jose	10:30 PM ET	NBCSCA, BSAZ+	→ PREVIEW		

Sunday, May 9

Matchup	Time	Networks					
 Dallas	@	 Chicago	7:00 PM ET	 SN, NHLN, NBCSCH, BSSW	→ PREVIEW	↔ TICKETS	↔ BUY/SELL
 Ottawa	@	 Calgary	8:00 PM ET	SNW, TSN5, RDS2	→ PREVIEW		

Monday, May 10

Matchup	Time	Networks					
 New Jersey	@	 Philadelphia	7:00 PM ET	NBCSP, MSG+	→ PREVIEW		
 Edmonton	@	 Montréal	7:00 PM ET	TSN2, RDS, SNW	→ PREVIEW		
 NY Islanders	@	 Boston	7:00 PM ET	SNE, SNO, NESNplus, MSG+ 2	→ PREVIEW		
 Tampa Bay	@	 Florida	7:00 PM ET	BSSUN, BSSUN	→ PREVIEW	↔ TICKETS	↔ BUY/SELL
 Vancouver	@	 Winnipeg	8:00 PM ET	 TVAS, TSN3, SNP	→ PREVIEW		
 Carolina	@	 Nashville	8:00 PM ET	BSSO, BSSO	→ PREVIEW	↔ TICKETS	↔ BUY/SELL
 Dallas	@	 Chicago	8:00 PM ET	NBCSCH, BSSW+	→ PREVIEW	↔ TICKETS	↔ BUY/SELL

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 St. Louis @  Los Angeles 10:00 PM ET  , BSSC, BSMW → PREVIEW

 Colorado @  Vegas 10:00 PM ET ATTSN-RM, ALT → PREVIEW

Tuesday, May 11

Matchup	Time	Networks
 Boston @  Washington 7:00 PM ET NBCSWA, NESNplus → PREVIEW		
 Vancouver @  Winnipeg 8:00 PM ET TSN3, SNP → PREVIEW		

Wednesday, May 12

Matchup	Time	Networks
 Edmonton @  Montréal 5:00 PM ET TSN2, RDS, SNW → PREVIEW		
 Minnesota @  St. Louis 8:00 PM ET BSMW, BSN+ → PREVIEW		
 Toronto @  Ottawa 8:00 PM ET  , TVAS2 → PREVIEW		
 Vegas @  San Jose 9:00 PM ET NBCSCA+, ATTSN-RM → PREVIEW		
 Los Angeles @  Colorado 9:00 PM ET ALT, BSW → PREVIEW		

Thursday, May 13

Matchup	Time	Networks
 Minnesota @  St. Louis 8:00 PM ET BSMW, BSN, BSWI+ → PREVIEW		
 Vancouver @  Calgary 9:00 PM ET  → PREVIEW		
 Los Angeles @  Colorado 9:00 PM ET ALT, BSW → PREVIEW		

Friday, May 14

Matchup	Time	Networks
 Toronto @  Winnipeg	8:00 PM ET	TSN3, TSN4
→ PREVIEW		

Saturday, May 15

Matchup	Time	Networks
 Vancouver @  Edmonton	TBD	SNW, SNP
→ PREVIEW		

Sunday, May 16

Matchup	Time	Networks
 Calgary @  Vancouver	TBD	SN360, SNP, SNF, TVAS
→ PREVIEW		

Tuesday, May 18

Matchup	Time	Networks
 Calgary @  Vancouver	TBD	TVAS2, SNW, SNW
→ PREVIEW		

Wednesday, May 19

Matchup	Time	Networks
 Vancouver @  Calgary	TBD	SNW, SNW
→ PREVIEW		

Hockey Sites

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Court File No. T-955-21

FEDERAL COURT

B E T W E E N:

**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.**

Plaintiffs

- and -

JOHN DOE 1

JOHN DOE 2

**OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
SERVERS PROVIDING ACCESS TO NHL GAMES IN CANADA**

Defendants

- and -

**BELL CANADA
BRAGG COMMUNICATIONS INC. dba EASTLINK
COGECO CONNEXION INC.
DISTRIBUTEL COMMUNICATIONS LIMITED
FIDO SOLUTIONS INC.
ROGERS COMMUNICATIONS CANADA INC.
SASKATCHEWAN TELECOMMUNICATIONS
SHAW COMMUNICATIONS INC.
TEKSAVYY SOLUTIONS INC.
TELUS COMMUNICATIONS INC.
VIDEOTRON LTD.**

Third Party Respondents

AFFIDAVIT OF ERONE QUEK

I, Erone Quek, of the City of Toronto, in the Province of Ontario, Canada, SOLEMNLY AFFIRM THAT:

1. I am the Director of Broadband and IP Core Networks of Bell Canada, an affiliate of the co-Plaintiffs BCE Inc., Bell Media Inc., CTV Specialty Television Enterprises Inc., The Sports Network Inc. and Le Réseau des Sports (RDS) Inc. (“**Bell Canada’s Affiliates**”), a position I have held since 2017.
2. As further explained in the affidavit of Nathalie Cook, Bell Canada’s Affiliates own the copyright in television and live content and broadcast that content to Canadian consumers through various means, including on television stations and on Internet services it operates.
3. As for Bell Canada, it is notably a broadcast distribution undertaking (“**BDU**”), meaning that it rebroadcasts packages of television stations to its subscribers; and an Internet service provider (“**ISP**”), meaning that it provides its customers with access to the Internet, as further explained at paragraphs 15 and following below.
4. I graduated with a Bachelor of Science (Electrical Engineering), with Honours, from Queen’s University at Kingston, Ontario in 1985. I also hold a Master of Science in Engineering degree from Queen’s University since 1987. I have been a licensed professional engineer in Ontario since 1989.
5. In my current position, my main responsibilities and duties are to lead the technology development, design and engineering, as well as day-to-day operations of Bell Canada’s national broadband and IP wireline core networks in support of the delivery of ISP services such as Fibe Internet and IPVPN Business Internet.
6. Prior to my current position, I have held progressive technical and management positions in technology development and network engineering at Bell Canada or at one of Bell’s wholly owned subsidiaries since 1993. I am also a co-inventor on US Patent No. 9,730,051 on “Residential gateway having wireless and wireline interfaces”.
7. As explained in more details at paragraphs 40 and following below, “site blocking” can take different forms and target different types of Internet services. I understand that in the present

proceeding, the Plaintiffs, including Bell Canada's Affiliates, are seeking a dynamic site blocking order that would enjoin ISPs in Canada to block or attempt to block their subscribers' access to certain servers that provide unauthorized access to infringing live streams of NHL games in Canada. While these servers do not necessarily have a public-facing webpage or website *per se*, I nonetheless use the term "site blocking" in my affidavit which is the term commonly used to refer to the blocking of different Internet services, including servers.

8. I also understand that the purpose of the present affidavit is to present and explain the technical aspect of site blocking from the perspective of an ISP and to provide an overview of the practical effects and effectiveness of available site blocking methods.

9. I had to prepare a similar affidavit in the context of a *static* site blocking order in the *Bell Media Inc. v. GoldTV.biz* (2019 FC 1432) case.

10. Given my current and previous positions at Bell Canada or its affiliates for over two decades, including in various technical and leadership roles within an ISP (i.e., my employer Bell Canada), I have acquired considerable knowledge and expertise in the field of network technologies, including the way in which ISPs operate and the methods that can be used to put in place an eventual site blocking order. Given the above, I have personal knowledge of all the facts stated in this affidavit, unless indicated otherwise.

OVERVIEW

11. In order to understand the technical aspects of site blocking from the perspective of an ISP, it is necessary to provide some context and background explanation on the operation of ISPs as a whole, and on their role as part of the global Internet infrastructure. As such, my affidavit will cover the following topics:

- a) The role ISPs play by connecting their subscribers to the Internet;
- b) The infrastructure used by ISPs to provide Internet access to their subscribers;
- c) The different types of ISPs;
- d) The main ISPs in Canada;

- e) The definition of “site blocking”, and how it can technically be put in practice by an ISP;
- f) Characteristics of site blocking orders; and
- g) The effects and effectiveness of various methods of site blocking.

I. INTERNET SERVICE PROVIDERS

A. *The Internet*

12. In simple terms, the Internet is the global network that can be construed as a collection of “nodes” that are directly or indirectly connected to each other. The Internet is not a single network administered by a single entity, but rather the total collection of all ISP networks around the globe interconnected together.

13. These nodes can take the form of a variety of electronic devices that have different uses and purposes, and that have the ability to communicate with one another on that network. For instance, nodes that are typically used by Internet consumers, such as personal computers, smartphones, etc., tend to focus on “accessing” content on the Internet. On the other hand, nodes that are used by operators of various Internet services are designed to host and “provide” content to other nodes, for example a server hosting a website or processing e-mail exchanges.

14. All these nodes are linked through a complex infrastructure that routes network traffic and manages connections in a manner that is essentially instantaneous and invisible to the average Internet user. For example, a user may decide to visit a website by entering its domain (ex.: www.google.com) into an Internet browser, which will then display the main page of that website on the user’s device. In practice, the user’s device (a node on the Internet) is first sending a query to a “DNS service” (further explained at paragraph 44 below) to obtain the address at which the website is hosted, and then sending a query to a server hosting the website (another node). The data packets comprising that query are routed through a number of intermediary nodes, after which the server hosting the website will transmit content in response to that query, which will again be routed towards the user’s node through intermediary nodes, ultimately leading to the page appearing on the user’s device.

B. The role of ISPs

15. As its name implies, an ISP is a company or other entity (*e.g.*, a university) that provides users with access to the Internet, effectively allowing the user's computers or similar devices to become nodes on the global Internet network. In practice, this involves the ISP providing the infrastructure necessary to connect the customer's device to the rest of the Internet, either through a fixed physical wired connection or through a wireless connection. In this affidavit, I describe the infrastructure typically associated with ISPs that provide fixed Internet access to residential customers.

16. The section of the infrastructure immediately connecting the user to the ISP is colloquially named the "last-mile" connection. The ISP can provide Internet access to users over a wide range of last-mile connection types, including copper (*i.e.*, telephone lines), hybrid fibre-cable (commonly called "cable Internet"), hybrid copper-fibre optic cable (known as fiber-to-the-node, or FTTN), and pure fibre optic (known as fibre-to-the-home, or FTTH).

17. In Canada, approximately 95% of residential Internet subscribers are connected to their ISP through a FTTN, FTTH or hybrid fibre-cable last-mile connection.

18. As discussed in further detail at paragraphs 24 and following below, there are generally two types of ISPs: those that own the last-mile infrastructure to which their customers are connected (known as "facilities-based providers", "telecommunications carriers" or "common carriers"), and those who lease the last-mile infrastructure on a wholesale basis from common carriers in order to provide Internet access to their own customers (known as "resellers" or "wholesale-based Internet service providers").

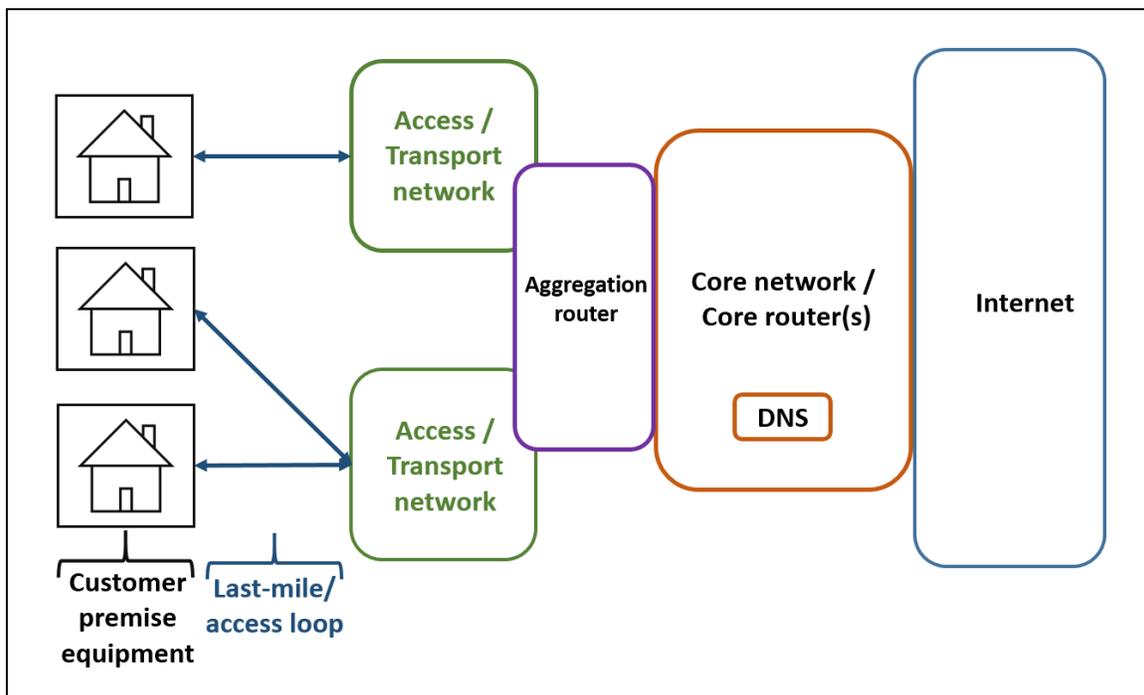
19. In Canada, common carrier ISPs fall in two main categories, depending on the type of last-mile connection they provide to their customers: "**telcos**" own and provide Internet access primarily over copper, FTTN and FTTH last-mile infrastructures, and "**cablecos**" own and provide Internet access primarily over hybrid fibre-cable last-mile infrastructures.

20. Reseller ISPs can offer a combination of all types of last-mile connections, as they can lease last-mile infrastructures from both telcos and cablecos.

C. ISP infrastructure: how customers are connected to the Internet

21. At a high level, both telco and cableco network infrastructures involve four elements, described and illustrated below:

- a) the **customer premise equipment**, which is the node consisting of the customer’s modem that provides the customer with access to the Internet;
- b) the **last-mile / access loop**, which contains the copper / fibre / hybrid fibre-cable infrastructure from the **customer premise equipment** up to the following element in the chain, namely the **access / transport network**;
- c) the **access / transport network**, which contains “routers” that aggregate and route the traffic received from multiple **last-mile / access loops** and transport that traffic to the following element in the chain, namely the **core network**; and
- d) the **core network**, which contains routers that further aggregate and route the traffic to and from multiple **access / transport networks**. Various high-level service infrastructures are included in the core network, including the “Domain Name System” (“DNS”) servers discussed in greater detail at paragraph 44 below.



22. The core network is then connected to the **Internet**, where traffic is routed between the ISP's network and other locations on the Internet such as external content providers (ex.: servers hosting Internet services like websites) or the core networks of other ISPs.

23. As illustrated above, the ISP's infrastructure contains an **aggregation router** at the boundary between the access / transport network and the core network. It also contains, within the core network, **a core router or routers** that route traffic between the ISP's core network and the Internet.

- a) The **aggregation router** is responsible for routing and aggregating traffic from multiple customer premise equipments and transmitting that traffic onto the core network.
- b) A **core router** (in the case of many larger ISPs, the relevant core router would be specifically referred to as a "**border router**") routes traffic between the ISP's internal network and the rest of the Internet. It establishes a connection between the ISP's network and the global Internet.

D. Common carriers and resellers

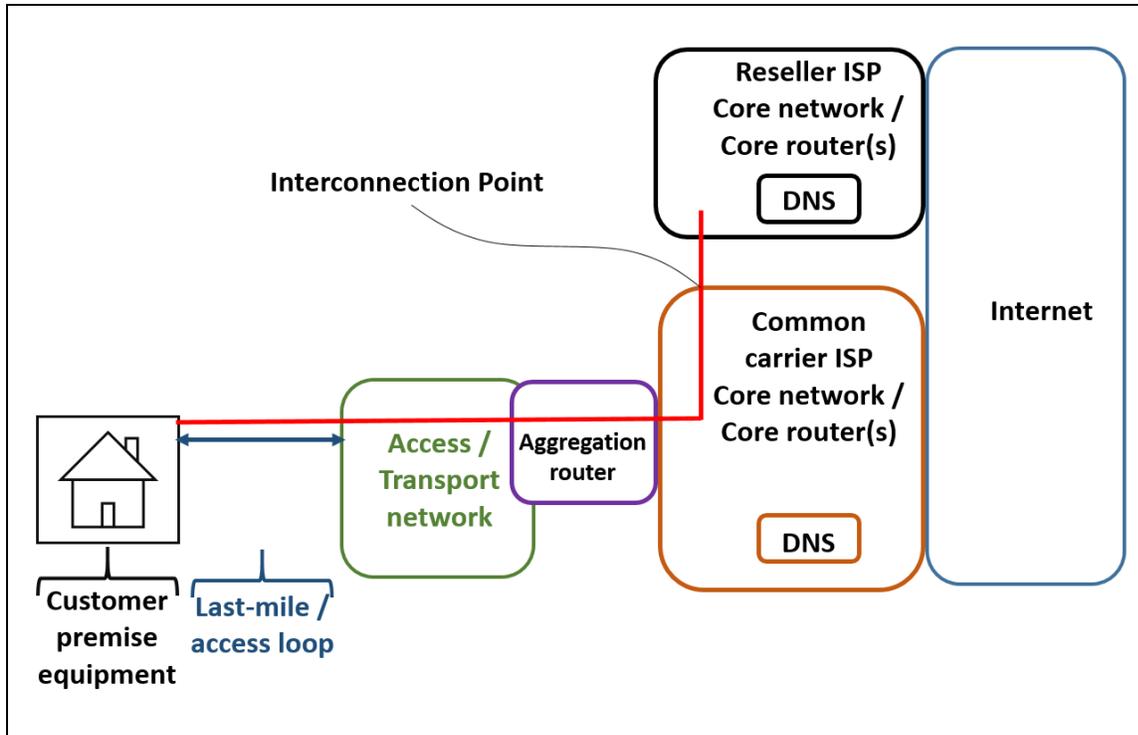
24. Common carrier ISPs typically own and operate the entirety of the infrastructure chain described in the previous section, from the last-mile connection at the customer premise equipment to the router connecting the core network to the global Internet.

25. As for reseller ISPs, they lease the last-mile / access loop and access / transport network elements of their infrastructure from common carrier ISPs and, in some cases, will also lease aspects of the core network element from common carrier ISPs.

26. The commercial and technical arrangements between common carrier ISPs and reseller ISPs typically fall under one of the following two categories.

27. In the first arrangement, the reseller ISP purchases an "**aggregated**" wholesale service from the common carrier ISP, so-called because the reseller ISP connects to the common carrier ISP's infrastructure at a point after the customers' connections have been aggregated, namely at one or more points within the common carrier ISP's core network (the "**Interconnection Point**").

28. In this arrangement, the network traffic flows through the common carrier ISP's network between the customer premise equipment and the Interconnection Point, where the common carrier ISP's core network is connected to the reseller's core network. The reseller ISP then provides a connection between its own core network to the Internet that is similar to the equivalent connection provided by the common carrier ISP. The reseller ISP typically independently provides its own DNS service to its own customers.



29. Under this arrangement, the traffic that flows on the common carrier ISP's infrastructure (i.e., from the customer premise equipment to the Interconnection Point) transits on a particular networking protocol called the "Layer 2 Tunneling Protocol", or L2TP. This connection is illustrated in red above. Because this traffic is essentially "tunneled" from the customer to the reseller ISP's own infrastructure, the common carrier ISP does not monitor or perform any network management functions on that traffic even if it transits on its infrastructure.

30. The vast majority of the customers served by reseller ISPs are under an aggregate wholesale arrangement as described above.

31. In the second type of arrangement, the reseller ISP purchases a “**disaggregated**” wholesale service from the common carrier ISP, so-called because the reseller connects to the common carrier’s infrastructure at the access / transport network level, and thus connects to that infrastructure at more Interconnection Points (i.e., in each local area in which the reseller intends to serve customers). Under this arrangement, the reseller ISP therefore provides more of its own network equipment and performs more of its own network functions, and its customers’ traffic does not transit on most of the common carrier ISP’s core network.

32. For both arrangements, the reseller ISP may also purchase a service from the common carrier ISP to connect its customers’ traffic to the Internet through the common carrier’s border router. In these cases, the traffic is first routed from the common carrier ISP’s infrastructure to the reseller ISP’s infrastructure through the Interconnection Point as described above, then back to the common carrier ISP’s border router before exiting the infrastructure and connecting to the global Internet.

33. While the above description reflects the Canadian reality, to my knowledge, the equivalent of common carriers and reseller ISPs in other jurisdictions operate on the same general principles as described above.

34. As explained in Section II below, resellers can typically put in place the site blocking methods discussed in this affidavit, for reasons explained in that section.

E. ISPs serving Canadian consumers

35. The vast majority of the Canadian market is served by common carrier ISPs that own and control their entire infrastructure. The table below lists the major Canadian common carrier ISPs, provides an estimate of their respective residential subscribership and indicates their respective geographical coverage. The information reproduced below is based on annual reports that these ISPs publicly disclosed for 2020, excerpts of which are attached to my affidavit in a bundle as **Exhibit EQ-1**.

ISP	Subscribers	Geographical Coverage
Bell Canada	3,700,000 ¹	Ontario, Quebec, Atlantic provinces, Manitoba, Alberta and British Columbia
Rogers Communications Canada Inc.	2,598,000	Ontario, New Brunswick and Newfoundland
Videotron Ltd.	1,796,800	Quebec
Shaw Communications Inc.	1,903,868	British Columbia, Alberta, Saskatchewan, Manitoba and Northern Ontario
Telus Communications Inc.	2,138,000	British Columbia, Alberta and Eastern Quebec
Cogeco Connexion Inc.	812,016	Ontario and Quebec
Saskatchewan Telecommunications	276,460	Saskatchewan
Total	13,225,144	

36. In addition to the ISPs identified above, Bragg Communications Inc., doing business as Eastlink, is also an important ISP providing residential Internet services across Canada. Detailed data regarding Eastlink's operations is not publicly available as it is a privately owned company. While there is no information on how many Internet subscribers Eastlink serves with all of its services, it is known that Eastlink serves approximately 276,654 digital cable subscribers, as shown in **Exhibit EQ-2**, where I attach a copy of an annual filing made by Eastlink to the Canadian Radio-television and Telecommunications Commission ("CRTC"). As Canadian cable companies typically serve more Internet subscribers than digital cable subscribers, I estimate that Eastlink serves more than 300,000 Internet customers.

37. I also attach to my affidavit as **Exhibit EQ-3** excerpts of the 2020 Communications Monitoring Report published by the CRTC, which reports a total of approximately 13.8 million Canadian residential Internet subscribers in 2019. As such, the top eight ISPs in Canada described above at paragraphs 35 and 36 represents more than 90% of the market.

¹ Note that as of January 1, 2019, the figure reported in Bell's Annual Report for wireline subscribers no longer includes wholesale subscribers.

38. While subscriber data is not available for reseller ISPs as they do not issue public annual reports, common knowledge in the industry is that the largest reseller ISP in Canada is Teksavvy Solutions Inc. (“**Teksavvy**”), as reported in a press release issued by Teksavvy on March 28, 2019, titled “*TekSavvy Heads West Bringing Real Choice to Consumers in Manitoba, Alberta, B.C. and Saskatchewan*”, a copy of which is attached to my affidavit as **Exhibit EQ-4**. According to that press release and another press release issued on January 14, 2021, a copy of which is attached to my affidavit as **Exhibit EQ-5**, Teksavvy serves over 300,000 customers throughout Canada. I was informed by the Plaintiffs’ attorneys at Smart & Biggar LLP that this was confirmed by Teksavvy in the affidavit of Paul Stewart, dated August 23, 2019, filed in the context of the *Bell Media Inc. v. GoldTV.biz* (2019 FC 1432) case.

39. Beyond Teksavvy, the other reseller ISP who has a significant number of subscribers in Canada is Distributel Communications Limited.

II. INTERNET “SITE BLOCKING” AT THE ISP LEVEL

A. Domains, subdomains and IP addresses

40. As mentioned at paragraphs 12 to 14 above, the Internet can be construed as a series of nodes that are connected to and can interact with one another, for example a first node being a user’s computer (connected via the “customer premise equipment”) and a second node being a server hosting a website.

41. Generally, nodes that are interconnected through the Internet are each assigned a numerical label, called an Internet Protocol address (“**IP address**”), which is used to identify the nodes and route network traffic between each of them. IP addresses usually consist of four decimal numbers, each ranging from 0 to 255 separated by dots (e.g., “172.217.164.228”).

42. Internet users typically do not use the IP address to connect to a node or a website on the Internet, due to the fact that the numerical format would be difficult to remember and does not suggest in any way the nature of the node or the website associated with the IP address. For instance, at the time of the signature of this affidavit, the IP address reproduced in the previous paragraph corresponds to the website “google.com” (other IP addresses may also be associated with google.com when accessed in a different geographic location). Although entering that IP

address into a web browser would lead the user to the Google website, it is much easier for users to remember and use the name “google.com” rather than a series of seemingly arbitrary numbers. In addition, one IP address can point to multiple sites, and the IP address for a site can change (ex.: the server moved to a different connection) while maintaining the same “domain name”.

43. Addresses on the Internet, such as “google.com”, are referred to as “domain names” or “domains”. Typically, the main address for a website or other Internet service will be the “domain”, and a “subdomain” can point to a specific location on the Internet that is dependent on and related to the main domain. The main domain takes the form [domain.suffix] (ex.: google.com) and, when applicable, the subdomain will precede the domain in the form [subdomain.domain.suffix] (ex.: maps.google.com).

44. A service on the Internet named the “Domain Name System”, or “DNS”, provides a translation between domains or subdomains and IP addresses. The common metaphor used to explain the DNS is that it is essentially the Internet’s phonebook. Put simply, the DNS consists of a series of servers hosting an online, distributed database that maps each domain and subdomain with its corresponding IP address(es), such that when a user attempts to connect to a recognized domain or subdomain, the DNS will automatically provide to the user and the application that the user is using (ex.: an Internet browser) the IP address associated with that domain or subdomain. For instance, when a user enters google.com in its web browser, the DNS will recognize that the user should be connected to the Internet node having the IP address “172.217.164.228”, which corresponds to a server hosting the main page of the Google search engine website.

45. It is also important to note that while a domain or subdomain typically points to a single IP address at any given time, many domains or subdomains can point to the same IP address (ex.: a single server can host multiple websites).

46. It should also be noted that while all sites are typically associated with at least one IP address, some sites are not associated with any domain or subdomain on the global, distributed DNS database (as explained at paragraph 44 above).

47. Finally, while authoritative sources provide the basic information used for the DNS service, there is not a single DNS service for the entire Internet. Instead, as mentioned at paragraphs 21

and following above, Internet users typically use the DNS service hosted on the core network of the ISP to which they are subscribers, which in turn accesses the aforementioned authoritative sources.

B. Site blocking approaches for ISPs

48. Given the tremendous size of the Internet and the fact that it is typically open in nature (i.e., there is no gatekeeper), the existence of certain websites that provide access to illegal content is widespread (ex.: copyright infringing content, viruses, hate speech, child pornography, etc.).

49. In theory, the most direct manner of ensuring that these problematic websites cease their illegal activities is to deactivate the node on which they are hosted (ex.: by shutting down a server or disconnecting it from the rest of the Internet).

50. When the objective is to take a node out of the reach of typical Internet users and it is not possible to shut down that node directly, the alternative would be to disable *access* to the node from the users' side. Given the nature of the infrastructure described above, it is possible for both common carrier and reseller ISPs to block their subscribers from accessing certain nodes on the Internet.

51. There are three main types of site blocking approaches that are available to ISPs, described in further detail below:

- a) DNS blocking, which “disconnects” the link between a domain and its corresponding IP address in the DNS service;
- b) IP address blocking, which blocks traffic to and from specified IP addresses; and
- c) URL (Uniform Resource Locator) path blocking, which blocks traffic to and from very specific locations on a website or other Internet services.

DNS blocking

52. Because the DNS acts as a necessary bridge between a domain name and the corresponding IP address, it is possible for an ISP that hosts DNS servers (both common carriers and resellers) to

impede its subscribers from accessing a particular website or Internet service by ensuring that a particular domain no longer resolves to its corresponding IP address.

53. The technical tool used to implement this form of site blocking is normally named a “response policy zone” (“RPZ”). A RPZ can be used to alter the action a DNS server will take once it is presented with a domain name, ex.: pointing the user to the correct corresponding IP address (i.e., normal behaviour), or declaring that no IP address corresponds to the domain name, or pointing the user to an IP address that is different from the IP address normally associated with that domain name.

54. For instance, let us assume that the domain “virus.com” normally leads to the IP address of a website containing computer viruses. In such a case, the administrator of a particular DNS server could use a RPZ to perform specific actions to ensure that users of that DNS server (ex.: customers of an ISP) are not led to this problematic IP address, either by having the DNS return no IP address after the user has entered the domain “virus.com”, or by having it return an IP address hosting a different website, e.g. a website warning about the nefarious nature of that domain.

55. This method can block the DNS matching for (i) the main targeted domain (virus.com); (ii) specific subdomains of the main domain (page.virus.com); and/or (iii) all subdomains of the main targeted domain (*.virus.com, where “*” is a “wildcard” representing anything that can precede .virus.com). In each case, when a domain or subdomain is blocked, all related “URL paths” are also blocked (e.g. blocking “virus.com” would also block “virus.com/page”).

56. However, this method does not block access to the IP address itself such that if an Internet user (or more likely that user’s device) knows the IP address of the site (i.e., without the need to refer to the domain) and/or the site is only referenced by its IP address (i.e., it does not use any domain), the site would still be accessible to the user.

57. A RPZ is a standard feature on modern DNS platforms and, as such, the majority (if not the totality) of Canadian common carrier and reseller ISPs already have DNS servers that allow RPZ implementation, which they use for various network management and security activities.

IP address blocking

58. Another available site blocking measure, named IP address blocking, focuses on the problematic IP address rather than the domain name.

59. This method can be implemented at the core router layer of the ISP infrastructure described and illustrated at paragraphs 21 and following, above, which is the last stage before the ISP's infrastructure is connected to the Internet.

60. With the IP address blocking method, the ISP's relevant core routers are configured so that they will not route users' traffic to a particular IP address. Instead, all traffic directed to that IP address (including the data packets required to establish a connection between the user and that IP address) is rerouted to "nowhere" by the ISP, rather than being routed to its intended destination. As such, in practice, after a user has entered the domain for a website or Internet service that is subjected to IP address blocking, the DNS would convert the domain into the corresponding IP address, but the core router would reroute the attempt to connect to that address to a non-existing destination, such that the user's device would fail to connect or return no result and the user would therefore not be able to access the site or service hosted at that IP address. This means that IP address blocking typically does not allow the traffic to be redirected to a different website to inform the user of the blocking.

61. To my knowledge, most – if not all – common carrier ISPs (and reseller ISPs who own core routers that connect to the Internet) can implement IP address blocking. Indeed, this method is regularly (i.e., sometimes several times a day) and efficiently used by ISPs to secure their network from malicious IP addresses by blocking data transfers and attacks from these IP addresses at the core router level for periods of time up to a few hours.

62. I also note that in situations where a reseller ISP purchases services that depend on the common carrier ISP's core router as described at paragraph 32 above, implementing IP address blocking at the common carrier ISP level would also amount to an implementation of the method for the reseller ISP with respect to traffic transmitted using that service.

63. I note that some ISP core routers may only be able to block a certain limited number of IP addresses (ex.: some core routers can block up to 10,000 IP addresses at a given time).

Implementing this method may therefore represent additional costs if this limit is reached as alternate blocking solutions or more powerful routers capable of supporting larger blocking lists might be required.

URL path blocking

64. The final main method that can be used for site blocking is referred to as “URL path blocking”, and allows for more specific traffic blocking.

65. DNS blocking, described above, can target domains or subdomains (i.e., the portions of the website address that is to the left of the suffix, such as “.com”, “.ca”, “.info”, etc.), and all other paths or pages within the blocked domain or subdomain will also automatically be blocked. For example, when the domain “google.com” is blocked, “google.com/contactus” will also be blocked; similarly, when the subdomain maps.google.com is blocked, maps.google.com/help will also be blocked.

66. By contrast, URL path blocking allows an ISP to block specific paths within a domain (ex.: blocking google.com/bad-web-page without blocking google.com or any other pages within google.com such as google.com/help).

67. The URL path blocking method relies on specific software products that can be integrated at the aggregation router stage of an ISP’s infrastructure. Bell Canada has such capabilities in place.

68. In that regard, I note that Bell Canada and other ISPs are part of “Project Cleanfeed Canada”, which is a voluntary initiative for ISPs to block URLs of non-Canadian websites associated with child pornography. I attach to my affidavit in a bundle as **Exhibit EQ-6** screen captures of the Frequently Asked Questions (FAQs) of the Cleanfeed Canada page (www.cybertip.ca/app/en/projects-cleanfeed). Consistent with the description in these FAQs, Bell Canada undertakes URL path blocking as part of Project Cleanfeed and it is my understanding that five other common carrier ISPs participating in Project Cleanfeed (Rogers, Sasktel, Shaw, Telus, and Videotron) do so as well. Bell updates the list of URLs that are blocked as part of Project Cleanfeed on a daily basis using an automated system.

69. Unlike the DNS servers and core routers used to implement DNS or IP address blocking as described above, products and systems that perform URL path blocking are not inherently necessary for an ISP to provide Internet access services to its subscribers, it is possible that some ISPs do not have that technology in place. For those ISPs who do not have URL path blocking capabilities, adopting and configuring such a technology could take approximately six (6) months, at an approximate cost of \$1 million for an ISP serving a relatively large number of customers, and progressively less for ISPs serving fewer customers (i.e., the costs of these products typically include a per subscriber license fee).

Ability of resellers to implement site blocking

70. As mentioned in the previous subsections, the ability to implement site blocking is not limited to common carrier ISPs. Reseller ISPs can implement DNS blocking on their own DNS servers, as well as IP address blocking if they provide their own core router to connect their infrastructure to the global Internet. In cases where the reseller ISP purchases a wholesale service that uses a common carrier ISP's core router, IP address blocking can be implemented for that reseller ISP if the corresponding common carrier ISP implements it. Depending on the configuration of their systems, reseller ISPs could also implement URL path blocking in respect of at least some of their subscribers.

71. To my knowledge, reseller ISPs have successfully implemented site blocking orders in foreign jurisdictions, for example British Sky Broadcasting Limited and TalkTalk Telecom Limited, which are reseller ISPs in the United Kingdom.

72. I was informed by the Plaintiffs' attorneys at Smart & Biggar LLP that reseller ISPs and common carriers ISPs have also successfully implemented a site blocking order in Canada in the context of the *Bell Media Inc. v. GoldTV.biz* (2019 FC 1432) case. While the Order provides for DNS blocking and IP address blocking, only DNS blocking has been utilized thus far. The order is *site-specific* and *static* in the sense that it provides for the blocking of a predetermined (static) list of domains, subdomains and IP addresses associated with a specific site (i.e., an infringing IPTV service), with the possibility of updating this predetermined list from time to time. Unlike the site blocking order sought by the Plaintiffs in the present proceeding, the site blocking order

issued in the *GoldTV* case is not “live” (i.e. it is not limited in time to the duration of a particular live event).

C. Characteristics of site blocking orders

73. Site blocking as described in section B can take different forms, which will impact the duration and the scope of the blocking as well as the level of intervention required from reseller ISPs and common carrier ISPs to implement. It may be helpful in understanding the nature and scope of any given site blocking program to consider the following interrelated characteristics:

- a) *Site-specific* or *event-specific*;
- b) *Live* or *non-live*; and
- c) *Static* or *dynamic*.

74. I have reviewed the Affidavit of George Demetriades (“**Demetriades Affidavit**”), in the current action, and agree with and adopt his description of the characteristics of site blocking orders. I will therefore describe these characteristics from an ISP perspective.

75. ISPs can implement site blocking with different characteristics (i.e., *site-specific/event-specific*, *live/non-live*, and *static/dynamic*). In all cases, they will be provided with a list of identifiers or locations (i.e., domain, subdomain, URL, and/or IP address) to be blocked, and will then block their subscribers’ access to such sites.

Site-specific or event-specific / live or non-live

76. These characteristics are closely linked together but they describe different features of a site blocking implementation. *Site-specific* or *event-specific* refers to the target of the site blocking, whereas *live* or *non-live* refers to the temporal scope of the site blocking.

77. A *site-specific* blocking targets site(s) providing access to illegal content, for example on-demand and/or live television content and movie content, that can be accessed, and is relevant to viewers, at any time of the day. As such, *site-specific* blocking targeting such site will generally not be limited to a particular time of the day but will instead be applicable at all times (i.e., *non-live* blocking).

78. On the other hand, an *event-specific* blocking generally targets specific live content which is particularly relevant during such live event, including for instance live sports events, news, or elections results. The real-time nature of such live content implies that its primary value and relevance are during the event; viewers are less likely to watch a live event after it happened.

79. An *event-specific* blocking targeting live content will thus generally be *live* in the sense that it will be in effect only while the event is being broadcast live. Since a *live* site blocking is limited to a specific window in time (i.e., during the live event), it would also help minimize the impact in the very unlikely event there are unintended consequences (e.g., any risk of over-blocking).

80. For reseller ISPs and common carriers ISPs, *live* blocking implies that they will be provided with a list of domain(s)/subdomain(s), URL(s), and/or IP address(es) to block, and will have to block their subscribers' access to site(s) that provide access to illegal live content only during an identified window when such live content is being broadcast.

Static or dynamic site blocking

81. For reseller ISPs and common carriers ISPs, *static* blocking implies that they will be provided with a list of domain(s)/subdomain(s), URL(s), and/or IP address(es) related to targeted site(s) to be blocked and will have to block their subscribers' access to such targeted site(s). This involves only one intervention to implement the block for the initial list, and possibly other interventions from time to time if the blocking comes to an end or the list is updated.

82. In certain circumstances, the site(s) will appear, disappear and change infrastructure regularly in a short period of time (ex.: in response to site blocking/takedown measures or just to scale up to respond to a spike in demand for the content). This is especially the case when the illegal content is only offered during a limited period of time (ex.: during the broadcast of a live event) and is popular. As noted above, and as described in more details in the Demetriades Affidavit, for popular live events such as sports events, a large number of illegal streaming servers can broadcast the content only for the duration of the event, which makes it difficult to identify them in advance in a *static* list.

83. In addition, the operators of these illegal streaming servers can change their infrastructure from one live event to the other and, in some cases, can even make changes *during* the event to try to avoid site blocking.

84. In this type of situation, involving *specific events* and *live* content, *static* blocking is likely to be ineffective in blocking access to the targeted illegal content considering that the domains/subdomains, URLs, and/or IP addresses may change frequently over a very short period of time (i.e., at the commencement of and for the duration of the live event). In other words, a static list of domains/subdomains, URLs, and/or IP addresses implemented before the event is unlikely to address most of the domains/subdomains, URLs, and/or IP addresses that are relevant during the event. Instead, a *dynamic* blocking will generally be required, which involves updating the list of domains/subdomains, URLs and/or IP addresses to be blocked in near real time during the targeted *live* event as the illegal sites are identified or as they change their infrastructure (and clearing the list at the end of the event to stop the blocking).

85. The frequency of these updates to a *dynamic* site blocking will depend on a number of factors including the number of sites providing the illegal content (which is based on the popularity of the content), the capability of the operators of these sites to change their infrastructure quickly, the duration of the targeted event, etc. It will also depend on the means by which the rightsholders identify the sites broadcasting the illegal content during the event (and the changes to their infrastructure) to generate these updates.

Ability of ISPs to implement live and dynamic site blocking

86. Reseller ISPs and common carrier ISPs can implement, and have implemented, *site-specific* and *static* blocking, as explained in section B above.

87. The only practical difference for ISPs in the case of *live* and *dynamic* site blocking is that such blocking has to be implemented at a particular time for a limited duration (i.e., during a live event) and will sometimes require several interventions during this period of time, since the list of domain(s)/subdomain(s), URL(s) or IP address(es) targeted by the block may need to be updated multiple times during the live event.

88. In practice, *dynamic* and *live* site blocking can either be implemented manually by ISPs or automated by software systems deployed by ISPs.

89. To my knowledge, most – if not all – ISPs can implement *dynamic* and *live* IP address blocking manually the same way they can implement *static* site blocking, as described in section B above. The only associated costs are those that result from inputting the targeted IP addresses in the system, which will vary based on the number of interventions required from the ISPs, and potentially the time of day at which those interventions are required. Compared to *static* blocking, more interventions may be required from the ISPs to implement *dynamic* and *live* blocking, depending on the number of events targeted (e.g., updates are likely required for each discrete event) and the frequency with which illegal sites can be identified during each event.

90. *Dynamic* and *live* site blocking involving frequent updates in a very short period of time can be implemented more easily (but not exclusively) through systems that input the targeted IP addresses into the ISPs' systems automatically. ISPs do not necessarily all have this capability already, but I understand, however, that at least certain ISPs are currently deploying such technology in their networks. I estimate that it would cost between \$30,000 to \$50,000 and could take up to three (3) months for ISPs to deploy this technology. Bell Canada expects to implement an automated solution sometime in the future.

91. Once implemented, this capability could be used for purposes of implementing a court order such as the one sought in this case (or another case) or for any other purpose, assuming the process for receiving the targeted IP addresses is the same.

III. EFFECTS AND EFFECTIVENESS OF SITE BLOCKING

92. The potential consequences and effectiveness of a particular site blocking method can be assessed by considering what will happen when it is put in place.

93. In the case of DNS blocking, a user who wishes to connect to a blocked website through its domain name will be unsuccessful, as the DNS will preclude the domain from resolving into the correct IP address to access the website. As explained above, the DNS blocking method will preclude connection to any path on a given domain. As such, if a domain hosts both problematic and non-problematic content at different paths (ex.: domain.com/virus and

domain.com/notavirus), the DNS blocking method would have the collateral effect of blocking access to non-problematic content.

94. DNS blocking and URL path blocking are also less effective when the target of the block are delivery servers as opposed to user accessible websites, considering that such servers are not always associated with a domain, subdomain or URL. In such a case, IP address blocking would generally be used.

95. As for IP address blocking, its direct result is that none of the content hosted on a node having a blocked IP address will be accessible to affected users.

Alternate DNS server

96. While ISPs typically host DNS servers within their core network, which will be used by all of the ISP's subscribers by default, it is possible for subscribers to knowingly configure their device to use a different DNS server when connected to the Internet. In these cases, the DNS blocking method would have no effect on these users to the extent it is applied only to ISPs and not to other publicly available DNS servers, as they could use a DNS server that has not put in place site blocking measures.

97. That being said, reconfiguring a device to connect to an alternate DNS server is easier said than done and can be quite challenging for the average user, and represent an essentially insurmountable task for less technically savvy users.

98. I also note that using an alternate DNS server would not be effective to circumvent IP address blocking, as the users' traffic would still have to transit through its ISP's core router to reach the global Internet. Likewise, using an alternate DNS server would not be effective to circumvent the URL path blocking method, which is implemented separately from the use of the DNS server.

Virtual Private Network

99. A "Virtual Private Network", or "VPN", is a type of infrastructure that can be put in place by an Internet user to connect to a dedicated server (the VPN server), which serves as a gateway to further connection on the Internet, effectively "tunneling through" the ISP infrastructure described at paragraphs 21 and following, above.

100. A VPN can be established on the Internet by creating an encrypted connection between two nodes, a VPN client and a VPN server. Because the connection between these nodes is encrypted, it affects how the ISP perceives the Internet traffic of a subscriber using a VPN, and can therefore affect the site blocking methods described above.

101. In practice, the user of a VPN service could establish an encrypted connection from the customer premise equipment to a node outside of the ISP's infrastructure, past the core router (i.e. the "VPN server"), which has its own IP address (the "VPN IP address"). The traffic transits through the VPN, connects to the VPN server through the VPN IP address, and ultimately reaches the global Internet from there.

102. As such, from the ISP's perspective, a user who consistently uses a VPN to access the Internet only connects to a single IP address (the VPN IP address), regardless of the nodes the user ultimately reaches during its use of the Internet. For this reason, IP address blocking, if applied only to ISPs and not to the VPN provider, would not be effective to block access to problematic websites for users who use a VPN as the user seeks to connect to the problematic IP address only after it has exited the ISP's infrastructure. Similarly, DNS and URL blocking would also not be effective.

103. VPN services can be used for various purposes on the Internet. For example, some workplaces provide their employees with VPN connections when they work remotely, allowing the employee to connect to the employer's internal network through the Internet. In those cases, the user typically only uses the VPN when logged in remotely to their company's system. It is also possible to purchase access to a VPN service from various service providers on the Internet, typically for a fee ranging from \$3 to \$15 per month, depending on the duration of the subscription contract.

104. While VPN services could be used to circumvent some site blocking methods, data pertaining to Bell Canada's Internet subscribers shows that VPN use is not particularly widespread, especially not to access large files or live streams on the Internet such as video content, which I understand is the subject matter of the current litigation. As of March 2019, the breakdown of Bell Canada's Internet Subscribers who used a VPN for larger files was as follows:

- a) 7% access 1 GB² or more per month.
- b) 2% access 10 GB or more per month

105. A more recent breakdown shows an increase of these figures, which can largely be explained by the increase of employees working from home during the pandemic:

- a) 18.9% access 1 GB or more per month
- b) 7% access 10 GB or more per month

106. This data suggests that at most 7% of Bell Canada subscribers could be regularly using a VPN to access video content on the Internet (in reality, it is likely much less than 7%, as most users in this category are likely working from home and not using a VPN to access illegal content).

107. I also note that regularly using VPN services results in financial and performance costs for users, which represents a further deterrent to their widespread use. For instance:

- a) As mentioned at paragraph 103 above, VPN services are associated with subscriptions costs that can be significant, especially in the long term; and
- b) Because VPN traffic is encrypted and routed to a server that is remote from the ISP's infrastructure before reaching the global Internet, the use of a VPN service can sometimes lead to a reduction in the speed of a user's connection, potentially making it impractical to access certain types of media content through certain VPNs.

Circumvention of site blocking measures by the operator of the problematic website

108. Because of the nature of the site blocking measures described above, it is theoretically possible for the operator of a blocked problematic site or node to attempt to circumvent or thwart these measures but, as is the case for end users, available circumvention methods are often impractical to implement.

² "GB" refers to gigabytes, another unit of measure corresponding to 1,000 MB. A single motion picture (whether a live event, TV show, or feature film) encoded in high definition quality would typically have a size of 3GB per hour.

109. In the case of DNS blocking and URL path blocking, the problematic website will no longer be accessible to users who attempt to reach it by using its domain name (or a particular path), but the problematic website's IP address will still be operative and accessible. In this situation, the operator of the problematic website could register a new domain name (ex.: if virus.com is blocked, the operator could register virus.net), and configure that new domain to connect to the still-accessible problematic IP address. However, this circumvention method is only temporary, as the new domain could also easily be blocked using DNS blocking, and does not prevent IP address blocking.

110. As for IP address blocking, the IP address of the problematic website will no longer be accessible, but the domain name remains active and reachable. In this case, the operator of the problematic website could attempt to change its IP address, for example by transferring the hosting of the website to a new server with a new IP address, and reconfiguring the initial domain name to connect to the new IP address rather than the blocked IP address. However, migrating websites to a new server could be disruptive and could take time and resources. The facility of the migration will depend on the sophistication of the operators' infrastructure and the content that will migrate from one site to another. For instance, it would be easier to migrate a live stream of one television channel than it would be to migrate a site providing access to live streams of several channels and/or a large catalogue of on-demand content (e.g., TV series and movies). Such circumvention method would only be temporary as the new IP address could also ultimately be subjected to IP address blocking.

111. In all cases, where *dynamic* blocking can be implemented, it becomes much more difficult for the operator of the problematic site to circumvent the method, since any new site to which the illegal content would be transferred could also be targeted by the site blocking, as it can be readily updated and applied to newly identified site as they are being discovered.

Effectiveness of site blocking orders around the world

112. While it is theoretically possible for users and operators of problematic websites to put in place measures to attempt to circumvent site blocking, in practice these methods are difficult to implement and tend to be less effective.

113. I understand from the Plaintiffs' attorneys, whom I have every reason to believe, that site blocking orders have been available and enforced in a number of jurisdictions around the world since the early-to-mid 2010s, and the data that results from these enforcement efforts demonstrate the effectiveness of site blocking to thwart access to problematic websites, more particularly websites associated with copyright infringing activities:

- a) In 2013, access to 19 websites associated with copyright infringing activities was blocked in the United Kingdom, resulting in a **83% reduction in visits to the blocked sites** and a 12% increase in traffic to legal video streaming services (the increase in legal subscriptions to cable and satellite television was not measured), as it appears from the abstract of a paper titled "The Effect of Piracy Website Blocking on Consumer Behavior" authored by Brett Danaher *et al* and published in June 2015, available on the Social Science Research Network, a printout of which is attached to my affidavit as **Exhibit EQ-7**.
- b) In November 2014 alone, access to 53 websites associated with copyright infringing activities was blocked in the United Kingdom, which caused a **90% reduction in visits to the blocked websites** and a 22% decrease in total access to infringing content for all Internet users affected by the measure. The site blocking measures also resulted in a 6% to 10% increase in visits to legal video streaming services (again, the increase in legal subscriptions to cable and satellite TV was not measured), the whole as it appears from the abstract of a paper titled "Website Blocking Revisited: The Effect of the UK November 2014 Blocks on Consumer Behavior" authored by Brett Danaher *et al* and published in April 2016, available on the Social Science Research Network, a printout of which is attached to my affidavit as **Exhibit EQ-8**.
- c) In 2015, access to 62 websites associated with copyright infringing activities was blocked in South Korea, resulting in an approximate **reduction of 79% in access to the blocked infringing websites**, and a reduction of approximately 15% in total access to copyright infringing content, as it appears from a report titled "MPA Study on Site Blocking Impact in South Korea", published in January 2018 by the

Motion Picture Association of America, a trade association that represents major Hollywood studios in the United States and abroad, a copy of which is attached to my affidavit as **Exhibit EQ-9**.

- d) As of October 2016, access to 66 of the top 250 websites providing access to infringing content was blocked in Portugal, which resulted in a *reduction of approximately 70% in the use of these blocked sites* and a reduction of nearly 10% in the overall use of the top 250 infringing websites, despite usage of these same 250 infringing websites increasing by approximately 31% globally during the same period, as it appears from a report titled “Site blocking efficacy in Portugal”, published in May 2017 by Incopro, a renowned international brand protection firm, a copy of which is attached to my affidavit as **Exhibit EQ-10**.
- e) In a report issued in August 2016 by the Information Technology & Innovation Foundation, the authors analyzed the practical effects and effectiveness of site blocking in various countries and concluded that “*where countries are using website blocking to fight digital piracy, the record shows it has been effective in driving users from illegal to legal sources of copyrighted material online.*” (p. 1), as it appears from a report titled “How Website Blocking is Curbing Digital Piracy Without ‘Breaking the Internet’”, a copy of which is attached to my affidavit as **Exhibit EQ-11**.

114. I understand from the Demetriades Affidavit that while results from these enforcement efforts demonstrate the effectiveness of *static* and *site-specific* blocking, the use of this form of site blocking for live content has been more difficult, and in such cases, *dynamic* and *live* site blocking have been more effective.

115. I also understand from the Plaintiffs’ attorneys, whom I have every reason to believe, that *dynamic* and *live* site blocking orders have been available and enforced in the last couple of years, particularly in the United Kingdom, and especially for sites providing access to infringing live event content:

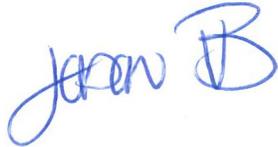
- a) On March 13, 2017, servers providing access to infringing live games of the Football Association Premier League were blocked by the first *dynamic* site blocking order in the United Kingdom. A copy of the English High Court decision is attached to my affidavit as **Exhibit EQ-12**.
- b) In February 2019, pirate site Rojadirecta providing access to infringing live games of the Spanish football league “La Liga” was blocked in Mexico by a *dynamic* site blocking order that was granted only for the days when matches were live. A printout of an article titled “Dynamic injunctions in the digital environment” is attached to my affidavit as **Exhibit EQ-13**.
- c) In February 2020, 44 piracy sites providing access to infringing live games of “La Liga” football competition in Spain were blocked by a *dynamic* site blocking order, which was granted for three seasons. A printout of an article titled “Spanish ISPs will Block Pirates Sites Using a Dynamically Updated Blocklist” is attached to my affidavit as **Exhibit EQ-14**.
- d) On September 29, 2020, sites providing access to infringing live football games were blocked in Ireland by a *dynamic* site blocking, at the request of the *Union des Associations Européennes de Football*. A copy of the High Court of Ireland decision is attached to my affidavit as **Exhibit EQ-15**.
- e) In July 2020, 15 sites providing access to, *inter alia*, infringing live games of the English Premier League in Singapore were blocked by a *dynamic* site blocking order. A printout of an article titled “Singapore: Anti-Piracy Court Orders” is attached to my affidavit as **Exhibit EQ-16**.
- f) In October 2020, servers providing access to infringing boxing events were blocked in the United Kingdom by a *dynamic* site blocking order. A copy of the High Court of Justice decision is attached to my affidavit as **Exhibit EQ-17**.
- g) In March 2021, the European Union Intellectual Property Office has released a study on dynamic blocking injunctions in the European Union, summarizing cases where such dynamic blocking has been granted (including Denmark, France,

Ireland, Italy, the Netherlands, Spain, Sweden and the United Kingdom), including live blocking in Ireland, Spain and the UK, and confirming the effectiveness of such blocking. A copy of the study is attached to my affidavit as **Exhibit EQ-18**.

116. I also understand from the Plaintiffs’ attorneys, whom I have every reason to believe, that following the success of dynamic blocking in the European Union, the Parliament has voted in favor of a report urging the EU Commission to adopt legislation that would require hosting platforms to remove pirate live sports streams in real-time. A printout of a Press release of the European Parliament titled “Tackling online piracy of live sporting events” is attached to my affidavit as **Exhibit EQ-19**.

SOLEMNLy AFFIRMED before me,
through videoconference, in accordance with
the Notice from the Ministère de la Justice du
Québec, in Montreal, Province of Quebec,
this 28th day of June 2021

AND I HAVE ELECTRONICALLY
SIGNED



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



ERONE QUEK

This is **Exhibit EQ-1** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

IN TWENTY-TWENTY WE WERE AT THE



OF CONNECTIONS WHEN IT MATTERED MOST.

BCE

ANNUAL REPORT 2020



Advancing how Canadians connect





with each other and the world



OUR FINANCIAL PERFORMANCE

Stepping up in a year like no other

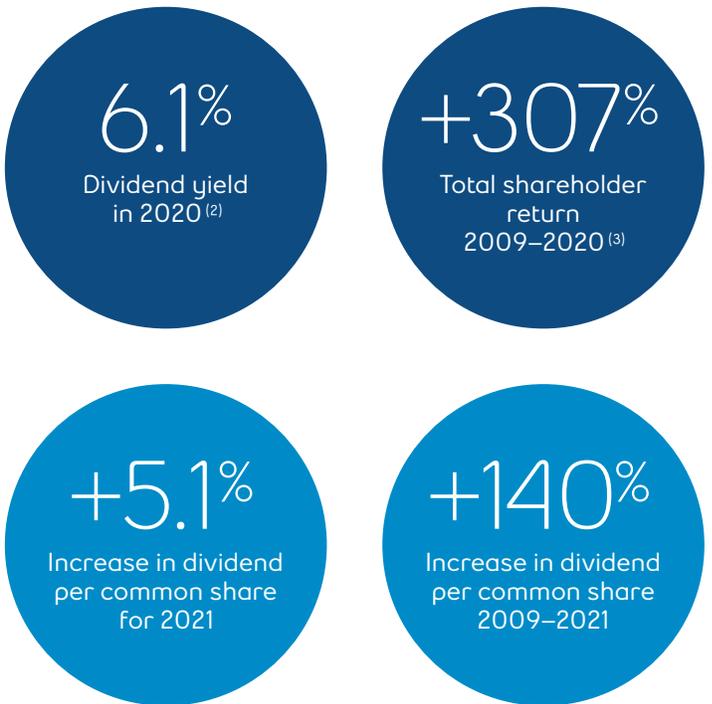
As the Bell team kept Canada connected in a challenging 2020, we built marketplace momentum with world-class network, service and content innovations for our customers while delivering sustainable dividend growth for our shareholders.



2020 financial performance

Revenue*	(3.8%)
Adjusted EBITDA ^{(1)*}	(4.0%)
Capital intensity	18.4%
Adjusted EPS ⁽¹⁾	\$3.02
Free cash flow ^{(1)*}	(10.4%)

* Compared to 2019



(1) Adjusted EBITDA, adjusted EPS and free cash flow are non-GAAP financial measures and do not have any standardized meaning under International Financial Reporting Standards (IFRS). Therefore, they are unlikely to be comparable to similar measures presented by other issuers. For a full description of these measures, see section 10.2, Non-GAAP financial measures and key performance indicators (KPIs) on pp. 115 to 117 of the MD&A.

(2) Annualized dividend per BCE common share divided by BCE's share price at the end of the year.

(3) The change in BCE's common share price for a specified period plus BCE common share dividends reinvested, divided by BCE's common share price at the beginning of the period.

OUR PURPOSE

Bell's goal and Strategic Imperatives

Our goal is to advance how Canadians connect with each other and the world, and the Bell team is executing a clear strategy that leverages our strengths and highlights the opportunities of the broadband economy for our company and all our stakeholders.

1



Build the best networks

Continuing to enhance our key competitive advantage with a focus on delivering the leading broadband fibre and wireless networks in locations large and small.

2



Drive growth with innovative services

Leveraging our leading networks to provide truly differentiated communications services to Canadians and drive revenue growth.

3



Deliver the most compelling content

Taking a unified approach across our media and distribution assets to deliver the content Canadians want the most.

4



Champion customer experience

Making it easier for customers to do business with Bell at every level, from sales to installation to ongoing support.

5



Operate with agility and cost efficiency

Underscoring a focus on operational excellence and cost discipline throughout every part of our business.

6



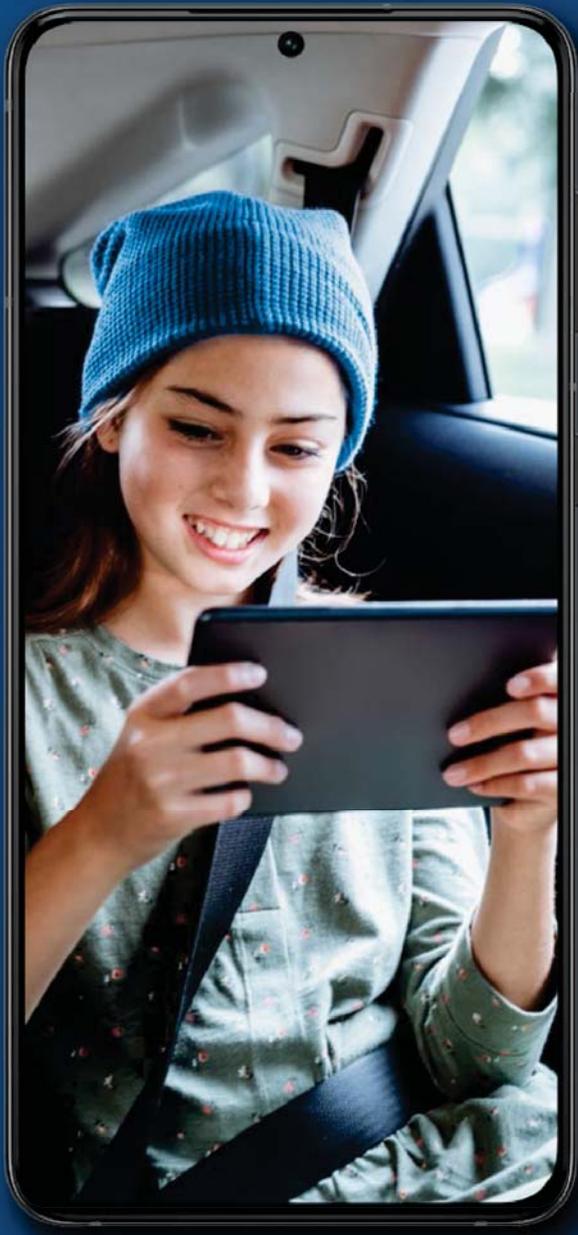
Engage and invest in our people

Strengthening our leading workplace culture, recognizing that Bell's success requires a dynamic and engaged team.

FINANCIAL AND OPERATIONAL HIGHLIGHTS

Connecting Canadians with the best in broadband communications

With a consistent focus on customer experience, the Bell team rebounded from the impacts of the COVID-19 crisis to deliver consecutive quarterly operational improvement and growth in next-generation broadband services.



Our high-performance network connections, innovative services and compelling content enabled Bell to achieve solid increases in retail Internet, IPTV and wireless subscribers while improving the rate of decline in legacy services like landline phone and satellite TV.

Investing for future growth as we also play a key role in Canada's economic recovery from COVID-19, Bell over-delivered on our fibre, wireless and rural network expansion objectives in 2020.

BCE retail subscribers (millions)	2020	2019	Change
Wireless	10.22	9.96	+2.6%
High-speed Internet ⁽¹⁾	3.70	3.56	+4.2%
Television ⁽¹⁾	2.74	2.77	(1.2%)
Local residential telephone services ⁽¹⁾⁽²⁾	2.48	2.70	(7.9%)
Total⁽¹⁾	19.15	18.98	+0.9%

22.32M

Total Bell consumer, business and wholesale customer connections

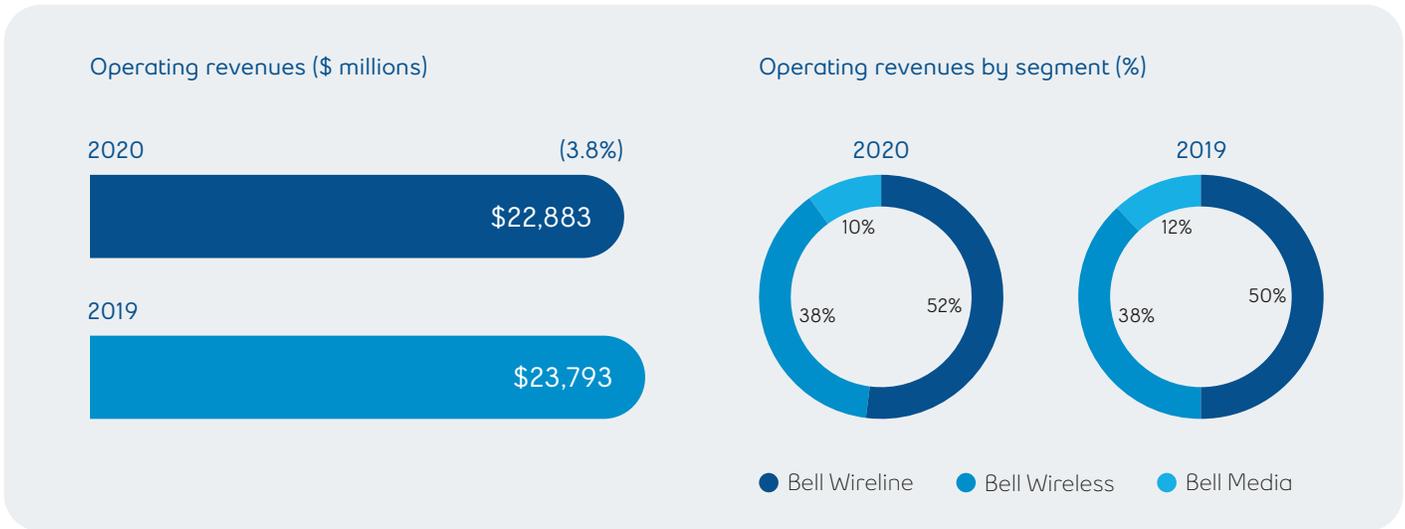
(1) Excludes wholesale subscribers.

(2) Excludes business telephone services.

FINANCIAL AND OPERATIONAL HIGHLIGHTS

Competing in a dynamic marketplace, investing in recovery and future growth

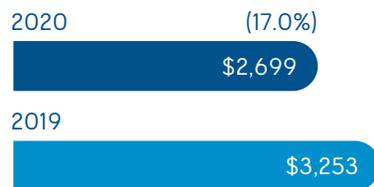
Strong strategic execution enabled us to succeed in the uniquely challenging communications sector of 2020, achieving 96% of 2019 revenue and adjusted EBITDA while also accelerating our capital investment in network expansion and enhancement.



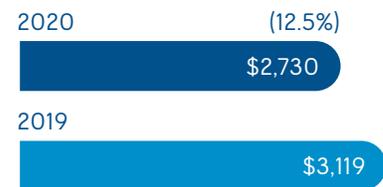
Adjusted EBITDA (\$ millions)



Net earnings (\$ millions)



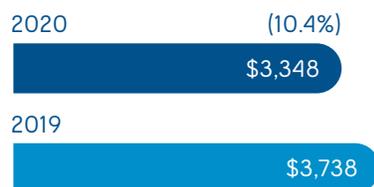
Adjusted net earnings ⁽¹⁾ (\$ millions)



Cash flows from operating activities (\$ millions)



Free cash flow (\$ millions)



Capital expenditures (\$ millions)



⁽¹⁾ Adjusted net earnings is a non-GAAP financial measure and does not have any standardized meaning under IFRS. Therefore, it is unlikely to be comparable to similar measures presented by other issuers. For a full description of this measure, see section 10.2, Non-GAAP financial measures and key performance indicators (KPIs) on pp. 115 to 117 of the MD&A.

The future is ours

2020
ANNUAL REPORT



COGECO
COMMUNICATIONS

A world of your **very own**

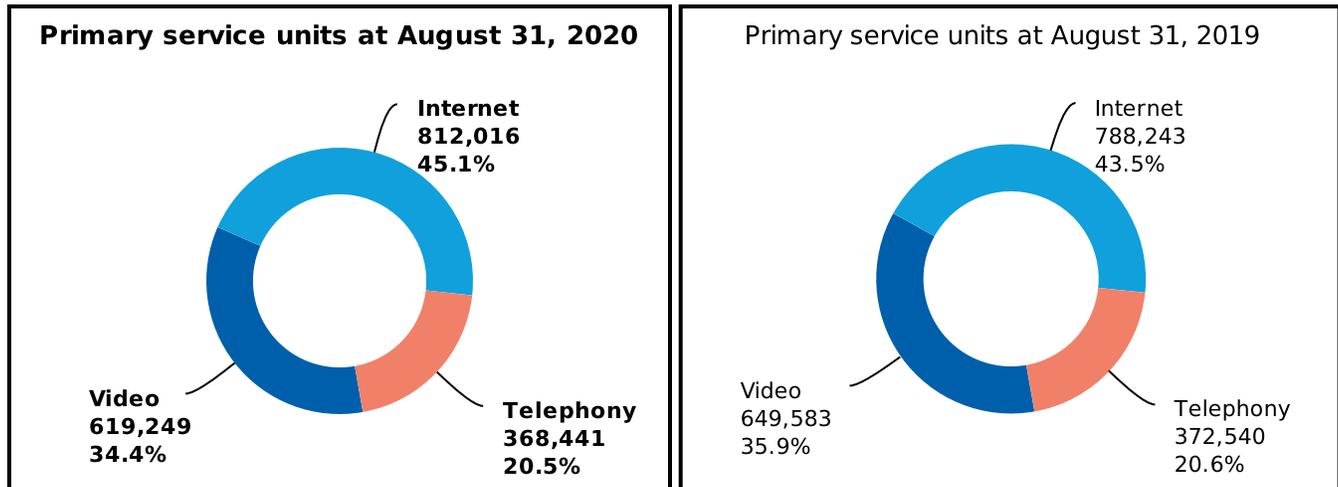
CAPITAL INTENSITY AND ACQUISITION OF PROPERTY, PLANT AND EQUIPMENT

Fiscal 2020 acquisition of property, plant and equipment increased by 2.7% (2.2% in constant currency) resulting from:

- higher costs related to the maintenance, growth and expansion of our network infrastructure; and
- higher purchases of customer premise equipment due to the timing of certain initiatives.

Fiscal 2020 capital intensity reached 19.3% compared to 18.7% for fiscal 2019 mainly as a result of higher capital expenditures combined with lower revenue.

PRIMARY SERVICE UNIT AND CUSTOMER STATISTICS



	August 31, 2020	Net additions (losses)		% of penetration ⁽³⁾	
		Years ended		August 31, 2020	August 31, 2019
		August 31, 2020	August 31, 2019		
Primary service units	1,799,706	(12,887)	(56,552)		
Internet service customers	812,016	21,902	5,966	45.7	44.7
Video service customers	619,249	(30,515)	(39,185)	34.9	36.8
Telephony service customers	368,441	(4,274)	(23,333)	20.7	21.1

(1) Excludes 2,227 primary service units (1,871 Internet services, 181 video services and 175 telephony services) from the acquisition of iTéract Inc. completed in the third quarter of fiscal 2020.

(2) During the third quarter of fiscal 2018, the Canadian broadband services segment implemented a new customer management system, replacing 22 legacy systems. While the customer management system was still in the stabilization phase, contact center congestion resulted in lower services activations during most of the first quarter of 2019. Contact center and marketing operations had returned to normal at the end of the first quarter of 2019.

(3) As a percentage of homes passed.

INTERNET

Fiscal 2020 Internet service customers net additions amounted to 21,902 compared to 5,966 for the prior year. The growth in fiscal 2020 was due to:

- the ongoing interest in high speed offerings especially as more customers were working from home in the context of the COVID-19 pandemic;
- the sustained interest in bundle offers; and
- the continued demand from Internet resellers; partly offset by
- competitive offers in the industry.

VIDEO

Fiscal 2020 video service customers net losses amounted to 30,515 compared to 39,185 for the prior year. The loss in fiscal 2020 was due to:

- highly competitive offers in the industry; and
- a changing video consumption environment; partly offset by
- customers' ongoing interest in digital advanced video services; and
- customers' interest in video services bundled with fast Internet offerings.



MAKE MORE POSSIBLE

Rogers Communications Inc.
2020 Annual Report



ROGERS

OUR PURPOSE

To connect Canadians to a world of possibilities and the memorable moments that matter most in their lives



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About Rogers

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Create best-in-class customer experiences by putting our customers first in everything we do

06

Invest in our networks and technology to deliver leading performance and reliability

08

Deliver innovative solutions and compelling content that our customers will love

10

Drive profitable growth in all the markets we serve

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Develop our people and a high performance culture

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Be a strong, socially responsible leader in our communities across Canada

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A message from Edward

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Senior Executive Officers & Directors

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Corporate and shareholder information

ABOUT ROGERS

We are a team of proud Canadians dedicated to making more possible for our customers each and every day.

Our founder, Ted Rogers, believed in the power of communication to enrich, entertain, and embolden Canadians. He followed in his father's footsteps, and at the age of 27, purchased his first radio station, CHFI.

From these modest beginnings, Rogers has grown to become a proud Canadian company – a company devoted to delivering the very best in wireless, residential, and media to Canadians and Canadian businesses.



CABLE

ONE OF CANADA'S LEADING PROVIDERS OF HIGH-SPEED INTERNET, CABLE TELEVISION, AND PHONE SERVICES

As at December 31, 2020, we had:

- approximately 2.6 million high-speed Internet subscribers;
- approximately 0.5 million Ignite TV subscribers; and
- a network passing approximately 4.6 million homes in Ontario, New Brunswick, and on the island of Newfoundland.

CABLE FINANCIAL RESULTS

(In millions of dollars, except margins)	Years ended December 31		
	2020	2019	% Chg
Revenue			
Service revenue	3,936	3,940	-
Equipment revenue	10	14	(29)
Revenue	3,946	3,954	-
Operating expenses	2,011	2,035	(1)
Adjusted EBITDA	1,935	1,919	1
Adjusted EBITDA margin	49.0%	48.5%	0.5 pts
Capital expenditures	940	1,153	(18)

CABLE SUBSCRIBER RESULTS ¹

(In thousands, except ARPA and penetration)	Years ended December 31		
	2020	2019	Chg
Internet			
Net additions	57	104	(47)
Total Internet subscribers ^{2,3,4}	2,598	2,534	64
Ignite TV			
Net additions	218	284	(66)
Total Ignite TV subscribers ²	544	326	218
Homes passed ²	4,578	4,472	106
Customer relationships			
Net additions	12	21	(9)
Total customer relationships ^{2,3,4}	2,530	2,510	20
ARPA (monthly)	\$130.70	\$131.71	(\$ 1.01)
Penetration ²	55.3%	56.1%	(0.8 pts)

¹ Subscriber counts are key performance indicators. See "Key Performance Indicators".

² As at end of period.

³ On September 30, 2020, we acquired approximately 2,000 Internet subscribers and customer relationships as a result of our acquisition of Ruralwave Inc., which are not included in net additions, but do appear in the ending total balance for December 31, 2020.

⁴ On October 1, 2020, we acquired approximately 5,000 Internet subscribers and 6,000 customer relationships as a result of our acquisition of Cable Cable Inc., which are not included in net additions, but do appear in the ending total balance for December 31, 2020.

REVENUE

Service revenue

Service revenue includes revenue derived from:

- monthly subscription and additional use service revenue from residential, small business, enterprise, public sector, and wholesale Internet access subscribers;
- monthly service revenue from our smart home monitoring products; and
- modem and other equipment rental fees.
- IPTV and digital cable services, such as:
 - basic service fees;
 - tier service fees;
 - access fees for use of channel capacity by third parties; and
 - premium and specialty service subscription fees, including pay-per-view service fees and video-on-demand service fees; and
- rentals of television set-top boxes.
- monthly service fees;
- calling features, such as voicemail, call waiting, and caller ID; and
- long distance calling.

Cable service revenue was in line with 2019 as a result of:

- declines in our legacy television and home phone subscriber bases; offset by
- the movement of Internet customers from our legacy Internet to our Ignite Internet offerings and service pricing changes and discipline; and
- the increase in total customer relationships over the past year, due to growth in our Internet and Ignite TV subscriber bases.

Equipment revenue

Equipment revenue includes revenue generated from the sale of television set-top boxes, Internet modems and other equipment, and smart home monitoring equipment. The decrease in equipment revenue this year was a result of lower installation activity due to COVID-19.

OPERATING EXPENSES

We record Cable operating expenses in three categories:

- the cost of programming;
- the cost of equipment revenue (television set-top boxes, Internet modem and other equipment, and smart home monitoring equipment); and
- all other expenses involved in day-to-day operations, to service and retain existing subscriber relationships, and to attract new subscribers.

The 1% decrease in operating expenses this year was a result of:

- lower costs associated with fewer subscriber additions and increased self-installation; and
- various cost efficiencies and productivity initiatives.

ADJUSTED EBITDA

The 1% increase in adjusted EBITDA this year was a result of the revenue and expense changes described above.



FINDING
TRUE
NORTH

2019/20
ANNUAL REPORT

Financial Indicators

(\$ millions)	12 months ended March 31, 2020	12 months ended March 31, 2019*	12 months ended March 31, 2018*†	12 months ended March 31, 2017*†	15 months ended March 31, 2016*†
Return on equity	10.2%	11.0%	11.9%	15.4%	16.8%
Debt ratio	47.8%	46.6%	46.2%	47.9%	51.9%
Dividends declared	\$ 107.8	\$ 114.7	\$ 108.9	\$ 30.0	\$ 37.5
Dividends paid	\$ 107.2	\$ 116.3	\$ 89.9	\$ 30.0	\$ 30.0
Capital expenditures	\$ 262.9	\$ 268.2	\$ 302.0	\$ 316.1	\$ 378.0

*Results including the adoption of IFRS 16

†Results excluding the adoption of IFRS 15

Consolidated Statement of Income and Other Comprehensive Income

(\$ millions)	Including the impacts of IFRS 16				Excluding the impacts of IFRS 16			
	Q4 2019/20	Q3 2019/20	Q2 2019/20	Q1 2019/20	Q4 2018/19	Q3 2018/19	Q2 2018/19	Q1 2018/19
Revenue	\$ 313.4	\$ 338.2	\$ 321.0	\$ 311.1	\$ 313.8	\$ 331.6	\$ 315.1	\$ 317.4
Other income	0.5	2.5	0.9	(0.6)	2.6	(0.3)	2.1	0.7
	313.9	340.7	321.9	310.5	316.4	331.3	317.2	318.1
Expenses								
Goods and services purchased	126.1	147.7	139.2	130.4	138.1	149.5	132.7	132.8
Salaries, wages, and benefits	90.6	88.9	87.3	92.2	92.2	92.2	89.3	96.6
Internal labour capitalized	(5.0)	(4.3)	(6.1)	(5.8)	(5.3)	(5.8)	(5.9)	(6.7)
Depreciation - property, plant and equipment	44.5	43.2	43.1	42.2	41.8	41.7	40.3	39.7
Depreciation - right-of-use assets	1.6	1.6	1.7	1.7	-	-	-	-
Amortization	8.0	8.6	8.4	8.4	8.4	8.6	8.6	8.8
Impairment loss	10.1	0.6	-	-	-	-	-	-
Saskatchewan taxes	5.4	5.7	6.4	9.7	5.1	6.0	6.4	9.6
	281.3	292.0	280.0	278.8	280.3	292.2	271.4	280.8
Results from operating activities	32.6	48.7	41.9	31.7	36.1	39.1	45.8	37.3
Net finance expense	(8.5)	(8.9)	(8.6)	(9.1)	(8.1)	(7.9)	(7.5)	(7.4)
Net income	\$ 24.1	\$ 39.8	\$ 33.3	\$ 22.6	\$ 28.0	\$ 31.2	\$ 38.3	\$ 29.9
Other comprehensive income (loss)	1.6	7.1	4.0	(7.9)	5.1	1.3	(2.7)	0.5
Total comprehensive income	\$ 25.7	\$ 46.9	\$ 37.3	\$ 14.7	\$ 33.1	\$ 32.5	\$ 35.6	\$ 30.4

Annual Operating Statistics

As at	March 31				
	2020	2019	2018	2017	2016
Customer accesses					
Wireless*	618,188	609,951	607,448	615,882	614,221
Wireline*	314,739	338,779	361,351	388,519	413,052
Internet (includes maxTV)	276,460	277,244	278,977	275,356	264,196
maxTV subscribers	111,382	112,583	110,881	110,591	107,321
Security monitoring subscribers	85,948	76,692	72,467	73,722	67,173
Total accesses	1,406,717	1,415,249	1,431,124	1,464,070	1,465,963

*Does not include SaskTel internal use

	12 months ended March 31, 2020	12 months ended March 31, 2019	12 months ended March 31, 2018	12 months ended March 31, 2017	15 months ended March 31, 2016
Employees and payroll					
Total FTEs	3,415	3,719	3,880	3,916	3,956
Salaries earned (000s)	\$ 308,003	\$ 317,096	\$ 325,095	\$ 326,761	\$ 361,265

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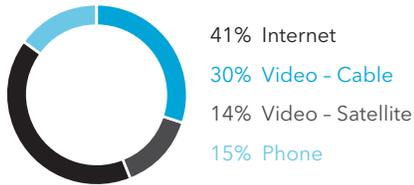
2020 ANNUAL REPORT



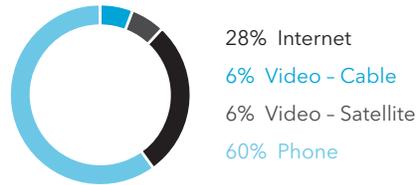
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Subscriber highlights:

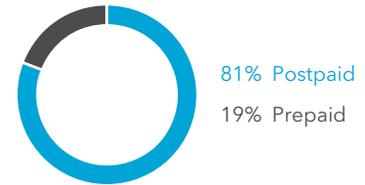
Wireline – Consumer



Wireline – Business



Wireless



Subscriber highlights:

	August 31, 2020	August 31, 2019	Change
Wireline – Consumer			
Video – Cable	1,390,520	1,478,371	(87,851)
Video – Satellite	650,727	703,223	(52,496)
Internet	1,903,868	1,911,703	(7,835)
Phone	672,610	767,745	(95,135)
Total Consumer	4,617,725	4,861,042	(243,317)
Wireline – Business			
Video – Cable	37,512	41,843	(4,331)
Video – Satellite	36,002	35,656	346
Internet	178,270	173,686	4,584
Phone	387,660	379,434	8,226
Total Business	639,444	630,619	8,825
Total Wireline	5,257,169	5,491,661	(234,492)
Wireless			
Postpaid	1,482,175	1,313,828	168,347
Prepaid	339,339	344,357	(5,018)
Total Wireless	1,821,514	1,658,185	163,329
Total Subscribers	7,078,683	7,149,846	(71,163)



Leading the world when the world needs us most



We are leading the world

TELUS is a dynamic, world-leading communications technology company with \$16 billion in annual revenue and 16 million customer connections spanning wireless, data, IP, voice, television, entertainment, video and security. We leverage our global-leading technology and compassion to enable remarkable human outcomes. Our long-standing commitment to putting our customers first fuels every aspect of our business, making us a distinct leader in customer service excellence and loyalty. TELUS Health is Canada's leader in digital health technology, TELUS Agriculture provides innovative digital solutions throughout the agriculture value chain and TELUS International is a leading digital customer experience innovator that delivers next-generation AI and content management solutions for global brands.

Driven by our passionate social purpose to connect all citizens for good, our deeply meaningful and enduring philosophy to give where we live has inspired TELUS, our team members and retirees to contribute more than \$820 million and 1.6 million days of service since 2000. This unprecedented generosity and unparalleled volunteerism have made TELUS the most giving company in the world.



Many photos within this report were taken prior to the COVID-19 pandemic. For those photos taken during 2020, all necessary precautions were strictly followed. TELUS is committed to ensuring the health and safety of our team members, customers and communities.



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Corporate overview

Supporting our stakeholders through an unprecedented year, results and highlights from 2020, and our 2021 targets



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CEO letter to investors

Keeping our stakeholders connected to what matters most through our leadership in social capitalism



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Our social purpose at a glance

Leveraging technology to enable remarkable human outcomes



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Operations at a glance

Reviewing our wireless and wireline operations



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Leadership

Our Executive Team, questions and answers, Board of Directors and corporate governance



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Financial review

Detailed financial disclosure, including a letter from our CFO and other investor resources

2020 financial and operating highlights

(\$ in millions except per share amounts)	2020	2019	% change
Operations			
Operating revenues and other income	\$ 15,463	\$ 14,658	5.5
Earnings before interest, taxes, depreciation and amortization (EBITDA) ¹	\$ 5,494	\$ 5,554	(1.1)
EBITDA – excluding restructuring and other costs ¹	\$ 5,753	\$ 5,688	1.1
Adjusted EBITDA ¹	\$ 5,701	\$ 5,693	0.2
Adjusted EBITDA margin ¹ (%)	37.0	38.8	–
Operating income	\$ 2,482	\$ 2,977	(16.6)
Net income attributable to common shares	\$ 1,207	\$ 1,746	(30.9)
Basic earnings per share (EPS) ²	\$ 0.95	\$ 1.45	(34.5)
Adjusted basic EPS ^{1,2}	\$ 1.06	\$ 1.43	(25.9)
Dividends declared per share ²	\$ 1.18495	\$ 1.12625	5.2
Dividend payout ratio ^{1,3} (%)	67	115	–
Wireless segment			
External operating revenues and other operating income	\$ 7,914	\$ 8,149	(2.9)
Adjusted EBITDA ¹	\$ 3,689	\$ 3,728	(1.0)
Adjusted EBITDA margin ¹ (%)	46.2	45.4	–
Wireline segment			
External operating revenues and other operating income	\$ 7,549	\$ 6,509	16.0
Adjusted EBITDA ¹	\$ 2,012	\$ 1,965	2.3
Adjusted EBITDA margin ¹ (%)	26.0	29.1	–
Financial position			
Total assets	\$ 43,332	\$ 37,985	14.1
Net debt ¹	\$ 19,826	\$ 18,199	8.9
Return on common equity ⁴ (%)	10.1	16.7	–
Liquidity and capital resources			
Cash from operations	\$ 4,574	\$ 3,927	16.5
Capital expenditures (excluding spectrum licences)	\$ 2,775	\$ 2,906	(4.5)
Free cash flow ¹	\$ 1,435	\$ 932	54.0
Free cash flow before income taxes ¹	\$ 1,865	\$ 1,576	18.3
Net debt to EBITDA ratio ^{1,6}	3.45	3.20	–
Customer connections⁵ (in thousands)			
Wireless subscribers	10,748	10,213	5.2
Internet subscribers	2,138	1,981	7.9
TV subscribers	1,215	1,160	4.7
Residential voice subscribers	1,164	1,204	(3.3)
Security subscribers	707	608	16.3
Total customer connections	15,972	15,166	5.3

1 These are non-GAAP measures and do not have standardized meanings under IFRS-IASB. For more information, see Sections 1.3, 5.4, 5.5 and 11 of Management's discussion and analysis (MD&A).

2 Adjusted to reflect the two-for-one share split effective March 17, 2020.

3 Commencing in 2020, and restated for comparability, we revised our dividend payout ratio calculation. See Note 3 of the Consolidated financial statements.

4 Net income attributed to equity shares for a 12-month trailing period, divided by the average common equity for the 12-month period.

5 Customer connections have been revised in 2020 and 2019 to account for acquisitions and other adjustments. For details, see Section 1.3 of the MD&A.

6 Excludes restructuring and other costs.

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 20-F

- REGISTRATION STATEMENT PURSUANT TO SECTION 12(b) OR (g) OF THE SECURITIES EXCHANGE ACT OF 1934
OR
- ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the fiscal year ended December 31, 2020
OR
- TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the transition period from _____ to _____
OR
- SHELL COMPANY REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
Date of event requiring this shell company report
For the transition period from _____ to _____

Commission file number 033-51000

VIDEOTRON LTD. / VIDÉOTRON LTÉE

(Exact name of Registrant as specified in its charter)

Province of Québec, Canada

(Jurisdiction of incorporation or organization)

612 St. Jacques Street

Montréal, Québec, Canada H3C 4M8

(Address of principal executive offices)

Securities registered or to be registered pursuant to Section 12(b) of the Act.

Title of each class	Trading Symbol(s)	Name of each exchange on which registered
None	None	None

Securities registered or to be registered pursuant to Section 12(g) of the Act.

None
(Title of Class)

Securities for which there is a reporting obligation pursuant to Section 15(d) of the Act.

5% Senior Notes due July 15, 2022
(Title of Class)

Indicate the number of outstanding shares of each of the issuer's classes of capital or common stock as of the close of the period covered by the annual report.

10,718,326.822 "A" Common Shares

Indicate by check mark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act.

Yes No

If this report is an annual or transition report, indicate by check mark if the registrant is not required to file reports pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934.

Yes No

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days.

Yes No

Indicate by check mark whether the registrant has submitted electronically every Interactive Data File required to be submitted pursuant to Rule 405 of Regulation S-T (§232.405 of this chapter) during the preceding 12 months (or for such shorter period that the registrant was required to submit such files).

Yes No

Indicate by check mark whether the registrant is a large accelerated filer, an accelerated filer, or a non-accelerated filer, or an emerging growth company. See definition of “large accelerated filer”, “accelerated filer”, and “emerging growth company” in Rule 12b-2 of the Exchange Act.

Large accelerated filer Accelerated filer Non-accelerated filer
Emerging growth company

If an emerging growth company that prepares its financial statements in accordance with U.S. GAAP, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards[†] provided pursuant to Section 13(a) of the Exchange Act.

[†] The term “new or revised financial accounting standard” refers to any update issued by the Financial Accounting Standards Board to its Accounting Standards Codification after April 5, 2012.

Indicate by check mark which basis of accounting the registrant has used to prepare the financial statements included in this filing:
U.S. GAAP International Financial Reporting Standards as issued Other
by the International Accounting Standards Board

If “Other” has been checked in response to the previous question, indicate by check mark which financial statement item the registrant has elected to follow.

Item 17 Item 18

If this is an annual report, indicate by check mark whether the registrant is a shell company (as defined in Rule 12b-2 of the Exchange Act).

Yes No

B- Business Overview

Overview

We are a leading cable operator in Canada and the largest in the Province of Québec based on the number of wireline revenue generating units (“RGUs”), as well as a leading provider of mobile telephony and OTT video services in the Province of Québec. Our cable network is the largest broadband network in the Province of Québec covering approximately 80% of the Province of Québec’s estimated 3.7 million premises. The deployment of our LTE-A and 5G wireless networks and our enhanced offering of mobile communication services for residential and business customers will allow us to further consolidate our position as a provider of integrated telecommunication services as well as an entertainment and content leader. Our products and services are supported by the latest coaxial, fibre-optic and wireless technologies. Through roaming agreements with hundreds of domestic and international network operators, our customers benefit from extensive coverage in Canada and throughout the world.

Competitive Strengths

Leading Market Positions

We are a leading cable operator in Canada and the largest in the Province of Québec, in each case based on the number of wireline RGUs. We believe that our strong market position has enabled us to launch and deploy new products and services more effectively. For example, since the introduction of our Internet access service, we estimate that we have become the largest provider of such service in the geographic areas we serve. In the mobile telephony segment, we estimate that our Videotron brand currently holds the second largest market share in the geographic areas we serve and the largest market share in terms of gross subscriber additions in 2020. Our extensive proprietary and third-party retail distribution network of stores and points of sale, including our Videotron-branded stores and kiosks, as well as our Videotron authorized dealers, assist us in marketing and distributing our advanced telecommunications services, such as Internet access, television and mobile telephony, on a large-scale basis. We are also a leading provider of telecommunications services to the small-medium business (“SMB”) market of enterprises consisting of 1-100 employees in the Province of Québec.

Differentiated Bundled Services and New Products

Through our technologically advanced wireline and wireless network, we offer a differentiated, bundled suite of entertainment, information and communication services, products and content, including IPTV, digital television, Internet access, Video-On-Demand (“VOD”), Club illico and other interactive television services, as well as residential and commercial wireline telephony services using VoIP technology, and mobile telephony services. In addition, we deliver high-quality services and products, including, for example, our high-speed Internet access service which enables our customers to download data at a speed higher than currently offered by standard DSL technology. We also offer one of the widest ranges of French-language programming in Canada.

On September 13, 2018, we launched Fizz, a mobile and Internet brand that delivers mobile and Internet services featuring advantageous pricing, as well as a fully digital experience focused on simplicity, autonomy and sharing, thus enhancing traditional mobile and Internet services. It has been developed to respond to the technological needs and behaviours of Generation Z and millennials and to expand our market share in this market segment.

On August 27, 2019, we unveiled Helix, an IPTV and cloud-enabled video platform based on Comcast’s Xfinity X1 platform, which provides customers with integrated search functionalities, including the use of a voice-activated remote control, personalized recommendations and access to, and integration of content from, certain third-party Internet applications, such as Netflix and YouTube. We have also launched two mobile applications for our Helix customers: (i) the Helix Fi app, which lets customers control their home Wi-Fi network, set time restrictions for children’s Internet use, quickly and easily disconnect a device from the network and control household smart devices; and (ii) the Helix app, which lets users control their cloud DVR remotely, watch live TV as well as a large quantity of on demand content anytime, anywhere. Cloud DVR technology is offered in substantially all of our markets. Cloud DVR technology allows video customers to record programming via their set-top boxes using cloud-based servers and view those recordings on mobile devices via the Helix app.

Advanced Broadband Network

We are able to leverage our advanced broadband network, to offer a wide range of advanced services, such as IPTV digital television, VOD, Internet access and wireline telephony services. We are committed to maintaining and upgrading our network capacity and, to that end, we currently anticipate that ongoing capital expenditures will continue to be required to accommodate the evolution of our products and services and to meet the demand for increased capacity.

Focused and Highly Reliable Network Cluster

Our single hybrid fibre coaxial clustered network covers approximately 80% of the Province of Québec's total addressable market and nine of the province's top ten urban areas. We believe that our single cluster network architecture provides many benefits, including a higher quality and more reliable network, the ability to launch and deploy new products and services such as Helix, Club illico and Fizz, and a lower cost structure through reduced maintenance and technical support costs.

Strong, Market-Focused Management Team

We have a strong, market-focused management team that has extensive experience and expertise in a range of areas, including marketing, finance, telecommunications and technology. Under the leadership of our senior management team, we have, among other things, improved penetration of our Internet access service, our subscription-based OTT entertainment service and our mobile telephony services, including through the successful build-out and launch of our mobile telephony network and upgrade to LTE-A and 5G technologies.

Products and Services

We currently offer to our customers wireline services, mobile telephony services, OTT video services and business telecommunications services.

Wireline Services

Our coaxial and fibre-optic network large bandwidth is a key factor in the successful delivery of advanced products and services. Several emerging technologies and increasing Internet usage by our customers have presented us with significant opportunities to expand our sources of revenue. We currently offer a variety of advanced products and services, including Internet access, digital multiplatform television, wireline telephony and selected interactive services.

- *Helix Services.* Our IPTV service, Helix, is based on the Comcast Xfinity X1 platform and is built around voice-controlled assistant technology. Helix offers a smarter and more powerful Wi-Fi coverage, an enhanced TV experience through IP technology, seamless integration of Web content platforms and home automation features. We have also launched two mobile apps for our Helix customers: (i) the Helix Fi app, which lets customers control their home Wi-Fi network, set time restrictions for children's Internet use, quickly and easily disconnect a device from the network and control household smart devices; and (ii) the Helix app, which lets users control their cloud DVR remotely, watch live TV as well as a large quantity of on demand content anytime, anywhere.
- *Internet Access.* Leveraging our advanced cable infrastructure, we offer Internet access to our customers primarily via cable modems. We provide this service at download speeds of up to 400 Mbps to more than 96% of our homes passed. As of December 31, 2020, we had 1,796,800 Internet access customers, representing 60.0% of our total homes passed. Based on internal estimates, we are the largest provider of Internet access services in the areas we serve with an estimated market share of 49.0% as of December 31, 2020.
- *Television.* We currently have installed headend equipment connected to a unified fibre-optic and coax network capable of delivering digitally encoded transmissions to a two-way digital gateway in the customer's home and premises. In accordance with CRTC regulations, we offer a basic package including basic television channels, access to VOD and an interactive programming guide. Furthermore, most of our custom packages include the basic package and audio channels providing digital-quality music. We were the first to extend our digital television offering allowing customers to customize their choices with the ability to choose between custom or pre-assembled packages with a selection of additional channels, including U.S. super-stations and other special entertainment programs. This also offers customers significant programming flexibility including the option of French-language only, English-language only or a combination of French- and English-language programming, as well as many foreign-language channels. As of December 31, 2020, we had 1,475,600 customers for our digital television service, representing 49.3% of our total homes passed.

- *Video-On-Demand.* VOD service enables our customers to rent content from a library of movies, documentaries and other programming through their digital gateway, computer, tablet or mobile phone. Our customers are able to rent their VOD selections for a period of up to 48 hours, which they are then able to watch at their convenience with full stop, rewind, fast forward, pause and replay functionality during their rental period. In addition, customers can resume viewing on-demand programming that was paused on either the television or mobile app offered on the iOS and Android platforms. These applications feature a customizable, intuitive interface that brings up selections of content based on the customer's individual settings and enhances the experience by suggesting personalized themed content. These applications smartly and swiftly highlight any content available from the illico and Helix catalog as well as third party catalogs such as Netflix, and YouTube (provided customers have a subscription with such service), including VOD titles, live television broadcasts or recorded shows, and allow customers to transfer it directly and seamlessly from their mobile devices to their television.
- *Pay-Per-View and pay television channels.* Pay-Per-View is a group of channels that allows our digital customers to order live events, such as sports events, and comedy shows based on a pre-determined schedule. In addition, we offer pay television channels on a subscription basis that allow our customers to access and watch most of the movies available on the linear pay TV channels these customers subscribe to.
- *Wireline Telephony.* We offer wireline telephony service to our residential customers using VoIP technology. As of December 31, 2020, we had 924,700 subscribers to our wireline telephony service, representing a penetration rate of 30.9% of our homes passed.

Club illico

Our subscription-based OTT entertainment service, Club illico, offers a rich and varied selection of unlimited, on-demand French-language content (movies, television shows, children's shows, teen series, documentaries, comedy performances and concerts). In its efforts to offer original content to its customers, Club illico funds the production of series, documentaries, movies and shows for which it holds first window rights, prior to their linear broadcast. Club illico boasts over 592 million viewings since its launch in 2013, making it a key player in the Québec on-demand video entertainment landscape. On November 15, 2017, Videotron launched the Club illico mobile application. As of December 31, 2020, 199,600 customers had downloaded this application.

On December 31, 2020, the Club illico service had 469,700 subscribers.

Mobile Services

We are a key player in the Province of Québec in delivering a range of innovative wireless network technologies and services. Our wireless services are offered under the Videotron and Fizz brands and provide consumers and businesses with the latest wireless devices, services, and applications including: mobile high-speed Internet access; wireless voice and enhanced voice features; device protection; in-store expert advice; text messaging; e-mail; global voice and data roaming; and advanced wireless solutions for businesses.

In 2013, we signed a 20-year agreement with Rogers Communications Inc. ("**Rogers**") for the cooperation and collaboration in the build-out and operation of a shared LTE wireless network in the Province of Québec and the Ottawa region (the "**Rogers LTE Agreement**"). In September 2014, we launched our shared LTE wireless network, with Rogers. We maintain our business independence throughout this agreement, including our product and service portfolios, billing systems and customer data.

We have a total of 130 MHz of mobile spectrum in most regions of Québec and 90 MHz in the Ottawa area, spread across the AWS-1, AWS-3, 600 MHz, 700 MHz and 2500 MHz bands. During 2020, both LTE-A and 5G technologies were deployed in selected areas and will continue to be deployed for the next few years.

As of December 31, 2020, most households and businesses on our cable footprint had access to our advanced mobile services. As of December 31, 2020, there were 1,481,100 lines activated on our wireless network, representing a year-over-year increase of 150,600 lines (11.3%).

Business Telecommunications Services

Videotron Business is a premier full-service telecommunications provider servicing small, medium and large sized businesses, as well as telecommunications carriers. In recent years, we have significantly grown our customer base and have become a leader in the Province of Québec's business telecommunications segment. Products and services include mobile telephony, Internet access, telephony and television solutions, as well as fibre connectivity, private network connectivity, Wi-Fi, managed services and security solutions. The depth of our service offering enables Videotron Business to meet the growing demand from business customers.

We serve customers through a dedicated salesforce and customer service teams with solid expertise in the business market. Videotron Business relies on its extensive coaxial, fibre-optic and LTE -A and 5G wireless networks to provide the best possible customized solutions to all of its customers.

Customer Statistics Summary

The following table summarizes our customer statistics for our suite of advanced products and services:

	As of December 31,				
	2020	2019	2018	2017	2016
	(in thousands of customers)				
Revenue-generating units (RGUs)	6,147.9	6,076.2	5,990.3	5,881.1	5,765.4
Mobile Telephony					
Mobile telephony lines	1,481.1	1,330.5	1,153.8	1,024.0	893.9
Internet					
Internet customers	1,796.8	1,727.3	1,704.5	1,666.5	1,612.8
Penetration ⁽¹⁾	60.0%	58.6%	58.6%	58.0%	56.8%
Television					
Basic customers ⁽²⁾	1,475.6	1,531.8	1,597.3	1,640.5	1,690.9
Penetration ⁽¹⁾	49.3%	51.9%	54.9%	57.1%	59.6%
Digital customers ⁽³⁾	1,475.6	1,531.8	1,597.3	1,640.5	1,587.1
Penetration ⁽⁴⁾	100%	100%	100%	100%	93.9%
Wireline Telephony					
Wireline telephony lines	924.7	1,027.3	1,113.9	1,188.5	1,253.1
Penetration ⁽¹⁾	30.9%	34.8%	38.3%	41.4%	44.1%
Club illico					
Over-the-top video customers	469.7	459.3	420.8	361.6	314.7
Homes passed⁽⁵⁾	2,994.7	2,950.1	2,907.9	2,873.7	2,839.3

(1) Represents customers (or telephony lines) as a percentage of total homes passed.

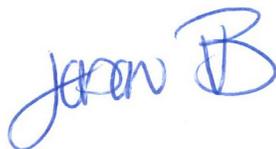
(2) Basic customers are customers who receive basic television service in either the analog or digital mode and IPTV services.

(3) At the end of 2017, substantially all subscribers to the analog television service had migrated to digital service.

(4) Represents customers for the digital service as a percentage of basic customers.

(5) Homes passed means the number of residential premises, such as single dwelling units or multiple dwelling units, and commercial premises passed by our wireline distribution network in a given cable system service area in which the programming services are offered.

This is **Exhibit EQ-2** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

**Reporting Guide for the
2020 Aggregated Broadcasting Distribution
Undertakings (BDU) Annual Return Form
*Public version***

1. This aggregated annual return form is required to be filed with the Commission each year by the 30 November. Upon receipt of the aggregate financial data, the Commission will post such data on its own website.

2. For ownership groups with interests in both cable and direct-to-home (DTH) satellite distribution, separate group-level aggregate forms must be completed for each.

3. All financial amounts should be reported in thousands of dollars. (\$000)

4. The amount to be entered in each of the applicable cells on this aggregated form is the aggregate of the individual amounts entered in the corresponding cells in the annual return(s) for the BDU systems within the ownership group. Where an amount entered in a cell on this aggregated form does not equal the sum of the corresponding amounts for all of the annual returns of the ownership group, please provide an explanation.

5. Broadcasting Order 2009-544 specifies the annual financial information required by the Commission for exempt undertakings. This aggregate return should include financial information for all exempt BDUs together with the information for all non-exempt BDUs.

6. Broadcasting Regulatory Policy CRTC 2009-560 requires identification of all undertakings used in the compilation of the aggregate return (see paragraph 38).

Ownership group : Bragg Communications Inc.

Summary of revenues and expenses

Public version

For year ended August 31, 2020

Aggregate (exempted and non-exempted systems) - Canada

TOTAL SUBSCRIBERS: BASIC AND NON-BASIC SERVICES (amount reported on line 6 of page iii) 282826

(\$000)

	Basic and Non-Basic Services	Exempt Programming Services	Non-Programming Services	Total All Services
Revenue				
1 Subscription				
2 Connection (installation & reconnect)				
3 Community channel sponsorship				
4 Community channel facilities rental				
5 Set-top Box - Rental				
6 Set-top Box - Net Sales				
7 Channel placement/carriage				
8 Other revenue				
9 Total Revenue	\$267,881	\$467	\$435,493	\$703,840
Operating Expenses				
10 Community programming				\$5,376
11 Locally reflective news programming				\$0
12 Affiliation payments (amount reported on line 3 of page iii)				\$131,021
13 Technical				\$78,955
14 Sales and promotion				\$19,942
15 Administration and general				\$67,038
16 Total Operating Expenses	\$179,793	\$0	\$122,539	\$302,332
17 Operating Income	\$88,087	\$467	\$312,954	\$401,508
18 Depreciation				\$162,244
19 Profit before interest and tax (PBIT)				\$239,264
20 Interest				\$38,703

GROSS REVENUE FROM EXEMPT PROGRAMMING & NON-PROGRAMMING SERVICES

	Licensee Revenue	Affiliate Entity Revenue	Total Revenue
EXEMPT PROGRAMMING			
21 Classified advertising			
22 Teleshopping/general services			
23 Infomercials			
24 Games services			
25 Other exempt			
26 Total exempt programming (amount reported on line 9, col. 2, above)	\$467	\$0	\$467
NON-PROGRAMMING SERVICES			
27 Internet access services			
28 Telephony			
29 Other telecommunications services (incl. security)			
30 Other (specify)			
31 Total non-programming services (amount reported on line 9, col. 3, above)	\$435,493	\$0	\$435,493

Please use the space provided below to supply any comments, explanations, methodological notes, qualifiers or other important information about the data you have supplied on this form.

Employment information and summary of fixed assets

Public version

For year ended August 31, 2020

Aggregate (exempted and non-exempted systems) - Canada

(\$000)

EMPLOYMENT INFORMATION

Total Remuneration	Programming	Technical	Sales	Administration and general	Total
1 Salaries and Wages (include sales commissions and talent fees paid to employees), fringe benefits and director's fees					
2 Average number of employees (the typical weekly total of full & equivalent part time employees)					1,197.00
3 Fringe benefits (included in line 1 above)					

SUMMARY OF FIXED ASSETS

4 Historical cost of assets in use at the end of the broadcast year	\$3,143,977
5 Total accumulated depreciation at the end of the broadcast year	\$2,402,052
6 Additions to fixed assets during the broadcast year	\$123,636
7 Write-downs to fixed assets during the broadcast year	\$1,998

Please use the space provided below to supply any comments, explanations, methodological notes, qualifiers or other important information about the data you have supplied on this form.

Line 7 would be the original value of the assets disposed of and does not take into consideration accumulated depreciation

Affiliation payments and subscribers

Public version

For year ended August 31, 2020

Aggregate (exempted and non-exempted systems) - Canada

		(\$000)
Affiliation payments summary	Number of subscribers	Affiliation payments
Discretionary Services		
1 Canadian discretionary services	272254	\$107,853
2 Non-Canadian discretionary services	10572	\$23,168
3 Total affiliation payments		\$131,021
Distribution		
4 Number of direct subscribers to basic services	272254	
5 Number of indirect subscribers to basic services	10572	
6 Total number of direct and indirect subscribers to basic services (amount reported on the top of page i)	282826	
Subscribers and revenue by distribution type	Number of Subscribers	Basic and Non-basic revenues
7 Analog cable	6172	
8 Digital cable	276654	\$267,881
IPTV		
9 Application based		
10 Set-top-box based		
11 Total - IPTV		
12 Other		
13 Total - Subscribers and revenue by distribution type (subscribers must equal the total number reported on line 6 above)	282826	\$267,881
Supplemental subscriber information - by average monthly bill (excluding taxes and equipment)	Number of subscribers	Basic and non-basic revenues
14 \$25 or less		
15 \$25.01 - \$50		
16 \$50.01 - \$100		
17 More than \$100		
Total - Subscribers and revenue by average monthly bill (subscribers and revenue must equal to the totals reported on line 13 above)	272255	
Internet		
Cable modem or satellite		
19 Number of subscribers to high speed internet access services	This Company	Affiliate
20 Revenues from high speed internet access services		
Telephone		
21 Number of subscribers to telephone services via broadcast distribution		
22 Revenue from telephone services via broadcast distribution		

Please use the space provided below to supply any comments, explanations, methodological notes, qualifiers or other important information about the data you have supplied on this form.

REPORTING SUMMARY FOR COMBINED UNDERTAKINGS*Public version*

For year ended August 31, 2020

Aggregate (exempted and non-exempted systems) - Canada

		(\$000)			
	Number of Subscribers basic service (#)	Total Basic and Non-Basic Revenue (\$)	Exempt Programming Revenue (\$)	Non programming Revenue (\$)	Total All Services Revenue (\$)
Total: non exempted systems					\$142,381
Total: exempted systems					\$561,458
Total: all systems*	282826	\$267,881	\$466	\$435,492	\$703,839

Please use the space provided below to supply any comments, explanations, methodological notes, qualifiers or other important information about the data you have supplied on this form.

Financial contributions to the creation and production of Canadian programming

Public version

For year ended August 31, 2020

Aggregate (exempted and non-exempted systems) - Canada

Gross revenues earned from broadcasting activities in the previous broadcast year		
1	Total basic and non-basic revenue	\$275,903
2	Total exempt programming revenue	
3	Other	
4	Total	\$275,903
Contributions to Canadian Programming		
5	Contributions to the Canadian Media Fund for the broadcast year ending 31 August	\$1,249
6	Contributions to certified independent production funds for the broadcast year ending 31 August	\$312
7	Total contributions to Canadian programming	\$1,561
Contributions to Local Expression		
Community programming on the licensee's own community services		
8	Direct expenses excluding depreciation	\$4,513
9	Depreciation expenses	\$331
10	Sub-total	\$4,845
11	Indirect expenses	\$1,823
12	Total - Contributions to the licensee's own community services	\$6,667
Community programming in other areas operated by the licensee - transfers to:		
13	Other licensed system	
14	Exempt systems with more than 2,000 subscribers; and	
15	Other exempt systems	
16	Total - Community programming in other areas operated by the licensee	\$0
17	Locally reflective news programming	
18	Total contributions to local expression	\$6,667
19	Contributions to a community programming undertaking	
20	Total contributions to Canadian programming, local expression and a community programming undertaking	\$8,228
21	Contributions to the Independent Local News Fund for the broadcast year ending 31 August	\$ 146

Please use the space provided below to supply any comments, explanations, methodological notes, qualifiers or other important information about the data you have supplied on this form.

Community Programming Statistical and Financial Summary

Public version

For year ended August 31, 2020

Please report the aggregate results for all systems in Canada

Beginning in the broadcast year 1 September 2011, Broadcasting Regulatory Policies 2010-622 and 2010-622-1 require each BDU that operates a community channel to file the following information. Further information on specific items can be found in CRTC 2010-622, 2010-622-1 and 2011-753.

Number of community services

1	English	6
2	French	0
3	Bilingual	0
4	Total	6

SUMMARY OF CONTRIBUTIONS AND EXPENSES

Contributions		(\$000)
5	Financial contributions from gross broadcasting revenues	\$8,771
6	Amount transferred/received from other systems	
7	Community services sponsorship revenue	\$227
8	Donations and other	
9	Total Contributions	\$8,998
Operating Expenses		
10	Programming	\$4,513
11	Technical	
12	Sales and promotion	
13	Administration and General	\$1,823
14	Total Operating Expenses	\$6,336
15	Operating Surplus (Deficit)	\$2,662
16	Depreciation	\$331
17	Community Service Surplus (Deficit)	\$2,331
18	Total Direct Expenses	\$4,513
19	Total Indirect Expenses (including depreciation)	\$2,154
20	Total Expenses and Depreciation	\$6,667

PROGRAMMING SUMMARY

	Hours	Expenses
21	Licensee produced (non-access programming)	1417.00
22	Local community produced (access programming)	3165.10
23	Produced by TVC's & independent community services (access programming)	0.00
24	Programs from other licensees (non-access programming)	1827.80
25	Local alphanumeric public service messages	1944.20
26	Other (specify below)	362.40
27	Total	8716.50

SUMMARY OF VOLUNTEER ACTIVITIES FOR THE REPORTING YEAR

28	Total number of individual volunteers	2244
29	Total number of hours worked by volunteers	9610
30	Total number of hours of training received by volunteers	699
31	Total volunteer training expenses	\$0

COMMUNITY OUTREACH EXPENSES

32	Total Expenditures on Community Outreach (Community Outreach statistics are contained on Form 1025)	
----	--	--

Note: The hours of programming reported on lines 21 to 26 should only reflect hours of original programming.

Please use the space provided below to supply any comments, explanations, methodological notes, qualifiers or other important information about the data you have supplied on this form.

Report on Access Programming

Public Version

For year ended August 31, 2020

Please report the aggregate results for all systems in Canada

Note: Please see revised definition and criteria for Access Programming in the appendix to Broadcasting Regulatory Policy 2010-622-1.

Statistical Information

Community outreach initiatives

- 1 Number of meetings with the public
- 2 Communication tools used to promote access opportunities (e.g., billing inserts, website, on-air announcements, participation at community events, visits to schools/colleges/universities, social media)
- 3 Number of training sessions offered to volunteers

347
<i>Website, on air announcements, participation at community events, social media, e-newsletter, notice board, bill inserts, school visits, emails, flyers, sandwich board, meetings with partners, volunteers/public</i>
135

Access programming initiatives

- 4 Number of hours of access programming broadcast during broadcast day
- 5 Number of hours of access programming broadcast during peak hours
- 6 Percentage of access programming broadcast

3890.79
2217.98
55

Access programming available on other platforms

- 7 Number of hours of access programming available on video-on-demand (VOD), website, etc.

435

Official Language Minority Communities

- 8 Number of requests for access programs received from Official Language Minority Community (OLMC) groups or members.
- 9 Number of hours of official language minority programming broadcast

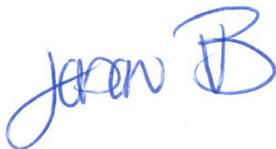
7
88.5

Note: Attachments may be included. Any attached information will also be placed on the Commission Website

Please use the space provided below to supply any comments, explanations, methodological notes, qualifiers or other important information about the data you have supplied on this form.

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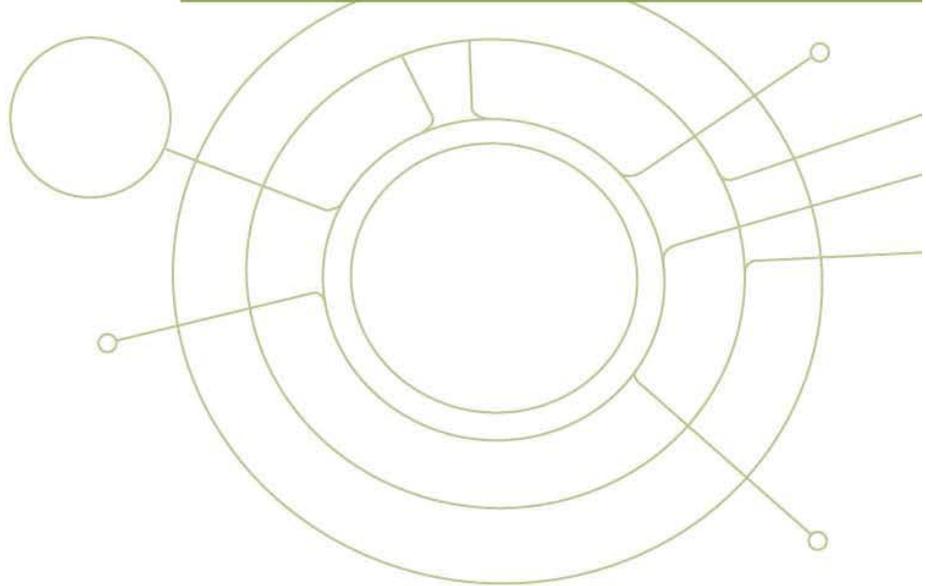
This is **Exhibit EQ-3** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



COMMUNICATIONS MONITORING REPORT



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Table 2.4 Retail Internet service revenue (\$ millions)

Type	Subtype	2015	2016	2017	2018	2019	Growth (%) 2018-2019	CAGR (%) 2015-2019
Residential	Access	7,265	8,091	8,804	9,429	10,039	6.5	8.4
	Applications, equipment, and other Internet-related services	210	289	314	376	459	22.1	21.6
	Total	7,475	8,380	9,118	9,805	10,498	7.1	8.9
Business	Access and transport	1,394	1,442	1,502	1,576	1,894	20.2	8.0
	Applications, equipment, and other Internet-related services	380	356	347	385	438	13.6	3.6
	Total	1,774	1,798	1,849	1,961	2,332	18.9	7.1
All	Total	9,249	10,178	10,967	11,765	12,830	9.0	8.5

Source: CRTC data collection

The majority of Canadian households (91.6%) are subscribing to Internet services. Canadians continue to use more data, subscribe to faster, larger packages and allocate more money to Internet access services.

In 2019, fixed Internet revenues grew by 9.0% and subscriptions grew by 5.7%. From 2015 to 2019, fixed Internet revenues grew by an average annual rate of 8.5%.

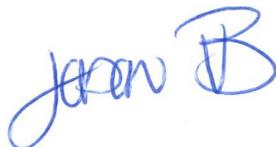
In 2019, Internet services were provided by a variety of Internet service providers (ISPs), including incumbent TSPs, cable-based carriers, other facilities-based carriers, fixed wireless service providers, and wholesale-based service providers. The number of residential subscribers reached 13.8 million, a 4.7% increase from 2018 and more than three times the population growth rate. Cable-based carriers and incumbent TSPs accounted for the majority of subscribers (85.1%), while other entities accounted for 14.9%, up from 12.0% in 2015.

Canadians are increasingly subscribing to faster Internet services. Subscriptions to services with download speeds slower than 50 Mbps represented 80.8% of the total in 2015 compared to 38.4% in 2019, while subscriptions to services including speeds of 100 Mbps and higher increased from just 8.0% of residential high-speed subscriptions in 2015 to 41.7% in 2019.

Canadians are also using more data. The average monthly data amounts downloaded by residential subscribers increased on average by 27.5% annually from 2015 to 2019, and by 27.4% from 2018 to 2019 to 245.6GB per month. Average upload amounts also increased by 17.8% in 2019, reaching approximately 19.6GB per month.

Fibre deployment continued in 2019, with the availability of fibre-to-the-home (FTTH) increasing from 44.0% to 44.7% (2018 to 2019) of households. These deployments were mainly in large urban areas.

This is **Exhibit EQ-4** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

TekSavvy Heads West Bringing Real Choice to Consumers in Manitoba, Alberta, B.C. and Saskatchewan



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Mar 28, 2019, 08:00 ET

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Internet Service Provider Taking Its Unique Brand of Affordable Pricing and Contract Freedom to More Canadians

CHATHAM, ON, March 28, 2019 /CNW/ - TekSavvy Solutions Inc., Canada's largest independent internet service provider, today announced the launch of its high-speed internet services into Western Canada including Manitoba, Saskatchewan, Alberta and B.C.

"This westward expansion brings TekSavvy's award-winning, customer-first internet services to even more Canadian homes," says Marc Gaudrault, TekSavvy's founder and CEO. "Consumers want real choice and competition and we're happy to provide that with lower prices and more bandwidth."

"TekSavvy has been proudly serving Canadians for 20 years," says Gaudrault. "We have an award-winning track record for the quality of our service and our commitment to fighting for Canadians' rights online."

Customers looking for an alternative to the big guys can now choose from 4 different high-speed cable internet service packages starting at \$23.95 per month. Offering speeds up to 150Mbps and unlimited usage, TekSavvy has a value option for everyone.

"Western Canadians will find TekSavvy has a solution that fits their household needs, at a fair price," says Gaudrault. "With TekSavvy, consumers tell us what they want and we work to provide it for them - always free from long term contracts."

About TekSavvy

TekSavvy has been proudly serving Canadians with reliable telecom services for more than 20 years and has won numerous awards for the quality of its service and for its commitment to fighting for consumers' rights online. With offices in Chatham, Ontario and Gatineau, Quebec TekSavvy is Canada's largest independent telecom service company with over 300,000 customers from coast to coast.

SOURCE TekSavvy Solutions Inc.

For further information: John Settino, 416-662-2955, Or Trevor Campbell, 647-201-5409, The iPR Group, media.relations@teksavvy.ca

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This is **Exhibit EQ-5** in support of the
Affidavit of Erone Quek,
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 TekSavvy is monitoring the COVID-19 situation carefully. [Learn More >](#)

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FOR IMMEDIATE RELEASE

TekSavvy selects Ciena for deployment of new broadband infrastructure through Southwestern Ontario

ISP's long haul fibre network between Toronto and Windsor to be powered by Ciena's turnkey optical solutions



January 14, 2021. Chatham, Ontario. TekSavvy Solutions Inc. (TekSavvy), Canada's largest independent Internet service provider (ISP), today announced an agreement with Ciena to utilize its best-in-class optical solutions as the ISP completes its long-haul transport network between Toronto and Windsor. TekSavvy's 600km fibre ring includes 18 new and established points of presence in major markets throughout Southwestern Ontario.

This agreement will support TekSavvy's ongoing investments in its LTE and FTTH facilities, as well as its deployment of disaggregated wholesale services across the region. The announcement forms part of TekSavvy's ambitious 5-year investment plan aimed at improving access to, and competitive choice for, high-speed broadband services. With earmarked capital investment totaling over \$250 million, including over \$100 million for network infrastructure, TekSavvy intends to connect over 60,000 residences and businesses and to bring competitive choice for fibre internet service to communities in the region. TekSavvy will deploy Ciena's optical solutions during the first 6 months of 2021.

"It is crucial that TekSavvy invests in our long-haul routes back to major centers like Toronto and Windsor, as we build out facilities in Southwestern Ontario and transition to a disaggregated wholesale service," said Charlie Burns, TekSavvy's Chief Technology Officer. "Ciena's world-class optical technology will play a crucial role in ensuring TekSavvy is delivering the best-in-class fibre connectivity for our residential and business customers" he added.

TekSavvy is deploying Ciena's coherent optical flexible grid solution. The solution uses the 6500 Packet-Optical Platform powered by WaveLogic coherent optics that can scale to 400G and beyond. This will enable TekSavvy's network to scale for high bandwidth applications using minimal hardware, driving improved network economics.

Ciena's Manage, Control and Plan domain controller will provide end-to-end lifecycle operations that will unify network and service management and online network planning through software-defined control.

"TekSavvy's goal of bringing true competitive choice in super-fast fibre internet for its customers will be underpinned by Ciena solutions which support bandwidth growth and reduce cost per bit," said Eric Danielson, Vice President of Regional Sales for North America at Ciena.

About TekSavvy

TekSavvy has been proudly serving Canadians award-winning telecom services and fighting for consumers' rights for more than 20 years. TekSavvy is committed to providing quality competitive choice and closing the digital divide in Canada. With over \$250 million of planned broadband infrastructure investments by 2026, TekSavvy will continue to better connect underserved Canadians. TekSavvy has offices in Chatham, Ontario and Gatineau, Quebec and is Canada's largest independent telecom service company serving over 300,000 customers from coast to coast.

For more information contact:

Trevor Campbell,
The iPR Group 647-201-5409

John Settino,
The iPR Group 416-662-2955

media.relations@teksavvy.ca



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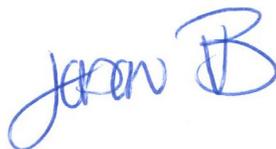
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Tek Savvy
DIFFERENT. IN A GOOD WAY.

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This is **Exhibit EQ-6** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
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Cleanfeed Canada

An undertaking of the [Canadian Coalition Against Internet Child Exploitation \(CCAICE\)](#), Cleanfeed Canada blocks customer access to non-Canadian websites that are hosting child pornography. The purpose is to reduce Canadian's exposure to child abuse images and create a disincentive for those who access and distribute child pornography.

FAQ

How does Cleanfeed Canada work?

Cybertip.ca receives complaints from Canadians regarding websites potentially hosting child pornographic images. Child pornography websites meeting the necessary criteria for Cleanfeed are amassed on the Cleanfeed Canada distribution list. Cybertip.ca provides that list in a secure manner to participating ISPs (participation is voluntary). The ISPs' filters automatically prevent access to addresses on the list. There is essentially no "human" intervention on the part of participating ISPs. ISPs do not have input into creating the list nor knowledge of what is contained on it.

How does Cybertip.ca amass the URL list?

Does the system filter legitimate, non-child pornography sites?

Are people able to tell which addresses are filtered under this system? Should they be able to do so?

Are blocked sites limited to those outside Canada?

What authority does Cybertip.ca have to access child pornography and how is it held accountable?

How do ISPs justify blocking content without a court order?

Will the police have access to, or be able to obtain through warrant, traffic logs identifying customers who have tried to access sites on the Cleanfeed Canada list?

What is the appeal process?

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Appeal Process

If any party responsible for the hosting, content or design of material, or any person who seeks access to a URL stored within the Blocking List maintained by Cybertip.ca for the purpose of Cleanfeed Canada complains, appeals or makes representation about the accuracy of the content assessment then the

following procedures would apply:

1. The matter will be referred to the Director of Cybertip.ca who will be personally responsible for compliance with the reassessment process.
2. The Director will record the complaint and can delegate the reassessment to the tipline's Supervisor providing the Supervisor wasn't party to the original decision. If that were the case then the Director will conduct the reassessment process herself/himself.
3. The relevant manager (either the Supervisor or the Director) will revisit the URL and reassess the content and consider any evidence retained from the original process to determine if the URL should remain on the Blocking List or not.
4. If the relevant manager performing the review described in section 3 is not sure if the URL should remain on the Blocking List or not, then the relevant manager will request a second opinion from their own Line Manager. If there is no consensus then a final further opinion will be sought from next most senior Line Manger.
5. If, after due consideration by all Cybertip.ca individuals involved in accordance with the above procedure, it is determined the URL should remain on the Blocking List, the complainant will be informed accordingly.
6. If after consideration by all Cybertip.ca individuals involved, it is determined the URL should not remain on the Blocking List, the URL will be removed from the Blocking List and all participating members will be notified of its withdrawal and the complainant will be informed of the decision.
7. If the complainant appeals the reassessment set out in paragraph 5, Cybertip.ca will seek an independent judgment of the URL from the National Child Exploitation Coordination Centre. Its decision will be final.

Participating ISPs



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Cleanfeed Canada

An undertaking of the [Canadian Coalition Against Internet Child Exploitation \(CCAICE\)](#), Cleanfeed Canada blocks customer access to non-Canadian websites that are hosting child pornography. The purpose is to reduce Canadian's exposure to child abuse images and create a disincentive for those who access and distribute child pornography.

FAQ

+ How does Cleanfeed Canada work?

- How does Cybertip.ca amass the URL list?

Cybertip.ca receives complaints from Canadians regarding websites potentially hosting child pornographic images. Once in receipt, analysts assess and validate the reporting person's information. Reports deemed potentially illegal are forwarded to the appropriate law enforcement jurisdiction. Child pornography websites meeting the necessary criteria are amassed on the Cleanfeed Canada distribution list which is pulled automatically by participating ISPs.

+ Does the system filter legitimate, non-child pornography sites?

+ Are people able to tell which addresses are filtered under this system? Should they be able to do so?

+ Are blocked sites limited to those outside Canada?

+ What authority does Cybertip.ca have to access child pornography and how is it held accountable?

+ How do ISPs justify blocking content without a court order?

+ Will the police have access to, or be able to obtain through warrant, traffic logs identifying customers who have tried to access sites on the Cleanfeed Canada list?

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INTERNATIONAL ASSOCIATION OF INTERNET HOTLINES
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Appeal Process

If any party responsible for the hosting, content or design of material, or any person who seeks access to a URL stored within the Blocking List maintained by Cybertip.ca for the purpose of Cleanfeed Canada complains, appeals or makes representation about the accuracy of the content assessment then the following procedures would apply:

1. The matter will be referred to the Director of Cybertip.ca who will be personally responsible for compliance with the reassessment process.
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FAQ

- + How does Cleanfeed Canada work?**
- + How does Cybertip.ca amass the URL list?**
- Does the system filter legitimate, non-child pornography sites?**

The system is built to only prevent access to Internet addresses specifically containing child pornography images. A minimum of two analysts must review content and approve the URL before submission. Other automated checks are also performed to ensure the integrity and accuracy of information on the list.

Additionally, while the child pornography provisions under the *Criminal Code* concern children under 18, the tipline only adds URLs displaying images of prepubescent children that fall within the definition of child pornography in Canada.
- + Are people able to tell which addresses are filtered under this system? Should they be able to do so?**
- + Are blocked sites limited to those outside Canada?**
- + What authority does Cybertip.ca have to access child pornography and how is it held accountable?**
- + How do ISPs justify blocking content without a court order?**
- + Will the police have access to, or be able to obtain through warrant, traffic logs identifying customers who have tried to access sites on the Cleanfeed Canada list?**
- + What is the appeal process?**

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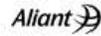
Appeal Process

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Cleanfeed Canada

An undertaking of the [Canadian Coalition Against Internet Child Exploitation \(CCAICE\)](#), Cleanfeed Canada blocks customer access to non-Canadian websites that are hosting child pornography. The purpose is to reduce Canadian's exposure to child abuse images and create a disincentive for those who access and distribute child pornography.

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FAQ

- How does Cleanfeed Canada work?
 - How does Cybertip.ca amass the URL list?
 - Does the system filter legitimate, non-child pornography sites?
 - Are people able to tell which addresses are filtered under this system? Should they be able to do so?
- No. When the URL is launched, a standard message is returned indicating the Internet address is not accessible. The purpose of this initiative is to reduce accidental access, not to highlight problematic content.
- Are blocked sites limited to those outside Canada?
 - What authority does Cybertip.ca have to access child pornography and how is it held accountable?
 - How do ISPs justify blocking content without a court order?
 - Will the police have access to, or be able to obtain through warrant, traffic logs identifying customers who have tried to access sites on the Cleanfeed Canada list?
 - What is the appeal process?

Appeal Process

If any party responsible for the hosting, content or design of material, or any person who seeks access to a URL stored within the Blocking List maintained by Cybertip.ca for the purpose of Cleanfeed Canada complains, appeals or makes representation about the accuracy of the content assessment then the following procedures would apply:

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3. The relevant manager (either the Supervisor or the Director) will revisit the URL and reassess the content and consider any evidence retained from the original process to determine if the URL should remain on the Blocking List or not.
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FAQ

+ How does Cleanfeed Canada work?

+ How does Cybertip.ca amass the URL list?

+ Does the system filter legitimate, non-child pornography sites?

+ Are people able to tell which addresses are filtered under this system? Should they be able to do so?

- Are blocked sites limited to those outside Canada?

Yes. Only those URLs hosted outside Canada are added to the database. Law enforcement proceed with their normal course of investigation for those sites hosted within Canada. IP address lookup software is used to automatically exclude Canadian URLs.

+ What authority does Cybertip.ca have to access child pornography and how is it held accountable?

+ How do ISPs justify blocking content without a court order?

+ Will the police have access to, or be able to obtain through warrant, traffic logs identifying customers who have tried to access sites on the Cleanfeed Canada list?

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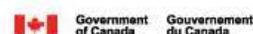
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- Are blocked sites limited to those outside Canada?
- What authority does Cybertip.ca have to access child pornography and how is it held accountable?

In its establishment, Cybertip.ca was mandated by Manitoba's Attorney General to accept reports from the public about the sexual exploitation of children on the Internet. In adherence to policies and procedures approved by the National Law Enforcement Steering Committee and Justice Manitoba, Cybertip.ca analysts obtained Special Constable Status in and for the Province of Manitoba for the purpose of carrying out their respective duties. Letters of support were received from various Attorneys General and the Deputy Prime Minister of Canada. In May 2004, the Government of Canada announced Cybertip.ca as Canada's national tipline for the public to report online child sexual exploitation. Cybertip.ca was officially launched in January 2005.

Cybertip.ca is a national program owned and operated by the Canadian Centre for Child Protection Inc., a registered charitable organization overseen by a broadly representational Board of Directors.

- How do ISPs justify blocking content without a court order?
- Will the police have access to, or be able to obtain through warrant, traffic logs identifying customers who have tried to access sites on the Cleanfeed Canada list?
- What is the appeal process?

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- + Are people able to tell which addresses are filtered under this system? Should they be able to do so?
- + Are blocked sites limited to those outside Canada?
- + What authority does Cybertip.ca have to access child pornography and how is it held accountable?
- How do ISPs justify blocking content without a court order?

ISPs do not consider themselves qualified to determine the legality of content. The *Criminal Code* allows a judge to make such legal determinations for child pornography content on the Internet, and to issue take-down orders if such content is hosted in Canada. ISPs follow this legislation and rely on the courts for direction. There is no such legislation for child pornography content hosted outside of Canada, so filtering access based on the Cybertip.ca list is an effective way to deal with such foreign content.

Cybertip.ca is recognized by the federal government, provincial governments and domestic law enforcement agencies for its expertise in assessing the likely illegality of alleged child pornography online.

- + Will the police have access to, or be able to obtain through warrant, traffic logs identifying customers who have tried to access sites on the Cleanfeed Canada list?
- + What is the appeal process?

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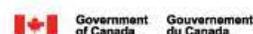
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- Are blocked sites limited to those outside Canada?
- What authority does Cybertip.ca have to access child pornography and how is it held accountable?
- How do ISPs justify blocking content without a court order?
- Will the police have access to, or be able to obtain through warrant, traffic logs identifying customers who have tried to access sites on the Cleanfeed Canada list?

No. The system has been deliberately designed to NOT log traffic to the filtered sites on the Cleanfeed Canada list. This initiative is NOT an investigative tool for law enforcement.
- What is the appeal process?

Appeal Process

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- What is the appeal process?

In the rare event that a site with no illegal content is mistakenly blocked, an appeal process is in place to address the situation. The customer or content owner would contact their ISP with a complaint regarding their site being inaccessible. Upon receipt, the ISP will determine if the issue concerns a site included on the Cleanfeed Canada list.

Once Cybertip.ca receives the complaint from an ISP (or directly from a content owner), the material is reassessed. As a final check point, Cybertip.ca may seek independent judgment of the content from a national law enforcement entity. Its decision is final as to whether the URL remains on the list.

The appeal process is modeled after the UK's Internet Watch Foundation system for addressing complaints arising through the BT Cleanfeed filtering initiative. Since November 2006, Cybertip.ca has received two appeals, neither of which were ever on the Cleanfeed list.

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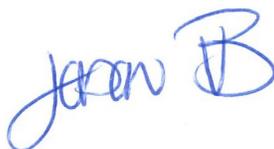
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This is **Exhibit EQ-7** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

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Chapman University - The George L. Argyros School of Business & Economics

Michael D. Smith

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Rahul Telang

Carnegie Mellon University - H. John Heinz III School of Public Policy and Management

Date Written: March 2018

Abstract

Understanding the relationship between copyright policy and consumer behavior is an increasingly important topic for both rights holders and policymakers. In this paper we study how consumer behavior changes when Internet Service Providers are required to block access to major piracy websites. We do this in the context of three court-ordered events affecting consumers in the UK: A blocking order directed at The Pirate Bay in May 2012, a blocking order directed at 19 major piracy sites in November 2013, and a blocking order aimed at 52 different piracy sites in 2014. Our results show that blocking a single site—The Pirate Bay—only caused a small reduction in total piracy and no increase in usage of legal sites. Instead, consumers seemed to turn to other piracy sites or Virtual Private Networks that allowed them to circumvent the block. In contrast, blocking 19 different major piracy sites caused a meaningful reduction in total piracy and subsequently led former users of the blocked sites to increase their usage of paid legal streaming sites such as Netflix by 11% on average. Similarly, blocking 52 sites in 2014 caused treated users to increase their usage of legal subscription sites by 10% and legal ad-supported streaming sites by 11.5%. These results are heterogeneous across groups such that users who have not yet formed a strong tie to either legal or piracy channels are the most likely to be impacted by the blocks.

Keywords: Piracy, regulation, digital distribution, motion picture industry, natural experiment

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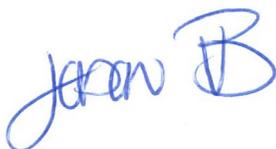
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Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

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Website Blocking Revisited: The Effect of the UK November 2014 Blocks on Consumer Behavior

23 Pages

Posted: 19 Apr 2016

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Date Written: April 18, 2016

Abstract

Whether and how copyrights should be enforced in the digital age has become an important policy question and an important question for empirical research. In a prior study, we found that the court ordered blocking of the Pirate Bay website in the UK in April 2012 had only a small impact on total piracy and no impact on paid legal streaming, but that the blocking of 19 major piracy websites in November 2013 caused a significant decrease in total piracy and a significant increase in usage of paid legal streaming sites.

In this update, we ask whether the blocking of 53 piracy websites in the UK in November 2014 — which more than doubled the total number of sites being blocked in the country — had an impact on consumer behavior and how that impact compared to the previous blocks. We found that these blocks caused a 90% drop in visits to the blocked sites while causing no increase in usage of unblocked sites. This led to a 22% decrease in total piracy for all users affected by the blocks (or a 16% decrease across all users overall). We also found that these blocks caused a 6% increase in visits to paid legal streaming sites like Netflix and a 10% increase in videos viewed on legal ad-supported streaming sites like BBC and Channel 5.

The evidence suggests that blocking large numbers of sites can still “move the dial” in terms of consumer behavior, but that there may be diminishing returns as remaining pirates may be more dispersed or else have lower willingness to pay for legal content. Nonetheless, such blocks can serve to mitigate the possibility of a long-term return to the prior status quo.

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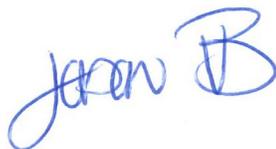
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solemnly affirmed before me, through videoconference,
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in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

MPA Study on Site Blocking Impact in South Korea

EXECUTIVE SUMMARY

In 2014 and 2015, at the request of rights holders, the Korean Communications Standards Commission (KCSC) authorized blocks targeting a total of 106 infringing sites including 77 peer-to-peer (P2P) downloading sites during August 2014 (Wave 1), November 2014 (Wave 2), and June 2015 (Wave 3).

This study assesses the impact of site blocking in those three waves on two levels: Level 1 investigates user activity at blocked sites and Level 2 investigates user activity at all sites used for piracy.

The Level 1 impact was clear: visits to blocked sites had declined on average 90% as of three months after a block (97% after Wave 1, 93% after Wave 2 and 79% after Wave 3).¹

The 2014/2015 site blocking achieved wider impact on piracy (Level 2) after the third block.

- Total visits to piracy sites² declined following each wave of site blocking, with the greatest decline after Wave 3, as measured three months after the block compared to one month prior to the block.
- Significance testing confirms a 15% decrease in total piracy visits after Wave 3 (at a 95% confidence level), the wave with the largest number of sites blocked (62). This test compared the average of visits in the months before all three waves to the months after each wave.³
- The decline in total piracy site visits was driven by P2P, the most heavily blocked category (77 sites across all three waves); visits to P2P sites showed a 51% decline as of three months after Wave 3, compared to one month before.

Note that this impact assessment covers both PC and mobile platforms.

- In July 2014, one month before the first block, the percent of unduplicated PC audience accessing blocked sites (15.5%) exceeded that for mobile (4.9%).
- Based on the list of sites measured, South Korean users on both PC and mobile platforms concentrated their activity at P2P sites: more than 60% of all piracy visits occurred at P2P sites as of one month prior to the block.

¹ The decline in visits after Wave 3 was limited by continued access to tvzil.com, which was accessible due to technical limitations.

² See Appendix B for a summary of the data source and site list development.

³ A two sample t-test for statistical significance was implemented to calculate upper and lower limits for the average trend in total piracy audience, using a 95% confidence interval from the *t* distribution.

BACKGROUND

Introduction: Site blocking refers to efforts by Internet Service Providers (ISPs) to block internet users' access to infringing websites, usually in response to legislation or a court order requiring the action. While the immediate and obvious intended effect of a site blocking action is to reduce use of the blocked site(s), including through workarounds (Level 1), the broader objective is to reduce use of piracy sites within the affected category (e.g. peer-to-peer) and overall (Level 2), so that users do not simply migrate from one form of piracy to another, and more importantly, to cause an increase in use of legal sites (Level 3).

To develop a site blocking program with the greatest potential impact the actions should be both broad enough to include the most popular sites and persistent, where many infringing sites are targeted in waves so that users searching for alternatives reach other pirate sites that have also been blocked. In addition, participating ISPs should represent a majority of the online population.

Prior Research: Published research has confirmed the impact of site blocking on user behavior. A study by Danaher, Smith and Telang concluded that the U.K. site blocking effort targeting 19 sites in October 2013 led to an increase in legal consumption by U.K. users of the blocked sites.⁴ Users of the blocked sites increased their usage of legal streaming sites by 12% in the three months following the blocks, findings consistent with earlier research noting an increase in legal site usage after the Megaupload site was shut down.⁵ The effect on legal sites was not confirmed for the 2012 site block against a single site, ThePirateBay, leading Danaher, et al to conclude that it is the persistent blocking of a number of piracy sites that will cause users of the blocked sites to migrate to legal channels.

Objective of This Study: The Korean Communications Standards Commission (KCSC) authorizes regular blocks targeting sites with copyright-infringing and other content (e.g., pornography). Requests from rights holders are reviewed semiannually by KCSC, as mandated by South Korean copyright law. From August 2014 through June 2015, KCSC authorized blocks applying to all ISPs, including fixed line and mobile, targeting a total of 106 infringing sites, which included 77 peer-to-peer (P2P) sites. Blocking orders were implemented for 18 sites in August 2014 (Wave 1), for 26 sites in November 2014 (Wave 2), and for the largest number, 62 sites, in June 2015 (Wave 3). All ISPs complied.

This report assesses the impact of these three 2014-2015 site blocks in South Korea, which included some popular sites among South Korean users (torrentgun.net, 4shared.com, togoon.com and hi-bogo.net), and cumulatively affected sites in use by 19.1% of South Korean PC and mobile Internet users as of one month prior to the first block. The reach of these sites suggest that impact will be measurable.⁶

The blocking actions are assessed for evidence of sustained impact on traffic to the individual sites (Level 1) and differential impact on PC and mobile users using Nielsen KoreanClick data.⁷

⁴ Danaher, Smith, and Telang, "The Effect of Piracy Website Blocking on Consumer Behavior" (May 29, 2015). Available at SSRN: <http://ssrn.com/abstract=2612063>. The authors developed a user segment analysis to measure Level 3 impact.

⁵ Danaher and Smith, "Gone in 60 seconds: the impact of the Megaupload shutdown on movie sales." *International Journal of Industrial Organization* 33 (2014): 1-8.

⁶ Although there were waves of site blocking later, in August and September 2015, the sites affected were not popular enough to drive the post-Wave 3 trend.

⁷ The data source is described in more detail in Appendix B.

We also evaluate users' activity before and after each block to determine whether users reduced visits to piracy sites (Level 2), also using Nielsen KoreanClick data. The assessment of total visits to piracy sites is based on the list of sites developed as described in Appendix B.⁸

This report does not assess Level 3 impact due to lack of sufficient data.

Table 1: Sites Blocked in South Korea, August 2014-June 2015

Wave	Timing	No. Sites	Sites blocked
1	August 2014	18	4shared.com, btmoa.com, funshion.com/fun.tv, playzoa.com, tcafe.net, tnori.us, togoon.com, tohaja.net, tonawa.net, torinee.net, torrent777.com, torrentbada.com, torrentgun.net, torrentkg.com, torrentmr.com, totorg.com, ttox.net, tv0u.com
2	November 2014	26	4shared-china.com, bamizoa.com, bitsnoop.com, cloudzoa.net, hi-bogo.net, mp30u.com, mytcafe.com, sudazoa.com, sudazoa.net, tcafez.com, tfreeca.com, tnori.kr, tnori.org, togoons.com, tohari.com, torenzoa.info, torinee.org, torrentbom.com, torrentby.net, torrentby.us, torrentcup.net, torrentdown.net, torrentoa.com, totsky.com, tvday.net, tvzil.co.kr
3	June 2015	62	abctb.net, bamizoa.net, bananatb.com, bananatb.net, bbtb.kr, chakantv.co.kr, chakantv.net, chakhantv.co.kr, chakhantv.com, chosuntv.net, cloudzoa.info, ftb.kr, gongwon.net, gwtorrent.com, happitv.co.kr, kgbtv.net, kgtv.co.kr, liveday.net, mblaq.net, tcafe.info, tcafev.com, tcafex.com, tcafez.net, tfreeca.org, tfreeca.us, thepiratebay.org, thepiratebay.se, thepiratebay.to, tmong.info, tnori.net, tobogo.net, togle.info, togoon.org, togoonz.com, torinee.info, torrent82.com, torrentdada.com, torrentdada.net, torrentdn.com, torrenters.com, torrentgogo.com, torrentgogo.net, torrentman.net, torrentme.net, torrentmr.net, torrentred.com, torrentred.net, torters.com, tosarang.net, tozoa.info, tvzil.com, tvzil.kr, tvzil.us, tzoa.info, ubtoz.com, uptv.co.kr, wmovie.net, wonzoh.com, xdm.co.kr, xkm.kr, ychannel.net, yumdisk.com

Impact Across Platforms: For the first time, this impact assessment covers both PC and mobile platforms. The 8.5M PC users accessing the websites being measured in our analysis comprised the larger proportion of all users at these websites than the 2.4M mobile users, yet the mobile user number is not insignificant given that the mobile number doesn't include dedicated mobile applications or content viewed on other types of devices (Smart TVs). In July 2014, one month before the first block, the unduplicated percent of PC users visiting blocked sites was 15.5%, compared to 4.9% for mobile users.

⁸ As noted in Appendix B, while there are potential limitations to the list, comparison of the list used in this analysis with sites blocked in South Korea in subsequent waves and current sites used for online piracy in South Korea suggest that this analysis covers the popular sites used for online piracy during the period of analysis and that the coverage of the list likely stayed consistent within the analysis period.

Table 2: % of Unduplicated South Korean Internet Audience to Blocked Sites, 1 Month Pre-Block

Platform	Wave 1	Wave 2	Wave 3
Mobile	4.9%	4.4%	3.4%
PC	15.5%	14.6%	13.5%

Observed usage patterns of all the piracy sites being measured in our analysis did not vary much by platform. Based on the list of piracy sites measured, South Korean users on both PC and mobile platforms concentrated their piracy activity at P2P sites: more than 60% of all piracy visits occurred at P2P sites as of one month prior to the block. Interestingly, mobile users made heavier use of host sites (ranging from approximately 6% to 16%) than PC users (ranging from approximately 1% to 2%).

Table 3: % of All South Korean Piracy Visits, 1 Month Pre-Block

Wave	P2P		Link		Host	
	PC	Mobile	PC	Mobile	PC	Mobile
1	62.8%	65.2%	35.1%	19.1%	2.1%	15.7%
2	65.4%	73.9%	33.3%	14.8%	1.3%	11.3%
3	63.8%	72.5%	35.1%	21.5%	1.1%	6.0%

LEVEL 1: IMPACT ON BLOCKED SITES

Blocked Site Rankings

Of the sites blocked in 2014, 22 ranked among the top 50 sites used for online piracy in South Korea one month before the block, where ranking was based on site visitors,⁹ including 11 of 18 sites blocked in August and 11 of 26 sites blocked in November. The majority of the blocked sites were P2P sites, with 16 blocked in August and 24 blocked in November.

Table 4: South Korea Blocked Sites – Ranking Comparison
Wave 1/Wave 2
(Nielsen KoreanClick Data)

SITE	VISITORS		RANK	
	1 month prior to block	3 months after block	1 month prior to block	3 months after block
August 2014 Block				
TORRENTGUN.NET	2,338,348	49,837	1	54
TOGOON.COM	1,572,680	3,652	3	86
4SHARED.COM	1,538,817	345,467	4	23
TCAFE.NET	1,044,404	268,777	7	26
BTMOA.COM	429,058	28,300	20	62
TORRENT777.COM	347,168	-	22	-
TOHAJA.NET	334,270	-	23	-
TORRENTKG.COM	234,152	-	27	-
TORRENTMR.COM	218,071	-	28	-
PLAYZOA.COM	158,456	6,463	31	83
TORINEE.NET	78,310	-	40	-
TOTORG.COM	31,751	-	52	-
TTOX.NET	-	948	-	90
November 2014 Block				
HI-BOGO.NET	1,573,091	22,443	2	57
TOHARI.COM	1,495,566	9,826	3	70
TORRENTCUP.NET	1,326,026	34,142	4	50
TVZIL.CO.KR	1,107,976	37,403	5	48
BITSNOOP.COM	1,033,863	117,180	7	33
TVDAY.NET	745,870	-	9	-
TFREECA.COM	492,452	80,953	18	41
TORRENTBY.NET	281,760	6,361	24	77
TORRENTBY.US	195,538	1,390	32	95
4SHARED-CHINA.CO	123,553	4,107	36	87
TORINEE.ORG	89,572	-	42	-
MP30U.COM	32,390	-	56	-
TORRENTBOM.COM	18,802	5,454	61	80
TORRENTDOWN.NET	16,503	-	64	-
TORENZOA.INFO	4,138	-	81	-
TOTOSKY.COM	1,875	-	86	-
BAMIZOA.COM	-	4,853	-	85
CLOUDZOA.NET	-	9,524	-	71

⁹ See Appendix B for a summary of the site list development and the sites with data available from Nielsen KoreanClick.

Of the sites blocked in June 2015, 20 ranked among the top 50 in South Korea one month before the block. Again, P2P sites comprised the majority, 37 sites of 62 total.

**Table 5: South Korea Blocked Sites –Ranking Comparison
Wave 3**

(Nielsen KoreanClick Data)

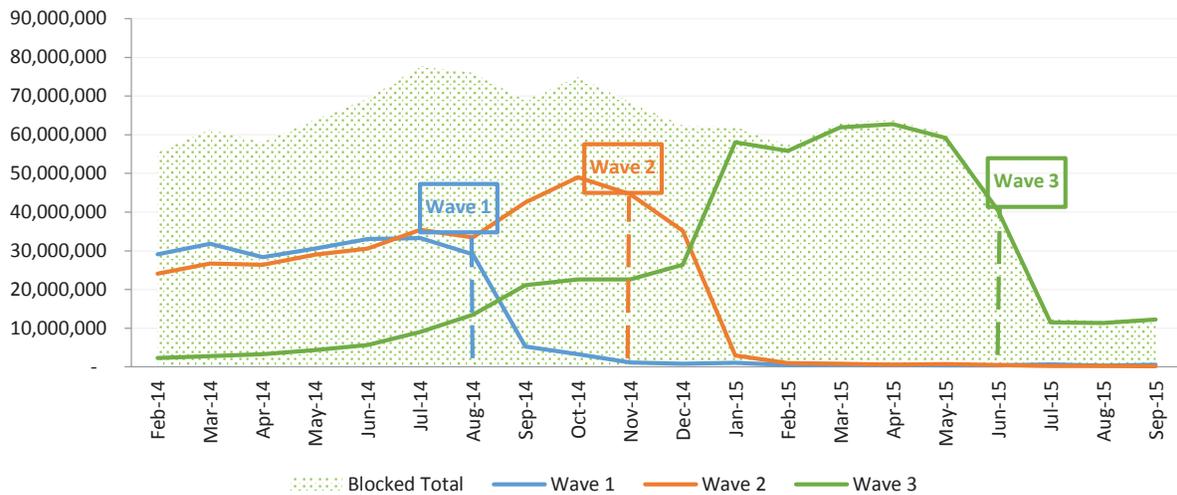
SITE	VISITORS		RANK	
	1 month prior to block	3 months after block	1 month prior to block	3 months after block
Sites Ranking in Top 75, May 2015 Block				
TORRENTDN.COM	2,532,634	52,243	1	36
TOBOGO.NET	1,378,273	2,525	2	90
TORRENTGOGO.NET	1,048,045	40,003	4	40
TOSARANG.NET	964,098	91,848	5	28
TORTERS.COM	904,251	134,862	6	24
TORRENTERS.COM	846,495	246,189	7	16
TVZIL.COM	774,254	1,573,142	8	2
TFRECA.US	400,141	-	19	-
TCAFEX.COM	347,675	26,990	21	51
TVZIL.KR	280,895	1,261	22	98
TORRENT82.COM	272,411	35,182	23	42
WONZOH.COM	212,025	58,827	27	33
TVZIL.US	204,360	32,257	28	47
TCAFEZ.NET	196,280	4,073	30	83
GONGWON.NET	186,162	831	31	99
GWTORRENT.COM	181,202	-	32	-
TOGOON.ORG	145,443	-	34	-
MBLAQ.NET	100,768	-	41	-
TORRENTGOGO.COM	75,146	9,315	45	68
TORINEE.INFO	72,751	-	46	-
ABCTB.NET	56,011	-	51	-
TCAFEZ.COM	52,591	7,908	53	74
TCAFEV.COM	45,546	22,580	55	54
TORRENTMAN.NET	41,975	11,663	57	64
CLOUDZOA.INFO	35,832	-	62	-

All but one of the blocked sites dropped in rank three months after the blocks. The popular site tvzil.com rose in rank. The site was unblocked and accessible due to technical limitations in blocking https.

Traffic to Blocked Sites

The evidence for visits confirms a substantial post-block reduction in activity at the blocked sites. Visits to blocked sites from PC and mobile users declined on average 90% in the three months following each blocking wave. For Wave 1, visits to the blocked sites decreased by 97% from July to November 2014. Wave 2 sites declined by 93% from October 2014 to February 2015 and Wave 3 sites declined by 79% from May to September 2015. The decline in visits to blocked sites after Wave 3 was more limited than earlier waves by continued access to tvzil.com by both PC and mobile users, where visits increased from 2.4M in May 2015 to 9.6M in September, due to technical limitations in blocking https.

South Korea: Visits to Blocked Sites
(Nielsen KoreanClick data)



Though the mobile data shows more variability overall due to smaller sample size, the decline in traffic was consistent for users on both PC and mobile platforms.

Table 6: South Korean Visits to Blocked Sites, 3 Months Post-Block Compared to 1 Month Pre-Block

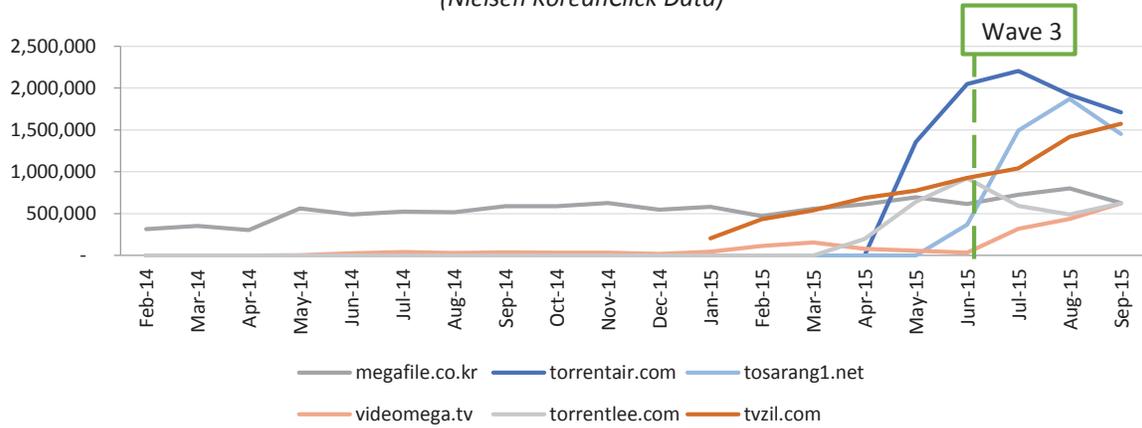
Platform	Wave 1	Wave 2	Wave 3
PC & Mobile	-97%	-93%	-79%
PC	-97%	-92%	-80%
Mobile	-94%	-99%	-77%

After each wave of blocking, key migration sites benefiting from new visitors emerged, including mirror sites set up to circumvent the blocks. Mirror sites were heavily targeted for blocking in subsequent waves, especially in November 2015.

After Wave 1, visitors to torrentbest.net increased, reaching a peak of 1.8M in January 2015, before declining and subsequently being blocked in September 2015. Four sites that gained popularity immediately after Wave 1 (torrentcup.net, hi-bogo.net, tvday.net and tohari.com) were included in Wave 2. Seven sites popular after Wave 2 were targeted in Wave 3 (torrentdn.com, tobogo.net, torrentgogo.net, tosarang.net, torters.com, torrenters.com, tvzil.com). After Wave 3, visitors to tvzil.com,

targeted in Wave 3, increased from fewer than 1M visitors in May 2015 to more than 1.5M in September, due to implementation limitations described earlier.

South Korea: Visitors, Key Potential Migration Sites After Wave 3
(Nielsen KoreanClick Data)



LEVEL 2: IMPACT ON TOTAL PIRACY

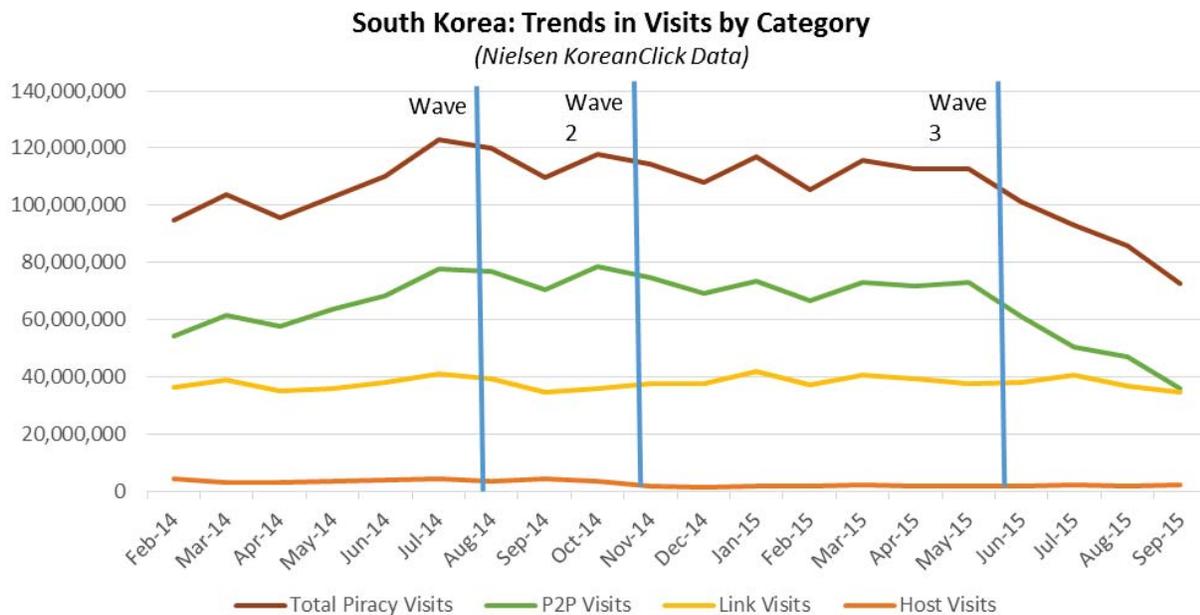
Impact on Piracy Levels

Total visits to piracy sites in South Korea decreased following each wave of site blocking: a decline of 7% after Wave 1, 10% after Wave 2 and 36% after Wave 3, measured from three months after the block compared to one month prior to the block. The assessment of total visits to piracy sites is based on the list of sites used for online piracy, developed as described in Appendix B.¹⁰

The decline in visits to P2P sites, the most popular category of sites used for online piracy in South Korea and the predominant category blocked (77 of the 106 sites targeted for the blocked in the three waves were P2P sites), drove the trend. Visits to P2P sites declined by 15% for Wave 2 and 51% for Wave 3.

**Table 7: % Change in South Korean Visits by Category (PC & Mobile)
3 Months Post-Block Compared to 1 Month Pre-Block**

Wave	Total Piracy Visits		P2P Visits		Link Visits		Host Visits	
	Prior After	% Change	Prior After	% Change	Prior After	% Change	Prior After	% Change
1	123,053,083	-7%	77,608,584	-4%	40,994,195	-8%	4,450,304	-60%
	114,316,510		74,820,803		37,712,080		1,783,627	
2	117,933,592	-10%	78,665,199	-15%	35,908,770	4%	3,359,623	-50%
	105,652,364		66,639,439		37,316,490		1,696,435	
3	112,571,070	-36%	73,055,741	-51%	37,553,271	-8%	1,962,058	4%
	72,585,264		35,824,046		34,725,194		2,036,024	



¹⁰ While there are potential limitations to the list, comparison of the list used in this analysis with sites blocked in South Korea in subsequent waves and current sites used for online piracy in South Korea suggest that this analysis covers the popular sites used for online piracy during the period of analysis and that the coverage of the list likely stayed consistent within the analysis period. Although some sites were blocked in August and September 2015, they were not popular enough to drive the post-Wave 3 trend.

As noted earlier, the mobile data shows more variability overall due to smaller sample size; however, the decline in visits for mobile was more pronounced than for PC, particularly after Wave 3 (-48%).

Table 8: % Change in Total South Korean Piracy Visits by Platform, 3 Months Post-Block Compared to 1 Month Pre-Block

Platform	Wave 1	Wave 2	Wave 3
PC & Mobile	-7%	-10%	-36%
PC	-7%	-10%	-34%
Mobile	-4%	-15%	-48%

Significance Testing the Impact on Total Piracy

A two sample t-test assuming equal variance was applied to assess differences in total piracy visits for each site blocking wave, relative to the pre-block period. Statistical tests compared monthly averages in total piracy visits in the months prior to all three waves (pre block) to the months after each wave (post block) using standard statistical methods. Further, a 95% confidence interval using a t-statistic was constructed to confirm the statistical test. Each post-block period is compared to the pre-block period to determine if there was a statistically significant difference in total piracy visits.

Table 9: t-Test: Two-Sample Assuming Equal Variances

	<i>pre-Block</i>	<i>Block 1</i>	<i>Block 2</i>	<i>Block 3</i>
Mean	9,430,953	9,507,498	9,177,709	8,015,442
Standard Deviation	428,757	289,577	255,957	352,696
Observations	7	3	7	3
df (pooled)		8	12	8
t Stat		-0.27832225	1.34179597	4.990156541
P(T<=t) two-tail		0.78782333	0.204501168	0.001065859
Significant Difference		No	No	Yes
95% CI	(9.03, 9.83)	(8.79, 10.23)	(8.94, 9.41)	(7.14, 8.89)

The test confirms a statistically significant decrease in piracy visits following Wave 3. After Wave 3, the average total piracy visits was 8M, compared to 9.4M visits before the blocks began. The difference in means equates to a 15% decline in total piracy visits.¹¹

Further investigation using the same statistical methods determined that Wave 3 averaged smaller mean total piracy visits than Waves 1 and 2. Total piracy levels after wave 3 were lower than those after waves 1 and 2 with at least 95% confidence. This confirms that total piracy visits after Wave 3 were not only lower than the pre block period, but also lower than the months after the previous waves.

¹¹ The decline of 15% is based on the mean total piracy visits in the pre-block (9.4M) and the mean total piracy visits after block three (8.0M). Whereas most of the report uses one month prior and three months after the block in a point-to-point measurement, the 15% decline is based on averages.

We could not reject the null hypothesis that total piracy visits after Wave 1 blocks was equivalent to visits before the blocks, implying that users largely substituted to other piracy sites after Wave 1. After Wave 2, total piracy visits were about 2.5% lower than before the blocks started, though this finding is only statistically significant at the 80% confidence level (implying a 20% possibility that this difference is due to statistical chance). Thus it appears that the second wave of blocks began to lower total piracy, but not nearly as much (or with as much certainty) as Wave 3.

CONCLUSIONS

The Level 1 impact was clear: visits to blocked sites declined on average 90% as of three months after a block (97% after Wave 1, 93% after Wave 2 and 79% after Wave 3).¹²

The 2014/2015 site blocking achieved wider impact on piracy (Level 2) after the third block.

- Total visits to piracy sites¹³ declined following each wave of site blocking, with the greatest decline after Wave 3, as measured from a point three months after the block compared to one month prior to the block.
- Significance testing confirms a 15% decrease in total piracy visits after Wave 3 (at a 95% confidence level), the wave with the largest number of sites blocked (62). This test compared the average of visits in the months before all three waves to the months after each wave.¹⁴
- The decline in total piracy site visits was driven by P2P, the most heavily blocked category (77 sites across all three waves); visits to P2P sites showed a 51% decline as of three months after Wave 3, compared to one month before.

This impact assessment covers both PC and mobile platforms.

- In July 2014, one month before the first block, the percent of unduplicated PC audience accessing blocked sites (15.5%) exceeded that for mobile (4.9%).
- Based on the list of sites measured, South Korean users on both PC and mobile platforms concentrated their activity at P2P sites: more than 60% of all piracy visits occurred at P2P sites as of one month prior to the block.

¹² The decline in visits after Wave 3 was limited by continued access to tvzil.com, which was accessible due to technical limitations.

¹³ See Appendix B for a summary of the data source and site list development.

¹⁴ A two sample t-test for statistical significance was implemented to calculate upper and lower limits for the average trend in total piracy audience, using a 95% confidence interval from the *t* distribution.

APPENDIX A: MIRROR SITES

Mirror sites provide a workaround for users seeking to access blocked sites. Traffic to mirror sites increased around the Wave 3 site blocking; however the majority of the popular mirror sites driving this trend were blocked in subsequent waves after Wave 3 (especially in November 2015).

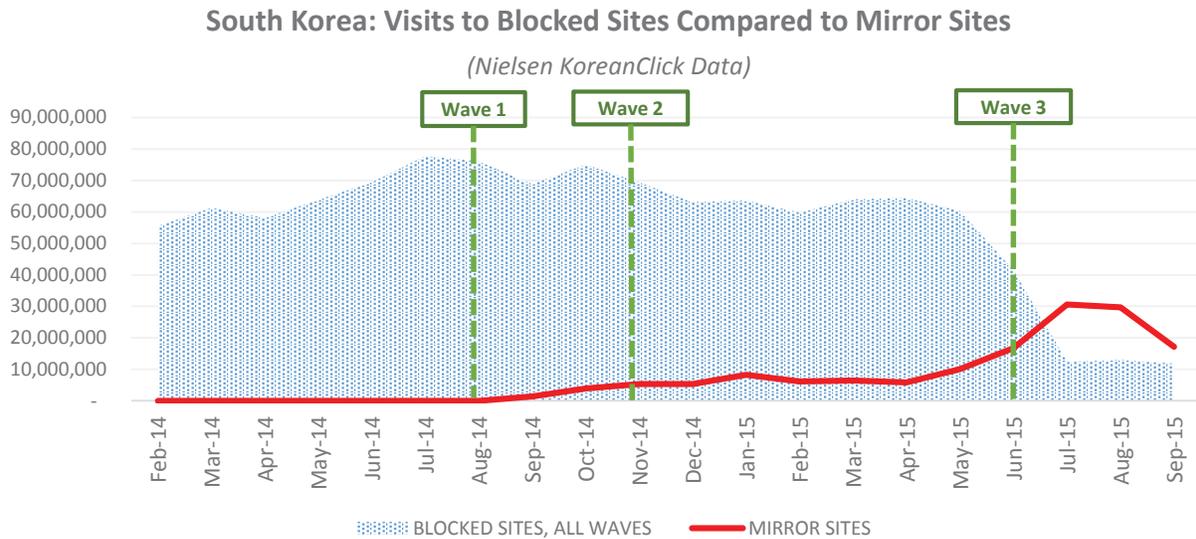


Table A.1: South Korea, Mirror Sites Driving the Trend After Wave 3

Site	Blocked	Visits (M), Aug. 2015
torrenters.net	Aug-15	1.2
tosarang1.net	Sep-15	12.7
torrentair.com	Nov-15	6.3
Torrentbest.net	Sep-15	3.9
tcafen.com	Aug-15	3.9

This data analysis is based on 18 mirror sites for which Nielsen had data available. Many of the mirror sites where no data was available appeared as temporary workarounds and did not attract much traffic.¹⁵

¹⁵ This finding is based on site specific research at www.alexa.com for each of the sites where Nielsen data was not available.

APPENDIX B: DATA SOURCE & METHODOLOGY

Nielsen KoreanClick

Nielsen KoreanClick monitors the online activity of 12,000 representative South Korean internet users, including 12,000 PC and 9,000 Mobile users. A stratified sampling method is used to accurately represent online activity for users between the ages of 7 and 69 on personal computers, both at home and at work, and on mobile phones using the Android operating system.

Nielsen's panel data provides a passive measurement of all PC and mobile activity, detecting which activity is "in focus" (i.e. being undertaken onscreen). When a web page or application is minimized, no activity is recorded. For applications, the system can understand who uses a particular application and for how long, but it is not able to determine what is happening inside the application. Any person visiting the same website or using the same application more than one time in the same month is only counted once.

Site List for Analysis

For the purpose of this analysis, MPA created custom analysis categories to measure online piracy activity for P2P download, link and host sites, using the following approach:

- Sites targeted for blocking as authorized by KCSC
- Top 10,000 sites from the Google Transparency Report (<http://www.google.com/transparencyreport/>), with the largest number of URL removal requests
 - Excluding sites with only adult, music, games, anime, UGC and eBook content
 - Including sites with any TV and/or movie content
 - Categorized by P2P download, link, or host site
- Supplemented by other published sources
 - <http://www.chillingeffects.org>
 - "2014 Out-of-Cycle Review of Notorious Markets," United States Trade Representative, March 5, 2015
 - "Good Money Still Going Bad: Digital Thieves and the Hijacking of the Online Ad Business," Digital Citizens Alliance, May 2015

While there are potential limitations to the list if there are omissions, comparison of the list used in this analysis with sites blocked in South Korea in subsequent waves and current sites used for online piracy in South Korea suggest that this analysis covers the popular sites used for online piracy during the period of analysis and that the coverage of the list likely stayed consistent within the analysis period.

Nielsen KoreanClick provided South Korea data for 157 such sites and applications included in this analysis, including 31 host sites, 21 link sites, 4 proxy sites and 101 P2P downloading sites and applications. Across categories Nielsen KoreanClick provides unduplicated audience data, which measures the total number of unique users that visit or use one or more applications or sites in the selected categories. Unduplicated audience is displayed in this report as a percentage of the total active internet population of South Korea.

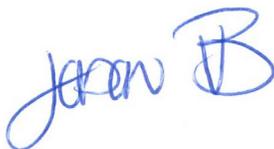
The custom analysis presented summarizes trends in user access to selected sites/apps, but does not indicate the content accessed.

If Nielsen panelists do not access a site, Nielsen data cannot be generated. Examination of Alexa data for the sites without Nielsen data confirms that the sites were unpopular, and the likely reason for their absence is lack of visitation. Therefore, the absence does not affect the analysis.

Table B.1 Blocked Sites with Nielsen KoreanClick Data

Wave	No. Sites	Sites
1	14	4shared.com, btmoa.com, funshion.com, playzoa.com, tcafe.net, togoon.com, tohaja.net, torinee.net, torrent777.com, torrentgun.net, torrentkg.com, torrentmr.com, totorg.com, ttox.net
2	20	4shared-china.com, bamizoa.com, bitsnoop.com, cloudzoa.net, hi-bogo.net, mp30u.com, tfreeca.com, tnori.kr, togoons.com, tohari.com, torenzoa.info, torinee.org, torrentbom.com, torrentby.net, torrentby.us, torrentcup.net, torrentdown.net, totsky.com, tvday.net, tvzil.co.kr
3	32	abctb.net, cloudzoa.info, gongwon.net, gwtorrent.com, mblaq.net, tcafev.com, tcafex.com, tcafez.com, tcafez.net, tfreeca.org, tfreeca.us, tnori.net, tobogo.net, togoon.org, togoonz.com, torinee.info, torrent82.com, torrentdada.com, torrentdn.com, torrenters.com, torrentgogo.com, torrentgogo.net, torrentman.net, torrentme.net, torrentmr.net, torters.com, tosarang.net, tvzil.com, tvzil.kr, tvzil.us, wonzoh.com, xkm.kr

This is **Exhibit EQ-10** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.

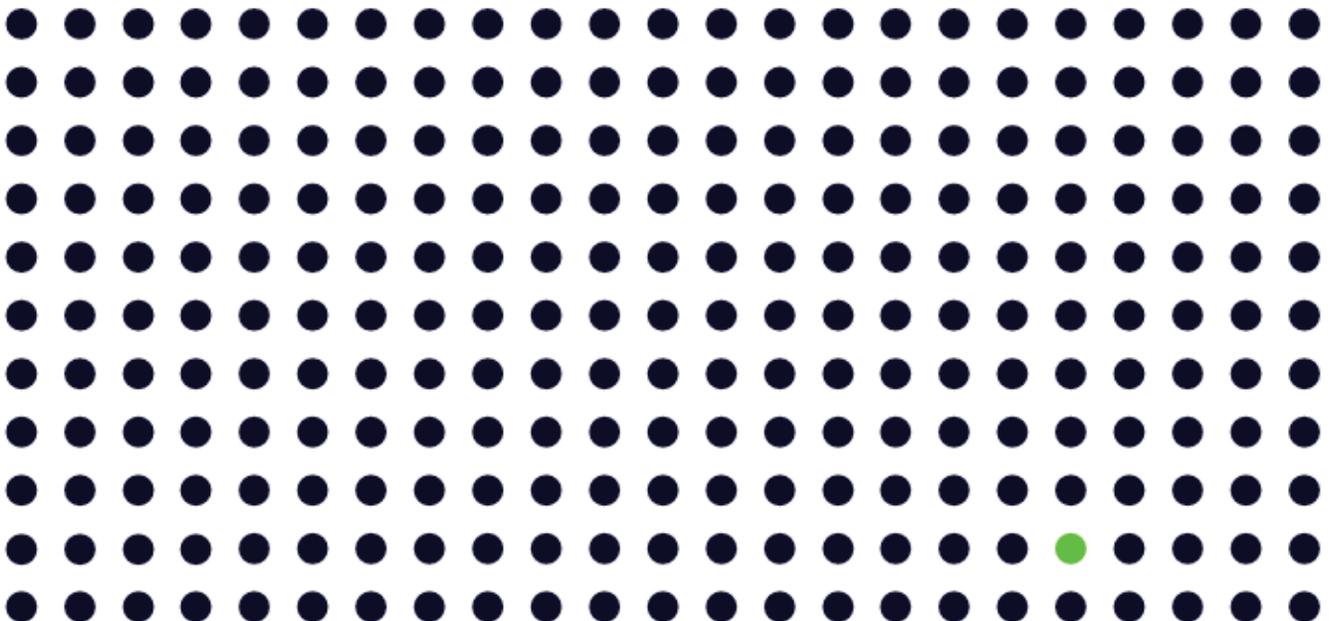


Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Site blocking efficacy in Portugal

September 2015 to October 2016

May 2017



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Executive summary

INCOPRO has compiled this report to assess the efficacy of site blocking in regime Portugal, with the administrative legal procedure now having been used for some time in the country - since November 2015. This report uses data up until October 2016.

This report also provides an overview of the current landscape for unauthorised websites that are used to obtain unauthorised film and television content in Portugal. The websites considered in this report for the purposes of examining the landscape of websites in Portugal are identified by INCOPRO's Infringement Index which is used to assess the extent to which each site either infringes copyright directly or facilitates infringement of copyright (whether knowingly or not), by providing the public with access to films and television programmes, without the licence or consent of the owners of the copyrights in those works. In this report, an unauthorised site is a website that does not have a licence from the copyright owner to make available or facilitate access to copyright film and television content and that does in fact make available and/or facilitate access to such copyright content to a significant extent.

Key findings

The findings in this report show that overall **the blocks have had a positive impact, reducing the usage in Portugal of the websites targeted by the blocking orders in Portugal by 69.7%.**

The key points from this report are therefore as follows:

- Site blocking in Portugal has resulted in an overall 69.7% drop in usage to the sites affected by the first 8 administrative blocking waves ordered in the country. This is consistent with the usage patterns previously identified in other countries where usage initially decreases by around 70%, gradually decreasing further over time.
- Evidence is found to suggest that alternate domain sites are being used by unauthorised sites in order to continue providing users access to infringing content. This trend of usage shifting to alternate sites does not equate to sites maintaining pre-block usage levels however, with most receiving only a fraction of previous traffic levels.
- The percentage of traffic to the blocked sites via proxies has increased since November 2015, when the blocking regime began. Usage of proxies has not itself increased in Portugal over this period however, the rise in the percentage of proxy usage is instead due to blocked site usage having decreased over this period.
- The graph below summarises the findings of this report and shows the change in usage for the top 250 unauthorised sites in Portugal over the recorded period of September 2015 to October 2016 as compared with a non-blocking global control group. The 65 blocked sites in the top 250 unauthorised sites in Portugal have decreased in usage by a total of 56.6% in Portugal and increased by 3.9% globally. This clearly illustrates that the blocks are having the desired effect having decreased usage of these sites quite significantly in the target region, with the global control group indicating that usage of the sites in Portugal would likely have increased if not subject to site blocking. Overall usage of the top 250 unauthorised sites has decreased by 9.3% in Portugal, yet it has increased by 30.8% for the global control.



Site blocking efficacy in Portugal

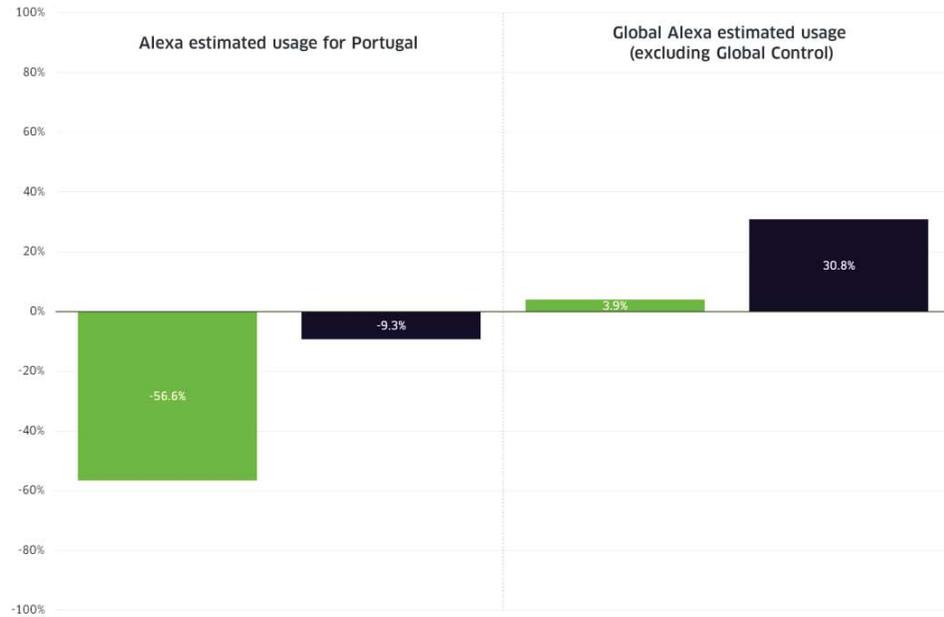


Change in Alexa estimated usage for Portugal top 250 unauthorised sites

Comparison of Portugal to Global Control

September 2015 vs October 2016

- Sites blocked in Portugal
- Top 250 unauthorised sites in Portugal



Introduction

Over 300 sites have now been blocked in Portugal¹, cementing the region's standing as having one of the highest number of sites blocked of all European countries. This report provides an assessment of the efficacy of site blocking in Portugal, as well as an overview of the current piracy landscape in the country, with specific focus on unauthorised sites that enable the public in Portugal to access film and television content.

Not all of the sites blocked under each application have been included in this report. This is because Portuguese Alexa data was not available for all sites. The report is limited to the first 8 IGAC applications, otherwise known as blocking waves, even though several further applications have been made. This is due to their recent implementation. Further research would be required in order to follow up on the impact of the subsequent blocks.

This report evaluates the efficacy of site blocking in terms of:

- The direct impact on relevant blocked sites in Portugal;
- The impact on unauthorised sites that are not blocked;
- The impact on the overall landscape for unauthorised sites in Portugal.

It considers the measures that may be taken by users to circumvent the blocks and aims to assist in understanding the longer-term effectiveness of site blocking as an enforcement tool.

Two key assessments are applied in this report:

1. Sites that have been blocked in Portugal are assessed by reference to the impact on usage for the particular site (taking into account relevant alternate domains and proxies where possible). The global usage of the blocked site, excluding Portugal usage, is analysed as the control where appropriate;
2. The impact of site blocking on the wider landscape of unauthorised sites in Portugal is also assessed.

The report is split into two sections with the first part providing an overview of the landscape of unauthorised sites in Portugal.

The second part examines the specific effect on the Portuguese Alexa estimated usage of the sites blocked in Portugal. Circumvention by users of these blocks is also considered in assessing their effectiveness by looking at proxy use. Conclusions are then drawn from the data about the efficacy of the site blocking implementation at this early stage.

The data collection and analysis methodology used for the preparation of this report is explained in detail in Appendix A.

¹Over the 8 blocking waves considered in this report which cover up until June 2016.

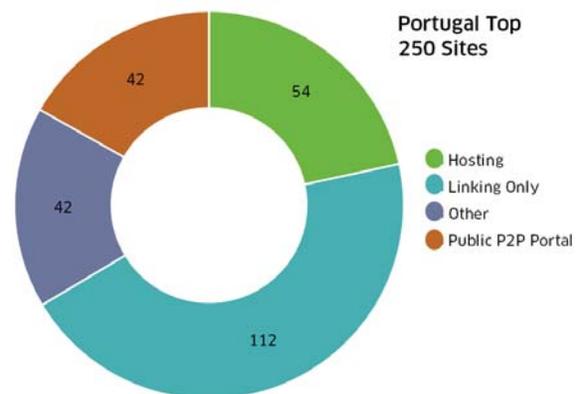
Analysis of Portugal Top 250 Unauthorised Sites

This section of the study provides an analysis of the top 250 unauthorised sites in Portugal as at the end of October 2016. INCOPRO currently tracks a total of 933 domains which have recorded usage in Portugal during the past 12 months. The domains analysed for the top 250 include all site categories (hosting, linking only, public p2p and those classified as other), with the exception of multi-site proxies, which are excluded from the main data set as it is currently not possible to attribute the usage of these sites to the specific industries of concern for this report, i.e. film and TV. Not all of the sites in the top 250 unauthorised sites necessarily infringe copyright. Some may facilitate or enable access to unauthorised content (for example, some of the hosting sites) but may not be directly liable for copyright infringement whether because of the other functions provided by the site or because the site in question benefits from safe harbour protection. Each site does however provide users with the ability to access unauthorised copyright content.

This section of the study provides an analysis of the Portugal top 250 unauthorised sites as at the end of October 2016, proceeding to examine the efficacy of site blocking in more detail. There is a total of 66 blocked sites in the Portugal top 250 unauthorised sites in October 2016. Those blocked sites which remain in the top 250 unauthorised sites still have sufficiently high enough usage to appear in the top site list, despite the blocks.

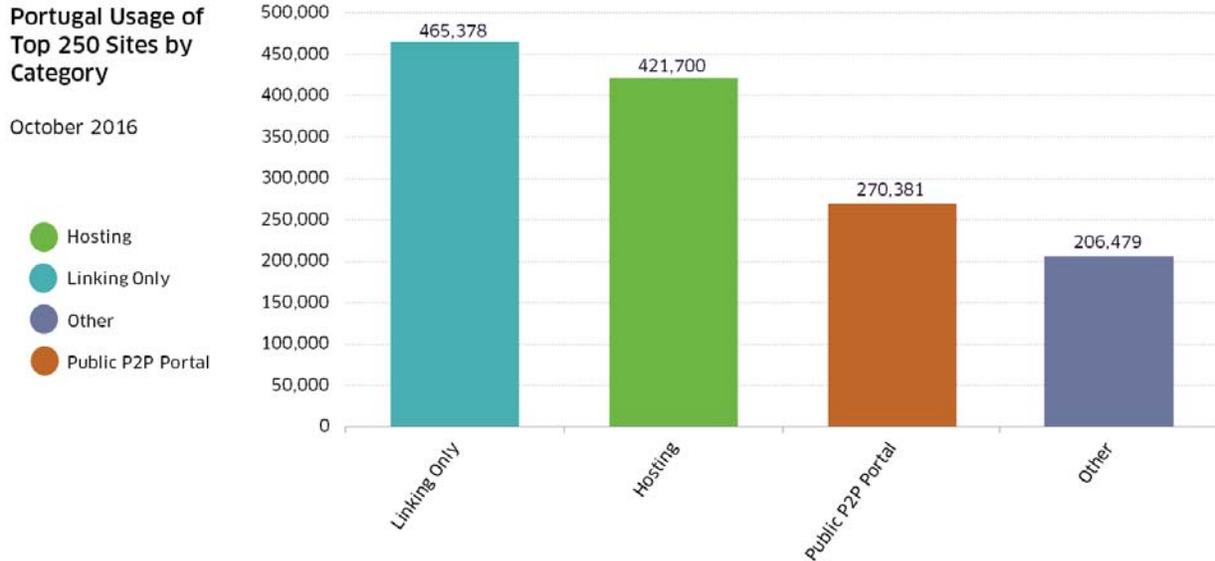
Each of the top 250 unauthorised sites has been allocated one of four main categories; Hosting, Linking Only, Public P2P Portal or Other where appropriate (explained further in Appendix A). Sites categorised as “other” are typically proxy sites (22/42) or live streaming sites (15/42).

The breakdown between the four categories is shown in the pie chart (right). The majority of sites in the Portugal top 250 unauthorised sites are classified as linking only (112). Usage of hosting and P2P sites is relatively similar, accounting for 54 and 42 sites respectively within the top 250 unauthorised Portuguese sites.



Of the 146 blocked sites considered in this report, 65 appear in the October 2016 top 250 unauthorised sites. 43 are categorised as linking only and the remaining 22 as public P2P portals. There are no sites categorised as Hosting blocked in Portugal at this current time.

In order to explore the role of each site category as a part of the overall piracy landscape the following graph displays October 2016 usage figures relating to each of the four categories of site present in the Portuguese top 250.



As the bars illustrate, usage of the top 250 sites is split as follows: linking only sites (34.1%), hosting sites (30.9%), public P2P portals (19.8%) and sites categorised as other (15.1%).

In contrast to the pie chart, the popularity of hosting sites is found to be widespread when considering usage figures. The 54 hosting sites proportionately account for only 21.6% of the total 250 sites; however, in terms of usage figures the sites amount to 421,700 (30.9%) of the total 1,363,937 usage. In comparison, the 112 linking only sites – amounting to 44.8% of the total count of 250 sites – account for 465,378 (34.1%) of total combined usage. There are 58 more linking sites than hosting sites, yet this has only equated to an extra 3.2% share in the overall usage proportion attributed to each category.

The reason for this could be that hosting sites are the category of site least affected by site blocking, allowing a small number of popular hosting sites to maintain high usage levels. As a result of this the most popular hosting sites have remained relatively unaffected by the blocking regime (for example, 3 out of the top 5 sites are hosting sites) whilst high usage linking sites have been hit by blocking orders. To illustrate this, the 10 higher usage hosting sites account for 72.4% of the sum of all 54 hosting sites in the top 250 (305,204 out of the 421,700 combined usage). By comparison, usage of the top 10 linking sites makes up a lower 42.2% of overall usage of the 112 sites (196,595 out of 465,378). These usage trends indicate that site blocking may have had the effect of breaking down the usage of the most popular linking sites, resulting in usage spreading to a higher number of lower usage sites. Therefore, site blocking could be seen to be forcing a more fragmented linking site landscape, where remaining usage is shared amongst a higher number of sites rather than pertaining to a lower number of the most popular sites – as demonstrated by the usage of hosting sites. The effects of site blocking upon Portuguese usage are explored in more depth in later sections of the report.

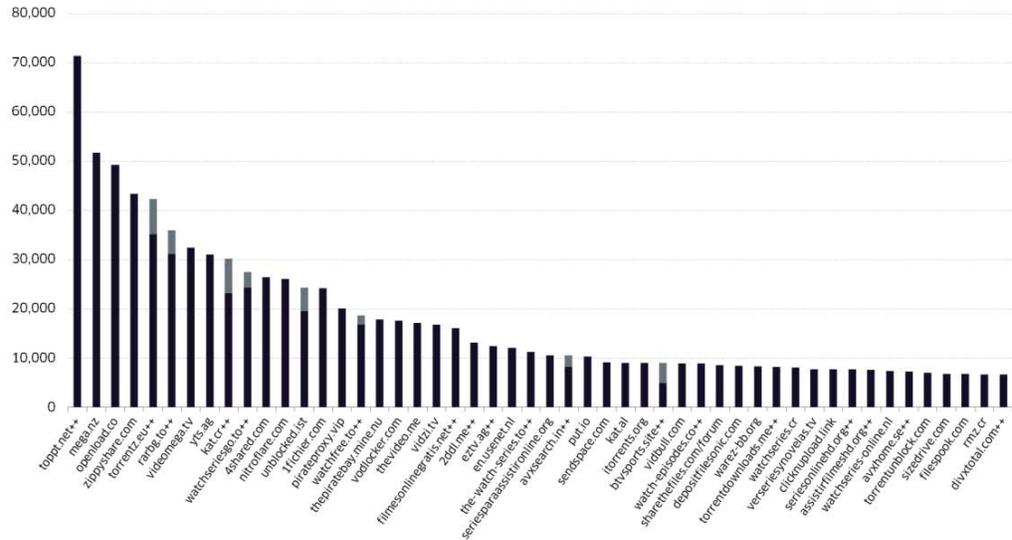
Top 50 unauthorised sites

The chart below shows the top 50 unauthorised sites in Portugal, including proxies used to circumvent site blocking, by Alexa estimated usage for October 2016 (purple bars). The grey parts of the bars that are split represent alternate domain usage recorded in October 2016. Any sites that are subject to blocking orders in Portugal are denoted by the two plus signs “++” next to their domain name on the charts.

Top 50 sites in Portugal by Alexa estimated usage

October 2016

- October 2016 Primary
- October 2016 Alternative
- ++ Blocked Site



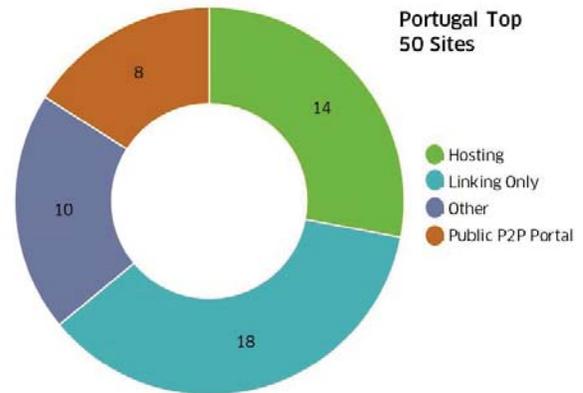
The top 3 unauthorised sites in Portugal at the end of October 2016 were toppt.net (a linking site), mega.nz (a hosting site) and openload.co (a hosting site).

As can be seen on the graph, the most popular site in the country is subject to blocking orders. There is a total of 18 sites in the top 50 that have blocking orders applied, with 5 of these appearing in the top 10 sites based upon October 2016 usage. This is an increase from the previous report in February, where 11 sites in the top 50 were subject to site blocks and 4 in the top 10 were blocked. The reason for this increase of blocked sites in the top 50 is that more sites have been blocked since the February 2016 report, rather than blocked sites having become more popular over time.

Site blocking efficacy in Portugal



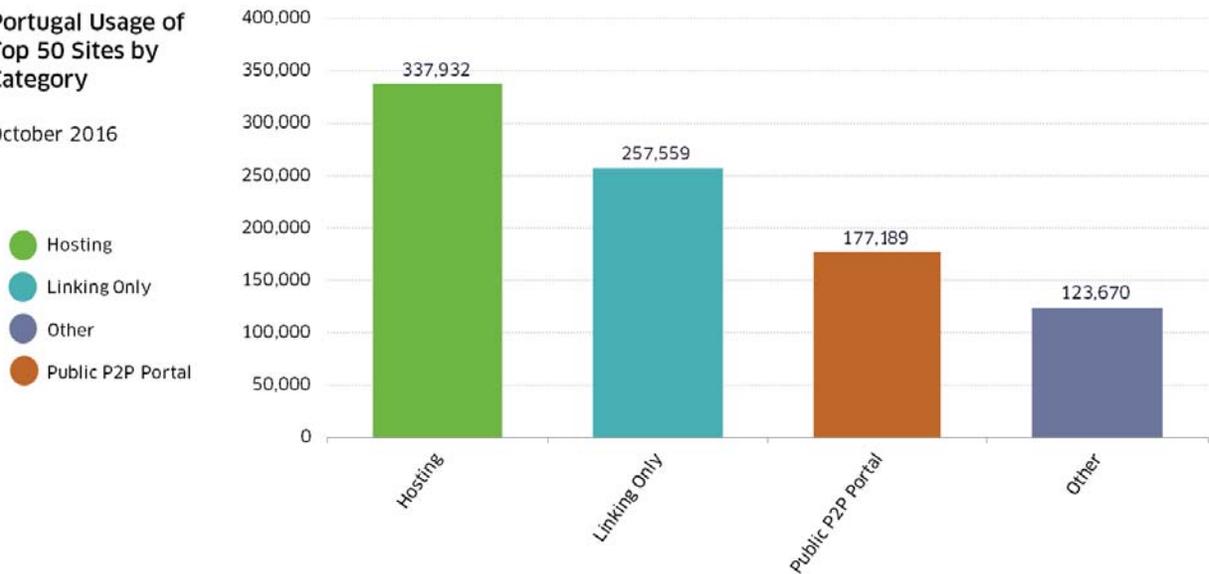
Each of the Portugal top 50 unauthorised sites has been allocated to one of the four main categories: ‘hosting’, ‘linking only’, ‘public P2P portal’ or ‘other’² where appropriate. The breakdown between the four categories is shown in the pie chart to the right, where it is displayed that the majority of sites in the Portugal top 50 unauthorised sites are linking only sites (18/50).



Of the top 50 unauthorised sites, 18 sites have been affected by the eight blocking waves considered in this report. The majority are linking only sites (12) and the others are public P2P portals (6).

Portugal Usage of Top 50 Sites by Category

October 2016



The above graph displays the estimated daily usage of the top 50 by category of site. The bars show that usage of the most popular sites in Portugal is spread as follows: hosting sites (37.7%), linking only sites (28.7%), public P2P portals (19.8%) and those sites classified as other (13.8%).

As with the top 250 usage split, hosting sites are shown to be the highest usage category of site being accessed in Portugal. It is important here to clarify that not all of the hosting sites can be deemed as unauthorised – it is not possible to determine the balance between legitimate and pirate usage occurring on hosting sites as files are shared ‘behind closed doors’. The popularity of hosting sites is even more evident when observed as a proportion of total top 50 usage. Whereas hosting sites accounted for 30.9% of the top 250, they are found to account for 37.7% of the usage of the top 50 sites – an additional 6.8%. As linking and P2P sites continue to be blocked in Portugal it is likely that hosting sites will be left to occupy an even more pivotal role in the distribution of infringing content.

² The sites categorised as “other” in the top 50 sites are mainly proxy sites (6/10).

Direct effect of site blocking in Portugal

To understand the effect of site blocking on the targeted domains it is useful to start by looking at the direct impact on the sites themselves. The graphs below show the Alexa estimated usage of the blocked sites in relation to the blocking waves which have thus far been implemented. The full data set for these sites can be found in appendix C.

Where a particular site does not appear in the graph and no data is shown in the data table in Appendix C, this means there was no recorded usage by Alexa for that month. This does not always indicate zero usage of a site, as it could indicate extremely low usage - Alexa has a minimum threshold at which the levels of usage are too small to be recorded. Portugal has a relatively low population of Internet users, an estimated 6,930,762 users compared to the 60,273,385 in the UK,³ and so fluctuations in usage are more evident as a result of traffic to sites falling below the Alexa threshold more frequently than larger countries giving wider variations in the data.

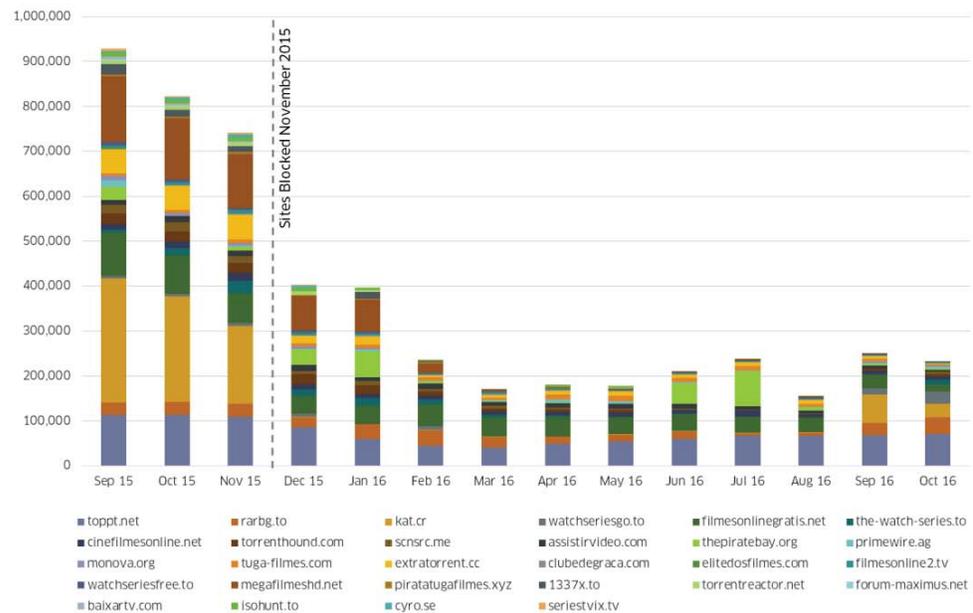
Overall, it is clear from the graphs below that there has been a positive impact of site blocking, with the total usage of the sites in each group having decreased since the implementation of the blocks (shown by the dotted, vertical line on each graph).

Wave 1: Sites blocked in November 2015

The stacked bar chart below shows the Alexa estimated usage in Portugal over the last 6 months for the 28 sites herein referred to as Wave 1. The sites in this group were subject to an expected ISP blocking implementation date of 10 November 2015.⁴

Sites Blocked in November 2015

Wave 1



The impact of blocking on the usage of this group of sites is clear post November 2015. This equates to a 67.9% reduction in usage in February (237,612) compared to November (741,362), which decreased to a further 76.9% in March (171,492). Since this immediate

³ <http://www.internetlivestats.com/internet-users-by-country/>

⁴ Usage data for The Pirate Bay has been included in the Wave 1 grouping, however the site was actually blocked in February 2015 using a civil procedure.

Site blocking efficacy in Portugal



impact usage has remained at similarly low levels, with the expected monthly usage fluctuations. The total usage of the group of blocked sites was at its lowest on record in August 2016, where usage of that month represented a 79.1% reduction since the blocks were put in place (154,927 compared to 741,362). The most obvious driver for the decrease in usage for the group as a whole is from kat.cr, which was the highest usage site in the group by some margin, depicted by the gold section of the bars. The site has since gone offline following the arrest of the alleged owner and is therefore unlikely to return.

The total combined usage of sites included in Wave 1 amounts to 231,474 in October 2016, which represents a 68.8% (509,888) decrease in usage since the blocks were implemented. Significant reductions are evident for most of the sites when comparing usage recorded in October 2016 to that of November 2015. The most notable decreases in Wave 1 are that of extratorrent.cc (96.8%) and kat.cr (82.6%). All other sites have shown a decrease in usage by February, as compared to November – excluding two sites which have actually increased in usage.

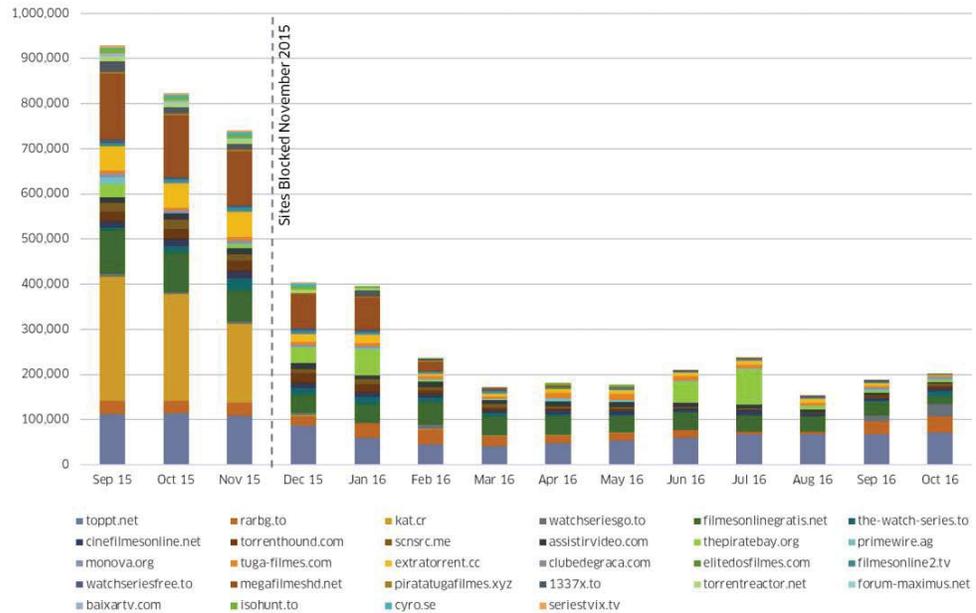
The two sites which have experienced a usage increase since being blocked in November 2015 are rarbg.to (by 7,316, or 25.5%) and watchseriesgo.to (by 21,338, or 349.2%). The increase in usage of rarbg.to is likely to be due in some way to the downfall of Kickass Torrents. Due to the site shutting down in July it is expected that users will have been displaced to other well-known BitTorrent sites. In the case of watchseriesgo.to, the increase in usage can be seen to be the result of Portuguese users taking to an alternate domain (watchseries.ac) since September 2016 which may not have been blocked in the country at that time.

Due to infringing functionality being removed from kat.cr in July 2016 a second graph has been created which excludes usage for the site from this point onwards. With the site exempted, usage of the group is seen to have decreased further, by 72.8% (540,068).

Sites Blocked in November 2015

Wave 1

Minus kat.cr post July 2016 usage

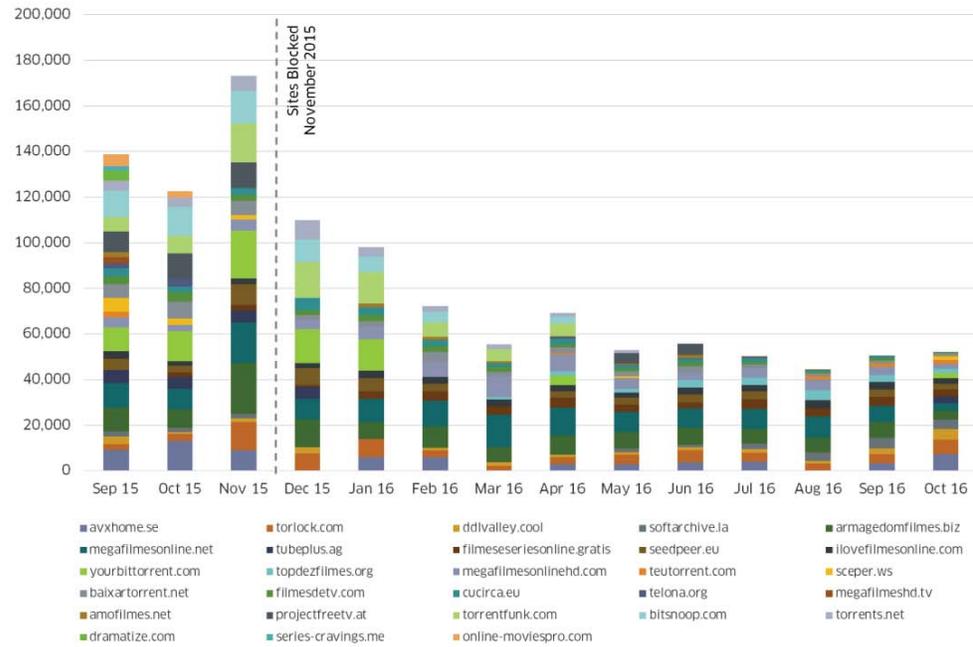


Wave 2: Sites blocked in November 2015

The stacked bar chart below shows the Alexa estimated usage in Portugal of the second group of 28 sites which were blocked in November 2015. The sites in Wave 2 have a predicted ISP blocking date of 19 November 2015.

Sites Blocked in November 2015

Wave 2



As for Wave 2, the total usage of sites in this group has also decreased since the implementation of the blocks. In total, there has been a 69.9% (121,033) drop in usage for the group as a whole. Usage of the group is seen to have remained below 60,000 over the past 6 months, which is significant considering that usage of the same sites totalled 173,227 in November 2015, before blocks were implemented. The most significant decrease in terms of usage figures relate to yourbittorrent.com, armagedomfilmes.biz⁵, torrentfunk.com, megafilmesonline.net, bitsnoop.com and projectfreetv.at; each of these sites has seen a usage decrease of over 10,000 since blocks were implemented, translating to percentage decreases of 80% to 100% for these sites.

It should be noted that five of the sites in Wave 2 have seen a usage increase since being blocked in November 2015, though these are minor in comparison to the decreases already mentioned. When compared to November 2015, combined usage of filmesonline.gratis, teutorrent.com, softarchive.la, topdezfilmes.org and ddlvalley.cool increased by 9,678. However, this is somewhat outweighed by the overall 130,711 decrease experienced by the other 23 sites within the second wave of blocking.

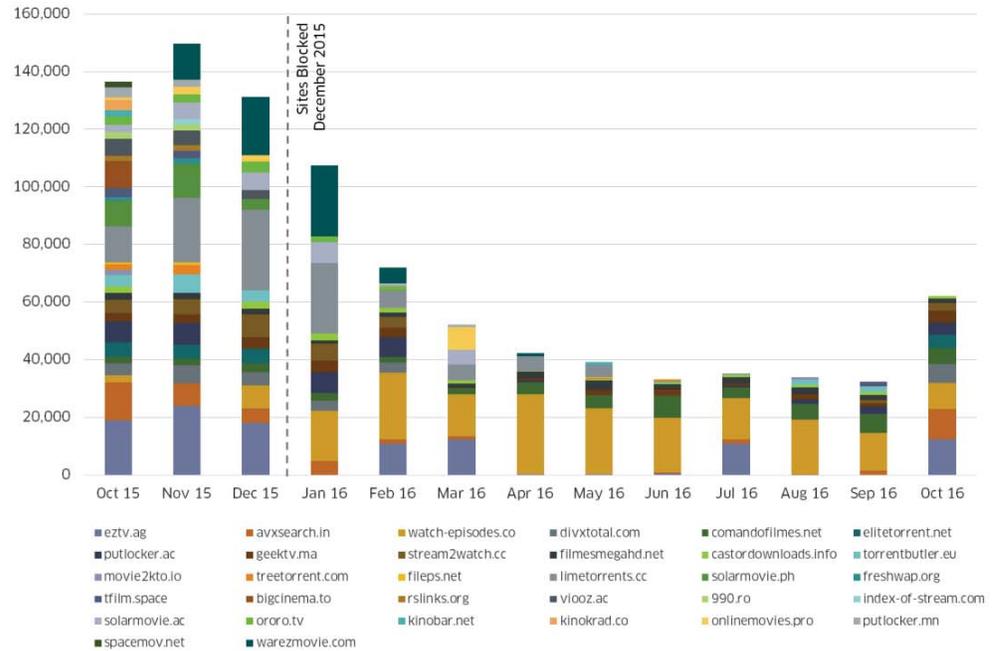
⁵ The significant armagedomfilmes.biz decrease is likely due to the domain having been seized, now a Police notice sits on the site.

Wave 3: Sites blocked in December 2015

The stacked bar chart below shows the Alexa estimated usage in Portugal of the 32 sites which were blocked in December 2015. The sites in Wave 3 have a predicted ISP blocking date of 16 December 2015.

Sites Blocked in December 2015

Wave 3



The aggregated usage of the sites included in Portugal’s third blocking wave demonstrates a more gradual decrease in usage during the months immediately following the block, though usage is still seen to reduce to lower levels. By April 2016, usage of the group had reduced by 67.7% (88,894), and was at its lowest on record in September 2016, where usage had reduced by 75.3% (98,807) compared to when blocking began in December 2015.

Usage of the group in October 2016 amounts to 62,151, a 52.6% decrease since blocking. It is not possible to ignore the usage spike seen during this month though, with combined usage up 91.5% (29,703) from the previous month. This increase of almost 30,000 is the result of increase in usage to 7 of the 32 sites when compared to September 2016. The biggest usage increases are as follows: eztv.ag (12,493), avxsearch.in (8,995), divxtotal.com (6,653), and elitetorrent.net (4,610). At this stage it is uncertain whether the increase is the result of typical site usage fluctuations, or whether it instead alludes to a distinct increase in the usage of these sites.

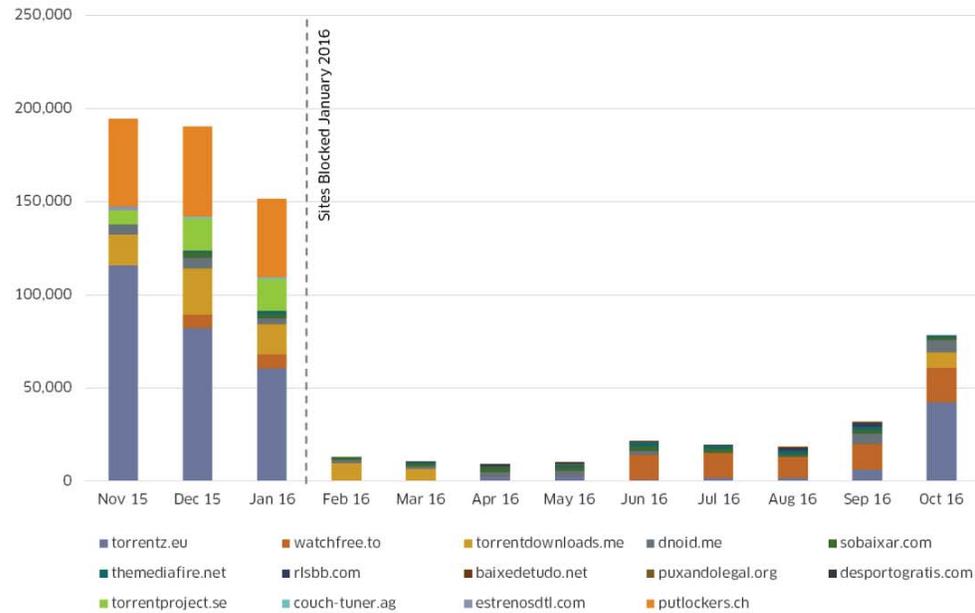
Overall, usage of the group has been considerably affected by the implementation of site blocks. Although there has been an increase in usage during October 2016, combined usage of the group is still down by 52.6% when compared to before the blocks were put in place. It is expected that the usage spike will settle down over the following months.

Wave 4: Sites blocked in January 2016

The stacked bar chart below shows the Alexa estimated usage in Portugal of 14 sites which were blocked in January 2016. The sites in Wave 4 have a predicted ISP blocking date of 18 January 2016.

Sites Blocked in January 2016

Wave 4



The immediate impact of site blocking on Wave 4 sites is the most significant of all blocking waves considered in this report. Following implementation of the blocks the combined usage of the group decreased by 138,476, from 151,497 in January 2016 to 13,021 in February 2016. Usage continued to remain at low levels (10,000-20,000) until September 2016, where there is a noticeable rise in usage compared to the previous months. Whilst this could be attributed to typical usage fluctuations, the following increase in October 2016 is substantial enough to warrant further investigation.

When compared to September 2016, usage of the group increased by 46,611 (146.2%). This considerable increase can be attributed to two sites: torrentz.eu (which increased by 36,100) and torrentdownloads.me (which increased by 8,210). The increase in usage of both these two sites belongs to the primary domain rather than newer alternative domains, for this reason the increase is likely to be due to factors affecting the larger piracy landscape at the time. For example, kat.cr – the world’s largest BitTorrent site – was shut down in July 2016, it is unlikely to be a coincidence that the usage of other BitTorrent sites in Portugal have seen an increase in the three months following the termination of this hugely popular public P2P site.

It must be noted however, that although the Torrentz usage increase is to the primary domain, this was the first time Portuguese usage was recorded for that domain for a number of months. Therefore, the 35,166 usage associated with this domain accounts for almost all of the usage increase for the site – and of the group as a whole (31,166/46,611) - during October 2016. This usage increase has had a domineering impact upon the commentary regarding this group of sites, however, further research finds that this usage increase does not actually translate to any rise in piracy levels. The site effectively shut down in August 2016 - shortly after kat.cr went offline - by

Site blocking efficacy in Portugal



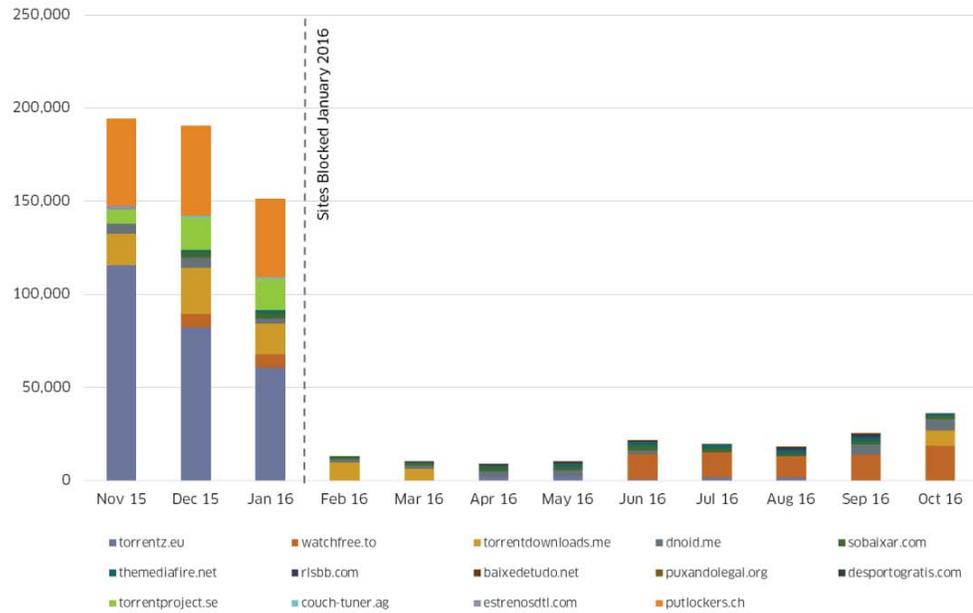
removing its search functionality.⁶ The home page still looks normal, but users searching for links to torrents on the site will no longer receive any search results.⁷

Considering the revelation that content infringement is no longer possible on torrentz.eu, it would be misleading to include the usage of the site after it ceased its pirate functionality. Therefore, in order to provide a truthful insight into the effectiveness of site blocks against infringing activity a second graph has been created which removes the usage of the site from the group after August 2016.

Sites Blocked in January 2016

Wave 4

Minus torrentz.eu post August 2016 usage



With the non-infringing torrentz.eu usage removed from the dataset the group’s usage is shown to be proceeding along anticipated lines. Here the combined usage of the group has decreased by 115,354 (76.1%) since the blocking order was implemented, from 151,497 in January 2016 to 36,143 in October 2016. For reasons discussed above this version of Wave 4 usage will be used throughout the rest of the report when referring to the group.⁸

⁶ <https://torrentfreak.com/torrentz-shuts-down-largest-torrent-meta-search-engine-says-farewell-160805/>

⁷ Upon searching users are not serviced with any results, but instead delivered a farewell message.

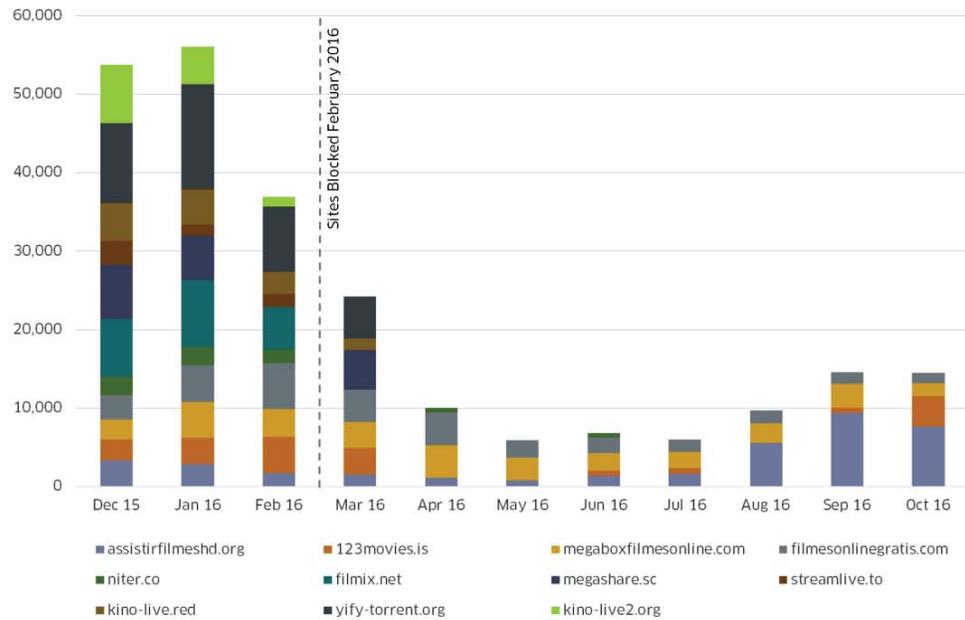
⁸ It is important to note that October 2016 usage of the site has been included in part one of the report, resulting in the site being distinguished as the fifth highest usage piracy site in the country - the high usage figures of the site do not translate in any possible way to content infringement however.

Wave 5: Sites blocked in February 2016

The stacked bar chart below shows the Alexa estimated usage in Portugal of 11 sites which were blocked in February 2016. The sites in Wave 5 have a predicted ISP blocking date of 16 February 2016.

Sites Blocked in February 2016

Wave 5



Sites included in Wave 5 of the countries blocking programme show a similar usage reaction to that established by the other blocking waves. When compared to pre-block usage, the group has reduced by 60.8% (22,460), from 36,946 in February 2016 to 14,486 in October 2016. Furthermore, only 4 of the 11 sites are found to still be recording Alexa usage in October 2016. This may not necessarily mean usage of the 7 other sites has entirely stopped, but it has reduced significantly to the point where Alexa no longer picks it up.

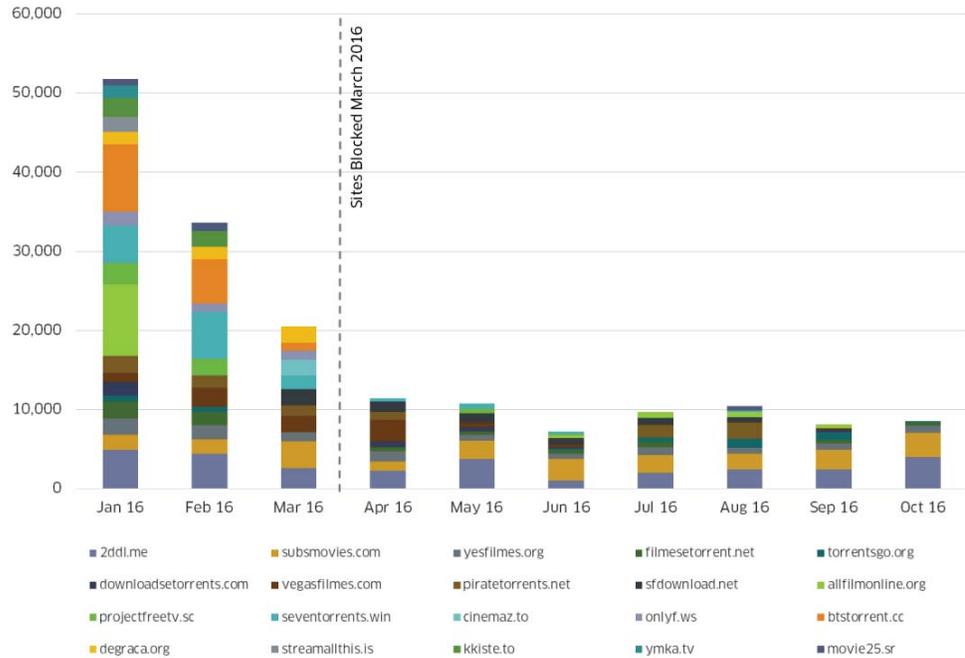
One factor to take into consideration when discussing effectiveness of the blocks upon the group is the usage increase of assistirfilmeshd.org, which has increased by 5,981 since the blocks were put in place. The graph shows that traffic began to pick up on the new domain (previously verfilmesonlinehd.com) during August 2016, as explored in the alternate domain section of this report. All other sites in the group are currently at lower usage levels than they were before the block took effect. It is expected that usage of assistirfilmeshd.org will not increase further and that usage of the group will shrink as a result – this will likely be to the levels seen throughout May to July 2016.

Wave 6: Sites blocked in March 2016

The stacked bar chart below shows the Alexa estimated usage in Portugal of 20 sites which were blocked in March 2016. The sites in Wave 6 have a predicted ISP blocking date of 16 March 2016.

Sites Blocked in March 2016

Wave 6



Usage of the Wave 6 sites was at its highest in January 2016, where 51,785 usage was recorded for the 20 sites during that month. Before blocking even began in March 2016, usage had already reduced by 60.3% (31,236) to 20,549. It is therefore due to this precursory drop in usage, which may or may not have occurred in anticipation of the imminent site blocks, that the blow of ISP blocking is somewhat softened. Immediately following the March 2016 blocks usage decreased by a still significant 44.3% (9,111), yet even more important to consider is that when compared to usage recorded in January 2016, usage in April 2016 had decreased by 77.9% (40,347).

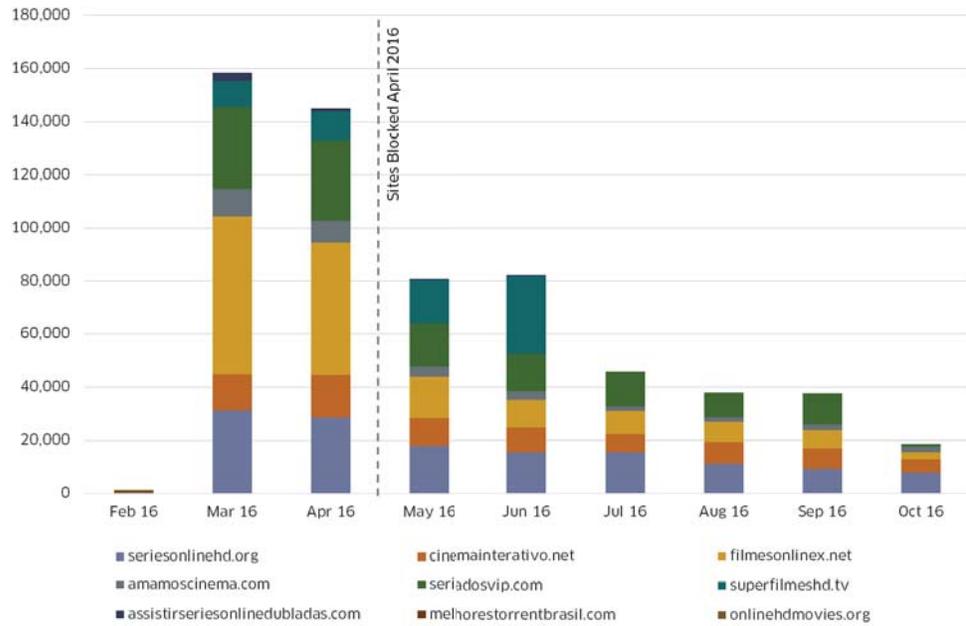
Usage of the blocked sites in October 2016 totals 8,541, signifying an overall 58.4% (12,008) usage reduction since the blocks were implemented in March 2016, and an 83.5% (43,244) decline since January 2016. Blocking has clearly been highly effective upon this group of sites, and future usage levels are expected to remain at similarly low levels.

Wave 7: Sites blocked in April 2016

The stacked bar chart below shows the Alexa estimated usage of the 9 sites blocked in Portugal in April 2016. The sites in Wave 7 are expected to have been blocked by ISPs before 19 April 2016.

Sites Blocked in April 2016

Wave 7



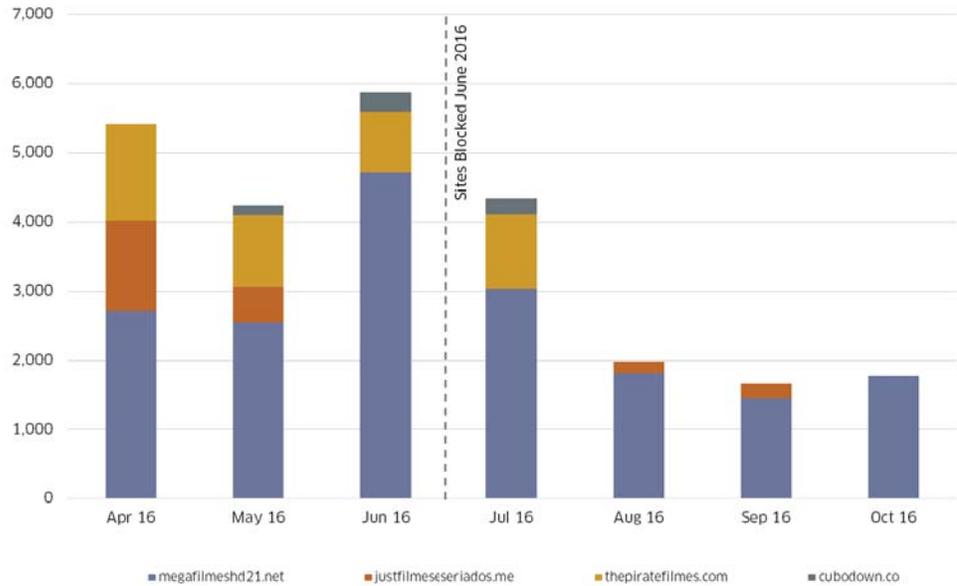
Usage of Wave 7 sites is at its lowest on record in October 2016, having reduced by 87.2% (126,475), from 144,998 in April 2016, to 18,524. All sites within the group have decreased in usage since the block was implemented, however three of these stand out as significant owing to their usage having decreased by over 20,000: filmesonline.net (by 47,467, or 94.9%), seriadosvip.com (by 29,194, or 96.7%) and seriesonlinehd.org (by 20,851, or 73%).

Wave 8: Sites blocked in June 2016

The stacked bar chart below shows the Alexa estimated usage for the 4 sites which were blocked in Portugal in June 2016. The sites included in Wave 8 are expected to have been affected by the implementation of ISP blocks by 21 June 2016.

Sites Blocked in June 2016

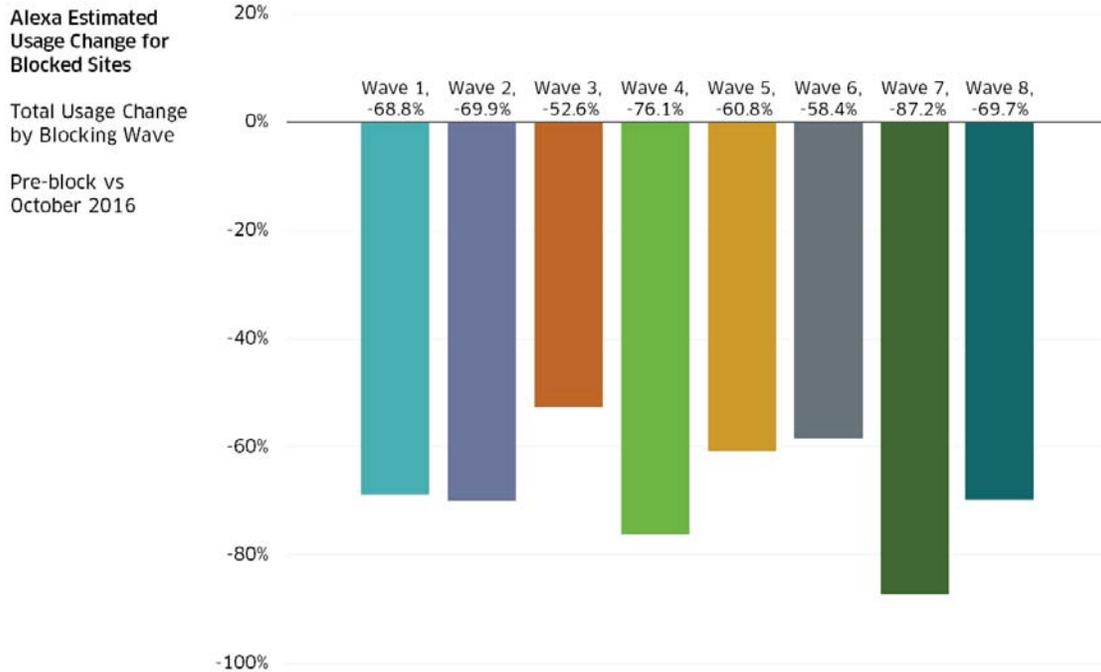
Wave 8



Usage of Wave 8 sites has decreased by 69.7% (4,104) since blocking began, from 5,884 in June 2016, to 1,780 in October 2016. As the bars show, there has been a significant reduction in usage to all sites within the group - megafilmeshd21.net being the only site recording Alexa usage in Portugal at the end of the tracked period. It is expected that usage of Wave 8 sites will remain at low levels for the foreseeable future, eventually reducing further towards the 75-80% total decrease typically seen after other instances of site blocking.

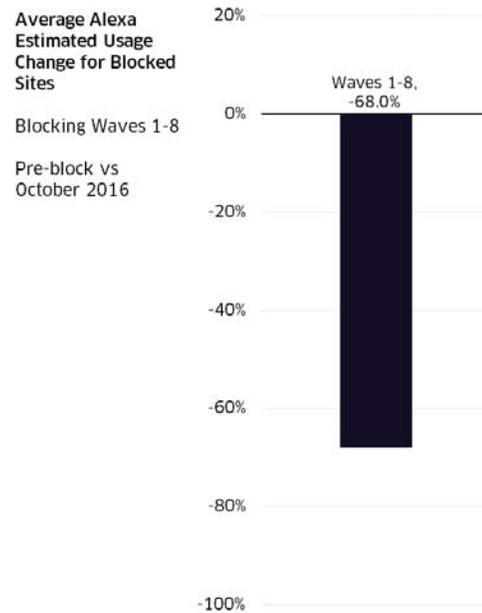
Efficacy of site blocking by wave comparison

The following graph displays the usage change for each blocking wave considered in this report by way of comparing the combined sum of all sites before blocking was put in place to October 2016 usage.



As the graph shows, all blocking waves have experienced a distinct decrease of Portuguese usage of the sites targeted in each group since blocking. The sum of pre-block usage for each wave combined amounts to 1,405,716, usage of these same sites totals only 425,292 in October 2016. Overall, usage of all blocked sites has reduced by 980,425 (69.7%) when compared to pre-block usage levels.

The average usage change for the 8 Waves is -68%. It must be taken into consideration that this figure has been influenced somewhat by the October 2016 usage spike seen in Wave 3 however; if this groups September 2016 usage were to be considered instead, then usage would have reduced by 75.3% – raising the average decrease to -70.8% overall.



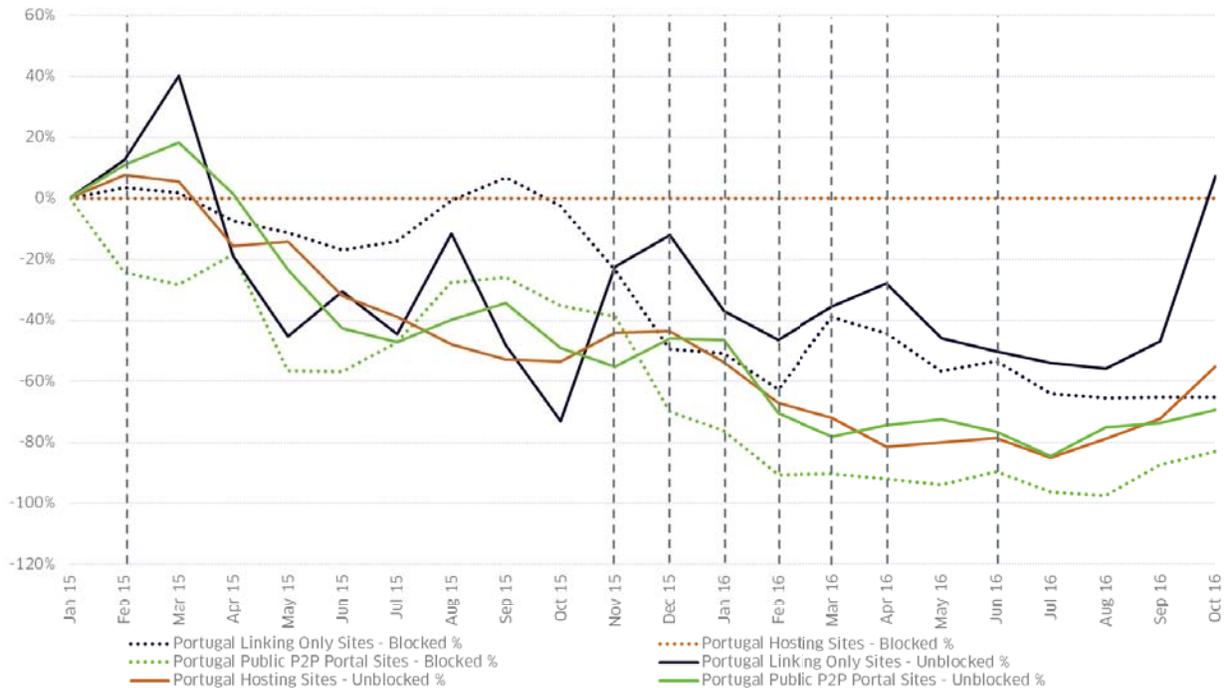
Effect of site blocking upon the wider piracy landscape

This section considers the overarching effects of blocking upon not just the sites targeted in blocking orders, but also all other sites which make up the piracy landscape of Portuguese users. In order to investigate this, all available usage for unauthorised sites in Portugal has been sorted from highest to lowest each month reaching back to January 2015. From this data, the top 250 sites from each month has been used to grant a picture of the piracy landscape specific to Portuguese usage as it changes over time.

Before the data used in this section is analysed, it is important to clarify that in the production of these graphs blocked sites (dotted line) were categorised as being blocked throughout the whole time period, rather than just from when blocking of the individual sites began. Visual trends, such as the peaks and troughs in the usage of sites categorised as being blocked, are therefore being driven by this categorisation of the data. For instance, where there is an increase in popularity of blocked sites it is because the sites have not actually been blocked yet at that point in time and when traffic drops it is due to an additional wave of site blocking taking effect from that point onwards.

The line graph below splits out the usage of the three main types of content sites which make up the Internet piracy landscape: linking only sites (purple), public P2P portal sites (green) and hosting sites (orange). As previously, the solid lines represent sites which have not been blocked in Portugal whilst dotted lines signify that the tracked usage is attributed to a site which has been blocked during the recorded period of this report.

Portugal Top 250 Infringing Sites - Historical Growthby Type - PT Alexa Figures



Portuguese usage demonstrates the immediate impact of the Pirate Bay block in February 2015. The effects of administrative site blocking can be seen through the decline of blocked site usage from November 2015 onwards when the programme began. Compared to pre-block usage recorded in January 2015, the usage of blocked sites within the country's top 250 unauthorised sites has decreased

Site blocking efficacy in Portugal



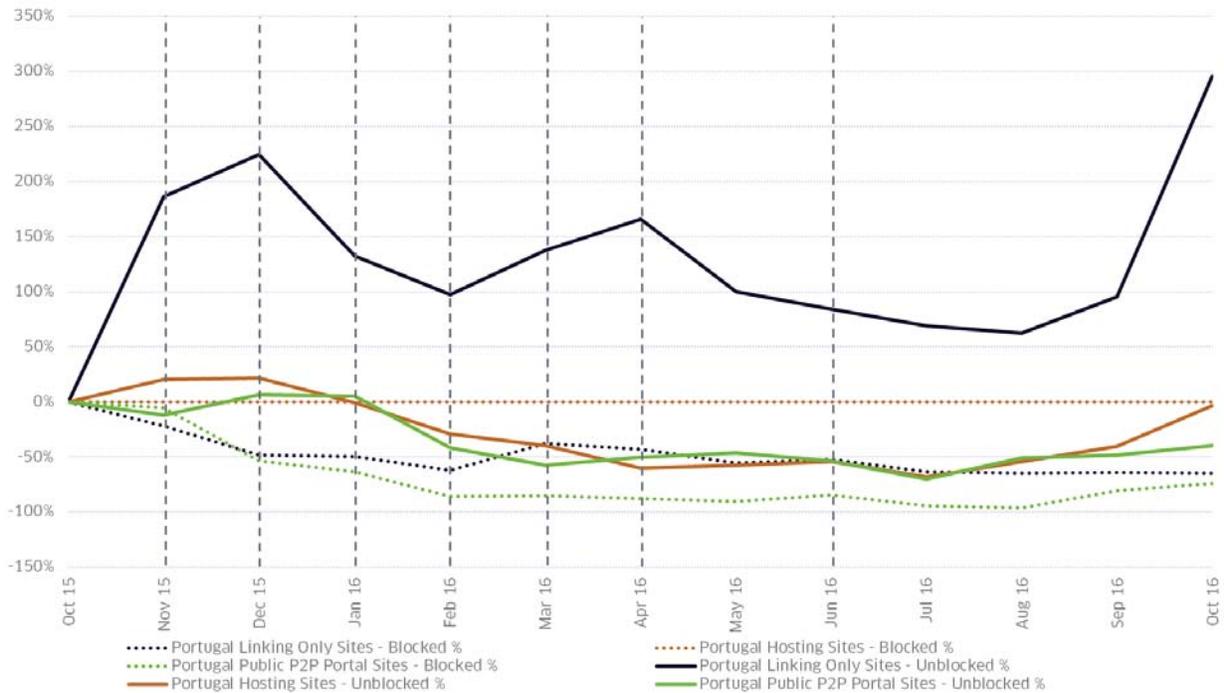
by 1,140,619 (76.2%). Compared to October 2015, just before the administrative blocking regime began, usage has reduced by 804,847 (69.3%). This is a significant change, reflected by the blocked site lines in the graph showing a distinctly visible reduction.

The unblocked sites also show a downward trend over time. Sites in the top 250 which have not been blocked in Portugal have decreased in usage by 1,869,254 (71%) since January 2015. A likely explanation for this is that Portugal has blocked such a high volume of sites in frequent, staggered waves that there has not yet been an opportunity for lesser known sites to step in and accumulate some of the usage attributed to the recently blocked sites. Another explanation for this could also be that the usage of hosting sites (i.e. the cyberlockers to which the blocked sites redirect) has decreased as a result of linking sites being blocked.

The different lines show that the usage of unblocked sites has been on a descent ever since the first instance of blocking in February 2015. In contrast to this, the blocked sites show a similar hit as a result of the first block, but shortly show signs of recovery and appear to be on the path to former usage levels until the administrative blocking waves began in October 2015 (once again, this includes all sites blocked in the country – even if they were not actually blocked at the time). Overall, usage of the top 250 sites has decreased by 3,009,873 (72.9%) since January 2015. This is a significant usage change, and it suggests that thus far the right sites are being blocked in the country in order to have overarching effects upon total piracy levels.

The lines display a turbulent period for users of pirate sites, which progresses in line with the administrative blocking regime beginning. As it stands, it is the linking only sites which are the biggest issue in the country towards the end of the year, especially considering the usage spike seen in October 2016. When compared to January 2015, usage of linking sites has increased by 7.2% (19,089) – a 54.2% increase from September 2016, the previous month. In more detail, when compared to the previous month the 112 linking sites in the top 250 have collectively increased by 75,850, this is the result of both an increase of 153,747 and a decrease of 77,897. In order to explore this in more detail, the graph has been recalculated below using October 2015 as the starting point.

Portugal Top 250 Infringing Sites - Historical Growth by Type - PT Alexa Figures

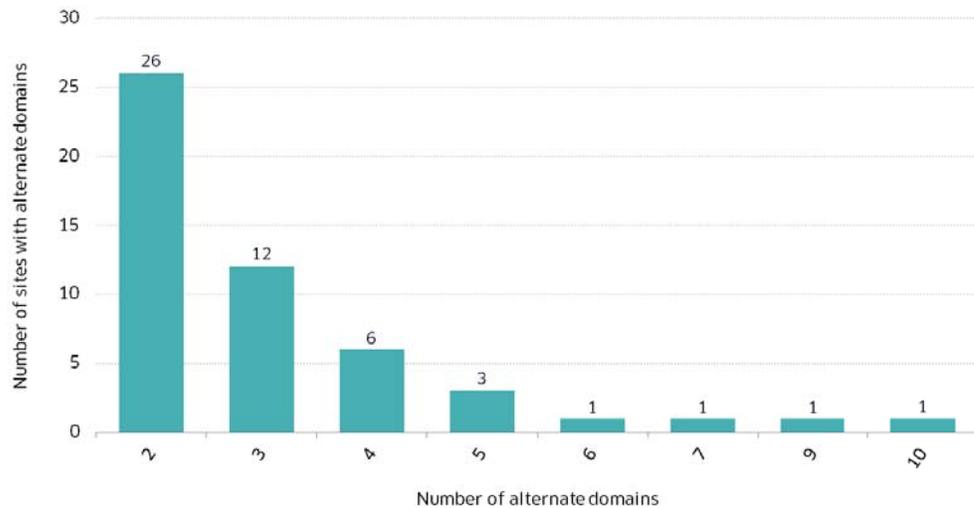


With the data displayed in this way there is an evident rise in the usage of linking sites since administrative blocking began. However, this increase is not solely indicative of a trend in usage and is largely the result of low unblocked linking usage in October 2015, which is at its lowest on record at 71,488. Therefore, even though the October 2016 usage is the highest on record (having increased by 211,311, or 295.6% since October 2015), it does fall in line with usage levels seen throughout the year and more particularly at the beginning of 2015.

Usage of alternate domains in Portugal after blocking

This section will look briefly at the potential movement of usage to alternate domains after blocking. Of the 146 blocked sites in the eight blocking waves, 51 have at least one alternate domain which recorded usage at some point since November 2015. The following graph highlights the point that where a blocked site has an alternate domain they usually only have 2-3 associated domains altogether.

Blocked sites with multiple domains



The 51 sites with alternate URLs total to 159 domains. As the graph shows, sites with a low number of domains are much more common than those with a high number of domains – only 7 of the 51 sites were found to have above 4 domains. Blocked sites with only two to three associated domains cover a majority of the makeup of alternate domain sites (88/159). Sites with four or more associated domains are found to account for 71 out of the total 159 alternate domain sites.

The adjacent table shows the 7 sites with 5 or more domains which have been found to receive traffic from Portugal, sorted by their number of active domains on record (based upon Portuguese usage only).

Main Domain	Name	Count	Blocked
2ddl.me	Twoddl	10	Wave 6
watch-episodes.co	WatchEpisodes	9	Wave 3
the-watch-series.to	Watch Series (Was BTVGuide)	7	Wave 1
btvsports.site	BTVSports	6	Wave 6
thepiratebay.org	The Pirate Bay	5	Wave 1
extratorrent.cc	Extratorrent	5	Wave 1
seventorrents.win	SevenTorrents	5	Wave 6

For Wave 1, there is some evidence of a shift in usage to alternate sites after the expected implementation of the blocks in November, as seen for sites such as Extratorrent and Watch Series shown below (the full tables of data can be found in *Appendix C: Sites blocked in Portugal*, listing each site with any related alternate domains underneath and highlighting the approximate date of implementation of the blocks in each group):

Site blocking efficacy in Portugal



Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
extratorrent.cc	Extratorrent	Public P2P Portal	45,548	-	-	-	-	-	-	-	-	-	-	-
etmirror.com	Extratorrent	Public P2P Portal	7,676	14,130	17,652	4,342	5,511	2,540	3,804	1,553	1,126	1,706	1,379	228
extratorrent.date	Extratorrent	Public P2P Portal	-	-	-	-	-	5,814	4,657	4,869	7,411	6,658	4,436	1,536
etproxy.com	Extratorrent	Public P2P Portal	-	-	-	-	-	-	490	-	-	-	-	-
extratorrentlive.com	Extratorrent	Public P2P Portal	-	-	-	-	-	-	-	345	-	368	-	-
thewatchseries.to	Watch Series	Linking Only	19,092	-	-	-	-	-	-	-	-	-	-	-
watch-series.ag	Watch Series	Linking Only	4,295	6,700	7,399	3,196	-	-	-	-	-	-	-	-
watchseries.ph	Watch Series	Linking Only	4,359	7,882	9,565	8,129	6,167	4,354	1,883	921	-	-	-	-
watchseries.to	Watch Series	Linking Only	-	-	-	-	-	-	318	389	610	-	-	-
watch-series.to	Watch Series	Linking Only	-	-	-	-	-	-	-	-	230	-	-	8,736
watch-series-tv.to	Watch Series	Linking Only	-	-	-	-	-	-	-	-	-	-	1,768	2,675
projectfree-tv.to	Watch Series	Linking Only	-	-	-	-	-	-	-	-	-	-	1,335	2,135
piratatugafilmes.com	PiratatugaFilmes	Linking Only	3,534	-	-	-	-	-	-	-	-	-	-	-
piratatuga.xyz	PiratatugaFilmes	Linking Only	958	2,037	3,136	3,359	-	-	-	-	-	-	-	-
piratatuga.xyz	PiratatugaFilmes	Linking Only	-	-	-	-	1,131	2,447	2,098	904	821	772	-	-
watchseries.ag	WatchSeries.It	Linking Only	3,987	5,607	3,354	-	-	-	-	-	-	-	-	-
watchtvseries.se	WatchSeries.It	Linking Only	-	-	1,560	1,382	2,109	1,097	541	1,139	897	1,194	573	-
watchtvseries.vc	WatchSeries.It	Linking Only	-	-	-	-	-	-	528	1,242	1,365	1,432	1,505	423
watchseriesfree.to	WatchSeries.It	Linking Only	-	-	-	-	-	-	-	-	-	1,234	1,409	-

The five Extratorrent domains which received Portuguese usage at some point during the 12 month period between November 2015 and October 2016 demonstrate a gradual migration of usage as time passes. This process is also exhibited by the other Wave 1 sites in the above table, and is particularly evident for the two separate Watch Series entities. For each of these sites there is a clear transition in usage from the higher usage site at the time of blocking towards newer alternate domains – new at least in terms of previously not having recorded Portuguese usage. These alternate domains do not yet appear to have picked any semblance of the usage seen previously for the main sites however, usage for this group of sites records only a fraction of pre-block usage. As a full year has now passed since the blocks were ordered it is unlikely that alternate domains will be an issue in the future for these sites.

Generally, for the rest of the sites, the data does not show evidence of an obvious change in usage to the alternate domains and it appears that the blocks of the main sites are potentially having a knock-on impact on usage of the alternate sites, most likely causing users to go to other sites. Kickass is a good example to illustrate this; it was clearly the main driver for the large decrease in Wave 1 usage, but as the table below shows, the alternate (kickass.to and kat.ph) appears to have only picked up a very small amount of usage after the primary site has been blocked.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
kat.cr	Kickass Torrents	Public P2P Portal	172,287	-	-	-	-	-	-	-	-	-	60,848	23,134
kickass.to	Kickass Torrents	Public P2P Portal	-	-	-	-	-	-	-	-	-	-	-	4,001
kat.ph	Kickass Torrents	Public P2P Portal	1,661	1,661	-	1,246	1,229	982	1,063	1,030	1,005	996	2,604	3,045

Wave 2 differs from that of Wave 1 as usage has actually increased on alternate domains for a few sites - to levels higher than that of the main site before blocking occurred.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
sanet.me	SoftArchive	Linking Only	1,869	-	-	-	-	-	1,074	-	-	-	-	-
softarchive.la	SoftArchive	Linking Only	-	-	-	-	-	-	557	965	2,707	4,067	4,690	3,940
toptorrent.org	TopTorrent	Public P2P Portal	-	-	-	-	-	481	-	-	-	-	-	-
teutorrent.com	TopTorrent	Public P2P Portal	-	-	-	-	-	-	-	-	-	1,510	1,433	1,779
supercineonline.com	FilmeseSeriesOnline	Linking Only	2,315	-	-	-	-	-	-	-	-	-	-	-
supercineonline.tv	FilmeseSeriesOnline	Linking Only	-	876	3,180	4,253	3,519	4,298	3,009	2,566	3,958	3,799	3,694	3,011

The general picture is similar to that of Wave 1 sites, though as the above three sites display, there are instances of alternate domains accommodating previous usage, and even surpassing previous usage levels. It must be noted that in the case of TopTorrent usage has

Site blocking efficacy in Portugal



not increased when compared to September 2015 usage (2,324). Overall, although there have been usage increases to two of the sites via alternate domains, this amounts to only a very minor shift in usage in the grand scheme of Portuguese piracy.

Wave 3 sites demonstrate much the same pattern as seen in the November 2015 groups; usage has shifted to alternate domains, though this only amounts to a minor proportion of previous total usage.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
watchepisodes.com	WatchEpisodes	Linking Only	-	8,041	14,820	14,753	-	-	-	-	-	-	-	-
watchepisodes1.com	WatchEpisodes	Linking Only	-	-	-	-	11,680	14,753	-	-	-	-	-	-
watchepisodes1.tv	WatchEpisodes	Linking Only	-	-	-	-	2,909	10,854	11,804	-	-	-	-	-
watch-episodes.tv	WatchEpisodes	Linking Only	-	-	-	-	-	2,042	9,882	12,363	-	-	-	-
watchepisodes.to	WatchEpisodes	Linking Only	-	-	-	-	-	-	1,254	6,555	12,458	12,244	-	-
watch-episodes.com	WatchEpisodes	Linking Only	-	-	-	-	-	-	-	-	1,908	6,355	8,594	-
watchepisodes1.to	WatchEpisodes	Linking Only	-	-	-	-	-	-	-	-	-	225	3,419	4,997
watchepisodes1.net	WatchEpisodes	Linking Only	-	-	-	-	-	-	-	-	-	-	993	1,569
watchepisodes.co	WatchEpisodes	Linking Only	-	-	-	-	-	-	-	-	-	-	-	2,372

The usage of Watch Episodes and its associated domains provides a clear example of the lengths sites go to in order to maintain traffic levels. It is not possible to determine the actual cause of the domain switches seen in the above table, though site blocking (including actions in countries other than Portugal) or other such intervention is usually the instigator of these evasion tactics. Over the course of a year there have been 9 domains which record usage for the site from users in Portugal. The usage of these sites display a clear migration of users over time to the different domains.

The VerFilmesOnline example shown below (from Wave 5) shows how switching domains has enabled the site to flourish, it is not known whether the switch was made in answer to site being blocked in Portugal. However, due to it being a Portuguese language site it is likely that anti-piracy efforts in either Portugal or Brazil (countries which both have site blocking procedures in place) are the reason for the introduction of an alternate domain. Usage of the verfilmesonlinehd.com recorded 3,340 at its highest before being blocked (during December 2015), this usage has since been surpassed from August 16 onwards by the alternate assistirfilmeshd.org domain.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
verfilmesonlinehd.com	VerFilmesOnlineHD	Linking Only	-	3,340	2,841	1,689	1,541	1,092	773	1,143	909	-	-	-
assistirfilmeshd.org	VerFilmesOnlineHD	Linking Only	-	-	-	-	-	-	-	181	676	5,537	9,333	7,667

Wave 6 includes Twoddl, the blocked site which was found to have the highest number of alternate domains (10, as shown below).

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
2ddl.net	Twoddl	Linking Only	1,648	4,120	4,934	3,290	-	-	-	-	-	-	366	1,927
2ddl.download	Twoddl	Linking Only	2,841	-	-	-	-	-	-	-	-	-	-	-
2ddl.co	Twoddl	Linking Only	-	-	-	1,115	1,735	-	-	-	-	-	-	-
twoddl.org	Twoddl	Linking Only	-	-	-	-	857	1,814	1,487	-	-	-	-	-
2ddl.cc	Twoddl	Linking Only	-	-	-	-	-	431	1,679	2,367	-	-	-	-
2ddl.ag	Twoddl	Linking Only	-	-	-	-	-	-	230	1,034	2,006	2,468	2,419	4,001
twoddl.eu	Twoddl	Linking Only	-	-	-	-	-	-	382	569	599	-	-	963
2ddl.link	Twoddl	Linking Only	-	-	-	-	-	-	-	254	-	-	-	-
2ddl.online	Twoddl	Linking Only	-	-	-	-	-	-	-	-	-	678	1,176	1,360
twoddl.link	Twoddl	Linking Only	-	-	-	-	-	-	-	-	-	-	916	4,926

Usage of the associated domains is significantly higher in October 2016, 13,177 compared to its highest before blocking which was 4,934 in January 2016. It is important to mention however, that at the time of writing (November 2016) all domains listed in the table above redirect to the same domain – twoddl.tv. Due to this, it is likely that similar circumstances may have affected the usage recorded for the Twoddl sites above. Where redirections are in use amongst alternative domains Alexa usage becomes less accurate in providing a picture of the real usage of a site.

Wave 4, 7 and 8 indicate the same pattern as has been shown in the other block groups, as there is little new to discuss. The data for these sites has been included alongside usage of all other sites in each group in *Appendix C*.

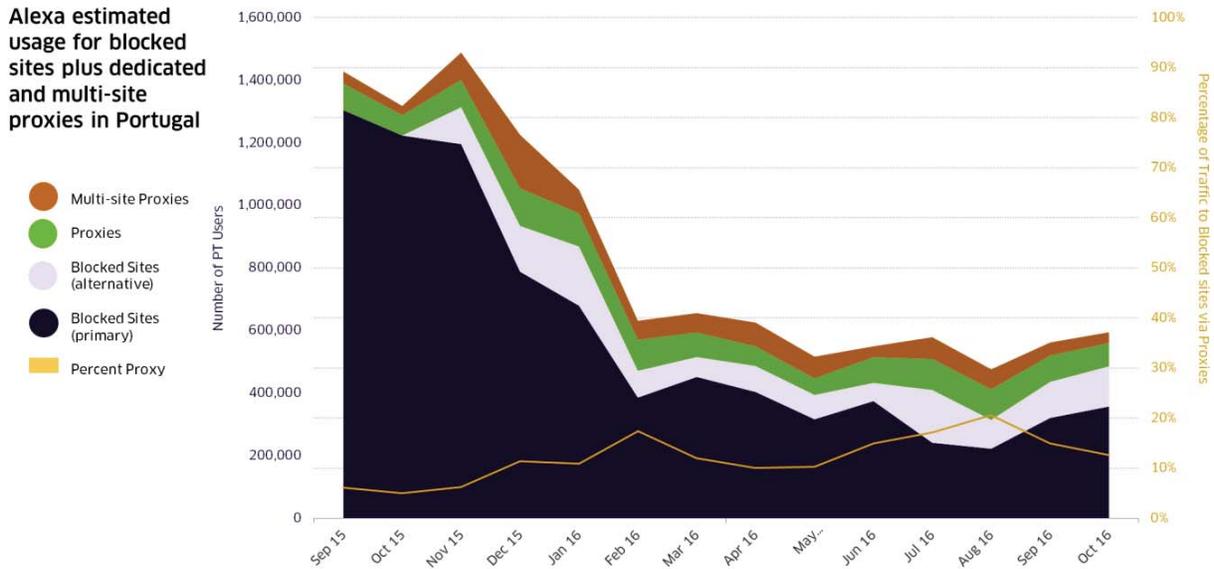
Proxy usage to circumvent ISP website blocking

The analysis of the Alexa estimated usage for blocked sites detailed above did not include traffic going to proxies that were created to circumvent the ISP blocks. There are currently three types of site or service used to achieve this:

- 1) Dedicated sites offering access or a mirror of a specific blocked site
- 2) Sites offering access to more than one blocked site from one place ('multi-site proxies')
- 3) General purpose VPN or proxy services which offer access to any site

INCO PRO tracks all three categories; however, for the purposes of measuring traffic to unauthorised sites, only categories 1 and 2 have been considered in this report.⁹ General purpose VPN and proxy services have been excluded because they allow users to access any website of their choice. As a result, it cannot be definitively concluded that they are being used to access unauthorised sites.

Although the potential for proxy use is ever present, in reality only a few sites have a significant number of active proxies, such as those relating to The Pirate Bay and Kickass Torrents. This is particularly true in Portugal because until relatively recently users were able to access the main sites, so are less likely to have attempted to use proxies. Many Pirate Bay domains were blocked in Portugal in February 2015 and so users of this site may be more likely to have tried to access it via proxies. The graph below illustrates the growth of Portuguese Alexa estimated usage for proxies.



⁹ Please note that where a proxy is hosted on a subdomain of a popular site this is not currently tracked by INCO PRO. This is a result of the way in which Alexa data is collected and made available. Where a domain can be attributed to infringement, for example the multi-proxy site come.in, this is tracked at the domain level and the usage included in the analysis in this section.

This graph reinforces the trend seen above whereby the usage levels of blocked sites have decreased since the staggered implementation of blocking waves have taken effect. The sharpest decrease was seen from November to December, as is clear from the purple section of the graph, and this is largely due to the majority of sites considered in this report (88/146) being blocked during these initial months of the blocking programme.

It is clear that usage of blocked sites is on a downward trend, although this looks to have begun to slow down after February 2016. This is to be expected however, after the initial decrease of users in the first couple of months after the blocks reflects 102 sites being blocked in the four waves which span November 2015 to January 2016. The following four blocking waves cover a lower number of 44 sites, thus having less of an impact upon blocked site usage in the graph. Irrespective of this, the more recent blocks are shown to have been just as effective as earlier blocking waves in this report – there is simply a lower pool of usage to change due to a lower number of sites being affected by the more recent blocking orders.

Usage of proxies generally appears to be on a downward trend, having decreased by 31,007 (29.3%) since January 2016, from 105,710 to 74,703. The majority of remaining proxy usage (26.8%, or 20,042 of the total 74,703 October 2016 usage) is found to be attributable to proxybay.one – a dedicated Pirate Bay proxy site. Multi-site proxies have seen a similar, although larger, 41,808 (55.1%) decrease since January 2016. Here usage is also found to be primarily linked to one leading site – unblocked.uno – which accounts for 71.2% (24,304 out of the total 34,129) of all multi-site proxy usage.

These two sites are found to be under the control of the same entity, which is shown by both proxy platforms linking to each other as well as them sharing the same twitter account - twitter.com/thepirateproxy. The twitter appears to be used primarily to announce domain changes to its proxy services. The frequency of changes is likely to be a considerable factor for the usage of both sites remaining relatively low compared to usage peaks seen earlier in the year. As the table (right) shows, the Unblocked domain has changed almost monthly since April 2016, the redirections which Unblocked use in order to transfer users of previous domains to the new site is also likely to have had an impact upon the way in which Alexa records usage data for the site and its various domains.

Date changed	New domain
Nov 2016	unblocked.uno
Oct 2016	unblocked.ist
Sep 2016	unblocked.vip
Aug 2016	unblocked.live
Jul 2016	unblocked.cat
Jun 2016	unblocked.one
Apr 2016	unblocked.tv

As can be seen from the yellow line, the percentage of users to the blocked sites via proxies has generally been increasing over the recorded period, increasing more steeply from November onwards. Again this is to be expected, given the blocking activity, meaning that users are much more likely to attempt access of their favourite sites via proxies; however, the usage of proxies has not actually increased over this period. The rise in the percentage of proxy usage in relation to total blocked site usage is expected to be due instead to blocked site usage decreasing over this period – resulting in the proportion of proxy usage being seen to rise in light of this decrease, rather than any distinct increase in proxy activity in the country.

Comparison of Portugal Alexa estimated usage against control group

It is helpful to set the Portugal top 250 unauthorised sites against a global landscape for a control comparison, therefore the global Alexa estimated usage of the Portuguese top 250 unauthorised sites has been used (minus the global control group¹⁰) for this purpose.

The global control group used in this report was created by excluding the usage of countries deemed as having substantial blocking procedures in place from the total global usage – therefore some of the most notable European site blocking countries have been selected. This control group creates a more useful dataset for the comparison of Portugal site usage to global usage of the same sites as

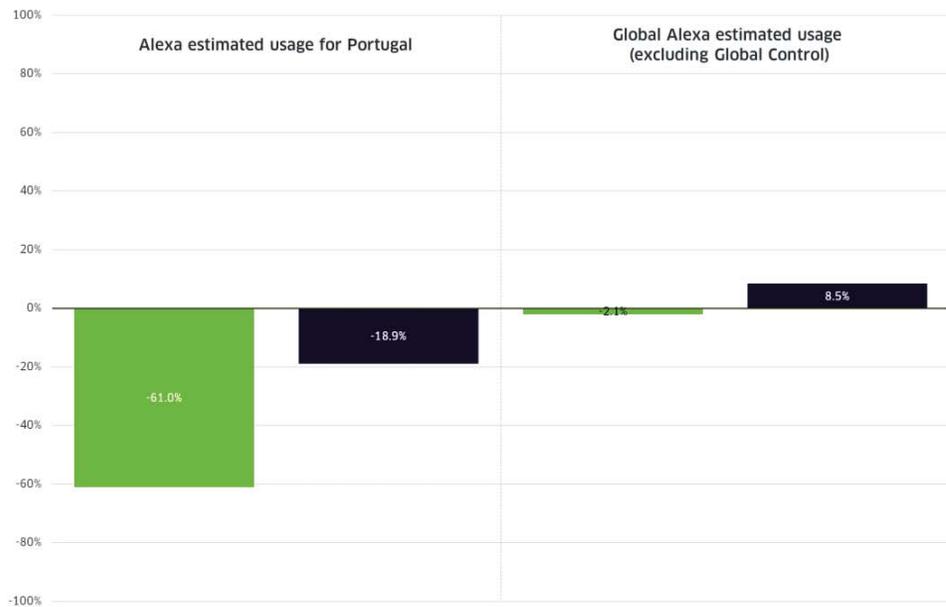
¹⁰ The global control group excludes the usage from Portugal, Italy, Denmark, Russia and the United Kingdom (those deemed as having substantial site blocking in place) from total global usage.

Change in Alexa estimated usage for Portugal top 250 unauthorised sites, excluding Host sites (or Cyberlockers)

Comparison of Portugal to Global Control

September 2015 vs October 2016

- Sites blocked in Portugal
- Top 250 unauthorised sites in Portugal



When only linking, public P2P portal and other (proxy/streaming) sites are considered there is a measured difference in the overall efficacy of site blocking in relation to the most popular sites being used in the country. The usage of these three categories of site in Portugal is found to have reduced by 18.9% when comparing October 2016 usage to that of September 2015. With hosting sites included, as per the first comparison graph, usage of the top 250 in Portugal was shown to have only reduced by 9.3%. Site blocking has clearly been effective upon reducing the usage of site categories where blocking is possible – even when those sites have not actually been blocked.

Another impact on the Portuguese usage change which must be mentioned as a result of the re-classification of top sites is that 22 additional blocked sites (86 compared to 65) are included in the second top 250. This has had the effect of increasing the usage change to blocked sites by an additional 4%, from 56.6% to 61%.

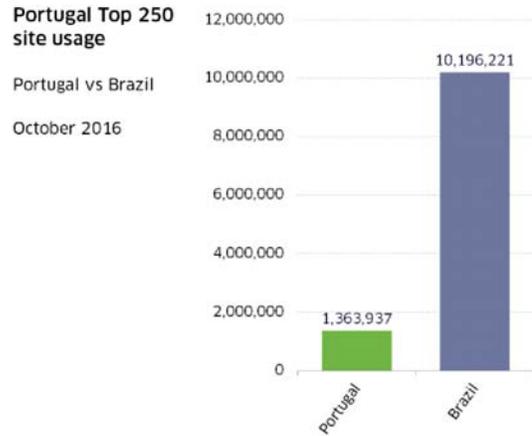
There has also been a considerable impact upon the usage of the global control, with total top 250 usage having increased by 8.5% rather than the previous 30.8%. The reason for this is likely to be that with the globally popular hosting sites removed the list has become even more specific to Portuguese users – meaning that the global usage of the remaining sites has not increased as much outside Portugal as in the original list.

Site blocking efficacy in Portugal



The usage of unauthorised sites in Brazil provides the opportunity for further comment upon the efficacy of site blocking in Portugal. The reason for this is that as both countries use the same primary language there is more likely overlap between the piracy landscapes of these two countries than there perhaps would be comparing Portugal to another European country. Due to this, the Brazilian usage of the top 250 sites in Portugal presents itself as a valuable comparison group owing to the sites having not been blocked in the region. Therefore, the impact of site blocking in Portugal upon Portuguese language sites in Brazil is explored hereafter.

It should first be noted that Brazilian usage is much higher than that of Portugal due to the country having a significantly larger population (approximately 210 million compared to 10 million), which is reflected by Portuguese top 250 usage only amounting to 13.4% of the Brazilian usage of the same sites (1,363,937 compared to 10,196,221).



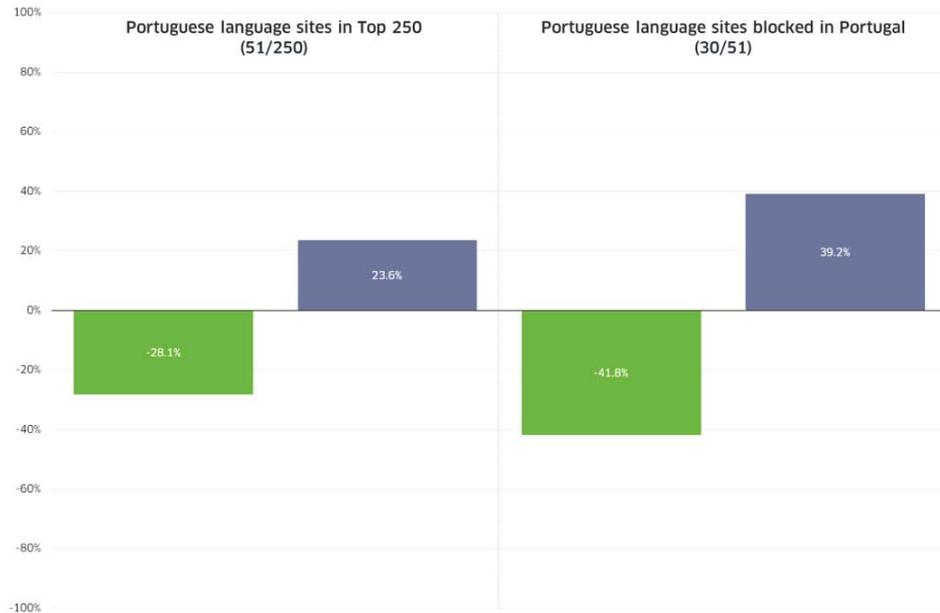
Only Portuguese language sites have been used in the following analysis, of which there are 51 in the Portuguese October 2016 top 250 sites. 30 of these sites are also subject to blocking orders in Portugal, allowing for a direct comparison against a non-blocking country in the form of Brazil.

Change in Alexa estimated usage of Portuguese language sites in top 250 unauthorised sites

Comparison of Portugal and Brazil

September 2015 vs October 2016

- Portugal
- Brazil



Overall, usage of the 51 Portuguese language sites in the top 250 has decreased by 28.1% (88,677) in Portugal since September 2015, from 315,108 to 226,431. Usage of the same sites has increased by 23.6% (998,613) in Brazil, from 4,231,593 to 5,230,206. Portuguese usage of Portuguese language sites has decreased and Brazilian usage of the same sites has increased. This data shows a positive impact of blocking in Portugal which manifests in two ways. Firstly, Brazilian usage indicates that blocking has effectively curbed the

growth of sites in Portugal which would likely have risen otherwise. Secondly, the site blocking programme could be seen to have had a wider effect on piracy landscape in Portugal as it is not just blocked sites displaying a decrease in the country, but all 51 sites.

The usage of the 30 blocked Portuguese language sites shows a very similar trend in the change of usage for both countries – where Portuguese usage has decreased by 41.8% (119,021) for the sites under blocking orders, the same sites have seen a comparatively proportionate increase in Brazil of 39.2% (1,128,365).

Overall, it is clear when comparing Portuguese usage to Brazil, and to the global control, that site blocking in the country has had a measured success; both in terms of reducing the usage of sites targeted by blocking orders and in affecting the wider piracy landscape, which has also seen a reduction in usage since the site blocking regime began.

Conclusion

The data considered in this report indicates that site blocking is having a positive impact on the usage of infringing sites. Findings show that the initial impact of site blocking documented in the previous report has proved to be long-lasting, reducing the usage of infringing sites within Portugal by 69.7%. The usage of the blocked sites has shown a clear and continued move in the right direction, losing the majority of usage for all 8 waves considered in the report. Blocking has clearly had a positive effect on reducing the levels of usage of unauthorised sites in Portugal.

The report finds evidence suggesting that users of blocked sites are moving to alternate domains specific to the blocked sites to continue accessing infringing content. Though usage is migrating to alternate sites in some cases, this shift of usage amounts to only minor proportions of previous pre-block usage.

Site blocking has had a discernible effect upon the usage of unauthorised sites in Portugal. Usage of the sites under the blocking order has decreased by 56.6% in Portugal whilst increasing by 3.9% in the global control group. Furthermore, the blocking appears to have had an impact, at least to some extent, in the reduction of overall usage of the most popular infringing sites in Portugal. Overall usage of the top 250 unauthorised sites has decreased by 9.3% since the blocks were put in place. Usage of the same sites in the global control group has conversely increased by a considerable 30.8%. Based upon the increase of top 250 for the global control it is likely that the impact of site blocking has extended outside only the targeted blocked sites and is also having an effect upon the usage of non-blocked sites in Portugal.

Appendix A: Methodology

INCOPRO's Identify database tracks over 16,000 sites, therefore gaining an excellent picture of the overall piracy landscape. The websites contained in this report are identified by INCOPRO's Infringement Index; sites that either infringe copyright or that facilitate infringement of copyright (whether knowingly or not), by making available films and television programmes to the public, without the licence or consent of the owners of the copyrights in those works ("top 250 unauthorised sites/sites").

Tracking Alexa data globally and by territory enables examination of the trends in popularity and estimated usage of sites in the Identify database. INCOPRO translates this Alexa data into Alexa estimated usage, which can give an indication of the usage of a given site in real terms, as explained further below. The data set used for the Portuguese landscape is based on all sites tracked in the Identify database with recorded usage in Portugal during the 8-month period following the previous February 2016 report.

As of November 2015 INCOPRO is able to track all domains related to each individual site and so the data used in this section of the report incorporates any existing alternate domains from November 2015 to October 2016. The usage value attributed to alternate domains will be highlighted where necessary and included separately in any graphs, so the impact of the extra data available is clear. This improves the accuracy of the data for each site and is referred to as "alternate domain usage". The inclusion of this data helps to show where site operators are using other domains, not subject to blocking, to circumvent the blocks and continue to attract users.

Where sites have a number of domains that work in a similar way, these can be identified in the graphs below where sites show a split bar of data or are otherwise marked as illustrating the alternate domain usage data. Any sites shown in the graphs with 2 plus signs ('++') next to their domain name represent those sites that are subject to current blocking orders in Portugal.

For the purposes of the analysis in this report, 2 data sets have been used:

1. The top 250 unauthorised websites that make available film and television content to Internet users in Portugal without the licence or consent of the companies that are responsible for the production and distribution of such films and television programmes. Some of these sites may also make available other copyright content, such as The Pirate Bay. Sites that do not make available film and television content have not been analysed in this report. The Portugal top 50 unauthorised sites have been identified using INCOPRO's database of websites, Identify, and by reference to INCOPRO's "Infringement Index", combined with a usage metric derived from Alexa data, explained later in this appendix.

This top 50 was compiled in November 2016, using the usage data from all primary/main domains in October 2016, together with any "alternate domain usage" (defined below) to calculate the current top 50.

2. INCOPRO used a list of 338 sites that have been blocked in Portugal, of which INCOPRO's Identify database tracks 172. Out of the 172, 146 sites have been used to assess the efficacy of site blocking in Portugal. Where relevant, those sites which are aimed at circumventing the blocking, i.e. proxies, have also been included. The Portuguese Alexa estimated usage data extends the period used in the previous report, therefore data covers the period from September 2015 up to the end of October 2016, providing a picture of the usage of these sites prior to the blocks, and then subsequent to the implementation of the blocks to assess their efficacy.

All sites were online at the time of data collection, but this is subject to change at any time due to the way in which these sites operate. It is also important to note that the 2 data sets described above are not mutually exclusive and have some overlap, as there are 18 blocked sites which currently still experience sufficient usage so as to appear in the Portugal top 50.



The data used to prepare these reports is manually reviewed prior to analysis to ensure its quality. Appendix B contains the complete list of the Portugal top 50 unauthorised sites referred to in this report. The sites blocked in Portugal have been divided into groups by the dates they were blocked, to assist with analysis. The lists of blocked sites included in this analysis can be found in Appendix C.

INCOPRO chose Alexa as its first provider of traffic metrics and is working to integrate other data sources in the future. Many people have misconceptions regarding the data provided by Alexa, possibly due to several changes in methodology throughout their history and being slightly opaque about the detail of their data collection.

Prior to 2008, Alexa traffic estimates were based solely on their browser toolbar, which users had to manually install on their computer. In 2008 Alexa announced that they were no longer relying solely on the toolbar data, and instead pulled in data from a variety of sources, including buying data from ISPs. Alexa's methodology has changed again over the past few years, which appears to coincide with Alexa launching their direct site measurement program (Alexa Certified Metrics). Alexa has removed all text from their information pages regarding buying data from ISPs/collecting from a variety of sources, and now state the following (paraphrased):

- Traffic estimates are based on data from their global traffic panel, a sample of all internet users. The panel consists of millions of users using toolbars created by over 25,000 different publishers, including Alexa and Amazon.
- Some sites are directly measured by Alexa – site operators can sign up to Alexa's certified metrics program.
- Traffic Rank is a measurement of traffic to a website, relative to all other sites on the web over the past 3 months (a rolling 3 month period updated daily) and calculated using a combination of the estimated average daily unique visitors to the site and estimated number of page views over the past 3 months.
- Alexa corrects for biases in the demographic distribution of site visitors, they correct for potential biases in data collected from the various browser extensions, to better represent the type of visitors who might not be in their measurement panel. That being said, biases still exist.
- Due to the concentration of visitors being on the most popular sites, it is difficult to accurately determine the rank of sites with fewer than 1000 monthly visitors. Therefore traffic rankings of 100,000 and above should be considered rough estimates. The closer a site gets to number 1, the more accurate its traffic ranking becomes.

Alexa's collection methods and traffic data were presented and explained in court in 2013 by INCOPRO's Director of Technology, Bret Boivin. This evidence was accepted by the judge and formed an important part of the successful case against the defendant.

As there are several data providers that offer usage numbers for sites, and each provider applies a different methodology and draws data from different sources, INCOPRO has chosen to refer to the usage metric as an overall 'Alexa usage estimate'. This is to avoid inconsistencies with other data sources, and because the focus of this report is concerned with the impact of enforcement as opposed to the number of users for particular sites.

To determine this usage metric, we translate the Alexa reach, which is expressed as number of users per million, for each site and user percentages into estimates of the estimated usage of a website. To do this, the global internet population has been obtained from the latest ITU Facts and Figures (published February 2013). Alexa reach data is tracked automatically by our system, along with a number of other key metrics. For this calculation, the 3 month reach data is used with the ITU figure to produce the usage metric.

Alexa also makes data available for territories individually where the website has enough traffic data in that country. This is expressed as a percentage of all users visiting the site. This percentage figure is used in conjunction with the above reach calculation to get the Alexa estimated usage metric for the site in a given territory. The above calculations are taken on a day-by-day basis and then used to calculate the median value for the month for each site, for both the global and country calculations. Given the fluctuations in numbers that can occur as a site decreases in popularity, this is the best way to remove any dramatic increases or decreases.

Site blocking efficacy in Portugal



This Alexa usage estimate is used to show trends in relation to particular sites. Sites relevant to all aspects of the piracy landscape, from legitimate services to proxies used to circumvent ISP blocking measures are dynamically tracked by INCOPRO. We can also confidently assess the impact on other sites that are in the same type of “piracy market” and that might be expected to benefit from blocking applied to other sites. Our confidence on this stems from the fact that the INCOPRO system has tracked blocked sites and the key other piracy sites for a substantial period and has also tracked all known proxies for such sites. This tracking has had to be meticulous because the tracking is then used to notify ISPs of site and proxy domains to be blocked. More data sources are being identified and included in INCOPRO’s Site Intelligence Database (Identify) as time goes by, which will increase the data points available for comparison.



Appendix B: Portugal Top 50 unauthorised sites

This list is ranked by popularity according to Alexa estimated usage of each site, including alternate domain usage where appropriate as at the end of October 2016. This includes those sites presently blocked where the usage remains high enough for the site to fall within the top 50 (indicated by “++” next to the domain).

Number	Host	Sep 15	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
1	toppt.net++	113,160	113,618	109,076	86,132	60,020	44,732	40,573	48,125	53,706	60,005	67,077	66,980	67,424	71,444
2	mega.nz	25,360	47,353	47,300	46,214	75,089	74,878	44,360	0	0	0	0	62,157	61,513	51,773
3	openload.co	12,592	0	0	0	14,233	0	0	0	0	0	0	0	0	49,274
4	zippyshare.com	40,306	40,688	40,679	33,892	32,577	0	0	0	0	0	0	0	0	43,383
5	torrentz.eu++	104,784	103,361	115,658	82,156	60,474	0	0	2,117	2,406	523	1,760	1,746	6,194	42,293
6	rarbg.to++	28,144	28,177	28,689	21,518	32,589	33,992	22,839	16,628	16,078	16,422	5,305	6,392	28,593	36,005
7	videomega.tv	18,994	19,505	20,219	22,761	22,529	22,968	20,003	17,577	32,369	22,802	0	0	28,662	32,452
8	yts.ag	40,405	36,537	31,376	1,815	0	4,892	0	12,972	13,415	0	0	24,439	26,233	31,068
9	kat.cr++	275,751	235,697	173,948	1,661	0	1,246	1,229	982	1,063	1,030	1,005	996	63,452	30,180
10	watchseriesgo.to++	5,736	4,909	6,110	6,215	0	8,749	0	0	0	0	0	0	13,654	27,448
11	4shared.com	0	0	0	29,212	28,839	24,879	24,388	0	0	0	0	21,252	21,134	26,449
12	nitroflare.com	12,104	18,990	19,114	19,513	17,295	12,909	9,487	7,144	7,324	7,517	9,137	9,486	10,616	26,084
13	unblocked.ist	0	0	0	0	0	0	40,521	55,282	52,140	33,197	53,718	44,330	23,212	24,304
14	1fichier.com	10,516	12,029	9,453	9,586	11,707	9,137	9,088	0	9,096	9,871	0	0	0	24,238
15	pirateproxy.vip	38,457	17,445	39,503	56,929	30,995	28,708	0	0	0	1,969	6,912	26,256	39,834	20,042
16	watchfree.to++	0	0	0	7,326	7,476	0	0	0	0	13,531	13,428	11,394	13,872	18,656
17	thepiratebay.mine.nu	19,391	14,576	16,141	12,335	9,070	12,244	8,108	5,561	3,490	4,572	5,733	6,801	7,742	17,850
18	vodlocker.com	17,777	19,571	21,216	21,664	0	0	0	0	0	0	0	0	0	17,610
19	thevideo.me	3,148	3,305	3,895	0	0	0	0	0	0	0	0	0	13,762	17,112
20	vidzi.tv	0	6,551	9,021	6,927	11,562	15,259	23,127	21,202	18,497	27,147	24,505	23,027	27,000	16,829
21	filmesonlinegratis.net++	96,809	86,110	66,763	39,012	40,780	48,070	42,881	41,877	36,550	37,866	35,620	33,985	29,506	16,051
22	2ddl.me++	2,367	1,959	4,488	4,120	4,934	4,401	2,592	2,245	3,743	4,224	2,605	3,146	4,877	13,177
23	etv.ag++	13,919	18,934	24,098	18,061	0	10,965	12,494	354	381	474	10,771	0	0	12,493
24	en.usenet.nl	3,871	3,987	6,553	5,814	6,811	5,274	5,123	5,441	7,368	7,916	0	0	0	12,045
25	the-watch-series.to++	5,848	15,728	27,742	14,578	16,964	11,324	6,167	4,354	2,205	1,310	840	0	1,976	11,277
26	seriesparaassistironline.org	0	0	0	0	0	0	63,518	56,928	30,239	21,723	18,500	13,064	14,473	10,582
27	avxsearch.in++	10,467	13,360	7,620	5,117	4,964	1,504	1,038	0	0	554	1,623	373	1,554	10,549
28	put.io	9,134	7,073	8,368	9,808	6,948	2,376	3,576	2,494	1,655	862	1,383	1,195	1,529	10,287
29	sendspace.com	0	8,252	9,902	8,361	9,552	0	0	0	0	0	0	0	0	9,138
30	kat.al	0	0	0	0	0	0	0	0	0	217	329	2,039	5,651	9,074
31	itorrents.org	0	0	0	0	0	0	1,667	2,259	2,816	1,977	0	3,704	7,439	8,993
32	btsports.site++	0	0	0	0	0	0	12,421	13,434	12,034	6,307	1,009	1,971	6,376	8,982
33	vidbull.com	7,186	8,002	9,868	11,814	0	0	0	7,069	7,758	7,573	0	0	7,625	8,974
34	watch-episodes.co++	3,198	2,243	0	8,040	17,280	22,990	14,589	27,649	22,741	18,918	14,366	18,824	13,006	8,938
35	sharethefiles.com/forum	0	0	0	0	0	0	4,216	4,189	3,886	4,520	4,968	3,174	2,489	8,547
36	depositfiles.com	0	0	0	0	0	12,497	19,139	16,032	9,237	7,985	6,139	5,848	6,019	8,473
37	warez-bb.org	7,352	6,147	6,524	7,608	7,144	3,838	2,499	2,791	4,541	5,543	6,047	4,347	3,120	8,329
38	torrentdownloads.me++	6,507	6,542	16,752	24,765	16,356	9,594	6,438	0	0	0	0	0	0	8,210
39	watchseries.cr	0	8,684	7,675	3,338	4,497	2,840	0	1,913	4,208	5,637	5,553	5,466	5,252	8,043
40	verseriesynovelas.tv	0	0	0	0	0	0	0	0	0	5,178	6,080	6,473	5,316	7,800
41	clicknupload.link	0	0	0	0	0	0	0	0	0	0	0	0	0	7,791
42	seriesonlinehd.org++	0	0	0	0	0	0	31,207	28,570	17,898	15,315	15,362	11,091	9,220	7,719
43	assistifilmeshd.org++	0	0	0	3,340	2,841	1,686	1,541	1,092	773	1,324	1,585	5,537	9,333	7,667
44	watchseries-online.nl	4,749	0	1,549	2,757	5,034	5,909	3,508	4,009	5,115	5,959	4,191	7,433	9,108	7,420
45	avxhome.se++	9,326	13,158	9,144	0	6,032	5,902	0	3,079	2,924	3,727	3,981	0	3,281	7,297
46	torrentunblock.com	0	0	0	0	0	0	0	0	0	0	0	0	0	7,033
47	sizedrive.com	0	1,495	0	3,102	0	0	770	2,068	2,663	4,224	5,704	8,091	7,311	6,826
48	filespeek.com	0	0	0	0	0	0	0	0	0	0	776	1,302	1,315	6,801
49	rmz.cr	8,094	13,734	10,473	3,721	3,521	3,722	1,919	1,676	2,222	2,220	2,770	821	2,678	6,689
50	divxtotal.com++	0	4,310	6,341	4,516	3,654	3,554	0	0	0	0	0	0	0	6,653

Appendix C: Sites Blocked in Portugal

Wave 1

The 146 sites considered throughout the report were split into 8 groups according to the date on which their blocks were expected to have been implemented. The table below lists each blocked site in Wave 1 with any related alternate domains underneath. The yellow highlighted cells indicate the approximate implementation of the blocks.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
thepiratebay.org	The Pirate Bay	Public P2P Portal	-	1,025	3,249	3,339	964	955	525	-	-	-	-	-
thepiratebay.se	The Pirate Bay	Public P2P Portal	8,781	13,360	7,975	-	-	-	-	47,119	72,989	6,723	4,078	3,472
thepiratebay.gd	The Pirate Bay	Public P2P Portal	-	20,352	15,567	-	-	-	-	-	-	-	-	-
thepiratebay.la	The Pirate Bay	Public P2P Portal	-	-	21,183	-	-	-	-	-	-	-	-	-
thepiratebay.mn	The Pirate Bay	Public P2P Portal	-	-	10,162	-	-	-	-	-	499	-	-	-
kat.cr	Kickass Torrents	Public P2P Portal	172,287	-	-	-	-	-	-	-	-	-	60,848	23,134
kickass.to	Kickass Torrents	Public P2P Portal	-	-	-	-	-	-	-	-	-	-	-	4,001
kat.ph	Kickass Torrents	Public P2P Portal	1,661	1,661	-	1,246	1,229	982	1,063	1,030	1,005	996	2,604	3,045
extratorrent.cc	Extratorrent	Public P2P Portal	45,548	-	-	-	-	-	-	-	-	-	-	-
etmirror.com	Extratorrent	Public P2P Portal	7,676	14,130	17,652	4,342	5,511	2,540	3,804	1,553	1,126	1,706	1,379	228
extratorrent.date	Extratorrent	Public P2P Portal	-	-	-	-	-	5,814	4,657	4,869	7,411	6,658	4,436	1,536
etproxy.com	Extratorrent	Public P2P Portal	-	-	-	-	-	-	490	-	-	-	-	-
extratorrentlive.com	Extratorrent	Public P2P Portal	-	-	-	-	-	-	-	345	-	368	-	-
torrenthound.com	Torrenthound	Public P2P Portal	20,408	18,746	13,867	8,905	5,566	4,852	4,790	-	-	-	5,681	5,931
torrenthound.ru	Torrenthound	Public P2P Portal	2,104	-	-	-	-	-	-	-	-	-	-	-
1337x.to	1337x	Public P2P Portal	12,703	-	12,564	-	-	-	-	-	-	-	-	-
1337x.org	1337x	Public P2P Portal	-	-	1,584	3,243	1,706	-	-	-	-	-	-	-
torrentreactor.com	TorrentReactor	Public P2P Portal	8,016	7,421	4,254	3,039	-	-	-	-	-	-	-	-
scnsrc.me	SceneSource	Linking Only	14,198	7,775	10,245	6,164	7,493	3,634	3,387	3,139	2,147	1,360	994	4,849
1channel.ch	Primewire.ag (1Chan..)	Linking Only	1,589	-	1,750	1,047	1,030	803	1,007	930	872	733	996	2,266
primewire.org	Primewire.ag (1Chan..)	Linking Only	-	1,314	1,535	1,461	1,347	6,279	3,446	1,704	1,454	1,046	703	942
forum-maximus.net	Forum Maximus	Linking Only	1,889	-	-	-	-	-	620	-	-	-	-	-
filmesonlinegratis.net	Filmes Online Gratis	Linking Only	66,763	39,013	40,782	48,070	42,881	41,877	36,550	37,866	35,620	33,985	29,506	16,051
thewatchseries.to	Watch Series (BTVGuide)	Linking Only	19,092	-	-	-	-	-	-	-	-	-	-	-
watch-series.ag	Watch Series (BTVGuide)	Linking Only	4,295	6,700	7,399	3,196	-	-	-	-	-	-	-	-
watchseries.ph	Watch Series (BTVGuide)	Linking Only	4,359	7,882	9,565	8,129	6,167	4,354	1,883	921	-	-	-	-
watchseries.to	Watch Series (BTVGuide)	Linking Only	-	-	-	-	-	-	318	389	610	-	-	-
watch-series.to	Watch Series (BTVGuide)	Linking Only	-	-	-	-	-	-	-	-	230	-	-	8,736
watch-series-tv.to	Watch Series (BTVGuide)	Linking Only	-	-	-	-	-	-	-	-	-	-	1,768	2,675
projectfree-tv.to	Watch Series (BTVGuide)	Linking Only	-	-	-	-	-	-	-	-	-	-	1,335	2,135
rarbg.to	Rarbg	Public P2P Portal	20,181	13,146	14,521	15,933	13,009	10,743	12,737	13,152	-	-	21,646	31,118
rarbg.com	Rarbg	Public P2P Portal	8,513	8,373	16,664	14,975	7,039	3,224	2,613	2,093	2,872	2,452	1,644	1,502
rarbgmirror.com	Rarbg	Public P2P Portal	-	-	1,408	3,087	2,791	2,661	770	1,177	2,433	3,940	5,303	3,385
baixartv.com	Baixartv	Linking Only	1,742	-	-	-	-	-	-	-	-	-	-	-
piratatuga.xyz	PiratatugaFilmes	Linking Only	958	2,037	3,136	3,359	-	-	-	-	-	-	-	-
piratatugafilmes.com	PiratatugaFilmes	Linking Only	3,534	-	-	-	-	-	-	-	-	-	-	-
piratatugafilmes.xyz	PiratatugaFilmes	Linking Only	-	-	-	-	1,131	2,447	2,098	904	821	772	-	-
clubedownload.info	Clubedownload	Public P2P Portal	1,728	-	-	-	-	-	-	-	-	-	-	-
clubedownload.com	Clubedownload	Public P2P Portal	1,031	1,690	3,046	2,135	2,634	819	897	1,178	1,496	1,032	1,332	1,494
monova.org	Monova	Public P2P Portal	6,604	4,722	3,558	-	-	-	-	-	-	-	4,707	3,150
toppt.net	Top-PT	Linking Only	100,159	74,331	58,808	44,733	40,573	47,329	52,762	58,935	67,077	66,765	67,155	71,212
toppt.tv	Top-PT	Linking Only	8,920	10,799	-	-	-	-	-	-	-	-	-	-
top-pt.com	Top-PT	Linking Only	-	-	-	-	-	796	953	1,070	-	215	269	232
cinefilmesonline.net	CineFilmesOnline	Linking Only	17,279	12,801	10,472	8,523	7,767	8,915	9,740	7,903	12,513	7,078	5,910	6,501
isohunt.to	ISOHunt	Public P2P Portal	7,237	6,712	5,580	-	-	3,931	4,153	-	-	-	-	-
watchseries.ag	WatchSeries.It	Linking Only	3,987	5,607	3,354	-	-	-	-	-	-	-	-	-
watchseries.se	WatchSeries.It	Linking Only	-	-	1,560	1,382	2,109	1,097	541	1,139	897	1,194	573	-
watchseries.vc	WatchSeries.It	Linking Only	-	-	-	-	-	-	528	1,242	1,365	1,432	1,505	423
watchseriesfree.to	WatchSeries.It	Linking Only	-	-	-	-	-	-	-	-	-	1,234	1,409	-
tuga-filmes.info	Tuga-Filmes	Linking Only	719	-	-	-	-	-	-	-	-	-	-	-
tuga-filmes.com	Tuga-Filmes	Linking Only	7,187	6,769	7,676	7,008	5,794	11,472	13,319	10,329	8,671	6,562	4,222	2,599
elitedosfilmes.com	EliteDosFilmesCom	Linking Only	-	-	-	-	-	522	488	398	487	414	719	918
dayt.se	DayT.se (G2G)	Public P2P Portal	7,244	6,330	-	-	-	-	-	-	-	-	-	-
megafilmeshd.net	MegaFilmesHD	Linking Only	119,864	76,291	70,078	20,255	2,851	1,235	823	831	1,059	772	583	-
seriestvix.tv	SeriesTVix	Linking Only	3,750	3,191	-	-	-	-	-	-	-	-	-	-
filmesonline2.com	FilmesOnline2	Linking Only	8,332	5,563	3,533	2,824	3,852	3,354	1,961	1,594	1,167	1,038	-	-
filmesonline2.tv	FilmesOnline2	Linking Only	-	-	-	-	-	-	-	-	-	150	516	764
seriesvideobb.com	Assistivideo (SeriesVideoBB)	Linking Only	12,934	10,633	-	-	-	-	-	-	-	-	-	-
seriesvideobb.net	Assistivideo (SeriesVideoBB)	Linking Only	-	2,725	8,335	12,062	8,049	10,183	10,583	9,863	8,717	6,214	6,148	3,998
watchseries.li	Watchseries.li (Copycat)	Linking Only	6,113	6,216	-	8,750	-	-	-	-	-	-	-	-
watchseries.ac	Watchseries.li (Copycat)	Linking Only	-	-	-	-	-	-	-	-	-	-	13,654	24,347
watchseriesgo.to	Watchseries.li (Copycat)	Linking Only	-	-	-	-	-	-	-	-	-	-	-	3,101

Wave 2

The table below lists each blocked site in the Wave 2 application with any related alternate domains underneath.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
torlock.com	Torlock	Public P2P Portal	12,305	7,714	7,892	3,159	2,118	3,004	4,236	5,360	3,854	3,146	4,089	6,493
seedpeer.eu	Seedpeer	Public P2P Portal	9,171	7,227	5,870	3,323	-	2,782	3,063	3,498	3,555	-	3,469	2,505
torrentfunk.com	Torrent Funk	Public P2P Portal	17,124	15,515	13,889	6,554	5,400	5,491	-	-	-	-	-	-
bitsnoop.com	Bitsnoop	Public P2P Portal	14,111	10,024	6,803	4,444	-	2,948	-	-	-	-	-	-
sceper.ws	Sceper	Linking Only	1,894	-	-	-	-	-	899	-	-	-	-	1,561
avxhome.se	Avaxhome	Linking Only	9,146	-	5,563	5,906	-	-	-	-	-	-	-	-
avxhome.in	Avaxhome	Linking Only	-	-	472	-	-	3,079	2,924	2,430	2,354	-	3,405	6,678
avaxhm.com	Avaxhome	Linking Only	-	-	-	-	-	-	-	1,283	1,519	-	-	-
sanet.me	SoftArchive	Linking Only	1,869	-	-	-	-	-	1,074	-	-	-	-	-
softarchive.la	SoftArchive	Linking Only	-	-	-	-	-	-	557	965	2,707	4,067	4,690	3,940
cucirca.eu	Cudra	Linking Only	3,190	5,584	3,411	2,700	1,732	2,307	1,387	1,704	1,736	794	580	-
armagedomfilmes.biz	ArmagedonFilmes	Linking Only	22,155	12,261	7,421	9,426	6,731	8,437	7,155	7,526	6,291	6,291	6,735	3,904
tubeplus.is	TUBE+	Linking Only	5,247	5,344	-	-	-	-	-	-	-	-	-	-
tubeplus.ag	TUBE+	Linking Only	-	-	-	-	-	-	-	-	-	-	-	3,059
torrents.net	Torrents.net	Public P2P Portal	6,730	8,432	4,165	2,642	2,052	1,509	1,529	-	-	-	-	-
yourbittorrent.com	YourBitTorrent	Public P2P Portal	20,868	14,834	13,762	-	-	4,098	-	-	-	-	-	2,187
ddlvalley.cool	DDLValley	Linking Only	1,696	2,603	-	1,000	1,623	908	1,071	1,340	1,608	1,083	2,491	4,693
telona.org	Telona	Linking Only	-	-	-	-	-	761	492	389	431	-	260	-
amofilmes.net	AmoFilmes	Linking Only	-	-	1,492	1,345	698	465	436	1,428	-	-	-	-
megafilmesonlinehd.com	MegaFilmesOnlineHd	Linking Only	5,001	4,477	5,566	6,369	9,154	7,575	4,582	3,466	4,133	4,475	3,523	1,991
topdezfilmes.org	TopDezFilmes	Public P2P Portal	-	-	-	-	940	1,846	1,818	3,256	3,347	4,416	3,010	2,134
baixartorrent.net	BaixarTorrent	Public P2P Portal	6,471	2,008	2,658	4,519	1,993	2,485	2,119	2,577	1,727	1,218	1,296	1,559
filmesdetv.com	FilmesDeTv	Linking Only	2,279	1,879	2,542	2,437	2,094	1,486	1,075	1,581	991	695	1,246	448
toptorrent.org	TopTorrent	Public P2P Portal	-	-	-	-	-	481	-	-	-	-	-	-
teutorrent.com	TopTorrent	Public P2P Portal	-	-	-	-	-	-	-	-	-	1,510	1,433	1,779
megafilmesonline.net	MegaFilmesOnline (FilmesOnlineGratis)	Linking Only	18,026	8,944	10,301	11,162	14,241	12,370	8,930	8,534	8,785	9,171	7,322	3,289
supercineonline.com	FilmesSeriesOnline (SuperCineOnline)	Linking Only	2,315	-	-	-	-	-	-	-	-	-	-	-
supercineonline.tv	FilmesSeriesOnline (SuperCineOnline)	Linking Only	-	876	3,180	4,253	3,519	4,298	3,009	2,566	3,958	3,799	3,694	3,011
ilovefilmesonline.com	ILoveFilmesOnline	Linking Only	2,442	2,232	3,140	3,115	3,107	2,788	2,177	3,010	2,791	3,569	3,308	2,345
projectfreetv.so	Project-FreeTV (.so)	Linking Only	11,204	-	-	-	-	-	4,582	4,740	-	-	-	-
megafilmeshd.tv	MegaFilmesHD (.tv)	Linking Only	-	-	-	-	-	-	-	-	241	176	-	-

Wave 3

The table below lists all domains for the sites associated with the third administrative blocking wave in Portugal, which took effect in December 2016.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
limetorrents.cc	LimeTorrents	Public P2P Portal	20,677	23,453	20,435	6,028	5,447	5,020	4,394	-	-	-	-	-
limetor.co	LimeTorrents	Public P2P Portal	-	-	-	-	-	-	-	-	-	264	234	-
eztv.ag	EZTV	Public P2P Portal	24,099	18,062	-	10,965	12,494	-	-	-	10,771	-	-	12,493
zoink.ch	EZTV	Public P2P Portal	-	-	-	-	-	354	381	474	-	-	-	-
solarmovie.is	Solarmovie (real)	Linking Only	9,498	-	-	-	-	-	-	-	-	-	-	-
solarmovie.ph	Solarmovie (real)	Linking Only	2,297	3,857	-	-	-	-	-	-	-	-	-	-
elitetorrent.net	EliteTorrent	Public P2P Portal	4,709	5,084	-	-	-	-	-	-	-	-	-	4,610
downtut.net	Downtut	Linking Only	1,854	-	-	-	-	-	-	-	-	-	-	-
tfilm.me	Tfilm.me (Filmin)	Linking Only	2,714	-	-	-	-	-	-	-	-	-	-	-
tfilm.club	Tfilm.me (Filmin)	Linking Only	-	-	-	-	-	-	-	-	-	-	-	1,606
castordownloads.info	CastorDownloads	Linking Only	-	2,284	2,561	1,638	1,123	365	569	646	789	969	1,199	786
rslinks.org	RSLinks	Linking Only	1,994	-	-	-	-	-	-	-	-	-	-	-
viooz.ac	Viooz	Linking Only	4,998	2,991	-	-	-	-	-	-	-	-	-	-
divxtotal.com	DivxTotal	Public P2P Portal	6,341	4,517	3,655	3,555	-	-	-	-	-	-	-	6,653
torrentbutler.eu	TorrentButler	Public P2P Portal	6,330	4,154	-	-	-	-	-	-	-	1,761	1,645	-
990.ro	990	Linking Only	2,093	-	-	-	-	-	-	-	-	-	-	-
solarmovie.ac	Solarmovie.ac (copycat)	Linking Only	5,677	6,247	7,199	-	5,126	-	-	-	-	-	-	-
movie2kto.io	Movie2kto.so	Linking Only	-	-	-	-	-	-	-	382	558	616	-	-
geektv.me	GeekTV	Linking Only	2,941	3,877	3,935	3,339	-	-	-	-	-	-	-	-
geektv.is	GeekTV	Linking Only	-	-	-	-	414	800	1,787	1,873	-	726	-	-
geektv.ag	GeekTV	Linking Only	-	-	-	-	-	-	-	423	688	711	-	-
geektv.ma	GeekTV	Linking Only	-	-	-	-	-	-	-	-	-	370	946	4,153
avxsearch.se	AvaxSearch (Avaxhome)	Linking Only	7,620	5,117	3,849	-	-	-	-	554	442	373	509	2,377
avxsearch.in	AvaxSearch (Avaxhome)	Linking Only	-	-	1,116	1,505	1,038	-	-	-	1,181	-	1,045	8,172
filespr.biz	Filespr	Linking Only	837	-	-	-	-	-	-	-	-	-	-	-
filespr.com	Filespr	Linking Only	-	-	-	-	-	-	166	229	-	-	-	-
ororo.tv	Ororo.tv	Linking Only	2,863	3,722	2,127	1,426	-	-	-	-	-	-	-	-
kinobar.net	KinoBar	Linking Only	-	-	-	-	-	-	883	-	-	-	-	-
onlinemovies.pro	OnlineMovies	Linking Only	2,592	2,160	-	-	7,939	-	-	-	-	-	-	-
putlocker.mn	PutLocker (.mn)	Linking Only	2,392	-	-	1,121	904	-	-	-	-	-	-	-
putlocker.ms	Putlocker.to	Linking Only	7,568	-	7,144	6,784	-	-	-	-	-	-	-	-
putlocker.to	Putlocker.to	Linking Only	-	-	-	-	-	460	-	-	-	-	-	-
putlocker.ac	Putlocker.to	Linking Only	-	-	-	-	-	-	-	-	656	1,687	2,608	4,181
watchepisodes.com	WatchEpisodes	Linking Only	-	8,041	14,820	14,753	-	-	-	-	-	-	-	-
watchepisodes1.com	WatchEpisodes	Linking Only	-	-	-	-	11,680	14,753	-	-	-	-	-	-
watchepisodes1.tv	WatchEpisodes	Linking Only	-	-	-	-	2,909	10,854	11,804	-	-	-	-	-
watch-episodes.tv	WatchEpisodes	Linking Only	-	-	-	-	-	2,042	9,882	12,363	-	-	-	-
watchepisodes.to	WatchEpisodes	Linking Only	-	-	-	-	-	-	1,254	6,555	12,458	12,244	-	-
watch-episodes.com	WatchEpisodes	Linking Only	-	-	-	-	-	-	-	-	1,908	6,355	8,594	-
watchepisodes1.to	WatchEpisodes	Linking Only	-	-	-	-	-	-	-	-	-	225	3,419	4,997
watchepisodes1.net	WatchEpisodes	Linking Only	-	-	-	-	-	-	-	-	-	-	993	1,569
watchepisodes.co	WatchEpisodes	Linking Only	-	-	-	-	-	-	-	-	-	-	-	2,372
filmesmegahd.net	FilmesMegaHD	Linking Only	2,260	1,974	1,103	1,447	1,194	2,294	3,266	1,687	2,242	2,232	1,750	1,593
comando-filmes.com	ComandoFilmes	Public P2P Portal	2,381	2,218	-	-	-	-	-	-	-	-	-	-
comandofilmeshd.com	ComandoFilmes	Public P2P Portal	-	860	2,664	1,944	2,027	4,319	4,222	5,710	-	-	-	-
comandofilmes.net	ComandoFilmes	Public P2P Portal	-	-	-	-	-	-	420	1,885	3,623	5,427	6,734	5,482
treetorrent.com	TreeTorrent	Public P2P Portal	3,472	-	-	-	-	-	522	581	-	-	-	-
warezmovie.net	WarezMoviet.net	Public P2P Portal	12,606	16,651	19,659	-	-	-	-	-	-	-	-	-
warezmovie.com	WarezMoviet.net	Public P2P Portal	-	3,586	4,984	5,538	-	1,100	-	-	-	-	-	-

Wave 4

The list below includes the usage of all sites and their associated domains targeted by the Wave 4 site blocks in January 2016.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
demonoid.ph	Demonoid	Public P2P Portal	2,683	2,683	-	-	-	-	967	672	-	-	-	-
demonoid.pw	Demonoid	Public P2P Portal	2,791	2,858	2,813	1,877	1,561	2,768	2,262	1,530	-	-	5,383	4,418
demonoid.cc	Demonoid	Public P2P Portal	-	-	-	-	-	-	-	-	-	-	-	1,016
dnoid.me	Demonoid	Public P2P Portal	-	-	-	-	-	-	-	-	-	-	-	956
torrentdownloads.me	Torrent Downloads	Public P2P Portal	16,752	24,766	16,356	9,595	6,438	-	-	-	-	-	-	8,210
torrentz.eu	Torrentz	Public P2P Portal	115,659	80,762	60,475	-	-	-	-	-	-	-	-	35,166
torrentz.ch	Torrentz	Public P2P Portal	-	-	-	-	-	1,028	1,342	523	1,116	1,110	-	-
torrentz.me	Torrentz	Public P2P Portal	-	-	-	-	-	1,089	1,036	-	644	636	-	-
torrentz.com	Torrentz	Public P2P Portal	-	1,396	-	-	-	-	-	-	-	-	6,194	7,127
torrentproject.se	TorrentProject	Public P2P Portal	7,532	17,181	16,822	-	-	-	-	-	-	-	-	-
rlsbb.com	RLSBB	Linking Only	-	-	-	-	-	-	-	-	-	1,522	1,919	-
couchtuner.ch	Couchtuner	Linking Only	-	955	983	-	-	-	-	-	-	-	-	-
baixedetudo.net	Baixedetudo	Public P2P Portal	-	-	-	-	-	-	-	-	-	443	469	429
sobaixar.com	SoBaixar (Baixeturbo)	Linking Only	-	2,919	2,714	1,553	1,307	1,784	1,547	2,421	2,111	1,203	1,947	1,652
estrenosdtl.com	Estrenosdtl	Public P2P Portal	2,000	-	-	-	-	-	-	-	-	-	-	-
themediafire.biz	TheMediaFire	Public P2P Portal	-	1,127	1,553	-	-	-	-	-	-	-	-	-
themediafire.net	TheMediaFire	Public P2P Portal	-	-	-	-	472	887	1,496	1,850	1,882	1,807	1,811	1,235
puxandolegal.org	PuxandoLegal	Linking Only	-	-	-	-	-	377	398	328	-	283	273	-
putlocker.is	Putlocker (.is)	Linking Only	47,076	48,546	42,310	-	-	-	-	-	-	-	-	-
watchfree.to	WatchFree.to	Linking Only	-	7,327	7,476	-	-	-	-	11,264	11,596	10,342	12,759	16,746
putlocker.com	WatchFree.to	Linking Only	3,508	3,441	3,049	2,501	1,904	1,678	2,073	2,267	1,832	1,052	1,113	1,910

Wave 5

The table below includes the usage of all sites targeted in the February 2016 Wave 5 blocks.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
filmix.net	Filmix	Linking Only	2,824	7,310	8,495	5,472	-	-	-	-	-	-	-	-
megashare.sc	Megashare	Linking Only	9,260	6,911	5,746	-	5,040	-	-	-	-	-	-	-
kino-live_red	Kino-Live	Linking Only	2,889	4,757	4,444	2,762	1,442	-	-	-	-	-	-	-
yify-torrent.org	Yify-torrent.org	Public P2P Portal	6,912	10,256	13,457	8,296	5,421	-	-	-	-	-	-	-
verfilmesonlinehd.com	VerFilmesOnlineHD	Linking Only	-	3,340	2,841	1,689	1,541	1,092	773	1,143	909	-	-	-
assistifilmeshd.org	VerFilmesOnlineHD	Linking Only	-	-	-	-	-	-	-	-	181	676	5,537	9,333
filmesonlinegratis.com	FilmesOnlineGratis.com	Linking Only	3,070	3,121	4,696	5,870	4,149	4,215	2,257	1,927	1,555	1,683	1,520	1,298
megaboxfilmesonline.com	MegaBoxFilmesOnline	Linking Only	-	2,543	4,498	3,527	3,292	4,137	2,872	2,240	2,081	2,486	3,018	1,650
kino-live2.org	Kino-Live2.org	Hosting	3,220	7,358	4,752	1,299	-	-	-	-	-	-	-	-
123movies.to	123Movies	Linking Only	2,025	2,655	3,411	4,630	3,373	-	-	-	-	-	-	-
123movies.ru	123Movies	Linking Only	-	-	-	-	-	-	-	348	334	-	-	2,128
f9movies.com	123Movies	Linking Only	-	-	-	-	-	-	-	365	438	-	-	-
123movies.cz	123Movies	Linking Only	-	-	-	-	-	-	-	-	-	-	733	1,744
niter.co	Niter	Hosting	-	2,363	2,308	1,735	-	588	-	609	-	-	-	-

Wave 6

The table below includes usage for all Wave 6 sites which were blocked in Portugal during March 2016.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
eutorrents.to	Cinemaz (EUTorrents)	Public P2P Portal	-	1,726	1,936	3,477	2,004	-	-	-	-	-	-	-
onlyf.ws	OnlyFilms	Linking Only	-	-	1,789	1,127	1,108	-	-	-	-	-	-	-
btstor.cc	BTScene	Public P2P Portal	2,085	2,667	7,897	4,223	-	-	-	-	-	-	-	-
btstorr.cc	BTScene	Public P2P Portal	-	-	-	-	1,067	-	-	-	-	-	-	-
degraca.org	DeGraca (Degraceamaisgostoso)	Linking Only	-	-	1,620	1,570	2,057	-	-	-	-	-	-	-
yesfilmes.org	YesFilmes	Linking Only	3,612	2,215	2,104	1,828	1,221	1,257	725	667	971	706	781	888
seventorrents.xyz	SevenTorrents	Public P2P Portal	-	-	3,284	4,710	5,898	-	-	-	-	-	-	-
seventorrents.one	SevenTorrents	Public P2P Portal	-	-	-	-	1,725	-	-	-	-	-	-	-
7torrents.one	SevenTorrents	Public P2P Portal	-	-	-	-	-	369	369	-	-	-	-	-
seventorrents.blue	SevenTorrents	Public P2P Portal	-	-	-	-	-	-	238	328	-	-	-	-
seventorrents.top	SevenTorrents	Public P2P Portal	-	-	-	-	-	-	-	-	-	157	-	-
streamallthis.is	Streamallthis	Linking Only	-	-	1,847	-	-	-	-	-	-	-	-	-
kkiste.to	KKiste (Kinokiste)	Linking Only	2,326	2,210	2,384	1,980	-	-	-	-	-	-	-	-
torrentrapido.com	TorrentRapido (Download-ak)	Public P2P Portal	-	2,381	1,699	-	-	721	608	-	-	-	-	-
torrentrapido.org	TorrentRapido (Download-ak)	Public P2P Portal	-	-	-	-	-	-	-	112	-	-	-	-
downloadsetorrents.com	TorrentRapido (Download-ak)	Public P2P Portal	-	-	-	-	-	-	-	-	-	-	291	-
sempretorrents.org	TorrentsGratis	Public P2P Portal	-	-	745	663	-	-	-	-	-	-	-	-
torrentsgratis.com	TorrentsGratis	Public P2P Portal	-	-	-	-	-	-	-	232	349	893	880	-
torrentsgratis.net	TorrentsGratis	Public P2P Portal	-	-	-	-	-	-	-	-	242	263	-	-
torrentsgratis.org	TorrentsGratis	Public P2P Portal	-	-	-	-	-	-	-	-	-	-	144	141
filmesetorrent.net	FilmesTorrent	Public P2P Portal	-	-	2,155	1,680	-	513	401	469	626	-	399	410
ymka.tv	Ymka	Linking Only	-	1,772	1,589	-	-	-	-	-	-	-	-	-
2ddl.net	Twoddl	Linking Only	1,648	4,120	4,934	3,290	-	-	-	-	-	-	366	1,927
2ddl.download	Twoddl	Linking Only	2,841	-	-	-	-	-	-	-	-	-	-	-
2ddl.co	Twoddl	Linking Only	-	-	-	1,115	1,735	-	-	-	-	-	-	-
twoddl.org	Twoddl	Linking Only	-	-	-	-	857	1,814	1,487	-	-	-	-	-
2ddl.cc	Twoddl	Linking Only	-	-	-	-	-	431	1,679	2,367	-	-	-	-
2ddl.ag	Twoddl	Linking Only	-	-	-	-	-	-	230	1,034	2,006	2,468	2,419	4,001
twoddl.eu	Twoddl	Linking Only	-	-	-	-	-	382	569	599	-	-	-	963
2ddl.link	Twoddl	Linking Only	-	-	-	-	-	-	-	254	-	-	-	-
2ddl.online	Twoddl	Linking Only	-	-	-	-	-	-	-	-	-	678	1,176	1,360
twoddl.link	Twoddl	Linking Only	-	-	-	-	-	-	-	-	-	-	916	4,926
vegasfilmes.com	VegasFilmes	Linking Only	-	1,563	1,124	2,392	2,043	2,736	448	319	-	-	224	-
allfilmonline.cc	AllFilmOnline	Linking Only	-	3,848	7,327	-	-	-	-	-	-	-	-	-
allfilmonline.ws	AllFilmOnline	Linking Only	-	6,695	1,688	-	-	-	-	-	-	-	-	-
allfilmonline.co	AllFilmOnline	Linking Only	-	-	-	-	-	-	-	301	684	635	514	-
piratetorrents.net	PirateTorrents.net	Public P2P Portal	2,991	2,628	2,160	1,531	1,296	1,021	-	-	1,582	2,042	-	-
subsmovies.com	SubsMovies	Linking Only	-	1,667	1,869	1,836	3,369	1,227	2,372	2,719	2,288	1,992	2,529	3,101
movie25.sr	Movie25.sr	Linking Only	-	891	830	1,016	-	-	-	-	-	-	-	-
watchmovie25.ac	Movie25.sr	Linking Only	-	-	-	-	-	-	-	-	-	574	-	-
projectfreetv.ws	Projectfreetv.ws	Linking Only	2,276	2,326	2,732	2,089	-	-	-	-	-	-	-	-
theprojectfreetv.net	Projectfreetv.ws	Linking Only	-	-	-	-	-	-	112	167	-	-	-	-
watchprojectfree.net	Projectfreetv.ws	Linking Only	-	-	-	-	-	-	475	-	-	-	-	-
seriefilmes.com	SFDownload.net (SerieFilmes.com)	Public P2P Portal	-	-	-	-	2,069	1,350	1,261	887	923	722	-	-
sfdownload.net	SFDownload.net (SerieFilmes.com)	Public P2P Portal	-	-	-	-	-	-	-	-	-	298	749	1,401

Wave 7

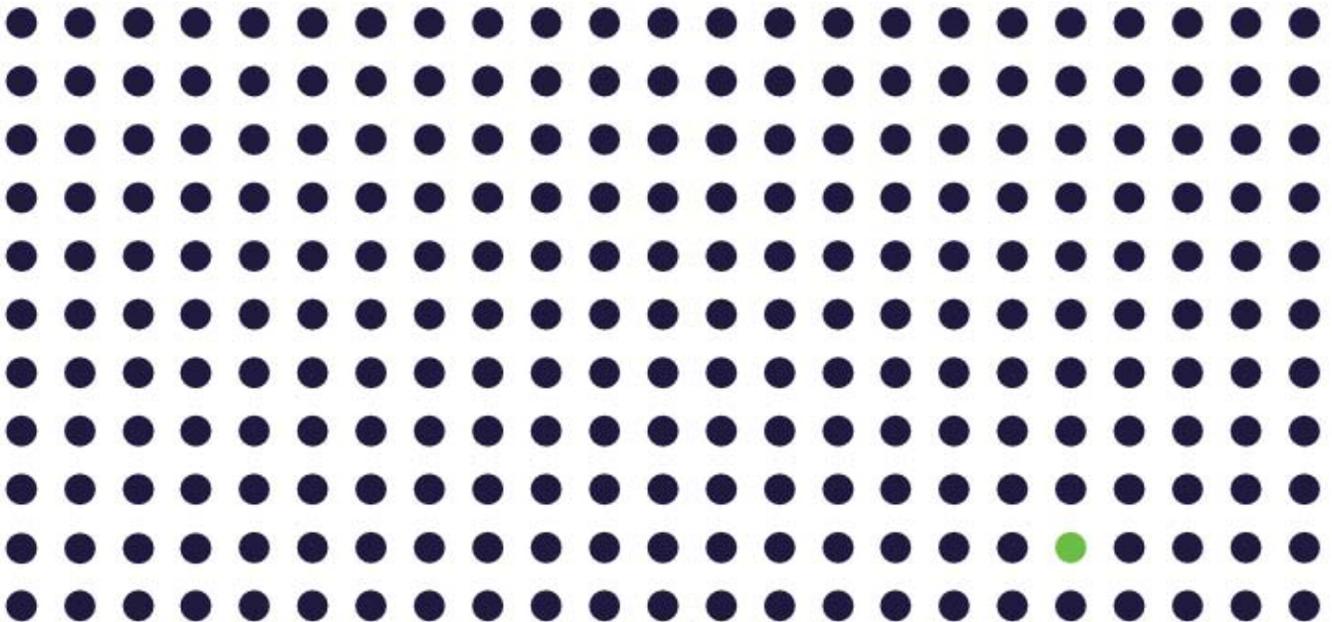
The wave 7 sites were blocked with an expected ISP implementation date of April 2016.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
superfilmeshd.tv	FilmesOnlineBR	Linking Only	-	-	-	-	9,917	10,779	17,959	29,213	-	-	-	-
melhores torrent brasil.com	MelhoresTorrentBrasil	Public P2P Portal	-	2,430	2,485	-	-	-	-	-	-	-	-	-
onlinehdmovies.org	OnlineHDMovies	Linking Only	-	-	1,404	1,182	-	-	-	-	-	-	-	-
alfafilmesonline.com	AlfaFilms	Linking Only	-	-	-	-	10,575	8,207	3,918	3,215	1,614	1,560	2,098	2,292
assistirseriesonlineDubladas.com	AssistirSeriesOnlineDubladas	Linking Only	-	-	-	-	2,887	1,184	710	338	-	-	-	-
cinemainterativo.com	CinemaInterativo	Public P2P Portal	-	-	-	-	13,575	16,064	10,094	9,569	6,923	8,179	7,541	4,721
filmesonlineX.net	FilmesOnlineX	Linking Only	-	-	-	-	59,373	50,008	15,487	10,366	8,754	7,697	7,060	2,541
seriesonlinevip.org	SeriesonlineVIP	Linking Only	-	-	-	-	30,912	30,187	16,087	14,071	13,159	8,871	10,435	-
seriadosvip.com	SeriesonlineVIP	Linking Only	-	-	-	-	-	-	-	-	-	585	1,383	993
seriesonlinehd.org	SeriesOnlineHD	Linking Only	-	-	-	-	31,207	28,570	17,817	15,315	15,362	11,091	9,220	7,719

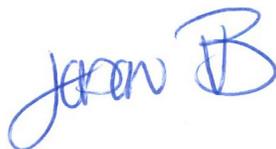
Wave 8

The wave 8 sites are included in the table below. Sites in the group were blocked during June 2016.

Domain	Name	Category	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16
justfilmes seriados.info	Justfilmes seriados	Linking Only	-	-	-	942	1,764	1,312	511	-	-	-	-	-
justfilmes seriados.me	Justfilmes seriados	Linking Only	-	-	-	-	-	-	-	-	-	174	210	-
cubodown.me	CuboDown	Linking Only	-	-	-	-	-	-	143	291	224	-	-	-
maxfilmesonline.net	MegaFilmesHD21 (MaxFilmesOnline)	Linking Only	4,182	4,221	3,473	3,592	3,048	2,713	2,548	4,710	3,032	1,808	1,449	1,780
thepiratefilmes.com	ThePirateFilmes	Public P2P Portal	-	-	-	-	5,117	1,395	1,043	883	1,080	-	-	-



This is **Exhibit EQ-11** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



How Website Blocking Is Curbing Digital Piracy Without “Breaking the Internet”

BY NIGEL CORY | AUGUST 2016

A free and open Internet is not antithetical to website blocking, as not every website—those actively facilitating child pornography or terrorism are two examples—has a right to exist. Blocking websites to stop copyright infringement should not be considered any differently.

Many countries ask domestic Internet service providers (ISPs) to block access to websites engaged in illegal activities—such as those facilitating cybercrime, child pornography, or terrorism—because this is one of the few means available to respond to illegal materials hosted abroad.

However, when it comes to addressing other legitimate public policy objectives, such as curbing digital piracy, some of these same countries are reluctant to ask ISPs to block websites dedicated to distributing illegal copies of movies, music, and other copyright-protected works. As a result, online piracy continues unabated. But where countries are using website blocking to fight digital piracy, the record shows it has been effective in driving users from illegal to legal sources of copyrighted material online.

This was a key conclusion of a recent study in which Carnegie Mellon University examined the real-world impact of website blocking in the United Kingdom.¹ Unfortunately, the results of this study will likely face many familiar misperceptions about website blocking: that such policy tools should not apply to the Internet, that it will be ineffective, that it is a form of censorship, that it will be expensive for ISPs, and that it will be abused by content rights holders. However, these objections are often based on a very skewed view of the Internet, one that does not recognize the need to extend laws that exist in the offline world to the online one.

Website blocking is not antithetical to a free and open Internet. Even the most vocal supporters of Internet freedom recognize that it is legitimate to remove or limit access to some materials online, such as sites that facilitate child pornography. At the same time,

some governments can and do cast too wide a net against Internet content, taking down or limiting access that is not illegal, but only upsetting to those in power. The key issue about Internet freedom, therefore, is not whether the Internet is and should be completely free or whether governments should have unlimited censorship authority, but rather where the appropriate lines should be drawn, how they are drawn, and how they are implemented.

Defending the open Internet globally should be a key task of governments, particularly democratically elected ones. Advocating limits on accessing illegal content online does not violate open Internet principles, nor does it limit the legitimacy of governments pushing for a more open and free global Internet. And, in particular, given the pervasiveness of digital piracy throughout the world—action that is by definition illegal, not to mention unethical—governments can and should do more to limit access to this content.

In the vitriolic debates over the Stop Online Piracy Act (SOPA) in the United States, many opponents of taking action to limit access to foreign websites dedicated to piracy argued that website blocking would “break the Internet,” although they never satisfactorily explained how this breakage would occur or why the Internet was not already broken, since some site blocking already existed before the SOPA debate.² Nonetheless, no policymaker wanted to be accused of being responsible for breaking the Internet. Five years later, we have evidence to evaluate. Meanwhile, 25 nations have enacted policies and regulations regarding website blocking to find a better balance between preserving the benefits of a free and open Internet and efforts to stop crimes such as digital piracy. And the Internet still works just fine in these nations.

This report analyzes the prevalence, persistence, types, and cost of digital piracy, which the vast majority of academic literature shows harms content creators. It then analyzes website blocking—how it works, different blocking mechanisms, the costs of website blocking, and the types of websites currently being targeted by the wide range of countries that allow website blocking. The report then rebuts a number of common criticisms of website blocking.

DIGITAL PIRACY IS PERSISTENT, EXTENSIVE, AND COSTLY

The ease with which copyrighted material can be copied and shared online across jurisdictional borders makes it challenging for rights holders to protect their works as they do in the offline world, where customs agents typically can intercept physical goods, such as CDs and DVDs, that contain illegal copies of songs, movies, TV shows, and other content. (Illegal materials hosted on overseas servers cannot be permanently removed without the cooperation of the local authorities, and in many cases, this is not provided.)

New technologies are constantly being created to copy and disseminate digital content, often without the owner’s consent. This makes it difficult to fight digital piracy, as many digital technologies and processes are used for both legitimate and illegitimate purposes. While illegal copying in the past was tedious, such as using cassette tapes to record music, it has become automated and prolific following the creation of first-generation file-sharing

platforms such as Napster, which undermined copyright laws around the world. (Box A outlines the primary types of digital piracy.)

A common response to growing concerns about digital piracy has been that there were not enough legal alternatives with timely content. While this was never a valid argument, as accessing content without the permission of the copyright holder was always illegal, it is irrelevant now given the number of legitimate content services continues to grow. For example, there are more than 450 legitimate movie and television streaming services available around the world, and over 115 in the United States alone.³ The country at the center of this report, the United Kingdom, had 62 legal online music services in 2014, which was more than the United States (59).⁴

A recent Carnegie Mellon University study shows that the expanding use of website blocking in the United Kingdom has been effective in getting people to shift from illegal to legal content online.

Measuring piracy—an illicit and therefore hard-to-track activity—is a difficult problem. Yet, available evidence suggests that online copyright infringement remains prevalent, driven by the free and simple availability of illegal digital content. A NetNames report, *Sizing the Piracy Universe*, demonstrated that the number of users regularly accessing illegal copies of media content (such as songs and movies) and the amount of bandwidth consumed by infringing uses of content significantly increased between 2010 and 2013. This finding held true even in regions where there are a growing number of legitimate distribution services for online content. In January 2013, the report estimated that 432 million unique Internet users sought illegal copies of media content.⁵ In more recent years, piracy has shifted away from file-sharing platforms to streaming sites. A recent report by piracy-tracking firm MUSO found that there were 57.8 billion visits to 14,000 of the largest piracy websites and that 74 percent of these visits were to streaming sites.⁶

Even when copyright skeptics and opponents acknowledge the extent of piracy, many dismiss its importance, claiming that it doesn't detract from legitimate sales. However, a growing body of research proves that piracy has a negative impact on legitimate sales. A recent meta-analysis of academic literature examining the effects of online piracy shows that over half of rigorous, empirical studies conclude that piracy has a clear, statistically significant, negative impact on profits for content creators.⁷ Another recent survey of the literature concludes that the vast majority (25 of 29 empirical papers) affirm that piracy harms content creators.⁸ For example, the Carnegie Mellon University (CMU) study at the center of this report provides empirical evidence that consumption of pirated material detracts from the consumption of legal (ad-supported or subscription) services. In short, economists are getting better at developing the data, tools, and quasi-experimental structures to get a better measure of how much damage online piracy inflicts.

A 2016 study by the European Union's Intellectual Property Office highlights the size and scale of the cost: It estimated that the European music industry lost €170 million in sales revenue in 2014 as a consequence of digital piracy. This equals a loss of 5.2 percent of its total annual sales (both physical and digital) to piracy. When indirect economic impacts are included, digital piracy is estimated to lead to €36 million in lost sales in the European Union, which leads to an estimated 2,155 lost jobs.⁹ This has real economic consequences,

as approximately 39 percent of total economic activity and 26 percent of all employment in the European Union is in intellectual property-intensive industries, with another 9 percent of jobs supported by the economic activity of these industries.¹⁰

Figure 1: Screenshot of a Torrent Site Hosting Illegal Copies of the Latest Movies

The Biggest BitTorrent System

ExtraTorrent

Advanced Search

ExtraTorrent.cc > Hot Torrents > Hot First Cams torrents

 Hot First Cams torrents 

 **Star Trek Beyond (2016) 1CD x264 AAC 2.0 -DDR**
 Added: 2016-08-14 14:20:59
 Seeds: **8726**, Leechers: **3830**, Hits: **39808**, Comments: **29** (view comments >)
Description: - HollyWooD Movie- Star Trek beyond ** 2016 ** 1CD CAM / x264 / AAC 2.0 Video Flikering removed Source : Unknown (Thanks) Format : Matroska File size...
 read full description >



 **Suicide Squad 2016 HD-TS x264-CPG**
 Added: 2016-08-13 13:26:55
 Seeds: **49559**, Leechers: **77979**, Hits: **122364**, Comments: **53** (view comments >)
Description: Suicide Squad 2016 HD-TS x264-CPG [info] oh boy where to start..... for last 1 week i been playing with this movie for you guys.. different sources show up,, latin, russian and some private ones...
 read full description >



 **Mechanic 2 - Resurrection (2016) 1CD x264 SCREENER-CAM AAC 2.0 Cleaned Audio-DDR**
 Added: 2016-08-12 12:47:17
 Seeds: **14100**, Leechers: **8109**, Hits: **92070**, Comments: **60** (view comments >)
Description: - HollyWooD Movie- Mechanic 2 - Resurrection CAM of SCREENER Cleaned AAC Stereo Audio Hardcode portuguese-brasilian subtitle(s) Notes: I have tried to remove the horrible crackles & hissing...
 read full description >



 **Bad Moms 2016 HD-TS x264-CPG**
 Added: 2016-08-11 19:16:16
 Seeds: **10668**, Leechers: **5639**, Hits: **45819**, Comments: **8** (view comments >)
Description: R | 1h 40min | Comedy | 29 July 2016 Plot: When three overworked and under-appreciated moms are pushed beyond their limits, they ditch their conventional responsibilities for a jolt of long overdue...
 read full description >



Even if they acknowledge that piracy comes at the cost of legal sales, some copyright critics will rationalize this loss by saying that it only hurts the profits of content firms, implying that if the choice is between theft that rewards consumers with free content versus legality that helps corporations, that the former is preferred. But it is important to realize that piracy reduces jobs, exports, and overall competitiveness in addition to standards of living

for a nation and its citizens. More directly, online piracy harms the artists and creators, both the famous and the struggling, who create content, as well as the technicians—sound engineers, editors, set designers, software and game designers—who produce it and those who support its marketing, distribution, and end sales.

One of the key policy issues around digital piracy is the importance of distinguishing between accidental and intentional piracy. Some rightly worry that antipiracy laws can go too far, sweeping in the former when they should be more focused on the latter. There are risks that poorly designed laws could unintentionally harm sites that are largely focused on legal material and that diligently work to limit infringing material. But we also know that doing nothing or little unintentional cases contributes to further piracy. Finding this balance does not mean abandoning efforts to go after intentional piracy.

The majority of piracy websites are in it for one reason: to make money. Modern digital piracy is a multibillion-dollar international business. (Only a minority of sites are supported by ideologues who believe that piracy is a social good.) For example, the owners of The Pirate Bay were earning \$3 million a year, according to Swedish prosecutors.¹¹ More recently, U.S. law enforcement stated that one of the world's most popular piracy sites—KickassTorrents—was making \$16 million annually in advertising.¹²

Business models differ, but the majority of piracy sites make money via advertising, or to a lesser degree, through subscriptions that provide premium access to content without advertising. The Digital Citizens Alliance's *Good Money Still Going Bad: Digital Thieves and the Hijacking of the Online Ad Business* report showed that 589 of the largest piracy sites generated more than \$200 million in advertising-driven revenues in 2014.¹³ Another report showed that 80 percent of the top piracy websites (550 of 622) in Europe carried advertising, showing how easy it is for piracy sites to profit from online advertising and how profit-driven these sites are.¹⁴

Piracy sites take advantage of the fact that the online economy has become more complex and easier to exploit. There are many intermediaries that aggregate ad space—known as an ad exchange—from a range of websites (both legitimate and illegitimate) for advertisers to use. This makes it easy for websites hosting illegal content to gain advertising revenue, including from legitimate brands and businesses, which may be several steps and organizations removed from the host site.

BOX A: TYPES OF DIGITAL PIRACY

Peer-to-Peer (P2P) File Sharing: This is a decentralized file-sharing system that is used extensively for the illegal distribution of copyrighted material. There are many legitimate uses for P2P technology, but the principal use has been to facilitate digital piracy around the world, via “torrents.” A “torrent” is basically a file extension for torrent software programs to match one user to another “peer” in the network that contains part of the requested file. The file can be segmented among many users, making up a “swarm” of hosts that upload/download files from each other. A check of global traffic shows a number of torrent sites were among the most popular in the world: In early June 2016, KickAssTorrents was ranked 71st and Torrentz 192nd. The most notable example is BitTorrent. It is commonplace for these services to use searchable indexes of available material. More recent services, such as Popcorn Time and Cactus Player, deliver illegal content via peer-to-peer software, without the use of websites, yet with a Netflix-like user interface.

Streaming: Video and music streaming allows users to access content, such as music and movies, via a stream that can be web-based (similar to YouTube) or via standalone platforms (such as Microsoft Windows Media Player). Some services offer both (similar to Spotify). Illegal providers use the same technology to deliver illegal streams of sporting events, music, movies, and television shows. As streaming has become the preferred means of consuming content through legitimate sites, piracy sites have adapted the same technology to chase the audience.

Cyberlockers/Cloud Storage: Cyberlockers allow people involved in digital piracy to upload files to an online storage facility—the cloud. It requires little technical expertise as it can involve a simple web-based upload/download process. A web link to the stored file is created after a file is uploaded, which can be shared with other users. These piracy sites index the files hosted on the cloud storage sites to allow easy search and identification of specific content. Piracy operators often provide financial rewards for users that upload popular content. Users can pay for increased download performance from piracy sites.

WEBSITE BLOCKING

Policymakers should not consider website blocking in isolation; it is just one of many tools that countries can use to fight digital piracy. There is no single solution to creating a digital environment that supports and protects intellectual property, but there are a range of possible policies. In the fight against digital piracy, there are three possible targets: the consumer, the producer, and the middleman. In the United States the content industry initially attempted to prosecute consumers who engaged in rampant piracy, particularly repeat uploaders of illegal copies. But defenders of weak copyright attacked such efforts as unfair to average citizens, characterizing the efforts as disproportionate, ineffective, and judicial overreach; and as a result the industry largely abandoned the effort.¹⁵ Second, copyright holders and government can go after producers of digital piracy. For domestically hosted content in the United States, copyright holders rely on remedies in the Digital

Millennium Copyright Act (DMCA), which has a “notice and takedown” process for rights holders to get website operators to remove infringing material. Copyright holders also (successfully) initiated court cases against several of the early peer-to-peer file-sharing networks, such as Napster and Grokster.¹⁶

There are a few ways that governments and content creators can fight international digital piracy. The first of these is straightforward and is already well underway: enact policies that increase the number of legal service providers in order to make it easier and cheaper for users to get legal media content online instead of using piracy sites. Another, which is also ongoing and obvious, is for law enforcement to specifically target website owners who operate digital piracy sites, such as Kim Dotcom (the owner of the major piracy site Megaupload.com, who was arrested in New Zealand in 2012) or the operator behind Kickass Torrents (who was arrested in Poland in June 2016).¹⁷

Fighting digital piracy gets much harder at the international level. That is because many countries that are home to digital piracy sites have governments that will not or cannot shut them down, whether because there are weak or nonexistent intellectual property protections or for geopolitical reasons. From a multilateral legal perspective, it is very difficult for the United States or others to bring cases against foreign digital piracy sites. To succeed, the United States requires the cooperation of the foreign government where the site is hosted, and despite the fact that virtually every nation that acts as a haven for pirate sites is in the World Trade Organization (WTO) and has signed on to the multilateral agreement protecting intellectual property—the Trade-related Aspects of Intellectual Property Rights (TRIPS) agreement—many nations, such as Russia and China, refuse to address digital piracy in their own jurisdictions. So, absent changes to the WTO, or a change in attitude of governments of scofflaw nations, governments will need to work with Internet intermediaries as the main solution.

There are several ways in which rights holders have worked with intermediaries in various countries. First, stakeholders involved in e-commerce have voluntarily agreed to work together to address aspects of the digital piracy ecosystem. For example, in the United States brand owners, advertising intermediaries, and content creators have agreed to work together to cut off the ad revenues that make digital piracy so profitable by ensuring that pirates are not profiting from ads for legal goods and services.¹⁸ Another U.S. example is where rights holders and domain name registries have worked together to craft terms of service that prevent websites from illegally disseminating copyrighted content.¹⁹ Other potential areas for collaboration between stakeholders involve cutting off piracy sites from online payment sources, such as PayPal, to ensure that such sites can't profit from illegal content (such as via subscriptions or ad revenue). Another is for search engines and social media platforms to reduce the visibility and availability of illegal content that often ranks highly in generic results in search engines or on hosted social media pages.

Second, they work specifically with ISPs. ISPs and content creators can work together to create a system that targets users who have illegally downloaded copyright-protected

content, sends them educational material about where to find legitimate sources, and informs them that the stakeholders know they are in violation of copyright laws.²⁰ It is a graduated system for repeat offenders, which can ultimately result in users having their Internet connection slowed or cut off entirely. Another option is for content creators and governments to enact voluntary or mandatory systems that require ISPs to block access to foreign sites that facilitate large-scale copyright infringement. Website blocking is seen as a logical next step since service providers hosting infringing material are often located in another jurisdiction and law enforcement cannot get cooperation to remove that material from the Internet.

The Mechanics of Website Blocking

This section explains what website blocking is, how website blocking can only ever be one policy in fighting digital piracy, the types of website blocking mechanisms, the costs of website blocking, and how website blocking is used in many countries for a variety of legitimate public policy goals.

Website blocking is simply the technical mechanism Internet service providers use to stop access to prohibited sites.

There are three key methods for website blocking: Internet Protocol (IP) address blocking, Domain Name Server (DNS) blocking, and Uniform Resource Locator (URL) blocking. While there may be ways for users and piracy site operators to circumvent these methods, it is important to remember that the aim of website blocking, like other online enforcement methods, is not to eliminate online piracy altogether, but to change consumers' behavior by raising the cost—in terms of time and willingness to find alternatives sites and circumvention tools—to make the legal sources of content more appealing.

Internet Protocol (IP) Address Blocking

Every computer has an IP address, similar to a street address or telephone number. When a user connects to the Internet, every packet of data sent or received over the Internet (e.g., for emails or to view websites) carries this IP address as does every destination on the Internet. Since ISPs act as central clearing houses for users' access to the Internet, they can modify their network settings equipment to discard user requests to access IP addresses for blocked sites. The costs of this process are low as the list of IP address is maintained centrally by the ISP.²¹ Many ISPs and Internet backbone operators already use this process for security reasons (to fight malware) and to fight spam.²²

There are a few ways that IP blocking can be circumvented, but these are cumbersome, and most Internet users do not have the sophisticated technical skills (and motivation) to sidestep blocking. Website operators can circumvent IP blocking by obtaining new IP addresses and reconfiguring their domain names so that users go to these new IP addresses, but this is also cumbersome, especially if it has to be done repeatedly.²³ Users can circumvent IP address blocks by using software (such as an encrypted virtual private network) to relay their Internet connection via a server that is with a different ISP or via a different Internet backbone operator that is not affected by the block, but most users are not this sophisticated.

A disadvantage of IP blocking is that IP addresses can be quickly changed. IP blocking can also impact non-infringing websites, as a single IP address can host multiple websites.²⁴ However, the focus of copyright enforcement and website blocking is on sites that facilitate large-scale copyright infringement—such as those that have many full-length movies, TV shows, and songs—so even if the IP address used by a piracy site hosts non-infringing pages or files, the legitimate content that is blocked is small, and not reason enough to avoid shutting down the website. If The Pirate Bay or KickAssTorrents facilitated access to a small amount of content that had a creative commons license, and was therefore able to be shared, this would not change the fact that it is a piracy site worth shutting down.

Domain Name System (DNS) Blocking

DNS blocking targets the process that converts website domain names into a corresponding IP address, which is then used to communicate with other servers. The DNS system effectively serves as the phone book of the Internet and is used by virtually every piece of software or hardware on the Internet, from web browsers and email applications to game consoles and streaming video devices.

An ISP can block an entire domain by making configuration changes at its DNS server. When a user asks to access a particular website, such as `www.maindomain.com`, the DNS server of the customer's ISP recognizes the domain as a blocked site, does not allow it to be translated into an IP address, and responds to the user that the domain does not exist or redirects to an informational webpage. DNS blocking is quick to implement, as existing systems can be easily adapted, and would only require a modest incremental investment for ISPs.²⁵ Critics claim that DNS blocking, like IP blocking, will cause “collateral damage” due to the risk of over-blocking, as a single domain can host many websites through website extensions.²⁶ However, this risk can be addressed by implementing DNS blocking at the subdomain level (e.g. `www.piracysite.maindomain.com` instead of `www.maindomain.com`). Furthermore, like IP blocking, if the main domain hosts a site that has the primary purpose of facilitating illegal access to copyrighted material, then it is a legitimate target for online enforcement.

A website operator that hosts copyright infringing material would only be able to circumvent the DNS block by using another domain name, but like IP blocking, this becomes cumbersome. Users are able to circumvent this process by using another domain name server (e.g., users could use a virtual private network to connect to an alternative DNS server not subject to the blocking orders). However, like IP blocking, it would be a mistake to assume that the average Internet user has the above-average technical skills necessary to do this. Many, if not most, consumers have low levels of computer literacy and certainly are not sophisticated enough to understand how to manipulate the DNS settings in the network configuration of their computers, mobile phones, and other Internet-connected devices. Furthermore, users who switch DNS servers can expose themselves to many security risks if they cannot trust the responses from these servers. For example, while the alternate servers may reliably return the correct IP address for a Russian file-sharing site,

they might not return the correct address for Bank of America.²⁷ How many users are willing to risk their identity and financial information just to download a few songs?

Finally, circumvention software (such as encrypted virtual private networks) probably will not be adopted by many, as studies show that few users use these types of tools in countries where the government restricts access to certain websites. For example, a study by the Berkman Center for Internet and Society at Harvard University found that “no more than 3 percent of Internet users in countries that in engage in substantial filtering use circumvention tools. The actual number is likely considerably less.”²⁸

Uniform Resource Locator (URL) Blocking

URL blocking requires the ISP to examine both the headers of IP packets (which contain the source and destination IP addresses) and the contents of the IP packet. This is done through “shallow” or “deep” packet inspection (DPI) that examines the contents of the packet in transit, rather than simply the IP address of the source and destination devices. Shallow packet inspection is focused on IP addresses and technical specifications, such as port and protocol combinations. Deep packet inspection examines the packet for specific characteristics or values. When a packet matching the blocked site IP address, destination host, or even a particular keyword passes through a DPI device, the network connection can be terminated. These inspections can be performed by the ISP’s router or a proxy that all traffic is forced through in order to access the Internet (such proxy servers are common in schools and businesses, as they cache content, block inappropriate sites, and provide some security).

This process can block specific websites (e.g., www.itif.org) or website addresses (e.g., www.itif.org/events/upcoming). Given this capability, URL blocking is the most precise method, thereby avoiding over-blocking.²⁹ URL blocking combines the advantages of both DNS and IP blocking.³⁰ To be effective, URL blocking needs to be designed so that it only targets specific types of network traffic, whether this is related to sites that actively facilitate terrorism, child pornography, or copyright infringement.

Network Functions Virtualization and Software-Defined Networks Can Make Blocking Cheaper, Easier, and More Effective

Software-Defined Networks (SDN) and Network Functions Virtualization (NFV) will fundamentally change how telecommunications carriers manage network operations and enable flexible new tools to block websites.³¹ These technologies, already used in many data centers, will eventually become key components of virtually all wide-area carrier networks for the simple reason that they offer powerful new tools and significant cost savings.³² These advantages are spurring surprisingly quick adoption of these techniques by industry. For example, AT&T plans for 30 percent of its network to use SDN and NFV by the end of 2016 and 75 percent by 2020.³³

SDN separates the control of the network from the forwarding of information, offering network operators global control over switches and routers through software separate from the underlying hardware. This in turn allows networking applications, such as DNS,

firewalling, and intrusion detection, to run in virtual systems installed on generic hardware whereas traditional network infrastructure relied on dedicated, fixed-function networking hardware. Combined, SDN and NFV allow greater network flexibility, easier introduction of new services, improved network manageability, and reduced costs.³⁴ In line with this, these changes in network management will make it much easier and cheaper to implement website-blocking mechanisms. For example, blocking could be achieved on the fly through software updates rather than individualized hardware configurations.

The Costs of Website Blocking

The costs of website blocking vary according to the type of blocks used and the country implementing them. More intensive processes, such as deep packet inspections, cost more. All website-blocking processes involve technical support costs for administering the blocking process within an ISP's network and in fielding calls from users about why they cannot access certain sites. There are hosting costs for the landing page that users trying to access blocked sites are redirected toward, as required in many countries. Cost estimates for initial website blocking injunctions are likely to be high, given the legal costs involved in landmark court cases that a legal process for rights holders to use. However, once a website-blocking process is up and running, parts of it can be automated in order to minimize costs. For example, a centrally maintained register (with digitally signed lists of IP addresses) could be used by all ISPs in a country to update their settings to ensure that all necessary sites are blocked.

The United Kingdom's communications regulator, Ofcom, ranked the costs of different blocking techniques:

- IP address blocking: low cost;
- DNS blocking: marginal incremental cost;
- Shallow packet inspection: low cost if implemented only on routers, costly if implemented on firewall devices;
- Deep packet inspection: relatively costly given the inspection of network traffic; and
- URL blocking: potentially costly given hardware and software configurations, but this will change as ISPs move to software-defined networks.³⁵

Detailed information on the specific costs of the various approaches and systems is unavailable, partly because this is still a relatively new policy area. In the United Kingdom, legal documents filed by lawyers representing rights holders estimated that the cost can be as high as \$18,900 per new website blocked for each ISP.³⁶ UK ISPs have not publicly stated what the ongoing costs of website blocking are: What figures exist vary from a few hundred to a few thousand dollars.³⁷ The cost to block the first website in the United Kingdom, for NewzBin2, was \$7,100 for the main domain and \$142 for each subsequent site (if the website operator tried to move to another site).³⁸ Without providing a detailed breakdown, an Australian government estimate gave the cost per ISP to enact website blocking as \$95,000 annually.³⁹ Estimates by Australian ISPs also vary—from \$36 per domain name (TPG Internet), to \$183 per site and \$29 per DNS (M2 Communications),

Many countries have turned to website blocking to apply existing and new legislation to a range of legitimate public policy goals that involve the Internet.

to \$7,350 in labor costs for setting up initial compliance, \$2,200 for a landing page, and \$18 per additional site (Telstra).⁴⁰

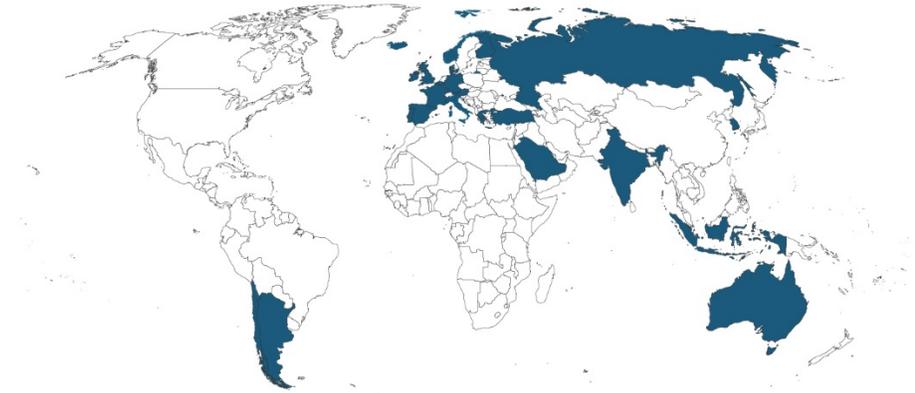
Website Blocking Is Used as a Legitimate Tool by Many Countries

Many countries have turned to website blocking to apply existing and new legislation to a range of legitimate public policy goals that involve the Internet. Examples of the types of websites that are blocked:

- Child pornography (many countries)
- Malware (e.g. Australia)⁴¹
- Investment fraud (e.g. Australia)⁴²
- Online gambling (e.g. Singapore and Quebec, Canada)⁴³
- Pornography (e.g. India and others)⁴⁴
- Prostitution (e.g. India)⁴⁵
- Terrorism (the United Kingdom, Australia, France, and India)⁴⁶
- Copyright-infringing content (at least 25 nations)

As an example, website blocking is used extensively to block child pornography websites. International Criminal Police Organization (INTERPOL)'s 190 members voted unanimously to promote the use of all technical tools, including website blocking, to fight child pornography. INTERPOL maintains a list of domains containing websites that disseminate the most severe child abuse material worldwide as part of a “worst of” list.⁴⁷ INTERPOL provides domains, not URLs, for blocking. As INTERPOL explains, blocking does not by itself remove the offending content, but it does dramatically reduce the amount that is accessible and available to most users. In this case, website blocking is used in conjunction with other measures.

For online copyright infringement, there are at least 25 countries that allow website blocking (see Figure 2 below). The first website blocked for copyright infringement was AllofMP3 in Denmark in 2006. (For further details on website blocking in the United Kingdom see Appendix A, for Australia see Appendix C, for the European Union see Appendix D, and for the United States see Appendix E.) A Motion Picture Association of America report from September 2015 stated that European ISPs block more than 500 websites—238 in Italy, 135 in the United Kingdom, 41 in Denmark, 24 in Spain, 18 in France, 15 in Portugal, 13 in Belgium, 7 in Norway, and smaller totals for other countries.⁴⁸ The actual figure is likely much higher, as some countries, such as the United Kingdom, do not release specific details on which websites are being blocked, in order to not alert website operators. Furthermore, countries have recently added more sites: Portugal added over 240 between December 2015 and April 2016.⁴⁹

Figure 2: Countries That Allow Website Blocking for Copyright Infringing Content

Australia, Argentina, Austria, Belgium, Chile, Denmark, Finland, France, Germany, Greece, Iceland, India, Indonesia, Ireland, Italy, Malaysia, Norway, Portugal, Russia, Saudi Arabia, Singapore, South Korea, Spain, Turkey, and the United Kingdom.

At least 25 countries use website blocking to stop access to websites that facilitate copyright infringement online.

SITE BLOCKING CAN HELP FIGHT ONLINE PIRACY

Some proponents of weak copyright argue that site blocking does no good, as content thieves will just find other sites to go to. In practice, this appears to be wrong. A new Carnegie Mellon University (CMU) study shows that the latest expansion of website blocking in the United Kingdom has been effective in fighting digital piracy. This study, released in April 2016, uses consumer data to analyze the impact of a court order for ISPs to block 53 websites in the United Kingdom in November 2014. This study shows that website blocking, when done on a large enough scale, can shift consumers from accessing copyright infringing material to consuming legal content online.

The United Kingdom has had the legislative ability—in the form of an amendment to the Copyright, Designs, and Patent Act law—to allow website blocking since 2003, but it was not used until a landmark court case in 2011 (see Appendix A). This case set a legal precedent for rights holders to force ISPs to block websites that facilitate copyright infringement.⁵⁰ Subsequent court decisions have since clarified the steps involved in these cases and streamlined the process for rights holders to get websites added to a list of blocked sites, which now likely numbers in the hundreds.

The court-ordered injunctions are aimed at websites whose purpose is clear—to facilitate large-scale copyright infringement. The onus is on rights holders to prove to the court that each website they want blocked (each case involves a number of websites) are indeed facilitating widespread copyright infringement. If rights holders are successful, the court issues an injunction that forces all ISPs in the UK to block the primary offending website and any other website that the operator shifts to in an attempt to circumvent the block (e.g. www.digitalpiracy.com to www.digitalpiracy2.com). In this regard, the court order is

dynamic. The specific list of blocked websites is not officially published in order to facilitate implementation, but UK ISP TalkTalk listed 1,357 file-sharing sites (as of August 2016) it was blocking for copyright infringement.⁵¹

The CMU study empirically tests an intuitive understanding about online copyright enforcement—if enough piracy sites are blocked, then people will shift to legal sources, especially given the growing number of such services. The study analyzes consumer-level data over a few months (both pre-block and post-block) to look at how blocking 53 websites changed user behavior in terms of their consumption of illegal and legal content. Website blocking forces consumers in the United Kingdom, and other countries that use website blocking, to make a choice: find ways to circumvent the blocks, find other sites to access pirated content, increase their use of legal channels, or decrease their consumption of the media in question.

The results reinforce a central intuitive point—that making legal content more attractive can turn some pirates into legal consumers, but that it is more effective when accompanied by enforcement.

This is the second CMU study that analyzes the evolution of website blocking orders in the United Kingdom from a single site to dozens/hundreds. The first part of the initial study focused on the blocking of a single (albeit notorious and popular) site—The Pirate Bay—in the United Kingdom in May 2012. Before the block, The Pirate Bay had an estimated 3.7 million users in the United Kingdom and made approximately \$3 million in advertising a month by providing millions of illegal copies of music, movies, and other types of content to its users.⁵² The study found that blocking The Pirate Bay on its own had only a small impact on total piracy and no impact on consumer uptake of paid legal streaming services—former users switched to “proxy” sites that mirrored the contents of The Pirate Bay, circumvented the blocks with virtual private networks, or dispersed to other piracy sites.⁵³

The second part of this first study looks at a broader blocking of piracy websites. The study estimated that the blocking of 19 major piracy websites in the United Kingdom between October and November 2013 caused a significant increase in usage of paid legal streaming sites—by an average of 12 percent, which increased to 23.6 percent for the heaviest users of these piracy sites.⁵⁴ The authors also concluded that piracy does indeed displace usage of legal paid streaming sites, despite the relative convenience and low cost of such sites. Finally, these results reinforced a central intuitive point—that making legal content more attractive can turn some pirates into legal consumers, but that it is more effective when accompanied by enforcement.⁵⁵

The latest CMU study analyzed the impact that blocking 53 piracy websites in the United Kingdom in November 2014 had on the behavior of 58,809 users, comparing user visits three months before the blocks against user visits in the three months after the blocks (see Appendix B for the study’s descriptive statistics).⁵⁶ In both studies, the British Phonographic Industry (the trade association that represents the British record industry) was responsible for compiling and submitting to the court the list of websites for blocking.⁵⁷ The court orders covered the six biggest ISPs, who collectively provide Internet services to over 90 percent of the United Kingdom.⁵⁸

The study found that this round of website blocking caused a 90 percent drop in visits to blocked sites and did not cause former users to increase visits to unblocked piracy websites.

The study does not focus on individual users, but segregates users into 10 groups based on the number of times they used the piracy sites during August, September, and October 2014. Compared to the first study, this latest study expanded the window of time to compare pre- and post-block user behavior from two to three months. The control group includes users who did not visit the blocked sites, while the 10th segment includes heavy users, who visited the blocked sites over 35 times in September 2014. The study observes the aggregate number of visits and time spent in different categories of sites during each month: visits to blocked sites, visits to unblocked piracy sites, visits to virtual private networks sites, visits to legal ad-supported video sites (e.g., BBC’s iPlayer and the UK Channel 5’s “Demand 5” streaming site), and visits to legal subscription sites (e.g., Amazon Prime and Netflix). The study then used regression analysis to estimate the impact of the blocks (see Appendix B).

The results clearly showed that the website blocks were effective in changing consumer behavior. (Also see Appendix B.) To estimate the impact of the blocks, the study determined the difference between the observed activity by users after the blocks were enacted and the estimated counterfactual (as if the blocks had not been enacted) for these users’ visits to piracy, ad-supported video, and subscription-based websites. The study found that:

- The blocking of these websites was effective, causing a 90 percent drop in visits to the blocked sites by users in the study sample (from 86,735 visits to blocked sites to 10,474), while causing no increase in usage of unblocked piracy websites.⁵⁹
- The blocking of these websites had a significant impact on piracy, leading to a 22 percent decrease in total piracy for all users affected by the blocks (relative to the counterfactual estimate for how much they would have pirated if not for the blocks). The study is able to analyze the broader piracy universe as the 53 sites that were blocked were only a portion of the total piracy sites tracked in the study.⁶⁰
- These blocks changed consumer behavior. The study estimated that the blocks caused a 10 percent increase in user visits to legal ad-supported streaming sites such as the United Kingdom’s BBC and Channel 5.⁶¹ It also caused an estimated 6 percent increase in visits by users in the study to paid legal subscription-based streaming sites such as Netflix. This contrasts with the 12 percent increase in visits to subscription-based sites in the study of the 2013 blocks.⁶² The latest figure may be lower due to increased price sensitivity of the remaining pirates in 2014 or due to the lower popularity of the 53 sites in 2014 compared with the 19 sites blocked in 2013.
- Relatively few users circumvented the website blocks. The study estimates that access to VPN sites increased 30 percent after the blocks, but this is likely off a relatively small base. The descriptive statistics show usage of VPN services is small relative to visits to other sites. For example, users in the study made 86,735 visits

to the piracy sites before they were blocked, but only 1,688 to VPN sites (see descriptive statistics in Appendix B).

- The blocks had the biggest impact on the heaviest users of piracy sites. The study estimates that the blocks caused the heaviest piracy users in the study sample to reduce their use of pirated material by 28 percent, while leading to a respective 48.1 percent and 36.9 percent increase in their purchases of legal ad-supported and subscription services.

Some of the differences between the CMU studies into the two rounds of website blocking orders—the first from 2013 and the second from 2014—in the United Kingdom are worth highlighting:

The study shows that a greater number and variety of legal sources make it easier to use website blocks to push people away from piracy.

- **A greater number and variety of legal sources make it easier to use website blocks to push people away from piracy.** It makes intuitive sense that greater availability and competition in legal content sites makes it easier to persuade people to use legal sources. The difference in the impact that blocks had may be partly due to changes in the users involved in online piracy as legal distribution channels, such as Netflix, became more prevalent between 2013 and 2014. Many users who were less committed to piracy may have already switched to legal sites after the 2013 round of website blocks, thereby lowering the potential impact of the 2014 expansion. While the 2013 study did not cover ad-supported legal services, the larger shift to these services in 2014 may reflect that piracy users may be more price sensitive (since ad-supported services are free) and therefore more likely to change to these services after piracy websites are blocked.
- **The biggest gains come from blocking the most popular sites.** Piracy users were more heavily concentrated around a small number of piracy sites when the first round of piracy websites were blocked in 2013, meaning that users of piracy websites were dispersed among a greater number of sites when the second set of websites was blocked in 2014. This highlights the need for a continuously updated list of targeted websites as remaining users try to shift to other sites. Making sure the most popular piracy websites—at any given time—are inaccessible will maximize the impact of website blocking.
- **Blocking has the biggest impact on heavy users of pirated material.** The remaining users that consumed pirated material in 2014 may have been the “hard core.” Those consumers that were less committed to piracy may have already been shifted to legal content (due to the availability of legal sources and the impact of prior blocks), leaving only the most committed users of piracy sites, as these consumers have a higher “willingness to pay” in terms of search costs—and are therefore harder to shift. These users may also be more technically savvy in searching for and finding reliable alternative sources of pirated material. However, the latest study shows that widespread website blocking can shift at least some of these hard-core piracy users to consume greater amounts of legal content, even if they still access illegal content, albeit at lower levels.

Internet exceptionalists, such as the Electronic Frontier Foundation, argue that rules that apply offline should not apply online.

In summary, the study shows that while website blocking will not solve online piracy—no single tool, law, or practice will—it does reduce it while increasing the consumption of legal content. It then falls to other policies to target different parts of the piracy process and environment, which the United Kingdom does through a graduated response system for ISPs to notify users of reported infringement, funding for education campaigns about accessing legal and illegal content, and a specialized Police Intellectual Property Crime Unit to investigate and tackle copyright infringement. All these measures, when combined with ongoing service and technology innovations, help tip the balance back toward the digital creators that rely on intellectual property to support and protect their creations and away from the rampant piracy that undermines their creativity.

OBJECTIONS TO WEBSITE BLOCKING

Copyright minimalists have long discounted the need for and effectiveness of virtually all polices designed to reduce piracy. It is no surprise that they object to website blocking. This section details and rebuts the most common criticisms to website blocking of digital piracy. In 2011, U.S.-based opponents of website blocking used many of these arguments when Congress contemplated legislation that would have allowed website blocking in the United States (see Appendix E).

Normal Rules Do Not Apply to the Internet

Internet exceptionalists, such as the Electronic Frontier Foundation, are defined by a belief that because the Internet is exceptional, most rules that apply offline should not apply online.⁶³ For these groups, the Internet is first and foremost about individual freedom, not about collective responsibility. Their view is that the Internet’s chief function is to liberate individuals from control by, or dependence on, government and corporations. They see the Internet as a special place not anchored to physical geography that stands above and beyond the reach of rules that govern the offline world.

Yet, in reality and for most of the rest of us, the Internet is no different than the offline world, where people have rights and responsibilities and where laws against certain behaviors exist. There is no logical reason why a crime in the physical world is not a crime in the digital world. To be sure, there is need for balance in these policies, to avoid unnecessary costs or impacts on other interests and rights, but this applies online as well as offline.

Opponents of website blocking often respond that blocking is antithetical to efforts to preserve a “free and open” Internet. While this is a rightly and broadly supported goal, at least in most democratic nations, it does not mean that every website should be freely accessible.⁶⁴ But just as supporting bans on the importation of ivory or cross-border human trafficking does not make one a protectionist, supporting website blocking for sites dedicated to piracy does not make one an opponent of a free and open Internet. Clearly, society should want as little as possible to be blocked or taken off the Internet, but that does not mean that we should oppose attempts to block online materials that are clearly illegal.

Blocking Will “Break the Internet”

Critics claim that website blocking, particularly DNS filtering, will “break the Internet” by undermining “basic Internet infrastructure.”⁶⁵ In the United States these claims were made by opponents to proposed legislation that would have allowed website blocking in 2011. (See Appendix E.) The irony is that just months before leading opponents stated their opposition to website blocking, a key opponent said it was okay to block domains that spread malware and that this could be done without harming the Internet itself. But somehow doing the blocking for copyright infringement was completely different.⁶⁶ Never mind the fact that there is significant overlap between digital piracy sites and malware sites.⁶⁷

Yet, the growing use of website blocking since then shows that these claims were not based in reality and that website blocking did not “break the Internet,” nor lead to a multitude of other predicted dire outcomes, such as the widespread circumvention of blocking orders, the fragmentation of the global DNS namespace for the Internet, an alternative DNS system for the Internet, nor contribute to a breakdown in user trust and an exodus of users from the Internet.⁶⁸ The reality is that the people in these countries with blocking orders still have a working Internet and use the Internet in much the same way as the rest of us.

Blocking Will Be Ineffective

Critics claim that website blocking would be ineffective, as there are too many sites online that facilitate copyrighted content.⁶⁹ For example, if consumers want to download a pirated copy of the latest movie and they know three sites from which they can obtain a copy, blocking access to only one of these sites will not change their behavior. However, if all three are blocked, the consumer has a choice of paying a cost—a search cost or a learning cost—to discover new reliable illegal sources or paying the legal price and obtaining a legal source.

This goes to the heart of what the CMU study found in the United Kingdom: If website blocking is done sufficiently broadly, it can lead to significant changes in consumer behavior. For low-level piracy users with a low willingness to pay, a broad range of website blocks is a sufficient for many to switch to legal sources. Even for high-level piracy users, who are likely to be more technically savvy in finding alternative piracy sites, widespread website blocking leads to a substantial rise in the consumption of legal content. As a presiding U.K. judge, Justice Arnold, stated in comments on the efficacy of website-blocking orders in a recent case—although experienced and determined users would be able to circumvent the blocking measures, blocking websites has proved to be reasonably effective in reducing use of those websites in the United Kingdom.⁷⁰

Critics claim that website blocking is an exercise in futility as website operators shift sites—the so-called “whack-a-mole” effect—but the United Kingdom’s approach shows that this can be countered through a dynamic blocking order. ISPs are required to block the website named in the initial court order, and when notified in writing, any other IP address or URL whose sole or predominant purpose is to facilitate access to the named website.

The CMU study also shows what other studies on the effectiveness of online enforcement have made clear—that the impact depends on public awareness and consistent and credible enforcement and implementation. Government interventions targeting online infringement can reduce piracy, especially when done in cooperation with firms to promote legal content, but when enforcement activity loses credibility, piracy and sales of legal content revert to original levels.⁷¹ For example, the 32 percent decrease in piracy caused by Sweden’s IPRED law (which made it easier for rights holders to detect and identify file sharers) returned to previous levels after six months as the public realized it was not going to be enforced.⁷² Likewise, if a legitimate firm offers its content in a timely and convenient fashion, but the government does nothing to enforce copyright, then the firm is effectively competing against a “free” pirated version.⁷³

Blocking Is a Form of Filtering and Censorship

Critics claim that website blocking will set a negative precedent if used by democratic countries and will weaken the moral authority of democratic nations to criticize totalitarian governments for limiting Internet access unrelated to intellectual property. They claim that these governments would point to democratic nations’ use of website blocking to justify their Internet censorship.

But the U.S government has not abandoned its long practice of banning the use of U.S. mail to send illegal products because it fears giving an excuse to foreign governments to censor their mail. Likewise, the U.S government has not changed laws that limit the ability of newspapers to publish information that is libelous because it fears it will give comfort to nondemocratic nations that want to control information access. Likewise, the U.S. government has not abandoned laws requiring child pornography to be blocked because it thinks it gives carte blanche approval to dictatorships that want to block dissenting websites. Governments’ response to rioters who engage in wholesale property destruction and violence isn’t based on the fear that they encourage totalitarian governments to use police to suppress citizens. In short, there is no comparison between a country that uses detailed and transparent legal means, supported by an independent legal system to administer such rules, to enforce intellectual property online and a country censoring political speech online.

Some opponents of website blocking have seized upon reports of governments misusing intellectual property enforcement measures for unrelated means, such as the Russian police raid on advocacy groups and opposition newspapers in the name of searching for pirated software.⁷⁴ However, such cases are rare and would not stand up to the type of scrutiny that is involved in the hundreds of cases where website blocking has been used to fight online piracy in recent years. Online intellectual property enforcement is far from alone in being a public policy that could be misused in order to pursue unrelated and illegitimate objectives. In each case, what matters is the actual intent and the integrity of the process involved in administering these policies.

The key takeaway the CMU study found in the United Kingdom is that if website blocking is done sufficiently broadly, it can lead to significant changes in consumer behavior.

Blocking Will Be Expensive for ISPs and Other Intermediaries

Opponents of website blocking, including some ISPs, believe that the costs of website blocking are high enough to make the practice untenable. Internet exceptionalists fill the void created by the lack of detailed information about website blocking costs to paint the policy as unfeasible and unfair to both ISPs and consumers. However, these claims should not be taken at face value. The fact that we have not heard any uproar over the costs of website blocking of sites that actively facilitate child pornography or terrorism shows that enacting these blocks is not prohibitively expensive. In line with this, UK courts noted that ISPs have already made much of the necessary investment in relevant technology, processes, and staff in response to other law enforcement requirements.

As discussed above, website blocking costs look reasonable, especially when compared against total ISP operating revenue and investments. The UK government and judges presiding over website-blocking cases have stated that IP address-blocking would require ISPs to make additional investment in network hardware, but that these costs were not substantial, in many cases had already been made (to abide by other law enforcement decrees), and therefore would not present a barrier to IP blocking. Furthermore, in a similar process to what is required for website blocking, some DNS software vendors already offer customers an add-on to DNS systems that blocks malicious domains.⁷⁵

Blocking Will Be Abused by Content Rights Holders

Critics claim that any measure to fight digital piracy will be abused by rights holders and that even the potential for such abuse is reason enough not to pursue online enforcement in the first place. This is why legislation and court orders in Australia, the United Kingdom, and elsewhere have built-in safeguards to ensure that only rights holders with high-quality cases—those involving websites that are dedicated to copyright infringement—are granted an injunction.

Safeguards are a common feature of legislation allowing website blocking. For example, in the United Kingdom, the courts have considered and set out criteria for rights holders to clear before they can apply for a website-blocking injunction, such as whether blocking is a proportional response, the availability of alternate measures, the cost of the website-blocking order, and the impact the block will have on the individual as well as the broader public. Furthermore, if website owners feel that they've been unfairly targeted, they can apply to discharge or vary a court injunction.⁷⁶ In Australia, the legislation that allows website blocking specifically mentions that it cannot be applied to websites that are mainly operated for a legitimate purpose, but contain a small amount of infringing content (see Appendix C for further details). Furthermore, rights holders have to inform the website owner of the injunction application to give them a chance to respond.⁷⁷ In Portugal, the system explicitly requires a minimum of 500 works that allegedly infringe or that two-thirds of the content on a site must be infringing copyright.⁷⁸ These are quite normal and reasonable safeguards that are used to ensure that cases are legitimate, necessary, and open to revision or overturning.

CONCLUSION

As with any law-enforcement initiative, efforts to reduce digital piracy involve balancing costs and benefits. For example, while street crime could be reduced by doubling the number of police officers, communities seek an equilibrium where the marginal cost of an additional police officer does not outweigh the benefits from a corresponding reduction in crime. Regarding digital piracy, it is hard to argue that this equilibrium has been reached—there remains a lot of societal benefit to be gained through better efforts to stop digital piracy. The extent of digital piracy is so large, and the costs of additional enforcement are so reasonable, that it is clearly in the public interest to take more aggressive steps to fight digital piracy.

Countries that use website blocking have built in intentionally high thresholds to ensure it is only used appropriately.

There is a reason why website blocking is being used in a growing number of countries: It can be a reasonable and useful tool to reduce piracy and encourage consumption of legal content. For it to be effective and workable, it needs to be predictable, transparent, accountable, low-cost, and quick to implement. To be sure, website blocking is no silver bullet in the fight against digital piracy, but it should at least be one of the lead bullets, alongside other measures such as partnering with Internet ad companies, notice-and-takedown processes for websites hosting infringing material, domain seizures, and other efforts to prosecute owners of pirate sites.

Many opponents focus on the fact there are technical ways to circumvent website-blocking orders. However, the CMU study and others show that these users make up a relatively small proportion of total Internet users—certainly not enough to render website-blocking orders ineffective. Some critics would say that if blocking a website is not effective all of the time, then it should not be used at all. This is the same weak argument used against virtually every type of countermeasure. Why bother locking a door, when it is possible for sophisticated thieves to pick the lock? The answer, clearly, is that most thieves are not that sophisticated.

Complex problems with no single solution benefit from multilayered solutions. The standard for effectiveness should not be, as some opponents claim, elimination of all piracy. Reduction is an important goal, and on this point, the CMU study shows that website blocking can certainly help achieve this goal.

APPENDIX A: WEBSITE BLOCKING IN THE UNITED KINGDOM

In the United Kingdom, a landmark court case in 2011 created the legal precedent that has allowed rights holders to ask for court injunctions to block websites that infringe copyright.⁷⁹ This is despite the fact that the law allowing website blocking in the United Kingdom has been available since 2003 (when section 97A was added to the Copyright, Designs, and Patent Act (CDPA) 1988 as part of the European Copyright Directive 2003). The exact number of websites blocked in the United Kingdom is unknown, as these are kept secret in order to ensure the block is as effective as possible.

For a court to issue an injunction, it must be shown that: the ISPs were service providers, the users or operators of the target websites infringed copyright and used the services of the ISPs to do so, and the ISPs had actual knowledge of this.⁸⁰ The court can also consider whether the block is proportionate—whether the likely cost burden on the ISPs is justified by the efficacy of the blocking measures and the consequent benefit to the rights holders.⁸¹ In assessing proportionality, the court considers the availability of alternative measures; the efficacy, costs, and dissuasiveness of the measure; and the impact on lawful users of the Internet.⁸² In terms of proportionality, the presiding judge in one of these initial cases considered the alternatives, but held that those measures were unlikely to be sufficient in stopping the infringement, and that website blocking can be considered a primary tool for rights holders to use. Furthermore, the judge found that on balance the evidence showed that blocking measures can be very effective.⁸³

The United Kingdom is adapting its online piracy efforts to the various services and technologies used to facilitate copyright infringement. For example, BitTorrent websites and streaming websites have been held to infringe copyright by communication to the public even though the infringing copy did not come directly from those websites, but because the websites contained catalogued and indexed connections to the sources of those copies.⁸⁴ More recently, courts have dealt with cases involving software that facilitates access, while not actually transmitting infringing material to the public, such as Popcorn Time. Popcorn Time is an open source application that uses BitTorrent technology and can be downloaded from a website that allows users to browse, search, and locate illegal copies of films and television programs. United Kingdom courts have found that the operators of the website which offered Popcorn Time, while they did not transmit or retransmit infringing content, did facilitate the making available of infringing content by providing the tool to do so and therefore should be blocked.⁸⁵

APPENDIX B: STUDY DETAILS AND RESULTS

Table 1: Descriptive Statistics

Consumer Segment	Users in Segment	Avg. Visits to Blocked Sites Per User	Total Piracy Visits	Legal Ad-Supported Visits	Legal Subscription Visits	VPN Visits
0	53,273	0.0	138,257	61,967	57,475	4,854
1	1,737	1.0	31,553	6,610	7,692	390
2	801	2.0	18,027	2,346	3,322	147
3	451	3.0	15,073	2,286	1,871	166
4	319	4.0	11,665	1,119	1,301	18
5	426	5.4	15,802	1,590	1,978	229
6	478	8.3	23,118	2,389	2,666	71
7	396	13.2	28,988	1,999	3,446	524
8	502	23.8	56,917	3,448	3,018	115
9	426	78.6	140,423	3,178	2,496	28

Table 2: Regression Effects

To determine the impact of the website blocks, the study uses a difference-in-difference regression model (below). The *After* dummy variable controls for the difference between the pre-block period and the post-block period. The *TreatIntensity* variable indicates the number of visits that the average user in each group made to the 53 blocked sites during August and September 2014. Variable μ is a vector of group fixed effects.

$$\ln Visits = \beta_0 + \beta_1 After + \beta_2 TreatIntensity * After + \mu + \varepsilon$$

	Unblocked Piracy	VPNs	Legal Ad-Supported	Legal Subscription
After Block	-1.053* (0.001)	-1.500* (0.004)	-0.586* (0.000)	-0.619* (0.000)
Treat Intensity x After Block	-0.002 (0.38)	0.030*** (0.066)	0.005** (0.050)	0.004 (0.251)
Constant	10.178* (0.000)	5.148* (0.000)	8.131* (0.060)	8.217* (0.000)
Observations	20	20	20	20
Consumer Groups	10	10	10	10
R-squared	0.979	0.851	0.99	0.97

Parentheses show p-values. Based on a t distribution with 8 degrees of freedom.

***= significant at 10 percent; **=significant at 5 percent; *=significant at 1 percent

A few key points:

- The variable of interest is β_2 , as it shows the causal impact of the block on visits to sites. Its coefficient is small, negative, and statistically significant for unblocked piracy sites, indicating that the blocks did not cause former users of blocked sites to increase their consumption at other illegal sites.
- Some users of the blocked sites did employ technical workarounds, as shown by the coefficient for visits to VPN sites (which is positive and significant at the 90 percent confidence level). It estimates that for every 10 additional visits to blocked sites before the blocks, a consumer increased visits to VPN sites after the blocks by an additional 30 percent. However, Table 1 shows that VPN site visits before the blocks were small relative to other sites.
- There was a positive and statistically significant increase in usage of ad-supported sites. A 10 visit increase in pre-block visits to blocked sites is correlated with a 5 percent increase in visits to legal ad-supported sites.

Table 3: Estimated Causal Change in Piracy and Legal Viewing

Pre-block Visits/Users of Blocked Sites	Causal Decrease in Total Piracy	Causal Increase in Ad-Supported Services	Causal Increase in Subscription Viewing
0.0	0.0%	0.0%	0.0%
1.0	7.6%	0.5%	0.4%
2.0	11.4%	1.0%	0.8%
3.0	11.1%	1.5%	1.2%
4.0	13.5%	2.0%	1.6%
5.4	17.0%	2.7%	2.2%
8.3	20.2%	4.2%	3.4%
13.2	22.8%	6.8%	5.4%
23.8	25.3%	12.6%	10.0%
78.6	28.0%	48.1%	36.9%

APPENDIX C: WEBSITE BLOCKING IN AUSTRALIA

Australia has two laws that allow website blocking: The Copyright Amendment of 2015 and the Telecommunications Act of 1997.

On June 22, 2015, the Australian government enacted the Copyright Amendment (Online Infringement) Act 2015, which added a new injunction power into the Copyright Act 1968 that could be used to block websites. Section 115A of the amendment gives the federal court of Australia the power to order an injunction to require an ISP to block access to “online locations” located outside Australia whose “primary purpose” is infringing or facilitating copyright infringement. “Online location” was used as an intentionally broad term that includes, but is not limited to, websites and would also accommodate future technologies. The “primary purpose” test was designed as an intentionally high threshold, intended to exclude websites that are mainly operated for a legitimate purpose, but contain a small percentage of infringing content.⁸⁶ In granting an injunction, the court may take into account a range of factors, including the flagrancy of the infringement, whether the website is blocked in another jurisdiction, whether blocking is a proportionate response, the public interest, and the impact on any class of person affected by the injunction.⁸⁷

Unresolved issues around implementation of this amendment include: who would bear the costs of the website-blocking injunction; whether blocked websites would be redirected to a single “landing page” or many such pages, and who would host such landing pages; who would contribute to the cost of hosting those landing pages; and how long blocks are in place. The judge presiding over the first application for an injunction has asked ISPs to provide cost estimates before deciding whether to issue an injunction.⁸⁸

Australia also allows website blocking for sites involved in investment and financial fraud and malware and phishing sites under section 313(3) of Australia’s Telecommunications Act 1997. This Act specifies that blocks occur through URLs rather than IP addresses.⁸⁹

APPENDIX D: WEBSITE BLOCKING IN THE EUROPEAN UNION

While there is no European Union-wide approach to website blocking, there is a common legislative platform that allows individual member countries to enact such measures.

The European Union’s E-Commerce Directive of 2000 provides liability exemption for a range of Internet service providers—known as “safe harbor”—in that they are not liable for information transmitted over their network, such as pirated material. However, this exemption does not excuse them from efforts to fight digital piracy, such as website blocking. The exemption does “not affect the possibility for a court or administrative authority . . . of requiring the service provider to terminate or prevent an infringement,” in particular, an injunction that orders the “disabling of access to [illegal information].”⁹⁰

The European Union allows each member country’s courts to order ISPs to fight online copyright infringement, including through court orders for website blocking. In 2011, the European Court of Justice decided on a case that established the legal basis allowing national courts to order ISPs whose services are being used by a third party for copyright infringement “to take measures aimed not only at bringing to an end to infringements already committed against intellectual property rights using their information society services, but also at preventing further infringement.”⁹¹

DNS and IP blocking are legitimate website-blocking options in the European Union.⁹² However, URL blocking is likely to be problematic, as it requires the examination of all data packets to see if they are part of a request to a blocked URL and therefore could be considered a “general monitoring” obligation on ISPs, which the Court of Justice of the European Union has expressly forbidden (as it contravenes the EU E-Commerce Directive). For example, in a case involving peer-to-peer networks, the European Court of Justice held that an injunction that requires an ISP to install a filtering system that would “actively monitor all the data relating to each of its customers” would amount to general monitoring, and therefore be in breach of the E-Commerce Directive.⁹³

APPENDIX E: WEBSITE BLOCKING IN THE UNITED STATES

Website blocking has a checkered history in the United States. In 2011, two pieces of legislation were introduced in Congress that contained provisions that would allow the Attorney General to apply for website-blocking injunctions. The Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act of 2011 (known as PIPA or Protect IP Act) was introduced in the Senate in May 2011, but never progressed. The Stop Online Piracy Act (SOPA) was introduced in the House of Representatives in October 2011, but also did not progress.

While not technically blocking, the U.S. National Intellectual Property Rights Coordination Center is able to seize and destroy websites that are involved in copyright and trademark infringement.⁹⁴ The Prioritizing Resources and Organization for Intellectual Property Act of 2008 (PRO-IP Act) provides for civil forfeiture of property that is used to facilitate, or constitutes the proceeds of, certain intellectual property crimes, including copyright. Federal agents submit a sworn affidavit to a federal magistrate, and if the magistrate finds there is probable cause that the property is connected to the commission of criminal copyright infringement or trademark counterfeiting, the magistrate issues a seizure warrant, which the government uses to initiate forfeiture proceedings.⁹⁵ Users trying to access seized sites are redirected to a page showing a seizure notice.

This law forms the basis for “Operation in Our Sites,” which is an ongoing law-enforcement effort to target piracy websites. Since it began in June 2010, it has seized thousands of domain names.⁹⁶ For example, on February 2, 2011, the U.S. Immigration and Customs Enforcement Agency used a federal court order to seize 10 websites that illegally streamed copyrighted sporting and pay-per-view events.⁹⁷ However, this power is limited to domains that use top-level domains of registries located in the U.S. (i.e. .com, .net, and .org).

A case before the courts may determine whether the United States International Trade Commission (USITC) can order the blocking of transmissions and websites that facilitate online copyright infringement. The USITC has the authority to investigate patent and copyright infringement complaints filed by U.S. companies and block the import of infringing goods. Past USITC cases have focused on physical goods, but a case currently before the USITC involving two companies—Clear Correct and Invisalign—looks at whether the agency can block the transmission of infringing digital goods (in this case 3D maps of patients’ teeth). The question before the courts now is whether the USITC can block digital goods, in addition to physical goods, from being imported into the United States. If the courts decide that the USITC can order the blocking of this material, then it potentially could be used to order the blocking of digital piracy in other areas.

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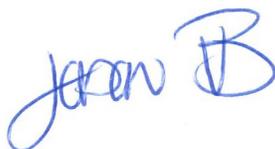
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ABOUT ITIF

The Information Technology and Innovation Foundation (ITIF) is a nonprofit, nonpartisan research and educational institute focusing on the intersection of technological innovation and public policy. Recognized as one of the world's leading science and technology think tanks, ITIF's mission is to formulate and promote policy solutions that accelerate innovation and boost productivity to spur growth, opportunity, and progress.

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This is **Exhibit EQ-12** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

***346 Football Association Premier League Ltd v. British Telecommunications Plc**

 [Image 1 within document in PDF format.](#)

Before the English High Court, Chancery Division
13 March 2017

[2017] EWHC 480 (Ch)

[2017] E.C.D.R. 17

Arnold J

13 March 2017

Analysis

Blocking injunctions; Copyright; Football matches; Internet service providers; Online infringement; Proportionality; Streaming media;

H1 Application for an Order to block access to streaming servers used to deliver infringing streams of television footage to consumers—Whether the Order is appropriate and proportionate having regard to the competing rights of those affected by it—Held the Order was appropriate considering the comparative importance of, and the justifications for interfering with copyrights on the one hand and the freedom to carry on business and internet users’ freedom to impart or receive information on the other hand.

The claimant FAPL is the governing body of the football competition known as the Premier League. FAPL owns the copyright in films comprising television footage of all Premier League matches, and in artistic works which appear within that footage. The defendants are the six main retail internet service providers in the UK. FAPL seeks an injunction against the defendants pursuant to s.97A of the UK copyright law which implements art.8(3) of the InfoSoc Directive 2001/29, requiring the defendants to take measures to block, or at least impede, access by their customers to streaming servers which deliver infringing live streams of Premier League footage to UK consumers.

The application seeks to block access to streaming servers used to deliver infringing streams of Premier League

footage to UK consumers. There is evidence of fans turning to streaming devices which access infringing streams as a substitute for paid subscriptions to services such as those offered by Sky and BT. An added concern is the availability of live streams of Premier League match footage during the Closed Period, which deters attendance at those matches. Such devices do not rely upon access to a specific website in order to enable consumers to access infringing material, but instead can connect directly to streaming servers via their IP addresses.

The Order requested has the following specific features:

- (i) it is a “live” blocking order which only has effect at the times when live Premier League match footage is being broadcast;
- (ii) the Order provides for the list of Target Servers to be “re-set” each match week during the Premier League season, to allow new servers to be identified and blocked each week, and ensures that old servers are not blocked after *347 the end of a week unless they continue to be observed as sources of infringing footage;
- (iii) the Order is only for a short period; and
- (iv) the Order requires a notice to be sent to each hosting provider each week when one of its IP addresses is subject to blocking.

Held: The Order is appropriate and proportionate having regard to the competing rights of those affected by it. This requires the court to consider the comparative importance of, and the justifications for interfering with, FAPL’s copyrights on the one hand and the defendants’ freedom to carry on business and internet users’ freedom to impart or receive information on the other hand.

In particular, it is proportional in that it does not impair the rights of the defendants to carry on business. To the limited extent that it interferes with the rights of internet users to impart or receive information, the interference is justified by a legitimate aim, namely preventing infringement of FAPL’s copyrights on a large scale, and it is proportionate to that aim: it will be effective and dissuasive, no equally effective but less onerous measures are available to FAPL, it avoids creating barriers to legitimate trade, it is not unduly complicated or costly and it contains safeguards against misuse. Moreover, the Order is of short duration.

H7 Cases referred to in the judgment:

Before the European Court of Justice:

- [GS Media BV v Sanoma Media Netherlands BV \(C-160/15\)](#) EU:C:2016:644; [2016] Bus. L.R. 1231; [2017] 1 C.M.L.R. 30; [2016] E.C.D.R. 25
- [ITV Broadcasting Ltd v TV Catchup Ltd \(C-607/11\)](#) EU:C:2013:147; [2013] Bus. L.R. 1020; [2013] 3 C.M.L.R. 1; [2014] C.E.C. 663; [2013] E.C.D.R. 9; [2013] F.S.R. 36
- [L’Oreal SA v eBay International AG \(C-324/09\)](#) EU:C:2011:474; [2012] Bus. L.R. 1369; [2012] All E.R. (EC) 501; [2011] E.T.M.R. 52; [2012] E.M.L.R. 6; [2011] R.P.C. 27
- [Stichting BREIN v Ziggo BV \(C-610/15\)](#) [EU:C:2017:99]
- [Svensson v Retriever Sverige AB \(C-466/12\)](#) EU:C:2014:76; [2014] Bus. L.R. 259; [2014] 3 C.M.L.R. 4; [2014] All E.R. (EC) 609; [2015] C.E.C. 17; [2014] E.C.D.R. 9; [2015] E.M.L.R. 5
- [UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH \(C-314/12\)](#) EU:C:2014:192; [2014] Bus. L.R. 541; [2014] E.C.D.R. 12

Before the UK courts:

- [Cartier International AG v British Sky Broadcasting Ltd](#) [2016] EWCA Civ 658; [2017] 1 All E.R. 700; [2017] 1 All E.R. (Comm) 507; [2017] Bus. L.R. 1; [2016] E.T.M.R. 43; [2016] E.M.L.R. 23
- [Football Association Premier League Ltd v British Sky Broadcasting Ltd](#) [2013] EWHC 2058 (Ch); [2013] E.C.D.R. 14

H8 Representation

- Ian Mill QC , instructed by DLA Piper UK LLP, for the claimant.
- Jaani Riordan , instructed by in-house solicitors, for the first, second, fourth and sixth *defendants* .
- The *third* and fifth defendants did not appear and were not represented. *348

JUDGMENT

ARNOLD J:

Introduction

The claimant (FAPL) is the governing body of the football competition known as the Premier League (the Premier League). FAPL owns the copyright in films comprising television footage of all Premier League matches, and in artistic works which appear within that footage. The defendants are the six main retail internet service providers (ISPs) in the UK. By this claim FAPL seeks an injunction against the defendants pursuant to [s.97A of the Copyright, Designs and Patents Act 1988](#) (the 1988 Act), which implements [art.8\(3\) of EC Directive 2001/29 of 22 May 2001](#) on the harmonisation of certain aspects of copyright and related rights in the information society (the Information Society Directive), requiring the defendants to take measures to block, or at least impede, access by their customers to streaming servers which deliver infringing live streams of Premier League footage to UK consumers.

In some respects the application is similar to one by FAPL which led to a blocking order being made in respect of a website known as FirstRow Sports for the reasons I gave in [Football Association Premier League Ltd v British Sky Broadcasting Ltd](#) [2013] EWHC 2058 (Ch); [2013] E.C.D.R. 14 (*FAPL v Sky*). The application differs in a number of respects, however, and in particular in that it is directed at streaming servers rather than a website. This is the first time that such an order has been sought in respect of streaming servers.

Although FAPL is formally the only applicant, the application is supported by the following other rightholders:

- i) British Broadcasting Corporation and BBC Worldwide Ltd;
- ii) DFL Deutsche Fußball Liga GmbH;
- iii) Liga Nacional de Fútbol Profesional;
- iv) The Football Association Ltd;
- v) The Scottish Premier League Ltd;
- vi) The Football League Ltd;
- vii) England and Wales Cricket Board Ltd;
- viii) PGA European Tour;
- ix) The Professional Darts Corp Ltd; and
- x) Rugby Football Union.

On 8 March 2017 I made an order substantially in the terms which had been agreed between the parties (the Order). This judgment contains my reasons for doing so.

The law

The law with respect to the making of website blocking orders under s.97A of the 1988 Act is now fairly well established. It has recently been reviewed by the Court of Appeal in the closely related context of the making of blocking orders under s.37(1) of the [Senior Courts Act 1981](#) and art.11 third sentence of European Parliament and Council Directive 2004/48 of 29 April 2004 on the enforcement of intellectual property rights (the Enforcement Directive) in [*349 Cartier International AG v British Sky Broadcasting Ltd \[2016\] EWCA Civ 658; \[2017\] 1 All E.R. 700; \[2017\] 1 All E.R. \(Comm\) 507; \[2017\] Bus. L.R. 1; \[2016\] E.T.M.R. 43; \[2016\] E.M.L.R. 23](#) . Further background is contained in my judgment at first instance in that case ([2014] EWHC 3354 (Ch); [2015] Bus. L.R. 298), and in the case law referred to therein. I shall take that material as read.

FAPL and its rights

I described FAPL and its rights in [FAPL v Sky](#) at [8]–[13]. Since then, there have been certain changes. In particular, the Clean Live Feed for each match is now recorded prior to onward transmission and so the FAPL now claims copyright in those films. In addition, FAPL now claims copyright in new logos and graphics referred to as the Logos and Dixonbaxi Graphics. I am satisfied by the evidence filed by FAPL that copyright subsists in the various copyright works relied upon by FAPL (the Works) and that FAPL owns those copyrights. The other point to note is that the value of FAPL's rights has increased yet further, being licensed for £1.7 billion annually in the UK alone.

The defendants

The defendants are not merely ISPs. Some of them have an interest in the subject-matter of FAPL's rights. More specifically:

- i) the first defendant (BT) is one of two exclusive licensees of broadcasting and internet transmission rights for Premier League footage in the UK;
- ii) the second defendant (EE) is a wholly owned subsidiary of BT;

- iii) the third defendant (Plusnet) is also a wholly owned subsidiary of BT. It has not previously been the subject of an order under [s.97A](#) , but has similar blocking technology to BT and EE;
- iv) the fourth defendant (Sky) is the other exclusive licensee of Premier League footage in the UK;
- v) the fifth defendant (TalkTalk) retransmits licensed channels containing Premier League footage to its subscribers; and
- vi) the sixth defendant (Virgin) likewise retransmits such channels to its subscribers.

FAPL's application is supported by BT, EE, Sky and Virgin, who have appeared by counsel for that purpose. BT, Sky and Virgin have also filed evidence in support of the application. In addition, Plusnet has confirmed in writing that it supports the application. TalkTalk does not support the application, but it has confirmed in writing that it does not oppose the application. All of the defendants have been involved in negotiations over the terms of the Order, with the result that the wording of the Order was agreed. Since the Order affects third parties who are not before the Court, however, counsel for FAPL rightly accepted that the fact that the making of the Order was either supported or not opposed by the defendants did not absolve the Court from the responsibility of considering whether the Order was justified.

Confidentiality

Both FAPL on the one hand and BT, Sky and Virgin on the other hand have sought confidentiality in respect of both parts of their evidence and parts of the [*350](#) Order. In the case of the evidence, confidentiality is claimed on two main grounds. The first is that some of the evidence reveals commercially sensitive information concerning such matters as the impact of live streaming on FAPL and the resources deployed by some of the defendants to implement blocking measures. The second is that disclosure of some of the evidence would facilitate infringement of FAPL's rights and/or circumvention of the Order. In the case of the Order, confidentiality is claimed on the second ground. Originally FAPL's claim to confidentiality was cast too broadly, but at the hearing FAPL narrowed that claim. I am satisfied that, as recast and subject to one point addressed below, the claim to confidentiality is well founded. Accordingly, the Order contains certain confidentiality provisions, and in

particular an order under [CPR r.31.22](#) , in respect of the confidential parts of the evidence.

Background to the present application

This application seeks to combat the growing problem of live Premier League footage being streamed without the consent of FAPL (or its licensees) on the internet. Since [FAPL v Sky](#) , this problem has been exacerbated in five main ways.

First, consumers are increasingly turning to set-top boxes, media players (such as the popular Amazon Fire TV Stick) and mobile device apps to access infringing streams, rather than web browsers running on computers. This means that traditional blocking orders (targeting websites) will not be able to prevent the growing majority of infringements, because these devices do not rely upon access to a specific website in order to enable consumers to access infringing material. Instead, such devices can connect directly to streaming servers via their IP addresses.

Secondly, the skill and effort required to find and use such devices and apps to access infringing content has fallen dramatically. Devices such as set-top boxes and media players are easy to connect to domestic televisions. Software to access suitable streams (in particular, software known as Kodi together with third-party add-ons) has become much easier to find and install. Indeed, it is increasingly easy to purchase set-top boxes and other devices which are already loaded with such software. Moreover, sources of infringing content often update automatically.

Thirdly, it is now possible to access a large number of high-quality infringing streams of footage of each Premier League match.

Fourthly, there is evidence that, regrettably, a significantly higher proportion of UK consumers believes that it is lawful to access unauthorised streams using such devices and software than believes that it is lawful to access unauthorised content via file-sharing websites.

Fifthly, the streaming servers used to make available infringing streams to the public have increasingly been moved to offshore hosting providers who do not co-operate with rightholders' requests to take down infringing content either at all or in a timely manner. A timely response is

important in the case of Premier League matches because, to be effective, any intervention must occur during the course of a match. The operators of streaming servers regularly change the IP addresses from which the servers operate.

As a result of these factors, there is increasing evidence of football fans turning to streaming devices which access infringing streams as a substitute for paid subscriptions to services such as those offered by Sky and BT. This undermines the value of FAPL's rights and, if unchecked, is likely to reduce the revenue *351 returned by FAPL to football clubs, sports facilities and the wider sporting community. An added concern is the availability of live streams of Premier League match footage during the Closed Period (as to which, see [FAPL v Sky](#) at [9]), which deters attendance at those matches.

Four main elements are required to stream live content to consumers: (i) a source feed of infringing footage (typically sourced from a cable or satellite decoder box which is being used to receive a licensed service, whether transmitted by Sky or BT in the UK or by another FAPL licensee outside the UK); (ii) a platform to manage distribution of the footage; (iii) a streaming server hosted by a hosting provider which actually transmits copies of the footage; and (iv) a user interface which a consumer can use to access one of those copies.

The streaming server is the crucial link in the chain by which an unauthorised copy of footage of a Premier League match is transmitted to the consumer. A single server may be accessed using a number of different user interfaces. For example, the same stream on the same server may be accessed via multiple apps, websites and add-ons for set-top boxes. If access to that server is blocked, all of those access mechanisms will be disrupted.

It is for the reasons explained above that FAPL seeks to block access to streaming servers used to deliver infringing streams of Premier League footage to UK consumers.

The Order

Confidential Sch.2 to the Order sets out a list of IP addresses of the servers (the Target Servers) access to which the defendants are required by para.1 of the Order to block or attempt to block in the first instance. The list of Target Servers has been compiled in two stages. First,

a contractor engaged by FAPL has monitored infringing streams during a number of weeks of the current Premier League season using proprietary video fingerprinting technology. In this way a large number of IP addresses at which infringing streaming servers were located have been identified. As noted above, it was found that many of the IP addresses change periodically, although the rate at which this occurs varies.

Secondly, FAPL has identified a subset of infringing streaming servers which should be blocked. The three criteria for selection are set out in Confidential Schedule 3 to the Order. These criteria are intended to focus the Order upon the more egregious infringers. FAPL, supported by BT, EE, Sky and Virgin, requested that these criteria all be kept confidential, because if they were made public it would make it easier for the Order to be circumvented. I agree that one of the criteria should not be made public for that reason. (For the same reason, the list of Target Servers is confidential, because someone in possession of the list could work out the confidential criterion.) I do not accept that the same applies to the other two criteria, which it is the public interest for me to describe. First, FAPL and its contractor must reasonably believe that the server has the sole or predominant purpose of enabling or facilitating access to infringing streams of Premier League match footage. Secondly, FAPL and its contractor must not know or have reason to believe that the server is being used for any other substantial purpose.

The two-stage exercise described above was repeated shortly before the hearing on 8 March 2017, so as to produce an up-to-date initial list of Target Servers. *352

The Order differs from those previously granted in respect of websites in four other important respects as well.

First, the Order is a “live” blocking order which only has effect at the times when live Premier League match footage is being broadcast. This is possible because of two technological advances:

- i) The video monitoring technologies used by FAPL now permit the identification of infringing streams with a very high level of accuracy in close to real-time during Premier League matches. The servers from which such streams emanate can be notified to the defendants nearly instantaneously.

- ii) Advances in certain of the defendants’ blocking systems will allow them to block and unblock IP addresses during the course of Premier League matches, in some cases automatically. If this process is automated, or if manual supervision can be provided at the relevant times, that would mean that blocking can be responsive to changes in the IP addresses being utilised by the operators of streaming services at the times when blocking is most needed to protect the rights in question. It would also mean that blocking need not occur outside of match times.

Secondly, although it is standard practice for orders under s.97A to enable the IP address or URL of the target website to be updated as and when necessary, the Order provides for the list of Target Servers to be “re-set” each match week during the Premier League season. This allows for new servers to be identified by FAPL and notified to the defendants for blocking each week, and ensures that old servers are not blocked after the end of a week unless they continue to be observed as sources of infringing footage.

Thirdly, the Order is only for a short period. It comes into force on 18 March 2017. This is to give the defendants time to get ready to comply with it (although two of the defendants are permitted a little longer under the terms of the Order). It will only endure until 22 May 2017, which is the end of the 2016/2017 Premier League season. The short duration of the order is intended to enable an assessment of its effectiveness, and of any issues encountered, with a view to FAPL applying for a similar order to cover the 2017/2018 season, with any changes that may seem appropriate in the light of this season’s experience.

Fourthly, in addition to the safeguards which have become standard in s.97A orders, the Order requires a notice to be sent to each hosting provider each week when one of its IP addresses is subject to blocking. Furthermore, the hosting providers and the operator of any website or streaming service claiming to be affected by the Order are given permission to apply to set aside or vary the Order as well as the operators of the Target Servers and any customer of the defendants who claims to be adversely affected by the Order.

Jurisdictional requirements

Section 97A of the 1988 Act empowers the High Court “to grant an injunction against a service provider, where that service provider has actual knowledge of another person using their service to infringe copyright”. In order for this Court to have jurisdiction to make the Order, four matters must be established. First, that the defendants are service providers. Secondly, that users and/or the operators of *353 the Target Servers infringe FAPL’s copyrights. Thirdly, that users and/or the operators of the Target Servers use the defendants’ services to do that. Fourthly, that the defendants have actual knowledge of this.

Are the defendants service providers?

It is well established that the defendants are service providers within the meaning of [reg.2 of the Electronic Commerce \(EC Directive\) Regulations 2002](#) , SI 2002/2013.

Do the operators and users of the Target Servers infringe FAPL copyrights?

FAPL contends that the operators and users of the Target Servers infringe its copyrights in a number of ways. I accept this, for the following reasons.

Copying by users . In the course of streaming the Works, users who access a stream cause their computer, mobile device or set-top box to create copies of the Works in the memory of those devices. In some cases, a substantial part of a Work may be copied in a single frame (for example, a Logo). In the case of films of matches, copying of a substantial part is very likely to occur if users stream footage of any appreciable segment of the match. Such copying obviously takes place in the UK insofar as users are located in the UK.

Communication to the public by operators. Operators of Target Servers which stream the Works communicate the Works to the public for the following reasons.

First, streaming involves an act of communication of the Works by electronic transmission to each user who accesses a streaming server during a relevant match period: see [ITV Broadcasting Ltd v TV Catchup Ltd \(C-607/11\) EU:C:2013:147; \[2013\] Bus. L.R. 1020; \[2013\] 3 C.M.L.R. 1; \[2014\] C.E.C. 663; \[2013\] E.C.D.R. 9; \[2013\] F.S.R. 36 at \[26\] and \[35\]](#) and [Svensson v Retriever Sverige AB](#)

([C-466/12 EU:C:2014:76; \[2014\] Bus. L.R. 259; \[2014\] 3 C.M.L.R. 4; \[2014\] All E.R. \(EC\) 609; \[2015\] C.E.C. 17; \[2014\] E.C.D.R. 9; \[2015\] E.M.L.R. 5 at \[17\]–\[20\]](#)).

Secondly, the operators of the Target Servers commit that act of communication because they intervene deliberately, and in full knowledge of the consequences of their actions, to give access to the Works in circumstances where the users would not in principle be able to enjoy the Works without that intervention: see [GS Media BV v Sanoma Media Netherlands BV \(C-160/15\) EU:C:2016:644; \[2016\] Bus. L.R. 1231; \[2017\] 1 C.M.L.R. 30; \[2016\] E.C.D.R. 25 at \[35\]](#). The process of setting up a streaming server and configuring it to: (i) interface with a streaming platform; and (ii) connect to, and copy, a source feed with Premier League footage are conscious steps that must be taken by the operators.

Thirdly, the Works are communicated to the public since the evidence shows that the streams are capable of being viewed by an indeterminate number of potential viewers, and are in fact viewed by a large number of people: see [GS Media](#) at [36].

Fourthly, insofar as the streams are taken from a source which was originally delivered by cable or satellite broadcast, streaming is a different technical means which requires separate authorisation from the rightholder: see [ITV](#) at [24]–[26] and [39]. Needless to say, FAPL has not authorised any of the operators of the Target Servers. Nor have Sky or BT.

Fifthly, even where the source is an internet transmission, the class of persons to whom the Works are communicated is a “new public” which was not already taken into account by FAPL (or Sky or BT) when they authorised the initial *354 communication to the public of their work in the form of broadcasts and specific transmissions to authorised users of paid streaming services: see [Svensson](#) at [24]–[31]. Plainly, in delivering services such as BT Sport, Sky Sports or NOW TV to paying subscribers, Sky and BT have not taken into account that the works so broadcast or transmitted would be made freely available to all internet users by means of the Target Servers. Doing so would naturally be prohibited by their terms of use, and would require circumvention of the measures used to protect content delivered via these means (for example, conditional access, encryption, and usernames and passwords), which together restrict access to paying customers: cf. [GS Media](#)

at [50]. Generally speaking, the operators of the Target Servers are not merely linking to freely available sources of Premier League footage. Even if in some cases they do, the evidence indicates that they do so for profit, frequently in the form of advertising revenue, and thus are presumed to have the requisite knowledge for the communication to be to a new public: see [GS Media](#) at [51].

Sixthly, these acts of communication to the public are targeted at the public in the UK and, as such, are to be regarded as taking place here. This conclusion is supported by a number of factors:

- i) a very substantial volume of traffic from BT, Sky and Virgin, who are the three largest UK ISPs, has been recorded from these servers during Premier League match times. The extent of these spikes in traffic, the closeness of their correlation with each scheduled match, and the absolute volume in terms of raw bandwidth consumed, are only consistent with large numbers of consumers obtaining Premier League content from these servers;
- ii) the traffic spikes are sustained throughout the period of each Premier League match. By and large, the bandwidth (and therefore interest) lasts for precisely the same period as the match, with an immediate drop-off thereafter. Deliberate consumer activity of this kind is strongly indicative of the fact that a substantial proportion of the relevant UK public regards the Premier League content on these servers as directed to and meant for them;
- iii) the only other spikes in UK traffic that have been observed have occurred during the broadcast of other sporting events on subscription TV (such as World Championship Darts and the English Football Championship), all of which would also be of interest to viewers in the UK;
- iv) while it is not possible to know what the overall traffic is to the Target Servers worldwide, it is reasonable to assume that traffic of this magnitude accounts for a substantial proportion of all communications with the Target Servers;
- v) in many cases, the channels being offered on the Target Servers reproduce licensed UK subscription channels that carry Premier League content, which are themselves deliberately targeted at UK consumers; and

- vi) where the streams are embedded into websites, they commonly have advertising targeted at UK consumers.

Accessory liability of the operators. The operators of the Target Servers authorise copying by their UK users for similar reasons to those given in respect of the operators of the target websites in cases such as [FAPL v Sky](#). In the alternative, they are liable as joint tortfeasors, again for similar reasons.

Future infringements. As with all orders under [s.97A](#), the Order aims to restrain future infringements of FAPL's rights. This is in accordance with [art.8\(3\)](#) of the Information Society Directive *[355](#) and [art.11](#) of the Enforcement Directive: see [L'Oreal SA v eBay International AG \(C-324/09\) EU:C:2011:474; \[2012\] Bus. L.R. 1369; \[2012\] All E.R. \(EC\) 501; \[2011\] E.T.M.R. 52; \[2012\] E.M.L.R. 6; \[2011\] R.P.C. 27](#) at [144].

Use of the defendants' services

It is clear that the defendants' internet access services are used to commit the infringements referred to above, since they play an essential role in enabling users to access the Target Servers and thereby obtain copies of the Works: see [UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH \(C-314/12\) EU:C:2014:192; \[2014\] Bus. L.R. 541; \[2014\] E.C.D.R. 12](#) at [30]–[32]. Further, there is specific evidence of large volumes of access to the Target Servers by which Premier League material is transmitted by customers of at least three of the defendants (BT, Sky and Virgin). It may be inferred that the customers of the other three defendants also access the Target Servers in the same way.

Actual knowledge

The defendants have actual knowledge of the infringing use of their services as a result of detailed pre-application correspondence, monitoring some of the defendants have themselves carried out, notices sent by the Premier League, and more recently service of the application and accompanying evidence.

Should an order be made?

The correct approach to the question of whether, assuming that jurisdiction is established, the Court should exercise its discretion to make an order was considered by the Court of Appeal in [Cartier](#) at [103]–[129]. Although there are a number of factors to be considered, the overriding question is whether the Order is proportionate having regard to the competing rights of those affected by it.

The comparative importance of the rights engaged and the justifications for interfering with those rights

This requires the Court to consider the comparative importance of, and the justifications for interfering with, FAPL's copyrights on the one hand and the defendants' freedom to carry on business and internet users' freedom to impart or receive information on the other hand.

So far as FAPL's copyrights are concerned, for the reasons given above, it is clear that users and operators of the Target Servers are infringing those copyrights. FAPL has a legitimate interest in curtailing such activity. So do FAPL's licensees such as BT and Sky. Moreover, as FAPL contends, given FAPL's role in supporting sport in the UK and given the substantial contributions made by FAPL and its licensees to the UK economy, there is a public interest in combatting infringements of its rights.

As to the defendants' freedom to carry on business, the orders sought by FAPL would not impair the substance of this right. The orders would not interfere with the provision by the defendants of their services to their customers. The orders would not require the defendants to acquire new technology: they have (or are in process of acquiring) the requisite technology already. The main effect of the *356 Orders would be to impose additional operating costs on the defendants. There is a small risk of the defendants being attacked either by hackers or by operators of the Target Servers, but in my judgment this risk is not a significant one. It is also true that there is a risk of reputational damage to the defendants, particularly in the event of overblocking, but again I do not consider this risk a significant one. Overall, as counsel for FAPL submitted, the fact that five of the defendants positively support the making of the Order is strong evidence that it will not impair their freedom to carry on business.

As for the freedom of internet users to impart or receive information, this plainly does not extend to a right to

engage in copyright infringement. Since the Target Servers appear to be exclusively, or almost exclusively, engaged in infringing activity, at least during the periods in which the Order will take effect, the operators have no right which requires protection. Thus the only question is whether any lawful activity may be adversely affected. Given the targeted nature of the Order, and the safeguards built into it, that should not be the case. I shall return to this point below.

Effectiveness and dissuasiveness

FAPL contends that the Order will be effective and dissuasive in that it will substantially reduce infringements of FAPL's copyrights in the Works by UK consumers accessing the Target Servers. This contention is supported by a number of factors.

First, past experience suggests that blocking causes a material reduction in the number of UK users who access blocked websites: see for example the evidence reviewed in my judgment in [Cartier](#) at [220]–[236]. The same may be expected to be true of blocked streaming servers.

Secondly, recent academic literature supports this conclusion. For example, research by Brett Danaher, Michael Smith and Rahul Telang of the School of Information Systems, Heinz College, Carnegie Mellon University published in April 2016 (available via SSRN) concluded that blocking of 53 BitTorrent and online streaming websites as a result of orders of this Court in November 2014 reduced access to those sites by 90% from the UK, resulted in a decrease in overall piracy rates by 22% for users affected by the blocks, and increased consumption of legal content by between 6% (Netflix) and 10% (BBC and Channel 5).

Thirdly, as discussed above, blocking access to streaming servers is likely to be more effective than blocking websites which embed or link to streams from such servers both because streaming servers are the crucial link and because multiple websites typically embed or link to each server stream.

Fourthly, monitoring and blocking techniques employed by FAPL and the defendants respectively have improved considerably since earlier blocking orders were made, in some instances because of improved automation and in other instances because of the investment of manual resources to carry out blocking at the relevant times. This

makes it feasible to identify and block Target Servers much more rapidly than before, leading to the prevention of an even greater proportion of potential infringements.

Fifthly, there is reason to hope that blocking access to the Target Servers will help to educate UK consumers that accessing infringing streams is not a lawful or reliable way to access Premier League content. *357

While there is always the prospect that some users and/or operators will circumvent blocking, there is no evidence to suggest that the likelihood of this occurring will be any greater in the present case than in other cases.

Substitutability

In relation to the substitutability of other streaming servers for the Target Servers, counsel for FAPL pointed out that Advocate General Szpunar has recently concluded in [Stichting BREIN v Ziggo BV \(C-610/15\) EU:C:2017:99](#) at [81] that the fact that websites other than the blocked website (in that case The Pirate Bay) could be used to infringe did not detract from the effectiveness of the blocking measure. While the judgment of the Court of Justice of the European Union is still awaited, this supports the approach to this question adopted by this Court and by the Court of Appeal in [Cartier](#) .

FAPL also relies upon the fact that the Order makes provision for the future detection and blocking of streaming servers which are used to stream Premier League content as well those comprising the initial list of Target Servers. This makes the prospect of consumers switching to other streaming servers less of a concern.

Alternative measures

FAPL contends that the available alternative measures are either ineffective or incomplete in addressing this problem. This contention is supported by the following points.

So far as takedown notices to streaming server operators and hosting providers are concerned, FAPL and its licensees have made extensive efforts to contact server operators and (where this fails) their hosts. While some of these notices are complied with promptly, many are not, either during a game or at all.

Almost all hosting providers used by streaming server operators are located offshore, and accounts are often registered anonymously, which makes it impossible or impracticable to pursue the primary wrongdoer. A substantial number of hosting providers refuse to take action based on notices sent on behalf of FAPL, and as discussed above it is to these providers that streaming server operators increasingly turn. Even if takedown notices are not completely ignored by a hosting provider, in many cases they will not be acted on quickly enough to be meaningful.

Takedown notices have also been sent to marketplace operators (such as eBay and Amazon) requesting removal of listings which advertise set-top boxes which are configured to access infringing material. However, sellers are becoming more sophisticated in how they market these products, making them harder to detect, and marketplaces often fail to remove listings when asked.

Licensees can sometimes identify the customer from which an infringing stream originates. If it is possible to identify that customer, their account may be terminated and legal action pursued. However, this takes time and will not usually be effective to interrupt a stream mid-way through a match.

Criminal prosecutions have been pursued against sellers of set-top boxes which are configured to access infringing material. However, it is often difficult to identify the individual who is responsible for an infringement, and the police are unwilling or unable to pursue every possible prosecution. *358

Having regard to the foregoing, I conclude that FAPL does not have available to it alternative measures to combat the infringements of its copyrights of which it complains which are as effective as the Order but less onerous.

Not unnecessarily complicated or costly

There is no suggestion by the defendants that the Order is unnecessarily complicated or costly. As noted above, five of the defendants positively support the Order while TalkTalk does not oppose it, and the terms of the Order were agreed. There is no order as to costs.

Avoidance of barriers to legitimate trade

FAPL contends, and I accept, that the targeted nature of the Order means that it avoids creating barriers to legitimate trade. The vast majority, if not all, of the content being streamed by the Target Servers during the relevant time periods infringes the copyrights of FAPL or a third party. Even where streamed content is not Premier League content, the monitoring that has been carried out indicates it consists almost exclusively of commercial broadcast content such as other sports, films, and television programmes. In some cases the channel logo is blacked out—it is to be inferred by the streaming server operator—which is consistent with a conscious attempt to obscure the unauthorised status of the material. All of this material is, by its nature, of a kind in which copyright subsists. Its retransmission by streaming server operators is inherently likely to infringe the rights of third parties who own or license such material for broadcast, for the same reasons as those set out above. As stated above, a number of third party right-holders whose sports content is also carried on certain of the Target Servers have expressed their support for the application.

Further, because of the short lifespan and high bandwidth requirements of streaming servers, they are almost exclusively dedicated to the activity of streaming. In the experience of FAPL's expert witness, they are not used for other purposes such as hosting legitimate websites. He has not seen any examples during his monitoring of streaming servers also being used for other purposes such as operating websites. As he explains, there are both technical and practical reasons for this.

While it is theoretically possible that a certain proportion of streamed content may be non-infringing, the inference to be drawn is that such content is *de minimis* or at least very small. In any case, any interference with legitimate content would only be temporary due to the very short

duration of each instance of blocking. As counsel for FAPL submitted, the opinion of Advocate General Szpunar in [BREIN](#) at [74]–[76] supports the conclusion that any such interference is justified by the protection of FAPL's rights.

Safeguards

As discussed above, the Order contains certain additional safeguards over and above those previously adopted in the context of website blocking. I would particularly highlight the short duration of the Order. *359

Proportionality

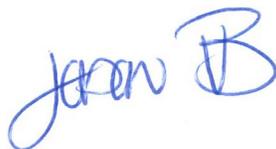
FAPL contends that, taking into account the considerations outlined above, the Order is proportionate. It does not impair the rights of the defendants to carry on business. To the limited extent that it interferes with the rights of internet users to impart or receive information, the interference is justified by a legitimate aim, namely preventing infringement of FAPL's copyrights on a large scale, and it is proportionate to that aim: it will be effective and dissuasive, no equally effective but less onerous measures are available to FAPL, it avoids creating barriers to legitimate trade, it is not unduly complicated or costly and it contains safeguards against misuse. I accept this contention.

Conclusion

For the reasons given above, I concluded that the Court had jurisdiction to make the Order and that I should exercise my discretion to do so. *360

[2017] E.C.D.R. 17

This is **Exhibit EQ-13** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

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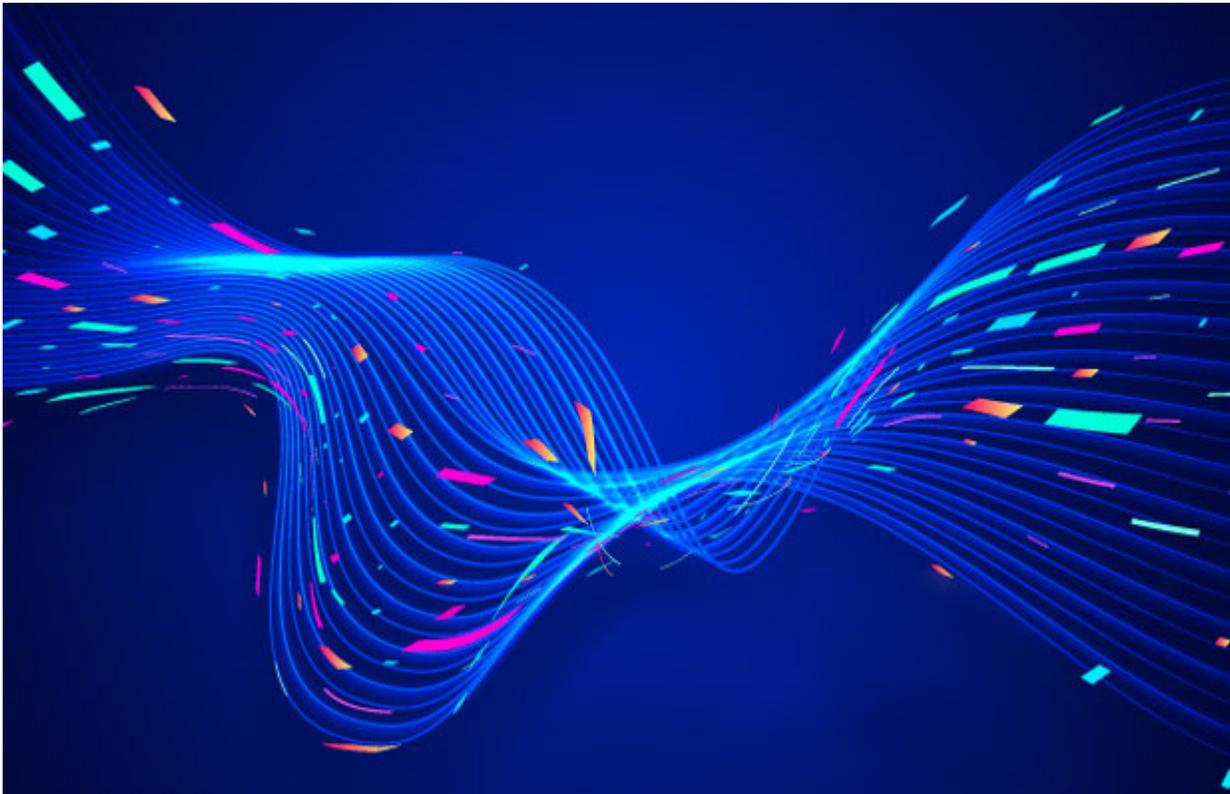
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Dynamic injunctions in the digital environment

24-04-2020

Jaime Rodriguez and Abraham Díaz



GeoArt / Shutterstock.com

Jaime Rodriguez and Abraham Díaz of Olivares explain how so-called ‘dynamic’ injunctions have been implemented in Mexico to counter IP infringement in the digital world.



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Due to the constant and significant evolution of technology, the digital environment has completely changed and modified consumers' and users' habits and behaviour.

This is especially true in terms of how they interact with other internet users and how they access a widely spread dissemination of information, and offering of goods and services through a digital market.

This profound alteration of the traditional means of access to information and to the normal way of doing business and transactions has also had a significant impact in the IP field, relating specifically to new forms and mechanisms of violation of rights.

"It cannot be denied that, while the internet has been one of the most significant innovations in the history of mankind, it has also served as a disruptive tool to violate rights."

The evolution of the internet has generated new, complex and sophisticated forms of violating IP rights, particularly in connection with trademarks and copyright. It cannot be denied that, while the internet has been one of the most significant innovations in the history of mankind, it has also served as a disruptive tool to violate rights.

The internet has enabled new ways of violating IP rights and, consequently, difficult challenges in the IP legal framework in different jurisdictions have arisen.

Mexico is no exception, and while case law is still quite limited, the Mexican Institute of Industrial Property (IMPI) and our Federal Courts have taken significant steps in defence of IP rights.

Such steps have materialised not only in the form of court judgments declaring the violation of IP rights, but also in the implementation of preliminary injunctions with the purpose of stopping infringing activities in the digital environment.

Case study

The first, and most important case, in Mexico regarding preliminary injunctions in the digital environment was heard by the Supreme Court of Justice on April 19, 2017. This case, known as *Alestra*,¹ addressed the constitutionality of website blocking orders for violation of copyright and neighbouring rights of other rights such as freedom of speech and access to information.

The Supreme Court, adopting the criteria established mainly in Europe, took the approach that any analysis of proportionality requires that the action is: a) the most adequate to achieve a pursued objective; and b) the least restrictive of human rights.

The court concluded that partial website-blocking injunction orders are constitutional without the need for consideration of the rights involved, and that total website-blocking injunction orders are also constitutional but that, in these cases, the totality of the website's content must be infringing.

As a consequence of *Alestra*, IMPI, as the administrative authority in charge of solving trademark and copyright trade-related infringement actions, modified the form of issuing website-blocking injunction orders by making a consideration of the conflicting rights.

Nonetheless, it has to be said that these injunction orders are still quite effective for tackling copyright violations in the digital environment.

IMPI has still been dealing with the unfortunate position adopted by internet service providers (ISPs) in Mexico, considering that the majority of them are reluctant to comply with the blocking injunction orders imposed by IMPI against them. In fact, it has been ISPs, rather than the infringers themselves, who have been contesting the constitutionality of these injunctions.

New order

After *Alestra*, in February 2019, IMPI implemented an innovative injunction order, which can be considered the first “dynamic preliminary injunction” in Mexico. This injunction order was requested by the Spanish soccer league La Liga against the pirate website Rojadirecta and the ISPs allowing access to the site, due to the unauthorised broadcast of Spanish football matches.

The particularity of this injunction order was that it applied only for the duration of the La Liga season, and only on the days when the matches were broadcast live (Friday to Monday).

An ISP filed an *amparo* action (a remedy for the protection of constitutional rights) against the injunction order imposed by IMPI, claiming that it was unconstitutional on the grounds that it violated freedom of speech and access to information rights.

After a federal district court refused to grant a preliminary stay, the ISP then brought the case to a federal circuit court, which ruled that dynamic injunctions like the one imposed by IMPI were constitutional.

This was because IMPI made a consideration of rights, and because the injunction was a partial rather than a total blocking order.

Landmark decision

This constitutes a landmark decision in Mexico, in terms of the implementation of preliminar



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tions.

Furthermore, IMPI's injunction orders in the digital environment have not been limited to blocking measures in the field of copyright, but have also been applied in trademark and unfair competition infringement actions.

In July 2019 IMPI ordered Google's Mexican subsidiary to stop infringing parties using another company's trademark as a key word in the Google Ads platform. Google agreed to comply with the injunction order, which includes present and future violations.

Olivares is proud to have been involved in all the above-mentioned cases. Due to the complexity of the digital environment, other difficult challenges will eventually test the capacity of our authorities to deal with these complicated matters in the future.

From the copyright perspective, it is clear that activities such as streaming, linking, framing, embedding, and provisional reproductions, among others, in all their possible forms, clearly constitute subject matter for copyright violations.

Our authorities should continue acting in accordance with the complex and ever-evolving nature of the digital environment. For example, in Mexico, no injunctions have been implemented in connection with thumbnails and snippets derived from search engine results, and only proportionality issues should stop these injunctions from being implemented.

Likewise, it would be interesting to see our IP authorities explore in the near future the possibility of implementing dynamic injunctions in an automatic form without the need of official intervention, such as the ones implemented recently in Spain (*Telefónica Audiovisual Digital v Vodafone, Orange, MásMóvil, Euskaltel, Telecable y Lycamobile*).

In this case it was held that, once a blocking order is implemented against ISPs in connection with determined particular websites, additional sites could be blocked by simply providing a list of infringing websites.

From the trademark perspective, activities such as the sale of infringing products through e-commerce platforms must be subject of partial blocking injunction orders. Measures like these have not been tested in Mexico because the majority of such cases are solved through notice and takedown procedures.

Nonetheless, nothing should impede the implementation of blocking injunction orders against e-commerce platforms.

In summary, IMPI and the Mexican federal courts have been complying with international standards in the field of preliminary injunctions in connection with IP rights. However, right holders and our authorities have been dealing with an unhelpful attitude adopted by ISPs which, in some cases, has reduced the effectiveness of these injunctions.

Under this scenario, it would be advisable for Mexican administrative authorities to summon ' operating in the country, with the aim of trying to reach an agreement. These discussions sh



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place on the basis that ISPs are an important part of the IP ecosystem, and that further collaboration with Mexican authorities on the protection of IP rights is a priority.

Jaime Rodriguez is a senior associate at Olivares. He can be contacted at: jaime.rodriguez@olivares.mx

Abraham Díaz is a partner and co-chair of the privacy and IT industry group at Olivares. He can be contacted at: abraham.diaz@olivares.mx

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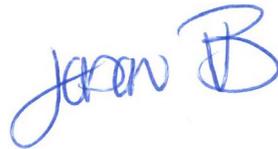
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This is **Exhibit EQ-14** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.

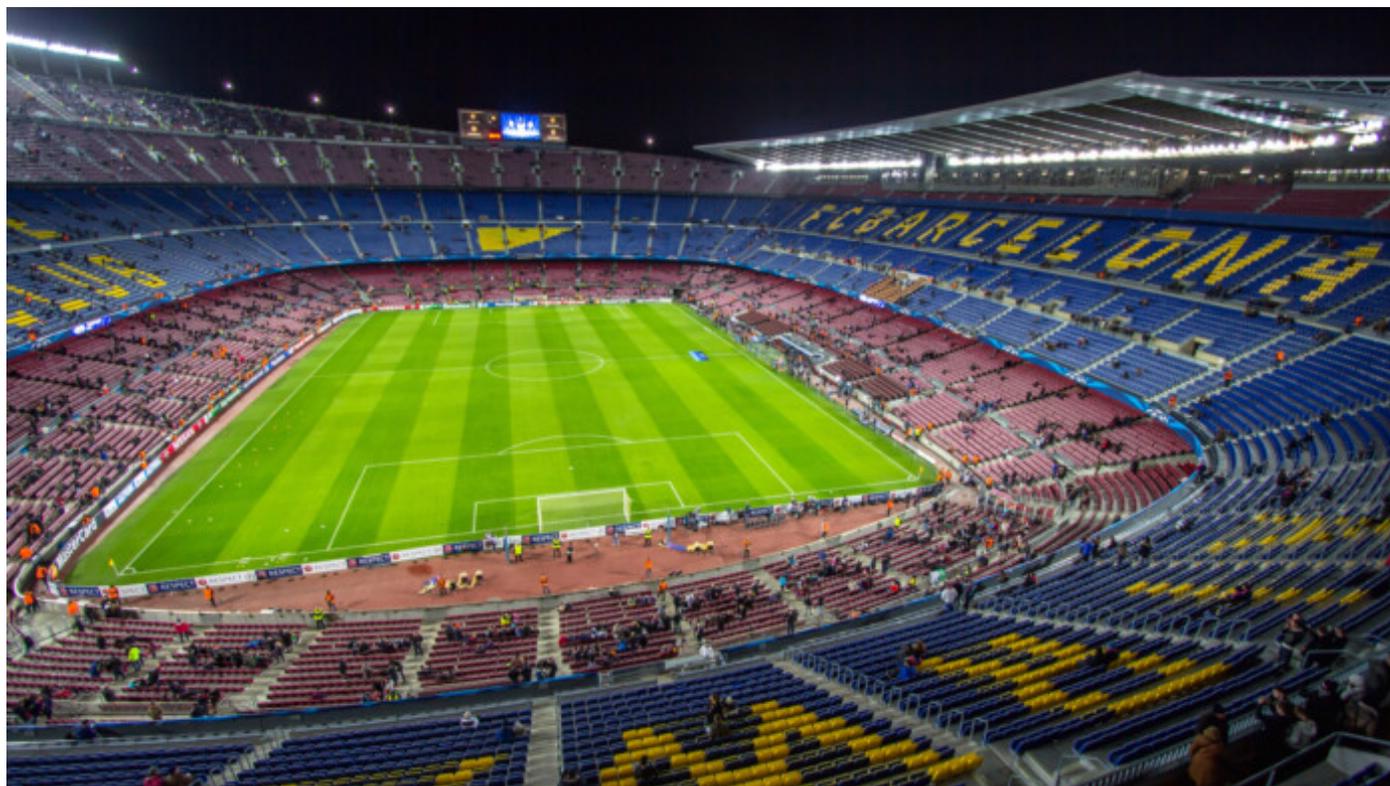


Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Piracy

Spanish ISPs Will Block Pirate Sites Using a Dynamically Updated Blocklist

By Bill Toulas / February 20, 2020



- **The broadcaster of “La Liga” in Spain has secured a very versatile and powerful injunction against piracy.**
- **They will tell local ISPs who to block, and the telecom providers will only have three hours to comply.**
- **It is the first time that a “live” blocklist system is deployed in Spain, and people are worried about the potential for abuse.**

The Madrid Commercial Court has ruled that ‘Telefónica Audiovisual Digital’ will be responsible for the control of a pirate domain blocklist, and local ISPs (Internet Service Providers) should act in accordance with the decisions. The blocklist will be dynamically updated with new entries (sites, IP addresses, URLs), and the broadcaster won’t have to secure a new court order for any new

additions made. It means that we are entering an unprecedented situation. Spanish ISPs are requested to do whatever a broadcaster tells them. The problem is there is no central authority assigned to oversee the procedure with the intent to prevent potential abuse of the system.

A [local media outlet](#) published the injunction which mentions Vodafone, Orange, MásMóvil, Euskaltel, Lycamobile, and Telefónica, so most of the country's subscribers are covered. Initially, the blocklist contained 44 pirate sites that should be blocked by the telcos mentioned above within 72 hours. The time window that will be given to the ISPs to respond to new entries will be only three hours. At the same time, they'll have to report back to Telefónica Audiovisual Digital to notify them about the exact time when they blocked access to the newly added web resources. The blocks are to be done on the level of both HTTP and HTTPS protocols, and the ISPs are expected to take any access prevention action they can.



Fase 3: Bloquear, por los a los Operadores de acceso a Internet, el acceso a las webs piratas que Telefónica Audiovisual Digital identifique semanalmente relacionadas con las identificadas en el punto sexto de los antecedentes de hecho, en nuevo listado que se remitirá directamente por Telefónica Audiovisual Digital a los Operadores de acceso a Internet de forma semanal.

El bloqueo de los nuevos recursos web (URLs, Dominios, Direcciones IP), debe realizarse bajo acceso en protocolos HTTP y HTTPS, y en el plazo máximo de tres (3) horas desde la notificación de nuevo listado.

El listado de actualización semanal se remitirá de forma general en envío simultáneo a todas las Operadoras de acceso a Internet, para preservar la homogeneidad en su ejecución, sin identificación de destinatarios del envío en correo.

Esta parte de la medida tendrá una duración sujeta a la duración de tres temporadas deportivas, es decir, hasta el 25 de mayo de 2022.

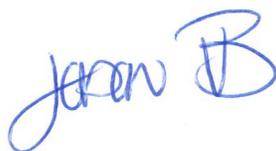
Source: cincodias.elpais.com

Pirate sites are known to act like multi-headed Hydras, quickly spewing new URLs when one is blocked, and then promoting them on social media and discussion boards so that the users can hop around fast. It is especially the case when covering football matches, where one may have to change a casting source numerous times throughout the game. The Spanish broadcaster believes that constantly feeding the new domains that pop up to the ISPs via a blocklist would help tackle the pirates' efforts and finally discourage users from indulging in watching illegal streams.

Telefónica Audiovisual Digital is the holder of the broadcasting rights of "La Liga," so they have a direct interest over this. The court injunction is valid until May 25, 2022, and it will cover the next three seasons. Last year, we discussed how La Liga was deploying controversial [eavesdropping apps](#) to determine where soccer games are being illegally transmitted. The Spanish football league is one of the most valuable of its kind in the world, so whoever pays the humongous amounts of money required to secure the broadcasting rights for it will certainly do whatever they can to protect their right to exclusivity.

Add a Comment

This is **Exhibit EQ-15** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

THE HIGH COURT**COMMERCIAL****[2020 No. 6450 P]****UNION DES ASSOCIATIONS EUROPÉENNES DE FOOTBALL****PLAINTIFF****AND****EIRCOM LIMITED T/A EIR, SKY IRELAND LIMITED, SKY SUBSCRIBERS****SERVICES LIMITED, VIRGIN MEDIA IRELAND LIMITED AND****VODAFONE IRELAND LIMITED****DEFENDANTS**

**EX TEMPORE JUDGMENT of Mr. Justice David Barniville delivered on the 29th
day of September, 2020**

Introduction

1. The Plaintiff in these proceedings, UEFA, is one of six continental confederations for association football and is the governing body for association football in Europe. Its members consist of 55 of the national football associations of countries in Europe and Central Asia. It organises a large number of well-known European-wide club competitions, including the UEFA Champions League, the UEFA Europa League, the UEFA Super Cup, as well as well-known national team competitions, such as the European Qualifiers for the EUROs and the FIFA World

Cup and the EUROs themselves, as well as several other competitions, including the UEFA Nations League and friendlies.

2. In these proceedings UEFA seeks an injunction under section 40(5A) of the Copyright and Related Rights Act 2000 (the “2000 Act”), as inserted by the European Union (Copyright and Related Rights) Regulations 2012, requiring the Defendant internet service providers (ISPs) to block access to the IP addresses of servers which are being used, or which it is apprehended will be used, by non-parties for the purpose of making available to the public, the copyright works of UEFA without its consent.

3. The Defendant ISPs are what are described as “*mere conduits*” and it is not alleged that they have been guilty of any copyright infringement whatsoever.

4. The position adopted by the Defendants in the proceedings can be briefly summarised as follows. The 1st, 4th and 5th defendants, that is Eir, Virgin Media and Vodafone Ireland, are neither supporting nor opposing the application and are adopting a neutral position.

5. The 2nd and 3rd Defendants, namely Sky Ireland and Sky Subscribers Services, are supporting the orders sought by UEFA.

6. I have already dealt today with an application by the Plaintiff to enter the proceedings in the Commercial List. All of the Defendants consented to that application and, therefore, I made an order entering the proceedings in the List.

7. I also acceded to an application by the Plaintiff, to which all of the Defendants also consented, that the proceedings should be heard on affidavit and that I should dispense with the delivery of further pleadings. I made those orders and directions and have proceeded to hear the Plaintiff’s application immediately

following the entry application.

8. I had the benefit of the papers being provided to me in advance and I have read the papers carefully before dealing with this application. I have been helpfully provided with detailed legal submissions which have made the delivery of this *ex-tempore* judgment a much easier exercise than might otherwise be the case.

Relief Sought by UEFA

9. As I have indicated earlier, the proceedings seek orders under section 40(5A) of the 2000 Act. Essentially the proceedings seek a “live blocking” injunction against the Defendant ISPs. It is the first time that UEFA has sought such an injunction in Ireland, but follows the making of similar orders by the High Court in Ireland on the application of the Football Association Premier League in *The Football Association Premier League Limited v Eircom & Others* [2019] IEHC 615 (“FAPL1”) in 2019, which order was extended by me in a judgment that I delivered on the 15th of June 2020, in respect of the balance of the games for the 2019/2020 FA Premier League season and for the 2020/2021 season: *The Football Association Premier League Limited v Eircom & Others* [2020] IEHC 332 (“FAPL2”).

10. Similar orders have been made in the Courts of England and Wales in favour of this Plaintiff (UEFA) and others in *Union Des Associations Européennes de Football v British Telecommunications Plc & Ors* [2017] EWHC 3414 (Ch) (Arnold J.). Like orders have also been made for boxing matches: *Matchroom Boxing Ltd & Anor v British Telecommunications Plc & Ors* [2018] EWHC 2443 (Ch) and *Queensberry Promotions Ltd v British Telecommunications Plc & Ors* (Order made by Arnold J. on 28 November 2018).

Legal Principles

11. The law regarding web blocking or live blocking orders or injunctions in this jurisdiction is well established. There are several cases in which such orders have been made, in particular, *EMI v. Eircom* [2009] IEHC 411, *EMI v. UPC* [2010] IEHC 377, *EMI v. UPC* [2013] IEHC 204, *EMI v UPC* [2013] IEHC 274 *Sony v. UPC*, 2 December 2013, unreported, High Court, *ex tempore* judgment (Kelly J., in respect of the Kickass Torrent (KAT) website), *Twentieth Century Fox Film Corp & Ors v Eircom Ltd*, unreported, High Court, *ex tempore* judgment (Cregan J., in respect of the Movie4k, Primewire and Watchseries websites), *Twentieth Century Fox Film Corp & Ors v Eircom Ltd* [2018] IEHC 54 and *The Football Association Premier League Ltd v Eircom Ltd & Ors* [2019] IEHC 615 at paragraph 15.

12. The application of the relevant statutory provision, namely section 40 (5A) of the 2000 Act was comprehensively considered by the High Court and by the Court of Appeal in *Sony v. UPC* [2015] IEHC 317 and [2016] IECA 23, albeit in a slightly different context.

13. The comments by Hogan J. in the Court of Appeal in *Sony* were discussed and applied by Haughton J. in the *FAPL1* in 2019 (at paragraph 15 of that judgment) and that judgment was in turn approved by me in *FAPL2* in 2020 (at paragraph 8 of my judgment).

14. In summary, in order for the Court to grant a website blocking order, the Court must be satisfied of the following:

1. The Defendant ISPs' services are being used to infringe copyright;

2. The proposed order will have the effect of preventing or terminating that infringement. in that it at least makes it more difficult or discourages it;

3. The proposed order will not impose “*unbearable sacrifices*” on ISPs (to use the terminology used by the Court of Justice of the European Union in *UPC Telekabel Wien GmbH* (Case C-314/12) (Judgment delivered 27th March, 2014)); and

4. The proposed order will not unnecessarily deprive internet users of the possibility of lawfully accessing content online.

15. The issue of the cost of implementing and the cost of applying such an order is also addressed in the case law. However, those issues do not arise on the facts of this case.

16. The Plaintiff has helpfully provided a draft Order which Counsel has taken me through in the course of the application. The draft Order is worded in a similar manner to the Order which the Court granted in *FAPL1* and which was extended by me in my judgment in *FAPL2*.

17. I do note, however, that one of the confidential attachments, which is exhibited at confidential exhibit VK 4, renders the Order sought in this case more dynamic in line with the criteria set out earlier and the necessity for injunctions such as this to be effective in accordance with Article 3.2 of the IP Enforcement Directive 2004/48/EC, given that infringing servers that meet the criteria for blocking may be identified during the period of the relevant order.

18. My attention has been drawn to the judgment of Arnold J. in the High Court of England and Wales in the *Football Association Premier League Limited v. British Telecommunications Plc & Others* [2017] EWHC 480 (Ch) (“*FAPL(UK)*”). At paragraphs 10 *et seq.*, Arnold J. explained that the reason why orders are sought against streaming servers is because they constitute the:

".... crucial link in the chain by which an unauthorised copy of footage of a Premier League match is transmitted to the consumer. A single server may be accessed using a number of different user interfaces. For example, the same stream on the same server may be accessed via multiple apps, web sites and add-ons for set top boxes. If access to that server is blocked, all of those access mechanisms will be disrupted".

19. I completely agree. Those observations apply equally to the facts of this case.

20. As noted earlier, none of the Defendants are opposing the application. Two of them, namely the Sky Defendants, are supporting the application and the other Defendants remain neutral. However, nonetheless, the Court must still be satisfied that the order sought is lawful and that it is appropriate for the Court to grant the injunction sought.

Relevant Evidence

21. Before considering the relevant statutory provisions and the circumstances in which the court will consider making an order of the type sought, it is appropriate to summarise briefly the evidence before the court which was

undisputed and which I entirely accept. That evidence is contained in the various affidavits before the court, including the affidavit of Seong Sin Han sworn on 8th September, 2020 on behalf of UEFA and the affidavits of Rebecca Elizabeth Stavrinou sworn on 8th September, 2020, Victor Kovner sworn on the same date, and Jiajun Chen sworn on 9th September, 2020.

22. The relevant evidence, which I accept, can be summarised as follows, as set out in those affidavits:

(a) As outlined in the affidavit of Mr. Seong Sin Han, UEFA's members consist of 55 national football associations of countries in Europe and Central Asia. The various UEFA club competitions are explained at paragraphs 8 *et seq* of Mr. Han's affidavit, including the UEFA Champions League, the UEFA Europa League and the UEFA Super Cup. The national team competitions are also explained in Mr. Han's affidavit which includes the UEFA European Football Championship ("EURO"); this is a tournament that ordinarily takes place every four years and is "*...one of the most viewed sporting events in the world*".¹

(b) As outlined at paragraphs 30-32 of Mr. Han's affidavit, for club competitions, the rights cycle covers three football seasons,² with rights to broadcast live matches in Ireland awarded to RTÉ, Virgin Media Ireland Limited and British Telecommunications Plc ("BT"). At national team level, the rights cycle to broadcast live matches for the European qualifiers, the UNL and Friendlies covers a four-year term³ and such rights are licensed to RTÉ, Virgin

¹ Para 24 of Mr. Han's affidavit.

² 2018/2019, 2019/2020, 2020/2021.

³ 2019/2019, 2019/2020, 2020/2021 and 2021/2022.

Media Television Limited and SKY UK limited. The EURO is a final tournament, played over a 4-5 week period and the rights to broadcast live matches for the EURO in Ireland are licensed to RTÉ.

(c) The various copyright works owned by the Plaintiff are further set out in the affidavit of Mr. Han at paragraphs 33 *et seq*, including the copyright in the transmission to viewers of the Live Match Broadcast and the films comprising the title sequences, break bumpers, screen wipes, as well as certain recorded elements (for example, slow motion footage) in the Multilateral Feed and Unilateral Feed. Furthermore, each of the UEFA Competitions use Logos, Graphics and other uniform visual elements that are protected by copyright as original artistic works.⁴ The Plaintiff is also the owner of the copyright in music recordings specially arranged and recorded for a number of UEFA competitions, including the famous (amongst football supporters) UEFA Champions League anthem.⁵

(d) UEFA competitions are hugely successful globally and in Ireland. For example, as set out at paragraphs 75-76 of Mr. Han's affidavit, it is estimated the 2019 UCL Final was watched by a global average TV audience of 74.7 million, with 161.3 million and 160.9 million TV viewers worldwide watching the 2017 and 2018 UCL Finals respectively. These figures do not take into account the number of individuals watching the UCL Finals by way of live streaming. Furthermore, in Ireland, it is estimated that 633,000 people in Ireland

⁴ As set out in Exhibit SSH-3.

⁵ See para 60 *et seq* of Mr. Han's affidavit.

watched the 2019 UCL final live. At national team level, the EURO competition is likewise very popular in Ireland as noted by Mr. Han at paragraph 80 of his affidavit. During EUROs in 2016, the group match between Ireland and Italy attracted 1.45 million viewers in Ireland, which made the match the most viewed programme on Irish television at that point.

(e) The harm caused by illegal online streaming is explained in Mr. Han's affidavit at paragraphs 82 *et seq.* As noted by Mr. Han, at paragraph 83, "*...the real time nature of live sport means that the primary value of UEFA Live Match Broadcasts is at the point in time when it is being broadcast.*"⁶ The manner in which online illegal streaming operates is set out by Mr. Han, who notes the agility by which illegal streamers act and that, from the consumer's perspective, the quality and availability of unauthorized streams have "*markedly improved*" in recent years.⁷ The methodology of how illegal streaming operates is further explained in the affidavit of Victor Kovner, with a helpful chart shown at paragraph 15 of the said affidavit.

(f) As averred at paragraph 125 of Mr. Han's affidavit, it is believed that each of the Defendants' services are being used by unauthorised streaming servers to make available the works to subscribers to the Defendants' services and thus infringe the Plaintiff's copyright works. The affidavit of Jiajun Chen exhibits at JC2, a confidential traffic analysis, which demonstrates such illegal activity in this jurisdiction.

⁶ Emphasis added.

⁷ Para 86.

(g) The duration of the proposed injunction would cover the UEFA EURO 2020 (taking place in 2021 due to the COVID-19 pandemic) and other Matches taking place during the entire 2020/2021 football season, including the UCL, UEL, UEFA Super Cup, the UNL and EQ for the FIFA World Cup.⁸

(h) Similar Orders have been obtained by the Plaintiff in the United Kingdom, with the most recent obtained in July 2019 for two footballing seasons. According to the affidavit of Mr. Han, the Orders have proven to be effective with no known instance of “*over-blocking*”.⁹ The “*very low*” risk of over-blocking is further averred to in the affidavit of Ms. Stavrinou at paragraph 28. Ms. Stavrinou in her affidavit further sets out the difficulties with unresponsive service providers who are streaming illegal UEFA matches and the confidential process by which target servers are determined to be appropriate for blocking (at confidential exhibit RES 4).

23. That appears to me to be the principal evidence relevant to this application and, as I have indicated, I entirely accept that evidence.

Relevant Legislative Provisions and Case law

24. Section 17(1) of the Act provides that copyright is a property right and section 17(2) provides that copyright subsists in “*films*”, “*artistic works*” and a “*broadcast*”. A “*film*” is defined very broadly in the 2000 Act as “*a fixation on any*

⁸ Para 129(d).

⁹ Paras 131-136.

medium from which a moving image may, by any means, be produced, perceived or communicated through a device". "Artistic works" are defined broadly as *inter alia* drawings or similar works "irrespective of their artistic quality". Furthermore, a "broadcast" means, under section 2, "an electronic transmission of sounds, images or data, or any combination or representation thereof, for direct public reception or for presentation to members of the public".

25. Section 37(1)(b) of the 2000 Act provides that the owner of the copyright has the exclusive right to make available the work to the public, or to authorise others to do so.

26. Section 40 of the 2000 Act includes s. 40(1)(a), which is very clear that making copyright material available through the internet may only be undertaken with consent. It provides that the making available to the public of a work includes:-

"... making available to the public of copies of the work, by wire or wireless means, in such a way that members of the public may access the work from a place and at a time chosen by them (including the making available of copies of works through the Internet)."

27. Section 40(1)(b), refers to "*performing, showing or playing a copy of the work in public*".

28. Section 40(5A) of the Act provides that:-

(a) "*The owner of the copyright in a work may, in respect of that work, apply to the High Court for an injunction against an intermediary to whom paragraph 3 of Article 8 of Directive 2001/29/EC... applies.*"

(b) *“In considering an application for an injunction under this subsection, the court shall have due regards to the rights of any person likely to be affected by virtue of the grant of any such injunction and the court shall give such directions (including where appropriate, a direction requiring a person be notified of the application) as the court considers appropriate in all of the circumstances.”*

29. Article 8(3) of Directive 2001/29 provides that:-

“Member States shall ensure that rightholders are in a position to apply for an injunction against intermediaries whose services are used by a third party to infringe a copyright or related right.”

30. Recital 59 of the Directive explains that:-

“In the digital environment, in particular, the services of intermediaries may increasingly be used by third parties for infringing activities. In many cases such intermediaries are best placed to bring such infringing activities to an end. Therefore,..., rightholders should have the possibility of applying for an injunction against an intermediary who carries a third party’s infringement of a protected work or other subject matter in a network. This possibility should be available even where the acts carried out by the intermediary are exempted under Article 5. The conditions and modalities referring to such injunctions should be left to the national law of the member states.”

Application of Legislative Provisions and Case law to the Facts

31. I entirely accept that each of the Defendants is a “*mere conduit*” and as such they are not liable for any copyright infringement arising out of activities of their subscribers under Irish law implementing Directive 2000/31. An ISP, and the Defendants are ISPs, are subject only to the grant of the *sui generis* type of injunction sought by UEFA on this application.

32. The act of infringement in question is the illegal streaming of UEFA competition matches in this jurisdiction by third parties who are not authorised to do so.

33. In the *FAPL(UK)* judgment, Arnold J. in the High Court of England and Wales held that there was a communication to the public by target users which streamed unauthorised FA Premier League content for a number of reasons. In reaching that conclusion he made reference to various judgments of the Court of Justice of the European Union, including the judgment in *GS Media v. Sanoma Media Netherlands BV & Others* (Case C-160/15) (judgment delivered 8th September, 2016). The reasons for the conclusion reached by Arnold J. included the following:

- (i) Streaming involves an act of communication of copyright by electronic transmission to each user who accesses a streaming sever during a relevant match period;
- (ii) The operators of the target servers commit that act of communication because they intervene directly, and in full knowledge of the consequences

of their actions, to give access to the copyright works in circumstances where the users would not in principle be able to enjoy the works without that intervention;

(iii) The works are communicated to the public since the evidence showed that the streams are capable of being viewed by an indeterminate number of potential viewers and are in fact viewed by a large number of people;

(iv) Insofar as the streams are taken from a source which was originally delivered by cable or satellite broadcast, streaming is a different technical means which requires separate authorisation from the right holder;

(v) Even where the source is an internet transmission, the class of persons to whom the works are communicated constitute a “*new public*”, as they were not already taken into account when the plaintiff had authorised the initial streaming service.

34. I agree and accept that those reasons are relevant for the purposes of the present application.

35. As noted earlier, Hogan J. in the Court of Appeal in *Sony* set out the relevant test for blocking injunctions. That test was referred to and applied by Haughton J. in *FAPLI* and was followed and approved by me in my judgment in *FAPL2*.

36. The test was described by Haughton J. in *FAPLI* (at page 2 of the judgment) as follows:

“At paragraph 65 of his judgment, Hogan J set out the relevant test for blocking

injunctions. Whilst this test was set out in a somewhat different context concerning music rights, it is relevant. Hogan J stated for an injunction to be established, it must be: (i) necessary; (ii) that the costs involved were not excessive or disproportionate and that the order itself should not be unduly complicated; (iii) that the cost sharing proposals were fair and reasonable; (iv) that the order respected the fundamental rights of the parties affected, including internet users and (v) that the duration of the proposed injunction and the provisions for review were reasonable.”

37. That is the test which I must apply on this application.

38. I am satisfied that the Order is necessary for the purpose of protecting the Plaintiff's copyright against infringement. I note from the evidence, and accept, that there has been a significant shift away from the use of websites in more recent years in favour of devices and apps, in particular, set top boxes that can be watched on televisions in people's living rooms. As noted by Mr. Han in his affidavit, UEFA matches are extremely popular in Ireland. The affidavit of Jiajun Chen provides a confidential traffic analysis which evidences the use of the Sky network by Irish viewers to watch online illegal UEFA content. It does not appear to be suggested, and it does not appear to be the case, that the position is any different for the other Defendants' networks.

39. Given the popularity and ease of use of the illegal streaming devices “ISDs”, the ability to watch illegal and unauthorised UEFA content in real time is understandably of significant concern to the Plaintiff. It is on this basis that the orders on this application are sought, as they are seen to be an effective method of

targeting that type of infringement and I entirely accept that that is the case.

40. The consequence of such illegal activity was explained by Arnold J. in the *FA Premier League* judgment, to which I have already referred, as follows. He stated:

"This means that traditional blocking orders targeting web sites will not be able to prevent the growing majority of infringements because these devices do not rely upon access to a specific website in order to enable consumer to access infringing material. Instead such devices can connect directly to streaming servers via their IP addresses.

41. Mr. Han notes at paragraph 83 of his affidavit that:

"...if unauthorised streams are not removed immediately, or rapidly during the course of the Match, then the harm will already have been suffered by an unauthorised source of the content being available to consumers. By the end of the Match, the streams will have served their purpose, so removal post-match would carry no or, at best, very limited benefit."

42. I accept that evidence. I next turn to consider the position of the rights of internet users. The draft Order, provided to the court, seeks to protect against "over-blocking" and the risk of "over-blocking" is described by Ms. Stavrinou in her affidavit as being "very low". That evidence was not disputed and I accept it.

43. Furthermore, paragraph 11 of the draft Order provides for a notification

requirement on the Defendants to their customers, with that notification being required to include a statement that affected users have the right to apply to the court to discharge or vary the order. Permission to apply to the court is also afforded under paragraph 18(d) of the draft Order and that permission is given to the Defendants' customers.

44. I am satisfied that, on the evidence, the rights of internet users are respected and that the Order proposed by the Plaintiff respects the fundamental rights of the parties affected, including internet users.

45. It is next necessary to consider the duration of the proposed Order and that is something that is again dealt with in the terms of the draft Order itself and in the evidence. The draft Order which the Plaintiff asks the Court to make, provides that if the Order is made the proceedings will be stayed until the 31st of July 2021, or the day after the last match period of the 2020/2021 UEFA competition season, whichever is the later. It seems to me that the duration of the proposed Order, which is consistent with the orders made in *FAPL1* and *FAPL2*, is sufficient and reasonable in all the circumstances.

46. I should also say, as I noted myself in my judgment in *FAPL2*, that an Order such as is sought by the Plaintiff in this case is consistent with the case law of the Court of Justice of the European Union and, in particular, with the judgment of that court in *Spiegel Online v. Beck* (C-516/17) (judgment delivered 29th July, 2019), in that the Order seeks to strike a fair balance between the respective rights and interests of the Plaintiff and of the internet users. I am satisfied, on the basis of the evidence, that the Order sought in this case does strike such a fair balance.

47. As regards the other two elements of the test set out by Hogan J. in *Sony*

and referred to by Haughton J. *FAPL1* and by me in *FAPL2*, namely, that the costs involved in complying with the order must not be excessive or disproportionate and that any cost sharing proposals provided for be fair and reasonable, those issues do not arise for consideration on the facts of this case.

Conclusion

48. Having carefully considered all of the evidence and the extremely helpful submissions made by counsel for the Plaintiff and the reasonable and entirely appropriate stance adopted by the Defendants, it seems to me that the Order which the Plaintiff seeks in this case is clearly appropriate. I am satisfied that it will not impose any undue burden on the rights of internet users and will only impose a burden on the Defendants which is appropriate and proportionate.

49. In those circumstances, having considered the terms of the draft Order which I propose attaching as Appendix 1 to this judgment, I am satisfied that it is appropriate to make the Order sought in the terms proposed.

This is **Exhibit EQ-16** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Singapore: Anti-piracy court orders

By Colin Mann

July 6, 2020

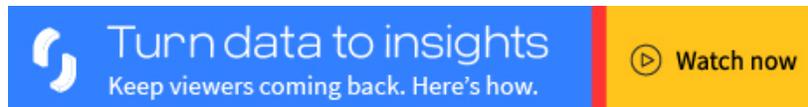
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The Singapore High Court has granted an order sought by BBC Studios, Discovery, the Premier League, La Liga and broadcaster TVB for Singapore's Internet Service Providers to block access to seventeen domains associated with popular piracy streaming sites and forty-one domains associated with popular illicit streaming device (ISD) applications.

These apps, which flagrantly infringe copyright by acting as gateways to websites or content servers streaming pirated content, are preloaded on ISDs, which are overtly sold in retail outlets such as Sim Lim Square and on popular e-markets.



Piracy streaming websites and the illicit streaming device (ISD) ecosystem impacts all businesses involved in the production and distribution of legitimate content. Configuring ISDs with applications to stream content from illegal content servers allows consumers to access unauthorised premium TV channels, live sports channels and movies for the one-off price of the ISD and (often) a yearly subscription to access the content. The retail sale of the ISD and the advertising revenue from piracy websites goes into the pockets of criminal syndicates and individuals who all benefit from the spoils of such a crime.

"The content industry will make every effort to prevent and disrupt the illegal feeds of live sports, TV channels and VoD content which are being monetised by crime syndicates," asserted Neil Gane, the General Manager of pay-TV trade body AVIA's Coalition Against Piracy (CAP). "Consumers who buy ISDs or access piracy streaming sites are not only funding crime groups, but also wasting their time and money when the channels and websites stop working. Piracy services do not come with a 'service guarantee', no matter what the ISD seller or website operators may claim."

A new study on the online content viewing behaviour in Singapore, found that 17 per cent of Singapore consumers and nearly a third (32 per cent) of 18 – 24 year olds, access streaming piracy websites or torrent sites. The survey, commissioned by the Asia Video Industry Association's CAP and conducted by YouGov, also found that 10 per cent of consumers use an ISD to stream pirated content.

Despite the unhealthy appetite for accessing piracy services, the YouGov survey also found that overwhelming majority (86 per cent) of those surveyed recognised that online piracy had negative consequences. Other results showed 53 per cent of online consumers were of the view that online piracy increases the risk of malware infections on computers and devices, 52 per cent recognised that crime groups financially benefit from the stolen content, and 42 per cent were concerned that piracy puts the livelihood of those who work in the creative industry at risk.

When asked who should be responsible for preventing online piracy in Singapore, consumers were of the view that the individuals (by choosing not to buy/watch pirated content) were the most responsible with the Singapore government deemed the second most responsible.

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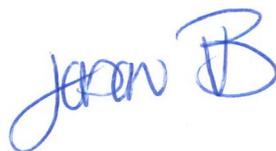
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Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Neutral Citation Number: [2020] EWHC 2868 (Ch)

Case No: IL-2018-000155

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INTELLECTUAL PROPERTY LIST

Royal Courts of Justice
The Rolls Building
7 Rolls Buildings
Fetter Lane
London EC4A 1NL

Date: 29/10/2020

Before :

MR JUSTICE BIRSS

Between :

- (1) Matchroom Boxing Limited
(2) Matchroom Sport Limited

Applicants

- and -

- (1) British Telecommunications PLC
(2) EE Limited
(3) Plusnet PLC
(4) Sky UK Limited
(5) TalkTalk Telecom Limited
(6) Virgin Media Limited

Respondents

Mr Jaani Riordan (instructed by **DLA Piper**) for the **Applicants**
The respondents did not appear

Hearing date: 23rd October 2020

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

MR JUSTICE BIRSS

Covid-19 Protocol: This judgment was handed down remotely by circulation to the parties' representatives by email, release to BAILII and publication on the Courts and Tribunals Judiciary website. The date and time for hand-down is deemed to be 10:30 am on 29th October 2020.

Mr Justice Birss :

1. This application concerns the operation of a website blocking injunction. The applicants (“Matchroom”) run boxing events. They submit that a website blocking injunction is required to prevent access to certain IP addresses which are being used to infringe their copyright relating to live streams of the events.
2. By an order sealed on 20th September 2018 (the “2018 Order”), Arnold J (as he was then) granted Matchroom a website blocking injunction pursuant to section 97A of the Copyright, Designs and Patents Act 1988 (“CDPA 1988”). That order was extended and varied by a sealed order on 22nd May 2019 by Arnold J (the “2019 Order”).
3. The 2018 Order (as varied) requires the respondents to take reasonable steps to disable access to IP addresses which make the live streams available. The Order contains a “sunset clause” whereby it ceases to have effect on 1st October 2020.
4. This application was issued on 28th September 2020 and first came before me on paper in the week of 12th October 2020. The applicants had explained that there was to be a boxing event between Lewis Ritson and Miguel Vazquez scheduled for 17th October 2020. They sought what they characterised as an extension and variation of the 2018 Order ahead of that date. The applicants sought an order running for a further two-year term to expire on 1st October 2022.
5. As I say, the application has been made on paper. Normally applications of this kind are made that way and they can often be handled that way without difficulty. However one ostensible reason why this one had been made on paper was because it was urgent. That is not a wise approach. Paper applications are not necessarily quicker. However after making enquiries, I was provided with a skeleton argument and informed that the first, second, third, fifth and sixth respondents had by then confirmed that they would not oppose the application. The fourth respondent had filed evidence in support of it. I was satisfied it could be dealt with on paper to an extent.
6. The applicants sought an order in similar terms to the website blocking order I made in a different case on 27th July 2020. That order concerned the same respondents as in this application, and the Football Association Premier League Limited (“FAPL”) as applicant. I will call it the July FAPL 2020 order. It contained an updated version of the mechanism which dynamically blocks websites in real time which was first used in 2017 (***FAPL v British Telecommunications plc [No 1]*** [2017] EWHC 480 (Ch)). In that judgment Arnold J explained that in his judgment this kind of “live” blocking approach was appropriate and, amongst other things, did not give rise to a significant risk of over-blocking. As he also explained in paragraph 9, the details of the mechanism would be kept confidential because to make them public would facilitate infringement and circumvention of the order. In July 2020 I was satisfied that the updated version of the dynamic blocking mechanism was also appropriate and did not have a significant risk of over-blocking.
7. Matchroom have provided evidence in the form of two witness statements (see below) and a confidential expert report supporting their request that this updated dynamic website blocking mechanism, as granted in the July FAPL 2020 order, be granted in this application. Some of the detailed aspects of Matchroom’s

evidence are based on the evidence put before the court in support of the July FAPL 2020 order.

8. Although the applicants present the application as seeking an order extending and varying the 2019 Order, it is not. This is simply an application for a fresh web blocking order and I will treat it as such. The application is for an order based on the website blocking system provided for in the July FAPL 2020 order.
9. A small point arises on procedure. This application was made as a Part 23 application. I questioned this approach because it appeared that this was not really an extension or variation of a previous order, it was a request for a fresh order, and so it seemed to me that a fresh Part 8 Claim Form ought to have been issued. It has now been explained to me that this Part 23 application approach has been followed for a number of years with a number of different applicants. It has the advantage of keeping together the series of applications by the same applicant with a single action number as a reference, which has some administrative advantages for applicants and their legal teams. I can see that that is so and so I will not require a Part 8 Claim form to be filed.
10. Since the application was filed, an additional two boxing events have been scheduled. One event is between Oleksandr Usyk and Derek Chisora scheduled for 31st October 2020, and the other event is between Alexander Povetkin and Dillian Whyte scheduled for 21st November 2020.

Evidence

11. The applicants have provided two witness statements in support of their application as well as a confidential expert report.
12. The witness statement of Mr Stephen Dawson is Mr Dawson's third witness statement, the first given in relation to the 2018 Order and the second relating to the 2019 Order. Mr Dawson has been the Chief Executive Officer of the applicants' group of companies since January 1984.
13. Mr Dawson summarised the status of the current website blocking mechanism, implemented under the 2019 Order, as having "operated smoothly and as intended" [7/10]. His evidence also notes the "significant positive impact in reducing in UK consumers' access to infringing live streams of Matchroom Events [boxing events organised by the applicants]" [7/11].
14. Mr Dawson submits that the rationale for varying the order is to "allow a greater proportion of the available unauthorised streams of Matchroom Events to be blocked, and to do so quicker and more effectively" [7/17]. Mr Dawson also refers to the evolving nature of the infringement as "pirates develop increasingly sophisticated and intricate ways in which to circumvent blocking" [7/38] so couching the proposed variation as proportionate to the scale and means of infringement.
15. The second witness statement filed in support of the application is of Mr Robert Kiessling. Mr Kiessling holds the position of Head of Cloud Engineering within the Technology UK Operations department of the fourth respondent Sky UK

Limited. Mr Kiessling has been employed by the fourth respondent, and its predecessor companies, for over 24 years.

16. Mr Kiessling states that “blocking has worked smoothly in practice” [9/6] and has operated so as not to result in the “blocking of access to any legitimate content” [9/10]. Mr Kiessling also provides evidence in the form of traffic maps which he submits suggest that the 2019 Order has made a “significant contribution to reducing unauthorised streams of Matchroom Content transmitted to customers using Sky’s broadband network” [9/21]. Mr Kiessling submits that he is unaware of the fourth respondent having received any complaint that legitimate content has been blocked [9/30] thereby averting concerns as to over-blocking.

The order sought

17. The applicants submitted that it would be appropriate for the court to make the order sought on the basis of the reasons held by the court to justify the making of the orders in FAPL v British Telecommunications plc [No 1] and FAPL v British Telecommunications plc [No 2] [2017] EWHC 1877 (Ch).

Assessment as at 15th October

18. When I examined this evidence on 14th/15th October without a hearing, it was done at speed and without the benefit of oral assistance. I was satisfied that it would be appropriate to make an order in the form sought for a limited period, so as to ensure the injunction is in place for the boxing event scheduled for 17th October 2020. However it had not been possible for me to go into this as fully as I would wish to and I was not satisfied that the order should be made to cover any events after the end of October and certainly not for two years. To decide that would require a more careful examination of the material than was possible at that stage.
19. Therefore I made a short term temporary order on 15th October 2020. The order was made to expire on 30th October 2020, i.e. the day before the event between Oleksandr Usyk and Derek Chisora. I directed that, assuming the applicants wanted to seek an order for a longer period, that would need to be dealt with at a later date either at a hearing or on the papers. That would allow the judge in question to review the relevant papers fully.
20. The 15th October 2020 order sought was to be confidential because it was said to contain confidential material. I was prepared to make that order in that form but at the same time I decided that I would annex a copy of the order being made to a brief judgment which would be handed down a few days later to explain what was going on. Although public versions of confidential orders of this kind had been made in the past, I thought it would be worthwhile going to the trouble of annexing a public form of the order to a judgment (with whatever properly confidential parts removed if necessary) so that the public are as fully informed as possible. Even though court orders (which are not themselves confidential) are publicly available in theory, they are not always accessed readily.
21. The draft judgment plus draft order to be annexed was sent to the parties in advance of being handed down. The draft judgment was broadly in the form of

this judgment up to this point (with tenses changed and some other minor changes). I indicated that I would be prepared to hold a brief remote hearing to resolve any issues of confidentiality.

22. A hearing was fixed for 23rd October 2020 to deal with two matters, first the issue of precisely which bits of the order should be kept confidential, and second, the making of the order in its original form – i.e. for a period of two years.
23. The applicants filed further materials to support their case about which parts of the order should remain confidential, including a letter from the fourth respondent Sky in support. I also had the opportunity prior to 23rd October 2020 to consider the evidence fully.
24. At the public hearing, I explained to counsel that I was satisfied that an order along the lines of the order sought was appropriate, subject to a minor detail which was resolved. That left two matters, both relating to the confidentiality issue. The first is the confidentiality issue itself, the second is a point about legitimate access to that information.
25. On the first point, Counsel reiterated and explained his clients' case why it is that the court was being asked to keep Schedules 2 and 3 of the order confidential. The reason is simply that all of it is information which would, if publicly available, undermine the purpose of the order itself. That is because it would help those seeking to circumvent the web blocking system to avoid it in various ways. Schedule 2 is a list of target IP addresses. It needs to be confidential because it would otherwise provide a list of addresses to use to try and get access to these infringing streams. Schedule 3 sets out the detection conditions and requirements which an IP address must satisfy in order for that IP address to be notified so that it will be blocked. I had hitherto thought that there might not be any risk caused by explaining the conditions and requirements at least in broad terms, but I am satisfied that even doing that bears a tangible risk of undermining the blocking and assisting the infringers. Accordingly I am satisfied that the public version of this order should not contain any of the content of Schedules 2 and 3.
26. On the second point, I raised with counsel the concern that while it was appropriate that the details remain confidential, it seemed that some thought should be given to whether there was a way, properly managed, whereby third parties with a legitimate purpose ought to have access to this information on appropriate terms. Counsel explained that in fact a practice of a sort already exists, in that not only had FAPL shared certain details of the dynamic web blocking arrangements, on a confidential basis, with Matchroom but also with other applicants for these orders, and that this practice had been in existence for some years, facilitated by orders of the court permitting the necessary variations to relevant confidentiality terms. The dynamic web blocking arrangements had been devised by a team working for FAPL, no doubt at considerable cost. Nevertheless the details were being shared with appropriate other organisations on suitable agreed terms. After all, all the potential applicants such as FAPL and Matchroom and others, as well as the broadcasters themselves such as Sky, have a clear interest in maintaining the confidentiality of the arrangements for the same reasons as I have kept them confidential in this case.

27. Having had the practice explained, I can see that it makes sense and that it appears to work satisfactorily. All the same, since I was unaware of it, one function of this judgment is to make clear in a public judgment that it exists. Therefore although the detailed terms of the order being made are being kept confidential, other applicants for related web blocking orders can see that they may be able to take advantage of this approach, on suitable terms. No doubt the organisation to approach in the first instance is FAPL (who have seen and had a chance to comment on the draft of this judgment). If suitable terms cannot be agreed then if need be the matter could be resolved by the court.

The terms of the order made on 23rd October 2020

28. The copy of the order I made on 23rd October will form annex A to this judgment, with redactions to preserve what I am satisfied is confidential material and to omit some irrelevant detail.

Annex A

[ACTION HEADING]

ORDER

[PUBLIC VERSION OF CONFIDENTIAL ORDER OF
BIRSS J DATED 23 OCTOBER 2020]

UPON the order of Arnold J dated 20 September 2018 in these proceedings as varied by the order of Arnold J dated 22 May 2019 (the “**2018 Order**”)

AND UPON the Football Association Premier League Limited having given permission to the Applicants to inspect the confidential material identified as the FAPL Material in Schedule 5 of this Order (the “**FAPL Material**”)

AND UPON the application of the Applicants by application notice dated 28 September 2020 (the “**Application**”)

AND UPON reading the documents recorded on the court file as having been read

AND UPON the Court being satisfied on the evidence before it that the operators of the Target Servers (as defined in Confidential Schedule 2 to this Order) use the services of each of the Respondents to infringe the Applicants’ copyrights in the United Kingdom

AND UPON the Court recording that the Respondents are not wrongdoers and have not themselves infringed the Applicants’ copyrights

AND UPON each of the Respondents confirming to the Applicant’s solicitors that they either support (in the case of the Fourth Respondent) or do not oppose (in the case of the First, Second, Third, Fifth and Sixth Respondents) the Application

AND UPON deciding the Application on paper

IT IS ORDERED THAT:**This order contains the following schedules:**

Schedule 1 – Matchroom Events

Schedule 2 – Target Servers (Confidential) [Omitted from public version of this order]

Schedule 3 – Detection and Notification Criteria (Confidential) [Omitted from public version of this order]

Schedule 4 – Technical Means

Schedule 5 – Confidential Material

Disabling of access

- 1 The Respondents shall, during each of the Matchroom Events specified in Schedule 1 of this Order (as may hereafter be varied) or as otherwise required by this Order, block or attempt to block access to each of the IP addresses for the Target Servers (as defined in Confidential Schedule 2 of this Order and as may hereafter be varied) which the Applicants or their appointed agents have notified to the Respondents in accordance with this Order.

- 2 The Applicants or their appointed agents may notify to the Respondents an IP address to be blocked as a Target Server pursuant to paragraph 1 of this Order if:
 - (a) the Applicants or their appointed agents have detected that the IP address is being used:
 - (i) during the Matchroom Event to communicate to the public live audio-visual footage of that Event (“**Matchroom Event Footage**”) without authorisation; or
 - (ii) within the Pre-Monitoring Period (as defined in Confidential Schedule 3 of this Order) immediately preceding the Matchroom Event to communicate to the public without authorisation live footage from:
 - (A) a subscription television channel on which Matchroom Event Footage is to be broadcast; or
 - (B) a sports-related subscription television channel operated by the same broadcaster as a channel within sup-paragraph (A) above

(together, “**Channel Footage**”); or

- (iii) in a manner that meets one or more of the detection conditions specified in Confidential Schedule 3 of this Order; and
 - (b) the Applicants or their appointed agents have concluded that at the time of detection the IP address satisfies the requirements of in Confidential Schedule 3 of this Order.
- 3 Upon the conclusion of each Matchroom Event, the Applicants or their appointed agent shall give a notice to the Respondents in accordance with paragraph 6 of this Order to unblock all Target Servers that have previously been notified for blocking during that Matchroom Event. The Respondents shall use their best endeavours to ensure that such unblocking occurs as soon as reasonably practicable after the expiry of the Matchroom Event.
- 4 For the avoidance of any doubt, paragraphs 1 and 3 of this Order are complied with by a Respondent if that Respondent uses the technical means set out in relation to that Respondent in Schedule 4 of this Order, or any alternative and equivalent (including replacement) technical means, provided that the Respondent gives notice to the Applicants of the change, and in respect of the customers identified in relation to that Respondent in Schedule 4 of this Order.

Notifications to the Respondents

- 5 Any notifications given by the Applicants or their appointed agents under paragraph 2 of this Order must:
 - (a) be notified to the Respondents by means of publishing a consolidated list of all the IP addresses of the Target Servers to be blocked during a Matchroom Event on a secure electronic platform to which each of the Respondents has been given access by arrangement with the Applicants or their agent;
 - (b) be published to the said platform at least twice during each Matchroom Event, and (save as set out in paragraph 6 below) not during other periods; and

(c) be published in such a manner that they are accessible to all Respondents as close to simultaneously as is reasonably practicable.

6 Any notifications given by the Applicants or their appointed agent under paragraph 3 of this Order must be notified to the Respondents by the same means as those specified in paragraph 5 of this Order and given within 15 minutes of the expiry of the relevant Matchroom Event, and shall be effected by publishing an empty list of IP addresses.

Time for compliance

7 When blocking access to an IP address pursuant to paragraph 1 of this Order, the Respondents shall use their best endeavours to disable access to the IP address as soon as practicable and subject to the limits of their networks and resources.

8 For the avoidance of any doubt, for a Respondent to comply with paragraph 7 of this Order it shall be sufficient for it to use the technical means set out in relation to that Respondent in Schedule 4 of this Order on at least two occasions during and prior to the conclusion of a Matchroom Event, or according to such other schedule as may be agreed between the relevant Respondent and the Applicants in writing.

Sunset clause

9 This Order shall cease to have effect on 1 October 2022, unless the Court orders otherwise.

10 The Applicants have permission to apply before the expiry of this Order to extend the operation of this Order for such further period as may appear to the Court to be proportionate, such application to be supported by evidence and on notice to the Respondents.

Notifications to third parties

11 Where the Applicants or their appointed agent notify an IP address for blocking in accordance with paragraph 2 of this Order, they must within a reasonable period of the first occasion when that IP address is notified (being no later than 1 hour

after the end of the Matchroom Event in question) send to the hosting provider associated with the IP address an electronic notice which contains the following information:

- (a) that access to the IP address has been blocked in the United Kingdom by court order;
- (b) the identity of the party who obtained this Order;
- (c) a link to an internet location from which the public version of this Order may be accessed; and
- (d) a statement that affected server operators have the right to apply to the Court to discharge or vary the Order.

12 Within 10 working days of this Order being implemented by a Respondent, that Respondent shall take reasonable steps to publish a statement to its customers (identified in relation to it in Schedule 4) in electronic form which contains the following information:

- (a) that access to a number of (unidentified) servers associated with infringing Matchroom Event Footage has been blocked by court order, and further similar blocks will continue during Matchroom Events for the duration of this Order;
- (b) the identity of the party who obtained this Order; and
- (c) a statement that affected users have the right to apply to the Court to discharge or vary the Order.

13 For the avoidance of doubt, the Respondents are not required to make the information in paragraph 12 of this Order available to their customers at the same time as blocking occurs.

Changes to Confidential Schedule 3

- 14 All parties have permission to apply in writing to vary the contents of Confidential Schedule 3, such application to be supported by evidence and on notice to all the other parties.

Suspension of blocking measures

- 15 A Respondent will not be in breach of this Order if it temporarily ceases to take the steps ordered in paragraph 1 (either in whole or in part) upon forming the reasonable view that suspension is necessary:

(a) in order to:

- (i) correct or investigate over-blocking of material which is, or is reasonably suspected to be, caused by the steps taken pursuant to paragraph 1;
- (ii) ensure the reliable operation of its Internet Watch Foundation blocking system, if it reasonably considers that such operation is otherwise likely to be impaired;
- (iii) maintain the integrity of its internet service or the functioning of its blocking system;
- (iv) upgrade, troubleshoot or maintain its blocking system; or
- (v) avert or respond to an imminent security threat to its networks or systems;

(b) and provided that:

- (i) it notifies the Applicants or their appointed agent of such suspension and the reasons for the same as soon as reasonably practicable; and
- (ii) such suspension lasts no longer than is reasonably necessary.

Permission to apply

- 16 The following persons have permission to apply on notice to vary or discharge this Order insofar as it affects them, namely:
- (a) The operator of any Target Server having an IP address notified under paragraph 2 of this Order;
 - (b) The operator of any website or video streaming service who claims to be adversely affected by this Order;
 - (c) Any recipient of a notice under paragraph 11 of this Order; and
 - (d) Any customer of the Respondents who claims to be adversely affected by this Order.
- 17 Any application under paragraph 16 of this Order shall be on notice to all the parties and be supported by evidence justifying the grounds for the application, including a clear indication of the status of the applicant.

Confidentiality

- 18 In respect of the material identified in Schedule 5 of this Order ("**Confidential Material**"):
- (a) Pursuant to CPR rule 31.22(2), the parties and their external advisors and experts may only make use of the Confidential Material for the purposes of these proceedings, whether or not they are read to or by the Court, referred to at the hearing of the Application or in skeleton arguments;
 - (b) Pursuant to CPR rule 32.13(2), the Confidential Material shall not be open to inspection; and
 - (c) The Confidential Material shall, if mentioned, be excluded from electronic and hard copy transcripts of the proceedings.

Interpretation

19 In this Order:

- (a) A reference to a **“Matchroom Event”** is to be taken as a reference to any time which falls during a Matchroom organised boxing event, or a boxing event which Matchroom has the exclusive right to distribute and broadcast in the United Kingdom, and in either case which is:
- (i) identified in Schedule 1 of this Order (as may subsequently be varied or updated); or
 - (ii) subsequently notified in writing to the Respondents by the Applicants or their appointed agent at least four weeks in advance of the starting time of the event,

and shall include:

- (iii) Any changes to the start time, date or competitors for a boxing event which are published by the Applicants from time to time; and
 - (iv) The period ending 15 minutes after the (currently or subsequently) scheduled end time for a boxing event.
- (b) A reference to **“the Applicants or their appointed agent”** is to be taken as a reference to either or both of the Applicants, or their appointed agent for the purposes of online enforcement, including the third party mentioned in Confidential Schedule 3 or such other agent as may be appointed from time to time.

Other

20 The proceedings shall be stayed, save for the purposes of any application to give effect to the terms of this Order and save that the parties have permission to apply on notice in the event of any material change of circumstances including, for the avoidance of doubt but without limiting the generality of the foregoing, in respect of the costs, consequences for the parties and effectiveness of the aforesaid technical means from time to time.

- 21 Costs reserved, as to which the parties have liberty to apply.
- 22 This Order shall be served by the Applicants upon each of the Respondents.

Service of the Order

The Court has provided a sealed copy of this order to the serving party:

[solicitors name and address]

Schedule 1: Matchroom Events

The Matchroom Events are:

Date	Venue	Scheduled Fights	Estimated Start Time	Estimated End Time
31 October 2020	TBC, UK	<ul style="list-style-type: none"> Oleksandr Usyk v Derek Chisora 	5pm	11pm
21 November 2020	TBC, UK	<ul style="list-style-type: none"> Alexander Povetkin v Dillian Whyte 	5pm	11pm

and include any variations to the above events, and such additional Matchroom Events as may be notified to the Respondents in accordance with this Order from time to time.

All times in this Schedule 1 are given in Greenwich Mean Time or British Summer Time, as the case may be.

Confidential Schedule 2: Target Servers

The Target Servers are:

[OMITTED FROM PUBLIC VERSION OF THIS ORDER]

and include any changes to this list (whether by way of addition or removal) which are notified to the Respondents in accordance with this Order from time to time (together the “**Target Servers**” and each a “**Target Server**”).

Confidential Schedule 3: Detection and Notification Criteria

[OMITTED FROM PUBLIC VERSION OF THIS ORDER]

Schedule 4: Technical Means

In relation to the First Respondent (British Telecommunications plc)

- 1 In respect of its customers to whose internet service the system known as Hawking or Cleanfeed is applied, whether optionally or otherwise, the technical means are IP blocking.
- 2 For the avoidance of doubt, paragraph 1 of the Order is complied with if the First Respondent uses Hawking, Cleanfeed, blackholing or any subsequent system or measure that has equivalent relevant functionality.

In relation to the Second Respondent (EE Limited)

- 3 In respect of its customers whose internet service is provided through its fixed line network currently known as EE Home, and to whose internet service the system known as Wolf is applied, whether optionally or otherwise, the technical means are IP blocking.
- 4 For the avoidance of doubt, paragraph 1 of the Order is complied with if the Second Respondent uses the system known as Wolf or any subsequent system that has equivalent relevant functionality.

In relation to the Third Respondent (Plusnet plc)

- 5 In respect of its customers to whose internet service the system known as Hawking or Cleanfeed is applied, whether optionally or otherwise, the technical means are IP blocking.
- 6 For the avoidance of doubt, paragraph 1 of the Order is complied with if the Third Respondent uses Hawking, Cleanfeed, blackholing or any subsequent system or measure that has equivalent relevant functionality.

In relation to the Fourth Respondent (Sky UK Ltd)

- 7 In respect of its customers to whose internet service the system known as Hawkeye is applied, whether optionally or otherwise, the technical means are IP blocking.

- 8 For the avoidance of doubt, paragraph 1 of the Order is complied with if the Fourth Respondent uses the system known as Hawkeye or any subsequent system that has equivalent relevant functionality.

In relation to the Fifth Respondent (TalkTalk Telecom Ltd)

- 9 In respect of its customers to whose internet access service the measure known as blackholing is applied, whether optionally or otherwise, the technical means are IP blocking.
- 10 For the avoidance of doubt, paragraph 1 of the Order is complied with if the Fifth Respondent uses blackholing or any subsequent system or measure that has equivalent relevant functionality, up to an overall limit (under all live section 97A Orders to which the Fifth Respondent is subject) of 2000 simultaneous IP addresses.

In relation to the Sixth Respondent (Virgin Media Ltd)

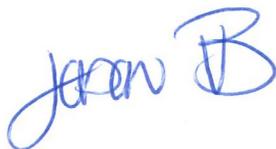
- 11 In respect of its fixed-line residential and business retail broadband customers to whose internet access service the system known as Web Blocker 3 is applied, or to whose internet access the measure known as blackholing is applied, the technical means are IP blocking.
- 12 For the avoidance of doubt, paragraph 1 of the Order is complied with if the Sixth Respondent uses either the system known as Web Blocker 3 (or any subsequent system that has equivalent relevant functionality) or blackholing.

Schedule 5: Confidential Material

The Confidential Material is:

[The list of confidential material is not confidential but is omitted because it is irrelevant]

This is **Exhibit EQ-18** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

STUDY ON DYNAMIC BLOCKING INJUNCTIONS IN THE EUROPEAN UNION

IPR ENFORCEMENT
CASE-LAW COLLECTION



This study has been prepared by the EUIPO in cooperation with the Centre for International Intellectual Property Studies (CEIPI) (main authors: Giancarlo Frosio, Oleksandr Bulayenko), University of Strasbourg.

A list of national experts that answered to a standardised questionnaire is available in Annex IV.

DYNAMIC BLOCKING INJUNCTIONS
IN THE EUROPEAN UNION
IPR ENFORCEMENT CASE-LAW COLLECTION

March 2021

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FOREWORD

The rise in online activity and especially the online provision and consumption of copyright protected content received an additional boost due to the COVID-19 pandemic. In addition to legitimate offerings there are also many websites offering illegal downloads of music, films, games and/or illegal live broadcasts of sporting and cultural events.

This underlines the relevance to further explore the effectiveness of existing legal remedies against IPR infringement.

Such remedies can include website blocking injunctions through Domain Name System (DNS) blocking, Internet Protocol (IP) address blocking, or through Uniform Resource Locator (URL) filtering and can be an effective means of preventing the continuation of IPR infringement.

However, different requirements across the EU apply regarding the evidence required to obtain blocking orders, and especially forward-looking injunctions (or dynamic injunctions), which can be used to prevent the continuation of IPR infringement.

This study and the relevant case law collected in collaboration with the Observatory legal expert group provides an overview of static and dynamic blocking injunctions in the EU and the Member States available for rights holders who wish to effectively combat online piracy and protect their rights.

It analyses the availability of such injunctions, their scope, technical implementation, and their effectiveness in reducing infringement and aims to help various stakeholders, Member States and other legal professionals to implement and/or improve the application of dynamic blocking injunctions.



Christian ARCHAMBEAU
EUIPO Executive Director

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EXECUTIVE SUMMARY

This study and case-law collection offers an overview of static and dynamic blocking injunctions in the EU and the Studied Member States (SMS). The overview is based on questionnaires and a comparative review of the case-law and the legal framework of the SMS.

Blocking injunctions find their **legal basis** in Article 18(1) of the e-commerce Directive, Article 8(3) of the InfoSoc Directive and Article 11 of the IPRED. The compatibility of blocking injunctions with EU law has been confirmed by a number of Court of Justice of the European Union (CJEU) judgments, which also support the availability of dynamic blocking injunctions. However, while static blocking injunctions are available in all the SMS, dynamic blocking injunctions are not or, at least, their availability has not yet been tested in the courts in some of the SMS.

The availability of static and dynamic blocking injunctions largely depends on the proper **balancing of rights and interests** of persons concerned by the measures. This balancing is undertaken through the consideration of different fundamental rights and of the overall proportionality of the injunctions. Overall, static and dynamic blocking injunctions should be available, according to the doctrine of 'fair balance' among fundamental rights, only if they are strictly targeted to bring the infringement to an end and if they do not disproportionately impinge on fundamental rights, do not impose 'excessive obligations' on intermediaries and address the risk of over- and under-blocking.

Requirements for obtaining a **blocking injunction** differ in the SMS. However, there are still some common general requirements and procedural rules that apply in most SMS, including the need to demonstrate the rights holder's status and ownership of rights, evidence of alleged infringement, proportionality, appropriateness and/or reasonableness of the requested measure.

Dynamic blocking injunctions have been granted in most of the SMS, including Denmark, France, Ireland, Italy, the Netherlands, Spain, Sweden and the UK. However, so far, the number of dynamic blocking injunctions issued in the SMS has been limited. In most SMS, there is no explicit statutory notion of dynamic blocking injunctions. Therefore, courts have been granting dynamic blocking injunctions – and defining their requirements – on the basis of an expansive interpretation of pre-existing norms. As a subspecies of dynamic blocking injunctions, some SMS (Ireland, Spain and the UK) have made available **live blocking injunctions** with the principal goal of limiting infringement of rights to live (sports) events. In other SMS, live blocking injunctions are not available or, at least, their availability has not been tested in court yet.

With regard to the **scope of dynamic blocking injunctions**, the subject matter, targeted intermediaries, targeted websites, temporal and territorial scope vary to different extents in the SMS. Copyright infringement is the main target of these measures in the SMS, but there does not seem to be any specific limitation to the subject matter that can be covered by a dynamic injunction. Similarly, although dynamic blocking injunctions have been customarily granted against internet access service providers in most SMS, these measures can be used against any party deemed an intermediary under Article 8(3) of the InfoSoc Directive and Article 11 of the IPRED. In most SMS, there are no limitations on the number of websites that can be blocked. The law does not regulate dynamic blocking injunctions nor their duration in most SMS, but these measures might be limited in time by judicial decisions. In general, injunctions can order the blocking of content regardless of the location where

the infringement took place or the location of the users accessing the infringing content, as long as the activities target the consumers and internet users of Member States (MS).

There are no specific procedural rules on the requirements for and the admissibility of **evidence** for static and dynamic blocking injunctions in the SMS.

The **implementation of blocking injunctions** mainly focuses on technical solutions and the implementation costs. In most SMS, the injunction usually specifies the technical solution to be applied. If that is not the case, such as in Denmark, France, Italy, Spain and Sweden, courts might, however, suggest technical solutions to meet the scope of the injunction. Both Internet Protocol (IP) address and domain name system (DNS) blocking are the most common technical solutions applied by blocking injunctions in the SMS. The SMS have treated the allocation of the costs of implementing blocking measures rather inconsistently. The intermediaries bear the costs of implementing a blocking injunction in the large majority of the SMS. In fewer SMS, costs might be shared between the intermediary and rights holders, or assigned to intermediaries only.

Follow-up actions to dynamic blocking injunctions play an important role in the measures' effectiveness and the overall balance of interests. In some SMS, specific procedures are available for renewing, updating or extending static and dynamic blocking injunctions, while they are not available in others. In this context, there does not seem to be any specific distinctions between procedural rules for renewal and update of static and dynamic injunctions among the SMS. In addition, the SMS do not have any specific procedure available to convert a static blocking injunction into a dynamic one. Instead, a new procedure on the merits has to be started. In addition, most SMS provide for the enforcement of the order, fines, and recurring penalties. Finally, there are remedies available to challenge blocking injunctions in all the SMS under traditional civil procedure rules. The remedies are generally available to the intermediaries and the alleged infringers concerned by the injunction. In a few SMS, these remedies are also available to affected individual internet users, or in some SMS via collective actions.

Discussing the **extraterritorial scope of injunctions** against online intermediaries, recent CJEU jurisprudence concluded that EU law does not impose or preclude worldwide measures. Instead, it is up to national courts to decide whether extraterritorial injunctions could be imposed according to their own balancing of fundamental rights and application of international norms. In this context, blocking injunctions must be targeted and specific with a territorial scope not broader than what is necessary to achieve its objective, according to fundamental right balancing and international law, including the doctrine of comity.

Static and dynamic blocking case-law shows multiple instances of **legal entanglement** among national courts of different SMS. Legal entanglements can be considered a form of informal cross-border cooperation and occur when national courts refer to judgments in other jurisdictions.

An additional important factor to evaluate availability, scope and proportionality of blocking injunction is their **effectiveness** in reducing infringement. The effectiveness of blocking injunctions is usually not explicitly assessed in most SMS. Effectiveness might not require 100 % success as long as the remedy is seriously discouraging internet users from accessing the infringing content. Effectiveness is considered in certain jurisdictions an additional requirement to justify targeted and specific blocking injunctions that fairly balance fundamental rights and impose proportionate, not excessive obligations on access providers and other intermediaries.

The overview of static and dynamic blocking injunctions in the EU and the SMS shows a complex web of a variety of approaches in EU MS that is sometimes hard to untangle. Against this backdrop, this

study provides a set of key findings that might serve as a reference for the further development of policies and practices in the field.

BACKGROUND

Structure, Purpose and Scope of the Study

The study on Dynamic Blocking Injunctions in the EU encompasses two main parts: (i) an extensive theoretical part – a comparative study dealing with various aspects of the applicability of dynamic blocking injunctions; and (ii) a case-law collection presenting selected CJEU preliminary rulings providing guidance on the interpretation and application of certain EU norms setting up the legal framework for allowing the granting of dynamic blocking injunctions, as well as judgments of national courts where dynamic blocking injunctions have actually been ordered.

The purpose of the study is to describe the legal framework for blocking injunctions in the EU and SMS and, specifically, forward-looking/dynamic injunctions (including proposed legislation, initiatives and voluntary measures). Additionally, it provides an overview of existing case-law. The study identifies similarities and differences between the practices in various MS with regard to different aspects of dynamic blocking injunctions such as requirements, balance of rights, scope, implementation, costs and effectiveness.

This study provides an overview of legal principles, case-law and practices applicable to dynamic blocking injunctions in the EU and a selected 12+1 MS (Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Lithuania, the Netherlands, Spain, Sweden and the UK⁽¹⁾), thus representing MS of different sizes, geographical regions and legal traditions.

Methodology

The study relies on an extensive review of literature, EU law, CJEU case-law, regulations, practices, and jurisprudence of the SMS. Attention is given also to the case-law of the European Court of Human Rights (ECtHR).

The review of regulation, case-law, and practices of the SMS to a large extent relies on the information provided by legal experts through a standardised questionnaire. The list of legal experts involved can be found in Annex IV. The questionnaire inquired about the availability of blocking injunctions and, specifically, of dynamic blocking injunctions, their scope, required and/or admissible evidence,

⁽¹⁾ The UK left the EU on 31 January 2020, when the withdrawal agreement entered into force. During the transitional period lasting until 31 December 2020, the UK continued to apply EU law. For ease of terminology, this study refers to all studied countries as (Studied) Member States, even though it fully acknowledges that the UK is no longer part of the EU.

balancing of rights and interests, distribution of costs and remedies for non-compliance. Due to the number and length of the questionnaires, they are not attached as an annex to the study⁽²⁾. Questionnaire results were supplemented with desk research, which has served the purpose, *inter alia*, to complement and/or fill in any possible gaps or inconsistencies in the questionnaire responses, as well as to double-check and confirm the correctness of the information collected with the questionnaires.

The case-law collection⁽³⁾ on blocking injunctions was prepared by the European Observatory on Infringements of Intellectual Property Rights (Observatory)⁽⁴⁾, through the Knowledge Circle Enforcement (KCE) of the EUIPO as part of a series of case-law collection studies⁽⁵⁾. The judgments included in the case-law collection have been identified through both the EUIPO's internal database [eSearch Case Law](#) and publicly accessible online sources. Individual contributors, that is, members of the KCE, prepared summaries and provided information on decisions from jurisdictions and in languages with which they are familiar. Members of the Legal Expert Group of the Observatory⁽⁶⁾ have been invited to suggest additional decisions from courts in different MS, the most relevant of which were included in the case-law collection. The selected cases are listed in the study by country and decision date. Apart from the CJEU decisions, the case-law collection reports national court decisions from 10+1 MS (Belgium, Denmark, Finland, France, Germany, Italy, Ireland, the Netherlands, Spain, Sweden and the UK). The case-law collection includes decisions published before 30/11/2020. These jurisdictions represent different regions of the EU, as well as small and large MS, and were selected according to the availability of relevant case-law in the 27+1 EU MS.

The section of the study titled 'Analysis on dynamic blocking injunctions' was prepared under a procurement contract with CEIPI by Giancarlo Frosio and Oleksandr Bulayenko, who also drafted the section titled 'Executive Summary'. Giancarlo Frosio is an Associate Professor at the Center for International Intellectual Property Studies (CEIPI), University of Strasbourg; Non-resident fellow at Stanford Law School CIS, Stanford University; Faculty Associate at Nexa Center, Polytechnic and University of Turin. Oleksandr Bulayenko is a Researcher and Education & Scientific Coordinator at the CEIPI and Associated Researcher at the Institute for Information Law (IViR), University of Amsterdam.

For a list of legal experts providing country-specific information about law, jurisprudence and practices in the SMS, see Annex IV.

⁽²⁾ The 12+1 questionnaires averaged 150 pages and can be consulted upon request.

⁽³⁾ The case-law collection is limited to 10+1 Member States and does not include Greece and Lithuania, for which relevant information has only been collected via questionnaires redacted by national legal experts.

⁽⁴⁾ An important activity of the European Observatory on Infringements of Intellectual Property Rights consists of monitoring, collecting, and analysing European case-law on the enforcement of intellectual property rights. For more information, see the Observatory's case-law page: <https://euiipo.europa.eu/ohimportal/en/web/observatory/case-law>.

⁽⁵⁾ See for example IPR Enforcement Case-law Collection, The Liability and Obligations of Intermediary Service Providers in the European Union, EUIPO, August 2019.

⁽⁶⁾ Information about the Expert Groups of the Observatory and about their members is available on the Observatory's website: <https://euiipo.europa.eu/ohimportal/en/web/observatory/about-us>.

Terminology used

The list provided in Annex III: GLOSSARY gives some references for the terminology used in this study.

Abbreviations

AG	Advocate General
AGCOM	Autorità per le Garanzie nelle Comunicazioni (Italy)
AJA	Administration of Justice Act (Denmark)
CDPA	Copyright, Design and Patents Act (UK)
CEL	Code de droit économique / Wetboek van economisch recht / Code of Economic Law (Belgium)
CFREU	Charter of Fundamental Rights of the European Union
CIS	Center for Internet and Society at Stanford Law School
CJEU	Court of Justice of the European Union
CNIL	Commission nationale de l'informatique et des libertés (France)
CoC	Code of Conduct
CPI	Code de la propriété intellectuelle / Intellectual Property Code (France)
DBI	Dynamic Blocking Injunction
DNS	Domain Name System
DSA	Proposal for a Regulation of the European Parliament and of the Council on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC, 15 December 2020, COM(2020) 825
e-commerce Directive	Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market [2000] OJ L 178/1
ECHR	European Convention of Human Rights
ECtHR	European Court of Human Rights
EDPPI	Committee for the Notification of Copyright and Related Rights Infringement on the Internet (Greece)
EU	European Union
EUIPO	European Union Intellectual Property Office
EWHC	High Court of England and Wales
FAPL	Football Association Premier League
HADOPI	Haute Autorité pour la diffusion des œuvres et la protection des droits sur internet (France)
HTTP	Hypertext Transfer Protocol
HTTPS	Hypertext Transfer Protocol Secure
IECA	Court of Appeal of Ireland
IEHC	High Court of Ireland
InfoSoc Directive	Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society

IP	Internet Protocol
IPR	Intellectual Property Right
IPRED	Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights [2004], OJ L 195/16; Corrigenda in OJ 2004 L 195/16 and OJ 2007 L 204/27
IPTV	Internet Protocol Television
ISP	Internet service provider
ISPA	Internet Service Providers Association
ITU	International Telecommunication Union
MPA	Motion Picture Association
OLG	Oberlandesgericht / Court of Appeal (Germany)
SMS	Selected/Studied Member States
TGI	Tribunal de Grande Instance / District Court (France)
TJ	Tribunal judiciaire / District Court (France)
TPM	Technological Protection Measure
UEFA	Union of European Football Associations
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
URL	Uniform Resource Locator

ANALYSIS ON DYNAMIC BLOCKING INJUNCTIONS

by

Giancarlo Frosio and Oleksandr Bulayenko⁽⁷⁾

On the basis of the analysis of norms, cases and practices in the EU and 12+1 selected MS (Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Lithuania, the Netherlands, Spain, Sweden and the UK) (Studied Member States or SMS)⁽⁸⁾, this study identifies, describes and compares key aspects of blocking injunctions, with special emphasis on dynamic blocking injunctions. These aspects include the availability of static and dynamic blocking injunctions, their scope, balancing of rights and interests, required and/or admissible evidence, technical solutions applied and the implementation of dynamic blocking injunctions in the different jurisdictions.

1. Introduction

Blocking injunctions or blocking orders against so-called innocent third parties have become increasingly popular in Europe⁽⁹⁾, especially with regard to online copyright – and more recently also

⁽⁷⁾ The authors are thankful to Fraser Simpson and Natasha Mangal, U.S. attorney, Ph.D. candidate at the CEIPI and Queen Mary University of London, for their research and editing contribution to the study.

⁽⁸⁾ When no further specific citations are given, Member States-specific information provided in this analysis and benchmarking refers to the information collected and reported through the national questionnaires (see Methodology).

⁽⁹⁾ In recent times, the amount of literature discussing this legal phenomenon has been increasing. See for example Richard Arnold, *Intermediary Liability and Trade Mark Infringement: A Common Law Perspective*, in Giancarlo Frosio (ed.), *The Oxford Handbook of Online Intermediary Liability*, OUP, Oxford, UK, 2020, pp. 404-420; Frederick Mostert and Jane Lambert, *Study on IP Enforcement Measures, Especially Anti-Piracy Measures in the Digital Environment*, WIPO/ACE/14/7, 2019; Jenny Ollila, Master Thesis *Dynamic blocking orders against internet service providers: a prerequisite for the survival of penalty-based prohibitions in a digitised world?*, University of Göteborg, 2019; Yaniv Benhamou, *Website Blocking Injunctions under Swiss Law. From civil and administrative injunctions to criminal seizure or forfeiture*, *Expert Focus* 885, 2017; Jaani Riordan, *Website Blocking Injunctions Under United Kingdom and European Law*, in Graeme Dinwoodie (ed.), *Secondary Liability of Internet Service Providers*, Springer, 2017, p. 275; Martin Husovec, *Injunctions Against Intermediaries in the European Union: Accountable But not Liable?*, Cambridge University Press, Cambridge, UK 2017; Martin Husovec and Lisa Van Dongen, *Website Blocking, Injunctions and Beyond: View on the Harmonization from the Netherlands*, *GRUR Int.*, 2017, 7, p. 580; Saulius Kalėda, *The Role of the Principle of Effective Judicial Protection in Relation to Website Blocking Injunctions*, *JPITEC*, 2017, Vol. 8, p. 216; Jaani Riordan, *The Liability of Internet Intermediaries*, OUP, Oxford, UK, 2016; Christina Angelopoulos, *European Intermediary Liability in Copyright: A Tort-Based Analysis*, Wolters Kluwer, 2016; Christophe Geiger and Elena Izyumenko, *The Role of Human Rights in Copyright Enforcement Online: Elaborating a Legal Framework for Website Blocking*, *American U. Int'l L. Rev.*, 2016, 32(1), p. 43; Joost Poort, Jorna Leenheer, Jeroen van der Ham et al., *Baywatch: Two Approaches to Measure the Effects of Blocking Access to The Pirate Bay*, Telecommunications Policy, 2014, p. 9; Pekka Savola, *Blocking Injunctions and Website Operators' Liability for Copyright Infringement for User-Generated Links*, *EIPR*, 2014, 36(5), 279–88; Pekka Savola, *Proportionality of Website Blocking: Internet Connectivity Providers as Copyright Enforcers*, *JIPITEC*, 2014, 5(2), p. 116; Martin Husovec, *Injunctions against Innocent Third Parties: The Case of Website Blocking*, *JIPITEC*, 2013, 4(2), 116.

trade mark – infringement⁽¹⁰⁾. Their validity under EU law was confirmed by the CJEU in the *UPC Telekabel* decision⁽¹¹⁾. To put the EU practice on blocking injunctions into an international perspective it is worth noting that outside the EU website blocking of copyright-infringing sites has been authorised in countries such as Argentina, India, Indonesia, Malaysia, Mexico, South Korea and Turkey⁽¹²⁾. In December 2014, Singapore amended its Copyright Act to enable rights holders to obtain website-blocking orders⁽¹³⁾, and in 2015 Australia introduced website-blocking provisions to its Copyright Act⁽¹⁴⁾. In the United States, although blocking orders are not customarily issued⁽¹⁵⁾, internet access providers enjoying liability safe harbours may still be ordered by a court to perform injunctions ‘to block access, to a specific, identified, online location outside the United States’⁽¹⁶⁾. Blocking injunctions have also been coupled by the availability of forward-looking or dynamic blocking injunctions (DBI) both in Europe and other jurisdictions⁽¹⁷⁾, such as Australia, India, Mexico and Singapore⁽¹⁸⁾. These measures have been made available with the end of curbing intellectual property rights (IPR) infringement online, although negative effects on fundamental rights have also been highlighted⁽¹⁹⁾.

While the availability of static blocking injunctions is recognised, dynamic blocking injunctions are not available in all SMSs, and their scope and requirements vary among jurisdictions. This study identifies,

⁽¹⁰⁾ See [Directive \(EC\) 2004/48](#) of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (Text with EEA relevance) OJ L 157, 30.4.2004, pp. 45-86 (Enforcement Directive or IPRED), Article 11; [Directive \(EC\) 2001/29](#) of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, OJ L 167, 22.6.2001, pp. 10-19 (InfoSoc Directive), Article 8(3).

⁽¹¹⁾ See 27/03/2014, C-314/12, *UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH and Wega Filmproduktionsgesellschaft mbH*, EU:C:2014:192 (*UPC Telekabel*).

⁽¹²⁾ See [Swiss Institute of Comparative Law, Filtering, blocking and take-down of illegal content on the Internet, a study commissioned by the Council of Europe, 20 December 2015](#).

⁽¹³⁾ See Copyright (Amendment) Act 2014, An Act to Amend the Copyright Act (Chapter 63 of the 2006 Revised Edition).

⁽¹⁴⁾ See Copyright Amendment (Online Infringement) Act 2015 (Cth).

⁽¹⁵⁾ There is only one early case that was voluntarily withdrawn by the plaintiff. See *Arista Records, Inc. v AT&T Broadband Corp.*, 2002 WL 34593743 (S.D.N.Y., 16 August 2002) (with the plaintiffs seeking an injunction against internet backbone operators to block the Chinese website Listen4Ever). Rather than website blocking, U.S. authorities pursued domain name seizures as an alternative. In 2011, entities owning the rights to broadcast sporting events prevailed on U.S. authorities to seize the rojadirecta.com and .org domain names as part of the [Operation in Our Sites](#) anti-piracy campaign. Finally, upon US courts finding Rojadirecta non-infringing, the U.S. Department of Justice agreed to return the Rojadirecta domain names to the registrant. See [Giancarlo Frosio, Alalalai!... Rojadirecta is Up for Battle Again in Italy, CIS Blog \(6 September 2013\)](#). More recently, a US court has ordered ‘any Internet search engines, web hosting and Internet service providers, domain name registrars, and domain name registries [to] cease facilitating access to any or all domain names and websites through which ... Sci-Hub engages in unlawful access to, use, reproduction, and distribution of the [American Chemical Society] marks or copyrighted works’. The court ordered domain names registries and/or registrars to place Sci-Hub’s domain names on hold or such other status to render the names/websites non resolving. See [American Chemical Society v. John Does 1-99, et al., 1:17-cv-00726-LMB-JFA \(E.D. Va., 3 November 2017\)](#).

⁽¹⁶⁾ DMCA, § 512 (j) (1) (B) (ii).

⁽¹⁷⁾ See Berdien B.E. van der Donk, How dynamic is a dynamic injunction? An analysis of the characteristics and the permissible scope of dynamic injunctions under European Law after CJEU C-18/18 (*Glawischnig-Piesczek*) (2020) 15 *JIPLP* 602–616.

⁽¹⁸⁾ See for example for an overview of DBI practices in international jurisdictions, [Nigel Cory, Adaptive Antipiracy Tools: An Update on Dynamic and Live Blocking Injunctions, 22 October 2020](#).

⁽¹⁹⁾ See [Christophe Geiger and Elena Izyumenko, The Role of Human Rights in Copyright Enforcement Online: Elaborating a Legal Framework for Website Blocking, American U. Int’l L. Rev., 32\(1\), 2016](#), p. 43.

analyses, and compares key aspects of the legal framework for static and dynamic blocking injunctions in the EU and selected MS.

2. Blocking Injunctions and Dynamic Blocking Injunctions in Europe

2.1 DEFINITION

Blocking injunctions⁽²⁰⁾ are among the remedies made available by the InfoSoc Directive and IPRED to protect IPR throughout the EU, although these measures are not implemented and applied in a uniform manner among the MS⁽²¹⁾. The term⁽²²⁾ ‘blocking injunction’ refers to ‘an order requiring an internet intermediary to implement technical measures directed at preventing or disabling access to a specific internet location’⁽²³⁾. Internet site-blocking injunctions can be implemented through DNS blocking, IP address blocking, or through uniform resource locator (URL) filtering.

A second category of blocking orders might also be available: so-called forward-looking or dynamic blocking injunctions, which are meant to allow flexibility so as to cover repeated infringements and, thus, enhance the effectiveness of the measures for rights holders. The Commission’s *Guidance on the IPRED* defines DBI as ‘injunctions which can be issued, for example, in cases in which materially the same website becomes available immediately after issuing the injunction with a different IP

⁽²⁰⁾ Alongside blocking injunctions targeting access providers, injunctions have also been granted against search engine operators (e.g. in the form of de-listing/de-indexing and/or removing links directing to infringing content) and hosting providers (e.g. ordering the removal/takedown or ‘staydown’ of specific infringing items). These injunctions can also be dynamic, if they ‘staydown’, filter or delist content proactively, i.e. filtering/removing any new instances of infringing content already taken down that might be reuploaded online or delisting any new search engine’s entries leading to certain websites hosting infringing content, which have been already blocked in a different form and reappearing online elsewhere; however, these injunctions are outside the scope of this review, which focuses on blocking injunctions, whether static, dynamic or live. In particular, injunctions against search engines to delist content cannot be included within the category of blocking injunctions as they do not block access to the content but merely delist search engines’ entries that might lead to the location where the infringing content is hosted.

⁽²¹⁾ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, Guidance on certain aspects of Directive 2004/48/EC of the European Parliament and of the Council on the enforcement of intellectual property rights, [COM/2017/0708 final](#) and SWD(2017) 432 final (the ‘Guidance’), Brussels, 29/11/2017, p. 1. Differences relate, among others, to the conditions to establish the urgency of a request, the type of evidence admissible, the type of intermediaries that can be subject to an injunction, the way in which judicial or administrative authorities can address imminent or repetitive infringements, or the availability of catalogue- or repertoire-wide injunctions.

⁽²²⁾ For more taxonomical references, see Daphne Keller, Appendix 3: Glossary: Internet Content Blocking Options and Vocabulary in Daphne Keller (ed.), *Law, Borders, and Speech: Proceedings and Materials*, Stanford Law School CIS, Stanford, CA, 2017.

⁽²³⁾ Jaani Riordan, *The Liability of Internet Intermediaries*, OUP, Oxford, UK, 2016, p. 461. See also [Thomas Riis, Thomas Elholm, Ana Nordberg, et al., Study on Legislative Measures Related to Online IPR Infringements, study commissioned by the EUIPO, September 2018](#), p. 42 et seq.: ‘If an IPR infringing activity takes place on or through a dedicated website ... it will be an effective way to disrupt the current activities and to prevent them from taking place in the future if the access to the website by the internet users in general is blocked’.

address or URL, and which are drafted in a way that makes it possible to also cover the new IP address or URL, without the need for a new judicial procedure to obtain a new injunction' ⁽²⁴⁾.

A third category of blocking orders, or more appropriately a subcategory of DBI, goes under the name of live blocking orders, which allow the repeated blocking of a site every time a live broadcast is in process. Live blocking allows for new servers to be identified by the rights holder and notified to access providers for blocking. It also ensures that old servers are not blocked after the end of a certain time ⁽²⁵⁾.

2.2 Legislation

The legal basis of blocking injunctions can be found in multiple EU provisions. First, Article 18(1) of the e-commerce Directive instructs MS to ensure the availability of court actions against information society services' activities to terminate any alleged infringement and prevent further impairment of involved interests ⁽²⁶⁾. Meanwhile, the e-commerce Directive also limits the scope of its liability exemptions ('mere conduit', hosting and caching) by providing that the exemptions 'shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement, nor does it affect the possibility for Member States of establishing procedures governing the removal or disabling of access to information' ⁽²⁷⁾. The e-commerce Directive, thus, makes it possible for MS to make available blocking orders, issued by both judicial and administrative authorities, and confirms their consistency with EU law. However, a positive obligation to provide injunctions and legal redress to rights holders for IPR infringement within an EU law framework comes, instead, from the InfoSoc Directive. The InfoSoc Directive clarifies that the availability of these injunctions is made necessary because 'in the digital environment, in particular, the services of intermediaries may increasingly be used by third parties for infringing activities. In many cases, such intermediaries are best placed to bring such infringing activities to an end' ⁽²⁸⁾. Therefore, the InfoSoc Directive provides that 'Member States shall ensure that rightholders are in a position to apply for an injunction against intermediaries whose services are used by a third party to infringe a copyright or related right' ⁽²⁹⁾. The limited copyright scope of the injunctions is then extended to IPR enforcement at large by the IPRED, which provides that 'Member States shall also ensure that rightholders are in a position to apply for an injunction against

⁽²⁴⁾ Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, Guidance on certain aspects of Directive 2004/48/EC of the European Parliament and of the Council on the enforcement of Intellectual Property Rights, [COM \(2017\) 708 final](#) (the 'Guidance') p. 21.

⁽²⁵⁾ See for example Nedim Malovic, The Evolution of Copyright Website Blocking In the UK: Live Blocking Orders, *EIPR*, 2018, Vol. 40(12), pp. 810-814.

⁽²⁶⁾ [Directive \(EC\) 2000/31](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (e-commerce Directive), Article 18(1). See also IPRED, Article 11 (providing that 'Member States shall ensure that, where a judicial decision is taken finding an infringement of an intellectual property right, the judicial authorities may issue against the infringer an injunction aimed at prohibiting the continuation of the infringement').

⁽²⁷⁾ *ibid.*, Article 14(3).

⁽²⁸⁾ InfoSoc Directive, Recital 59.

⁽²⁹⁾ *ibid.*, Article 8(3).

intermediaries whose services are used by a third party to infringe an intellectual property right, without prejudice to Article 8(3) of Directive 2001/29/EC'⁽³⁰⁾.

2.3 Proposed legislation

Some provisions in the recently proposed Digital Service Act (DSA) might also serve to harmonise the notion of injunctions against providers of digital or intermediary services. First, the DSA states that providers of intermediary services, including also access providers who are the target of blocking injunctions⁽³¹⁾, must specify to the issuing judicial or administrative authority the action taken and the moment it was taken, upon receiving an order to act against illegal content⁽³²⁾. Second, the orders should be harmonised by including, inter alia, (i) a statement of reasons explaining why the information is illegal content under the law; (ii) one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the illegal content; and (iii) information about redress available to the intermediary service and the provider of the content⁽³³⁾. Finally, the DSA sets up a system of national Digital Service Coordinators and providers that '[t]he Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order shall, without undue delay, transmit a copy ... to all other Digital Services Coordinators'⁽³⁴⁾.

2.4 Case-law

Whilst conditions and method for blocking injunctions are a matter of national law, the scope of these injunctions, and in particular whether blocking orders are compatible with EU law, has been confirmed by the CJEU through a number of decisions. Firstly, the CJEU confirms that the notion of 'intermediary' is broad, in particular, encompassing (Internet) access service providers, which is relevant for our purposes⁽³⁵⁾. In justifying this interpretation of the notion of intermediaries, the CJEU explains in *UPC Telekabel* that 'given that the internet service provider is an inevitable actor in any transmission of an infringement over the internet between one of its customers and a third party, since, in granting access to the network, it makes that transmission possible ..., it must be held that an internet service provider ... is an intermediary whose services are used to infringe a copyright or related right within the meaning of Article 8(3) of [the InfoSoc] Directive 2001/29'⁽³⁶⁾. In general, the CJEU clarifies that for an economic operator to be considered as an 'intermediary', it is sufficient that they provide, inter alia, a service capable of being used to infringe IPRs.

⁽³⁰⁾ IPRED, Article 11.

⁽³¹⁾ See Proposal of the European Parliament and of the Council on a Single Market for Digital Services (Digital Service Act) and amending Directive 2000/31/EC, 15 December 2020, COM(2020) 825, Article 2(f).

⁽³²⁾ *ibid.*, Article 8(1).

⁽³³⁾ *ibid.*, Article 8(2)(a).

⁽³⁴⁾ *ibid.*, Article 8(3).

⁽³⁵⁾ Cf. Jan Bernd Nordemann, Website blocking under EU Copyright Law, in Eleonora Rosati (ed.), *The Routledge Handbook of EU Copyright Law*, Routledge, 2021, forthcoming, pp. 362-363.

⁽³⁶⁾ *UPC Telekabel*, para. 32.

Secondly, in *Mc Fadden*, the CJEU clarifies that the ‘mere conduit’ exemption, pursuant to Article 12(1) of the e-commerce Directive, does not preclude a person from claiming injunctive relief from an access provider against the continuation of an infringement occurring through that access provider’s network⁽³⁷⁾. Therefore, injunctions must be available in MS to order an access provider to prevent continuation of the infringement. This implies that copyright holders can seek injunctions to stop future infringements, given that these injunctions respect the balance between the interests at stake and protect fundamental rights⁽³⁸⁾.

Thirdly, the CJEU makes clear that blocking orders would fall under Article 8(3) InfoSoc Directive and Article 11 IPRED⁽³⁹⁾. Besides the general compatibility of blocking injunctions with EU law, *UPC Telekabel* also clarifies that blanket injunctions are compliant with EU law⁽⁴⁰⁾. The CJEU was called to answer the question of whether blocking injunctions should be an obligation of means or an obligation of results. Confirming the latter interpretation of blocking injunctions, the CJEU spelled out the availability under EU law of blocking injunctions that just instruct on the blocking of a certain website without specifying the technical means that should be deployed by the access providers to block access to the relevant infringing content. Therefore, access providers will be liable for non-compliance with the blocking orders regardless of any consideration of the technicalities involved in reaching the result prescribed by the order.

Finally, reaching this conclusion, *UPC Telekabel* also plays a relevant role in potentially supporting the availability under EU law of dynamic blocking injunctions, which are in fact broader injunctions that impose an obligation of results via the blocking of identical or equivalent websites with different IP addresses or URLs, rather than a narrower obligation of using specific technical means to block a specific IP address or URL⁽⁴¹⁾. In addition, the availability of dynamic blocking injunctions is apparently confirmed by the CJEU in *L’Oréal*, when stating that injunctions pursuant to Article 11 of the IPRED must be available ‘to take measures which contribute, not only to bringing to an end infringements of those rights by users of that marketplace, but also to preventing further infringements of that kind’⁽⁴²⁾. Although discussing injunctions as part of the activities of a hosting provider, such as eBay, by concluding that injunctions may be aimed at stopping existing infringements and also preventing

⁽³⁷⁾ See 15/09/2016, C-484/14, Tobias Mc Fadden v Sony Music Entertainment Germany GmbH, EU:C:2016:689 (*Mc Fadden*), para. 79.

⁽³⁸⁾ *ibid.*, para. 101.

⁽³⁹⁾ *UPC Telekabel*, para. 40. See also 14/06/2017, C-610/15, Stichting Brein v Ziggo BV and XS4All Internet BV [2017], EU:C:2017:456 (ordering the Dutch access providers Ziggo and XS4ALL to block the torrent search engine The Pirate Bay).

⁽⁴⁰⁾ *ibid.*, para. 64.

⁽⁴¹⁾ In this context, the conclusions of 03/10/2019, C-18/18, Eva Glawischnig-Piesczek v Facebook Ireland Ltd [2019], EU:C:2019:821 (*Glawischnig-Piesczek*) might also be applied by analogy. In *Glawischnig-Piesczek*, the CJEU has broadened the scope of monitoring ‘in a specific case’ with reference to content identified as illegal by national courts, as in the case of a defamatory comment posted by an anonymous Facebook user. In this case, a platform like Facebook might be requested to block and remove identical content and content with equivalent meaning; however, the elements of equivalent information should be specifically identified in the injunction and the digital service provider should not carry out any independent assessment of the content. Therefore, an argument can be made that blocking injunctions can be applied dynamically to identical or equivalent websites and content to be blocked as long as no independent assessment must be carried out by the access provider subject to the blocking order. See also [OGH 30.03.2020, ORF/Facebook, 4Ob36 / 20b \[4.1\]-\[4.5\]](#) (Austria) (applying *Glawischnig-Piesczek* and concluding that, for an injunction to be lawful under EU law, content similar in its core should be identifiable ‘at first glance’ or determined by ‘technical means’ which would not impose excessive control obligations on Facebook).

⁽⁴²⁾ 12/07/2011, C-324/09, L’Oréal-eBay, EU:C:2011:474 (hereafter ‘*L’Oréal-eBay*’), para. 144. See also 07/07/2016, C-494/15, Tommy Hilfiger, EU:C:2016:528.

further infringements, the CJEU confirms that injunctions with a dynamic scope would be compatible with EU law. This conclusion can be applied *mutatis mutandis* to dynamic blocking of infringing websites by access providers. The Commission has stated that ‘whilst this issue is not expressly addressed in IPRED, the Commission considers that, under the condition that necessary safeguards are provided for, such injunctions can be an effective means to prevent the continuation of an IPR infringement’⁽⁴³⁾.

2.5 Administrative orders

In line with the provision in Article 14(3) of the e-commerce Directive, some SMS have adopted enforcement models in which administrative authorities are also competent to issue website-blocking orders, as is in the case of Greece, Italy, Lithuania and Spain⁽⁴⁴⁾. The following administrative authorities are competent to order blocking injunctions: (i) the Committee for the Notification of Copyright and Related Rights Infringement on the Internet (EDPPI)⁽⁴⁵⁾ (Greece); (ii) the Autorità per le Garanzie nelle Comunicazioni (AGCOM) (Italy); (iii) the Radio and Television Commission of Lithuania⁽⁴⁶⁾ (Lithuania); and (iv) the Comisión de Propiedad Intelectual, Sección Segunda (Spain)⁽⁴⁷⁾. Italy has also endorsed this model, by empowering AGCOM, the Italian Communication Authority, to deal with online copyright enforcement, including the power of issuing blocking orders⁽⁴⁸⁾. Furthermore, at the end of a procedure that occurs online, if the AGCOM decision-making body is satisfied that the alleged infringement has occurred, and the infringing website is hosted outside Italy, it can order ‘mere conduit’ (Internet) service providers to block access to the website⁽⁴⁹⁾. This has led to more than 700 domain names being blacklisted, according to data from 2019⁽⁵⁰⁾, a number that will be growing faster given that the 2018 amended Regulation enables rights holders to request AGCOM to adopt a fast track procedure to issuing dynamic blocking orders⁽⁵¹⁾. In Greece, Italy and Spain, use of the administrative procedure does not prevent the filing of civil or criminal actions, the latter being

⁽⁴³⁾ Guidance, supra fn 21, p. 21. The IPRED communication guidance also aggregates and confirms the abovementioned principles deriving from case-law.

⁽⁴⁴⁾ See Alessandro Cogo and Marco Ricolfi, ‘Administrative Enforcement of Copyright Infringement in Europe’, in Giancarlo Frosio (ed.), *The Oxford Handbook of Online Intermediary Liability*, OUP, Oxford, UK, 2020, pp. 586-602. Please consider that Portugal has also provided an administrative authority, the Inspeção-geral das Atividades Culturais, with copyright enforcement powers. In Belgium, the government had been working on a draft bill aimed at better fighting online copyright infringement (notably via a federal administration department), but there is nothing concrete at the moment.

⁽⁴⁵⁾ See Law 2121/1993, Article 66E.

⁽⁴⁶⁾ See Law on Copyright and Related Rights, Article 78.

⁽⁴⁷⁾ See Spanish Copyright Act, Article 195.

⁽⁴⁸⁾ See Regolamento in materia di tutela del diritto d'autore sulle reti di comunicazione elettronica e procedure attuative ai sensi del decreto legislativo 9 aprile 2003, n. 70 (‘AGCOM Regulation’). See also, for an English commentary of the main provisions and procedures, [Giancarlo Frosio, Italian Communication Authority Approves Administrative Enforcement of Online Copyright Infringement, Stanford CIS Blog, 17 December 2014](#).

⁽⁴⁹⁾ AGCOM Regulation, Article 8, para. 4.

⁽⁵⁰⁾ Cogo and Ricolfi, p. 607.

⁽⁵¹⁾ AGCOM, [Delibera n. 490/18/CONS, Modifiche al Regolamento in materia di tutela del diritto d'autore sulle reti di comunicazione elettronica e procedure attuative ai sensi del decreto legislativo 9 aprile 2003, n. 70, di cui alla delibera n. 680/13/CONS](#), available at www.shorturl.at/lpslM (providing, inter alia, that the Directorate for Media Services, on request from the rights holder, can extend the effects of an already issued blocking order if it deems that the violation is actually the same). See also Cogo and Ricolfi, p. 607 ft. 142.

available in Italy and Spain. In Greece, if the same applicant has already brought the same claim before the ordinary courts, the case will be filed by the EDPPI. In Lithuania, the Vilnius Regional Administrative Court will sanction injunctions made by the Radio and Television Commission of Lithuania.

In Germany, it seems possible that administrative authorities under general criminal procedural law and specific administrative law provisions may request blocking, but there is only limited practice to date. Usually, blocking injunctions are requested under civil law as per Section 7(4) of the German Telemediengesetz (TMG), which implements EU law (Article 8(3) InfoSoc Directive and Article 11 IPRED). In France, administrative authorities can order blocking injunctions for infringement of criminal provisions other than IP (e.g. child pornography or terrorism).

2.6 Soft law

'Soft law' arrangements such as codes of conduct (CoC) or voluntary measures have been established in several of the SMS⁽⁵²⁾. In Denmark and the UK, self-regulatory measures were established between stakeholders in relation to IP. In Denmark, the most notable arrangement is the 'Code of Conduct for handling decisions on blocking access to services, infringing intellectual property rights' between the Telecommunications Industry and the Rights Alliance⁽⁵³⁾. There is a voluntary CoC in place between the major search engines that operate in the UK, including Google, Bing and Yahoo, and other relevant stakeholders in relation to the demotion of copyright-infringing websites. In Belgium, a general CoC adhered to by members of the Belgian Internet Service Providers Association (ISPA)⁽⁵⁴⁾ sets up a central contact point within the judicial police to receive complaints about illegal activity on the internet, including copyright infringement. In Finland, there is a voluntary mechanism to block foreign websites, but its scope is limited to child pornography. The Finnish police maintains a record of foreign child pornography websites, and ISPs may use it to prevent access to them⁽⁵⁵⁾. A specific regulatory framework for developing codes of conduct exists in Italy, which provides that (i) business, professional or consumer associations or organisations promote the adoption of codes of conduct that inform the Ministry of Productive Activities and the European Commission of any useful information on their application and their impact on practices and habits related to e-commerce; (ii) the code of conduct, if adopted, must be made available electronically and will be drawn up, in addition to Italian and English, at least in one other EU language; and (iii) when drawing up codes of conduct, the protection of minors and human dignity must be guaranteed. Internet service providers can implement codes of self-conduct, regulating the review of claims concerning (among others) any unlawful behaviour by their clients⁽⁵⁶⁾.

⁽⁵²⁾ In some SMS, such as the Netherlands, ISPs have been reluctant to enter into a CoC with the copyright industry.

⁽⁵³⁾ The recently revised version of the CoC is dated 18 May 2020 and is available at: <https://rettighedsalliancen.dk/> (in Danish).

⁽⁵⁴⁾ See ISPA Code of Conduct, available at <https://www.ispa.be/code-conduct-fr/>.

⁽⁵⁵⁾ See Act on measures to prevent the distribution of child pornography (2006/1068).

⁽⁵⁶⁾ See Legislative Decree 70/2003, Article 18.

3. Balancing of Rights: The Fundamental Rights Framework

3.1 The fundamental rights framework

The balancing of rights and interests should guide the issuance of static and dynamic blocking injunctions and their availability. First, in order to guarantee proportional balancing of fundamental rights⁽⁵⁷⁾, DBI must be consistent with the constitutional legal framework set up by the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention of Human Rights or ECHR)⁽⁵⁸⁾, as interpreted by the ECtHR and, in particular, by the Charter of Fundamental Rights of the European Union (EU Charter)⁽⁵⁹⁾, as interpreted by the CJEU. In this regard, the fundamental right to freedom of expression, under Article 10 ECHR and Article 11 EU Charter, does not solely guarantee the right to impart information but also to the right of the public to receive information⁽⁶⁰⁾, including the ‘right to internet access’, a right that is becoming fundamental in the eyes of many⁽⁶¹⁾. The rationale behind the ‘right to internet access’ is that ‘the Internet, by facilitating the spreading of knowledge, increases freedom of expression and the value of citizenship’⁽⁶²⁾. The Council of Europe expressly stated that access to the internet is a ‘fundamental right’ in a response to a proposal on ‘three-strikes’ legislation⁽⁶³⁾. In a June 2009 decision on the first HADOPI law, the French Constitutional Council stated that ‘[i]n the current state of the means of communication and given the generalised development of public online communication services and the importance of the latter for the participation in democracy and the expression of ideas and opinions, [the right to freedom of expression] implies freedom to access such services’⁽⁶⁴⁾. The status of the fundamental right of the right of access to the internet has been highlighted by several high-

⁽⁵⁷⁾ Christophe Geiger, Giancarlo Frosio and Elena Izyumenko, Intermediary Liability and Fundamental Rights, in Giancarlo Frosio (ed.), *The Oxford Handbook of Online Intermediary Liability*, OUP, Oxford, UK 2020, pp. 138-152.

⁽⁵⁸⁾ Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in Rome on 4 November 1950, amended by Protocols 11, which entered into force on 1 November 1998, and 14, which entered into force on 1 June 2010, and supplemented by Protocols 1, 4, 6, 7, 12 and 13 (ECHR).

⁽⁵⁹⁾ See Charter of Fundamental Rights of the European Union, 2012 OJ (C 326) 391.

⁽⁶⁰⁾ See for example *Times Newspapers Ltd (Nos 1 and 2) v United Kingdom* App. nos 3002/03 and 23676/03 (ECtHR, 10 March 2009) para. 27; *Ahmet Yildirim v Turkey* App. no. 3111/10 (ECtHR, 18 December 2012) (hereafter ‘*Yildirim*’) para. 50; *Guseva v Bulgaria* App. no. 6987/07 (ECtHR, 17 February 2015) para. 36; *Cengiz and Others v Turkey* App. nos 48226/10 and 14027/11 (ECtHR, 1 December 2015) (hereafter ‘*Cengiz*’) para. 56. On the public’s right to receive information, see also Christophe Geiger, Author’s Right, Copyright and the Public’s Right to Information: A Complex Relationship, in Fiona Macmillan (ed.), *New Directions in Copyright Law*, Edward Elgar, 2007, 5, p. 24.

⁽⁶¹⁾ See on this question, Nicola Lucchi, Access to Network Services and Protection of Constitutional Rights: Recognizing the Essential Role of Internet Access for the Freedom of Expression, *Cardozo J. of Int’l and Comp L.*, 2011, 19(3), p. 645; Molly Land, Toward an International Law of the Internet, *Harv. Int’l L.J.*, 2013, 54(2), p. 393.

⁽⁶²⁾ See Marshall Conley and Christina Patterson, Communication, Human Rights and Cyberspace, in Steven Hick, Edward Halpin and Eric Hoskins (eds.), *Human Rights and the Internet*, Macmillan, London, UK, 2000, p. 211.

⁽⁶³⁾ See Internet Access is a Fundamental Right, BBC News, 8 March 2010, available at <http://news.bbc.co.uk/2/hi/technology/8548190.stm>.

⁽⁶⁴⁾ Conseil constitutionnel [Constitutional Council], Decision no. 2009-580 DC of 10 June 2009, s. 12.

profile organisations, including the UN Human Rights Council⁽⁶⁵⁾ and the ITU-UNESCO Commission⁽⁶⁶⁾. The ECtHR concluded, after conducting a survey of legislations in 20 Council of Europe MS, that:

[t]he right to Internet access is considered to be inherent in the right to access information and communication protected by national Constitutions and encompasses the right for each individual to participate in the information society and the obligation for States to guarantee access to the Internet for their citizens⁽⁶⁷⁾.

This makes any action that affects the accessibility of the internet an interference with the rights guaranteed by Article 10 ECHR⁽⁶⁸⁾. In particular, websites, as means of dissemination of information, benefit from the protection afforded under Article 10 ECHR, since ‘any restriction imposed on such means necessarily interferes with the right to receive and impart information’⁽⁶⁹⁾. The European Commission echoed this by stating: ‘[a]ny limitations to access to the Open Internet can impact on end-users’ freedom of expression and the way in which they can receive and impart information ... there are many instances when unjustified blocking and throttling occurs’⁽⁷⁰⁾. Consequently, a Google service facilitating the creation and sharing of websites⁽⁷¹⁾, as well as a video-hosting website⁽⁷²⁾ and a website enabling users to share digital content⁽⁷³⁾, were regarded as means of information dissemination. Article 10 ECHR and Article 11 EU Charter provide at least five conditions that can be extracted from the practice of the European Courts and that a court must consider when ruling on a website-blocking case. First, the manner of the site usage. Second, the effect on legitimate communication caused by blocking the site. Third, the public interest in accessing the information. Fourth, whether the information is available in another form. Fifth, the effect on internet users and intermediaries under Article 10 ECHR⁽⁷⁴⁾.

⁽⁶⁵⁾ See UN General Assembly, Human Rights Council Resolution, The Promotion, Protection and Enjoyment of Human Rights on the Internet, A/HRC/RES/20/8, twentieth session, 16 July 2012.

⁽⁶⁶⁾ See Kaitlin Mara, ITU-UNESCO Broadband Commission Aims at Global Internet Access, IPWatch, 10 May 2010.

⁽⁶⁷⁾ *Yildirim*, supra fn 60, para. 31.

⁽⁶⁸⁾ See *Cengiz*, supra fn 60, para. 57.

⁽⁶⁹⁾ *Yildirim*, supra fn 60, para. 50. See also *Cengiz*, supra fn 60, para. 56.

⁽⁷⁰⁾ European Commission, Staff Working Document, Impact Assessment Accompanying the Document Proposal for a Regulation of the European Parliament and of the Council laying down measures concerning the European single market for electronic communications and to achieve a Connected Continent, and amending Directives 2002/20/EC, 2002/21/EC and 2002/22/EC and Regulations (EC) No. 1211/2009 and (EU) No. 531/2012, SWD (2013) 331 final, s. 3.4.

⁽⁷¹⁾ See *Yildirim*, supra fn 60, para. 49.

⁽⁷²⁾ See *Cengiz*, supra fn 60, para. 54.

⁽⁷³⁾ See *Neij and Sunde Kolmisoppi v Sweden* (dec.) App. no. 40397/12 (ECtHR, 19 February 2013).

⁽⁷⁴⁾ See for further detailed discussion, Christophe Geiger and Elena Izyumenko, Blocking Orders: Assessing Tensions with Human Rights, in Giancarlo Frosio (ed.), *The Oxford Handbook of Online Intermediary Liability*, OUP, Oxford, UK, 2020, 566-585, Christophe Geiger and Elena Izyumenko, The Role of Human Rights in Copyright Enforcement Online: Elaborating a Legal Framework for Website Blocking, (2016) 32(1) *AJILR* 43.

In the recent cases of *Vladimir Kharitonov v Russia*⁽⁷⁵⁾, *OOO Flavus and Others v Russia*⁽⁷⁶⁾, *Bulgakov v Russia*⁽⁷⁷⁾, and *Engels v Russia*⁽⁷⁸⁾, the ECtHR addressed the problem of wholesale blocking. Where the authorities targeted entire websites without distinguishing between the legal and illegal content, it was found to be the equivalent of banning a newspaper or television station⁽⁷⁹⁾. This ‘deliberately disregards the distinction between the legal and illegal information the website may contain, and renders inaccessible large amounts of content which has not been identified as illegal’⁽⁸⁰⁾. The ECtHR examined blocking measures where whole websites were blocked due to a single piece of content, as well as continued blocking even after the infringing content had been removed⁽⁸¹⁾. All these measures were found to be unlawful, including in cases regarding prohibited e-books⁽⁸²⁾ and information about filter-bypassing technologies⁽⁸³⁾. Shortcomings identified by the ECtHR included the broad discretion to impose blocking measures afforded by law to an executive agency, causing content to be blocked arbitrarily and excessively. Therefore, the powers of state authorities must be clearly circumscribed to minimise the impact of these measures on internet access⁽⁸⁴⁾. The ECtHR also drew attention to the lack of procedural guarantees, notably the absence of court orders sanctioning blocking measures, impact assessments prior to implementation, advance notification to affected parties and proportionality assessments in court decisions, before implementing blocking measures⁽⁸⁵⁾. Therefore, although website-blocking orders are not per se contrary to Article 10 ECHR, this particular measure should be considered within a balanced legislative framework that contains robust safeguards against abuse.

Similarly, although the CJEU has confirmed the availability of blocking orders under EU law, the CJEU case-law has also recognised users’ rights as enforceable against injunctions that might curb their freedom of expression online⁽⁸⁶⁾. First, in the *McFadden* judgment, the CJEU has confirmed that injunctions against access providers to prevent the continuation of an infringement occurring through their network are available only if such injunctions respect the balance between the interests at stake and protect fundamental rights, with special emphasis on the right to protection of intellectual property, the provider’s freedom to conduct business, and the freedom of information of the recipients of the service⁽⁸⁷⁾. According to the CJEU, in order not to impinge on fundamental rights, measures adopted to implement a blocking order must be strictly targeted by (1) bringing to an end a third-party’s copyright or related right infringement, (2) without thereby affecting internet users using the online

⁽⁷⁵⁾ App. no. 10795/14 (ECtHR, 23 June 2020) (*‘Kharitonov’*). For commentary, see Elena Izyumenko, *European Court of Human Rights Rules That Collateral Website Blocking Violates Freedom of Expression* (2020) 15(10), *JiPLP* 774-775.

⁽⁷⁶⁾ App. nos 12468/15, 23489/15 and 19074/16 (ECtHR, 23 June 2020) (*‘Flavus’*).

⁽⁷⁷⁾ App. no. 20159/15 (ECtHR, 23 June 2020) (*‘Bulgakov’*).

⁽⁷⁸⁾ App. no. 61919/16 (ECtHR, 23 June 2020) (*‘Engels’*).

⁽⁷⁹⁾ *Kharitonov*, supra fn 75, para. 38; *Flavus*, supra fn 76, para. 37.

⁽⁸⁰⁾ *ibid.*; *Bulgakov*, supra fn 77, para. 34.

⁽⁸¹⁾ *ibid.*, para. 30.

⁽⁸²⁾ *ibid.*

⁽⁸³⁾ *Engels*, supra fn 78, para. 29.

⁽⁸⁴⁾ *Kharitonov*, supra fn 75, paras 38, 43.

⁽⁸⁵⁾ *ibid.*, paras 43, 45.

⁽⁸⁶⁾ *UPC Telekabel*, supra fn 11, para. 57. See also Christophe Geiger and Elena Izyumenko, ‘Blocking Orders’, pp. 566-585 (highlighting the difficult coexistence between blocking orders and fundamental rights, including freedom of expression and freedom to conduct a business).

⁽⁸⁷⁾ *Mc Fadden*, supra fn 37, paras 80-101.

services in order to lawfully access information⁽⁸⁸⁾. Otherwise, the users' right of freedom of information would be unjustly limited, and measures cannot be issued. The CJEU has also acknowledged that the blocking of websites involves the right of freedom of expression of internet access providers⁽⁸⁹⁾. This has been highlighted by the Advocate General (AG) in the case of *Telekabel*: '[a]lthough it is true that, in substance, the expressions of opinion and information in question are those of the ISP's customers, the ISP can nevertheless rely on that fundamental right by virtue of its function of publishing its customers' expressions of opinion and providing them with information'⁽⁹⁰⁾. The AG made reference to ECtHR precedent that provided 'Article 10 guarantees freedom of expression to "everyone", [with] [n]o distinction [being] made in it according to the nature of the aim pursued or the role played by natural or legal persons in the exercise of that freedom'⁽⁹¹⁾. Furthermore, the ECtHR noted that although 'publishers do not necessarily associate themselves with the opinions expressed in the works they publish, ... by providing authors with a medium they participate in the exercise of the freedom of expression'⁽⁹²⁾.

In all SMS, fundamental rights must be considered by courts when balancing rights and interests in issuing blocking orders. In fact, ordinary courts, administrative courts and authorities in the SMS have been specifically referring to fundamental rights balancing either directly or indirectly⁽⁹³⁾. Freedom of expression and information is broadly cited (e.g. in Belgium, Denmark⁽⁹⁴⁾, France, Ireland, Italy, the Netherlands, Sweden and the UK), followed by the freedom to conduct a business (e.g. in Belgium, Ireland, the Netherlands and Sweden), right to property (e.g. in France, Sweden and the UK) and the protection of personal data (e.g. in Ireland). Fundamental rights analysis is based on different instruments depending on the SMS, including the ECHR and the EU Charter (e.g. in Belgium, France⁽⁹⁵⁾, Ireland⁽⁹⁶⁾, Italy and the UK⁽⁹⁷⁾), national constitutions (e.g. in Denmark⁽⁹⁸⁾ and Italy⁽⁹⁹⁾),

⁽⁸⁸⁾ See *UPC Telekabel*, supra fn 11, para. 57.

⁽⁸⁹⁾ See on this issue extensively, Geiger and Izyumenko 'The Role of Human Rights in Copyright Enforcement Online', supra fn 74, 43 ff.

⁽⁹⁰⁾ See *UPC Telekabel*, 2013, Opinion of AG Villalón ECLI:EU:C:2013:781, para. 82 (hereafter '*Telekabel*, Opinion of AG Villalón').

⁽⁹¹⁾ *Öztürk v Turkey* App. no. 22479/93 (ECtHR, 28 September 1999) para. 49.

⁽⁹²⁾ Ibid.

⁽⁹³⁾ Some exceptions apply. For example, some Spanish courts have not explicitly considered fundamental rights. See [Juzgado de lo Mercantil no. 7, Madrid \[Commercial Court no. 7 of Madrid\], 11 February 2020, Telefónica Audiovisual Digital v. Vodafone España et al., decision no. 2174/2019, ECLI: ES:JMM:2020:2](#) ('Commercial Court of Madrid 2174/2019'). Finnish courts seem to make only indirect references to fundamental rights. When assessing the reasonability of the measures, the Finnish Market Court, although considering possible effects of an injunction on all parties involved, has not however directly cited fundamental rights and freedoms. The court has only made reference to the Copyright Act and its preparatory works, where the rights are tightly connected to several fundamental rights protected by the Finnish Constitution, such as freedom of expression and right of access to information, protection of property, and the right to work and the freedom to engage in commercial activity.

⁽⁹⁴⁾ The freedom of expression was said to be the only fundamental rights mentioned in Danish cases. Reference to fundamental right balancing seems to be rarer than in other SMS.

⁽⁹⁵⁾ See TGI Paris, 15 December 2017, no. 17/13471 ('TGI Paris 17/13471').

⁽⁹⁶⁾ See *Sony Music Entertainment (Ireland) & Ors v UPC Communications Ireland Ltd* [2016] IECA 231 (mentioning freedom to receive or impart information; right to protection of personal data; and freedom to conduct a business).

⁽⁹⁷⁾ See *Newzbin2* [2011] EWHC 1981 (Ch) ('*Newzbin2*') and *EMI Records Limited v Sky* [2013] EWHC 379 (Ch).

⁽⁹⁸⁾ § 77 of the Danish Constitution (freedom of expression).

⁽⁹⁹⁾ Section 21 of the Italian Constitution (freedom of expression).

and/or IP provisions, with special emphasis on communication to the public (e.g. in Belgium and Germany).

In France and the UK, judges have been specifically discussing the balancing between freedom of expression and information and the right to property, while considering the limitations that blocking injunctions can impose on freedom of expression. French courts held that in balancing freedom of expression as protected by Article 10 of the ECHR and the rights of authors or producers, it should be borne in mind that the latter suffer serious prejudice as a result of the hundreds of thousands of visitors to the disputed sites⁽¹⁰⁰⁾. Therefore, French courts, after having considered freedom of expression and information, and on occasions the freedom to conduct a business, upheld blocking measures as strictly necessary to preserve the plaintiffs' rights as they make it possible to prevent or stop massive copyright infringement, as long as they are targeted towards precisely identified domain names and limited in time. In the UK, courts have reached similar conclusions. For instance, in *Newzbin2* the judge noted that:

in general, I am satisfied that the order sought by the Studios is a proportionate one. It is necessary and appropriate to protect the Article 1 First Protocol rights of the Studios and other copyright owners. Those interests clearly outweigh the Article 10 rights of the users of *Newzbin2*, and even more clearly outweigh the Article 10 rights of the operators of *Newzbin2*. They also outweigh BT's own Article 10 rights to the extent that they are engaged. The order is a narrow and targeted one, and it contains safeguards in the event of any change of circumstances⁽¹⁰¹⁾.

In *EMI Records*, and in the context of website blocking orders targeting copyright-infringing BitTorrent websites, the judge held, in a similar fashion, that IPRs:

clearly outweigh the Charter Article 11 rights of the users of the Websites, who can obtain the copyright works from many lawful sources. They even more clearly outweigh the Article 11 rights of the operators of the Websites, who are profiting from infringement on an industrial scale. They also outweigh the Defendants' Article 11 rights to the extent that they are engaged⁽¹⁰²⁾.

The same balancing has been found in the case of live blocking. In *Football Association Premier League (FAPL) Ltd v British Telecommunications plc* [2017] EWHC 480 (Ch), a UK court has compared FAPL's copyright, access providers' freedom to conduct a business and internet users' freedom to impart or receive information by finding that (i) FAPL, as well as its licensees BT and Sky, had a legitimate interest in curtailing the infringement of its copyright; (ii) given FAPL's role in supporting sport in the UK and the substantial contributions it has made and its licensees to the UK economy, there was a public interest in combating infringements of its rights; (iii) the orders sought would not impair the substance of the access providers' right to conduct a business as it would not interfere with the provision of their services to their customers or require investment in new

⁽¹⁰⁰⁾ See TGI Paris 17/13471, supra fn 95.

⁽¹⁰¹⁾ *Newzbin2*, supra fn 97, para. 200.

⁽¹⁰²⁾ *EMI Records*, supra fn 97, para. 107.

technology⁽¹⁰³⁾; and (iv) the freedom of internet users to impart or receive information did not extend to a right to engage in copyright infringement.

In sum, the availability of static and dynamic website blocking injunctions is compelled on international courts, such as the ECtHR and CJEU, by the need to find a proportional equilibrium between competing rights – given the scale of the costs of online enforcement – according to the doctrine of ‘fair balance’ among fundamental rights⁽¹⁰⁴⁾. According to this principle, as construed by the CJEU, the ECtHR and national courts, blocking injunctions should be available only if they are strictly targeted to bring infringement to an end and if they do not impinge on fundamental rights. The same applies to dynamic blocking, which actually, on one side, increases targeting and efficiency of IP enforcement and, on the other side, could expand over-blocking of non-infringing material. Targeting and efficiency are especially enhanced by live blocking injunctions, which allow for new servers to be identified, while over-blocking is limited by de-blocking older servers after a brief period of time.

3.2 Proportionality

3.2.1 EU law

Second, in balancing rights and interests when issuing DBI, competent courts and authorities need also to comply with Article 3 of the IPRED and the general principles of EU law. Therefore, these measures must (1) be fair and equitable; (2) not be unnecessarily complicated or costly; (3) not entail unreasonable time limits or unwarranted delays; (4) be effective, proportionate and dissuasive; (5) be applied in such a manner as to avoid the creation of barriers to legitimate trade; and (6) provide for safeguards against their abuse⁽¹⁰⁵⁾. In consideration of Recital 41 of the e-commerce Directive, which strives for a balance of different interests at stake, an injunction under Article 18(1) therein should not impose an ‘excessive obligation’ on the internet service provider⁽¹⁰⁶⁾. In addition, Recitals 58 and 60 of the e-commerce Directive clarify that, ‘[i]n order to allow the unhampered development of electronic commerce’, EU rules and the measures ‘must be clear and simple, predictable and consistent with the rules applicable at international level’⁽¹⁰⁷⁾.

⁽¹⁰³⁾ The orders would only impose additional operating costs on the access providers, while any risk of reputational damage, particularly in the event of over-blocking, was not considered to be significant.

⁽¹⁰⁴⁾ See for example 24/11/2011, C-70/10, *Scarlet Extended SA v Société belge des auteurs, compositeurs et éditeurs SCRL (SABAM)*, 2011, EU:C:2011:771, paras 43-44; 16/02/2012, C-360/10, *Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) v Netlog NV*, 2012, EU:C:2012:85, para. 52; *UPC Telekabel*, supra fn 11, para. 49; 13/05/2014, C-131/12, *Google Spain SL v Agencia Espanola de Protección de Datos*, 2014, EU:C:2014:317, para. 96. See also Christina Angelopoulos, *Harmonizing Intermediary Copyright Liability in the EU: A Summary*, in Giancarlo Frosio (ed.), *The Oxford Handbook of Online Intermediary Liability*, OUP, Oxford, UK, 2020, pp. 317-333; Christina Angelopoulos, ‘Sketching the Outline of a Ghost: The Fair Balance between Copyright and Fundamental Rights in Intermediary Third Party Liability’, *Info*, 2015, Vol. 17(6), p. 87; Christina Angelopoulos and Stijn Smet, *Notice-and-Fair-Balance: How to Reach a Compromise Between Fundamental Rights in European Intermediary Liability*, *J. of Media L.*, 2016, Vol. 8(2), pp. 266, 294-300; Knud Wallberg, *Notice and Takedown of Counterfeit Goods in the Digital Single Market: A Balancing of Fundamental Rights*, *JiPLP*, 2017, Vol. 12(11), pp. 922-936.

⁽¹⁰⁵⁾ IPRED, Article 3.

⁽¹⁰⁶⁾ *Glawischnig-Piesczek*, supra fn 41, para. 44 (discussing obligation of hosting providers).

⁽¹⁰⁷⁾ e-commerce Directive, supra fn 26, Recital 60.

3.2.2 National standards

In most SMS, courts must assess the proportionality of the measure, which is usually done on a case-by-case basis according to several national standards, for example.

- (i) In Belgium, France and Ireland, courts have concluded that the mere fact that an injunction is not capable of ending illegal activities does not make it disproportionate, as long as it is sufficient that the injunction seriously discourages internet users from engaging in infringing activities, making the infringement more difficult⁽¹⁰⁸⁾. In light of these proportionality considerations, Belgian courts generally order DNS blocking, which is easier to bypass, rather than IP blocking, which is more effective for rights holders but more costly, more difficult to implement and riskier because of the undesirable collateral effects it may cause for intermediaries.
- (ii) In France, courts held blocking measures proportionate. They do not apply the principle of subsidiarity according to which the implementation of measures should only take place after measures have been taken against those directly liable for the infringement⁽¹⁰⁹⁾.
- (iii) In Denmark, blocking injunctions can be applied as a last resort, if other remedies cannot be effectively applied, as, according to general principles, injunctions should not be issued when they can be replaced by penalties, damages and securities⁽¹¹⁰⁾. In particular, courts should not grant injunctions 'if it will cause harm or inconvenience to the other party which is manifestly inconsistent with the party's interest in issuing the prohibition or injunction'⁽¹¹¹⁾.
- (iv) German courts have concluded that the presence of just some legal content is insufficient to prevent a website been blocked and that a case-by-case assessment must always be performed by the courts. In particular, the operator of a website, whose business model is based on copyright infringement, cannot hide behind a tiny fraction of legal content, to the extent that the Bundesgerichtshof (BGH), the German Federal Court of Justice, has found blocking reasonable for websites containing only 4 % legal content⁽¹¹²⁾. A similar standard seems to be applied by the CJEU as well in *Ziggo*, which requires a de facto substantial non-infringing uses standard for avoiding primary liability and, thus, for imposing blocking injunctions pursuant to Article 8(3)

⁽¹⁰⁸⁾ See for example Prés. civ. Bruxelles, 9 August 2013, *A&M*, 2014, pp. 499-508; Anvers, 26 September 2011, *A&M*, 2012, p. 220. See also Prés. tribunal d'arrondissement de Luxembourg, 16 March 2016, *A&M*, 2016, pp. 146-157; in France, TGI Paris 17/13471, supra fn 95 (noting that 'neither Article L. 336-2 of the Intellectual Property Code nor the European Union texts ... pursuant to which it was enacted, make its implementation subject to the justification of the absolute effectiveness of the measures ordered'); in Ireland *The Football Association Premier League Limited v Eircom Limited & Ors* [2020] IEHC 332 ('*FAPL 2020*') (concluding that blocking injunctions do not need to have 100 % success as long as the remedy has a significant persuasive effect).

⁽¹⁰⁹⁾ See TGI Paris 17/13471, supra fn 95.

⁽¹¹⁰⁾ See Administration of Justice Act (AJA), § 414, 1 (stating 'Prohibitions or injunctions cannot be issued when it is deemed that the general rules of the law on penalties and damages and possibly a security offered by the counterparty provide the party with sufficient protection').

⁽¹¹¹⁾ *ibid.*, § 414, 2.

⁽¹¹²⁾ See BGH, 26 November 2015, *Störerhaftung des Access-Providers*, I ZR 174/14. See also Nordemann, supra fn 35, p. 370.

of the InfoSoc Directive on access providers⁽¹¹³⁾. Apparently, a substantial non-infringing uses approach – that excludes defences based on limited availability of legal content on the websites for which blocking injunctions are sought – might emerge as an EU-wide standard for blocking injunctions.

- (v) Some SMS have clarified that blocking injunctions cannot lead to general monitoring. In Finland, the Market Court referred to the Government’s Proposal for the amendment of the Copyright Act in 2015, stating that blocking injunctions cannot lead to general monitoring obligation for intermediaries⁽¹¹⁴⁾. The Market Court should take into consideration to what extent the order would prevent other legitimate activities, especially the right of the third parties to receive and impart information, and whether the nature and severity of the allegedly copyright-infringing activities would outweigh those⁽¹¹⁵⁾. In imposing dynamic measures against Google, French courts clarified that they did not consist of a general monitoring and filtering obligation, since Google is simply asked to delist mirror sites of the sites listed in the decision.
- (vi) In the UK, courts are always required to assess the proportionality of a blocking injunction, ensuring that the order is appropriate, even if the terms have already been agreed by the parties. In *Dramatico Entertainment*, the High Court affirmed ‘where ... the terms of the orders have been negotiated between the parties [the Court must still] independently ... consider the proportionality of the proposed orders from the perspective of individuals affected by them who are not before the Court’⁽¹¹⁶⁾.

3.2.3 Injunction against some but not all access providers

In Ireland and Spain, a blocking injunction requested against a few but not all ISPs (e.g. against 2 out of 10 existing ones) can be rejected on the basis of proportionality considerations. Spanish courts have been considering the need to preserve homogeneity among ISPs, so that the implementation of blocking orders does not result in a migration of clients to those ISPs that do not implement blocking⁽¹¹⁷⁾. In most SMS, however, that is not the case (e.g. in Belgium, Finland, France, Germany, Italy and the UK). In France, courts noted, in validating the selective application of the blocking injunction, that the clientele of the defendants represented the majority of French internet users, which justifies the measures⁽¹¹⁸⁾. In Italy, courts gave a negative answer to the same question⁽¹¹⁹⁾. In the

⁽¹¹³⁾ See *Ziggo*, supra fn 39, para. 12; 26/04/2017, C-527/15, *Stichting Brein v Jack Frederik Wullems*, 2017, EU:C:2017:300, para. 51. See also Giancarlo Frosio, *It’s all linked: How communication to the public affects internet architecture*, *Computer Law & Security Review*, 2020, Vol. 37, p. 16.

⁽¹¹⁴⁾ Government’s Proposal 181/2015, p. 53.

⁽¹¹⁵⁾ *ibid.*, 54.

⁽¹¹⁶⁾ *Dramatico Entertainment Ltd v British Sky Broadcasting Ltd & Others* [2012] EWHC 1152 (Ch), para. 11.

⁽¹¹⁷⁾ See Commercial Court of Madrid 2174/2019, supra fn 93.

⁽¹¹⁸⁾ e.g. Google search engine.

⁽¹¹⁹⁾ Italian Supreme Court, 17 July 2015, no. 31022 (‘With reference to preventive seizure, the judicial authority, if the conditions of the “*fumus commissi delicti*” and the “*periculum in mora*” are met, may order, in compliance with the principle of proportionality, the preventive seizure of an entire website or a single telematic page, requiring the provider of internet services, even in an emergency, to obscure an electronic resource or to prevent access to users in accordance with Articles 14, 15 and 16 of Legislative Decree no. 70 of 9 April 2003, as the equalization of computer data with things in the

UK, in *Newzbin2*, Arnold J stated that he could ‘see nothing in Recital (59), Article 8(3) or section 97A which obliges rightsholders to seek injunctions against all relevant intermediaries. As with any other legal remedy, the [applicants] are entitled to decide against whom to seek the remedy’⁽¹²⁰⁾.

3.2.4 Risk of over- and under-blocking

In most SMS, dynamic injunctions address the risk of over- and under-blocking (e.g. in Denmark, France, Germany, Ireland, Italy, the Netherlands, Sweden and the UK), although some might be lacking in that respect (e.g. Lithuania and Spain). A number of different strategies have been put in place in the SMS to address the risk.

- (i) In France, case-law makes rights holders responsible for informing intermediaries if some of the ‘access roads’ to the illicit websites mentioned in the decision are no longer active or no longer give access to infringing content.
- (ii) In Ireland, the measures to address over-blocking are agreed in advance between the parties and then approved by the Court.
- (iii) In Italy, dynamic injunctions usually balance conflicting interests of rights holders and access providers by limiting the scope of injunctions so as to avoid over-blocking⁽¹²¹⁾.
- (iv) In the Netherlands, the absence of the alleged infringers in the procedure means that the judge has to be cautious about measures concerning access to the internet⁽¹²²⁾. If an order or measure imposed as a result of these proceedings should at any future time appear to be no longer compatible with a fair balance between the fundamental rights concerned because of changed circumstances, Dutch law provides sufficient possibilities for the adequate protection of those fundamental rights which the CJEU has in mind in the *UPC Telekabel* judgment.
- (v) In the UK, courts must take into account the risks of over- or under-blocking of access providers. In this respect, the orders must ‘contain a number of safeguards against abuse, such as permitting both the ISPs and the operators of the target websites to apply to the Court to discharge or vary the orders in the event of any material change of circumstances’⁽¹²³⁾. For example (i) where an IP address ceases to be a location that enables access to the infringing content, or (ii) where a target website moves to an IP address where the server at that IP address hosts a site or sites that are not part of a target website, the access provider, or any affected third party, must be able to challenge the decision with the court.

legal sense allows to inhibit the availability of information on the network and to prevent the continuation of the harmful consequences of the crime’).

⁽¹²⁰⁾ *Newzbin2*, supra fn 97, para. 14.

⁽¹²¹⁾ See for example Court of Milan, 3 September 2019 (ordering to block access to ‘the aliases resulting from changes to the second level domain relating to all current sites-showcase and those associated with the main servers indicated provided that – in addition to referring to the same illegal content considered above – the subjective connection with the subjects responsible for the illegal activity currently in place is objectively detectable also through communications from the subjects responsible to their respective subscribers of specific indications to reach another site otherwise named’).

⁽¹²²⁾ Court of The Hague, *Brein v Ziggo/XS4All*, 11 January 2012, § 4.44.

⁽¹²³⁾ See *Cartier Int’l v British Sky Broadcasting* [2014] EWHC 3354 (Ch), para. 262 (*Cartier* 2014).

Risk of over-blocking is tightly scrutinised in live blocking orders. In the UK, which has more widely used this measure so far, the applicant (i) must reasonably believe that any server notified for blocking has the sole or predominant purpose of enabling or facilitating access to infringing streams; and (ii) must not know or have reason to believe, that the server is being used for any other substantial purpose. Further, to reduce the risk of over-blocking, the list of servers to be blocked is reset periodically (in the later Premier League cases as often as weekly)⁽¹²⁴⁾ in order to ensure that servers are not blocked for longer than necessary.

4. Availability and Issuance Requirements

4.1 Blocking injunctions

4.1.1 Availability

In all the SMS, blocking injunctions are available in the context of (alleged) IPR infringements. The legal basis for blocking injunctions is provided by national legal instruments transposing Article 8(3) of the InfoSoc Directive and Article 11 of the IPRED and/or other national legislation⁽¹²⁵⁾.

4.1.2 Subject matter

Traditionally issued to block access to copyright-infringing websites⁽¹²⁶⁾, blocking injunctions have been broadening their scope to different IPRs, including trade marks, and potentially other IPRs. Blocking injunctions apply to different subject matter depending on the different jurisdictions. France, Greece and Ireland have an emphasis on copyright and related rights, while Belgium, Finland, Germany, Italy, Lithuania, the Netherlands, Spain and the UK have broader coverage expanding to IPRs in general⁽¹²⁷⁾. Obviously, in the SMS, website blocking is also available as a remedy against other miscellaneous forms of infringement of civil and criminal law, including defamation, child pornography, and dangerous and terrorist speech.

⁽¹²⁴⁾ See *Football Association Premier League Ltd v British Telecommunications plc* [2018] EWHC 1828 (Ch) (FAPL 2018).

⁽¹²⁵⁾ Unlike most SMS, Germany has not implemented this provision by statute, relying instead on the courts to develop jurisprudence concerning contributory infringement into an instrument effectively implementing Article 8(3), via the application of the so-called *Störerhaftung* doctrine. See *infra* fn 161. In this context, in 2015 the *Bundesgerichtshof* (BGH), the German Federal Court of Justice, has ordered website blocking for the first time in two landmark decisions. In these cases, the BGH ordered access providers to block access to websites providing links to predominantly illegal content. See BGH, *Störerhaftung des Access-Providers*, *supra* fn 112.

⁽¹²⁶⁾ See for example *Nordemann*, *supra* fn 35, pp. 363-366 (noting that website blocking has primarily concerned infringements of the rights of communication to the public).

⁽¹²⁷⁾ As well as including copyright infringement, such as circumvention of technical measures. See *infra* para. 5.1.2.

4.1.3 Targeted intermediaries

In the SMS, blocking injunctions have been granted against the following intermediaries: (i) any 'intermediaries' whose services are used by a third party to infringe relevant IPRs (e.g. Belgium (including DNS registries), Finland⁽¹²⁸⁾, France, Greece, Italy, Lithuania (preliminary injunctions), the Netherlands, Spain); (ii) internet access providers/internet service providers (Germany, Denmark, Ireland, Lithuania (final injunctions), Sweden and the UK). In Denmark, blocking injunctions could also be applied to 'web hosting service providers'. In Germany, the notion also includes DNS resolver providers (in the case of DNS blocks)⁽¹²⁹⁾ and Wi-Fi providers.

4.1.4 Issuance requirements

Requirements for obtaining a blocking injunction differ in the SMS. There are, however, some common general requirements, including: (i) to provide evidence of the allegedly infringed entitlements such as ownership of the rights and the status of the rights holder acting to protect relevant interests (e.g. in Germany, Italy and Spain); (ii) to demonstrate that the blocking injunction is aimed at an **infringing service provider and/or whose services are being used to infringe** (e.g. in Belgium, Denmark, Finland, France, Germany, Greece, Italy, Lithuania, the Netherlands⁽¹³⁰⁾, Sweden and the UK), which implies also the provision of evidence of the alleged infringement⁽¹³¹⁾; (iii) that the requested blocking injunction is proportionate (e.g. in Belgium, Germany⁽¹³²⁾, Ireland, the Netherlands⁽¹³³⁾, Spain, Sweden and the UK); (iv) that the requested blocking injunction is appropriate (e.g. Sweden and the UK) and/or necessary (e.g. Ireland), which sometimes is understood as the requirement to demonstrate that there is 'no other reasonable option' (Germany)⁽¹³⁴⁾ or that without the requested blocking injunction the rights holders will be severely prejudiced (e.g. Denmark, Finland and Lithuania); (v) that the requested blocking injunction is 'reasonable' (e.g. Finland, Germany⁽¹³⁵⁾ and Ireland)⁽¹³⁶⁾.

⁽¹²⁸⁾ In Finland, the concept of 'intermediary' does not apply, for instance, to 'community subscribers or property intranet owners'.

⁽¹²⁹⁾ See OLG Köln, GRUR 2021, 70 – Herz Kraft Werke.

⁽¹³⁰⁾ See Copyright Act, Article 26d; Related Rights Act, Article 15e.

⁽¹³¹⁾ This requirement is complemented by other criteria in some SMS, e.g. Sweden requires that the service is 'complicit' and the UK requires that the service has 'actual knowledge' of the infringement.

⁽¹³²⁾ See below fn 134.

⁽¹³³⁾ See Copyright Act, Article 26d; Related Rights Act, Article 15e.

⁽¹³⁴⁾ In particular, according to German courts, there must be no alternative option or no way to reach the infringer itself directly, who must not have responded to the request to cease the infringing conduct. In summary, German courts require the order to be an '*ultima ratio*' as a requirement for issuing a blocking injunction. See for example [Landgericht München I of 7 June 2019, MMR 2019, 555 ff.](#) (as part of a series of so-called Goldesel decisions).

⁽¹³⁵⁾ Ibid.

⁽¹³⁶⁾ Some requirements, however, might have been endorsed by some SMS, and not by others. For example, while in Sweden blocking injunctions should be 'effective' and in the Netherlands 'subsidiarity' and 'prevailing interest' should be considered, in Spain the 'subsidiarity' (i.e. the need to start proceedings against the infringer itself previously or at the same time when starting an action against the ISPs), and 'effectiveness' have been expressly ruled out as requirements. Instead, in Spain, injunctions must be 'objective' and 'non-discriminatory'.

4.1.5 Necessity of the decision on the merits

A decision on the merits (i.e. on the IPR infringement), whether a full review for issuing a permanent injunction or a partial review for issuing interim measures, would be necessary in all SMS for granting a blocking injunction (e.g. in Belgium, Denmark, France, Germany, Ireland, Italy, Lithuania⁽¹³⁷⁾, Spain, Sweden, the Netherlands and the UK). Customarily, a full decision on the merits would not be necessary and blocking injunctions can be issued upon a partial review of the merits in interim proceedings, which should be followed by a final permanent decision on the merits. For example, in Italy, blocking injunctions can be issued in the course of urgency proceedings, based on a preliminary assessment of the merits (*'fumus boni iuris'*), while the merits of the case can be fully analysed and decided in a subsequent judgment. In any event, if the judgment on the merits is not started, injunctions issued in the course of an urgency proceedings and not revoked will stay in force.

4.1.6 Contributory liability

In general, and in accordance with the principle that these measures apply to so-called innocent third parties, intermediary contributory liability is not requested for imposing blocking injunctions on access providers and other intermediaries⁽¹³⁸⁾. Among the SMS, only Germany⁽¹³⁹⁾ and Sweden require an intermediary's contributory liability. In Sweden the access provider's subscribers must be able to access the unauthorised works via the internet connection that was provided by that access provider for the access provider to have *medverkat* (collaborated/contributed) to copyright infringement. The Patents and Market Court also found that this requirement must be interpreted in the light of Article 8(3) of the InfoSoc Directive.

4.1.7 Ex parte and inter partes proceedings

In Belgium, Denmark, Finland, Germany, the Netherlands, Sweden and the UK, proceedings to obtain a blocking order can theoretically be *ex parte* and *inter partes*. However, reservations are commonly made with regard to *ex parte* proceedings, for example: (i) in Denmark, *ex parte* proceedings were said to be the exception, only applied if it is presumed that the purpose of the injunction will be defied if the counterparty is notified; (ii) in Finland, courts can order *ex parte* interim injunctions, however, the longer-term final blocking injunctions require the intermediary to be heard; (iii) in Germany, *ex parte* proceedings are limited by a requirement of 'urgency'⁽¹⁴⁰⁾; (iv) in the Netherlands, the law would

⁽¹³⁷⁾ In case of injunctions issued by the Radio and Television Commission.

⁽¹³⁸⁾ See in general, Husovec, *supra* fn 9.

⁽¹³⁹⁾ In Germany, this results from the application of the *Störerhaftung* doctrine (see *infra* fn 161), rather than contributory liability, which is a notion unknown to the German legal system and does not match exactly the liability arising as a result of the *Störerhaftung* doctrine.

⁽¹⁴⁰⁾ In fact, this is a general requirement whenever an interim injunction is applied for. Strictly speaking, laches are applied for lack of legal interest if the applicant waits too long before seeking judicial redress. This requirement closely resembles the '*periculum in mora*' applied by Italian and Spanish courts in interim proceedings. In any event, 'urgency' is not consistently applied, nor does a legal definition exist, and German courts' views differ substantially. According to the case-law of the Court of Appeal (Oberlandesgericht – OLG) of Munich, which has not been confirmed yet by other Courts of Appeals in Germany, urgency means that the applying rights holder must not have delayed action for more than 1 to 2 months (urgency

require IPR infringement by the intermediary for issuing blocking injunctions *ex parte*⁽¹⁴¹⁾; (v) in Sweden, proceedings for an interim injunction can be *ex parte*, however, to date, no *ex parte* proceedings have resulted in a dynamic blocking order; (vi) in Belgium, such a possibility is limited to situations of extreme urgency or absolute necessity (the latter concept being narrowly construed by the courts); (vii) finally, in the UK, *ex parte* blocking injunctions are possible ‘in principle’, however, the applicants have typically adopted the following process in practice: (a) the operator of the target website is notified of the infringement but is not joined to the proceedings; (b) the intermediary being formally served with the application does not oppose orders for blocking injunctions; (c) applications are then dealt without a hearing unless there is a novel point on which the court requires or would benefit from oral submissions. The proceedings are only *inter partes* in Greece, Ireland and Spain even if the defendants do not actively participate in the legal proceedings, e.g. they remain neutral or do not oppose the application. In Lithuania, the proceedings in court are *inter partes* whereas before the administrative authority they are *ex parte*.

4.1.8 Preliminary and/or final injunctions

In most SMS, blocking injunctions can be requested as both preliminary and final injunctions (Belgium, Denmark, Finland, Germany⁽¹⁴²⁾, Greece, Italy, Lithuania, the Netherlands, Spain and Sweden). In the three remaining SMS, France, Ireland and the UK, site blocking can be requested only as final injunctions. In France, the decision is issued under an accelerated procedure on the merits of the case.

4.1.9 Duration of blocking injunctions

In some SMS, the temporal validity of blocking injunctions is not explicitly limited, such as in Belgium, Denmark (in principle), Germany, Italy and Spain. In some SMS, however, unlimited duration is applied with caveats. In Ireland, the duration must be ‘reasonable’. In Lithuania⁽¹⁴³⁾ and the Netherlands, the injunction is valid for the duration of the infringement. In Sweden, there are no statutory requirements, but courts have set time limits. Some SMS, instead, might limit the duration of blocking injunctions or have a mixed regime: (i) in Finland, copyright blocking orders are available for a maximum of 1 year at a time (but copyright discontinuation orders and trade mark injunctions would be unlimited in time); (ii) in France, courts make injunctions available for a period of 18 months; (iii) in Greece, unlimited duration only applies to blocking injunctions from civil courts, blocking of IP addresses via the administrative procedure can be up to 6 months, while blocking of domain names, including subdomains, must last at least 3 years.

window). In website-blocking cases, the OLG Munich has provided that this urgency window opens with the knowledge of the existence of the site to be blocked, rather than the knowledge of a particular copyright infringement. In practice, rights holders have to apply for interim blocking injunctions within 1 to 2 months after they had knowledge of the infringing website. Uploading of new economically relevant works onto the infringing site will not reopen the urgency window, as long as comparable works have been available on the site for more than 1 to 2 months. See OLG München, 17 October 2019, Libgen and Scihub, 29 U 1661/19.

⁽¹⁴¹⁾ See Code of Civil Procedure, Article 1019e.

⁽¹⁴²⁾ As mentioned above, however, preliminary injunctions are issued under a very restrictive ‘urgency’ requirement.

⁽¹⁴³⁾ A preliminary injunction would be valid during the enforcement procedure.

In some SMS, blocking injunctions can be reviewed (i.e. amended), at a later stage. For example, in Lithuania, the Radio and Television Commission must be informed about the removal of the copyright infringement and the decision will be reviewed at that time. In the Netherlands, a measure can be reviewed, at any time, if it appears to be no longer compatible with a fair balance between fundamental rights because of changed circumstances. In Ireland, the court will usually give liberty to the parties to apply to court (on notice) in the event of any change in circumstances. In those SMS without a limit to the duration of blocking injunctions, there are no mechanisms for a review (i.e. amendment) at a later stage (e.g. Finland, Ireland, Italy, Spain and Sweden).

4.1.10 Blocking injunctions in civil and criminal cases

In multiple SMS, blocking injunctions can be ordered only in civil cases, e.g. in France, Greece, Ireland and the Netherlands⁽¹⁴⁴⁾. In the remaining SMS, blocking injunctions can be potentially ordered both in civil and criminal cases. However, in some of these SMS, the injunctions have been actually granted in civil cases only, such as in the UK. In Finland, blocking orders are considered non-contentious civil cases, however, the principle of adhesion allows combining civil claims as a part of criminal procedures, if the claims concern the same event. In Spain, it is highly likely that the civil proceedings will be suspended until the conclusion of the criminal proceedings.

4.2 Dynamic blocking injunctions

4.2.1 Availability

Dynamic blocking injunctions are available – and have been granted – in most SMS, including Denmark⁽¹⁴⁵⁾, France⁽¹⁴⁶⁾, Ireland⁽¹⁴⁷⁾, Italy⁽¹⁴⁸⁾, the Netherlands⁽¹⁴⁹⁾, Spain⁽¹⁵⁰⁾, Sweden⁽¹⁵¹⁾, and the UK⁽¹⁵²⁾.

⁽¹⁴⁴⁾ See Copyright Act, Article 26d; Related Rights Act, Article 15e.

⁽¹⁴⁵⁾ See for example Maritime and Commercial Court (Sø- & Handelsretten), Case Number A-51-17, 21 February 2018, *Fritz Hansen A/S and Others (represented by Rettighedsalliancen SMF.) v Telia Danmark A/S and Dominidesign Furniture LTD.*; and District Court of Frederiksberg - Copenhagen - 05/12/2017 - *RettighedsAlliancen etc. v TDC A/S*.

⁽¹⁴⁶⁾ See for example TGI Paris 17/13471, *supra* fn 95; and TGI Paris, 19/01744 of 23 May 2019.

⁽¹⁴⁷⁾ See for example *EMI v Eircom* [2009] IEHC 411; *EMI v UPC* [2013] IEHC 274; *Sony Music Entertainment (Ireland) & Ors v UPC*; *Communications Ireland Limited* [2016] IECA 231; and *Twentieth Century Fox Film Corporation & Ors v Eircom Limited & Ors* [2018] IEHC 54.

⁽¹⁴⁸⁾ See for example Court of Milan 14 January 2020; Court of Milan, 24 December 2019; and Court of Milan, 12 April 2018.

⁽¹⁴⁹⁾ See [Amsterdam Court of Appeal, Brein v. Ziggo and XS4ALL](#), 2 June 2020, ECLI:NL:GHAMS:2020:1421 (*Ziggo et al.*).

⁽¹⁵⁰⁾ See for example Commercial Court of Barcelona 15/2018, *supra* fn 93.

⁽¹⁵¹⁾ See for example Decision of Patent and Market Court of Appeal, June 2020, PMT 13399-19.

⁽¹⁵²⁾ See for example *Twentieth Century Fox Film Corp v British Telecommunications plc* [2011] EWHC 2714; and *Football Association Premier League Ltd v British Telecommunications plc* [2017] EWHC 480 (Ch).

4.2.2 Statutory notion

The notion of dynamic blocking injunction is usually not defined by the law of the SMS. In fact, dynamic injunctions have been defined by law only in Lithuania⁽¹⁵³⁾. Therefore, although there is no explicit statutory notion of dynamic blocking injunctions in most SMS, courts have interpreted the current laws to include them. General IP provisions providing remedies for infringement⁽¹⁵⁴⁾ and the national implementation of Article 11 of the IPRED, which also provides that the judge can order intermediaries to take measures to prevent new infringements⁽¹⁵⁵⁾, have served as a legal basis for dynamic blocking injunctions. This also implies, thus, that there are no specific requirements for the grant of a dynamic blocking injunction over the requirements in place for a standard blocking order.

4.2.3 Case-law

On the basis of this expansive interpretation of the norms, courts have been granting dynamic blocking injunctions in most SMS and setting up all necessary requirements. However, so far, the number of dynamic blocking injunctions issued in each of the SMS has been rather limited⁽¹⁵⁶⁾, with the exception of the UK. In *Newzbin2*, Lord Justice Arnold clarifies the rationale for the wide acceptance of dynamic blocking injunctions by UK courts:

I do not consider that the Studios should be obliged to return to court for an order in respect of every single IP address or URL that the operators of Newzbin2 may use. In my view the wording proposed by the Studios strikes the appropriate balance. If there is a dispute between the parties as to whether the predominant purpose of an IP address or URL is to enable or facilitate access to Newzbin2, they will be able to apply to the court for a resolution of the dispute. In saying this, I do not mean that BT will be obliged to check IP addresses or URLs notified by the Studios. It will be the Studios' responsibility accurately to identify IP addresses and URLs to be notified to BT⁽¹⁵⁷⁾.

In fact, in the UK any grant of a blocking injunction is considered dynamic as they include provisions that require the ISP to actively block any additional IP addresses, URLs and/or domain names that

⁽¹⁵³⁾ See Order of the Minister of Culture of the Republic of Lithuania on Approval of the Description of the Procedure for Imposition of Mandatory Instructions on Internet Access Service Providers of 20 November 2019, No. V-771 (TAR, 2019-11-26, Nr. 2019-18793), Article 5 (providing '[t]he Commission's decisions on imposing the mandatory instructions on internet access service providers shall provide for dynamic blocking – they shall instruct to block current and future internet domain names identifying the websites, which are used for unlawfully communicating copyright content to the public, i.e. the instruction shall cover current and future copies of the websites').

⁽¹⁵⁴⁾ See for example in Denmark, AJA, §413; in France, Intellectual Property Code (CPI), Article 336-2; in Ireland, Copyright and Related Rights Act 2000, Section 40(5A); in Sweden, Trademark Act (2010:1877), Section 8 Article 3; Article 35 b of the Design Protection Act (1970:485) and Article 57 b of the Patent Act (1967:837) (providing that '[b]y request of the (rightsholders), his or her legal proprietor or a person who holds a license to use the (IPR), the court may, under penalty of a fine, prohibit anyone who commits or contributes to an action of infringement or violation to proceed with the action').

⁽¹⁵⁵⁾ See *L'Oréal-eBay*, supra fn 42.

⁽¹⁵⁶⁾ As per the information collected, e.g. only two cases in the Netherlands, only cases against Google in France, only three cases in Sweden (e.g. PMT 7262-18); no dynamic blocking injunctions have so far been issued in Greece.

⁽¹⁵⁷⁾ See *Newzbin2*, supra fn 97, para. 12.

host the content or may be notified by the rights holders during the duration of the order⁽¹⁵⁸⁾. This notification procedure operates without either party having to make any further application to the court. This allows the rights holders to respond to efforts made by the website operators to circumvent the orders by changing the location of the target website. UK website blocking orders also require rights holders to notify the ISPs of IP addresses, URLs and/or domain names that should no longer be blocked, for example, where an IP address/URL which has been notified for blocking ceases to be a location whose sole or predominant purpose is to enable or facilitate access to a target website.

As mentioned, although in a more limited fashion, dynamic blocking injunctions have been issued by courts in most SMS. In Denmark, courts will usually grant dynamic blocking injunction with the following wording: ‘The injunction also applies to other domains that provide access to the same Internet services and which the [plaintiff] makes the defendant explicitly aware of, in which connection the [plaintiff] undertakes to legally and financially vouch for that such other domains provide access to the Internet services to which this Decision relates’. In Ireland, dynamic blocking injunctions have been granted in a number of cases for copyright infringement⁽¹⁵⁹⁾. In the Netherlands, dynamic blocking injunctions have been issued against access providers for the blocking of The Pirate Bay by providing the following definition: ‘in the event that The Pirate Pay becomes accessible through other / additional IP addresses, to block access by their customers to such other/additional IP addresses and/or (sub)domain names, and keep them blocked, after notification of the correct IP addresses and/or (sub)domain names by Brein to each of the Providers individually’⁽¹⁶⁰⁾.

Judicial application of established civil law theories might also achieve the same results as dynamic/forward-looking injunctions proper. In Germany, for example, the so-called *Kerntheorie* might lead to the same result as dynamic blocking injunctions⁽¹⁶¹⁾. According to *Kerntheorie*, infringements similar in their core (*Kern*) trigger a duty to review and notice-and-stay-down. In the so-called *Internet Auction cases I-III*, the German Federal Court of Justice repeatedly decided that notified trade mark infringements oblige internet auction platforms, such as eBay, to investigate future offerings, manually or through software filters, in order to avoid trade mark infringement⁽¹⁶²⁾. This jurisprudence comes down to conclusions resembling closely those of the CJEU in *L’Oréal*. Therefore, it might theoretically also support the availability of forward-looking injunctions in the form of website-blocking orders against access providers. In fact, German courts have been so far applying *Kerntheorie* only to

⁽¹⁵⁸⁾ See for example [Twentieth Century Fox Film Corp v British Telecommunications plc](#) [2011] EWHC 2714.

⁽¹⁵⁹⁾ See for example *EMI v Eircom* [2009] IEHC 411; and *Sony Music Entertainment (Ireland) & Ors v UPC Communications Ireland Limited* [2016] IECA 231.

⁽¹⁶⁰⁾ *Ziggo et al.*, supra fn 149, §3.8.6.

⁽¹⁶¹⁾ This theory would apply under the more general umbrella of the *Störerhaftung* doctrine. In Germany, intermediary liability in copyright is almost invariably handled through the doctrine of *Störerhaftung* – as an alternative to joint tortfeasance for which intermediaries hardly qualify. This doctrine, based on BGB, §1004, grants a permanent injunctive relief to the proprietor against anybody who has caused an interference. *Störer* means interferer with the property, who will be liable unless it is unreasonable to burden the interferer with a duty to examine whether their behaviour could interfere with the (intellectual) property of a third person. See for example BGH, Mar. 11, 2004, I ZR 304/01, <https://www.beckmannundnorda.de/bghrolex.html>; Broder Kleinschmidt, *An International Comparison of ISP’s Liabilities for Unlawful Third Party Content*, 18 Int’l J. of L. & Info. Tech. 332, 346–347 (2010).

⁽¹⁶²⁾ See for example BGH 11 March 2004, *Rolex v Ebay/Ricardo* (aka *Internetversteigerung I*), I ZR 304/01, GRUR 2004, 860 (DE), para. 31 (noting ‘[w]henver the defendant’s attention has been drawn to a clear infringement of rights not only is it obliged to block access to the specific offer [...], it must also ensure that such trade mark infringements will as far as possible not occur in the future. [...] The defendant is obliged to react to these cases by subjecting offers of Rolex watches to a special examination’); BGH, 19 April 2007, *Rolex v eBay* (a.k.a. *Internetversteigerung II*), I ZR 35/04, GRUR 2007, 708 (DE); BGH, 30 April 2008, *Rolex v Ricardo* (a.k.a. *Internetversteigerung III*), Case I ZR 73/05, GRUR 2008, 702 (DE).

ordering the take-down of infringing content against hosting providers. However, a recent decision from the Munich Higher Regional Court might suggest an expansion of the scope of proactive forward-looking injunctions. The Munich court has apparently imposed dynamic blocking injunction on access providers to block the website kinox.to, by applying the duty of care provided for under the *Störerhaftung* doctrine⁽¹⁶³⁾. The decision may be possibly interpreted as granting a dynamic blocking injunction as far as it does not seem to be limited to the particular domain kinox.to but to the business of kinox as a whole, irrespective of the domain name⁽¹⁶⁴⁾. It is worth noting, however, that the BGH Internet Auction cases set precise boundaries to the proactive filtering obligations that can be imposed on intermediaries, in line with the general principle that injunctions under Article 18(1) e-commerce Directive should not limit freedom to conduct a business by imposing an ‘excessive obligation’ on the host provider⁽¹⁶⁵⁾. The German Supreme Court has always stressed that proactive monitoring obligations cannot go as far as endangering a platforms’ business models if it is a legal business model⁽¹⁶⁶⁾. For example, internet auction platforms, such as eBay, could not be asked to manually check all entries because that would be economically unfeasible⁽¹⁶⁷⁾.

In any event, however, the admissibility of dynamic blocking injunctions has been debated. In Belgium, case-law seems to be divided on the subject of dynamic blocking injunctions against intermediaries⁽¹⁶⁸⁾. From a broad civil procedure perspective, courts seem convinced that it is necessary to appear before the judge for each new infringement and refuse to grant a broad measure that would also apply to future infringements⁽¹⁶⁹⁾. Therefore, in a recent decision, the blocking order only concerned domain names and subdomain names explicitly included in a list drawn up by the claimant, to the exclusion of all other domain names⁽¹⁷⁰⁾. However, in criminal matters, the dynamic blocking injunction seems to be more accepted without actually being named. In 2013, the *Cour de Cassation* (Court of Cassation) upheld a criminal injunction which implied that all internet access providers in Belgium must disable access to the content hosted on the servers linked to the domain name thepiratebay.org, by the technical process of reverse IP domain check⁽¹⁷¹⁾ as well as any

⁽¹⁶³⁾ See Munich Regional Court, 1 February 2018, 7 O 17752/17; upheld by the Munich Higher Regional Court, 14 June 2018, 29 U 732/18], <http://copyrightblog.kluweriplaw.com/wp-content/uploads/sites/49/2018/05/Translation-of-Decision-of-District-Court-Munich.pdf> (English translation).

⁽¹⁶⁴⁾ *ibid.*

⁽¹⁶⁵⁾ *Glawischnig-Piesczek*, supra fn 41, para. 44.

⁽¹⁶⁶⁾ See supra fn 162.

⁽¹⁶⁷⁾ See BGH, 22 July 2010, *Kinderhochstühle im Internet*, I ZR 139/08, GRUR 152 (DE). For a discussion of business models primarily designed to infringe copyright, see BGH, 15 August 2013, *GEMA v RapidShare*, I ZR 79/12, 2014 GRUR-RR 136 (DE), https://stichtingbrein.nl/public/2013-08-15%20BGH_RapidShare_EN.pdf (English translation); BGH, 12 July 2012, *Atari Europe v RapidShare*, I ZR 18/11, 2013 GRUR 370 (DE).

⁽¹⁶⁸⁾ The doctrine seems to be equally divided as well. See for example Philippe Campolini, Stéphanie Hermoye and Frédéric Lejeune, ‘Droit d’auteur et contrefaçon dans l’environnement internet: les injonctions contre les intermédiaires’, *A&M*, 2017/3, p. 260 (in favour of dynamic blocking injunctions); Véronique Delforge, Didier Gobert, and Jean-Philippe Moïny, ‘Blocage de site web à contenu illégal: la Cour de justice affine sa jurisprudence’, *R.D.T.I.*, 55, 2014, p. 54 (supporting the 2013 Cour de Cassation decision and, in particular, when a public authority is responsible for ascertaining or notifying the reappearance of the disputed content). But see contra Catherine Forget, ‘Les nouvelles méthodes d’enquêtes dans un contexte informatique: vers un encadrement (plus) strict ?’, *R.D.T.I.*, 66-67, 2017, p. 38 (noting that ‘dynamic’ measures are likely to infringe privacy and freedom of expression).

⁽¹⁶⁹⁾ See Prés. civ. Bruxelles, 9 août 2013, *A&M*, 2014, p. 508; Prés. tribunal d’arrondissement de Luxembourg, 16 mars 2016 (cess.), *A&M*, 2016, p. 157.

⁽¹⁷⁰⁾ See Trib. entr. Bruxelles (cess), 13 novembre 2019, *A&M*, 2019-2019/4, pp. 489-490.

⁽¹⁷¹⁾ The search for any domain name that refers to a given IP address.

domain name that refers to this server notified to the access providers by the Federal Crime Computer Unit or the Regional Crime Computer Unit⁽¹⁷²⁾. Again, in Italy, it has been argued that they are against the long-standing principle of Italian civil procedure that the scope of interim injunctions must be clearly defined and limited. Finally, Italian courts have widely accepted dynamic blocking injunctions as admissible because otherwise rights holders would be forced to bring a new case against every access provider for each website hosting contents in breach of their IPR⁽¹⁷³⁾.

4.2.4 Unavailability and fundamental rights balancing

Instead, dynamic blocking injunctions are not available in Finland, and their availability has not yet been tested in court in Germany⁽¹⁷⁴⁾ and Greece. In Finland, new IP addresses or domain names cannot be added to the scope of an existing blocking order without filing a new application to the Market Court, as clearly stated in the preparatory documents of the Copyright Act⁽¹⁷⁵⁾. The preparatory works of the Copyright Act underline, on the one hand, the technical limitations of what blocking injunctions can do against widespread unauthorised dissemination of works on the internet, and on the other hand, the risks and detriments that a broader dynamic approach to blocking injunctions would impose on the other fundamental rights and freedoms. Copyright protection should, thus, (i) consider a balanced safeguarding of all competing rights at stake; (ii) not lead to unreasonable restrictions on the rights of both copyright holders and users of works; (iii) not affect communications to the public more than strictly necessary for protecting copyright; and (iv) any limitations should be based on observable objective criteria⁽¹⁷⁶⁾. As a consequence, blocking orders can be used only in case of severe copyright infringements and their impact on the interests of other stakeholders, including intermediaries and third parties, must be taken into account. Therefore, blocking orders were limited in their length and their scope was set to specifically pre-determined identifiers, so that the continuation of the measures must be subject to regular court proceedings to assess whether the grounds for the injunction still exist⁽¹⁷⁷⁾.

4.3 Live blocking injunctions

4.3.1 Availability

As a subspecies of dynamic blocking orders, some SMS have made available live blocking orders with the principal goal of limiting infringement of rights for live (sports) events. Live blocking orders are

⁽¹⁷²⁾ See Cass. (2è ch., sect nl) 22 octobre 2013, Pas., 2013, n° 540, p. 2007 (concerning the seizure of digital data on the basis of Article 39bis CCP).

⁽¹⁷³⁾ See [Court of Milan, 12 April 2018](#); [Court of Milan, 24 December 2019](#); [Court of Milan, 14 January 2020](#).

⁽¹⁷⁴⁾ But see above the discussion of the German *Kerntheorie*, under which the effect of a dynamic blocking injunction might be achieved with normal injunctions.

⁽¹⁷⁵⁾ See Finnish Market Court (Markkinaoikeus), MAO:311/18, 7.6.2018 and Government's Proposal 181/2015 vp, pp. 25 and 37 (stating that an injunction can be changed and new IP address added in the scope with a new application. See also Government's Proposal vp 201/2018 vp. on trade marks.

⁽¹⁷⁶⁾ Government's Proposal 181/2015 vp, pp. 60-65.

⁽¹⁷⁷⁾ Education and Culture Committee of the Parliament in SiVM 26/2014 vp, p. 6.

available in Ireland⁽¹⁷⁸⁾, Spain and the UK. Provisions in this regard have also been recently enacted in Greece but have not yet been tested in practice. The UK, a pioneer in this field, has a system of live blocking orders that allows the repeated blocking of a site every time a live broadcast is in process⁽¹⁷⁹⁾. These live blocking orders are dynamic insofar as the orders provide for the list of target servers to be reset on a regular basis during the lifetime of the order. This allows for new servers to be identified by the rights holder and notified to the defendants for blocking, and ensures that old servers are not blocked after a certain time, unless they continue to be observed as sources of infringing footage. In the live blocking decision in *FAPL v BT*, the High Court noted that the dynamic order sought in that case differed from those previously granted as ‘although it is standard practice for orders under section 97A [of the CDPA] to enable the IP address or URL of the target website to be updated as and when necessary, the Order provides for the list of Target Servers to be “re-set” each match week during the Premier League season. This allows for new servers to be identified by FAPL and notified to the defendants for blocking each week, and ensures that old servers are not blocked after the end of a week unless they continue to be observed as sources of infringing footage’⁽¹⁸⁰⁾.

Live blocking injunctions are available in Spain under five judicially formulated conditions: (i) blocking access to the websites using all web resources (URLs, domains, IP addresses) and via the HTTP and HTTPS protocols within 72 hours after notification of the decision; (ii) informing the plaintiff of the effective execution of the blocking order, identifying all the web resources blocked (URLs, domains, IP addresses) and the HTTP and HTTPS protocols, along with the day, hour and minute at which each web resource was blocked; (iii) the blocking measures are limited in time, namely three years (2019-2022), without prejudice to the suspension of the blocking order if it is established that the blocked website resource is disabled on the Internet, as it does not provide illegal content; (iv) the decision orders the blocking of ‘pirate websites’ (i.e. related with the blocked ones), that the plaintiff identifies in a new list that will be sent directly and simultaneously to all the ISPs, on a weekly basis; and (v) those new sites must be blocked within a maximum of 3 hours of being notified⁽¹⁸¹⁾.

In the *Ecatel* case, the Dutch Court ordered that the live blocking measures be implemented within a very short timeframe. The case was brought by the English Premier League against Ecatel, a provider of dedicated servers located in Amsterdam⁽¹⁸²⁾. The live blocking measure had to be implemented within 30 minutes upon receiving the notice from the rights holder (or a designated third party) of the newly identified live streaming sources⁽¹⁸³⁾ (as opposed to the more standard 24 hours for complying). Of course, short timeframes are of essence for providing protection to the broadcasting rights of events that customarily last a very limited time, usually below 2 hours. For the sake of comparison it is worth mentioning that EU Commission Recommendation 2018/334 of 1 March 2018 on measures to effectively tackle illegal content online proposes the competent authorities to act against online

⁽¹⁷⁸⁾ The court is able to grant a live blocking injunction, under Section 40(5A) of the Copyright and Related Rights Act 2000, as in the cases of *The Football Association Premier League Ltd v Eircom & Ors* [2019] IEHC 615 (‘FAPL 2019’) and *FAPL 2020*, supra fn 108.

⁽¹⁷⁹⁾ See for example *Football Association Premier League Ltd v British Telecommunications plc* [2017] EWHC 480 (Ch); *Union Des Associations Européennes De Football v British Telecommunications plc* [2017] EWHC 3414 (Ch); *FAPL 2018*, supra fn 124; *Matchroom Boxing Limited v British Telecommunications plc* [2018] EWHC 2443 (Ch).

⁽¹⁸⁰⁾ *FAPL 2018*, supra fn 124, para. 25.

⁽¹⁸¹⁾ See Commercial Court of Madrid 2174/2019, supra fn 93 (ordering the blocking of a total of 31 websites and 44 URLs for three sporting seasons, i.e. until 25 May 2022).

⁽¹⁸²⁾ See [Court of The Hague, 24 January 2014, The Football Association Premier League v. Ecatel, C / 09/485400 / HA ZA 15-367, ECLI: NL:RBDHA:2018:615](#).

⁽¹⁸³⁾ *Ibid.* para. 5.1.

terrorist content within 1 hour. Such short deadlines are likely to force intermediaries to develop new technical solutions and will have an impact on the costs of implementation.

4.3.2 Unavailability

In other SMS, live blocking is not available yet or, at least, their availability has not yet been tested in court⁽¹⁸⁴⁾. However, there is an ongoing debate on whether live blocking injunctions should be provided for by legislation or granted by courts. In France, for example, a discussion regarding live blocking, in particular of sporting events, has emerged in connection to the Draft Law on audiovisual communication and cultural sovereignty in the digital age⁽¹⁸⁵⁾. The proposal would enable owners of broadcasting rights over sporting events to (i) obtain, under a single procedure, a dynamic decision extending the effectiveness of the measures to block or delist the illicit sites or services identified on the day of the decision to other sites or services likely to appear during the competition; (ii) enjoy measures that last a maximum of 12 months, and may be implemented in accordance with a provisional timetable modelled on the official competition calendar; (iii) undertake these actions, including as a preventive measure, so that the decision can be taken in a timely manner as regards the temporality of each sporting event or competition, in order, in particular, to effectively protect competitions lasting a few days or weeks; and (iv) rely on a regulator acting as a trusted third party to facilitate the identification of 'pirate sites' or services, particularly mirror services.

5. Scope of Dynamic Blocking Injunctions

5.1 Subject matter

As with blocking injunctions, there does not seem to be in the SMS any specific limitation to the subject matter that can be covered by a dynamic blocking injunction, which might include any IPR infringement. However, copyright infringement is by far the major target of dynamic injunctions in the SMS. Additionally, dynamic and live blocking injunctions have emerged as the most efficient tools to address online streaming infringements of live sporting events, a sensitive market for rights holders. A further development concerns the blocking of access to websites offering devices and software that allow for the circumvention of technological protection measures (TPMs).

5.1.1 Broadcasting live sporting events

National case-law has been increasingly concerned with blocking injunctions for combating illegal broadcasting of live sporting events, including online transmission (internet protocol TV or IPTV). These orders, such as in the case of *FAPL v BT*, are live blocking orders (see supra para. 4.3) that only have effect at the broadcast time of the live match/event footage. This is especially relevant when

⁽¹⁸⁴⁾ There is, apparently, no reason to believe that such measures could not be granted in most SMS, at least those where dynamic blocking orders have been already granted, such as Belgium, Denmark, France, Italy, the Netherlands and Sweden.

⁽¹⁸⁵⁾ Projet de loi relatif à la communication audiovisuelle et à la souveraineté culturelle à l'ère numérique (MICE1927829L).

considering sports matches (football, boxing, etc.). These live blocking orders allow new servers to be blocked every week to prevent the continued infringement of IPRs but only come into force when the broadcast is taking place⁽¹⁸⁶⁾.

5.1.2 TPMs

A further development in the scope of blocking orders is the blocking of access to websites offering devices and software that allow for the circumvention of TPMs⁽¹⁸⁷⁾. The novel legal question is whether rights holders are entitled to seek injunctions against intermediaries, not only when the target websites directly engage in copyright infringement, but also when they provide devices aimed at circumventing TPMs and, thus, allow copyright infringement to occur. This question should be answered considering that the protection offered by Article 6 of the InfoSoc Directive not only encompasses the manufacture and distribution of devices, but also includes the advertising thereof and the provision of services (i.e. modding services). To date, in Europe there have been some instances – including in Italy, Spain and the UK – in which an application based, inter alia, on the protection against TPM circumvention has been granted.

The High Court of England and Wales issued a website-blocking order against five of the main UK retail ISPs to block access to four websites advertising, distributing, offering for sale and/or selling devices that allowed TPMs on Nintendo Switch games consoles to be circumvented. Eventually, the order sought by the applicant company was granted. From the *Nintendo* case, it seems plausible to infer that Article 8(3) of the InfoSoc Directive (as transposed) could be the legal basis for copyright holders to request an injunction against an intermediary whose services – ones that made available devices that allowed for circumventing TPMs – were used to infringe copyright. Actually, in the *Nintendo* case, the Court found that the TPMs installed by the applicant were aimed at protecting against acts which required its authorisation, while the operators of the target websites used the ISPs' services 'to infringe copyright' by making available the circumventing devices. It was the use of these devices that resulted in the unauthorised reproduction and other unlawful uses of copyrighted content, such as videogames, including their artwork, text and soundtracks.

A different matter altogether would be whether blocking orders are available against websites making available devices aimed at circumventing TPMs that protect against acts for which no authorisation is needed, as the use is, for example, covered by exceptions or limitations, or the content protected by the TPMs is in the public domain. According to the Advocate General Szpunar in *VG Bild Kunst* opinion, Article 6 of the InfoSoc Directive relates to the protection of the rights holders against acts which require their authorisation⁽¹⁸⁸⁾. Therefore, if this is not the aim of the circumventing devices, blocking injunctions should not be available.

⁽¹⁸⁶⁾ See supra para. 4.3. See also [Illegal IPTV in the European Union, EUIPO, November 2019](#), p. 7, paras 1.2.1, 1.4.1, 1.6.5, 4.2.3, 5.1.3, 5.2.1; [Etude de l'impact économique de la consommation illicite en ligne de contenus audiovisuels et de retransmissions d'événements sportifs](#), HADOPI, 2 December 2020 (claiming that piracy has led to an economic loss of 1.03 billion Euros in the audiovisual and sport sector in 2019); [Deloitte, European Citizens and Intellectual Property: Perception, Awareness, and Behaviours, EUIPO, 23 March 2017](#), 68-70 (discussing European perception of piracy, including sporting events).

⁽¹⁸⁷⁾ See InfoSoc Directive, Article 6-7 (providing to rights holders a right against the circumvention of effective TPMs that protect access to and use of protected works and against the manufacture and commercialisation of devices primarily designed to circumvent TPMs and with limited commercial use than to circumvent).

⁽¹⁸⁸⁾ See 10/09/2020, C-392/19, *VG Bild-Kunst v Stiftung Preußischer Kulturbesitz*, 2020, AG Szpunar Opinion, EU:C:2020:696.

5.2 Targeted intermediaries

Although, generally speaking, dynamic blocking injunctions can be granted against any party deemed an intermediary under Article 8(3) InfoSoc Directive and Article 11 IPRED, they have only been granted against access service providers in most SMS. In any event, there is no reason that an injunction cannot be granted against other intermediaries that can block access to websites hosting infringing content, such as DNS registries and/or registrars.

5.3 Targeted websites, content and internet resources

Dynamic blocking injunctions can be applied to (i) the same content infringed multiple times, as in the case of Denmark, Italy and the Netherlands; (ii) the same infringer, as in Ireland; or (iii) to both, the same infringer and the same infringed content, as in Greece and Sweden. In these scenarios, the injunction orders the blocking of access to certain content, whenever and wherever it is made available online, or to all content made available by a certain uploader. As mentioned earlier⁽¹⁸⁹⁾, according to *Glawischnig-Piesczek*, content that is identical or equivalent, and thus to a great extent similar, to content previously subject to a takedown injunction could be kept unavailable without the need of obtaining a new court order. An argument could be made that the conclusions of the CJEU's decision might be extended by analogy to dynamic blocking injunctions as well; however, *Glawischnig-Piesczek* applies to defamatory content rather than IPR-infringing content and to content removal, rather than website blocking, which is as such a more invasive enforcement practice.

Here is some more detailed information from some of the SMS regarding the websites that could be dynamically blocked.

- In France, the only new domains that can be delisted are those that constitute new access paths to the targeted sites that access providers and other intermediaries can automatically detect.
- In Lithuania, the law prescribes specific instructions for identifying copies of websites that should be dynamically blocked. These copies should include websites that give access to the same activity as the primary website. A copy must have at least two of the following signs: (1) its internet domain name is identical or almost identical to the primary website (several letters, figures, other characters are added or removed, the domain ending changes and so on); (2) its content is identical or almost identical to the primary website (it communicates to the public identical copyrighted content (or a part of it) as indicated in the request, identical works are communicated to the public at a similar time and so on); (3) its visual expression is identical or almost identical to the primary website (the same graphic presentation, identical trade mark and/or service mark and so on); (4) its user interface is identical or almost identical to the primary website (identical menu categories/options and so on); (5) its manager or administrator is the same as of the primary website or the available data enables one to arrive at the reasonable conclusion that it is the same⁽¹⁹⁰⁾.
- In the Netherlands, it is the rights holders' responsibility to supply correct IP addresses and/or (sub)domain names infringing the same content that must be blocked by the intermediaries.

⁽¹⁸⁹⁾ See supra fn 41.

⁽¹⁹⁰⁾ See the Order of the Minister of Culture of the Republic of Lithuania on Approval of the Description of the Procedure for Imposition of Mandatory Instructions on Internet Access Service Providers, Article 6.

- In Spain, dynamic blocking injunctions apply to any method to infringe the same content by domains, subdomains and IP addresses whose main purpose is to circumvent blocking methods.
- In the UK, (1) access providers that are subject to a website-blocking order must block or attempt to block access to the target websites, their domains and subdomains and any other IP address or URL notified to them by the applicants or their agents whose sole or predominant purpose is to enable or facilitate access to a target website. (2) In case of live blocking orders, the scope of the order would include the notification to the access provider of an IP address to be blocked if the IP address is being used during the live event to communicate to the public without authorisation live audiovisual footage of that event, or live footage immediately preceding the event⁽¹⁹¹⁾.

5.4 Number of websites subject to blocking

In all SMS providing for dynamic blocking injunctions, other than Greece, there are no limitations on the number of websites that can be blocked. Each application before the Greek administrative authority may include up to 50 domain names and IP addresses; however, Greek courts have no limitations on the number of websites.

5.5 Exceptions

In the UK, special safeguards are provided in an attempt to keep these orders balanced and to avoid abuse. Upon notification to the applicant, exceptions to temporarily suspend the obligations in the order are available to: (i) correct or investigate over-blocking of material which is, or is reasonably suspected to be, caused by the steps taken; (ii) ensure the reliable operation of its Internet Watch Foundation blocking system, if it reasonably considers that this operation is otherwise likely to be impaired; (iii) maintain the integrity of its internet service or the functioning of its blocking system; (iv) upgrade, troubleshoot or maintain its blocking system; or (v) avert or respond to an imminent security threat to its networks or systems⁽¹⁹²⁾. In addition to the respondents, other parties are permitted to apply for an exception to the order, including (a) the operator of any target server having an IP address notified under the order; (b) the operator of any website or video-streaming service who claims to be adversely affected by this order; and other third parties directly or indirectly affected by the order.

5.6 Confidentiality

The issue of the confidentiality of blocking injunctions has been discussed in the UK. UK courts concluded that parts of a blocking order could be kept confidential if otherwise disclosure would undermine the purpose of the order, since to do so would help those seeking to circumvent the blocking system. However, other applicants for related website-blocking orders will still be able to have access to the order in its entirety to be able to take advantage of the order's information⁽¹⁹³⁾. The

⁽¹⁹¹⁾ *Matchroom Boxing Ltd and another v British Telecommunications plc and others* [2020] EWHC 2868 (Ch), Annex A, para. 2.

⁽¹⁹²⁾ *ibid*, Annex A, para. 15.

⁽¹⁹³⁾ See for example *ibid.*, paras 25-26. See also *FAPL v BT* [2017] EWHC 480 Ch and [2018] EWHC 1828 (Ch).

practice of access to information by third parties with a legitimate interest is also highlighted by the *Football Association Premier League* cases, where FAPL had shared details with Matchroom and other third parties. In fact, the dynamic web blocking arrangements were developed by a team working for FAPL at considerable cost and were now made available with other organisations and private parties on agreed terms.

5.7 Temporal scope

Blocking injunctions might have a limited duration or not, depending on the SMS. As, customarily, the law does not regulate dynamic blocking injunctions nor their duration, they might be limited in time by judicial decisions according to specific time periods (e.g. a number of months or years) or to the duration of the infringement. For example.

- In France, once a dynamic blocking injunction has been granted, the defendant has 15 days to implement the measures, and once implemented the injunction will last 18 months.
- In Greece, the EDPPI sets the duration of the order in cases of IP addresses to a maximum 6 months, while in cases of domain names, including subdomain names, the duration cannot be less than 3 years.
- In Ireland, to date, live blocking injunctions granted by courts have been limited to a calendar year; however, for other blocking injunctions, the duration must be reasonable.
- In the UK, access providers must implement dynamic blocking orders within 10 working days of the notification of the original order and any subsequent updates from the rights holders. No time limitations apply to orders granted under Section 97A CDPA. However, courts have been applying a 'sunset clause' to live blocking orders that means the injunction expires after a certain date. The live blocking order granted in the *Matchroom* case expired after 2 years unless extended by a further order of the court⁽¹⁹⁴⁾, while those granted to the Football Premier League and UEFA are in force on a 'per season' basis⁽¹⁹⁵⁾.

In other SMS, however, dynamic blocking injunctions are apparently granted without a time limit. In Lithuania, a dynamic injunction is valid as long as there is a copyright infringement on the specific website. In the Netherlands, a blocking order can remain in place as long as it is compatible with a fair balance between the fundamental rights. In Spain, there are no time limits on blocking injunctions; it is entirely up to the judge to decide on a case-by-case basis, although judges tend to put a time limit on dynamic blocking of sporting events. In Sweden, there is no limitation as to how long a dynamic blocking injunction can be enforced; however, in the case *PMT 7262-18* the judge did enforce a time limit⁽¹⁹⁶⁾. Finally, neither Denmark or Italy apply time limits when granting dynamic blocking injunctions.

⁽¹⁹⁴⁾ See for example *Matchroom Boxing Ltd and another v British Telecommunications plc and others* [2020] EWHC 2868 (Ch), Annex A, paras 9-10 (the case involved an application made by Matchroom (a company that runs boxing events) regarding a website-blocking injunction).

⁽¹⁹⁵⁾ See supra fn 179.

⁽¹⁹⁶⁾ See Svenska Patent- och marknadsdomstolen (Swedish Patent and Market Court), Case No PMT 7262-18, 9 December 2019.

5.8 Territorial scope

In the SMS, blocking injunctions commonly apply to access providers under the jurisdiction of the MS and infringing acts having effects in the territory of the MS. Therefore, in general, injunctions can order the blocking of content regardless of the location where the infringement took place or the location of the users accessing the infringing content, as long as the activities target the consumers and internet users of the MS. Arrangements in the SMS reflect quite consistently these general principles.

- In Denmark, courts are only able to issue blocking orders against internet access providers if they have jurisdiction, while companies can be ordered to block content regardless of the location in which the infringement took place or the location of the users that are accessing the information.
- In the Netherlands, dynamic injunctions can only be granted against access providers under Dutch jurisdiction, whether located in the Dutch territory or anywhere else.
- In France, dynamic blocking injunctions can only be granted in response to a request by an internet user on French territory; the place of establishment of the sites to be delisted is not taken into consideration.
- In Ireland, the blocking injunctions granted to date are limited to Ireland and legal proceedings can be instituted in Ireland against foreign defendants or relate to foreign websites where the infringing activities occur in Ireland (namely, the activities target Irish consumers/internet users).
- In Italy, only access providers located in Italian territory are subjected directly to blocking injunctions, although content can be blocked from content providers located overseas by enforcing a blocking order against Italian 'mere conduit' providers.
- In Spain, dynamic blocking injunctions are limited to the Spanish territory, meaning that injunctions granted in Spain cannot extend to providers or customers outside of Spain. However, websites that are available in Spain, even if based outside of the country, are subject to blocking injunctions.
- In Sweden, the principle of territoriality regarding IPRs can act as a limitation to the geographical scope of the injunction.
- In the UK, the necessity to show infringing acts in the UK/under UK law operates as a geographical limitation. Blocking injunctions are able to target services that are operated outside of the UK, and often do. In principle, they could also operate against an intermediary established outside the UK, however, this is currently theoretical as such no orders have been granted against non-UK based access providers. So far, orders have therefore been limited to restricting access to websites by UK subscribers of those access providers' services.

Cross-border enforcement of dynamic blocking injunctions granted by courts in other countries (EU and non-EU) is a complex matter. Dynamic blocking injunctions granted in other EU MS might be enforceable under EU Regulation No. 1215/2012 of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (e.g. Italy, Spain, Sweden). Dynamic blocking injunctions granted by countries outside of the EU are usually not enforceable in the SMS, unless legal provisions on international legal cooperation in civil matters by *exequatur* procedure are available (e.g. Spain).

6. Evidence

6.1 Specific procedural rules

There is no specific procedural rule governing the admissibility of evidence for blocking injunctions and, in general, there is no difference regarding the evidence required by courts and other bodies issuing injunctions, although in some SMS only courts can issue these injunctions ⁽¹⁹⁷⁾.

6.2 Type of evidence

For the court to grant a blocking injunction, the evidence required and its admissibility is the same as in other civil cases, and the applicant is required to provide documental evidence, factual witness evidence and/or expert evidence.

6.3 Evidence to show infringement

In all SMS, the standard evidence to be provided must show that an IPR infringement has occurred. This includes, in particular, evidence that (1) the applicant holds the IPRs; (2) the applicant's rights have been infringed; and (3) the defendant's services are being used by third parties to infringe on these rights. In urgency proceedings, these requirements are scrutinised with less rigour than in a full judgment on the merits. Italy requires that rights holders prove *prima facie* evidence of: (a) their title (*'fumus boni iuris'*) and its breach; and (b) of the ongoing breach and of the consequent impossibility to wait for a full judgment on the merits (*'periculum in mora'*). In Denmark, the plaintiff does not necessarily need to prove the IPR infringement. It will suffice to 'make it probable' that the infringement is taking place. In Finland, for blocking orders, the rights holders are required to provide evidence about significant amounts of copyright-infringing material being made available to the public or that their rights are otherwise obviously and severely prejudiced. Additionally, they must present the measures they have taken in order to identify the alleged infringer.

6.4 Additional evidence

For the more targeted evidence required to obtain a blocking injunction, at least in Ireland and the UK, it must also show that the injunction is proportionate, and it will not affect any fundamental rights. With regard to the evidence of infringement, and of the fact that the defendant's services are used by third parties to infringe the applicant's rights, specific examples of statistical and technical evidence include.

- In Finland, accepted evidence in court proceedings has included written documents, such as in the form of testimonies and statements, probatory samplings, online metrics, technical reports and expert testimony hearings ⁽¹⁹⁸⁾.

⁽¹⁹⁷⁾ See *supra* para. 2.5.

⁽¹⁹⁸⁾ See Market Court MAO:243/16 and MAO:311/18 (FIN).

- In France, in order to establish evidence on the sampling methods in order to prove the massive nature of the infringing acts on the websites to be blocked, the judges will consider (i) the number of monthly visits to the content; (ii) the type of works present on the site (film present in cinemas, online, etc.); (iii) the number of accessible works; (iv) the percentage of protected works; and (v) the methods of access to these sites.
- In Germany, during preliminary injunction proceedings courts require screenshots and other documentation, testimony and affidavits.
- In Greece, injunctions have been granted on the basis of evidence concerning the similarity of the database (structure and content), of the graphics, of the user interface and of indexing.
- In Spain, in order for a blocking injunction to be granted the claimant must show (i) evidence of infringement; and (ii) graphic evidence of illegal content. In some cases the claimant shows a statistical report on the amount of illegal content on the website, however, this is not a strict requirement.

6.5 Evidence for dynamic blocking

As per dynamic blocking injunctions, most SMS have no special requirements regarding the admissibility of evidence for dynamic blocking injunctions. In Italy, however, although not officially required, it seems plausible to conclude that the rights holder should prove the dissemination of illegal content on websites changing domain names and/or IP address over the course of time. In Spain, if the dynamic injunction is granted by an administrative body, additional evidence is required, namely: an Excel document listing about 50-100 works present on the website (title; URL; ownership); proof of ownership of each work; a navigation certificate showing that works are on the site (how the site works, how the download is carried out); a report on the website traffic; the relevance of the website; information showing the audience in Spain and the position of the site in the ranking of Spanish websites; and, a report on the financing of the website, advertising, revenue, etc.

6.6 Notification of (repeated) infringements

In several SMS, beneficiaries of the injunction do not have to notify the intermediaries of infringements or repeated infringements (e.g. in France, Finland, Greece, Lithuania, Ireland, Sweden and the UK). However, notification might be requested in a minority of the SMSs (e.g. in Denmark, Italy, the Netherlands and Spain). (1) Where notification is not required, infringements might be identified in the following ways: (i) in France, courts consider that intermediaries, either access providers or search engines, must prevent future infringements and must be able to identify on their own new 'access paths' leading to the sites identified in the decision; (ii) in Greece, rights holders may submit evidence proving that there is a violation of the decision or a threat of reiteration of the infringement, including evidence concerning the similarity of the database (structure and content), of the graphics, of the user interface and of indexing; (iii) in Ireland, the mechanisms for identifying repeated infringements are generally agreed in advance between the parties and then approved by the court; (iv) in Lithuania, the Radio and Television Commission of Lithuania monitors infringements itself and the beneficiaries of the injunction can notify the Commission about repeated infringements; (v) in Sweden, the rights holders may notify the intermediary of repeated infringements but they are under no obligation to do so. (2) Where notification is required, evidence of repeated infringements can be shown by rights holders by providing access providers with: (i) in Denmark, the same kind of proof provided for

obtaining the initial blocking injunction⁽¹⁹⁹⁾; (ii) in Italy, evidence that new aliases refer to websites hosting content falling within the scope of the injunction; (iii) in the Netherlands, statistical and technical evidence, as well as screenshots, to support the infringement claims; (iv) in Spain, a list of the new websites circumventing the blocking of the original websites mentioned in the injunction, by showing, for example, evidence of the redirection through HTTP response status codes showing the status of a domain when a user tries to connect to it or via graphic evidence of the redirection.

7. Implementation of Blocking Injunctions

7.1 Technical solutions available

There are several available mechanisms to block illegal content, including IP address blocking, DNS blocking, URL filtering, deep packet inspection, domain name-related measures, and ingress and egress filtering⁽²⁰⁰⁾.

In most SMS, the injunction usually specifies the technical solution to be applied, such as in Finland⁽²⁰¹⁾, Germany⁽²⁰²⁾, Greece, Ireland, Lithuania, the Netherlands⁽²⁰³⁾, and the UK. In the UK, blocking orders typically state that the ISPs must use certain – or equivalent – technical solutions/systems to implement the blocking measures; however, in Ireland and the UK, the choice of technical means is commonly agreed between rights holders and ISPs, then vetted by the court. However, injunctions usually do not specify the technical solution in Denmark, France, Italy, Spain and Sweden, leaving the choice to the intermediary concerned. Nevertheless, the following wording is often, if not always, used by Danish injunctions: ‘The defendant is instructed to implement a technical solution, such as a DNS blocker, which is capable of preventing defendant’s clients from accessing the Internet services to which the domains listed in claim 1 currently provide access’. In Spain, blocking orders usually suggest DNS blocking, but leave the decision as to the specific technical solution to be decided by the ISPs.

Both IP address and DNS blocking are the most common technical solution applied by blocking injunctions in most of the SMS, including Finland, Greece, the Netherlands and the UK. In several SMS, DNS blocking alone was the most common and/or the only technical solution used, such as in Denmark, France, Lithuania (where so far only DNS blocking can be ordered), and Spain. In France, dynamic blocking injunctions have been granted against Google to delist from Google’s search results not only the infringing sites listed in the injunction but also the ‘access paths’ (new domain names) that the search provider is technically capable of identifying⁽²⁰⁴⁾.

⁽¹⁹⁹⁾ If the injunction mentions specific websites, and the infringing activities are then moved to another website, the rights holder must inform the intermediary of the new locations to have these new websites blocked as well.

⁽²⁰⁰⁾ See Sebastian Schwemer, Tobias Mahler and Håkon Styri, Legal analysis of the intermediary service providers of non-hosting nature, European Commission, July 2020, pp. 23-26. See also Nordemann, *supra* fn 35, pp. 359-361.

⁽²⁰¹⁾ The technical means of blocking are specified in court decisions, but they are based on the requests of the parties, with priority being given to the views of the intermediary.

⁽²⁰²⁾ The specification of a technical solution is mandatory according to the BGH. See BGH, Dead Island, I ZR 64/17, 26 July 2018 (mandating DNS blocking).

⁽²⁰³⁾ See *Ziggo et al.*, *supra* fn 149 (where the technical solutions to block The Pirate Bay have been specified).

⁽²⁰⁴⁾ See *TGI Paris 17 mai 2019, no.18/14478*; *TGI Paris 15 décembre 2017, no. 17/13471*.

7.2 Implementation costs

The allocation of enforcement costs – that is, whether the rights holders or the online intermediaries should sustain the costs of blocking – becomes a key factor in reviewing the proper balance between the freedom to conduct business and blocking orders. The allocation of the costs of implementing blocking measures has been treated inconsistently across the EU. Considerable fragmentation in approaches to intermediary liability – and in particular in sensitive matters such as the allocation of enforcement costs – is especially critical. Fragmentation in this context brings about legal uncertainty and higher transaction costs that reflect on the sustainability of the business models of online intermediaries in Europe.

EU law and CJEU jurisprudence say little in this regard and leave the decision to the national courts on the basis of their national law. The CJEU in *UPC Telekabel* only reminds that '[an injunction] constrains its addressee in a manner which restricts the free use of the resources at his disposal because it obliges him to take measures which may represent a significant cost for him' ⁽²⁰⁵⁾.

Intermediaries are bearing the costs of implementing a blocking injunction in several SMS, including Belgium ⁽²⁰⁶⁾, Denmark, Finland ⁽²⁰⁷⁾, France, Germany ⁽²⁰⁸⁾, Greece, Italy, Lithuania, the Netherlands, Spain and Sweden. This is justified under the assumption that intermediaries (i) should contribute to the fight against online infringement; (ii) internalise value thanks to the infringement occurring on their networks; and (iii) are best positioned to end online infringements. The French Cour de cassation in the *Allostreaming* case ⁽²⁰⁹⁾, a copyright infringement case, established that the blocking costs were entirely the responsibility of the ISPs as long as those measures are proportionate. The Court noted that EU provisions:

do not prevent the costs of the measures strictly necessary for safeguarding the rights in question ... from being borne by the technical intermediaries, even when such measures may present significant costs for the intermediaries. The aforementioned Directives 2000/31 and 2001/29 ... foresee that notwithstanding the principle of non-responsibility of the intermediaries, the ISPs and hosting providers are required to contribute to the fight

⁽²⁰⁵⁾ *UPC Telekabel*, supra fn 11, para. 57.

⁽²⁰⁶⁾ Although in Belgium the question of cost allocation still remains open (there is no decision expressly ruling on the issue), a judgment from the Antwerp court seems to conclude that the costs might be borne by the intermediary as long as the 'measures are within a range of the intermediary' and as long as the intermediaries 'should be able to act as intermediaries at an acceptable cost'. See Court of Appeal of Antwerp, 26 September 2011, *A&M*, 2012, p. 220.

⁽²⁰⁷⁾ In Finland, the applicant might have an obligation to recompensate the intermediary if the legal action is cancelled or dismissed or the interim order expires before the applicant institutes permanent injunction proceedings. See Section 60 f (1) and (2) of the Copyright Act; Section 64(6) of the Trademark Act; Section 57 b (5) of the Patents Act; Section 35a(5) of the Registered Designs Act.

⁽²⁰⁸⁾ In Germany, the intermediaries are deemed to be secondary infringers, thus they are defendants in the proceedings, rather than innocent third parties, and, as losing party, they have to bear the costs.

⁽²⁰⁹⁾ See Cour de cassation [French Supreme Court] SFR, Orange, Free, Bouygues télécom et al. v Union des producteurs de cinéma et al., 6 July 2017, 16-17.217, 16-18298, 16-18348, 16-18595 ('Allostreaming').

against the illegal content and, in particular, against the infringement of copyright and related rights, when they are best positioned to put an end to such violations⁽²¹⁰⁾.

In Italy, costs are internalised by the intermediaries under the assumption that costs should be borne by the entities making technically possible the breach of relevant IPRs. Again, according to the Amsterdam Court of Appeal in *Ziggo et al.*, the blocking order asked for does not demand unbearable sacrifices from the access provider, cannot be deemed as unreasonable, and can be regarded as a relatively minor encroachment of the freedom of entrepreneurship of *Ziggo et al*⁽²¹¹⁾. In Spain, the *HDFull* decision has established that:

[c]ompanies engaged in information services intermediation derive an economic benefit from access to websites, more specifically through advertisements shown in such pages. Therefore, it is legitimate and consistent with the proportionality principle that they financially contribute to blocking or delisting measures by electing the implementation of measures that are most appropriate as stated in paragraph 52 of the UPC *Telekabel Wien GmbH* judgment⁽²¹²⁾.

In contrast to the practice in most MS, the UK Supreme Court in *Cartier*⁽²¹³⁾, a trade mark infringement case, allocated the costs of blocking and delisting to rights holders, noting that ‘the ordinary principle is that unless there are good reasons for a different order an innocent intermediary is entitled to be indemnified by the rights holder against the costs of complying with a website-blocking order’. Prior to this decision, however, UK courts have justified the allocation of costs to intermediaries in the following terms: (i) exposure of intermediaries to an injunction under Article 8(3) of the InfoSoc Directive is a *quid pro quo* for immunity under the safe harbours set out in the e-commerce Directive; (ii) as the ISP makes a profit from the provision of access to the infringing target services, the costs of implementing the order can be regarded as a cost of carrying on that business; (iii) the cost of implementing the order is a factor that can be taken into account when assessing the proportionality of the injunction but that cost to the ISPs ‘would be modest and proportionate’⁽²¹⁴⁾.

It is worth noting that the UK Court of Appeal, reviewing the *Cartier* case, had instead decided that the costs of enforcement had to be equally divided between the two parties⁽²¹⁵⁾. Recently, in France, the Tribunal judiciaire de Paris (formerly known as the Tribunal de Grande Instance de Paris before 17 July 2019) has specified that the plaintiffs had to warn the ISPs in case of closure or disappearance of the sites listed in the court decision in order to avoid excessive blocking costs. In addition, an access provider can ask for a release of the measures ordered which led to an over-blocking (this after having approached the plaintiffs in vain)⁽²¹⁶⁾. Other courts in Europe, such as the Irish Court of Appeal in the

⁽²¹⁰⁾ As translated in Oleksandr Bulayenko, Cour de cassation, Urt. v 6.7.2017 (SFR, Orange, Free et al. / Union des producteurs de cinéma et al.) (translation into English), *GRUR Int'l*, 1, 2018, pp. 51-53.

⁽²¹¹⁾ *Ziggo et al.*, supra fn 149.

⁽²¹²⁾ See Commercial Court of Barcelona 15/2018, supra fn 93.

⁽²¹³⁾ *Cartier International AG v British Telecommunications plc* [2018] UKSC 28 para. 31.

⁽²¹⁴⁾ *Newzbin2*, supra fn 97, para. 200.

⁽²¹⁵⁾ See for example *Cartier Int'l AG and others v British Telecommunications plc and another* [2017] Bus L.R. 1 [100]–[128] (CA) (UK).

⁽²¹⁶⁾ TJ Paris, 16 janvier 2020, RG 19/14013.

Sony Music case⁽²¹⁷⁾, although deciding on costs for setting up a graduate response scheme rather than website blocking, came down to a different ratio in allocating costs, imposing 80 % of the costs to the online intermediaries and 20 % to the rights holders.

8. Follow-up to Dynamic Blocking Injunctions

8.1 Renewal and update

In some SMS, specific procedures are available for renewing, updating or extending static and dynamic blocking injunctions, while they are not available in others. Renewal would apply to an injunction whose duration has expired, while updating or extension would apply to measures still in place, usually within the framework of an interim action. In this context, there does not seem to be any specific distinctions between procedural rules for renewal and update of static and dynamic injunctions among the SMS. Specific arrangements for renewal and update, then, might apply depending on the jurisdiction and a few principles can be extracted.

- (i) In most SMS (e.g. Denmark, Finland, France, Italy, Ireland, the Netherlands, Spain and Sweden), renewal or update of an injunction is usually only possible within the framework of a new procedure on the merits. This is done by filing a new complaint and no specific procedure exists. In order to extend a previous blocking injunction, the rights holders must prove that the requirements for issuing the injunction are still in existence, e.g. that the IP address or the domain name has not been repurposed and that the copyright infringement still continues.
- (ii) Time limits might be applied to blocking injunctions depending on the jurisdictions and the type of injunctions. In Ireland, for example, currently live blocking orders must be renewed every year, whereas dynamic blocking injunctions are for an indefinite duration.
- (iii) If injunctions without time limit are issued (e.g. Italy and Spain), however, review is possible only if the decision which contains the order is subject to an appeal. If the decision becomes final, there is no possibility to modify its content. The conditions for an appeal vary depending on the type of decision. In Italy, for example, injunctions set forth in an interim injunction can be revoked: (i) if an appeal against the injunction (in Italian legal jargon, *reclamo*) is filed (within a deadline of 15 days from the notification of the injunction) and upheld by the court⁽²¹⁸⁾; (ii) if a full judgment on the merit is launched and it ends with the acknowledgement of the inexistence of the rights for which the injunction was granted⁽²¹⁹⁾.
- (iv) In France, blocking injunctions can be renewed when expired or updated, 'unless the parties have reached a better agreement'. However, this conclusion is not consistently accepted. In 2013 the Tribunal de Grande Instance de Paris refused to grant an extension, stating 'as the applicable legislation stands, the present court has no means of enabling a review of the execution of its decision, either directly or through the intermediary of a public official who would

⁽²¹⁷⁾ See *Sony Music Entertainment Ireland Ltd v UPC Communications Ireland Ltd* [2016] IECA 231 (Ire.) ('[b]ecause the defendant is the company which profits – albeit indirectly – because it derives revenue from its subscribers who are engaged in this practice, it is the defendant who should, in my view, be primarily liable for the costs').

⁽²¹⁸⁾ See Italian code of civil procedure, Article 669 terdecies.

⁽²¹⁹⁾ *ibid*, Articles 669 octies.

be responsible for it' ⁽²²⁰⁾. The judge thus recalled that, in principle, any new request for blocking must be the subject of new summons, but left open the alternative hypothesis of a 'better agreement between the parties' ⁽²²¹⁾.

Specific procedures for renewing injunctions without starting new proceedings are possible in some of the SMS. In Denmark, although there is no review mechanism in place regarding dynamic blocking injunctions, there is the possibility for the injunction to be cancelled if 'the conditions for the court's notice of prohibition or injunction are no longer fulfilled' ⁽²²²⁾. In Ireland, for both website and live blocking injunctions, the courts will usually allow the parties to apply to the court in the event of any change in circumstances. In the Netherlands, given that an injunction can remain in place for as long as the balance between the fundamental rights remains, an intermediary can start court proceedings to lift the injunctions if the balance of fundamental rights is no longer present. In Greece, renewal of blocking measures is specifically provided for by law as part of the administrative enforcement procedures before the EDPPI:

If, after the issuance of the decision by the ... EDPPI and its enforcement, there is an infringement or a reiteration of the infringement of the content referred to in said decision is threatened by any technical way, the applicant may submit an application to the Committee asking for the issuance of a new decision without having to pay a new fee for the case examination of paragraph 3, by submitting the evidence proving that there is violation of the decision or threat of reiteration of the infringement in accordance with the above ⁽²²³⁾.

In the UK, although there is no specific review for blocking orders, the parties to proceedings and any affected third parties can apply to the court in certain prescribed circumstances. In particular, dynamic blocking injunctions have been extended beyond the initial two-year term by application to the court with supporting evidence that, for example, the target websites were still in operation.

In keeping with dynamic blocking orders, in Italy, usually, rights holders will inform ISPs on new aliases related to the content included in the scope of the blocking injunctions. In the UK, under a voluntary scheme, update notifications are typically sent on a monthly basis, although interim notifications will be sent in certain circumstances (e.g. if an IP address that has been notified for IP address blocking becomes shared with a non-target website).

8.2 Converting static into dynamic injunctions

The above conclusions also apply to the possibility of amending an already existing order so as to convert it into a forward-looking/dynamic injunction. However, static blocking orders cannot be converted into dynamic blocking orders in most SMS. No specific procedure is available to do this, and a new procedure on the merits has to be started, with the exceptions and all the caveats mentioned above (e.g. Greece, Ireland, Spain and the UK).

⁽²²⁰⁾ TGI Paris, 28 novembre 2013, no. 11/60013.

⁽²²¹⁾ Ibid.

⁽²²²⁾ AJA §426,2,1.

⁽²²³⁾ Law 2121/1993, Article 66E, para. 9.

8.3 Recurring penalties

The enforcement of the order, with fines and recurring penalties, might be available. Recurring penalty payments are available in most SMS under the umbrella of the IPRED, that states '[w]here provided for by national law, non-compliance with an injunction shall, where appropriate, be subject to a recurring penalty payment, with a view to ensuring compliance' ⁽²²⁴⁾. In Belgium ⁽²²⁵⁾, France, and Italy, rights holders may ask the court to provide for a penalty (so-called *astreinte*) to be paid by ISPs for each day of inobservance of static and dynamic blocking injunctions ⁽²²⁶⁾. In Greece, the EDPPI will impose a fine of EUR 500 (five hundred euros) up to EUR 1 000 (a thousand euros) for each day of non-compliance with the blocking injunction. In Finland, the Market Court can order the intermediary to act on threat of a fine if there is a suspicion that the intermediary would not otherwise enforce the order ⁽²²⁷⁾. The same applies to Sweden, where access providers must pay a recurring penalty if they do not comply with the order. In the Netherlands, the Court of Appeal of Amsterdam has imposed fines on access providers Ziggo and XS4ALL for each time they violate The Pirate Bay blocking orders. The fines were EUR 10 000 (ten thousand euros), plus a penalty of EUR 10 000 (ten thousand euros) for every day or part of a day that said violation continued, to a maximum of EUR 500 000 (five hundred thousand euros) ⁽²²⁸⁾.

8.4 Enforcement and fines

In Denmark, recurring penalty payments are not available, but if the defendant does not comply with the blocking order the plaintiff can request the bailiff to enforce the order ⁽²²⁹⁾. Non-compliance with an injunction is also subject to the payment of a fine or, in grave cases, imprisonment for up to 4 months ⁽²³⁰⁾. The plaintiff must prove non-compliance and must initiate a separate court action in order to apply the abovementioned sanctions ⁽²³¹⁾. In Ireland, failure to comply with an injunction can result in attachment and committal proceedings being issued. In Italy, non-compliance with a blocking injunction is usually assessed by a technical expert who certifies the continued presence online of content falling within the scope of the injunction. A rights holder may enforce an obligation of payment for the corresponding amount (e.g. by starting a seizure of assets of the non-compliant party). In Sweden, non-compliance is assessed by the court upon request from the rights holders.

⁽²²⁴⁾ IPRED, Article 11.

⁽²²⁵⁾ See Judicial Code, Article 1385ter (the *astreinte* is an ancillary pecuniary penalty, which is enforced in the event that the main penalty is not enforced within the prescribed time).

⁽²²⁶⁾ Cf. Section 614 *bis*, Italian code of civil procedure.

⁽²²⁷⁾ See Government's Proposal 181/2015 vp, p. 54.

⁽²²⁸⁾ See *Ziggo et al.*, supra fn 149.

⁽²²⁹⁾ Cf. AJA § 424.

⁽²³⁰⁾ Cf. AJA § 430, 1.

⁽²³¹⁾ *ibid.*, in fine.

8.5 Remedies against the injunction

There are remedies available to challenge blocking injunctions in all the SMS under traditional civil procedure rules⁽²³²⁾. (i) The remedies are generally available to the intermediaries and the alleged infringers concerned by the injunction. (ii) In addition, in several SMS, individual internet users who have been affected also have a right to a remedy (e.g. in Finland, Germany, Greece, Ireland⁽²³³⁾, the Netherlands⁽²³⁴⁾ and the UK⁽²³⁵⁾). According to the German BGH, in applying the CJEU's *UPC Telekabel* judgment, individual internet users have the right to a legal remedy by starting an action against their access provider on the basis of their contractual relationship. In Sweden, the interests of internet users are also protected by the Swedish Post and Telecom Authority, which must communicate injunctions and orders in fulfilment of EU obligations⁽²³⁶⁾. (iii) Finally, class actions by internet users against blocking injunctions are available in the Netherlands. In other SMS, they seem to be either unavailable (e.g. in Ireland) and/or, a priori, not intended to apply to injunctions against intermediaries (e.g. in Belgium and Finland)⁽²³⁷⁾.

9. International Private Law, Comity, and Legal Entanglements

9.1 Extraterritorial enforcement

International private law issues have been increasingly relevant in the debate regarding injunctions against online intermediaries⁽²³⁸⁾. In particular, open questions pertain regarding the possible extraterritorial scope of static and dynamic blocking injunctions. Two major cases have been decided by the CJEU, against Google and Facebook, dealing respectively with the enforcement of privacy and

⁽²³²⁾ In Lithuania, such remedies were reported to be available only in cases where the injunction is ordered by a court.

⁽²³³⁾ Irish Courts have granted permission to operators of any server having an IP address notified under the injunction, any operator of a website or video streaming service, any hosting provider and any customer of the ISP, to apply on notice to vary or discharge the order insofar as it affects them. See FAPL 2019, supra fn 178, 615 and FAPL 2020, supra fn 108, 332.

⁽²³⁴⁾ See *Ziggo et al.*, supra fn 149, §3.5.5 (It notes that in the event of changed circumstances, the court can be approached also by third parties who have an interest in this matter, to assess whether compliance with the order under the new circumstances can still be demanded and/or whether the order must be amended).

⁽²³⁵⁾ See *Cartier* 2014, supra fn 123.

⁽²³⁶⁾ See Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services. However, as internet users are not part of the court case, they have no right of action, although their rights are considered by the court when assessing the proportionality of the injunction.

⁽²³⁷⁾ See for collective redress actions in Belgium, Title 2, Book XVII, CEL; in Finland, Act on class action 444/2007, which applies only in the context of civil cases between a consumer and a business.

⁽²³⁸⁾ See Giancarlo Frosio, *Enforcement of European Rights on a Global Scale*, in Eleonora Rosati ed., *Routledge Handbook of European Copyright Law*, Routledge, London, UK, forthcoming 2021), available at https://ssrn.com/abstract_id=3650521 (including also a review of international cases imposing global effects of national injunctions and noting how global injunctions have increasingly become a characteristic trend of recent online enforcement, which leads to insurmountable jurisdictional conflicts that can break the internet).

personality rights. In fact, the CJEU has not yet undertaken any specific review of global IPR enforcement, nor global enforcement of blocking injunctions or DBI, as the cases mentioned refer, respectively, to global delisting of the right to be forgotten entries in Google Search⁽²³⁹⁾ and the removal of defamatory content from Facebook⁽²⁴⁰⁾. However, the conclusions so far endorsed by the CJEU seem consistent enough to provide clear guidance for the potential global reach of enforcement of rights under the EU legal framework.

In *CNIL*, the CJEU concluded that, presently, EU law does not make it compulsory for search engines to dereference on all versions of the search engine⁽²⁴¹⁾. However, an important observation of the court was that, although EU law presents no provision that requires global dereferencing, 'it also does not prohibit such a practice'⁽²⁴²⁾. This means that a national supervisory or judicial authority may still order the operator of a search engine to carry out a global dereferencing after assessing the right to privacy and the right to freedom of information. In a later case brought against Facebook, the CJEU apparently confirmed and further clarified these conclusions. In *Glawischnig-Piesczek*, the CJEU was asked whether the injunction against Facebook to remove content defaming an Austrian politician can apply worldwide. Confirming the availability of an injunction with a worldwide effect, the CJEU noted that Article 18(1) of the e-commerce Directive does not provide any limitation on the scope of measures that the MS can adopt. They have been given broad discretion to implement necessary measures⁽²⁴³⁾, which includes extending the territorial scope of the injunction worldwide. While doing so, in consideration of Recitals 58 and 60 of the e-commerce Directive, the measures should be consistent with relevant international law⁽²⁴⁴⁾.

The CJEU concluded that EU law does not impose or preclude worldwide measures. Instead, it is up to national courts to decide whether extraterritorial delisting should be imposed according to their own balancing of fundamental rights and application of international norms. This is apparently an obvious conclusion from an EU law standpoint. Final case-by-case balancing of rights is a prerogative of national courts, rather than the CJEU. Although the CJEU does not clarify the scope of international law to which injunctions issued by MS may be subject, it is most likely referring to comity. If the CJEU was indeed referring to comity, MS would not pass global injunction orders without balancing competing sovereign interests. As a long-established approach, in case of conflict between local territorial law and the law applicable to particular activities on the internet, MS apply the 'comity doctrine' or 'sovereign-deference doctrine' and apply significant restraint in protecting individuals within their sphere of control. Comity has been described as 'a sort of intercourt diplomacy'⁽²⁴⁵⁾. According to a widely used definition,

⁽²³⁹⁾ 24/09/2019, C-507/17, Google LLC v Commission nationale de l'informatique et des libertés (CNIL), 2019, EU:C:2019:772 (CNIL).

⁽²⁴⁰⁾ *Glawischnig-Piesczek*, supra fn 41.

⁽²⁴¹⁾ *CNIL*, supra fn 239, para. 64.

⁽²⁴²⁾ *ibid*, para. 72 (emphasis added).

⁽²⁴³⁾ See *Glawischnig-Piesczek*, supra fn 41, para. 29.

⁽²⁴⁴⁾ *ibid* paras 48-52. See also Dan Svantesson, Scope of Jurisdiction online and the importance of messaging – lessons from Australia and the EU (2020) 38 *Computer L. & Security Rev.* 105428, available at <https://doi.org/10.1016/j.clsr.2020.105428>.

⁽²⁴⁵⁾ Pamela Bookman, Litigation Isolationism (2015) 67 *Stan L Rev* 1081, 1096.

[c]omity in the legal sense, is neither a matter of absolute obligation on the one hand nor of mere courtesy and good will upon the other. But it is the recognition which one nation allows within its territory to the legislative, executive or judicial acts of another nation, and to the rights of its own citizens or of other persons who are under the protection of its laws⁽²⁴⁶⁾.

In a recent case, the AG Saugmandsgaard Øe has referred to *Glawischnig-Piesczek* in discussing the conditions to be met to apply for an injunction against an intermediary for copyright infringement under Article 8(3) of the InfoSoc Directive⁽²⁴⁷⁾. The AG confirms that EU law, however, requires the injunctions to be proportionate⁽²⁴⁸⁾. In this context, proportionality would imply that the resources of the provider must be taken into account, especially in light of the complexity of detecting equivalent files that use the work in the same way⁽²⁴⁹⁾. Moreover, AG Saugmandsgaard continues, an obligation to block cannot ‘prevent users of a platform from uploading legal content and, in particular, legally using the work concerned’⁽²⁵⁰⁾. This might imply that, upon national courts’ determination, worldwide blocking orders affecting users’ rights in that fashion cannot be reasonably expected by a provider. Therefore, whenever, the worldwide blocking or takedown prevents users uploading or using content that is legal in their jurisdiction, that obligation would be unreasonable. Similarly, worldwide blocking and the taking down of equivalent content seems equally unreasonable according to the AG’s reasoning, given the enormous transaction costs involved with identifying whether an infringement is equivalent in each jurisdiction worldwide. In contrast, taking down or blocking access worldwide to identical mechanical reproductions of a protected work – which is a blatant infringement according to international copyright norms – might be reasonably expected of a provider, if national courts order so and having considered international norms and comity principles.

The recently proposed Digital Service Act (DSA) seems to pick up on this very point by noting, among the conditions that must be met by ‘orders to act against illegal content’, that the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective’⁽²⁵¹⁾. So, blocking injunctions, once again, should be targeted and specific with a territorial scope as broad and as limited as, what is necessary to achieve its objective. On one side, the territorial – and extraterritorial scope – will be determined by EU and national law, but also by the proportional balancing of fundamental rights that emerges from the EU Charter. On the other side, the territorial scope should be, however, limited by international law principles, including comity, according to what the CJEU established in *CNIL* and *Glawischnig-Piesczek*.

9.2 Legal entanglements

Finally, it is worth noting that blocking and dynamic blocking case-law shows multiple instances of ‘legal entanglement’ among national courts of different MS. Legal entanglements can be considered

⁽²⁴⁶⁾ *Hilton v Guyot* 159 US 113, 164 (1895).

⁽²⁴⁷⁾ 16/07/2020, C-682/18 and C-683/18, Frank Peterson v Google LLC, YouTube LLC, YouTube Inc., Google Germany GmbH (C-682/18) and Elsevier Inc. v Cyando AG (C-683/18), EU:C:2020:586, Opinion of AG Saugmandsgaard Øe.

⁽²⁴⁸⁾ *ibid.* para. 222.

⁽²⁴⁹⁾ *ibid.*

⁽²⁵⁰⁾ *ibid.*

⁽²⁵¹⁾ DSA, *supra* fn 31.

a form of informal cross-border cooperation⁽²⁵²⁾, and occur when national courts refer to judgments in other jurisdictions. There are examples for Belgium and the Netherlands, as well as in the UK and Ireland. For example, in the recent High Court of Ireland *UEFA* judgment, dealing with a dynamic blocking order against ISPs with the aim of combating the illegal IPTV streaming of live sporting events (football games)⁽²⁵³⁾, the Irish judge refers several times to the judgments of the High Court of England and Wales in similar (if not identical) cases, stating: ‘I completely agree. Those observations apply equally to the facts of this case’⁽²⁵⁴⁾ and ‘I agree and accept that those reasons are relevant for the purposes of the present application’⁽²⁵⁵⁾. Interesting is also the statement in paragraph 18: ‘My attention has been drawn to the judgment of Arnold J. in the High Court of England and Wales’⁽²⁵⁶⁾. This might be an indication that parties seeking dynamic blocking injunctions may make good use of references to similar cases in other jurisdictions. It seems likely that similar judgments in other jurisdictions will be considered by the respective judges as long as they are brought to their attention.

10. Effectiveness of Dynamic Blocking Injunctions

Benefits and challenges associated with blocking injunctions have been studied in literature at length⁽²⁵⁷⁾ and are mentioned in this study in terms of compliance with fundamental rights, fair balance and proportionality of injunctions, with a special emphasis on the risk of over and under-blocking. However, an additional important factor to evaluate the availability, scope and proportionality of blocking injunction is their effectiveness in reducing infringement. The effectiveness of blocking injunctions is usually not explicitly assessed in most SMS (e.g. Italy and Spain). However, it has been considered by some SMS’ courts. In particular, UK courts have on multiple occasions reviewed whether the injunctions were effective and found that the evidence indicates that blocking orders are reasonably effective and cause a material reduction in the number of UK users who access infringing websites⁽²⁵⁸⁾. In Ireland, effectiveness does not require 100 % success as long as the remedy has a significant persuasive effect⁽²⁵⁹⁾. In the Netherlands, the court mentioned⁽²⁶⁰⁾ the ‘Alexa list’, which contains information about websites and lists them from most to least visited. When blocking injunctions were issued against The Pirate Bay in the past, it went down on the list, whereas, when these injunctions were lifted, it went back up again. Therefore, the court confirmed that the blocking of the website is actually an effective measure.

Finland has no formal mechanisms to assess the effectiveness of static and dynamic blocking injunctions. However, after the Market Court issues the order, the affected parties themselves are

⁽²⁵²⁾ See EUIPO, Study on cooperation in online legal measures, forthcoming.

⁽²⁵³⁾ High Court of Ireland (Commercial), 2020 No. 6450 P of 29 September 2020, *UEFA v EIRCOM et al.*

⁽²⁵⁴⁾ *ibid.*, para. 19, 33, 34 and 40.

⁽²⁵⁵⁾ *ibid.*, para. 34.

⁽²⁵⁶⁾ *ibid.*, para. 18 (emphasis added). See also paras 10, 33 and 40.

⁽²⁵⁷⁾ See *supra* fn 9.

⁽²⁵⁸⁾ See for example *EMI v Sky*, para. 105; *Football Association Premier League Ltd*, *supra* fn 179, para. 49.

⁽²⁵⁹⁾ See FAPL 2020, *supra* fn 108.

⁽²⁶⁰⁾ See *Rechtbank Midden Nederland C/16/448423/ KG ZA 17-382*, 12 January 2018 (*Stichting Brein v KPN B.V. and others*) ECLI:NL:RBMNE:2018:114, para. 4.12.

responsible for monitoring the effectiveness of the injunction as well as their necessity⁽²⁶¹⁾. The Market Court can, then, assess the necessity of the injunctions if the parties either seek to renew, extend or challenge the order by filing an application to the court.

In some jurisdictions courts also base the availability of blocking injunctions on empirical data showing at least that internet users are seriously discouraged from accessing the infringing content and that there is a reduction in the numbers of users accessing this content. In addition, static and dynamic blocking injunctions should be regularly reviewed on the basis of their effectiveness and necessity. In summary, in certain jurisdictions effectiveness is an additional requirement to justify targeted and specific blocking injunctions that fairly balance fundamental rights and impose proportionate, but not excessive obligations, on access providers and other intermediaries.

11. Conclusions and Key Findings

The overview of static and dynamic blocking injunctions in the EU and the SMS shows a complex web made up of a variety of approaches in EU MS that is sometimes hard to disentangle. In this regard, this study provides a set of key findings that might serve as a reference for the further development of policies and practices in the field.

- (1) Blocking injunctions find their **legal basis** in Article 18(1) of the e-commerce Directive, Article 8(3) of the InfoSoc Directive and Article 11 of the IPRED. The compatibility of blocking injunctions with EU law has been confirmed by a number of CJEU judgments, which would also support the availability of dynamic blocking injunctions. However, while static blocking injunctions are available in all the SMS, dynamic blocking injunctions are not or, at least, their availability has not yet been tested in the courts in some of the SMS.
- (2) The availability of static and dynamic blocking injunctions largely depends on the proper **balancing of rights and interests**. Firstly, in order to guarantee proportional balancing of **fundamental rights**, dynamic blocking injunctions must be consistent with the constitutional legal framework set forth by the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention of Human Rights or ECHR), as construed by the European Court of Human Rights (ECtHR) and, in particular, by the Charter of Fundamental Rights of the European Union (EU Charter), as interpreted by the CJEU. In all SMS, fundamental rights must be considered by courts when balancing rights and interests in issuing dynamic blocking injunctions. In this regard, ordinary courts, administrative courts and authorities in the SMS have mostly been explicitly referring to fundamental rights balancing, with a special emphasis on freedom of expression and information, freedom to conduct a business, the right to property and the protection of personal data. Secondly, in most SMS, courts must assess the **proportionality** of the measure according to Article 3 IPRED and general principles of EU law. This is usually done on a case-by-case basis according to several national standards. In this context, dynamic injunctions should address the risk of over- and under-blocking. These risks are addressed by courts in most although not all SMS. In light of the above, static and dynamic

⁽²⁶¹⁾ See Government's Proposal 181/2015 vp, p. 56 as cited by Market Court, MAO:243/16, para. 57 and MAO:311/18, para. 49 (noting that the applicant is in the best position to monitor the effectiveness of the injunctions).

blocking injunctions should be made available, according to the doctrine of ‘fair balance’ among fundamental rights, only if they are strictly targeted to bring the infringement to an end and if they do not disproportionately impinge on fundamental rights, do not impose ‘excessive obligations’ on intermediaries and address the risk of over- and under-blocking.

- (3) **Requirements** for obtaining a **blocking injunction** differ in the SMS. There are, however, some common general requirements and procedural rules that apply in most SMS, including, (i) the need to demonstrate rights holder status and ownership of rights, evidence of alleged infringement, proportionality, appropriateness and/or reasonableness of the requested measure; (ii) a decision on the merits, whether a full review for issuing a permanent injunction or a partial review for issuing interim measures, would be necessary in all SMS; (iii) proceedings to obtain a blocking order can be *ex parte* and *inter partes* in some SMS, although reservations are commonly made with regard to *ex parte* proceedings; (iv) in general, intermediary contributory liability is not requested for imposing blocking injunctions on access providers and other intermediaries; and (v) in some SMS, the temporal validity of blocking injunctions is not explicitly limited, while in others an unlimited duration is applied with caveats.
- (4) **Dynamic blocking injunctions** have been granted in most of the SMS, including Denmark, France, Ireland, Italy, the Netherlands, Spain, Sweden and the UK. However, so far, the number of dynamic blocking injunctions issued in the SMS has been limited. In most SMS, there is no explicit statutory notion of dynamic blocking injunctions: Therefore, courts have been granting dynamic blocking injunctions – and defining their requirements – on the basis of an expansive interpretation of pre-existing norms. General IPR rules providing remedies for infringement and the national implementation of Article 11 of the IPRED, which has been interpreted by the CJEU so that the judge can order intermediaries to take measures to prevent new infringements, have served as a legal basis for dynamic injunctions. This also implies, thus, that there are no specific requirements for the grant of a dynamic blocking injunction over the requirements in place for static blocking injunctions. As a subspecies of dynamic blocking injunctions, some SMS (Ireland, Spain and the UK) have made available **live blocking injunctions** with the principal goal of limiting infringement of rights to live (sporting) events. In other SMS, live blocking injunctions are not available or, at least, their availability has not yet been tested in court. As a recent development, in the UK and Spain, injunctions have been made available to block access to websites offering devices and software that allow for the circumvention of technological protection measures (TPMs).
- (5) With regard to the **scope of dynamic blocking injunctions**, subject matter, targeted intermediaries, targeted websites, temporal and territorial scope vary to different extents in the SMS. In particular, (i) although copyright infringement is the major target of these measures in the SMS, there does not seem to be any specific limitation to the subject matter that can be covered by a dynamic injunction; (ii) generally, dynamic blocking injunctions can be granted against any party deemed an intermediary under Article 8(3) of the InfoSoc Directive and Article 11 of the IPRED, although they have been customarily granted against access service providers in most SMS; (iii) most SMS have no limitations on the number of websites that can be blocked; (iv) blocking injunctions might have a limited duration or not, depending on the MS, however, even though the law does not regulate dynamic blocking injunctions nor their duration,

they might be limited in time by judicial decisions; and (v) in the SMS, blocking injunctions commonly apply to access providers under the jurisdiction of the MS and to infringing acts having effects in the territory of the MS. Therefore, in general, injunctions can order the blocking of content regardless of the location where the infringement took place or the location of the users accessing the infringing content, as long as the activities target MS' consumers and internet users.

- (6) In general, there are no specific procedural rules on the requirements for and the admissibility of **evidence** for blocking injunctions in the SMS. The same is true with regard to dynamic blocking injunctions specifically. For courts to grant a blocking injunction, the evidence required and admissible is the same as in other civil cases, and the applicant is required to provide documental evidence, factual witness evidence and/or expert evidence. In several SMS, beneficiaries of the injunction do not have to notify the intermediaries of infringements or repeated infringements; however, notification might be requested in a minority of the SMS.
- (7) **Implementation of blocking injunctions** mainly focuses on the technical solutions and implementation costs. There are several available mechanisms to address blocking of illegal content. In most SMS, the injunction usually specifies the technical solution to be applied. If that is not the case, such as in Denmark, France, Italy, Spain and Sweden, courts might, however, suggest technical solutions to meet the scope of the injunction. Both IP address and DNS blocking are the most common technical solutions applied by blocking injunctions in the SMS. The allocation of the costs of implementing blocking measures has been treated quite inconsistently across the SMS. EU law and CJEU jurisprudence say little in this regard and leave the decision to the national courts on the basis of their national law. The intermediaries bear the costs of implementing a blocking injunction in the large majority of the SMS. In fewer SMS, costs might be shared between the intermediary and rights holders, or assigned to intermediaries only, such as in the UK.
- (8) **Follow-up actions to dynamic blocking injunctions** play an important role in the measures' effectiveness and overall balance of interests concerned. (i) In some SMS, specific procedures are available for renewing, updating or extending static and dynamic blocking injunctions, while they are not available in others. In this context, there does not seem to be any specific distinctions between procedural rules for renewal and update of static and dynamic injunctions among the SMS. (ii) There is no specific procedure available to convert static into dynamic blocking injunctions in the SMS. Instead, a new procedure on the merits has to be started. (iii) In addition, the enforcement of the order, with fines and recurring penalties, might be available in most SMS. (iv) Finally, there are remedies available to challenge blocking injunctions in all the SMS under traditional civil procedure rules. The remedies are generally available to the intermediaries and the alleged infringers concerned by the injunction. In a few SMS, these remedies are also available to affected individual internet users, while in some SMS collective actions are available.
- (9) Discussing the **extraterritorial scope of injunctions** against online intermediaries, recent CJEU jurisprudence concluded that EU law does not impose or preclude worldwide measures. Instead, it is up to national courts to decide whether extraterritorial injunctions should be

imposed according to their own balancing of fundamental rights and application of international norms. The proposed Digital Service Act (DSA) also noted that the territorial scope of orders to act against illegal content, on the basis of the applicable rules of EU and national law, including the Charter, and, where relevant, general principles of international law, should not exceed what is strictly necessary to achieve its objective. So, blocking injunctions must be targeted and specific with a territorial scope not broader than what is necessary to achieve its objective, according to fundamental right balancing and international law, including the doctrine of comity.

- (10) Static and dynamic blocking case-law shows multiple instances of **legal entanglement** among national courts of different SMS. Legal entanglements can be considered a form of informal cross-border cooperation and occur when national courts refer to judgments from other jurisdictions.
- (11) An additional important factor to evaluate availability, scope and proportionality of blocking injunctions is their **effectiveness** in reducing infringement. The effectiveness of blocking injunctions is usually not explicitly assessed in most SMS. However, it has been considered by some SMS' courts, in particular in the UK and the Netherlands. Effectiveness might not require that the injunctions are 100 % successful, as long as the remedy is seriously discouraging internet users from accessing the infringing content.

CASE-LAW OF THE CJEU

27/03/2014, C-314/12, UPC TELEKABEL WIEN GMBH V CONSTANTIN FILM VERLEIH GMBH, WEGA FILMPRODUKTIONSGESELLSCHAFT MBH, EU:C:2014:192

NORMS

Article 8(3) of Directive 2001/29/EC.

FACTS

Having established that a website was offering, without their agreement, either a download or 'streaming' of some of the films which they had produced, Constantin Film and Wega, two film production companies, referred the matter to the court responsible for hearing applications for interim measures with a view of obtaining, on the basis of Article 81(1a) of the German Copyright Act (*Urheberrechtsgesetz*), an order ordering UPC Telekabel Wien GmbH, an internet service provider, to block the access of its customers to the website at issue, inasmuch as that site makes available to the public cinematographic works over which Constantin Film and Wega hold a right related to copyright without their consent.

SUBSTANCE

The website operating under the domain name kino.to enables users to access a wide range of films protected by copyright via streaming or downloading. The plaintiffs, the film production companies Constantin Film Verleih GmbH and Wega Filmproduktionsgesellschaft GmbH, hold related rights in some of these films. The plaintiffs sought a court order obliging the defendant, the Austrian ISP UPC Telekabel Wien GmbH, to block the website. The Commercial Court, Vienna, granted an injunction prohibiting the defendant from providing its customers with access to the website. In particular, the site's domain name and current IP address should be blocked. Both parties lodged appeals, and the Oberlandesgericht Wien (Higher Regional Court, Vienna) partially reversed the order of the court of first instance. Lastly, the Oberster Gerichtshof (Supreme Court, Austria) asked the CJEU to clarify whether a person who makes protected subject matter available to the public on a website without the agreement of the rights holder is using the services of the ISP in the sense of Article 8(3) D 2001/29. It also asked, amongst other questions, whether the blocking measures ordered were compatible with EU law, and notably with fundamental rights, where they prohibit in general terms (i.e. without ordering specific measures) an ISP from allowing its customers access to a certain website where the material provided is exclusively or predominantly without the rights holder's consent, when that injunction does not specify the measures that the access provider must take and when that ISP can avoid incurring coercive penalties for breach of that injunction by showing that it has taken all reasonable measures.

According to the CJEU, ISPs fall under Article 8(3) D 2001/29, and the term 'intermediary' covers any person who carries a third party's infringement of a protected work or other subject matter in a network (para. 30). Neither the wording of Article 8(3) nor any other provision of D 2001/29 indicates that a specific relationship between the person infringing copyright or a related right and the intermediary is required (para. 35). Therefore, Article 8(3) D 2001/29 must be interpreted as meaning that a person

who makes protected subject matter available to the public on a website without the agreement of the rights holder, for the purpose of Article 3(2) D 2001/29, is using the services of the ISP (para. 40). The CJEU ruled that the fundamental rights recognised by EU law do not preclude a court injunction prohibiting an ISP from allowing its customers access to a website placing protected subject matter online without the agreement of the rights holders when that injunction does not specify the measures which the ISP must take, provided the following conditions are fulfilled: the ISP can avoid incurring coercive penalties for breach of that injunction by showing that it has taken all reasonable measures; the measures taken do not unnecessarily deprive internet users of the possibility of lawfully accessing the information available; those measures have the effect of preventing unauthorised access to the protected subject matter, or of making access difficult; the measures seriously discourage internet users who are using the services in question from accessing the infringing subject matter. The national authorities and courts need to establish whether these conditions are fulfilled (para. 64).

15/09/2016, C-484/14, TOBIAS MCFADDEN V SONY MUSIC ENTERTAINMENT GERMANY GMBH, EU:C:2016:689

NORMS

Article 12(1) of Directive 2000/31/EC read in conjunction with Article 12(3) of that Directive.

FACTS

Mr Tobias McFadden was offering free wireless local area network (WLAN) without a password of any kind or protection to his clients. A protected musical work was made available to the public using his WLAN. Sony Music Entertainment Germany GmbH (Sony Music), the producer of the phonogram of the protected work at issue, gave Mr McFadden a formal notice to respect its rights over the phonogram. Mr McFadden brought an action for a negative declaration. The referring court dismissed Mr McFadden's action and upheld the counterclaims of Sony Music, which mainly consisted of the payment of damages on the ground of liability for infringement, an injunction against the infringement and the reimbursement of the costs of litigation. Mr McFadden appealed the judgment on the grounds of exemption from liability stemming from Article 12(1) of Directive 2000/31/EC as transposed in German law. Sony Music argued that Mr McFadden should be held liable for direct infringement, and alternatively, for indirect infringement as he had not taken steps to protect his WLAN. The Landgericht München I (Regional Court, Munich I, Germany) asked the CJEU to clarify the meaning of Article 12(1) of Directive 2000/31/EC. The German court asked, among others, two questions relevant for allowing dynamic blocking injunctions, namely whether: (1) the expression 'not liable for the information transmitted' precludes, as a matter of principle, or in any event in relation to a first established copyright infringement, any claims for injunctive relief, damages, the payment of the costs of giving formal notice or court costs which a person affected by a copyright infringement might make against the access provider where indirect liability could be established when a service provider does not secure its network with a password, and a third party uses it to infringe a copyrighted work; and (2) the Member States may not permit a national court, in substantive proceedings, to make an order requiring an access provider to refrain in future from enabling third parties to make a particular copyright-protected work available for electronic retrieval from an online exchange platform via a specific internet connection.

SUBSTANCE

On the first question the CJEU found that Article 12(1) of Directive 2000/31 must be interpreted as precluding a person harmed by the infringement of its rights over a work from claiming compensation

from a provider of access to a communication network on the ground that such access was used by a third party to infringe its rights and the reimbursement of the costs of giving formal notice or court costs incurred in relation to its claim for compensation. However, that article must be interpreted as meaning that it does not preclude such a person from claiming injunctive relief against the continuation of that infringement, and the payment of the costs of giving formal notice and court costs from a communication network access provider whose services were used in that infringement where such claims are made for the purposes of obtaining, or follow the grant of injunctive relief by a national authority or court to prevent that service provider from allowing the infringement to continue.

With regard to the second question, the CJEU held that having regard to the requirements deriving from the protection of fundamental rights and to the rules laid down in Directives 2001/29 and 2004/48, Article 12(1) of Directive 2000/31, read in conjunction with Article 12(3) of that Directive, must be interpreted as, in principle, **not precluding the grant of an injunction** such as that at issue in the main proceedings, which requires, on pain of payment of a fine, a communication network access provider to prevent third parties from making a particular copyright-protected work or parts thereof available to the general public from an online (peer-to-peer) exchange platform via the internet connection available in that network, where that provider may choose which technical measures to take in order to comply with the injunction, even if such a choice is limited to a single measure consisting in password-protecting the internet connection, provided that those users are required to reveal their identity in order to obtain the required password and may not therefore act anonymously, a matter which it is for the referring court to ascertain.

All in all, the CJEU ruled that copyright holders can seek injunctions to stop future infringements, where such injunctions respect the balance between the interests at stake and protect fundamental rights (notably, the right to protection of intellectual property, the provider's freedom to conduct business, and the freedom of information of the recipients of the service).

[03/10/2019, C-18/18, GLAWISCHNIG-PIESCZEK V FACEBOOK IRELAND LIMITED, EU:C:2019:821](#)

NORMS

Article 14(1) and (3), Article 15(1) and Article 18(1) of Directive 2000/31/EC.

FACTS

Ms Eva Glawischnig-Piesczek, an Austrian politician, sued Facebook Ireland in the Austrian courts seeking an order that Facebook Ireland remove a comment published by a user on that social network harmful to her reputation, as well as allegations which were identical and/or of an equivalent content.

The Facebook user in question had shared on that user's personal page an article from the Austrian online news magazine oe24.at entitled 'Greens: Minimum income for refugees should stay'. That had the effect of generating on that page a 'thumbnail' of the original site, containing the title, a brief summary of the article and a photograph of Ms Glawischnig-Piesczek. That user also published, in connection with that article, a comment that the Austrian courts found to be harmful to the reputation of Ms Glawischnig-Piesczek, and which insulted and defamed her. This post could be accessed by any Facebook user.

Against that background, the Oberster Gerichtshof (Supreme Court, Austria) asked the CJEU to interpret the Directive on electronic commerce.

Under that Directive, a host provider such as Facebook is not liable for stored information if it has no knowledge of its illegal nature or if it acts expeditiously to remove or to disable access to that information as soon as it becomes aware of it. That exemption does not, however, prevent the host provider from being ordered to terminate or prevent an infringement, including by removing the illegal information or by disabling access to it. However, the Directive prohibits any requirement for the host provider to monitor generally information which it stores or to seek actively facts or circumstances indicating illegal activity.

SUBSTANCE

The CJEU answered the Oberster Gerichtshof that the Directive on electronic commerce, which seeks to strike a balance between the different interests at stake, does not preclude a court of a Member State from ordering a host provider:

- (a) to remove information which it stores, the content of which is identical to the content of information that was previously declared to be unlawful, or to block access to that information, irrespective of who requested the storage of that information;
- (b) to remove information which it stores, the content of which is equivalent to the content of information which was previously declared to be unlawful, or to block access to that information, provided that the monitoring of and search for the information concerned by such an injunction are limited to information conveying a message the content of which remains essentially unchanged compared with the content which gave rise to the finding of illegality and containing the elements specified in the injunction, and provided that the differences in the wording of that equivalent content, compared with the wording characterising the information which was previously declared to be illegal, are not such as to require the host provider to carry out an independent assessment of that content (thus, the host provider may have recourse to automated search tools and technologies);
- (c) to remove information covered by the injunction or to block access to that information worldwide within the framework of the relevant international law, and it is up to Member States to take that law into account.

[14/06/2017, C-610/15, STICHTING BREIN V ZIGGO BV AND XS4ALL INTERNET BV, EU:C:2017:456](#)

NORMS

Articles 3(1) and 8(3) of Directive 2001/29/EC.
Article 11 of Directive 2004/48/EC.

FACTS

Stichting Brein is a Dutch foundation, which safeguards the interests of copyright holders. Ziggo and XS4ALL are internet access providers. A large number of subscribers to both Ziggo and XS4ALL shared copyright-protected content via the peer-to-peer (P2P) platform The Pirate Bay (TPB), with the help of torrent software. Stichting Brein requested a court order against Ziggo and XS4ALL to block all domain names and IP addresses related to TPB. The Court of First Instance upheld this request, but the Appeal Court rejected it. The High Court of the Netherlands found that the actions of the online

sharing platform TPB make protected works available to the public without the rights holders' consent. It has also been established that subscribers to Ziggo and XS4ALL, through this platform, make protected works available without the rights holders' consent and thus infringe the copyright and related rights of those rights holders. The High Court was not able to establish, however, whether the actions of TPB could also be considered as a 'communication to the public'. The High Court asked the CJEU whether making available and managing a sharing platform on the internet that allows its users to locate protected works and share them in the context of a P2P network, constitutes 'communication to the public' (Article 3(1) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society).

SUBSTANCE

The Court stated that the concept of 'a communication to the public', within the meaning of Article 3(1) of Directive 2001/29/EC, should be assessed individually for each case. The concept contains two cumulative criteria: an 'act of communication' and 'a public'. To assess whether there is an 'act of communication' several, complementary criteria need to be taken into account: the deliberate nature of the action, the use of specific technical means different from those previously used or allowing a 'new public' to be reached and the profit-making nature of the communication. In applying these criteria to the case, the Court found that making protected works available on the sharing platform constitutes an 'act of communication'. To reach this conclusion it referred to previous case-law. The question remained, however, whether TPB itself could be held liable for this act of communication, as the protected works were placed online by TPB users and not by TPB itself. The Court ruled that the TPB operators play an essential role in making protected works available, as they make the platform available and manage it. Without this platform it would be impossible or very difficult for users to share the protected works. Therefore, making an online sharing platform available, that provides its clients with access to protected works, and managing it, is liable to constitute an 'act of communication' for the purposes of Article 3(1) of Directive 2001/29/EC. The Court found that there was a 'public' since at least all the platform users, who were proven to be a large number, could access the works at any time, simultaneously. Furthermore, there was a 'new public' that had not been taken into account by the copyright holders when they authorised the initial communication. Since the operators were informed that the platform was used to provide access to works published without authorisation, they expressed their intention to make protected works available. Furthermore, the large number of torrent files on TPB indicates that the operators could not have been unaware thereof.

CASE-LAW OF NATIONAL COURTS

Belgium

COURT OF APPEALS OF ANTWERP 3399-2011/8314, 26 SEPTEMBER 2011, BELGIAN ANTI-PIRACY FEDERATION (BAF) V. TELENET AND BELGACOM

NORMS

Article 87(1) par.2, of the Belgian Law of 30 June 1994 on Copyright and Neighbouring Rights (Copyright Act) (now Article XVII.14, par.4 CEL);
Article 21(1) of the Belgian Act of 11 March 2003 on certain legal aspects of information society services (the 'e-commerce Act') (now Article XII.20 CEL).

FACTS

In 2010, the Belgian Anti-piracy Federation (BAF) applied for an injunction in a cease and desist proceeding against two Belgian ISPs. They asked that the two ISPs be ordered to block access for their users to the website The Pirate Bay.

In first instance, the Antwerp Commercial Court rejected the claim made by BAF, considering the order disproportionate and unnecessary. BAF lodged an appeal before the Antwerp Court of Appeal.

SUBSTANCE

The Court of Appeal overturned the lower court's decision.

After finding that the website The Pirate Bay was infringing copyright on a massive scale, the Court of Appeal of Antwerp ordered Telenet and Belgacom to cease the infringements by applying DNS blocking to an exhaustive list of 11 domain names provided by BAF, under pain of a penalty payment of EUR 1 000 per day. The Court rejected BAF's claim to apply IP-blocking technology and to extend the blocking order to other 'The Pirate Bay' websites that BAF offered to identify and send to the ISPs.

Against the issuance of this injunction, Telenet and Belgacom argued that their role as ISPs prevented them from being held liable for the copyright violations committed by their customers and that such an order would put them under a general obligation of monitoring their network. In addition, they contended that the blocking order was disproportionate and inefficient – a blocking order being easily circumvented – and not only would not lead to the cessation of the infringements, but that it would also block legitimate information. They held that the appellant should have first directed its legal action against the direct infringer (subsidiarity principle). Eventually, they alleged that this order would conflict with other fundamental rights and freedoms, and would place them in a competitive disadvantage regarding other Belgian ISPs.

The Court held that according to Article 87(1) par.2 of the Copyright Act, it was entitled to issue an injunction against the ISPs, in their quality of intermediaries whose services are used by a third party

to infringe a copyright or related right, and reminded them that their liability for copyright infringement was not at stake. The Court also added that the liability exemption regime provided for under Article 12 of the e-commerce Directive was not an obstacle to the issuance of this injunction order.

Then the Court stated that Telenet and Belgacom were under no general obligation to monitor their network (Article 15 of the e-commerce Directive) and held that the blocking order was not disproportionate. In the Court's view, most of The Pirate Bay websites are indeed infringing and the few material not copyright protected can be accessed by internet users through other channels. The Court also ruled that to be proportionate, it was enough that the blocking order contribute to the reduction of the infringing activity. The Court clarified that there was no subsidiarity principle obliging BAF to first lodge an action against the direct infringer.

When performing the balancing exercise between the fundamental rights and freedoms in the case in question, the Court stated that the ISPs had failed to demonstrate any valid interests that outweigh the copyright protection of BAF's members facing the diffusion on a massive scale of their protected works via The Pirate Bay websites.

Regarding the alleged risk of competitive disadvantage, the Court considered that there was no such risk given that Telenet and Belgacom are the biggest ISPs in Belgium.

The Court also explained that, technically speaking, it was not impossible for ISPs to make their website unavailable to their customers. It refers to the blocking orders already issued to ISPs by the Prosecutor in other areas such as child pornography.

However, the Court decided that DNS blocking of the list of websites provided by BAF was the most acceptable solution in the case in question. It would prevent any undesirable effects caused by the IP blocking technical solution, such as blocking legitimate information.

[COURT OF CASSATION P.13.0550.N/1, 22 OCTOBER 2013, BELGIAN ANTI-PIRACY FOUNDATION V BELGACOM](#)

NORMS

Articles 39 *bis* and 89 of the Belgian Code of criminal procedure;
Article 21(1) of the Belgian Act of 11 March 2003 on certain legal aspects of information society services (the 'e-commerce Act') (now Article XII.20 CEL);
Article 52(1) of the Charter of Fundamental Rights of the European Union (2000/C 364/01).

FACTS

Civil proceedings

In 2010, the Belgian Anti-piracy Federation (BAF) applied for an injunction in a cease and desist proceeding against two Belgian ISPs in order to stop their customers accessing the content hosted by the server associated with various The Pirate Bay domain names.

The Court of Appeal of Antwerp, after finding that The Pirate Bay websites were infringing copyright, ordered Telenet and Belgacom to cease the infringements by applying DNS blocking to an exhaustive list of 11 domain names provided by BAF, under pain of a penalty payment of EUR 1 000 per day. The Court rejected the claim to extend the blocking order to other The Pirate Bay websites.

Criminal proceedings

However, after finding out that The Pirate Bay websites were quickly accessible again through other domain names, the applicants issued a criminal procedure for copyright infringement asking the judge to order the ISPs to block access to the content provided by The Pirate Bay without specifying an exhaustive list of domain names or imposing a time limit on the injunction.

The request was accepted. By an order of 6 April 2012, the investigating judge of the Malines Court of First Instance required **all internet operators of services providers** to make access to the content hosted by the server associated to the main domain names thepiratebay.org impossible. He further specified that they could use **all technically possible means**, including, at least, the blocking of domain names redirecting to the server associated to the domain name thepiratebay.org. The judge added that the list of domain names to be blocked would be set and provided by the police (i.e. the RCCU (Regional Computer Crime Unit) of Malines and the FCCU (Federal Computer Crime Unit)).

The three Belgian providers (Telenet, Tecteo and Brutele) took the case to the Court of Appeal, who maintained the injunctive relief (ruling of 14 February 2013). The Court specified that the investigating judge could rightly order the necessary provisional measures to put an end to the damage caused to the civil party. The ISPs eventually went to the Belgian Supreme Court which ruled on points of law.

SUBSTANCE

The plaintiffs first questioned the legal basis of the measure. They argued that Articles 39 *bis* and 89 of the Belgian Code of criminal procedure do not empower investigating judges to require all internet operators and service providers to block access to all The Pirate Bay domains. They also contended that such an injunction, not limited to an exhaustive list of domain names and not limited in time, infringes Article 21 of the Belgian e-commerce Act (implementing Article 15 e-commerce Directive) and Article 52.1 Charter of the Fundamental Rights of the EU.

This is because, according to them, the injunction does not specify the means to be employed in order to comply with the obligation imposed on them and does not specify the domain names which must be blocked. In their view, a law imposing a temporary monitoring obligation on internet service providers must be sufficiently clear and predictable. The plaintiffs also requested the Supreme Court ask preliminary questions to the CJEU. By their questions, they asked in essence whether Recital 47 and Article 15 of the e-commerce Directive authorise a national legislation to impose, on an information society service provider within the framework of a judicial investigation, the obligation to make inaccessible illegal content on the internet without specifying the means to be used for this purpose, nor indicating exhaustively the domain names that should be blocked.

The Courts first held that Article 39 *bis* of the Belgian Code of criminal procedure does not exclude a measure to be ordered against third parties, other than those having stored the data themselves. More generally, the Court confirmed that the investigating judge could rightly rely on this provision to order the national internet access providers to stop access to the content hosted by the server associated to the main domain name thepiratebay.org, by using all technical means possible, including at least the blocking of all domain names which refer to this server. The domain names to be blocked were provided by the police (RCCU and FCCU). (§14)

The Court also found that such an order would only remove the internet users' access to the data stored on The Pirate Bay but would not prevent The Pirate Bay operators from having access to their website (§16), nor delete the content of such website (§19).

The Court recalled that the prohibition of general monitoring provided for in Article 15(1) e-commerce Directive does not prevent a competent national authority from imposing temporary monitoring obligations in specific cases (§23). It found that the order at stake does not constitute a general monitoring obligation because it does not require the service provider to monitor the information it transmits or stores or to actively seek information revealing illicit activities. (§24)

The Court also referred to the Court of Appeal reasoning according to which, there is no general monitoring obligation provided that the list of domain name to be blocked will be provided by the police. (§25)

The court dismissed the case and refused to ask questions to the CJEU.

Denmark

MARITIME AND COMMERCIAL COURT (SØ- & HANDELSRETTEEN), CASE NUMBER A-51-17, 21 FEBRUARY 2018, FRITZ HANSEN A/S AND OTHERS (REPRESENTED BY RETTIGHEDSALLIANCEN SMF.) V. TELIA DANMARK A/S AND DOMINIDESIGN FURNITURE LTD

NORMS

Paragraphs 2(1)-2(3), 413(3), 414(2) of the Danish Law on Copyright; Paragraph 1 of the Law on Commercial Practices (Markedsføringsloven).

FACTS

Rettigheds Alliancen is a Danish association defending the interests of affiliated rights holders from the film, music, literature, image, design and media industries on the internet. Fritz Hansen A/S, Louis Poulsen Lighting A/S, Carl Hansen & Søn Møbelfabrik A/S and Fredericia Furniture A/S (hereinafter Fritz Hansen and Others), all members of Rettigheds Alliancen, have copyrights for furniture and lamps, of which replicas have been offered for sale on various websites (www.dominidesign.com, www.privatefloor.com, www.interiorfox.com, www.italiadesigns.com, www.bauhausitalia.com, www.vertigointeriors.com and www.122design.com). The sale of replicas on those websites to customers in Denmark has been confirmed when Rettigheds Alliancen made several test purchases. Following those test purchases, Rettigheds Alliancen contacted the websites and informed them about the infringement of their client's copyright rights. Only the owners of two of those websites responded, with one denying the allegations and the other one claiming that they are closing their business. Telia Denmark A/S is a Danish telecommunications and internet service provider and a member of the intertrade organisation Teleindustrien. Teleindustrien and Rettigheds Alliancen have an agreement concerning blocking access to services which infringe intellectual property rights in Denmark.

Rettigheds Alliancen, representing its clients, requested that Telia Denmark A/S be prohibited from providing its customers in Denmark with access to the internet websites which have been confirmed to sell replicas of copyrighted furniture and lamps. Furthermore, it requested an order for Telia Denmark A/S to implement a technical solution, for example DNS blocking, capable of preventing customers in Denmark from accessing those websites and to expand that order also to other websites

providing the same service (i.e. selling replicas of copyrighted design items to Danish customers), if those websites are confirmed to do so by Rettigheds Alliancen.

Telia Danmark A/S requested that this prohibition be refused. Dominidesign Furniture Ltd., an Irish undertaking, providing the website www.dominidesign.com, joined the proceedings at a later stage. They requested that the application for an interim prohibition and injunction be refused, or alternatively that the case be dismissed. They furthermore argued that Denmark is not the relevant jurisdiction in this case since, at the time of the main proceedings, the content of their website was not in Danish, and it was not possible to pay in the Danish currency or to order the goods featured on their website from Denmark.

SUBSTANCE

The Maritime and Commercial Court found that Denmark has jurisdiction in relation to the action in question. As the evidence showed, before the main proceedings started, Rettigheds Alliancen was able to purchase replicas of furniture and lamps, the copyright of which is owned by Fritz Hansen and Others, from www.dominidesign.com and other websites (as listed above and included in the Court's file), and the products were subsequently delivered to Denmark. These products were thus made available to the public in Denmark for the purposes of paragraph 2(3)(1) of the Law on Copyright. Consequently, these websites infringe the copyrights owned by Fritz Hansen and Others under paragraph 2(2) of the Law on Copyright, in conjunction with subparagraph (1) thereof. In 2018, after the infringement proceedings had been initiated, Dominidesign Furniture Ltd. updated their general terms and conditions to include a provision that no delivery may take place to Denmark. However, the Court found that this per se does not exclude the risk of further infringements of the same kind under paragraph 413(2) of the Law on Copyright.

As regards the injunction against Telia Danmark A/S as an internet provider, the Court found that it should be straightforward for Telia Danmark A/S to block access to the websites in question. The imposition of a prohibition on Telia Danmark A/S will therefore not give rise to harm or prejudice which is significantly disproportionate in relation to the interests which Rettigheds Alliancen and Fritz Hansen and Others have in notification of a prohibition and injunction under paragraph 414(2) of the Law on Copyright. In that connection, the Court further noted that the Code of Conduct agreed between Teleindustrien and Rettigheds Alliancen assumes that it will be possible to direct a claim for prohibition at individual network operators.

Therefore, the Court ordered Telia Danmark A/S to implement a technical solution, for example DNS blocking, that is capable of preventing customers in Denmark from accessing the listed websites that are selling replicas of Fritz Hansen and Others' copyrighted furniture and lamps. The order also applies to other websites that provide access to the same internet services and which are notified to Telia Danmark A/S by the Rettigheds Alliancen under the agreed Code of Conduct. In that respect, Rettigheds Alliancen undertakes legally and financially to guarantee that those websites are providing access to the internet services to which the decision of the Court relates.

DISTRICT COURT OF FREDERIKSBERG - COPENHAGEN - 05/12/2017 -
RETTIGHEDSALLIANCEN ETC. V TDC A/S²⁶²

NORMS

§ 2(2) of the Copyright Act. 1, cf. 3, No. 3, cf. 4, No. 1, cf. § 65, paragraph 1. 1 and 6 and § 66(1). 1 and 2 and 67(1). 1 and 2;

§ 2(1) of the Copyright Act. 4, No. 1;
Article 3(1) and Article 8(1) Directive 2001/29/EC.

FACTS

The judgment concerns the question of whether the ISP must be prohibited from providing access to its customers in Denmark to internet services that make available or share works to which the applicants have copyrights.

The applicants are an association that works to counteract the illegal use of films, TV shows, music, literature, etc. on the internet.

Popcorn Time offers free films and TV shows over the internet on the Danish market. It is a decentralised system: films and TV series with accompanying metadata, subtitles, etc. are available on various websites which form part of the system that is crucial for the user's ability to play films and TV shows through the system. Popcorn Time operates like a media player with a built-in application.

The applicants wrote in May 2017 to the websites that are subject to the injunction application and urged them to terminate the infringements of the copyright holders' rights.

SUBSTANCE

The court establishes that the applicants are the rights holders. Due to the lack of permission, the access to the content referred to on the internet provided by the Popcorn Time system is in violation of the applicants' rights (Article 3(1) of the InfoSoc Directive, cf. § 2(2) of the Copyright Act, 1, cf. 3, No. 3, cf. 4, No. 1, cf. § 65, paragraph 1. 1 and 6, § 66, subsection 1 and 2 and 67(1). 1 and 2., § 2(1) of the Copyright Act. 1, cf. 2).

The court states that the Popcorn Time system (constituting a service similar to a media player, as detailed in paragraphs 41 and 42 of the decision CJEU 'Film Player' ([26/04/2017, C-527/15, Stichting Brein v Jack Frederik Wullems, EU:C:2017:300](#)) makes copyrighted films and television series accessible to the public over the internet (transfer to the public) without the permission of the copyright owners.

As the Popcorn Time system makes use of the websites mentioned in the claim for the illegal viewing of films and television series, it is possible to prohibit the websites in question (§ 413 of the Procedural Code). **The ISP's transmission of data objectively infringes the applicants' copyright.** The Member States must ensure that rights holders may apply for a prohibition on intermediaries whose services are used by third parties to infringe copyrights or related rights (Article 8(1) and (3) of the InfoSoc Directive).

⁽²⁶²⁾ Not available via free online resources.

The applicants proved that they are the rights holders, that the ISP's conduct requires the injunctions as requested and that the applicants' ability to exercise their rights will be lost if they need to wait the duration of the full legal dispute.

When website addresses are DNS-blocked on the basis of a court decision, telecommunications industry members will also block additional website addresses if the applicant claims that these website addresses also provide access to the service covered by the court order ('Code of Conduct for handling decisions on blocking access to IPR services'). The blocking presupposes that the applicants agree to indemnify the ISP financially in this regard. The applicants' claims are upheld (§ 413 of the Procedural Code). Since the ISP's customers will not be able to claim compensation against the ISP, no bail need be imposed for the cancellation of the prohibition and the injunction. Each party should bear its own costs.

The ISP is ordered to implement a technical solution, such as a DNS blocker, that is suitable for preventing the ISP's customers from accessing the internet services currently accessible through the website addresses, as well as for other website addresses that provide access to the same internet services, which the applicants will expressly notify to the ISP, and in connection with which the applicants must demonstrate that these website addresses provide access to the internet services to which this decision relates.

Neither party will pay costs to the other party.

Finland

[THE FINNISH MARKET COURT \(MARKKINAOIKEUS\), MAO:311/18, 07/06/2018](#)

NORMS

Article 60 e (1), (2) and (3) of the Finnish Copyright Act;
Article 8(3) Directive 2001/29/E.

FACTS

The applicants are film companies (Columbia Pictures Industries, Inc., Disney Enterprises, Inc., Paramount Pictures Corporation, Twentieth Century Fox Film Corporation, Universal City Studios Productions LLLP and Warner Bros. Entertainment Inc.) and rights holders. The intermediaries are internet service providers (Blue Lake Communications Oy, DNA Oyj, Elisa Oyj, Kisanet Oy, Lounea Palvelut Oy, MPY alvelut Oyj and Telia Finland Oyj).

The injunction is sought against Rarbg and Yify-torrent internet services by removing their domain names rarbg.to, rarbg.com, rarbgmirror.com, rarbg.is, rarbgproxy.com, rargungblock.com, rarbg.unblockall.org, rarbg.bypassed.st, rarbg.unblocker.cc and yify-torrent.org from the internet service providers' name servers and blocking the internet service providers' customers access to the IP addresses 185.37.100.122, 185.37.100.121, 185.37.100.123 and 46.148.16.26.

SUBSTANCE

The court found the intermediary parties were involved as internet access providers. The target websites are available through the intermediaries, and the court stated that the parties cover most of the Finnish bandwidth making the injunction measure effective.

The court assessed that the applicants sufficiently showed that the alleged infringers are not identifiable or the possibility to identify them through international procedurals are uncertain based on an overall assessment. The court found that the identification of the alleged infringers was not successful as the purposive efforts of the administrators of the websites to hide their own identities and being primarily domiciled outside the EU would result in unreasonable measures having to be taken in the matter.

According to the evidence submitted, the court found that the infringement of making copyrighted content available to the public without the consent of rights holders was significant. The court referred to the evidence that the infringing websites were popular and that the majority of the content on the websites was unauthorised content in the film and TV programme category. In addition, the court noted that Yify-torrent was not as popular as Rarbg in Finland, but it had experienced a significant increase in visitors and it specialised in films. The court noted that the alleged infringers cannot be considered to be unaware of the infringing content because they have purposively hidden their identities and they have received income from advertisements.

The applicants argued that it would be unreasonable to also identify the administrators of the proxy sites that direct to the main infringing websites. The court found that the proxy sites cannot be included in the injunction because the applicants did not show any measures taken to identify their administrators. The court noted that all the conditions for the injunction must be met for each IP address or domain name that is subject to the application. Therefore, the request to block rargungblock.com, rarbg.unblockall.org, rarbg.bypassed.st, rarbg.unblocker.cc was dismissed.

Assessing the proportionality of the injunction, the court found that the majority of the available content is likely protected by copyright and without authorisation and there are no other relevant purposes for the website services. Therefore, the court did not find the injunction unreasonable for the alleged infringer, the recipient of the material (the user) or the author. The court also noted that the parties were given an opportunity to be heard and they have not opposed the application nor presented evidence that the injunction is unreasonable.

The court found that the third parties' right to receive and send messages is not endangered by blocking the IP addresses in question. The court assessed that the evidence submitted by the applicants showed sufficiently that there are no other domain names behind those IP addresses. The court also noted that there is legal 1 year time limit for an injunction and that the applicants have the possibility to delete domain names and IP addresses from the scope of the injunction.

The court did not provide separate injunctions for possible changes or adding changes as the applicants did not provide anything that would suggest that they requested something else or more than what is already provided for by law. An injunction is limited to a maximum of 1 year and an extension can only be applied for with another injunction under the law. The Government Proposal states that an injunction can be changed and new IP addresses added with a new application.

The Finnish Market court ruled that Blue Lake Communications Oy, DNA Oyj, Elisa Oyj, Kisanet Oy, Lounea Palvelut Oy, MPY Palvelut Oyj and Telia Finland Oyj must block their customers from accessing the Rarbg and Yify-torrent internet services by deleting the domain names rarg.to,

rarbg.com, rarbgmirror.com, rarbg.is and yify-torrent.org and by blocking the IP addresses 185.37.100.122, 185.37.100.121, 185.37.100.123 and 46.148.16.26. The injunction was set to be in place for 1 year, stating that the measures need to be put in place within 1 week of the entry into force of the injunction and that the measures can be deleted at the earliest 1 week before the injunction expires.

France

[PARIS TGI, 23 MAY 2019, RG 19/01744](#)

NORMS

Article 8(3) Directive 2001/29/CE;
Article L. 322-6 Code la propriété intellectuelle (Intellectual Property Code (France));
Articles 6.III.1 and 6.III.2 of Loi No 2004-575 of 21 June 2004.

FACTS

In a previous decision, Film Industry Associations had achieved blocking measures against internet service providers because copyright- and neighbouring rights-protected content were broadcast on a number of IP infringing websites.

In the decision in question, they requested a dynamic de-indexing injunction against a search engine operator, Google, with the justification that internet users could easily circumvent the blocking measures already ordered against ISPs. By using the term blocking injunction and a dynamic de-indexing injunction, the applicants meant ordering the search engine operator to prevent the appearance of results leading to websites via domain names mentioned in the decision, but also via future access paths that the search engine operator would also be able to track.

SUBSTANCE

The applicants asked for blocking injunctions and a dynamic de-indexing injunction against the search engine, explaining that the first does not suffice, given that they can be circumvented by the users. However, the search engine operator has the technical means to prevent this without having to bear excessive costs for this purpose, as they would be able to choose which technical measures to apply in order to ensure the implementation of the order.

After balancing rights and interests, especially by drawing on a CJEU decision, 27/03/2014, C-314/12, UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH and Wega Filmproduktionsgesellschaft mbH, EU:C:2014:192, the Court considered that the previous blocking measures ordered against ISPs were not sufficient to avoid IPR infringements, notably because internet users could circumvent the measures via virtual private networks. It held that the search engine operator should take all appropriate measures to prevent these infringements. Stopping internet users accessing the content of the infringing websites was not considered disproportionate compared to the importance of the protection of the IP rights at stake. In addition, the operator's freedom to conduct a business was not prejudiced because the search engine operator has the capacity and technical means to identify alternative access paths to the infringing websites and to prevent their listing.

By stating that there is no need to limit de-indexing measures to only the identified domain names, and by using the adverb ‘notably’ when mentioning them, the Court indirectly ordered a dynamic de-indexing injunction, including examining the possibility of extending the measures to future domain names, even if not specifically mentioned in the decision.

The Court also ordered that during the period of implementation of the blocking and de-indexing measures the applicants were to inform the search engine operator if any of the infringing websites or access paths were no longer active or if the protected content was removed.

The measures would be implemented within 15 days of the notification of the decision and for a period of 18 months.

[PARIS TGI, 7 MARCH 2019, 18/14194](#)

NORMS

Articles L. 111-1, L. 121-1, L. 122-1 to L. 122-4 Code de la propriété intellectuelle (Intellectual Property Code (France)) (copyright infringement);
Article L. 336-2 Code de la propriété intellectuelle (Intellectual Property Code (France)).

FACTS

The applicants are scientific publishing companies involved in publications and data analyses that address researchers, students, professors, and health and science professionals.

These publications, protected by copyright, were reproduced on websites, where they were accessible via several domain names, without prior authorisation.

Therefore, the publishing companies requested dynamic blocking injunctions against the French internet service providers to prevent the infringement of their copyright. They referred to domain names that would be identified in the decision, but also to domain names and access paths not currently identified that would be activated or available after the issuing of the blocking order.

SUBSTANCE

The Court, after assessing the evidence submitted, concluded that the applicants’ copyright was indeed sufficiently demonstrated and proven. It thus ordered ISPs to implement all appropriate measures to prevent access from France by their internet users under contract in that territory, by any effective means, to the sites mentioned accessible via the domain names referred, within 15 days of the notification of the decision and for a period of 12 months from the implementation of the measures ordered.

The blocking measures would only concern the disputed sites that were expressly and restrictively listed in the applicants’ request. Any measure affecting another website would have to be authorised by a judicial authority, because ISPs are not obliged to monitor content under current legislation and publishers do not have the right to have access to websites blocked without the prior control of the judicial authority.

The measures should be proportionate, adequate and strictly necessary to achieve the aim pursued and ensure the protection of the rights at stake. There should be a balance between the fundamental

rights involved, so that the injunction does not unduly and unnecessarily affect them. Therefore, the blocking injunction should only concern the infringing websites expressly and restrictively mentioned in the decision.

The costs of the necessary measures to be taken should be borne by the ISPs, as they were the ones to choose the technical means they would use for this purpose, even if the implementation costs were likely to be significant.

The Court also mentioned that ISPs should contribute to the fight against illegal content, and in particular against the infringement of copyright and related rights, since they are the most appropriate ones to do so and in the best position to put an end to these kinds of infringements.

[PARIS TGI, 13 JULY 2018, 18/55236](#)

NORMS

Article L. 336-2 Code de la propriété intellectuelle (Intellectual Property Code (France));
Articles 808 and 809 Code de procédure civile (French code of civil procedure);
Articles 122-1, 122-2, 122-3, 122-4, 215-1 Code de la propriété intellectuelle (Intellectual Property Code (France)).

FACTS

A number of Film Industry Associations and a public administrative establishment had achieved blocking measures against internet service providers with previous court decisions, because copyright- and neighbouring rights-protected contents were broadcast on various IP infringing websites.

The same applicants asked for an update to these measures against ISPs because the infringing websites were found to be accessible again via new domain names. Therefore, they requested new blocking orders including the new domain names and access paths to the protected content.

SUBSTANCE

The Court, by assessing the requested and provided official reports and evidence, verified that the infringing websites were still accessible via new domain names.

Taking the findings of the previous decisions into consideration, especially regarding the fact that ISPs should be the ones to bear the costs of implementing the measures ordered by the Court and the fact that in the process of striking a balance between rights such as the freedom of expression, the freedom to conduct a business and the principle of proportionality, the protection of IP rights was found to be of significant importance and the blocking order would not prejudice the freedom of expression and the ISPs' freedom to conduct a business, the updated blocking orders were granted.

The Court, in light of Directive 2001/29/EC, ordered the ISPs to implement all the efficient and appropriate measures to prevent access to the infringing websites throughout France by their internet users.

The ISPs should bear the costs and freely choose any effective means to block access to the sites listed in the decision that were again accessible via the new domain names.

The measures would be implemented within 15 days of the notification of the decision and last until 15 December 2018 for the domain names listed in it.

SUPREME COURT (COUR DE CASSATION), 6 JULY 2017 16-17.217

NORMS

Article L 336-2 of Code de la Propriété Intellectuelle (French Intellectual Property code, CPI),
Article 8(3) Directive 2001/29/EC;
Article 12 Directive 2000/31/EC;
Loi No 2004-575 of 21 June 2004 (French implementation of the Directive on electronic commerce (2000/31/EC));
CJEU, 27/03/2014, C-314/12, UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH and Wega Filmproduktionsgesellschaft mbH, EU:C:2014:192, § 47, 50-53.

FACTS

The decision refers to previous court decisions regarding the request made by Film Industry Associations to order French ISPs to block access to websites leading to copyright-protected content and the main search engine operators to stop listing them. It also refers to the updating of such orders without the need of a new court procedure.

The Court of Appeal of Paris had stated that ISPs and search engines must cover the costs of the injunctions because the rights holders were not in the position to sustain these measures financially. The ISPs requested that the rights holders be the ones to bear the costs of the dereferencing procedure of the infringing websites.

SUBSTANCE

At stake before the Supreme Court was the cost of blocking measures. The Court upheld the decision issued by the Court of Appeal and stated that, even if it held that ISPs are not responsible for the infringing acts, they should be the ones to bear the costs that are strictly necessary for the safeguarding of the rights at stake (copyright and related rights), even if these measures are likely to represent a significant cost for them (based on the Article 8(3) D 2001/29/EC and L 336-2 of the Intellectual Property Code (France)).

With regard to the balance of rights, the Court found that such blocking orders do not prejudice their freedom to conduct a business, given that they are free to choose the technical measures to be taken to achieve this result. However, the financial stability of the rights holders and their associations would be in a worse position if they also had to bear the blocking costs, taking also into consideration that their rights are already at stake by the infringing websites. A fair balance should be ensured between the IP rights (Article 17(2) CFREU) at stake and the ISPs' freedom to conduct a business (Article 16 CFREU). In light of *UPC Telekabel*, the fact that the cost of the measures is to be borne by the intermediary does not infringe the freedom to conduct a business provided that they can choose the technical measures to implement the blocking order. The case would be different if such measures required unbearable sacrifices, which is an issue that the ISP would have to prove.

The Court added that ISPs, as intermediaries, even if not responsible for the infringements in question, should also contribute to the safeguarding of copyright and neighbouring rights given that they are in the best position to actually stop these kinds of infringements.

Germany

[REGIONAL COURT OF MUNICH I, CASE NO.: 7 O 17752/17, 1 FEBRUARY 2018, LEGAL DISPUTE FOR PRELIMINARY INJUNCTION, COPYRIGHT INFRINGEMENT 'FACK JU GÖHTE 3 VIA KINOX.TO](#)

NORMS

Sec. 7(4) German Telemedia Act (TMG);
Sec. 8(1) German Telemedia Act (TMG).

FACTS

The applicant is a film distributor and purports to have ownership of the exploitation rights for the film 'Fack Ju Göhte 3', in particular the exclusive right of making available to the public from places and at times individually chosen by the user as per Sec. 19a German Copyright Act, including the exclusive right for Germany to retrieve the film free of charge via streaming and downloading, as well as the associated rights of reproduction. The respondent provides cable connections, and supplies millions of customers with internet connections.

The applicant seeks, by way of an injunction based on copyright law, that the respondent be ordered to block access to the website of the provider Kinox.to that is illegally offering a range of TV series and films, including 'Fack Ju Göhte 3'. The website provides links to file hosting services, which enable streaming of the respective films. The content is stored on the servers of the file hosting services in such a way that users can, by clicking on the link, retrieve the stream for free at a time and from a place individually chosen by the user.

SUBSTANCE

In its reasoning, the Munich Court refers to the decision of the German Federal Court of Justice (BGH) of 26 November 2015, case no. I ZR 174/14 - Störerhaftung des Access-Providers and to Article 8(3) of Directive 2001/29/EC.

Since the respondent is not associated with Kinox.to in any way the Court ruled out a liability as perpetrator or accessory. However, as internet service provider the respondent did make an adequately causal contribution to the rights' infringements committed via Kinox.to. Without the internet connection provided by the respondent, its users would not be able to access the service of Kinox.to. The respondent should be seen as a party in breach of a duty of care (*Störer*) because if it has been notified of a clear rights infringement it is, at the very least, subject to due diligence obligations as an internet service provider, provided that any monitoring obligations do not economically jeopardise its business model or disproportionately complicate its activities.

The Court recognised that the applicant first took reasonable actions against the perpetrators themselves. However, even though these actions per se were successful (one of the managing directors of the operational entity behind Kinox.to was arrested) the service continued unhindered and

the film 'Fack Ju Göhte 3' was still available on Kinox.to. In support of its claim against the internet service provider the applicant submitted evidence that in countries in which access to comparable sites has been blocked – also by foreign sister companies of the respondent – the number of illegal downloads has reduced considerably.

The Court found that the service Kinox.to is obviously aimed at distributing content obtained in violation of copyright, has a highly criminal nature and is not worthy of protection. To this extent the concern of over-blocking does not even come into question. The costs to be incurred by the respondent in order to install the necessary equipment to block access (DNS and IP) has been considered as being not disproportionately high by the Court. For the respondent, as the largest internet provider in Germany, the assessment of proportionality of the necessary measures only requires a slight effort. The Court considered its finding to be in line with the decision of the CJEU, *UPC Telekabel* (27/03/2014, C-314/12, *UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH, Wega Filmproduktionsgesellschaft mbH*, EU:C:2014:192). The respondent was given the choice of how it would specifically implement the prohibition.

The Court made it also explicitly clear that the operative provisions do not relate solely to the domain kinox.to but rather to the overall service Kinox.to, which is offered under that company name, irrespective of the respective domain. A limitation of the prohibition to the URL which can be seen in the submitted evidence (showing examples of website screenshots only) has therefore not been applied for nor has it been intended by the Court.

The Court prohibited the respondent, on penalty of a fine to be set for each act of non-compliance, of up to EUR 250 000, or alternatively imprisonment in the case of non-payment, or imprisonment of up to 6 months, or up to 2 years in the case of repeated offences, with the imprisonment or alternative imprisonment in the case of non-payment to be levied on the members of the board of the respondent, from providing their customers with internet access to the film 'Fack Ju Göhte 3', to the extent that this film is retrievable on the website service currently known as Kinox.to. The Court ordered also that the costs of the legal dispute were to be borne by the respondent.

REGIONAL COURT OF MUNICH I, CASE NO 37 O 2516/18, 7 JUNE, 2019

NORMS

Article 8(3) Directive 2001/29/EC;
Article 11 Directive 2004/48/EC;
Sec. 7(4) German Telemedia Act (TMG);
Sec. 8(1) and (2) German Telemedia Act (TMG);
Sec. 10(1), 19a, 85(2) German Copyright Act;
Article 14(1) of the German Constitution (Grundgesetz);
Article 16 and Article 17(2) of the Charter of Fundamental Rights of the European Union.

FACTS

The applicants are Germany's largest record companies in terms of turnover and own the exclusive copyright on use of the titles of a list of CD-albums according to Article 85 of the German Copyright Act. The respondent is a well-known telecommunications undertaking. It operates a telephone network through which, on the one hand, it directly provides retail customers with digital subscriber line (DSL) internet access and, on the other hand, provides network access to other service providers. Through the internet access offered by the respondent, access is provided also to a third-party website

retrievable via different URLs that makes available to users the copyright-protected works of the applicants (CD-albums) without the latter's consent. The applicants seek that the respondent be ordered to block access to the said website for its users.

SUBSTANCE

The Court found that, first, the provision of Sec. 7(4) of the German TMG that refers explicitly to the liability of wireless internet operators does not exclude the blocking right against cable (wired) internet service providers. This understanding is in line with the provisions of Article 8(3) of Directive 2001/29/EU and Article 11 of Directive 2004/48/EU.

The Court considered further that Sec. 7(4) TMG serves, inter alia, the purpose of implementing the obligation of Member States laid down in Article 8(3) of Directive 2001/29/EC to ensure that rights holders can take legal action against intermediaries whose services are used by a third party to infringe copyright or related rights. Sec. 7(4) of the TMG must therefore be interpreted in conformity with the Directive as meaning that a telemedia service assisted an infringement of the law by allowing its customers access to infringing content on the internet that has been made publicly available by third parties. It is irrelevant whether the infringing content was uploaded via the respondent's internet access or whether customers of the respondent actually accessed that content.

The applicants have no other means than recourse to the respondent to remedy the infringement of their rights. In that regard, it was for the applicants to show that they had taken reasonable steps to reveal the identity of the website operator. In particular, the involvement of the state investigative authorities by means of criminal charges or private investigations by, for example, a detective or other companies carrying out investigations into illegal offerings on the internet can be considered (Federal Court of Justice judgment of 26/11/2015 – I ZR 174/14 – paragraph 87, juris). The applicants satisfied those requirements by initiating state investigations and carrying out private inquiries, although they were unable to identify the operators of the websites.

The Court assessed the balance of fundamental rights and found that DNS blocking is a reasonable and proportionate measure within the meaning of Sec. 7(4), second sentence of the German TMG.

Finally, the Court made also assessed the effectiveness of the blocking measure to ensure effective protection of the applicant's fundamental right to property by preventing, or at least hindering, unauthorised access to protected objects and by reliably deterring internet users from accessing them and found that DNS blocking is an effective measure. The danger of over-blocking has not been considered material since the legal content available on the website was estimated at below 4 % of the overall content.

The respondent was ordered to block the access of its users by means of DNS blocking to the internet service retrievable from certain URLs using certain IP addresses as long as explicitly listed album publications are accessible by means of file-sharing or share hosting via that service. The Court ordered the implementation costs of the blocking measures and the proceedings costs to be borne by the respondent.

Italy

COURT OF MILAN – ORDINANZA N. 42163/2019 R.G. OF 05 OCTOBER 2020, SKY ITALIA, LEGA SERIE A V CLOUDFLARE AND OTHERS²⁶³

NORMS

Article 156 et seq. of the Italian Copyright Act;
Article 669bis et seq. of the Italian Civil Procedural Code;
Article 8(3) Directive 2001/29/EC.

FACTS

The TV platform Sky Italy and Italy's top football league Lega Nazionale Professionisti Serie A filed a legal action before the Court of Milan against Cloudflare Inc. and other internet service providers. Both organisations requested a dynamic blocking injunction pursuant to [Article 156](#) et seq. of Italian Copyright Act implementing Article 8(3) of Directive 2001/29/EC with the aim of combating the illegal distribution of audiovisual content.

SUBSTANCE

On 5/10/2020, the Court of Milan issued a dynamic blocking injunction ordering the blocking of current and future domain names and IP addresses of several IPTV services for the illegal distribution of audiovisual content. The Court confirmed the question already discussed in September 2019 *inaudita altera parte*. Major Italian ISPs such as TIM, Vodafone, Fastweb, Wind and Tiscali, alongside the hosting provider OVH and the content delivery network (CDN) operator Cloudflare Inc. were involved in the decision. The question as to whether Cloudflare Inc. could be found liable for hosting infringing content was specifically raised. However, the Court deemed it unnecessary to look at the potential liability regime of such a service under the Italian law implementing the e-commerce Directive provided that pursuant to Article 156 et seq. of the Italian Copyright Act (implementing Article 8(3) of Directive 2001/29), an injunction can be issued against intermediaries regardless of any liability of their own.

The defendant claimed that the Court had no jurisdiction in the case. It also argued that it was only providing a transitory data storage service and, as a consequence, it could not be found liable for hosting directly the infringing content.

The Court rejected the defendant's arguments, ruling that its conduct 'could facilitate, through the mere activity of the storage of static data, the third-parties copyright-infringing activity'. Furthermore, the Court ruled that all the defendants, with their activity of 'intermediaries', are in any case object of the dynamic injunction according to Article 156 et seq. Italian Copyright Act and Article 669bis et seq. c.p.c. The Court expressly stated that the classification between hosting providers, caching and 'mere conduit' services was irrelevant in the case, provided that the possibility to issue an injunction against an intermediary on the basis of Article 156 et seq. of Italian Copyright Act does not depend on the intermediary's liability for the (alleged) infringement at stake.

⁽²⁶³⁾ Not available via free online resources.

[TRIBUNALE DI MILANO, R.G. N. 51624/2017, ECLI:IT:TRIBMI:2018:51624/2017, 18/06/2018](#)

NORMS

Articles 14, 15, 16 d.lgs. n. 70/2003;
Recitals 45 and 47, Article 15 Directive 2000/31/EU;
Article 11 Directive 2004/48/EU;
Recitals 45 and 47 Directive 2001/29/EU.

FACTS

After having been granted an interim injunction in July 2017 (R.G. 9224/2017) concerning the website Dasolo, regardless of the top level domain, later that year, the rights holder (AM) discovered that the platform had once again changed name and through a new domain (italiashare.info) was still making links available for the download of unlawful copies of its magazines. AM requested the ISPs subject to the first injunction take the appropriate measures to block access to the new versions of the platform, but without success. The ISPs, in fact, claimed that AM's request would be outside the scope of the injunction against them. Therefore, AM had to apply for a new injunction concerning the website italiashare.info, which it obtained *inaudita altera parte* on 14/11/2017.

The ISPs contested the legitimacy of the claimant's requests. In particular, the ISPs argued that they are 'mere conduit' providers and are not responsible for the unlawful activities of third-parties, and that the measures requested by AM would result in a general monitoring obligation, which is contrary to national and EU provisions. The court should also hear from the actual infringers in the context of such proceedings.

During the injunction hearing, AM requested that the ISPs be ordered to block access not just to the domain indicated in the application (which in the meantime had changed again to italiashare.life and then to italiashare.net), but also any domain names that would redirect to the platform.

SUBSTANCE

The Court rejected the need that, in proceedings against ISPs, the actual infringers should also be heard.

The Court noted that enforcement measures must be proportionate and not excessively costly. That being said, an ISP is under an obligation to promptly inform the relevant authorities should it become aware of any infringements committed by users of its service, and this is irrespective of any liability of the intermediary for the infringements themselves. In any case, intermediaries may be the addressees of injunctions against them.

The Court then noted that AM's rights were repeatedly infringed through the different domain names under which the infringing platform operated. Furthermore, the Court, recalling the CJEU's *UPC Telekabel* judgment (27/03/2014, C-314/12, *UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH, Wega Filmproduktionsgesellschaft mbH*, EU:C:2014:192), ruled that it is compatible with the e-commerce Directive to request an ISP to take the most appropriate measures to block access, not just to the domain names identified in the relevant injunction, but also to any further domain names under which infringements relating to the same rights are committed.

If the ISP's obligation resulting from a certain injunction was limited to the domain names indicated therein, this would make the measure issued pointless: it is in fact likely that, at the time of issuing the injunction, the infringer is already operating under a different domain name.

However, to be compatible with the prohibition of general monitoring obligations, a dynamic injunction must include an obligation from the relevant rights holder to provide the targeted ISPs with a prior, specific notification concerning the new domain names through which infringements are committed.

The Court referred to the need to balance all interests at stake, namely *diritto d'autore*, free enterprise and the right to information.

The Court fixed penalty payments for non-compliance for the ISPs.

As regards the issue of cost allocation, the Court held that, since the measure requested was distinct from an assessment of any liability of the ISPs, by balancing different interests, the costs relating to technical expenses, being strictly necessary and concerning the measure requested by the rights holder, should be borne, provisionally, by the rights holder itself.

Ireland

[HIGH COURT OF IRELAND \(COMMERCIAL\), 2020 NO. 6450 P OF 29 SEPTEMBER 2020, UEFA V EIRCOM LIMITED T/A EIR ET AL.](#)

NORMS

Sections 17(1), 17(2), 37(1)(b), 40(1)(a) and 40(5A) of the Irish Copyright and Related Rights Act 2000 (2000 Act);
Article 8(3) Directive 2001/29/EC.

FACTS

The plaintiff (UEFA) is the governing body of association football in Europe. It organises a large number of well-known European-wide club competitions including the UEFA Champions League, the UEFA Europa League and the UEFA Super Cup. Among other IP rights, UEFA owns the rights to the transmission to viewers of the live match broadcast, the title sequences, logos protected by copyright as original artistic works, copyright on music recordings, notably the famous UEFA Champions League anthem, etc. The defendants are the five main retail ISPs in Ireland. UEFA seeks an injunction (live blocking) requiring the defendant ISPs to block access to the IP addresses of servers that are being used, or that it is supposed will be used, by non-parties for the purpose of making available to the public the copyright works of UEFA without its consent. The defendant ISPs are what are described as 'mere conduits' and it is not alleged that they have been guilty themselves of any copyright infringement whatsoever. Some of the defendants are neither supporting nor opposing the application and are adopting a neutral position. Others are supporting the orders sought by UEFA.

In many aspects the judgment is similar to the orders that have been made in the Courts of England and Wales in favour of this plaintiff (UEFA) and others in *Union Des Associations Européennes de Football v British Telecommunications plc & Ors* [2017] EWHC 3414 (Ch) (Arnold J.).

SUBSTANCE

The judge considers that the law regarding web blocking or live blocking orders or injunctions is well established and refers to previous case-law.

As to why orders are sought against streaming servers, the Court refers to the reasoning provided by Judge Arnold (High Court of England and Wales) in the *Football Association Premier League Limited v British Telecommunications plc & Others* [2017] EWHC 480 (Ch) (*FAPL(UK)*), namely: the streaming servers constitute the:

crucial link in the chain by which an unauthorised copy of footage of a Premier League match is transmitted to the consumer. A single server may be accessed using a number of different user interfaces. For example, the same stream on the same server may be accessed via multiple apps, web sites and add-ons for set top boxes. If access to that server is blocked, all of those access mechanisms will be disrupted.

In summary, in order for the Court to grant a website-blocking order, the Court must be satisfied of the following:

1. the defendant ISPs' services are being used to infringe copyright;
2. the proposed order will have the effect of preventing or terminating that infringement, or that it at least makes it more difficult or discourages it;
3. the proposed order will not impose 'unbearable sacrifices' on ISPs (to use the terminology used by the CJEU in *UPC Telekabel* (27/03/2014, C-314/12, *UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH, Wega Filmproduktionsgesellschaft mbH*, EU:C:2014:192)); and
4. the proposed order will not unnecessarily deprive internet users of the possibility of lawfully accessing content online.

The Court accepted that each of the defendants is a 'mere conduit' and as such they are not liable for any copyright infringement arising from the activities of their subscribers under Irish law implementing Directive 2000/31. An ISP (the defendants are ISPs) are subject only to the grant of the *sui generis* type of injunction sought by UEFA in this application. The act of infringement in question is the illegal streaming of UEFA competition matches in this jurisdiction by unauthorised third parties. The Court held that the unauthorised streaming of sporting events is a communication to the public.

Even if the defendants did not oppose the application, the Court performed an assessment (taking into account the evidence presented by the plaintiff) in order to establish whether the order sought is lawful and that it is appropriate for the Court to grant the injunction sought. In performing the assessment the Court applied the following test and considered whether the injunction is: (i) necessary; ii) that the costs involved were not excessive or disproportionate and that the order itself should not be unduly complicated; (iii) that the cost-sharing proposals were fair and reasonable; (iv) that the order respected the fundamental rights of the parties affected, including internet users; and (v) that the duration of the proposed injunction and the provisions for review were reasonable. Based on the evidence submitted the Court answered all of the above questions in the affirmative.

In particular, the Court considered the order necessary for the purpose of protecting the plaintiff's rights since it is seen as an effective method of targeting unauthorised streaming of live sporting events. The risk of 'over-blocking' is very low and the fundamental rights of the users are respected since they have the right to apply to the Court to discharge or vary the order. The duration of the order,

namely until the 31/07/2021, or the day after the last match period of the 2020/2021 UEFA competition season, whichever is later, has been considered sufficient and reasonable.

The Court concluded that the order sought is clearly appropriate. It will not impose any undue burden on the rights of internet users and will only impose a burden on the defendants which is appropriate and proportionate.

[IRELAND, SONY MUSIC ENTERTAINMENT \(IRELAND\) LIMITED & ORS -V- UPC COMMUNICATIONS IRELAND LIMITED \[2015\] IEHC 317](#)

NORMS

Articles 1 and 3 Directive 2002/21/EC;
Articles 12 and 15 Directive 2000/31/EC;
Recitals 11 and 12, Articles 1(1) and 8 Directive 2001/29/EC;
Article 2(1), 3 and 11 Directive 2004/48/EC;
Regulation 2 of S.I. 59 (amends the Copyright and Related Rights Act 2000 by inserting a new subsection 40 (5A);
Section 37 Copyright and Related Rights Act 2000.

FACTS

The plaintiffs are all record companies. They are owners of copyright and have exclusive licences of sound recordings, which are a subject of daily illegal download and upload. The illegal actions are made on the internet. UPC (the defendant) is an internet service provider in Ireland. UPC's subscribers are also involved in the piracy of the rights holders' music.

The record companies first wrote a letter to UPC informing it about the infringing actions its subscribers were doing using its service. In the letter they proposed a graduated response strategy (GRS) that the ISP could voluntarily implement to prevent such actions. UPC declined any voluntary actions towards customers without a court order. UPC opposed these actions because it was of the opinion that an injunction is not an appropriate response to internet piracy, but rather requires a legislative response.

The record companies requested an injunction in court. Their primary request consisted of a GRS in which UPC must send cease and desist letters to its subscribers, threaten them with a suspension of services, suspend them after the third notification for a week and after a fourth notification terminate their contract. At the end the court granted an injunction for the GRS, but without the 1 week service suspension and with some adjustments.

SUBSTANCE

The Court was not deciding on whether the infringements occurred, the scale of the illegal actions or whether the defendant's service is used for such actions. All these facts were agreed on by both parties. Facts about internet piracy were also used from a previous case – EMI Records (Ireland) Ltd. and Others v Eircom.

In summarising all the legislative obligations, the Court acknowledged that an injunction would need to follow the criteria stated below:

1. any injunction should be fair and equitable;

2. any injunction should not be unnecessarily complicated or costly;
3. any injunction should not entail unreasonable time limits or unwarranted delays;
4. any injunction should be effective, proportionate and dissuasive;
5. any injunction should be applied in a manner that avoids the creation of barriers to legitimate trade;
6. any injunction should provide for safeguards against its abuse;
7. any injunction granted should respect the fundamental rights of a subscriber;
8. any injunction granted should ensure that there is a prior, fair and impartial procedure which includes the right to be heard of the person concerned;
9. any injunction granted should ensure that there is a right of effective and timely judicial review of such an injunction.

There was no real dispute between the parties about criteria 5, 6, 7 and 9 above.

The problem with criterion 2 was that a computer system would need to be developed. The new technology would be needed to process information given by the plaintiffs and finding the accounts connected to it. They estimated approximately 5 000 notifications per month. The 'low-tech' possibility would be very expensive, as a large administrative burden would be placed on the defendant. A 'high-tech' solution of an automated process would be much better in the long run. The defendant's views were taken into account in this deliberation. The Court decided that even though the new system would be costly and complicated, it would not be unnecessarily so.

On the issue of whether the remedies would be effective, proportionate and dissuasive if the Court decided that the writing of letters do meet the criteria, evidence from the Eircom protocol (the plaintiffs' experience from the previous injunction) confirmed the Court's decision.

The Court analysed the problem with prior, impartial procedure, and specifically the right to be heard by the person concerned. The correspondence regarding suspension/termination would be done by a person within the defendant's company and would not qualify as a third party, impartial person. Here the plaintiffs proposed and both parties agreed to appoint an impartial arbitrator (for example a retired judge) that would consider all suspension/termination applications. In a second judgment ([2015] IEHC 386, 21/05/2015) the judge explained that it would not be appropriate for the court to order a reluctant defendant to take part in a quasi-judicial procedure. It decided that it is simpler that it moves directly to a Norwich Pharmacal order. A Norwich Pharmacal order is an order of the court that the defendant disclose to the plaintiffs the names and addresses of its subscribers in respect of whom there is a prima facie demonstration of wrongful activity. This procedure arises in circumstances where parties are aware that other parties are engaged in wrongful activity. The plaintiffs would make such an application, receive the subscribers' identity and seek an order for the termination of their contract.

[THE HIGH COURT OF IRELAND \(COMMERCIAL\), EMI RECORDS \(IRELAND\) LIMITED & ORS V. UPC COMMUNICATIONS IRELAND \(LIMITED\) & ORS, \[2013\] IEHC 274](#)

NORMS

Section 40(5A) of the Copyright and Related Rights Act 2000;
S.I. No. 59 of 2012, the European Union (Copyright and Related Rights) Regulations 2012 which inserted s. 40(5A) into the Copyright and Related Rights Act 2000 (2000 Act). Section 40(5A) and Section 205.

FACTS

The rights holders are recording companies who record and release music and video for sale. They applied for an injunction requiring the defendants (internet service providers) to block or otherwise disable access by their subscribers to the website known as The Pirate Bay, and related domain names, IP addresses and URLs, together with such other domain names, IP addresses and URLs related to the main names as may be reasonably notified by the plaintiffs to the defendants from time to time.

The parties after discussions agreed on a draft order which was analysed and accepted by the Court. Three main issues were especially considered: (i) the appropriateness of the order; (ii) whether new applications will have to be made to the Court in case The Pirate Bay website changes its location; and (iii) the costs of proceedings.

SUBSTANCE

As regards the factual background and the legal principles to be applied the present judgment refers to the judgment of Charleton J. delivered on 11 October 2010, in *EMI Records (Ireland) Ltd. & Ors. v UPC Communications Ireland Ltd.* [2010] IEHC 377.

The judgment confirms that the plaintiffs are entitled to a blocking injunction in accordance with the terms of the draft order and protocol (not available publicly) submitted to the court. The costs associated with implementing the order should be borne by each of the defendants.

The judgment finds it proportionate and reasonable that new applications would not be required to be made to the Court if The Pirate Bay website changes its location on the internet, as detailed in the draft order and protocol.

As regards the costs, the Court rules that the defendants – except the second defendant – will bear their own costs, reasoning that although none of them are wrongdoers, the infringement has caused (and continues to cause) substantial financial damage to the plaintiffs. As regards the second defendant, the plaintiffs agreed to pay the costs on the basis that it did not actively participate in the proceedings.

[THE HIGH COURT OF IRELAND, EMI RECORDS LTD & ORS V EINCOR, \[2010\] IEHC 108, 16/04/2010, TM](#)

NORMS

Section 37 of the Copyright and Related Rights Act 2000;
Section 40 of the Copyright and Related Rights Act 2000;

Data protection acts, 1988-2003:

s.1 Data protection act 1988 and section 2, 2A, 2B, 2C and 2D of the Data protection act 1988, as amended.

FACTS

The plaintiffs are record companies and owners of copyright (not just music). Copyright infringement is taking place on the internet. The illegal downloading and uploading of copyrighted music (and other

copyrighted creations) is performed by subscribers using the defendant's internet service. The plaintiffs sued the defendant, but stopped the process to try to reach a settlement. The settlement was presented in the judgment of 2010.

SUBSTANCE

In the judgment the Court does not analyse or discuss in length the questions of whether infringements are taking place, how they are being carried out or what kind of injunction it will grant. The parties after a first attempt in court reached a settlement in which they agreed on the Protocol they will use. The only issues the Court does go into are issues connected to privacy and data protection.

The Court found three possible issues with the implementation of the injunction. First, it looked into the question of whether the information/data collected in such a procedure would be personal data. The Court's opinion is that neither of the plaintiffs have any interest in identifying any living person infringing copyright or requesting it from the defendant. The second issue addressed was the processing of data, and more specifically if such processing represents "unwarranted [processing] by reasons of prejudice to the fundamental rights and freedoms or legitimate interests of the data subjects". The Court viewed the processing as necessary for both the performance of the contract and for compliance with a legal obligation cast upon the courts. There cannot be a constitutional right to privacy that extended to the organisation of crime. The Court determined that there is nothing disproportionate and therefore the actions were not unwarranted. The third issue the Court analysed was the fact that two private entities would process data and then communicate the decision to terminate a user's internet service. All parties involved are not interested in the detection or prosecution of criminal offences. In conclusion, the Court agreed that the graduated response is lawful and that the settlement can be implemented.

Netherlands

[AMSTERDAM COURT OF APPEAL, CASE NUMBER 200.243.005/01, 2 JUNE 2020, ZIGGO B.V. AND XS4ALL INTERNET B.V. V. STICHTING BREIN \[BREIN FOUNDATION\]](#)

NORMS

Article 26d of the Dutch Copyright Act;
Article 15 of the Dutch Neighbouring Rights Act.

FACTS

Brein is a Dutch foundation defending the interests of affiliated rights holders related to music and film works, as well as computer games. Ziggo and XS4ALL are internet access providers. Subscribers of the latter two companies made use of The Pirate Bay (TPB) – a BitTorrent index offering material protected by copyright and/or related rights. The TPB administrators and users have (usually) no authorisation to carry out the reserved actions. Therefore, TPB and its users are held by judgments in previous instances to be infringing copyright. Brein requested an injunction that would make it impossible for subscribers of Ziggo and XS4ALL to access web addresses that directed internet traffic to TPB by blocking the IP addresses and (sub)domain names through which TPB operates and the (sub)domain names through which TPB can be reached for their subscribers, on pain of forfeiture of penalty payments.

SUBSTANCE

The Amsterdam Court of Appeal referred to the *UPC Telekabel* judgment recalling in detail the findings of the CJEU. Based on the review of the judgment the Amsterdam Court of Appeal had to assess whether the orders claimed by Brein are compatible with the fair balance that, pursuant to the Charter of the European Union, it is necessary to strive for between the three relevant fundamental rights in case (i.e. (intellectual) property, freedom of information and freedom of entrepreneurship). The Amsterdam Court of Appeal had to assess also whether the order requested by Brein is compatible with this fair balance between the fundamental rights concerned since the order was different from the one at issue in the main proceedings of *UPC Telekabel*.

In performing these assessments the Amsterdam Court of Appeal came to the conclusions that: (i) since the content on TPB is predominantly if not exclusively illegal (90 % to 95 %), the denial of access to lawfully available information that results for the subscribers from the blocking of the website is proportionate to the extent and seriousness of the copyright infringement committed on TPB website; (ii) the claimed blocking under the circumstances of the case has a sufficient effect in preventing or at least complicating unauthorised access to protected works and that users who avail themselves of the services of Ziggo and XS4ALL are seriously discouraged from gaining access to those works; (iii) the order claimed does not demand unbearable sacrifices from Ziggo and XS4ALL, cannot be deemed as unreasonable, and can be regarded as a relatively minor encroachment on the freedom of entrepreneurship of Ziggo and XS4ALL. Based on the foregoing considerations the Amsterdam Court of Appeal found that the blocking claimed by Brein is compatible with the fair balance between the fundamental rights of (intellectual) property, the freedom of information and the freedom of entrepreneurship.

In addressing Ziggo and XS4ALL's arguments the Amsterdam Court of Appeal found also that the claimed blocking does not infringe the general monitoring prohibition laid down in Article 15(1) of the Directive 2000/31 EC, does not violate the principle of net neutrality that the internet service providers must observe and is not contrary to the legal protection of personal data. Most importantly the Amsterdam Court of Appeal explicitly noted that the dynamic aspect of the claimed blocking contributes significantly to its effectiveness.

The Amsterdam Court of Appeal ordered Ziggo and XS4ALL to cease and desist their services used to infringe copyright and related rights of rights holders whose interests are defended by Brein, within 10 (ten) working days, by blocking and keeping blocked access by their clients to specific and clearly identified domain names/(sub)domain names and IP addresses through which TPB operates as well as other (sub)domain names indicated in a list submitted to the court by Brein and attached to the judgment as long as TPB operates through these (sub)domain names and IP addresses. The Amsterdam Court of Appeal ordered Ziggo and XS4ALL also, in the event that TPB starts to operate via other/additional IP addresses and/or (sub)domain names than those aforementioned, to block and keep blocked access by their customers to these other/additional IP addresses and/or (sub)domain names, within 10 (ten) working days of the notification of the correct IP addresses and/or (sub)domain names by Brein by fax, registered letter or email to Ziggo and XS4ALL separately. Failure to comply with the above orders triggers the payment of fines and penalties.

[RECHTBANK DEN HAAG, C/09/485400 / HA ZA 15-367, 24 JANUARY 2018, \(FAPL LTD. V. ECATEL LTD.\), ECLI:NL:RBDHA:2018:615](#)

NORMS

Article 26d of the Dutch Copyright Act;
Article 8(3) Directive 2001/29/EC;
Articles 11, 16, 17(2) of the Charter of Fundamental Rights of the European Union.

FACTS

FAPL is the organiser of the Premier League competition of English professional football. The matches, which are broadcast on licensed television channels, are available in the Netherlands via a paid subscription. Ecatel is an internet service provider that also rents out dedicated servers.

In 2014, FAPL requested an immediate injunction against Ecatel for hosting illegal streaming platforms that infringed the plaintiff's copyright. The court ordered the defendant to cease and desist the services used by the streaming platforms. The defendant had the order revised in the following summary proceedings and the plaintiff filed an appeal.

In the present case, the plaintiff requests an order against the defendant to cease and desist any service used by third parties to infringe its copyright and trade mark rights by stopping and holding the service concerned within 30 minutes of the receipt of an electronic notification by FAPL, permanently or only during the broadcast, subject to an immediately payable penalty for non-compliance. It also asked for compensation for previous infringements and for damages.

SUBSTANCE

The Court analysed the creative choices made during a broadcast of a football match and found that the broadcasts are considered works that are entitled to copyright protection. It also mentioned that the fixation requirement cannot be applied because, naturally, the recording of the broadcast takes place during the actual creation of such a work.

Ecatel can be considered an intermediary, according to Article 26d of the Dutch Copyright Act, as its servers are used both as origin nodes and edge nodes of the illegal streams. The Court, citing the CJEU *UPC Telekabel* case (27/03/2014, C-314/12, *UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH, Wega Filmproduktionsgesellschaft mbH*, EU:C:2014:192), stated that Article 8(3) of Directive 2001/29/EC does not require a contractual relationship between the copyright infringer and the intermediary. Furthermore, Ecatel is a host provider for streaming websites.

The Court assessed the conflict between FAPL's copyright, Ecatel's freedom of entrepreneurship and the internet users' freedom of information (Articles 17(2), 16 and 11 of the Charter of Fundamental Rights of the EU respectively) and found that the requested order does not prejudice the defendant's freedom of entrepreneurship, because 'null routing' of the server is relatively simple, involves little cost and will have to be done only after prior notification by the plaintiff and only for the limited duration of each football match.

With regard to proportionality, the defendant's claim that legal content will also be blocked by 'null routing' was rejected, because, if it applied a notice-and-takedown policy to stop infringements, this would simplify the procedure and ensure access to legal material for the users. The users' right to information was not found to be prejudiced, as the blocking of the illegal streams might affect access

to legal content only during the broadcasts in question and only if the stream has not already been blocked in any other way.

As for the effectiveness criterion, the court cited again the *UPC Telekabel* judgment, according to which, measures are effective if they can prevent or delay unauthorised access to copyrighted works and they seriously discourage users from accessing them; therefore, if Ecatel blocks the streams in question, it will become more complicated for users to access them via other sources.

The measure also complies with the principle of subsidiarity, as most providers of streaming platforms cannot be easily identified and brought to justice because of their remote locations and the rapid change of server addresses. Added to this are the technical difficulties to trace the 'origin node' of each stream.

Finally, the Court ordered Ecatel to cease and desist any service used by third parties to infringe FAPL's copyright within 30 minutes of the receipt of an electronic notification from FAPL that has identified an illegal stream and during the broadcast game, subject to an immediately payable penalty for each illegal stream.

[RECHTBANK MIDDEN NEDERLAND C/16/448423/ KG ZA 17-382, 12 JANUARY 2018 \(STICHTING BREIN V. KPN B.V. AND OTHERS\) ECLI:NL:RBMNE:2018:114](#)

NORMS

Article 26d of the Dutch Copyright Act (Auteurswet);
Article 15 of the Dutch Neighbouring Rights Act (Wet op de Naburige Rechten), which implements Article 11(3) Directive 2004/48/EC;
Article 8(3) Directive 2001/29/EC.

FACTS

The plaintiff, Stichting Brein, is the Association for the Protection of the Rights of the Entertainment Industry of the Netherlands. The defendants, KPN, T-Mobile, Tele2, Zeelandnet and CAIW, are internet service providers, operating within the territory of the Netherlands. The Pirate Bay is a BitTorrent index website that allows its users to illegally gain access to material that is protected by copyright. The plaintiff requested that the Court orders the ISPs in question to block access by their customers to all (sub)domain names and IP addresses of The Pirate Bay, as well as to all its future or additional (sub)domain names and IP addresses within three working days after the plaintiff's notification. Alternatively, to impose any measure the Court deemed appropriate against the ISPs in order to prevent their users from having access to the website.

SUBSTANCE

The Court mainly assessed whether the blocking injunction that the plaintiff requested complied with the principles of proportionality and effectiveness, taking also into account the defendants' customers' right to freedom of information (Article 10 ECHR).

With regard to the effectiveness, the Court mentioned the 'Alexa list' which contains information about websites and lists them from most to least visited. When blocking injunctions were issued against The Pirate Bay in the past, it went down on the list, whereas, when these injunctions were lifted, it went

back up again. Therefore, the Court confirmed that the blocking of the website is actually an effective measure.

Furthermore, the Court referred to the *Ziggo v Brein* case in which the ISP XS4ALL blocked all requested addresses in one working day. It also held that, since Brein has created a tool to monitor that the IP addresses and domain names are still accurate, there is no risk that the users will lose access to legal content. Therefore, the measure is also in line with the principle of proportionality.

The users' right to freedom of information is still protected according to the Court, since there is only a small amount of legal files on the website compared to the illegally shared ones. In any case, the legal content can be accessed by the users on other legal websites, and, as a consequence, the right to freedom of information can still be exercised.

Finally, and bearing in mind what has been mentioned above, the Court concluded that the balance of interests is in favour of Brein and ordered the ISPs to cease and desist their services, which are used to infringe copyright and related rights, by blocking access to the domain names, subdomains and IP addresses of The Pirate Bay. Additionally, it ordered the defendants to block and keep their customers' access to other or additional IP addresses and/or (sub)domain names blocked, within three working days of a notification by Brein.

Spain

[DECISION OF THE COMMERCIAL COURT N° 7 OF MADRID \(JUZGADO DE LO MERCANTIL N° 7 DE MADRID\), 11 FEBRUARY 2020 \(TELEFÓNICA AUDIOVISUAL DIGITAL, S.L.U. V. VODAFONE ESPAÑA, S.A.U., ET AL.\), APPEAL NO. 2174/2019](#)

NORMS

Article 21.1 of the Spanish Ley de Enjuiciamiento Civil (LEC);
Article 395 LEC;
Article 394(1) LEC;
Articles 455 and following LEC.

FACTS

In November 2019, TELEFÓNICA AUDIOVISUAL DIGITAL, S.L.U. (broadcaster) sued the main Spanish internet access providers for not taking measures to stop access to websites offering unlicensed distribution of live football matches through illicit Internet Protocol Television (IPTV) services. The defendants acquiesced to all the claims and measures asked by the applicant.

SUBSTANCE

In this judgment, the defendants gave their acquiescence to the applicant's arguments and claims. According to Spanish law, in such cases the Court issues an order without entering into the merits of the case, unless the claim was done in bad faith, goes against the public order or prejudices the rights of third parties. In this particular case, the Court did not enter into the merits of the case and, therefore, did not analyse the legal framework applicable to dynamic blocking injunctions.

The judge upheld the claim and ordered the defendants to take several actions to cease the unlawful activities identified. The costs had to be borne by the defendants, since they gave their acquiescence in the response to the claim (in such cases the defendants are obliged by law to bear the costs).

The blocking injunctions imposed by the Court are twofold:

(i) *Static blocking injunctions:*

- the sued ISPs had to block, within 72 hours of the notification of the judgment, the URLs, domain names and IP addresses from 44 pirate sites and services;
- the ISPs should block at the level of both HTTP and HTTPS protocols, and were expected to take any access prevention action they could;
- the injunction is limited to 3 years, covering three football seasons 2019-2022;
- ISPs will have to report back to Telefónica Audiovisual Digital and notify the exact time when they blocked access to newly added web resources.

(ii) *Dynamic blocking injunctions:*

- the authorised broadcaster will update weekly the blocking list with new entries (sites, IP addresses, URLs) related to the 44 pirates sites mentioned in the judgment and send it directly and simultaneously to the ISPs without a new court order;
- ISPs will be given 3 hours to respond to new entries;
- the dynamic injunction lasts until 25 May 2022.

The judgment is now final (no appeal against the judgment in the 20 days after the judgment was notified).

[DECISION NO. 15/2018 OF THE COMMERCIAL COURT NO. 6 OF BARCELONA, 12 JANUARY 2017 \(HDFULL CASE\):](#)

NORMS

Articles 138(3) and 139(1)(h) Spanish Copyright Act (SCA);
Article 10 Spanish Law 34/2002 on Services of the Information Society and Electronic Commerce;
Article 8(3) Directive 2001/29/EC;
Articles 9(1) and 11 Directive 2004/48/EC.

FACTS

On 12 January 2017, Barcelona's Commercial Court nº 6 (Juzgado de lo Mercantil nº 6 de Barcelona) ruled on copyright infringement in the context of a dispute between COLUMBIA PICTURES INDUSTRIES INC and others (plaintiffs) and the local ISPs TELEFÓNICA ESPAÑA, VODAFONE ESPAÑA, ORANGE ESPAGNE and XFERA MOVILES (defendants) because protected works were being made available to users without the authorisation of the rights holders.

The plaintiff requested local ISPs to block or prevent the access of their users to the pages HDFull.tv and Repelis.tv. These pages were infringing the right of communication to the public regulated in the Revised Text of the Law on Intellectual Property, by making protected works available to users without the authorisation of the rights holders.

SUBSTANCE

In the judgment, the judge upheld the claims and declared the plaintiffs to be ‘the exclusive holders and assignees of the rights of reproduction, distribution and public communication of the protected works listed in the appeal’.

On the proportionality of the measures claimed by the plaintiffs, the Court considered that the refusal of access to a website on which infringing material is made available by internet service providers to their customers seems proportionate since its purpose is to prevent access to infringing websites whose owners could not be identified or located.

The ruling orders the operators, by virtue of Articles 138(3) and 139(1)(h) of the Spanish Copyright Act, to block the access of their users from Spanish territory to the pages HDFull and Repelis. Along with blocking access to the website, operators must also block the proxies that allow access to the content, to prevent access to other domains and IP addresses whose purpose is to facilitate the circumvention of technological protection measures (TPMs) and thereby allow access to users.

The defendants must inform the Court and the plaintiffs immediately of the technical measures and steps taken to implement the judgment and they must bear any costs arising as a direct consequence of the technical implementation of the blocking measures ordered.

Sweden

SVENSKA PATENT- OCH MARKNARDSDOMSTOLEN (SWEDISH PATENT AND MARKET COURT), CASE NO PMT 7262-18 [9 DECEMBER 2019]

NORMS

Article 53b of the Swedish Copyright Act;
Article 3(3) Directive 2001/29/EC;
Article 8(3) Directive 2001/29/EC.

FACTS

AB Svensk Filmindustri and others (the rights holders) are companies operating in the film industry. Telia Sverige AB (Telia) is an internet service provider. Telia’s customers have been able to access the services of The Pirate Bay, Nyafilmer and Fmovies, where protected material was made available. Most of the content available through these services were copyrighted. The rights holders brought an action against Telia, demanding that they be required to block access for their customers to services that contribute to the infringement.

SUBSTANCE

The Court cited CJEU case-law (27/03/2014, C-314/12, UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH, Wega Filmproduktionsgesellschaft mbH, [EU:C:2014:192](#)), according to which an internet service provider is considered to be an intermediary in the meaning of Article 8(3) of the InfoSoc Directive. The CJEU has further stated in 07/07/2016, C-494/15, Tommy Hilfiger, [EU:C:2016:528](#), that Member States should ensure that intermediaries, whose services are used by third parties to infringe IP rights, regardless of the intermediary’s own liability, may be obliged to take

actions to prevent these infringements, and new similar infringements. The Court stated that Telia is an internet provider in the meaning of the InfoSoc Directive. The Court found that there has been infringement in an objective sense, and that Telia therefore has joint responsibility.

The Court considered the proportionality of the prohibition given under Article 53b by taking into account the interests of the rights holders, Telia's freedom of trade and the internet users' freedom of information. The Court assessed the risk of over-blocking access to domain names. The Court pointed out that it is clear from the present case that the services at issue in this case changed their domain names and/or used proxy services to circumvent any blocking measure. The rights holders had revised their list of domain names several times during the written proceedings. The Court stated that it would be unreasonable to find a prohibition under the threat of a fine disproportional because there is a possibility of changing domain names so that after the change, some of the domain names and URLs would no longer lead to the services. The Court also stated that the injunction is not an open injunction but an injunction that specifies the access of four services defined in the judgment to be prevented by technical blocking measures that target the domain names and URLs of the services. Furthermore, it is time-limited, and a new Court examination can take place if necessary.

The Court assessed the appropriateness and effectiveness of the measures. The Court pointed out that it is not a legal requirement for a prohibition under the threat of a fine that the measure should stop the infringement. It is enough that the measure makes it more difficult to access the protected material. The Court stated that a requirement for Telia to block, in addition to the domain names used for the infringing activity, services that may arise in the future through domain names and URLs ensures that the measure is appropriate and effective to achieve the desired purpose. Therefore, an injunction should not merely be aimed at certain specific domain names and URLs but also be aimed at the services. Telia is not required to take any other blocking measures than technical blocking of customers' access to domain names and URLs that lead to the services or to have constant and total monitoring over the internet. The company may be reasonably required to act in the event of becoming aware that the services are available through certain domain names or URLs, such as being informed from time to time by the rights holders. The Court assessed that if such activity falls within the prohibition, it may be reasonable to require prompt action to take adequate blocking measures, which should be expected to take place within 2 to 3 weeks of the date of the notification.

The Court found that the legislation does not impose any requirement that the rights holders should first turn to the direct infringer and not the internet provider. The Court considered that the investigations into the case show that it is very difficult to contact the persons behind the services and even harder to stop the infringement activity through such contacts. In the Court's view, it is not necessary for the rights holders to first turn to those behind the services in order to consider the measure proportionate. The Court considered the measure defined in the judgment as proportionate in balancing all conflicting interests.

The Swedish Patent and Market Court prohibited Telia from making the protected material set out in the judgment available to the public. To comply with the prohibition, Telia is required to prevent access, by technical blocking measures, to The Pirate Bay, Nyafilmer and Fmovies services via domain names and URLs listed in the judgment. Telia is also required to take reasonable steps to block access to these specified services through other domain names and URLs than those specified in the judgment. The prohibition is given under the threat of a SEK 500 000 fine over a period of 3 years.

Telia has appealed before the [Swedish Patent and Market Court of Appeal](#).

SWEDISH PATENT AND MARKET COURT OF APPEAL – CASE PMT 13399-19 TELIA SVERIGE AB V SVENSK FILMINDUSTRI AND OTHERS (29 JUNE 2020)

NORMS

Article 53 b (first sentence) of the [Swedish Copyright Act](#);
Article 8(3) Directive 2001/29/EC.

FACTS

The rights holders (AB Svensk Filmindustri and others) are companies operating in the film industry. Telia Sverige AB (Telia) is an internet service provider. Telia's customers had been able to access the services of The Pirate Bay, Nyafilmer, Fmovies and several other related proxies and mirror sites, where protected material was made available.

In 2018, upon a request of the rights holders the Swedish Patent and Market Court ordered Telia (by way of an interim ruling) to block access to a number of infringing websites by imposing a dynamic blocking injunction (a summary of the case is provided below). Telia appealed the ruling before the Swedish Patent and Market Court of Appeal.

SUBSTANCE

The Swedish Patent and Market Court of Appeal (*Patent och Marknadsöverdomstolen*) upheld the ruling and confirmed the dynamic blocking injunction ordered by the previous instance and agreed that Telia, as an internet provider, had contributed in copyright infringement by providing internet connection to its subscribers, who thereby had access to certain cinematographic works that had been unlawfully made available through certain online services.

After balancing the interests of the parties, the Court of Appeal confirmed the earlier instance's conclusions, but it deemed it necessary to clarify the arrangement and form of the dynamic blocking injunction in such a way as to target the services of The Pirate Bay, Nyafilmer, Fmovies and Dreamfilm in their entirety. The Court of Appeal stated that it is was not necessary to identify the persons administering the services or to describe the services in question. Instead, it was essential to clearly describe the characteristics, structure and operation of the services. Furthermore, the Court clarified that domain names and URL's related to search engines such as Google and Yahoo do not fall under the scope of the injunction, nor should it cover the situations where links to the services are included in posts on Facebook or Twitter.

Therefore, the Court stated, contrary to what has been decided in the previous instance, that it would not be appropriate or proportionate to require Telia to also monitor new domain names and URL's that infringe the rights holder's copyrights. Instead, the rights holders should notify Telia of specific domain names and URL's that Telia should block and Telia was given a 3 week timeframe in which to implement the necessary measures. The Court confirmed the injunction to be in force for 3 years in order to be efficient.

United Kingdom

[HIGH COURT OF JUSTICE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES, CASE NO: IL-2018-000155 OF 29 OCTOBER 2020, MATCHROOM V BRITISH TELECOMMUNICATIONS PLC ET AL.](#)

NORMS

Section 97A of the Copyright, Designs and Patents Act 1988.

FACTS

The plaintiff (Matchroom) runs boxing events. The respondents are the biggest internet service providers in the United Kingdom. Matchroom seeks a website-blocking injunction to prevent access to certain IP addresses that are being used to infringe their copyright relating to live streams of the events. A website-blocking injunction had already been granted to Matchroom in September 2018, extended and varied in May 2019 and ceased to have effect on 1 October 2020. The plaintiff requested an extension of the said order, but the Court treated the filing as a new application for a website-blocking injunction.

The applicant submitted that it would be appropriate for the Court to make the order sought on the basis of the reasons held by the Court to justify the making of the orders in *FAPL v British Telecommunications plc [No 1]* and *FAPL v British Telecommunications plc [No 2]* [2017] EWHC 1877 (Ch). One of the respondents supported the application, the rest did not oppose it.

SUBSTANCE

According to the witness statements provided by the applicant and one of the respondents the dynamic blocking orders ‘had significant positive impact in reducing in UK consumers’ access to infringing live streams of Matchroom boxing events’, that ‘blocking has worked smoothly in practice’ and that over-blocking is not a concern.

The applicant requested that certain parts of the order are kept confidential. The reason was that all of its information (list of targeted IP addresses, detection conditions and requirements which an IP address must satisfy in order for it to be notified that it will be blocked) would, if publicly available, undermine the purpose of the order itself. That is because it would help those seeking to circumvent the website-blocking system to avoid it in various ways. The Court agreed that the applicant and the broadcasters have a clear interest in maintaining the confidentiality of the arrangements. The opposite bears a tangible risk of undermining the blocking and assisting the infringers. However, the Court decided that other applicants for related website-blocking orders should be able to have access to the order in its entirety in order to be able to take advantage of the information contained therein (the scope, the IP addresses, the ways they will be blocked, etc.).

The Court ordered the disabling of access to each of the IP addresses for the target servers as defined in a confidential schedule notified by the applicant to the respondents. The blocked access should be unblocked as soon as reasonably practicable after the expiry of the event.

The Court **set out in detail** also the rules for giving notifications to the applicant, the time for compliance, the duration of the order and the possibility for the applicant to apply for extensions of the

operation, the notifications to third parties, the suspension of blocking measures, permission to apply on notice to vary or discharge the order insofar as it affects particular persons (not only limited to the respondents but also third parties such as users) and confidentiality.

The order contains five schedules in total. Schedule 1 includes a list of Matchroom events to be blocked. The schedule is subject to variations, in particular as far as additions of events are concerned which are to be notified from time to time to the respondents according to the rules set out in the order. Schedule 2 contains a list of target servers (not disclosed to the public) and is subject to any changes (additions or removals) from time to time which are notified to the respondents according to the rules set out in the order. Schedule 3 contains the detection and notification criteria which are also omitted from the public version of the order. Schedule 4 contains the technical means of blocking. Schedule 5 is a list specifying what is considered confidential material.

[ENGLAND AND WALES HIGH COURT \(CHANCERY DIVISION\), HC-2017-000458 OF 13 MARCH 2017, THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED V BRITISH TELECOMMUNICATIONS PLC ET AL.](#)

NORMS

Section 97A of the Copyright, Designs and Patents Act 1988;
Article 8(3) Directive 2001/29/EC.

FACTS

The claimant (FAPL) is the governing body of the football competition known as the Premier League. FAPL owns the copyright in films comprising television footage of all Premier League matches, and in artistic works that appear within that footage. The defendants are the six main retail ISPs in the United Kingdom. It is worth mentioning that the defendants are not merely ISPs. Some of them have an interest in the subject matter of FAPL's rights (exclusive licensees of broadcasting and internet transmission rights for Premier League footage in the UK). The FAPL seeks an injunction against the defendants requiring them to take measures to block, or at least impede, access by their customers to streaming servers which deliver infringing live streams of Premier League footage to UK consumers.

In some respects the application is similar to one by FAPL that led to a blocking order being made for a website, known as FirstRow Sports, for the reasons given in *Football Association Premier League Ltd v British Sky Broadcasting Ltd* [2013] EWHC 2058 (Ch), [2013] ECDR 14 (*FAPL v Sky*). The current application differs in a number of respects, however, and in particular in that it is directed at streaming servers rather than a website.

SUBSTANCE

In view of the facts and aims described above (blocking infringing IP addresses and live stream servers), the FAPL sets out a list of IP addresses of servers that the defendants are required by the order to block access to or attempt to block in the first instance. In addition, FAPL identified a subset of infringing streaming servers, which should also be blocked.

In order to try to achieve the request of the defendants, an order is granted taking into account four fundamental aspects.

1. The order is a live blocking order which only has effect at the times when live Premier League match footage is being broadcast.
2. The order provides for the list of target servers to be reset each match week during the Premier League season. This allows for new servers to be identified by FAPL and notified to the defendants for blocking each week, and ensures that old servers are not blocked after the end of a week unless they continue to be observed as sources of infringing footage.
3. The order is limited in time. It will only last until the end of the 2016/2017 Premier League season. The intention is to assess its effectiveness and any other issues encountered. FAPL would be then able to apply for a similar order to cover the 2017/2018 season, with any changes that may seem appropriate in the light of the previous season's experience.
4. The order requires a notice to be sent to each hosting provider each week when one of its IP addresses is subject to blocking. The hosting providers and the operator of any website or streaming service claiming to be affected by the order are given permission to apply to set aside or vary the order as well as the operators of the target servers and any customer of the defendants who claims to be adversely affected by the order.

In exercising its discretion as to whether to issue an order or not, the Court assessed the proportionality of the order having regard to the competing rights of those affected by it.

While the defendants contend that this order may affect their freedom to conduct their business, as well as the freedom of internet users to share or receive information, the FAPL maintains that the order will be effective and dissuasive in that it will substantially reduce copyright infringements. Moreover, FAPL contends that the available alternative measures are either ineffective or incomplete in addressing this problem.

The Court considered that the order is not unnecessarily complicated or costly and that it avoids creating barriers to legitimate trade. The safeguards against misuse contained in the order are correctly tailored, bearing in mind in particular the short duration of the order.

Overall, there is proportionality between the rights of the applicant and the defendants, as it does not prejudice the rights of the latter to conduct their business and protects the copyright of the plaintiff.

[ENGLAND AND WALES HIGH COURT \(CHANCERY DIVISION\), IL-2018-000155 OF 20 SEPTEMBER 2018, MATCHROOM BOXING LIMITED AND MATCHROOM SPORT LIMITED V BRITISH TELECOMMUNICATIONS PLC ET AL.](#)

NORMS

Section 97A of the [Copyright, Designs and Patents Act 1988](#).

FACTS

Matchroom (the claimants) is the holder of the copyright in live streams of footage of professional boxing matches. One of the defendants, SKY UK LIMITED, is broadcasting the events organised by Matchroom and pays Matchroom a substantial fee for the broadcasting. Matchroom requested an injunctive order, addressing access providers, of blocking the streaming of such live events in infringement of its rights.

SUBSTANCE

According to the judge, the case presented similarities with the previous case-law [\[2017\] EWHC FAPL v BT I 2017 \(Ch\) \(See above\)](#), in both the type of order requested and the reasons justifying the decision. The judge specified however that in the case at issue, it was not possible to identify the servers hosting the broadcast content in infringement of the applicant's copyright in the same way as had been done in the previous case, due to the irregular timing of the events. The judge acknowledged that the monitoring techniques applied to prevent the infringing acts were different. The judge kept the details confidential, in order to prevent circumvention, and stated the presence of evidence demonstrating that there was no greater risk of over-blocking than in that case. Following this, the judge acknowledged the impossibility of listing all the matches within the relevant period, as the relevant events were not fixed sufficiently far in advance. The judge established in 2 years the duration of the order and for the events to be notified to the defendants at least 4 weeks in advance. In light of the evidence and for 'essentially the same reasons' given in the mentioned precedent, the judge granted the order, considering the blocking measure proportionate. In particular, the judge deemed it would not impair the rights of the defendants to carry on business. The judge also considered the interference with the rights of internet users to impart or receive information 'justified by a legitimate aim, namely preventing infringement ... on a large scale' and proportionate to that aim, being 'effective and dissuasive' with 'no equally effective but less onerous measures ... available'. The judge stated that this measure would avoid the creation of barriers to legitimate trade and is not 'unduly complicated or costly'. The order was considered to contain sufficient safeguards against misuse.

[HIGH COURT \(CHANCERY DIVISION\), CARTIER INTERNATIONAL AG V BRITISH SKY BROADCASTING LTD \[2014\] EWHC3354 \(CH\), 17 OCTOBER 2014](#)

NORMS

Article 5 Directive 2008/95/EC;
Recitals 7, 8, 17, 20, 40, 42, 45-48 and 50 Directive 2000/31/EC;
Articles 2(a), (b) and (d), 12, 13, 14, 15, 18(1) and 20 Directive 2000/31/EC;
Recital 59 and Article 8(3) Directive 2001/29/EC;
Recitals 17, 23 and 32 and Articles 3, 9(1)(a) and 11 Directive 2004/48/EC;
Articles 11, 16, 17, 51 and 52 of the Charter of Fundamental Rights of the European Union;
12/07/2011, C-324/09, L'Oréal-eBay, EU:C:2011:474;
Section 37(1) of the Senior Courts Act 1981;
Samsung Electronics (UK) Ltd v Apple Inc [2012] EWCA Civ 1339;
s. 10(1) and (4) of the Trade Marks Act 1994;
s. 97A Copyright, Designs and Patents Act 1988.

FACTS

The claimants, collectively known as Richemont, are owners of a large number of trade marks registered in the United Kingdom for luxury brands including Cartier, IWC, Montblanc and others. The defendants are five main retail ISPs in the United Kingdom. Richemont sought an injunction obliging the ISPs to block or impede access to six websites selling counterfeit goods bearing trade marks belonging to the claimants. This type of order, based on section 97A of the Copyright, Designs and Patents Act 1988, was frequently applied for to address online copyright infringement. Therefore, it was unclear whether the Court had jurisdiction to issue this type of order to address trade mark

infringement and if so, what are the threshold conditions and principles to be applied when deliberating the injunction.

SUBSTANCE

Considering the decision of the Court of Appeal in *Samsung Electronics (UK) Ltd v Apple Inc [2012] EWCA Civ 1339*, the Court observed that the breadth of the Court's jurisdiction expressed in section 37(1) of the Senior Courts Act 1981 indicates that the Court's power to grant injunctions can be exercised in new and innovative ways. Therefore, upon a purely domestic interpretation of law, the Court has jurisdiction to grant the order sought by Richemont. Nonetheless, the Court indicated that the same conclusion would be reached if s.37(1) of the Senior Courts Act 1981 was to be interpreted in accordance with Article 11 of the Council Directive 2004/48/EC.

Although Parliament has not laid down threshold conditions for the exercise of the High Court's jurisdiction to grant an injunction against an intermediary on the basis of an intellectual property infringement committed by another, the Court's discretion is not entirely unfettered. It is clear from *L'Oréal-eBay* that the Court must exercise its power under section 37(1) consistently with the provisions of Articles 3 and 11 of the Council Directive 2004/48/EC and Articles 12 to 15 of the Council Directive 2000/31/EC.

Therefore, firstly, the High Court indicated that the ISPs must be intermediaries within the meaning of the third sentence of Article 11. Secondly, either the users and/or the operators of the website must be infringing the claimant's trade marks. Thirdly, the users and/or the operators of the website must use the ISPs' services to do that. Moreover, the ISPs need to have an actual knowledge of the infringement. In the present case, that knowledge was obtained through notifications and evidence submitted by the claimant.

While deliberating if the injunction should be granted, the High Court considered if the relief sought by the claimant is necessary, effective, dissuasive, not unnecessarily complicated or costly, and if it does not create unnecessary barriers to trade. Moreover, the Court considered if the relief is proportionate and fair and equitable, thus striking a 'fair balance' between the applicable fundamental rights. Overall, Justice Arnold was satisfied that these conditions are fulfilled and decided to grant the injunction sought by Richemont.

The injunction granted bound the ISPs to block access to the websites infringing the claimant's websites through IP and URL blocking based on the notifications submitted by the claimant. It also addressed IP address re-routing.

[CARTIER INTERNATIONAL AG V BRITISH SKY BROADCASTING LTD \[2016\] EWCA CIV 658](#)

NORMS

Articles 11, 16 and 52 of the Charter of Fundamental Rights of the European Union;
Article 11 Directive 2004/48/EC;
Articles 12 to 15 Directive 2000/31/EC;
Section 37(1) of the Senior Courts Act 1981;
Norwich Pharmacal Co v Customs and Excise Commissioners [1974] AC 133;
Twentieth Century Fox Film Corp v British Telecommunications plc [2011] EWHC 2714 (Ch).

FACTS

In an appeal from the High Court decision in *Cartier International AG v British Sky Broadcasting Ltd* [2014] EWHC3354 (*Ch*), the United Kingdom's main retail internet service providers questioned the legal basis for an injunction obliging them to block or attempt to block access to certain websites selling and advertising counterfeit copies of the respondent's goods. Amongst other arguments, the ISPs argued that it was not within Court's jurisdiction to grant this type of order but even if it was, the threshold conditions were not satisfied. The appellants also submitted that the High Court judgment erred in relation to who should bear the costs of implementing the order.

SUBSTANCE

The Court of Appeal approved the High Court's interpretation of section 37(1) of the Senior Courts Act 1981 which suggests that the practice of the courts is not unchangeable and the injunctions are not limited to wrongdoers. In an analogy to the *Norwich Pharmacal* decision, once an innocent internet service provider is aware that its services are being used by someone to infringe an intellectual property right, then it becomes subject to a duty to take proportionate measures to prevent such infringements. Moreover, there was a principled basis for injunctions against the ISPs. The operator of the infringing websites had to rely on the ISPs services to sell counterfeit goods to UK customers. Even if innocent, the ISPs were being essential actors in the infringing activities. In the light of the CJEU judgment in *L'Oréal-eBay*, Article 11 of the Council Directive 2004/48/EC provides a principled basis for extending the practice of the court in relation to the grant of injunctions to encompass, where appropriate, the services of an intermediary, such as one of the ISPs, that have been used by a third party to infringe a registered trade mark.

The Court of Appeal also considered that the orders granted by the High Court did not give rise to any illegitimate or otherwise inappropriate limitation on the exercise of the rights and freedoms recognised by the Charter. Moreover, the High Court judge rightly observed that the court's discretion to grant website-blocking orders must be exercised consistently with Articles 3 and 11 of the Council Directive 2004/48/EC and Articles 12 to 15 of the Council Directive 2000/31/EC.

In terms of the implementation costs of the orders, the judge was entitled to require the ISPs to bear them. The judge took a proper account of the Council Directive 2004/48/EC, the guidance given by the Court of Justice in *L'Oréal-eBay* and his own decision in *Twentieth Century Fox Film Corp v British Telecommunications plc*.

[CARTIER INTERNATIONAL AG V BRITISH TELECOMMUNICATIONS PLC \[2018\] UKSC 28](#)

NORMS

Articles 12, 13, 14 and 18 Directive 2000/31/EC;
Articles 3, 8 and 11 Directive 2004/48/EC;
British Steel Corp v Granada Television Ltd [1981] A.C. 1096 [1980] 11 WLUK 78;
Ashworth Hospital Authority v MGN Ltd [2002] 1 WLR 2033;
Rugby Football Union v Consolidated Information Services Ltd (formerly Viagogo Ltd) [2012] 1 WLR 3333;
Singularis Holdings Ltd v PricewaterhouseCoopers [2015] AC 1675;
Twentieth Century Fox Film Corp v British Telecommunications plc [2012] 1 All ER 806;
Twentieth Century Fox Film Corp v British Telecommunications plc (No 2) [2012] 1 All ER 869.

FACTS

Five main UK retail ISPs appealed against an order obliging them to bear the costs of implementing website-blocking orders. These orders were sought by the respondents, owners of multiple luxury brands, whose trade marks have been infringed by the target websites. Previously, the High Court held that it holds the jurisdiction to issue this kind of order in cases of trade mark infringement and that the costs should lay with the intermediaries. This reasoning was later reaffirmed by the Court of Appeal.

The ISPs brought the issue of who should bear the costs of injunctions before the Supreme Court of the United Kingdom.

SUBSTANCE

In regards to the legal basis for the injunctions, the Supreme Court emphasised the long-standing jurisdiction of the English courts to, in certain circumstances, order parties to assist those whose rights have been infringed by a wrongdoer. This jurisdiction was not limited to provision of information or to cases in which proceedings against a wrongdoer were anticipated. Once the intermediary was notified of the infringement, it had a duty to stop facilitating the activities of the wrongdoer, and the court had the equitable jurisdiction to intervene. Therefore, the website-blocking order made in this case could have been made quite apart from the power derived from European law, on ordinary principles of equity found under English law.

The Supreme Court indicated that issues of the implementation costs were a matter of English law, within the broad limits set by the EU principles of effectiveness and equivalence, and the requirement that any remedy should be fair, proportionate and not unnecessarily costly. As a matter of English law, the ordinary principle is that unless there are good reasons for a different order, an innocent intermediary is entitled to be indemnified by the rights holder against the costs of complying with a website-blocking order. In relation to the website-blocking orders, this position is no different in principle from the established position in domestic law in relation to injunctions granted to require an innocent party to assist the claimant in the assertion of its rights against a wrongdoer. Overall, there was no legal basis for requiring a party to shoulder the burden of remedying an injustice if they had no legal responsibility for the infringement, and ISPs were not obliged to do so simply because they benefited financially from the content available on the internet.

ANNEX I: OVERVIEW TABLE PRELIMINARY RULINGS

Case reference	Type of party whose liability/obligations are discussed	Type of act discussed in relation to infringement	Main findings of the CJEU	Legal provisions
1. 27/03/2014, C-314/12 UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH, Wega Filmproduktionsgesellschaft mbH, EU:C:2014:192	Internet service provider	A website offering, without the agreement of the rights holders, either a download or 'streaming' of a wide range of films protected by copyright.	<p>ISPs fall under Article 8(3) D 2001/29, and the term 'intermediary' covers any person who carries a third-party's infringement of a protected work or other subject matter in a network.</p> <p>No specific relationship between the person infringing copyright or a related right and the intermediary is required.</p> <p>A person who makes protected subject matter available to the public on a website without the agreement of the rights holder, for the purpose of Article 3(2) D 2001/29, is using the services of the ISP.</p> <p>The fundamental rights recognised by EU law do not preclude a court injunction prohibiting an ISP from allowing its customers access to a website placing protected subject matter online without the agreement of the rights holders when that injunction does not specify the measures which the ISP must take, provided the following conditions are fulfilled:</p> <ul style="list-style-type: none"> - the ISP can avoid incurring coercive penalties for breach of that injunction by showing that it has taken all reasonable measures; - the measures taken do not unnecessarily deprive internet users of the possibility of lawfully accessing the information available; - those measures have the effect of preventing unauthorised access to the protected subject matter, or of making access difficult; - the measures seriously discourage internet users who are using the 	Article 8(3) of Directive 2001/29/EC.

Case reference	Type of party whose liability/obligations are discussed	Type of act discussed in relation to infringement	Main findings of the CJEU	Legal provisions
			<p>services in question from accessing the infringing subject matter.</p> <p>The national authorities and courts need to establish whether these conditions are fulfilled.</p>	
2. 15/09/2016, C-484/14 Tobias Mc Fadden v Sony Music Entertainment Germany GmbH, EU:C:2016:689	Business owner operating free anonymous access to a wireless local area network, WLAN (for use by its customers)	Making a musical work available on the internet free of charge without the consent of the rights holders (third parties – users of the internet connection).	<p>Offering free of charge Wi-Fi to the general public constitutes an 'information society service' if done for the purpose of advertising the goods sold or services supplied by that service provider.</p> <p>Exemption from liability for third-party infringement when the process is:</p> <ul style="list-style-type: none"> - technical; - automatic; - passive. <p>A provider cannot be held liable for direct infringement if a user unlawfully uses his free Wi-Fi.</p> <p>Therefore, copyright holders cannot claim compensation, though they can seek proportional injunctions to stop future infringements.</p> <p>One means to achieve this would be to protect the communication network with a password which would oblige the users to reveal their identity.</p>	Article 12(1) Directive 2000/31/EC read in conjunction with Article 12(3) of that Directive
3. 03/10/2019, C-18/18 Glawischning-Piesczek v Facebook Ireland Limited, EU:C:2019:821	Social media platform (host provider)	Publishing a comment harmful to the reputation of a user accessible by all users of the platform	<p>The e-commerce Directive, which seeks to strike a balance between the different interests at stake, does not preclude a court of a Member State from ordering a host provider:</p> <ul style="list-style-type: none"> - to remove information which it stores, the content of which is identical to the content of information which was previously declared to be unlawful, or to block access to that information, irrespective of who requested the storage of that information; - to remove information which it stores, the content of which is equivalent to the content of information which was 	Articles 14, 15(1) and 18(1) Directive 2000/31/EC

	Case reference	Type of party whose liability/obligations are discussed	Type of act discussed in relation to infringement	Main findings of the CJEU	Legal provisions
				<p>previously declared to be unlawful, or to block access to that information, provided that the monitoring of and search for the information concerned by such an injunction are limited to information conveying a message the content of which remains essentially unchanged compared with the content which gave rise to the finding of illegality and containing the elements specified in the injunction, and provided that the differences in the wording of that equivalent content, compared with the wording characterising the information which was previously declared to be illegal, are not such as to require the host provider to carry out an independent assessment of that content (thus, the host provider may have recourse to automated search tools and technologies);</p> <p>- to remove information covered by the injunction or to block access to that information worldwide within the framework of the relevant international law, and it is up to Member States to take that law into account.</p>	
4.	14/06/2017, C-610/15 Stichting Brein v Ziggo BV and XS4ALL Internet BV, EU:C:2017:456	Online peer-to-peer sharing platform (third party) Internet access providers	Making available and managing an online peer-to-peer file-sharing platform	<p>Complementary criteria for an act of communication:</p> <ul style="list-style-type: none"> - the deliberate nature of the action; - the use of specific technical means different from those previously used or which enable reaching a 'new public'; - the profit-making nature of the communication. <p>Knowledge requirement:</p> <ul style="list-style-type: none"> - platform operators were informed that the platform was used to provide access to works published without authorisation; 	<p>Article 3(1) Directive 2001/29/EC</p> <p>Article 8(3) Directive 2001/29/EC</p> <p>Article 11 Directive 2004/48/EC</p>

Case reference	Type of party whose liability/obligations are discussed	Type of act discussed in relation to infringement	Main findings of the CJEU	Legal provisions
			<ul style="list-style-type: none"> - platform operators expressed their intention to make protected works available; - the large number of torrent files indicates that the platform operators could not have been unaware. <p>Profit-making purpose: It is clear that the platform is managed for the purpose of obtaining profit.</p> <p>Considering the above, peer-to-peer platform operators could be held liable for this act of communication since they play an essential role in making protected works available, as they provide and manage the platform (indexation of metadata, provision of a search engine, etc.).</p>	

ANNEX II: OVERVIEW TABLE NATIONAL CASE-LAW

Case	Type of defendant	Type of allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
(Belgium) Court of Appeals of Antwerp 3399-2011/8314, 26 September 2011, Belgian Anti-piracy Federation (BAF) v Telenet and Belgacom	Internet Service Provider	Third party Providing access to The Pirate Bay, where copyright was infringed on a massive scale Relief sought: Blocking access to certain domain names	According to Article 87(1) par.2 of the Copyright Act, it is possible to issue an injunction against the ISPs, since they are intermediaries whose services are used by a third party to infringe a copyright or related right. The Court said that the liability exemption regime provided for under Article 12 of the e-commerce Directive was not an obstacle to the issuance of this injunction order. The Court stated that ISP's are under no general obligation to monitor their network and held that the blocking order was not disproportionate. The Court also ruled that to be proportionate, it was enough that the blocking order contribute to the reduction of the infringing activity. The Court clarified that there was no subsidiarity principle obliging BAF to first lodge an action against the direct infringer.	The Court of Appeal overturned the lower court's decision. The Court of Appeal of Antwerp ordered ISP's to cease the infringements by applying DNS blocking to an exhaustive list of 11 domain names, under constraint of a penalty payment of EUR 1 000 per day. Article 87(1) par.2, of the Belgian Law of 30 June 1994 on Copyright and Neighbouring Rights implementing Article 8(3) of the InfoSoc Directive (D 2001/29/EC). Article 21(1) of the Belgian Act of 11 March 2003 on certain legal aspects of information society services implementing Article 15(1) of the e-commerce Directive.
(Belgium) Court of Cassation P.13.0550.N/1, 22 October 2013 Belgian Anti-piracy Foundation v Belgacom	Internet Service Provider	Third party. Providing access to 'The Pirate Bay', where copyright was infringed on a massive scale Relief sought: Extending the blocking order to all The Pirate Bay websites (blocking access	The Courts held that Article 39 <i>bis</i> of the Belgian Code of criminal procedure does not exclude a measure to be ordered against third parties, other than those having themselves stored the data. The court confirmed that the investigating judge could rightly rely on this provision to order the national internet access providers to stop access to the content hosted by the server associated to the main domain name.	The court dismissed the case and refused to ask questions to the CJEU.

Case	Type of defendant	Type of act allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
		to infringing websites).	Articles 39 <i>bis</i> and 89 of the Belgian Code of criminal procedure; Article 21(1) of the Belgian e-commerce Act implementing Article 15(1) of the e-commerce Directive; Article 52(1) of the Charter of Fundamental Rights of the European Union.	
(Denmark) Maritime and Commercial Court (Sø-Handelsretten), case No: a-51-17 of 21 February 2018, Fritz Hansen A/S and Others (Represented by Rettighedsalliancen Smf.) v Telia Danmark A/S and Dominidesign Furniture Ltd.	Internet service provider & an undertaking operating an online shop	The sale of replicas of Danish design furniture and lamps on websites, infringing the copyrights of the rights holders. Providing access to websites which sell replicas and infringe the copyrights of the rights holders. Relief sought: Blocking access to websites.	The infringing products were made available to the public in Denmark. Consequently, the websites infringed the applicants' copyrights. The Court found that it should be straightforward for the ISP to block access to the websites in question. The imposition of an injunction on the ISP did not give rise to harm or prejudice which is significantly disproportionate in relation to the interests of the parties. The Court noted that in the Code of Conduct agreed between the intertrade organisation and Rettigheds Alliancen it is assumed that it will be possible to direct a claim for prohibition at individual network operators. Paragraphs 2(1)-2(3), 413(3), 414(2) of the Danish Law on Copyright; Paragraph 1 of the Law on Commercial Practices (Markedsføringsloven).	Order to implement a technical solution, for example DNS blocking, which is capable of preventing the customers in Denmark from accessing the websites that are selling replicas of the applicant's copyrighted furniture and lamps. Order to prevent access to other websites that give access to the same internet services and which the ISP has been informed of by the rights holders' representative.
(Denmark) District Court of Frederiksberg, Copenhagen, case	Internet service provider	Providing access to internet services which make available or share works to	Access to free films and TV shows on the internet provided by the Popcorn Time system is in	Order to implement a technical solution, such as a DNS blocker, that is suitable for preventing the ISP's customers from accessing the internet services currently

Case	Type of defendant	Type of allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
of 5 December 2017, RettighedsAlliance n etc. v TDC A/S		which the applicants have copyrights. Relief sought: Blocking access to internet services accessible through websites.	violation of the applicants' exclusive rights. As the Popcorn Time system makes use of the websites mentioned in the claim for the illegal viewing of films and television series, it is possible to prohibit the websites in question. The ISP's transmission of data objectively infringes the applicants' copyright. § 2(2) of the Copyright Act. 1, cf. 3, No. 3, cf. 4, No. 1, cf. § 65, paragraph 1. 1 and 6 and § 66(1). 1 and 2 and 67(1). 1 and 2; § 2(1) of the Copyright Act. 4, No. 1; Article 3(1) and Article 8(1) Directive 2001/29/EC.	accessible through the website addresses. Order to prevent access to other website addresses that provide access to the same internet services, which the applicants will expressly notify to the ISP, and in connection with which the applicants must demonstrate that these website addresses provide access to the internet services to which this decision relates. Each party should bear its own costs. Neither party was ordered to pay costs to the other party.
(Finland) The Finnish Market Court, case No: MAO:311/18 of 07 June 2018, Columbia Pictures Industries, Inc., and Others v Blue Lake Communications Oy, and Others	Internet service providers	Providing access to domain names which make available or share works to which the applicants have copyrights. Infringement of making copyrighted content available to the public without the consent of rights holders. Relief sought: Removing certain domain names, blocking access	The amount of infringing copyrighted content made available to the public without the rights holders' consent was significant. The target websites are available through the intermediaries, and the parties cover most of the Finnish bandwidth, thus making the injunction measure effective. The alleged infringers are not identifiable or the possibility to identify through international procedurals are uncertain based on an overall assessment. Assessing the proportionality of the injunction, the court found that most of the available content is likely protected by copyright and there is no other relevant purpose for the website services.	Order the ISP's to block access from their customers to certain infringing internet services by deleting the domain names and by blocking the IP addresses from the ISP's name servers. The request to block proxy sites was dismissed and was not included in the injunction, because the applicants did not show any measures taken to identify the administrators of the proxy sites. The court did not order the ISP's to prevent access to other websites as the applicants did not provide anything that would suggest that they requested something else or more than what is already provided for by law.

Case	Type of defendant	Type of allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
		to certain IP addresses.	Therefore, the court did not find the injunction unreasonable. The third parties' right to receive and send messages is not endangered by blocking the IP addresses in question. Article 60 e(1)-(3) of the Finnish Copyright Act; Article 8(3) Directive 2001/29/EC.	The injunction was set to be in place for 1 year.
(France) Paris TGI, 23 May 2019, RG 19/01744	Search engine operator	Third party. Access to search results leading to websites that infringe rights holders' rights. Relief sought: Request of a dynamic de-indexing injunction; blocking the search results leading to certain domain names.	Article 8(3) Directive 2001/29/CE; Article L. 322-6 Code la propriété intellectuelle (Intellectual Property Code (France)); Articles 6.III.1 and 6.III.2 of Loi No 2004-575 of 21 June 2004. The Court stated that the previous blocking measures ordered against ISPs were not sufficient to avoid IPR infringements, because internet users could circumvent them via virtual private networks. The search engine operator should take all appropriate measures to prevent these infringements. Stopping internet users accessing the content of the infringing websites was not considered disproportionate compared to the importance of the protection of the IP rights at stake. The operator's freedom to conduct a business was not prejudiced because the search engine has the capacity and technical means to identify alternative access paths to the infringing websites and to prevent their listing.	The Court indirectly ordered a dynamic de-indexing injunction, examining the possibility of extending the measures to future domain names. The Court also ordered that during the period of implementation of the blocking and de-indexing measures the applicants were to inform the search engine operator if any of the infringing websites or access paths were no longer active or if the protected content was removed. The measures would be implemented within 15 days of the notification of the decision and for a period of 18 months.

Case	Type of defendant	Type of act allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
(France) Paris TGI, 7 March 2019, 18/14194	Internet Service Provider	Third party. Reproduction of copyright-protected publications on websites, accessible via several domain names, without prior authorisation. Relief sought: blocking access to the domain names and access paths not currently identified that would be activated or available after the issuing of the blocking order.	Articles L. 111-1, L. 121-1, L. 122-1 to L. 122-4 Code de la propriété intellectuelle (Intellectual Property Code (France)) (copyright infringement); Article L. 336-2 Code de la propriété intellectuelle (Intellectual Property Code (France)). The lack of a general monitoring obligation prohibits the court from ordering the ISPs to implement appropriate measure affecting websites not listed in the publishers' request. The measures should be proportionate, adequate and strictly necessary to achieve the aim pursued and ensure the protection of the rights at stake. There should be a balance between the fundamental rights involved, so that the injunction does not unduly and unnecessarily affect them. Therefore, the blocking injunction should only concern the infringing websites expressly and restrictively mentioned in the decision.	The Court ordered ISPs to implement all appropriate measures to prevent access from France, by their internet users under contract in that territory, by any effective means, to the sites mentioned accessible via the domain names referred, within 15 days of the notification of the decision and for a period of 12 months from the implementation of the measures ordered. The blocking measures would only cover the disputed sites that were expressly and restrictively listed in the publishers' request. The costs of the necessary measures to be taken should be borne by the ISPs.
(France) Paris TGI, 13 July 2018, 18/55236	Internet Service Provider	Third party. Broadcasting of copyright- and neighbouring rights-protected content on various infringing websites that were accessible via new domain names. Relief sought: blocking access to the infringing	Article L. 336-2 Code de la propriété intellectuelle (Intellectual Property Code (France)); Articles 808 and 809 Code de procédure civile (French code of civil procedure); Articles 122-1, 122-2, 122-3, 122-4, 215-1 Code de la propriété intellectuelle (Intellectual Property Code (France)). The Court found that ISPs should be the ones to bear the costs of implementing the measures ordered by the Court and that in	The Court granted the updated blocking orders. Moreover, the Court, in the light of Directive 2001/29/EC, ordered the ISPs to implement all efficient and appropriate measures to prevent access to the infringing websites throughout France by their internet users. The ISPs should bear the costs and freely choose any effective means to block the access to the sites listed in the decision that were again

Case	Type of defendant	Type of allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
		domain names and access paths.	the process of striking a balance between rights, such as the freedom of expression, the freedom to conduct a business and the principle of proportionality, the protection of IP rights was found to be of significant importance and the blocking order would not prejudice the freedom of expression and the ISPs' freedom to conduct a business.	accessible via the new domain names. The measures would be implemented within 15 days of the notification of the decision and last until 15 December 2018 for the domain names listed in it.
(France) Supreme Court (Cour de Cassation), 6 July 2017 16-17.217	Internet Service Provider; Search engine operators	Third party. Providing access to websites hosting copyright-protected content. Relief sought: blocking access to websites; stop listing these websites on search engine results.	Article L 336-2 of Code de la propriété intellectuelle (Intellectual Property Code (France)), Article 8(3) Directive 2001/29/EC; Article 12 Directive 2000/31/EC; Loi No 2004-575 of 21 June 2004 (French implementation of the e-commerce Directive (2000/31/EC)); CJEU, 27/03/2014, C-314/12, UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH, Wega Filmproduktionsgesellschaft mbH, EU:C:2014:192, § 47, 50-53. Concerning the balance of rights, the Court found that blocking orders do not prejudice ISP's and search engine operators' freedom to conduct a business, given that they are free to choose the technical measures to be taken to achieve this result. However, the financial stability of the rights holders and their associations would be in a worse position if they also had to bear the blocking costs, taking also into consideration that their rights are already at stake by the infringing websites.	The Court's decision refers to previous court decisions. The Supreme Court upheld the decision issued by the Court of Appeal and stated that, even if it held that ISPs are not responsible for the infringing acts, however they should be the ones to bear the costs that are strictly necessary for the safeguarding of the rights at stake (copyright and related rights), even if these measures are likely to represent a significant cost for them (based on the Article 8(3) D 2001/29/EC and L 336-2 of the Intellectual Property Code (France)). The Court stated that a fair balance should be ensured between the IP rights (Article 17(2) CFREU) at stake and the ISPs' freedom to conduct a business (Article 16 CFREU).

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			In light of <i>UPC Telekabel</i> judgment, the fact that the cost of the measures is to be borne by the intermediary does not infringe the freedom to conduct a business provided that they can choose the technical measures to implement the blocking order.	
(Germany) Regional Court of Munich I, Case No.: 7 O 17752/17, 1 February 2018, legal dispute for preliminary injunction, copyright infringement 'Fack ju Göhte 3' via kinox.to	Internet service provider (cable internet)	Providing access to a website illegally offering copyright-protected content – TV series and films. Relief sought: blocking access to the website Kinox.to.	Sec. 7(4) and 8(1) German Telemedia Act (TMG). In its reasoning the Munich Court refers to the decision of the German Federal Court of Justice (BGH) of 26 November 2015, case no. I ZR 174/14 – <i>Störerhaftung des Access-Providers</i> and to Article 8(3) Directive 2001/29/EC. The respondent should be seen as a party in breach of a duty of care (<i>Störer</i>) because it is subject to due diligence obligations as an internet service provider at least if it has been notified of a clear rights infringement and provided any monitoring obligations do not economically jeopardise its business model or disproportionately complicate its activities. The service Kinox.to has a highly criminal nature and is not worthy of protection. To this extent the concern of over-blocking does not even come into question. The costs to be incurred by the respondent in order to install the necessary equipment to block access (DNS and IP) has been considered not disproportionately high by the Court. The respondent was given a choice of how it would	The Court prohibited the respondent from providing their customers with internet access to the film 'Fack Ju Göhte 3', to the extent that this film is retrievable on the website service currently known as KINOX.TO. The prohibition carried the threat of a fine, to be set for each act of non-compliance, of up to EUR 250 000.00, or alternatively imprisonment in the case of non-payment, or imprisonment of up to 6 months, up to 2 years in the case of repeat offence, with the imprisonment or alternative imprisonment in the case of non-payment to be levied on the members of the board of the respondent. The Court made it also explicitly clear that the operative provisions do not relate solely to the domain kinox.to but to the overall service Kinox.to, which is offered under that company name, irrespective of the respective domain. A limitation of the prohibition to the URL which can be seen in the submitted evidence (showing examples of website screenshots only) has therefore not been applied for nor has it been intended by the Court. The Court ordered also the costs of the legal dispute to be borne by the respondent.

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			specifically implement the prohibition.	
(Germany) Regional Court of Munich I, Case No 37 O 2516/18, 7 June, 2019	Internet access provider	A third-party website retrievable via different URLs which makes available to users the applicants' copyright-protected works (CD-albums) without their consent. Block access to the said website for its users.	Article 8(3) Directive 2001/29/EC, Article 11 Directive 2004/48/EC, Sec. 7(4) German Telemedia Act (TMG), Sec. 8(1) and (2) German Telemedia Act (TMG), Sec. 10(1), 19a, 85(2) German Copyright Act, Article 14(1) of the German Constitution (Grundgesetz), Article 16 and Article 17(2) of the Charter of Fundamental Rights of the European Union. The Court also considered that Section 7(4) TMG serves inter alia the purpose of implementing the obligation of Member States laid down in Article 8(3) of Directive 2001/29/EC to ensure that rights holders can take legal action against intermediaries, whose services are used by a third party to infringe copyright or related rights. Section 7(4) of the TMG must therefore be interpreted in conformity with the Directive as meaning that a telemedia service assisted an infringement of the law by allowing its customers access to infringing content on the internet which has been made publicly available by third parties. The applicants have no other means than recourse to the defendant to remedy the infringement of their rights. In that regard, it was for the applicants to show that they had taken reasonable steps to reveal the identity of the website operator. The applicants satisfied those requirements by initiating state investigations and carrying out	The Court assessed the balance of fundamental rights and found that DNS blocking is a reasonable and proportionate measure within the meaning of Sec. 7(4), second sentence of the German TMG. The court assessed also the effectiveness of the blocking measure to ensure effective protection of the applicant's fundamental right to property by preventing or at least hindering unauthorised access to protected objects and found that the DNS blocking is an effective measure. The danger of over-blocking has not been considered material since the legal content available on the website was estimated at below 4 % of the overall content. The respondent was ordered to block the access of its users by means of DNS blocking to the internet service retrievable from certain URLs using certain IP addresses as long as explicitly listed album publications are accessible by means of file-sharing or share hosting via that service. The Court ordered the costs of the implementation of the blocking measures and the costs of the proceedings to be borne by the respondent.

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			private inquiries, although they were unable to identify the operators of the websites.	
(Italy) Court of Milan – Ordinanza N. 42163/2019 R.G. of 5 October 2020, Sky Italia, Lega Serie A V Cloudflare and Others	Internet Service Provider	Third party. Illegal distribution of copyright- protected audiovisual content. Relief sought: blocking of current and future domain names and IP addresses of several IPTV services.	Article 156 et seq. of the Italian Copyright Act; Article 669bis et seq. of the Italian Civil Procedural Code; Article 8(3) Directive 2001/29/EC. The Court deemed it unnecessary to look at the potential liability regime of content delivery networks under the Italian law implementing the e-commerce Directive provided that pursuant to Article 156 et seq. of the Italian Copyright Act (implementing Article 8(3) Directive 2001/29/EC), an injunction can be issued against intermediaries regardless of any liability of their own.	The Court of Milan issued a dynamic blocking injunction ordering the blocking of current and future domain names and IP addresses of several IPTV services for illegal distribution of audiovisual content. The Court ruled that all the defendants, with their activity of 'intermediaries', are in any case subject to the dynamic injunction according to Article 156 et seq. Italian Copyright Act and Article 669bis et seq. c.p.c. The Court expressly stated that the classification between hosting providers, caching and 'mere conduit' services was irrelevant in the case, provided that the possibility to issue an injunction against an intermediary on the basis of Article 156 et seq. of Italian Copyright Act does not depend on the intermediary's liability for the (alleged) infringement at stake.
(Italy) Tribunale di Milano, R.G. N. 51624/2017, ECLI:IT:TRIBMI:20 18:51624/2017, 18/06/2018	Internet Service Provider	Third party. Making links available for the download of unlawful copies of AM's magazines by the website Dasolo (which later changed its domain name). Relief sought: blocking access to any domain names that would redirect to the	Articles 14, 15, 16 d.lgs. n. 70/2003; Recitals 45 and 47, Article 15 Directive 2000/31/EU; Article 11 Directive 2004/48/EU; Recitals 45 and 47 Directive 2001/29/EU. The Court noted that enforcement measures must be proportionate and not excessively costly. However, an ISP is under an obligation to promptly inform the competent authorities should it become aware of any infringements committed by users of its service, irrespective of any liability of the intermediary for the	The Court referred to the need to balance all interests at stake, namely <i>diritto d'autore</i> , free enterprise, right to information. The Court fixed penalty payments for non-compliance for the ISPs. As regards the issue of cost allocation, the Court held that, since the measure requested was distinct from an assessment of any liability of the ISPs, by balancing different interests, the costs relating to technical expenses, strictly necessary and concerning the measure requested by the rights

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		platform connected to the website Dasolo.	infringements themselves. The Court confirmed that AM's rights were repeatedly infringed through the different domain names under which the infringing platform operated and recalled the <i>UPC Telekabel</i> judgment (27/03/2014, C-314/12, UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH, Weqa Filmproduktionsgesellschaft mbH, EU:C:2014:192), and ruled that it is compatible with the e-commerce Directive to request an ISP to take the most appropriate measures to block access, not just to the domain names identified in the relevant injunction, but also to any further domain names under which infringements relating to the same rights are committed. However, to be compatible with the prohibition of general monitoring obligations, a dynamic injunction must include an obligation by the relevant rights holder to provide the targeted ISPs with a prior, specific notification concerning the new domain names through which infringements are being committed.	holder, should be borne, provisionally, by the rights holder itself.
(Ireland) High Court of Ireland (Commercial), 2020 No. 6450 P of 29 September 2020, <i>UEFA V Eircom Limited T/A EIR et al.</i>	Retail internet service providers	Third parties making available to the public copyrighted works of UEFA without its consent – unauthorised live streaming of sporting events. UEFA seeks an injunction (live blocking)	The Court accepted that each of the defendants is a 'mere conduit' and as such they are not liable for any copyright infringement arising out of activities of their subscribers under Irish law implementing Directive 2000/31/EC. ISPs are subject only to the grant of the <i>suu generis</i> type of injunction sought by UEFA. The Court held that the unauthorised streaming of sporting events is a communication to the public.	The Court considered the order necessary for the purpose of protecting the plaintiff's rights since it is seen as an effective method of targeting unauthorised streaming of live sporting events. The risk of 'over-blocking' is very low and the fundamental rights of the users are respected since they have the right to apply to the Court to discharge or vary the order. The duration of the order, namely until the 31/07/2021, or the day after the last match period of the 2020/2021 UEFA

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		<p>requiring the defendant ISPs to block access to the IP addresses of servers that are being used, or that it is supposed will be used, by non-parties for the purpose of making available to the public, the copyright works of UEFA without its consent.</p>	<p>Even if the defendants did not oppose the application, the Court performed an assessment (taking into account the evidence presented by the plaintiff) in order to establish whether the order sought is lawful and that it is appropriate for the Court to grant the injunction sought. In performing the assessment the Court applied the following test and considered whether the injunction is: (i) necessary; ii) that the costs involved were not excessive or disproportionate and that the order itself should not be unduly complicated; (iii) that the cost-sharing proposals were fair and reasonable; (iv) that the order respected the fundamental rights of the parties affected, including internet users and (v) that the duration of the proposed injunction and the provisions for review were reasonable.</p> <p>Based on the presented evidence the Court answered all of the above questions to the affirmative.</p> <p>Sections 17(1), 17(2), 37(1)(b), 40(1)(a) and 40(5A) of the Irish Copyright and Related Rights Act 2000 (2000 Act);</p> <p>Article 8(3) Directive 2001/29/EC.</p>	<p>competition season, whichever is later, has been considered sufficient and reasonable.</p> <p>The Court concluded that the order sought is clearly appropriate. It will not impose any undue burden on the rights of internet users and will only impose a burden on the defendants which is appropriate and proportionate.</p>
<p>(Ireland) High Court of Ireland (Commercial) Sony Music Entertainment (Ireland) Limited & Ors v UPC Communications</p>	<p>Internet service provider</p>	<p>Illegal download and upload of sound recordings, of which the plaintiffs (record companies) hold copyrights and exclusive licences.</p> <p>Third-party act – subscribers of the</p>	<p>In summarising all the legislative obligations, the Court acknowledged that an injunction would need to follow the criteria stated below:</p> <ol style="list-style-type: none"> 1. any injunction should be fair and equitable; 2. any injunction should not be unnecessarily complicated or costly; 	<p>The Court granted an injunction of GRS, but without the 1 week service suspension and with some adjustments. Facts about internet piracy were also used from a previous case – EMI records (Ireland) Ltd. And Others v Eircom (2010).</p> <p>The problem with criterion 2 was that a computer system would need to be developed. The Court decided</p>

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Ireland Limited [2015] IEHC 317		internet service provider involved in the piracy of the rights holders' music. Relief sought: Injunction of a graduated response strategy (GRS), explaining the actions that the internet service provider would voluntarily implement in order to prevent infringing actions. The plaintiffs' primary request consisted of a GRS in which the internet service provider must send cease and desist letters to its subscribers, threaten them with a suspension of services, after the third notification suspend them for a week and after a fourth notification terminate their contract.	<ol style="list-style-type: none"> 3. any injunction should not entail unreasonable time limits or unwarranted delays; 4. any injunction should be effective, proportionate and dissuasive; 5. any injunction should be applied in a manner that avoids the creation of barriers to legitimate trade; 6. any injunction should provide for safeguards against its abuse; 7. any injunction granted should respect the fundamental rights of a subscriber; 8. any injunction granted should ensure that there is a prior, fair and impartial procedure which includes the right to be heard of the person concerned; 9. any injunction granted should ensure that there is a right of effective and timely judicial review of such an injunction. <p>Articles 1 & 3 Directive 2002/21/EC; Articles 12 & 15 Directive 2000/31/EC; Articles 1(1) & 8 Directive 2001/29/EC; Articles 2(1), 3 & 11 Directive 2004/48/EC; Regulation 2 of S.I. 59 (amends the Copyright and Related Rights Act 2000 by inserting a new subsection 40 (5A);</p>	<p>that even though the new system would be costly and complicated, it would not be unnecessarily so.</p> <p>On the issue of whether the remedies would be effective, proportionate and dissuasive if the Court decided that the writing of letters do meet the criteria, evidence from the Eircom protocol (the plaintiffs' experience from the previous injunction) confirmed the Court's decision.</p> <p>The Court analysed the problem with prior, impartial procedure, and specifically the right to be heard by the person concerned. The Court decided to order a Norwich Pharmacal order, which is an order of the court that the defendant disclose to the plaintiffs the names and addresses of its subscribers in respect of whom there is a prima facie demonstration of wrongful activity. This procedure arises in circumstances where parties are aware that other parties are engaged in wrongful activity. The plaintiffs would make such an application, receive the subscribers' identity and seek an order for the termination of their contract.</p>

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			Article 3 Directive 2004/48/EC; Section 37 Copyright and Related Rights Act 2000.	
<p>(Ireland) The High Court of Ireland (Commercial) EMI Records (Ireland) Limited & Ors v UPC Communications Ireland (Limited) and Ors. [2013] IEHC 274</p>	<p>Internet service providers</p>	<p>Providing access for the internet service providers' subscribers to the website The Pirate Bay, and related domain names, IP addresses and URLs, where copyrights of the plaintiffs' (record companies) music and videos were infringed.</p> <p>Third-party act.</p> <p>Relief sought: Injunction requiring the defendants to block or otherwise disable access by their subscribers to the infringing website and related domain names and URLs, together with such other domain names, IP addresses and URLs related to main names as may be reasonably notified by the plaintiffs to the defendants from time to time.</p>	<p>Three main issues were especially considered:</p> <ul style="list-style-type: none"> i) the appropriateness of the order; ii) whether fresh applications will have to be made to the Court in case The Pirate Bay website changes its location; and iii) the costs of proceedings. <p>Section 40(5A) of the Copyright and Related Rights Act 2000; S.I. No. 59 of 2012, the European Union (Copyright and Related Rights) Regulations 2012 which inserted s. 40(5A) into the Copyright and Related Rights Act 2000 (2000 Act). Section 40(5A) and Section 205.</p>	<p>The judgment confirmed that the plaintiffs are entitled to a blocking injunction in accordance with the terms of the draft order and protocol (not available publicly) submitted to the court. The costs associated with implementing the order should be borne by each of the defendants.</p> <p>The judgment found it proportionate and reasonable that new applications would not be required to be made to the court if The Pirate Bay website changes its location on the internet, as detailed in the draft order and protocol.</p> <p>The costs associated with implementing the order should be borne by each of the defendants.</p> <p>The Court ruled that the defendants – except the second defendant – will bear their own proceeding costs, reasoning that although none of them are wrongdoers, the infringement has caused (and continues to cause) substantial financial damage to the plaintiffs. As regards the second defendant, the plaintiffs agreed to pay the costs on the basis that it did not actively participate in the proceedings.</p>

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<p>(Ireland) The High Court of Ireland EMI Records (Ireland) Limited & Ors v Eircom Limited [2010] IEHC 108</p>	<p>Internet service provider</p>	<p>Illegal downloading and uploading of copyrighted music (and other copyrighted creations) performed by subscribers using the defendant's internet service. Third-party act. Settlement between the parties.</p>	<p>In the judgment the Court did not analyse or discuss in length the questions of whether infringements are taking place, how they are being carried out or what kind of injunction it will grant. The only issues the Court did go into are issues connected to privacy and data protection. Section 37 of the Copyright and Related Rights Act 2000; Section 40 of the Copyright and Related Rights Act 2000; Data protection acts, 1988-2003: s.1 Data protection act 1988 and section 2, 2A, 2B, 2C and 2D of the Data protection act 1988, as amended.</p>	<p>The Court found three possible issues with the implementation of the injunction. First, it looked into the question of whether the information/data collected in such a procedure would be personal data. The Court's opinion is that neither of the plaintiffs have any interest in identifying any living person infringing copyright or requesting it from the defendant. The second issue addressed was the processing of data, and more specifically if such processing represents "unwarranted [processing] by reasons of prejudice to the fundamental rights and freedoms or legitimate interests of the data subjects". The Court viewed the processing as necessary for both the performance of the contract and for compliance with a legal obligation cast upon the courts. There cannot be a constitutional right to privacy that extended to the organisation of crime. The Court determined that there is nothing disproportionate and therefore the actions were not unwarranted. The third issue the Court analysed was the fact that two private entities would process data and then communicate the decision to terminate a user's internet service. All parties involved are not interested in the detection or prosecution of criminal offences. In conclusion, the Court agreed that the graduated response is lawful and that the settlement can be implemented.</p>

Case	Type of defendant	Type of act allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
<p>(Netherlands) Amsterdam Court of Appeal, case no 200.243.005/01, 2 June 2020, ZIGGO B.V. and XS4ALL Internet B.V. v Stichting Brein [Brein Foundation]</p>	<p>Internet access providers</p>	<p>Third party act – subscribers of the internet access providers who made use of The Pirate Bay (TPB) – a BitTorrent index offering (illegally) material protected by copyright and/or related rights. Injunction that would make it impossible for subscribers of Ziggo and XS4ALL to access web addresses that directed internet traffic to TPB by blocking the IP addresses and (sub)domain names through which TPB operates and the(sub)domain names through which TPB can be reached for their subscribers, on pain of forfeiture of penalty payments.</p>	<p>The Amsterdam Court of Appeal referred to the <i>UPC Telekabel</i> judgment recalling in detail the findings of the CJEU. The Amsterdam Court of Appeal came to the conclusions that (i) since the content on The Pirate Bay is predominantly if not exclusively illegal (90 % to 95 %) the denial of access to lawfully available information which results for the subscribers from the blocking of the website is proportionate to the extent and seriousness of the copyright infringement committed on TPB website; (ii) the claimed blocking under the circumstances of the case has a sufficient effect in preventing or at least complicating unauthorised access to protected works and that users who avail themselves of the services of Ziggo and XS4ALL are seriously discouraged from gaining access to those works; (iii) the order claimed does not demand unbearable sacrifices from Ziggo and XS4ALL, cannot be deemed as unreasonable, and can be regarded as a relatively minor encroachment on the freedom of entrepreneurship of Ziggo and XS4ALL. Based on the foregoing considerations the Amsterdam Court of Appeal found that the blocking claimed by Brein is compatible with the fair balance between the fundamental rights of (intellectual) property, the freedom of information and the freedom of entrepreneurship. The Amsterdam Court of Appeal found also that the claimed blocking does not infringe the general monitoring prohibition laid down in</p>	<p>The Amsterdam Court of Appeal ordered Ziggo and XS4ALL to cease and desist their services used to infringe copyright and related rights of rights holders whose interests are safeguarded by Brein, within 10 (ten) working days, by blocking and keeping blocked access by their clients to specific and clearly identified domain names/(sub) domain names and IP addresses through which TPB operates as well as other (sub)domain names indicated in a list submitted to the Court by Brein and attached to the judgment, as long as TPB operates through these (sub)domain names and IP addresses. The Amsterdam Court of Appeal ordered Ziggo and XS4ALL also, in the event that TPB starts to operate via other/additional IP addresses and/or (sub)domain names than those aforementioned, to block and keep blocked access by their customers to these other/additional IP addresses and/or (sub)domain names, within 10 (ten) working days of the notification of the correct IP addresses and/or (sub)domain names by Brein by fax, registered letter or email to Ziggo and XS4ALL separately. Failure to comply with the above orders triggers the payment of fines and penalties.</p>

Case	Type of defendant	Type of allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
			<p>Article 15(1) Directive 2000/31 EC, does not violate the principle of net neutrality that the internet service providers must observe and is not contrary to the legal protection of personal data. Most importantly the Amsterdam Court of Appeal explicitly noted that the dynamic aspect of the claimed blocking contributes significantly to its effectiveness.</p> <p>Article 26d of the Dutch Copyright Act, Article 15 of the Dutch Neighbouring Rights Act.</p>	
<p>(Netherlands) Rechtbank Den Haag, C/09/485400 / HA ZA 15-367, 24 January 2018, (FAPL LTD. V ECATEL LTD.), ECLI:NL:RBDHA:2018:615</p>	<p>ISP, host provider for streaming websites.</p>	<p>Illegal streaming platforms. Relief sought: order against the defendant to cease and desist any service used by third parties to infringe its copyright and trade mark rights by stopping and holding the service concerned within 30 minutes of the receipt of an electronic notification by FAPL, permanently or only during the broadcast, subject to an immediately payable penalty for non-compliance. It also asked for</p>	<p>The ISP can be considered an intermediary. No contractual relationship between the infringer and the intermediary is required.</p> <p>The requested order does not prejudice the defendant's freedom of entrepreneurship, because 'null routing' of the server is relatively simple, involves little cost and will have to be done only after prior notification by the plaintiff and only for the limited duration of each football match.</p> <p>No prejudice to the users' right to information, as the blocking of the illegal streams might affect access to legal content only during the broadcasts in question and only if the stream has not already been blocked in any other way.</p> <p>The measure is reasonably effective.</p> <p>Article 26d of the Dutch Copyright Act, Article 8(3) Directive 2001/29/EC, Articles 11, 16, 17(2)</p>	<p>The Court ordered the ISP (also host provider for streaming services) to cease and desist any service used by third parties to infringe FAPL's copyright within 30 minutes of the receipt of an electronic notification from FAPL that has identified an illegal stream and during the broadcast game, subject to an immediately payable penalty for each illegal stream.</p>

Case	Type of defendant	Type of act allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
		compensation for previous infringements and for damages.	of the Charter of Fundamental Rights of the European Union.	
(Netherlands) Rechtbank Midden Nederland C/16/448423/ KG ZA 17-382, 12 January 2018 (Stichting Brein v KPN B.V. and others) ECLI:NL:RBMNE:2018:114	ISPs	BitTorrent index website that allows its users to illegally gain access to material that is protected by copyright. Relief sought: order the ISPs in question to block the access by their customers to all (sub)domain names and IP addresses of The Pirate Bay, as well as to all its future or additional (sub)domain names and IP addresses within three working days of the plaintiff's notification. Alternatively, to impose any measure the Court deemed appropriate against the ISPs in order to prevent their users from having access to the website.	With regard to the effectiveness, the Court mentioned the 'Alexa list' which contains information about websites and lists them from most to least visited. When blocking injunctions were issued against The Pirate Bay in the past, it went down on the list, whereas, when these injunctions were lifted, it went back up again. Therefore, the Court confirmed that the blocking of the website is actually an effective measure. No risk that the users will lose access to legal content. Therefore, the measure is also in line with the principle of proportionality. The users' right to freedom of information is still protected, since there is only a small amount of legal files on the website compared to the illegally shared ones. Moreover, the legal content can be accessed also on other legal websites. Article 26d of the Dutch Copyright Act (Auteurswet) and Article 15 of the Dutch Neighbouring Rights Act (Wet op de Naburige Rechten), which implement Article 11(3) Directive 2004/48/EC (the Enforcement Directive), and Article 8(3) Directive 2001/29/EC.	The Court concluded that the balance of interests is in favour of Brein and ordered the ISPs to cease and desist their services, which are used to infringe copyright and related rights, by blocking access to the domain names, subdomains and IP addresses of The Pirate Bay. Additionally, it ordered the defendants to block and keep their customers' access to other or additional IP addresses and/or (sub)domain names blocked, within three working days of a notification by Brein.
(Spain) Commercial Court N° 7 of Madrid	Internet Access Provider	Not taking measures to avoid access to	Article 21.1 Ley de Enjuiciamiento Civil (LEC);	The blocking injunctions imposed by the Court are two folded:

Case	Type of defendant	Type of act allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
(Juzgado de lo Mercantil nº 7 de Madrid), 2174/2019 of 11/02/2020 (Telefónica Audiovisual Digital, S.L.U. v Vodafone España, S.A.U., Et Ai.)		websites offering unlicensed distribution of live football matches through illicit Internet Protocol Television (IPTV) services. Relief sought: Blocking access to websites offering IPTV services.	Article 395 LEC, Article 394(1) LEC; Articles 455 and following LEC. According to Spanish law, in cases where the defendants acquiesce to the applicant's arguments and claims, the Court issues an order without entering into the merits of the case, unless the claim was done in bad faith, goes against the public order or prejudices the rights of third parties. In this case, the Court did not enter into the merits of the case and, therefore, did not analyse the legal framework applicable to dynamic blocking injunctions.	(i) Static blocking injunctions: • The sued internet access providers had to block, within 72 hours of the notification of the judgment, the URLs, domain names and IP addresses from 44 pirate sites and services; • The ISPs should block at the level of both HTTP and HTTPS protocols, and were expected to take any access prevention action they could; • The injunction is limited to 3 years, covering three football seasons 2019-2022. • ISPs will have to report back to Telefónica Audiovisual Digital and notify the exact time when they blocked access to the newly added web resources. (ii) Dynamic blocking injunctions: • The authorised broadcaster will update weekly the blocking list with new entries (sites, IP addresses, URLs) related to the 44 pirates sites mentioned in the judgment and send it directly and simultaneously to the ISPs without a new court order; • ISPs will be given 3 hours to respond to new entries; • The dynamic injunction lasts until 25 May 2022. The judgment is now final.
(Spain) Decision No. 15/2018 of the Commercial Court no. 6 of Barcelona,	Internet Service Provider	Copyright infringement through the illegal display of content. Relief sought: blocking or	Articles 138(3) and 139(1)(h) Spanish Copyright Act (SCA); Article 10 Spanish Law 34/2002 on Services of the Information Society and Electronic Commerce;	The ruling orders the operators, by virtue of Articles 138(3) and 139(1)(h) of the Spanish Copyright Act, to block the access of the ISPs' users from Spanish territory to the pages HDFull and Repelis.

Case	Type of defendant	Type of allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
12 January 2017 (Hdfull Case):		preventing the access of the ISPs' users to the pages HDFull.tv and Repelis.tv.	Article 8(3) Directive 2001/29/EC; Articles 9(1) and 11 Directive 2004/48/EC. On the proportionality of the measures claimed by the plaintiffs, the Court considered that the refusal of access to a website on which infringing material is made available by internet service providers to their customers seems proportionate since its purpose is to prevent access to infringing websites whose owners could not be identified or located.	The operators must also block the proxies that allow access to the content, to prevent access to other domains and IP addresses whose purpose is to facilitate the circumvention of technological protection measures and thereby allow access to users.
(Sweden) Swedish Patent and Market Court of Appeal, case No. PMT 13399-19 of 29 June 2020, Telia Sverige AB v Svensk Filmindustri and Others	Internet service provider	Providing access to internet services, where copyright-protected material was made available. Relief sought: Blocking access to internet services accessible through websites.	The ISP had contributed in copyright infringement by providing internet connections to its subscribers, who thereby had access to certain cinematographic works that had been unlawfully made available through certain online services. §53B (first sentence) of the Swedish Act on Copyright in Literary and Artistic Works (1960:729) (the Copyright Act); Article 8(3) Directive 2001/29/EC.	Confirmation of the dynamic blocking injunction ordered by the previous instance. Clarifying the arrangement and form of the dynamic blocking injunction. Clarifying that it was not necessary to identify the persons administering the services or to describe the services in question. Instead, it was essential to clearly describe the characteristics, structure and operation of the services. Clarification that domain names and URLs related to search engines do not fall under the scope of the injunction, nor should it cover situations where links to the services are included in posts on social media. It is not appropriate or proportionate to require the ISP to also monitor new domain names and URLs that infringe the rights holders' copyrights. Instead, the rights holders should notify the ISP of the specific domain names and URLs it should block and the ISP was given

Case	Type of defendant	Type of allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
				a 3 week timeframe in which to implement the necessary measures. Confirmation for the injunction to be in force for 3 years in order to be efficient.
(Sweden) Swedish Patent and Market Court (Svenska Patent- och Marknadsdomstolen), case No: PMT 7262-18 of 9 December 2019, Telia Sverige AB v Svensk Filmindustri and Others	Internet service provider	Providing access to internet services, where copyright-protected material was made available. Relief sought: blocking access to internet services accessible through websites.	The ISP had provided internet connection to its subscribers, who thereby had access to certain cinematographic works that had been unlawfully made available through certain online services. The court found that there has been infringement in an objective sense, and that the ISP therefore has joint responsibility. The legislation does not impose any requirement that the rights holders should first turn to the direct infringer and not the ISP. The services at issue in this case changed their domain names and/or used proxy services to circumvent any blocking measure. The requirement for the ISP to block, in addition to the domain names used for the infringing activity, services that may arise in the future through other domain names and URLs, ensures that the measure is appropriate and effective to achieve the desired purpose. Article 1, 2 and 53b of the Swedish Copyright Act (1960:729); Article 3(3) and 8(3) D 2001/29/EC.	Prohibit the ISP from making the protected material set out in the judgment available to the public. Order the ISP to block access to a number of infringing websites by imposing a dynamic blocking injunction. Order to take reasonable steps to block the access to the specified services through domain names and URLs other than those specified in the judgment. Requirement to act in the event of becoming aware that the services are available through certain domain names or URLs, such as being informed from time to time by the rights holders. Requirement to react promptly to take adequate blocking measures in 2 to 3 weeks of the date of the notification. The ISP is not required to take any other blocking measures than technical blocking of customers' access to domain names and URLs that lead to the services or to have constant and total monitoring over the internet. The prohibition is given under the threat of a SEK 500 000 fine over a period of 3 years.
(United Kingdom)	Internet service providers	Illegal IPTV streaming of live sporting events.	The services of the internet providers are used for infringing copyright and the ISPs have	Dynamic blocking order issued.

Case	Type of defendant	Type of act allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
High Court of Justice business and property courts of England and Wales, case No: IL-2018-000155 of 29 October 2020, Matchroom v British Telecommunications plc et al.		Providing access to certain IP addresses that are being used to infringe copyright relating to live streams of events.	actual knowledge of it. In such a case the High Court (in Scotland, the Court of Session) has the power to grant an injunction against the ISPs. Section 97A of the Copyright, Designs and Patents Act 1988.	Disabling access to current and future IP addresses as indicated by the copyright holder. Parts of the order kept confidential in order to avoid undermining the blocking methods and assisting the infringers. The blocked access should be unblocked as soon as reasonably practicable after the expiry of the event. Safeguards provided for the ISPs and third parties in order to avoid over-blocking.
(United Kingdom) England and Wales High Court (Chancery division), HC-2017-000458 of 13 March 2017, the Football Association Premier League limited v British Telecommunications plc et al.	Internet service providers (ISPs) Some of the defendants are exclusive licensees of broadcasting and internet transmission rights for Premier League footage in the UK.	Illegal IPTV streaming of live sporting events (football matches). Providing access to certain IP addresses that are being used to infringe copyright relating to live streams of events.	Section 97A of the Copyright, Designs and Patents Act 1988; Article 8(3) Directive 2001/29/EC.	Dynamic blocking order issued. The order is 'live' since it only has effect at the times when live Premier League match footage is being broadcast. New servers can be identified by the rights holder and notified to the defendants each week. The order is limited in time. Safeguards provided for the ISPs and third parties in order to avoid over-blocking. Proportionality achieved between the rights of the applicant and the defendants.
(United Kingdom) England and Wales High Court (Chancery Division), IL-2018-000155 of 20 September 2018, Matchroom Boxing Limited and	Internet service providers (ISPs)	Illegal IPTV streaming of live sporting events (boxing matches). Providing access to servers hosting the copyrighted content broadcast in infringement of	Section 97A of the Copyright, Designs and Patents Act 1988.	Dynamic blocking order issued. The blocking measure was considered proportionate, effective and dissuasive. Duration limited to 2 years. Details regarding the monitoring techniques applied to prevent the infringing acts have been kept confidential in the order to avoid circumvention.

Case	Type of defendant	Type of allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
Matchroom sport Limited v British Telecommunications plc et al.		the applicant's rights.		The interference with the rights of internet users to impart or receive information 'justified by a legitimate aim, namely preventing infringement ... on a large scale'. The order was considered to contain sufficient safeguards against misuse.
(United Kingdom) High Court (Chancery division), Cartier International AG v British Sky Broadcasting LTD [2014] EWHC3354 (CH), 17 October 2014	Internet service providers (ISPs)	Trade mark rights for luxury goods. Websites selling counterfeit goods. Block or impede access to six websites selling counterfeit goods bearing trade marks belonging to the claimants.	Article 5 Directive 2008/95/EC; Recitals 7, 8, 17, 20, 40, 42, 45-48 and 50 Directive 2000/31/EC; Articles 2(a), (b) and (d), 12, 13, 14, 15, 18(1) and 20 Directive 2000/31/EC; Recital 59 and Article 8(3) Directive 2001/29/EC; Recitals 17, 23 and 32 and Articles 3, 9(1)(a) and 11 Directive 2004/48/EC; Articles 11, 16, 17, 51 and 52 of the Charter of Fundamental Rights of the European Union; 12/07/2011, C-324/09, L'Oréal-eBay, EU:C:2011:474; Section 37(1) of the Senior Courts Act 1981; <i>Samsung Electronics (UK) Ltd v Apple Inc</i> [2012] EWCA Civ 1339; s. 10(1) and (4) of the Trade Marks Act 1994; s. 97A Copyright, Designs and Patents Act 1988.	Dynamic blocking order granted. It was considered that the relief sought by the claimant is necessary, effective, dissuasive, not unnecessarily complicated or costly, and that it does not create unnecessary barriers to trade. The Court considered that the relief is proportionate and fair and equitable, thus striking a 'fair balance' between the applicable fundamental rights. The injunction granted bound the ISPs to block access to the websites infringing the claimant's rights through IP and URL blocking based on the notifications submitted by the claimant. The costs of implementing the measures is to be borne by the ISPs.
(United Kingdom) Cartier International AG v British Sky Broadcasting Ltd	Internet Service Providers (ISPs)	Appeal against a previous decision. Trade mark rights for luxury goods.	Articles 11, 16 and 52 of the Charter of Fundamental Rights of the European Union; Article 11 Directive 2004/48/EC;	Injunctions not limited to wrongdoers. Once an innocent internet service provider is aware that its services are being used by someone to infringe an intellectual property

Case	Type of defendant	Type of act allegedly affecting exclusive right (©/TM). Third party act? Relief sought	Reasoning/criteria applied Legal provisions	Outcome (DBI ordered, conditions, balance of rights, obligations, remedies, implementation costs) Legal provisions
[2016] EWCA Civ 658		Websites selling counterfeit goods. Block or impede access to six websites selling counterfeit goods bearing trade marks belonging to the claimants.	Articles 12 to 15 Directive 2000/31/EC; Section 37(1) of the Senior Courts Act 1981; Norwich Pharmacal Co v Customs and Excise Commissioners [1974] AC 133; Twentieth Century Fox Film Corp v British Telecommunications plc [2011] EWHC 2714 (Ch).	right, then the ISP becomes subject to a duty to take proportionate measures to prevent such infringements. ISPs considered an essential actor in infringing activities. The costs of implementing the measures is to be borne by the ISPs.
Cartier International AG v British Telecommunications plc [2018] UKSC 28	Internet Service Providers (ISPs)	Appeal against the previous decision in the part relating to costs.	Articles 12, 13, 14 and 18 Directive 2000/31/EC; Articles 3, 8 and 11 Directive 2004/48/EC; <i>L'Oréal-eBay</i> (12/07/2011, C-324/09, <i>L'Oréal-eBay</i> , EU:C:2011:474), <i>UPC Telekabel</i> (27/03/2014, C-314/12, <i>UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH, Wega Filmproduktionsgesellschaft mbH</i> , EU:C:2014:192); <i>British Steel Corp v Granada Television Ltd</i> [1981] A.C. 1096 [1980] 11 WLUK 78, <i>Ashworth Hospital Authority v MGN Ltd</i> [2002] 1 WLR 2033, <i>Rugby Football Union v Consolidated Information Services Ltd (formerly Viagogo Ltd)</i> [2012] 1 WLR 3333, <i>Singularis Holdings Ltd v PricewaterhouseCoopers</i> [2015] AC 1675, <i>Twentieth Century Fox Film Corp v British Telecommunications plc</i> [2012] 1 All ER 806, <i>Twentieth Century Fox Film Corp v British Telecommunications plc (No 2)</i> [2012] 1 All ER 869.	An intermediary is entitled to be indemnified by the rights holder against the costs of complying with a website-blocking order.

ANNEX III: GLOSSARY

The definitions below give some references for the terminology used in the case-law collection.

TERM USED	MEANING/REFERENCE
Injunction	An order aimed at prohibiting the continuation of infringement ⁽²⁶⁴⁾ .
Website-blocking injunction	'A blocking injunction is an order requiring an internet intermediary to implement technical measures directed at preventing or disabling access to a specific internet location' ⁽²⁶⁵⁾ .
Dynamic injunction	Injunctions which can be issued, for example, in cases in which materially the same website becomes available immediately after issuing the injunction with a different IP address or URL, and which are drafted in a way that makes it possible to also cover the new IP address or URL, without the need for a new judicial procedure to obtain a new injunction ⁽²⁶⁶⁾ .
Information society service	Any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services ⁽²⁶⁷⁾ .
Internet/online intermediary	Brings together or facilitates transactions between third parties on the internet. Gives access to, hosts, transmits and indexes content, products and services originated by third parties on the internet, or provides internet-based services to third parties ⁽²⁶⁸⁾ .

⁽²⁶⁴⁾ Article 11(1) IPRED.

⁽²⁶⁵⁾ Jaani Riordan, *The Liability of Internet Intermediaries*, Oxford, UK, 2016, p. 461. See also a study commissioned by the EUIPO, *Study on Legislative Measures Related to Online IPR Infringements*, EUIPO, September 2018, available at <https://euiipo.europa.eu/ohimportal/en/web/observatory/observatory-publications>, p. 42 et seq.: 'If an IPR infringing activity takes place on or through a dedicated website ... it will be an effective way to disrupt the current activities and to prevent them from taking place in the future if the access to the website by the internet users in general is blocked'.

⁽²⁶⁶⁾ e.g. Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee, *Guidance on certain aspects of Directive 2004/48/EC of the European Parliament and of the Council on the enforcement of Intellectual Property Rights*, [COM\(2017\)708 final](#) (the 'Guidance') p. 21.

⁽²⁶⁷⁾ Article 1(1)(b) of [Directive \(EU\) 2015/1535](#) of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (Text with EEA relevance), OJ L 241, 17.9.2015, pp. 1-15.

⁽²⁶⁸⁾ OECD, *The economic and social role of internet intermediaries*, April 2010 p. 9, available at <https://www.oecd.org/internet/ieconomy/44949023.pdf>.

Internet access provider/internet service provider (ISP)	Provides subscribers with a data connection allowing access to the internet through physical infrastructure ⁽²⁶⁹⁾ .
Live blocking order	Blocking order impeding access to streaming servers during a specific timeframe ⁽²⁷⁰⁾ .
Online content-sharing provider	Provider of an information society service whose main purpose, or one of its main purposes, is to store and provide public access to a large amount of copyright-protected works or other protected subject matter uploaded by its users which it organises and promotes for profit-making purposes ⁽²⁷¹⁾ .
Online intermediation service / online platform	<p>Information society service;</p> <p>that allows business users to offer goods or services to consumers, to help start direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded; and</p> <p>that is provided to business users on the basis of contractual relationships between the provider of those services and business users, which offer goods or services to consumers ⁽²⁷²⁾.</p> <p>Examples: online e-commerce marketplaces, including collaborative ones on which business users are active, online software applications services, such as application stores, and online social media services, irrespective of the technology used to provide such services ⁽²⁷³⁾.</p>
Online search engine	A digital service that allows users to input queries in order to perform searches of, in principle, all websites or websites in a particular language on the basis of a query on any subject in the form of a keyword, voice request, phrase or other input, and returns results in any format in which information related to the requested content can be found ⁽²⁷⁴⁾ .

⁽²⁶⁹⁾ OECD, The Economic and social role of internet intermediaries, April 2010, p. 11.

⁽²⁷⁰⁾ See England and Wales High Court (Chancery Division) — HC-2017-000458 ([2017] EWHC 480 (Ch)) — 13 March 2017.

⁽²⁷¹⁾ Article 2(6) Directive (EU) 2019/790 of the European Parliament and of the Council on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC2.

⁽²⁷²⁾ Article 2(2) of the proposed Regulation of the European Parliament and of the Council on promoting fairness and transparency for business users of online intermediation services, see inter-institutional file 2018/0112(COD), Council text 19 February 2019, at the link: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_6090_2019_INIT&from=EN.

⁽²⁷³⁾ Recital 11 of the proposed Regulation of the European Parliament and of the Council on promoting fairness and transparency for business users of online intermediation services.

⁽²⁷⁴⁾ Article 2(5) of the proposed Regulation of the European Parliament and of the Council on promoting fairness and transparency for business users of online intermediation services.

Payment service provider	Any natural or legal person which provides payment systems through credit or directly or indirectly associated with a bank account for enabling transactions ⁽²⁷⁵⁾ .
Search engine operator	Any natural or legal person which provides, or which offers to provide, online search engines to consumers ⁽²⁷⁶⁾ .
Online social media providers	'Online social media providers are online platforms that host, enable and encourage the exchange of user-generated and other content between individuals through social interaction.' ⁽²⁷⁷⁾ .

⁽²⁷⁵⁾ OECD, The Economic and social role of internet intermediaries, April 2010, definition of 'participative networked platforms', p. 13, in the at the link <https://www.oecd.org/internet/ieconomy/44949023.pdf>.

⁽²⁷⁶⁾ Article 2(6) of the proposed Regulation of the European Parliament and of the Council on promoting fairness and transparency for business users of online intermediation services No. 2018/0112(COD), link: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_6090_2019_INIT&from=EN.

⁽²⁷⁷⁾ European Commission, Behavioural Study on Advertising and Marketing Practices in Online Social Media, 2018, p. 12, available at https://ec.europa.eu/info/publications/behavioural-study-advertising-and-marketing-practices-social-media-0_en

ANNEX IV: LEGAL EXPERTS

Studied Member States	Legal experts
Belgium	Azizollahoff Nathan, Lawyer, Brussels, Belgium Debled Alexandre, Lawyer, Brussels, Belgium Karolina Zhytnikova, IP Lawyer, Paris, France ⁽²⁷⁸⁾
Denmark	Knud Wallberg, Attorney-at-law, PhD, Denmark
Finland	Tuomas Mylly, Professor of Commercial Law at the University of Turku, Director of IPR University Center, Finland Ulla-Maija Mylly, TIAS Collegium Postdoctoral Researcher at University of Turku, Finland Samuli Melart, Doctoral Candidate in Law, University of Turku, Finland
France	Mathilde Persuy, Intellectual Property and Anti-Piracy Lawyer, France Olivia Bacin, IP Lawyer, Paris, France
Germany	Prof. Jan Bernd Nordemann Okke Delfos Visser, Head of Legal Department & Senior Vice-President (Motion Picture Association) Sorin Berbece, Legal Counsel (Motion Picture Association)
Greece	Okke Delfos Visser, Head of Legal Department & Senior Vice-President (Motion Picture Association) Sorin Berbece, Legal Counsel (Motion Picture Association)
Ireland	Okke Delfos Visser, Head of Legal Department & Senior Vice-President (Motion Picture Association) Sorin Berbece, Legal Counsel (Motion Picture Association)
Italy	Ludovico Anselmi, Partner in the IP & TMT Department of law firm Orsingher Ortu – Avvocati Associati
Lithuania	Okke Delfos Visser, Head of Legal Department & Senior Vice-President (Motion Picture Association) Sorin Berbece, Legal Counsel (Motion Picture Association)
Netherlands	Okke Delfos Visser, Head of Legal Department & Senior Vice-President (Motion Picture Association)

⁽²⁷⁸⁾ Karolina Zhytnikova translated the questionnaire from French to English.

	Sorin Berbece, Legal Counsel (Motion Picture Association)
Spain	Okke Delfos Visser, Head of Legal Department & Senior Vice-President (Motion Picture Association) Sorin Berbece, Legal Counsel (Motion Picture Association)
Sweden	Julia Demitz, Legal Officer at the Swedish Patent and Registration Office (PRV) Okke Delfos Visser, Head of Legal Department & Senior Vice-President (Motion Picture Association) Sorin Berbece, Legal Counsel (Motion Picture Association)
UK	Okke Delfos Visser, Head of Legal Department & Senior Vice-President (Motion Picture Association) Sorin Berbece, Legal Counsel (Motion Picture Association)

This is **Exhibit EQ-19** in support of the
Affidavit of Erone Quek,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Press release

19-05-2021 - 09:06
20210517IPRO4117



Tackling online piracy of live sporting events

- Illegal streaming of sporting events to be removed within thirty minutes
- Arbitrary or excessive blocking of legal content must be avoided
- Sport events are currently not protected by EU copyright rules

MEPs want illegal streaming of live sporting events to be blocked in real time and organisers' rights to be strengthened.

In a report adopted on Wednesday, MEPs set out proposals to crack down on the growing phenomenon of illegal broadcasting of live sporting events. To help combat the problem, MEPs call on the Commission to clarify and improve the current EU framework on intellectual property rights for live sport events, currently not subject to copyright protection, and to introduce specific provisions regarding the rights of sport event organisers, for whom licensing of broadcasting rights are a key source of income. Some member states, however, have introduced specific legal protection from which organisers can benefit.

Timely removal of illegal sports content

According to MEPs, existing rules need to be adapted to address the specific short-term value of live sport events and concrete measures should be introduced to ensure the immediate removal of illegal content, under effective safeguards. Given that illegal streams are most harmful in the first thirty minutes of their appearance online, the text calls for such streams to be removed or disabled immediately and no later than thirty minutes following a notification by rights holders or a certified “trusted flagger”.

MEPs [reiterate](#) the importance of hosting platforms acting swiftly to remove content and call for an EU system establishing common criteria for certified “trusted flaggers” to be introduced, as well as further harmonisation of procedures and remedies in the future Digital Services Act and in other sector-specific proposals.

Safeguards

Injunction procedures to remove illegal sporting events must avoid arbitrary or excessive blocking of legal content, insist MEPs. Enforcement measures should be proportionate and

Press release

include access to judicial remedies, in particular for small businesses, SMEs and start-ups.

Legal offers on sport content should also be promoted more effectively in the EU and made easier for consumers to find online. The liability for illegal broadcasts should lie with the providers of sport streams, and not with the fans or consumers, clarify MEPs.

The report was adopted with 479 votes in favour, 171 against and 40 abstentions.

Quote

The rapporteur [Angel Dzhambazki](#) (ECR, BG) said: “The piracy of live sport events is a major challenge for sport event organisers. The problem with existing measures is that enforcement comes too late. The report calls on the Commission to clarify and adapt existing legislation, including the possibility of issuing injunctions requesting the real-time blocking of access to or removal of unauthorised online content.”

Background

In the context of the 2019 copyright directive, the Commission has [stated](#) it is assessing the challenges faced by sport event organisers in the digital environment, in particular issues related to the illegal online transmissions of sport broadcasts and has [committed](#) to follow up on Parliament’s proposals to address these challenges. The proposal on the [Digital Services Act](#), currently being scrutinised by Parliament, presents broad measures to counter illegal content online, but does not address the challenges faced by specific sectors.

Further information

[Procedure file](#)

[Committee on Legal Affairs](#)

[Adopted text \(19.05.2021\)](#)

[Presentation of report in plenary \(17.05.2021\)](#)

[Press release on committee vote \(13.04.2021\)](#)

[Study by EP Research Service: Challenges facing sports event organisers in the digital environment \(December 2020\)](#)

[Extracts from debate and statement by Angel DZHAMBAZKI \(ECR, BG\), rapporteur](#)

[Statement by Legal Affairs Committee Chair Adrián VÁZQUEZ LÁZARA \(Renew, ES\),](#)

[EP News: Stop illegal live sports streaming, urge MEPs](#)

[Free photos, video and audio material](#)

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🐦 [@EP_Legal](https://twitter.com/EP_Legal)

Court File No. T-955-21

FEDERAL COURT

B E T W E E N:

**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.**

Plaintiffs

- and -

JOHN DOE 1

JOHN DOE 2

**OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
SERVERS PROVIDING ACCESS TO NHL LIVE GAMES IN CANADA**

Defendants

- and -

**BELL CANADA
BRAGG COMMUNICATIONS INC. dba EASTLINK
COGECO CONNEXION INC.
DISTRIBUTEL COMMUNICATIONS LIMITED
FIDO SOLUTIONS INC.
ROGERS COMMUNICATIONS CANADA INC.
SASKATCHEWAN TELECOMMUNICATIONS
SHAW COMMUNICATIONS INC.
TEKSAVYY SOLUTIONS INC.
TELUS COMMUNICATIONS INC.
VIDEOTRON LTD.**

Third Party Respondents

AFFIDAVIT OF GREG MURRAY

I, Greg Murray, of the City of Oakville, in the Province of Ontario, Canada, SOLEMNLY AFFIRM THAT:

1. I am Senior Vice-President (Information Security) and Chief Information Security Officer, at Rogers Communications Canada Inc. (“**Rogers Cable**”).
2. In my current position, which I have held since 2016, my responsibilities and duties include analyzing IT and network infrastructure, establishing the right security and governance practices, and ensuring risk-free business operations by implementing security hardware and software.
3. Since November 2020, I have also been the Industry Co-Chair for the Canadian Security Telecommunications Advisory Committee (“**CSTAC**”). CSTAC was established by the Government of Canada in 2010 and allows the private and public sectors to exchange information and to collaborate strategically on current and evolving issues that may affect the telecommunications infrastructure in Canada, including cyber security threats.
4. Prior to this, I worked for other companies as Chief Information Security Officer, Managing Director and Vice-President Management & Technology Consultant, where I was also responsible for information, data and cyber security, for a total of 20 years of experience.
5. I understand that in the present proceeding, the Plaintiffs, including Rogers Cable’s affiliate Rogers Media Inc. and parent Rogers Communications Inc. (collectively, “**Rogers Media**”), are seeking a live and dynamic site blocking order that would enjoin Internet Service Providers (“**ISPs**”) in Canada to block or attempt to block their subscribers’ access to servers that provide access to infringing live streams of National Hockey League (“**NHL**”) games.
6. I am authorized to sign the present affidavit on behalf of Rogers Cable and its affiliate Fido Solutions Inc. (“**Fido**”).
7. I have personal knowledge of all the facts stated in this affidavit, unless indicated otherwise.

I. ROGERS CABLE AND FIDO

8. Rogers Cable is, among others, a Canadian ISP, having a registered office address at 333 Bloor Street East, 10th Floor, Toronto, Ontario. The corporation information report for Rogers Cable is attached to my affidavit as **Exhibit GM-1**.

9. Rogers Cable is categorized as a “cableco” common carrier ISP in the sense that it owns, and provides Internet access over, hybrid fibre-cable last-mile infrastructures in Ontario, New Brunswick and Newfoundland.

10. Fido is an affiliated corporation of Rogers Cable, having a registered office address at 2900-550 Burrard Street, Vancouver, British Columbia. The corporation information report for Fido is attached to my affidavit as **Exhibit GM-2**.

11. Fido also provides Internet services, but does not operate its own ISP infrastructure. Instead, Fido essentially markets subscriptions to Rogers Cable’s Internet services under its “Fido” brand to its customer base in Ontario.

12. Collectively, as of the end of the first quarter of 2021, Rogers Cable and Fido provided Internet access to approximately 2,612,000 wireline Internet service subscribers in Ontario (Fido’s only geographical coverage), New Brunswick and Newfoundland.

13. All mentions of Rogers Cable hereafter in this affidavit are equally applicable to Fido.

II. ROGERS CABLE’S STANCE ON TELEVISION PIRACY ON THE INTERNET

14. I am aware that television piracy has harmful effects on Canadian stakeholders who are operating legally, including on the Canadian television industry and, in fact, on the Canadian creative industry as a whole.

15. Rogers Cable acknowledges that the Internet services it supplies to its subscribers are or can be used by these subscribers to access copyright infringing content on the Internet on various illegal sites and online services. This is the case not only for Rogers Cable, but also for every other ISP serving Canadian subscribers.

16. In that regard, Rogers Cable recognizes that ISPs can play a significant role in combatting online piracy, given that their infrastructures act as an essential link in the distribution chain of pirated content on the Internet.

17. Moreover, Rogers Cable understands that online piracy services can expose Internet users to malicious threats, and that combating piracy can therefore limit exposure to these threats.

18. Rogers Cable further considers that aiding in the fight against piracy is an important component of good corporate citizenship, and wishes to participate in efforts that are made to ensure that the illegal distribution of pirated content does not undermine the investments that support the provision of lawful content to Canadians.

19. While ISPs cannot realistically actively monitor the individual use of their network by each of their Internet subscribers, and as such cannot be held liable for these users' infringing activities on the Internet, Rogers Cable acknowledges that it is in a unique position to effectively put an end to infringement in the appropriate case, for instance if it is ordered by a Canadian court to block or attempt to block access to infringing sites or services.

III. ROGERS CABLE INTERNET SUBSCRIBERS ACCESSING UNAUTHORIZED STREAMING SERVERS

20. Rogers Cable, on behalf of its affiliate Rogers Media and in support of its anti-piracy efforts, retained the services of a third-party vendor (Friend MTS) to identify and monitor, over the last few months, streaming servers providing access to unauthorized live streams of some of the NHL games broadcast by Rogers Media (so-called "**Unauthorized Streaming Servers**"). Rogers Cable and Rogers Media have received copies of monitoring reports generated by Friend MTS which identify these Unauthorized Streaming Servers by IP addresses.

21. In order to assess the extent to which Rogers Cable's Internet subscribers make use of the Unauthorized Streaming Servers, Rogers Cable measured the volume of Internet network traffic (volume of data) exchanged between its own network and the IP addresses associated with the Unauthorized Streaming Servers, as identified in the Friend MTS reports.

22. Rogers Cable first utilized one of its existing network monitoring and security tools (Arbor Networks SP) to measure the volume of data its own Internet subscribers were streaming from

these Unauthorized Streaming Servers through Rogers Cable's network. This analysis was performed on an aggregate and anonymized basis at the network level, i.e. without identifying any subscriber specifically.

23. This analysis confirmed that Rogers Cable's Internet subscribers do indeed rely on the Unauthorized Streaming Servers identified in the Friend MTS reports, generating a traffic between 15 and 20 Gigabits per second during the broadcast of NHL games in April and May 2021, depending on the day of the week. Although the weekly list of IP addresses of Unauthorized Streaming Servers provided by Friend MTS contained several hundred unique IP addresses, the Arbor tool is only able to generate reports based on volume of data from the top 100 IP addresses. Therefore, I am confident that the actual total volume of network traffic consumed by subscribers from these Unauthorized Streaming Servers is much higher.

24. This analysis allowed us to assess how much data was transferred between these Unauthorized Streaming Servers and Rogers Cable's network but did not allow us to accurately quantify the number of subscribers accessing these Unauthorized Streaming Servers as the volume of data transferred between each individual subscriber and these Unauthorized Streaming Servers depends on a number of variables, including for example the quality/bitrate of any given streaming feed (which is variable). By way of reference, a high-definition video streamed over the Internet usually use about 3 to 5 Megabits per second of Internet bandwidth (or 0.003 to 0.005 Gigabits per second).

25. Rogers Cable relied on another platform, Sandvine (utilized normally to manage congestion on our network), to measure the number of Internet subscribers accessing known Unauthorized Subscription Services (i.e., illegal IPTV services) on a daily basis to specifically watch Rogers Media's Sportsnet-branded stations, NHL Centre Ice stations (operated by Rogers Media in Canada), Co-Plaintiff Bell Media's TSN-branded stations and NBC Sports stations (which are U.S.-based stations that are not legally available in Canada as far as I am aware) that all broadcast NHL live games. This was also performed on an aggregate basis and without identifying any subscriber specifically.

26. This analysis showed that between March 16 and April 24, 2021 an average of over 20,000 (and up to 29,000) Rogers Cable Internet subscribers (or households) accessed known illegal IPTV

services on a daily basis to watch these stations that feature primarily (exclusively for NHL Centre Ice) live NHL games. An Internet subscriber needs to view a channel on a known illegal IPTV services for at least 15 consecutive minutes before the subscriber is registered as a hit in the system.

27. Moreover, it is important to note that although Sandvine is currently deployed across our network, it is only capturing data from approximately half of Rogers Cable's cable network, which means the figures that are reported can reasonably be doubled to take into account the entirety of our cable network. Also, since Sandvine only measures access to a predetermined list of known illegal IPTV services, the reported data does not include any of the Unauthorized Streaming Servers available through so-called Open Web Piracy Sites identified in the Friend MTS monitoring reports.

28. Rogers Cable is also part of "Project Cleanfeed Canada", which is a voluntary initiative for ISPs to block non-Canadian websites that host child pornography. Rogers Cable relies on another of its network tools (ISNS) to dynamically block URLs associated with child pornography for the entirety of its network. We were able to use this tool to also monitor the number of Rogers Cable Internet Subscribers accessing the Unauthorized Streaming Servers identified in the Friend MTS monitoring reports (without blocking any of these Unauthorized Streaming Servers). This analysis showed that between May 10 and May 23, 2021, over 43,000 of our Internet subscribers on average accessed the Unauthorized Streaming Servers on a daily basis.

29. These different data points show that an important number of Rogers Cable Internet subscribers rely on the Unauthorized Streaming Servers to watch infringing content in Canada, including unauthorized live streams of NHL games. This is a significant piracy problem.

IV. ABILITY TO IMPLEMENT SITE BLOCKING

30. I understand that in the present proceeding, the Plaintiffs are requesting that the Federal Court issue an interlocutory injunction Order that would enjoin a number of major Canadian ISPs, including Rogers Cable, to block or attempt to block at least their residential wireline Internet subscribers' access to Unauthorized Streaming Servers that provide infringing live streams of NHL games.

31. I have read the draft Order provided to me by representatives of the Plaintiffs, which I understand will be attached to the Plaintiffs' Notice of Motion, and I confirm that Rogers Cable has the ability to implement IP address blocking as described in the draft Order. While the draft Order only requires ISPs to block access by "at least their residential wireline Internet service customers", any IP address blocking implemented by Rogers Cable would cover both wireline residential customers and wireless customers.

32. Rogers Cable has successfully implemented a site blocking order in Canada in the context of the *Bell Media Inc. v. GoldTV.biz* (2019 FC 1432) case, which order provides for the blocking of a predetermined list of domains, subdomains and IP addresses associated with two specific services (i.e., two infringing IPTV services).

33. While the site blocking order in the *Bell Media Inc. v. GoldTV.biz* is *non-live* and *static* (subject to the possibility of updating the predetermined list from time to time, with supervision of the Court), I confirm that Rogers Cable also has the ability of implementing such blocking *live* (i.e., for a limited period of time corresponding to the duration of the targeted NHL games) and *dynamically* (i.e., the list of IP addresses to block will not be predetermined but rather provided in real time by a third-party vendor as the Unauthorized Streaming Servers are identified).

34. Rogers Cable will automate the *live* and *dynamic* blocking contemplated by the draft Order. In particular, we already have a software script internally that will allow us to automate the blocking using one of our existing tools (i.e., Arbor Networks SP mentioned at paragraph 22 above). This means that *live* and *dynamic* blocking during NHL Live Game Windows will require no human intervention beyond the initial set-up of the system. Our system can automatically update the list of IP addresses for blocking every 15 minutes.

35. Rogers Cable did not incur any additional external cost to develop this capability. The only costs incurred were internal labour costs for the design, development and testing of the software script needed to automate the blocking process. While we relied entirely on our existing workforce, we estimate that we have dedicated the equivalent of approximately \$32,000 of labour to this project (calculated using our internal labour rates for capital investments, which is based on the average salary of our technology team, below Vice Presidents, and includes base salary, benefits, bonuses and pension).

36. Rogers Cable currently has the tested capability to block at least 2,000 different IP addresses at the same time.

37. Rogers Cable respects intellectual property rights and agrees with the implementation of just and equitable measures, including site blocking orders, that can help protect these rights in the face of online services that are engaged in copyright piracy.

38. In the circumstances, Rogers Cable consents to the Plaintiffs' motion for the issuance of an order in the form sought by the Plaintiffs, including the cost-sharing mechanism provided by the draft Order. Should this Court issue an Order in the form sought by the Plaintiffs, Rogers Cable undertakes to implement it to the best of its ability.

39. While Rogers Cable will automate the blocking, I can confirm that it could also be implemented manually. We have various internal administrative processes at Rogers Cable that would need to be followed to approve and document the implementation of IP address blocking on our network, but from a technical standpoint the manual blocking of IP addresses would involve the following steps (with an estimation of the time required):

- a) Retrieving the list of IP addresses to be blocked from the secure location made available by the third-party vendor (i.e., Friend MTS) – 5 minutes;
- b) Opening the list of IP addresses and validating visually the syntax to ensure the IP addresses are properly formatted – 5 minutes; and
- c) Applying the blocking by essentially copy/pasting the list of IP addresses in our Arbor tool – 5 minutes.

40. These steps would need to be repeated every time we want to update the list (e.g., every hour during the NHL Live Game Window) and also to stop the blocking at the end of the NHL Live Game Window. Between each update, we would need to spend time validating that the blocking has been properly implemented on each of our Internet gateways or core routers and that our systems are working as they should.

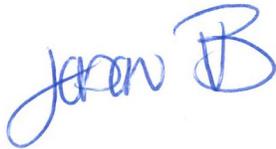
41. This means that we would need to have one (1) of our employees who is essentially dedicated to implementing the blocking during the NHL Live Game Windows. At Rogers Cable,

these technical steps would be performed by an IP Core Infrastructure Specialist, a highly skilled network expert. Such employee has an average yearly salary of \$89,102.97 at Rogers Cable (or an hourly salary of \$45.69 based on 1950 hours worked in a year). Assuming a 6-hour window from the start of the first NHL game on a given night until the end of the last NHL game, I estimate that the direct incremental labour cost of having an employee dedicated to the manual implementation of the blocking to be approximately \$274 per night.

42. I would expect that all ISPs who manage their own core routers would have employees with similar qualifications to manage IP routing and switching on their network, although their salary may vary.

SOLEMNLY AFFIRMED before me,
through videoconference, in accordance with
the Notice from the Ministère de la Justice du
Québec, in Montreal, Province of Quebec,
this 30th day of June 2021.

AND I HAVE ELECTRONICALLY
SIGNED

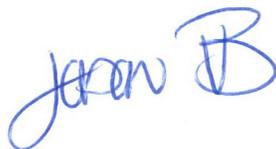


Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Greg Murray

This is **Exhibit GM-1** in support of the
Affidavit of Greg Murray,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 30th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

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3028

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Federal Corporation Information - 1002797-9

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i Note

This information is available to the public in accordance with legislation (see [Public disclosure of corporate information](#)).

Corporation Number

1002797-9

Business Number (BN)

815781448RC0005

Corporate Name

Rogers Communications Canada Inc.

Status

Active

Governing Legislation

Canada Business Corporations Act - 2017-01-01[Order a Corporate Profile](#) [[View PDF Sample](#)] [[View HTML Sample](#)].[PDF Readers](#)

Registered Office Address

3029

333 Bloor Street East, 10th Floor
Toronto ON M4W 1G9
Canada

i Note

Active CBCA corporations are required to update this information within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

Directors

Minimum 1

Maximum 10

Anthony Staffieri
333 Bloor Street East, 10th Floor
Toronto ON M4W 1G9
Canada

Lisa Damiani
333 Bloor St. E.
10th Floor
Toronto ON M4W 1G9
Canada

i Note

Active CBCA corporations are required to update director information (names, addresses, etc.) within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

Annual Filings

Anniversary Date (MM-DD)

01-01

Date of Last Annual Meeting

Not available

Annual Filing Period (MM-DD)

01-01 to 03-02

Type of Corporation

Non-distributing corporation with 50 or fewer shareholders

Status of Annual Filings

2021 - Filed

2020 - Filed

2019 - Filed

Corporate History

Corporate Name History

2017-01-01 to Present

Rogers Communications Canada Inc.

Certificates and Filings

Certificate of Amalgamation

2017-01-01

Corporations amalgamated:

- 9862587 INTERNETWORKING ATLANTIC INCORPORATED
- 9392203 Rogers Communications Canada Inc.

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Date Modified:

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2021-03-29

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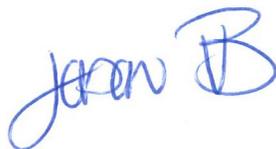
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This is **Exhibit GM-2** in support of the
Affidavit of Greg Murray,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 30th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



BC Company Summary

For FIDO SOLUTIONS INC.

Date and Time of Search: April 09, 2021 08:00 AM Pacific Time
Currency Date: October 15, 2020

ACTIVE

Incorporation Number: BC1153115
Name of Company: FIDO SOLUTIONS INC.
Recognition Date and Time: Incorporated on February 16, 2018 10:00 AM Pacific Time
Last Annual Report Filed: February 16, 2021
In Liquidation: No
Receiver: No

COMPANY NAME INFORMATION

Previous Company Name 1153115 B.C. LTD.
Date of Company Name Change April 03, 2018

REGISTERED OFFICE INFORMATION

Mailing Address:
 2900 - 550 BURRARD STREET
 VANCOUVER BC V6C 0A3
 CANADA
Delivery Address:
 2900 - 550 BURRARD STREET
 VANCOUVER BC V6C 0A3
 CANADA

RECORDS OFFICE INFORMATION

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 2900 - 550 BURRARD STREET
 VANCOUVER BC V6C 0A3
 CANADA
Delivery Address:
 2900 - 550 BURRARD STREET
 VANCOUVER BC V6C 0A3
 CANADA

DIRECTOR INFORMATION

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 CANADA
Delivery Address:
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 CANADA

Last Name, First Name, Middle Name:

Staffieri, Anthony

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TORONTO ON M4W 1G9
CANADA**Delivery Address:**333 BLOOR STREET EAST, 10TH FLOOR
TORONTO ON M4W 1G9
CANADA**OFFICER INFORMATION AS AT February 16, 2021****Last Name, First Name, Middle Name:**

Audette, Nancy

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TORONTO ON M4W 1G9
CANADA**Delivery Address:**333 BLOOR STREET EAST
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TORONTO ON M4W 1G9
CANADA**Last Name, First Name, Middle Name:**

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CANADA**Last Name, First Name, Middle Name:**

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Office(s) Held: (Other Office(s))**Mailing Address:**333 BLOOR STREET EAST, 10TH FLOOR
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CANADA**Delivery Address:**333 BLOOR STREET EAST, 10TH FLOOR
TORONTO ON M4W 1G9
CANADA**Last Name, First Name, Middle Name:**

Staffieri, Anthony

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TORONTO ON M4W 1G9
CANADA**Delivery Address:**333 BLOOR STREET EAST, 10TH FLOOR
TORONTO ON M4W 1G9
CANADA**Last Name, First Name, Middle Name:**

Wagner, Bruce A.

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TORONTO ON M4W 1G9
CANADA**Delivery Address:**333 BLOOR STREET EAST
10TH FLOOR
TORONTO ON M4W 1G9
CANADA

Court File No. T-955-21

FEDERAL COURT

B E T W E E N:

**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.**

Plaintiffs

- and -

JOHN DOE 1

JOHN DOE 2

**OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
SERVERS PROVIDING ACCESS TO NHL GAMES IN CANADA**

Defendants

- and -

**BELL CANADA
BRAGG COMMUNICATIONS INC. dba EASTLINK
COGECO CONNEXION INC.
DISTRIBUTEL COMMUNICATIONS LIMITED
FIDO SOLUTIONS INC.
ROGERS COMMUNICATIONS CANADA INC.
SASKATCHEWAN TELECOMMUNICATIONS
SHAW COMMUNICATIONS INC.
TEKSAVYY SOLUTIONS INC.
TELUS COMMUNICATIONS INC.
VIDEOTRON LTD.**

Third Party Respondents

AFFIDAVIT OF SARAH FARRUGIA

I, Sarah Farrugia, of the City of Toronto, in the Province of Ontario, Canada, SOLEMNLY AFFIRM THAT:

1. I am Vice President, Content and Business Intelligence at Bell Canada.
2. In my current position, which I have held since December 2017, I am responsible for the acquisition of all Bell TV content, which includes linear, transactional content and partnerships with subscription on-demand services. In addition, I am responsible for the design and implementation of all our TV packages. Finally, I lead our Bell Residential and Small Business (BRSB) business intelligence team, encompassing reporting, analytics, and campaign implementation.
3. I understand that in the present proceeding, the Plaintiffs, including Bell Canada's affiliates BCE Inc., Bell Media Inc., CTV Specialty Television Enterprises Inc., The Sports Network Inc. and Le Réseau des Sports (RDS) Inc. ("**Bell Canada's Affiliates**"), are seeking a live and dynamic site blocking order that would enjoin Internet Service Providers ("**ISPs**") in Canada to block or attempt to block their subscribers' access to servers that provide access to infringing live streams of National Hockey League ("**NHL**") games.
4. I am authorized to sign the present affidavit on behalf of Bell Canada.
5. I have personal knowledge of all the facts stated in this affidavit, unless indicated otherwise.

I. BELL CANADA

6. Bell Canada is a Canadian ISP having a registered office address at 1 Carrefour Alexander-Graham-Bell, A-7, Verdun, Quebec. The corporation information report for Bell Canada is attached to my affidavit as **Exhibit SF-1**.
7. Bell Canada is categorized as a "telco" common carrier ISP in the sense that it owns and provides Internet access primarily over copper (i.e., telephone lines), hybrid copper-fibre optic cable (known as fiber-to-the-node, or FTTN), and pure fibre optic (known as fibre-to-the-home, or FTTH) last-mile infrastructures in Ontario, Quebec, the Atlantic Provinces, Manitoba, Alberta, and British Columbia.

8. Bell Canada provides Internet access to approximately 3,700,000 residential wireline Internet service subscribers.

II. BELL CANADA'S STANCE ON TELEVISION PIRACY ON THE INTERNET

9. I am aware that television piracy has harmful effects on Canadian stakeholders who are operating legally, including on the Canadian television industry and, in fact, on the Canadian creative industry as a whole.

10. Bell Canada acknowledges that the Internet services it supplies to its residential Internet subscribers are or can be used by these subscribers to access copyright infringing content on the Internet on various illegal sites and online services. This is the case not only for Bell Canada, but also for every other ISP serving Canadian subscribers.

11. In that regard, Bell Canada recognizes that ISPs can play a significant role in combatting online piracy, given that their infrastructures act as an essential link in the distribution chain of pirated content on the Internet.

12. Moreover, Bell Canada understands that online piracy services can expose Internet users to malicious threats, and that combatting piracy can therefore limit exposure to these threats. In addition, as Bell Canada, like most ISPs, also operates as a broadcast distribution undertaking that provides legal access to content, combatting piracy can protect legal revenues that support its investment in Internet access infrastructure.

13. Bell Canada further considers that aiding in the fight against piracy is an important component of good corporate citizenship, and wishes to participate in efforts that are made to ensure that the illegal distribution of pirated content does not undermine the investments that support the provision of lawful content to Canadians.

14. While ISPs cannot realistically actively monitor the individual use of their network by each of their residential Internet subscribers or determine whether any of those uses are infringing, and as such cannot be held liable for these users' infringing activities on the Internet, Bell Canada acknowledges that it is in a unique position to effectively put an end to infringement in the

appropriate case, for instance if it is ordered by a Canadian court to block or attempt to block access to infringing sites or services.

III. BELL CANADA'S SUBSCRIBERS ACCESSING UNAUTHORIZED STREAMING SERVERS

15. I understand that Rogers Communications Canada Inc. ("**Rogers Cable**"), on behalf of co-Plaintiff Rogers Media Inc. ("**Rogers Media**"), has retained the services of a third-party vendor (Friend MTS) to identify and monitor, over the last few months, streaming servers providing access to unauthorized live streams of some of the NHL games broadcast by Rogers Media (so-called "**Unauthorized Streaming Servers**"). Bell Canada has received copies of monitoring reports generated by Friend MTS which identify these Unauthorized Streaming Servers by IP address.

16. Bell Canada was asked by Bell Canada's Affiliates, in support of their anti-piracy efforts, to assess the volume of traffic and number of users accessing these Unauthorized Streaming Servers on its Internet access network.

17. In particular, Bell Canada utilized one of its existing network tools to measure the volume of Internet network traffic (volume of data) its own Internet subscribers were streaming (downloading) from these Unauthorized Streaming Servers through Bell Canada's network and the number of unique accounts that were accessing the Unauthorized Streaming Servers. This analysis was performed on an aggregate and anonymized basis at the network level, *i.e.* without identifying any subscriber specifically.

18. Our analysis conducted during a 8-hour window between May 24, 2021 6 PM and May 25th 2 AM showed that at least 25,000 of Bell Canada's Internet subscribers relied on the Unauthorized Streaming Servers identified in the Friend MTS reports, generating an average total traffic of over 18 Gigabits per second (with higher peaks). I note, however, that while there were 5 different NHL games broadcast during that window, the most popular one in Canada (*i.e.*, game 3 of the Toronto Maple Leafs / Montreal Canadiens series) was also broadcast over-the-air for free by CBC. I would expect the total usage of Unauthorized Streaming Servers by Bell Canada's Internet subscribers to be significantly higher on other days of the week and/or when the games are not broadcast over-the-air.

IV. ABILITY TO IMPLEMENT SITE-BLOCKING

19. I understand that in the present proceeding, the Plaintiffs are requesting that the Federal Court issue an interlocutory injunction Order that would enjoin a number of major Canadian ISPs, including Bell Canada, to block or attempt to block at least their residential wireline Internet subscribers' access to Unauthorized Streaming Servers that provide infringing live streams of NHL games.

20. I have read the draft Order provided to me by representatives for the Plaintiffs, which I understand will be attached to the Plaintiffs' Notice of Motion, and I confirm that Bell Canada has the ability to implement IP address blocking as described in the draft Order.

21. Bell Canada has successfully implemented a site blocking order in Canada in the context of the *Bell Media Inc. v. GoldTV.biz* (2019 FC 1432) case, which order provides for the blocking of a predetermined list of domains, subdomains and IP addresses associated with two specific services (i.e., two infringing IPTV services).

22. While the site blocking order in the *Bell Media Inc. v. GoldTV.biz* is *non-live* and *static* (subject to the possibility of updating the predetermined list from time to time), I confirm that Bell Canada also has the ability of implementing such blocking *live* (i.e., for a limited period of time corresponding to the duration of the targeted NHL games) and *dynamically* (i.e., the list of IP addresses to block will not be predetermined but rather provided in real-time by a third-party vendor as the Unauthorized Streaming Servers are identified).

23. In anticipation of the Order being issued, Bell Canada plans to implement the capability to automate the *live* and *dynamic* blocking contemplated by the draft Order. There are multiple implementations available to Bell Canada leveraging existing tools and workflows, and Bell Canada is still evaluating these options. However, I understand from Bell Canada's network team, including the Affidavit of Erone Quek, that a typical implementation for an ISP like Bell Canada would cost between \$30,000 to \$50,000 and could take up to three (3) months to deploy.

24. Once we implement an automated solution, the *live* and *dynamic* blocking during NHL Live Game Windows would require no human intervention beyond the initial set-up of the system. I

understand that the system should be able to update the blocking frequently as the list of IP addresses is updated by the third-party vendor (i.e., at least multiple times an hour).

25. Bell Canada does not expect to incur additional external cost to develop this capability. The costs incurred are expected to be internal labour costs for the design, development and testing of the software script needed to automate the blocking process.

26. Bell Canada currently has the capability to block typically at least 3,000 different IP addresses at the same time.

27. Bell Canada respects intellectual property rights and agrees with the implementation of just and equitable measures, including site blocking orders, that can help protect these rights in the face of online services that are engaged in copyright piracy.

28. In the circumstances, Bell Canada consents to the Plaintiffs' motion for the issuance of an order in the form sought by the Plaintiffs, including the cost-sharing mechanism provided by the draft Order. Should this Court issue an Order in the form sought by the Plaintiffs, Bell Canada undertakes to implement it to the best of its ability.

29. While Bell Canada is planning to implement the capability to automate the blocking, it can also be implemented manually. We have various internal administrative processes at Bell Canada that would need to be followed to approve and document the implementation of IP address blocking on our network, but from a technical standpoint the manual blocking of IP addresses would involve the following steps:

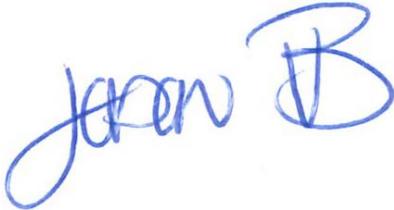
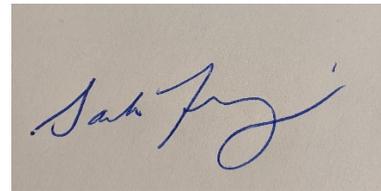
- a) Retrieving the list of IP addresses to be blocked from the secure location made available by the third-party vendor (i.e., Friend MTS);
- b) Opening the list of IP addresses and visually validating the syntax to ensure the IP addresses are properly formatted; and
- c) Applying the blocking by essentially copy/pasting the list of IP addresses in our existing network tool.

30. These steps would take approximately 10 to 15 minutes and would need to be repeated every time we want to update the list (e.g., at a regular interval during the NHL Live Game Window) and also at the end of the NHL Live Game Window to stop the blocking.

31. This means that to implement the blocking manually it is possible we would need to essentially dedicate up to one (1) of our employees to implement the Order. At Bell Canada, these technical steps would be performed by a Technical Manager who is trained and qualified to use our IP Core systems. Such employees have a yearly salary ranging from \$70,000 to \$100,000 (or an hourly salary ranging from \$35.90 to \$51.28 based on 1950 hours worked in a year).

SOLEMNLY AFFIRMED before me,
through videoconference, in accordance with
the Notice from the Ministère de la Justice
du Québec, in Montreal, Province of Quebec,
this 29th day of June 2021.

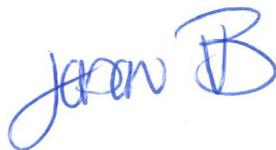
AND I HAVE ELECTRONICALLY
SIGNED

Sarah Farrugia

Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

This is **Exhibit SF-1** in support of the
Affidavit of Sarah Farrugia,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 29th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

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3043

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Federal Corporation Information - 1258075-6

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i Note

This information is available to the public in accordance with legislation (see [Public disclosure of corporate information](#)).

Corporation Number

1258075-6

Business Number (BN)

100458652RC0013

Corporate Name

The Bell Telephone Company of Canada or Bell Canada

La Compagnie de Téléphone Bell du Canada ou Bell Canada

Status

Active

Governing Legislation

Canada Business Corporations Act - 2021-01-01[Order a Corporate Profile](#) [[View PDF Sample](#)] [[View HTML Sample](#)].

Registered Office Address

Care of: Maria G. Margiotta
1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

i Note

Active CBCA corporations are required to update this information within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

Directors

Minimum 5

Maximum 20

Katherine Min Sun Lee
1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

David F. Denison
1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Karen H. Sheriff
1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Mirko Bibic
1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Paul R. Weiss

1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Robert C. Simmonds

1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Sheila A. Murray

1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Louis P. Pagnutti

1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Robert P. Dexter

1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Ian Greenberg

1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Calin Rovinescu

1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Monique F. Leroux

1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Gordon M. Nixon

1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Barry K. Allen
1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Thomas E. Richards
1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

Robert E. Brown
1 Carrefour Alexander-Graham-Bell, A-7
Verdun QC H3E 3B3
Canada

i Note

Active CBCA corporations are required to update director information (names, addresses, etc.) within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

Annual Filings

Anniversary Date (MM-DD)

01-01

Date of Last Annual Meeting

Not available

Annual Filing Period (MM-DD)

01-01 to 03-02

Type of Corporation

Not available

Status of Annual Filings

2022 - Not due

Corporate History

Corporate Name History

3047

2021-01-01 to Present	The Bell Telephone Company of Canada or Bell Canada	2021-01- 01 to Present	La Compagnie de Téléphone Bell du Canada ou Bell Canada
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Certificates and Filings

Certificate of Amalgamation

2021-01-01

Corporations amalgamated:

- 11155113 The Bell Telephone Company of Canada or Bell Canada / La Compagnie de Téléphone Bell du Canada ou Bell Canada
- 11731904 Groupe Maskatel GP Inc.
- 9147250 9147250 CANADA INC.
- 11731645 VIDÉOPTIQUE INC.
- 11731785 TÉLÉ-INT-TEL INC.
- 11731858 Groupe Maskatel Acquisition Inc.

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Date Modified:

2021-03-29

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Canada 

Court File No. T-955-21

FEDERAL COURT

B E T W E E N:

**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.**

Plaintiffs

- and -

JOHN DOE 1

JOHN DOE 2

**OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
SERVERS PROVIDING ACCESS TO NHL GAMES IN CANADA**

Defendants

- and -

**BELL CANADA
BRAGG COMMUNICATIONS INC. dba EASTLINK
COGECO CONNEXION INC.
DISTRIBUTEL COMMUNICATIONS LIMITED
FIDO SOLUTIONS INC.
ROGERS COMMUNICATIONS CANADA INC.
SASKATCHEWAN TELECOMMUNICATIONS
SHAW COMMUNICATIONS INC.
TEKSAVYY SOLUTIONS INC.
TELUS COMMUNICATIONS INC.
VIDEOTRON LTD.**

Third Party Respondents

AFFIDAVIT OF MOHAMED DRIF

I, Mohamed Drif, of the City of Montreal, in the Province of Québec, Canada, SOLEMNLY AFFIRM THAT:

1. I am Senior Vice-President and Chief Technology Officer at Videotron Ltd. (“**Videotron**”).
2. In my current position, which I have held since December 2018, I am responsible for the design, build-out and operation of Videotron’s main networks. Prior to my current position, I have held progressive technical and management positions in technology development and network engineering at Videotron since 1999.
3. I understand that in the present proceeding, the Plaintiffs, including Videotron’s affiliate Groupe TVA Inc. (“**Groupe TVA**”), are seeking a dynamic and live site blocking order that would enjoin Internet Service Providers (“**ISPs**”) in Canada to block or attempt to block their subscribers’ access to servers that provide access to infringing live streams of National Hockey League (“**NHL**”) games.
4. I am authorized to sign the present affidavit on behalf of Videotron.
5. I have personal knowledge of all the facts stated in this affidavit, unless indicated otherwise.

I. VIDEOTRON

6. Videotron is a Canadian ISP, having a registered office address at 612 Saint-Jacques Street, 18th Floor South, Montreal, Québec. The corporation information report for Videotron is attached to my affidavit as **Exhibit MD-1**.
7. Videotron is categorized as a “cableco” common carrier ISP in the sense that it owns, and provides Internet access over, hybrid fibre-cable last-mile infrastructures in Québec.
8. Videotron provides Internet access to approximately 1,797,000 residential wireline Internet service subscribers in Québec.

II. VIDEOTRON'S STANCE ON TELEVISION PIRACY ON THE INTERNET

9. I am aware that television piracy has harmful effects on Canadian stakeholders who are operating legally, including on the Canadian television industry and, in fact, on the Canadian creative industry as a whole.

10. Videotron acknowledges that the Internet services it supplies to its residential Internet subscribers are or can be used by these subscribers to access copyright infringing content on the Internet on various illegal sites and online services. This is the case not only for Videotron, but also for every other ISP serving Canadian subscribers.

11. In that regard, Videotron recognizes that ISPs can play a significant role in combatting online piracy, given that their infrastructures act as an essential link in the distribution chain of pirated content on the Internet.

12. Moreover, Videotron understands that online piracy services can expose Internet users to malicious threats, and that combating piracy can therefore limit exposure to these threats.

13. Videotron further considers that aiding in the fight against piracy is an important component of good corporate citizenship, and wishes to participate in efforts that are made to ensure that the illegal distribution of pirated content does not undermine the investments that support the provision of lawful content to Canadians.

14. While ISPs cannot realistically actively monitor the individual use of their network by each of their Internet subscribers, and as such cannot be held liable for these users' infringing activities on the Internet, Videotron acknowledges that it is in a unique position to effectively put an end to infringement in the appropriate case, for instance if it is ordered by a Canadian court to block or attempt to block access to infringing sites or services.

III. VIDEOTRON'S SUBSCRIBERS ACCESSING UNAUTHORIZED STREAMING SERVERS

15. I understand that Rogers Communications Canada Inc. ("**Rogers Cable**"), on behalf of co-Plaintiff Rogers Media Inc. ("**Rogers Media**"), has retained the services of a third party vendor

(Friend MTS) to identify and monitor, over the last few months, streaming servers providing access to unauthorized live streams of some of the NHL games broadcast by Rogers Media and in some instances also by Groupe TVA (so-called “**Unauthorized Streaming Servers**”). Videotron has received copies of monitoring reports generated by Friend MTS which identify these Unauthorized Streaming Servers by IP address.

16. Videotron was asked by its affiliate Groupe TVA, in support of its anti-piracy efforts, to assess whether its Internet subscribers are accessing Unauthorized Streaming Servers.

17. In particular, Videotron utilized one of its existing network monitoring and security tools (Arbor Peakflow) to measure the volume of Internet network traffic (volume of data) its own Internet subscribers were streaming (downloading) from these Unauthorized Streaming Servers through Videotron’s network. This analysis was performed on an aggregate and anonymized basis at the network level, *i.e.* without identifying any subscriber specifically.

18. This analysis confirmed that Videotron’s Internet subscribers do indeed rely on the Unauthorized Streaming Servers identified in the Friend MTS reports, generating a traffic of over 10 Gigabits per second (with peaks of up to 19.36 Gigabits per second) during the broadcast of NHL games between May 14, 2021 and June 1, 2021, depending on the day of the week. By way of reference, a high definition video streamed over the Internet usually use about 3 to 5 Megabits per second of Internet bandwidth (or 0.003 to 0.005 Gigabit per second).

IV. ABILITY TO IMPLEMENT SITE-BLOCKING

19. I understand that in the present proceeding, the Plaintiffs are requesting that the Federal Court issue an interlocutory injunction Order that would enjoin a number of major Canadian ISPs, including Videotron, to block or attempt to block at least their residential wireline Internet subscribers’ access to Unauthorized Streaming Servers that provide infringing live streams of NHL games.

20. I have read the draft Order provided to me by representatives of the Plaintiffs, which I understand will be attached to the Plaintiffs’ Notice of Motion, and I confirm that Videotron has the ability to implement IP address blocking as described in the draft Order. While the draft Order only requires ISPs to block access by “at least their residential wireline Internet service customers”,

any IP address blocking implemented by Videotron would cover both wireline residential and business customers, as well as wireless customers.

21. Videotron has successfully implemented a site blocking order in Canada in the context of the *Bell Media Inc. v. GoldTV.biz* (2019 FC 1432) case, which order provides for the blocking of a predetermined list of domains, subdomains and IP addresses associated with two specific services (i.e., two infringing IPTV services).

22. While the site blocking order in the *Bell Media Inc. v. GoldTV.biz* case is *non-live* and *static* (subject to the possibility of updating the predetermined list from time to time), I confirm that Videotron also has the ability of implementing such blocking *live* (i.e., for a limited period of time corresponding to the duration of the targeted NHL games) and *dynamically* (i.e., the list of IP addresses to block will not be predetermined but rather provided in real-time by a third party vendor as the Unauthorized Streaming Servers are identified).

23. In particular, we have various internal administrative processes at Videotron that would need to be followed to approve and document the implementation of IP address blocking on our network, but from a technical standpoint the manual blocking of IP addresses would involve the following steps:

- a) Retrieving the list of IP addresses to be blocked from the secure location made available by the third party vendor (i.e., Friend MTS);
- b) Opening the list of IP addresses and validating visually the syntax to ensure the IP addresses are properly formatted; and
- c) Applying the blocking by essentially copy/pasting the list of IP addresses in our Arbor tool.

24. These steps would take approximately 5 to 10 minutes and would need to be repeated every time we want to update the list (e.g., every hour during the NHL Live Game Window) and also to stop the blocking at the end of the NHL Live Game Window. These technical steps would be performed by a network and system administrator, an individual with a college degree. Videotron

currently expects to be able to implement the blocking manually with its current resources available during NHL Live Game Windows at no incremental cost.

25. Videotron currently has the capability to block at least 3,000 different IP addresses at the same time.

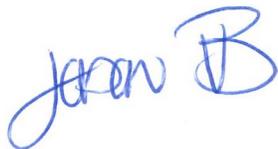
26. Videotron is also currently evaluating the possibility of automating the *live* and *dynamic* blocking contemplated by the draft Order, but has not made any decision in that regard yet.

27. Videotron respects intellectual property rights and agrees with the implementation of just and equitable measures, including site blocking orders, that can help protect these rights in the face of online services that are engaged in copyright piracy.

28. In the circumstances, Videotron consents to the Plaintiffs' motion for the issuance of an order in the form sought by the Plaintiffs, including the cost-sharing mechanism provided by the draft Order. Should this Court issue an Order in the form sought by the Plaintiffs, Videotron undertakes to implement it to the best of its ability.

SOLEMNLY AFFIRMED before me,
through videoconference, in accordance with
the Notice from the Ministère de la Justice
du Québec, in Montreal, Province of Quebec,
this 5th day of July 2021.

AND I HAVE ELECTRONICALLY
SIGNED

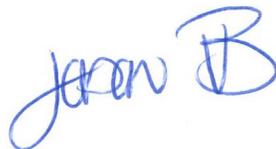


Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Mohamed Drif

This is **Exhibit MD-1** in support of the
Affidavit of Mohamed Drif,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 5th day of July 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Rechercher une entreprise au registre

État de renseignements d'une personne morale au registre des entreprises

Renseignements en date du 2021-06-29 13:33:51

État des informations

Identification de l'entreprise

Numéro d'entreprise du Québec (NEQ)	1173288326
Nom	VIDÉOTRON LTÉE
Version du nom dans une autre langue	VIDEOTRON LTD.

Adresse du domicile

Adresse	612 RUE Saint-Jacques, 18e étage sud Montréal Québec H3C4M8 Canada
---------	--

Adresse du domicile élu

Nom de l'entreprise	Secrétariat corporatif
---------------------	------------------------

Adresse	612 RUE Saint-Jacques, 18e étage sud Montréal Québec H3C4M8 Canada
---------	--

Immatriculation

Date d'immatriculation	2017-12-08
Statut	Immatriculée
Date de mise à jour du statut	2017-12-08
Date de fin d'existence prévue	Aucune date de fin d'existence n'est déclarée au registre.

Forme juridique

Forme juridique	Société par actions ou compagnie
Date de la constitution	2017-12-08 Constitution
Régime constitutif	QUÉBEC : Loi sur les sociétés par actions (RLRQ, C. S-31.1)

Régime courant QUÉBEC : Loi sur les sociétés par actions (RLRQ, C. S-31.1)

Dates des mises à jour

Date de mise à jour de l'état de renseignements	2021-06-28
Date de la dernière déclaration de mise à jour annuelle	2021-04-13 2020
Date de fin de la période de production de la déclaration de mise à jour annuelle de 2021	2022-07-01
Date de fin de la période de production de la déclaration de mise à jour annuelle de 2020	2021-07-01

Faillite

L'entreprise n'est pas en faillite.

Fusion et scission

La personne morale a fait l'objet de fusion(s).

Type	Loi applicable	Date	Nom et domicile de la personne morale	Composante	Résultante
Fusion simplifiée	QUÉBEC : Loi sur les sociétés par actions (RLRQ, C. S-31.1)	2018-01-04	VIDÉOTRON LTÉE 612, RUE SAINT-JACQUES, 18E ÉTAGE SUD MONTRÉAL (QUÉBEC) H3C4M8	1163819882	1173288326

Continuation et autre transformation

Aucune continuation ou autre transformation n'a été déclarée.

Liquidation ou dissolution

Aucune intention de liquidation ou de dissolution n'a été déclarée.

Activités économiques et nombre de salariés

1^{er} secteur d'activité

Code d'activité économique (CAE)	4814
Activité	Câblotvision
Précisions (facultatives)	Télédistribution

2^e secteur d'activité

Aucun renseignement n'a été déclaré.

Nombre de salariés

Nombre de salariés au Québec
Plus de 5000

Convention unanime, actionnaires, administrateurs, dirigeants et fondé de pouvoir**Actionnaires****Premier actionnaire**

Le premier actionnaire est majoritaire.

Nom	Québecor Média inc.
Adresse	612 RUE Saint-Jacques Montréal Québec H3C4M8 Canada

Convention unanime des actionnaires

Il n'existe pas de convention unanime des actionnaires conclue en vertu d'une loi du Québec ou d'une autre autorité législative du Canada.

Liste des administrateurs

Nom de famille	Mulroney
Prénom	Brian
Date du début de la charge	2018-01-03
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	507-3150 place De Ramezay Montréal (Québec) H3Y0A3 Canada

Nom de famille	Provost
Prénom	Normand
Date du début de la charge	2018-01-03
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	7900 rue de la Norvège Brossard (Québec) J4Y2B8 Canada

Nom de famille	Lalande
Prénom	Sylvie
Date du début de la charge	2018-01-03
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	1610 ch. du Lac-Sir-John Lachute (Québec) J8H4M5 Canada

Nom de famille	Brosseau
Prénom	André P.
Date du début de la charge	2018-01-03
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	76 av. Holton Westmount (Québec) H3Y2G3 Canada

Nom de famille	Bélanger
Prénom	Chantal
Date du début de la charge	2018-05-08
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	29 rue de Servando Blainville (Québec) J7B1R8 Canada

Nom de famille	Colpron
Prénom	Michèle
Date du début de la charge	2020-05-14
Date de fin de la charge	
Fonctions actuelles	Administrateur
Adresse	207 boul. de Montrose Saint-Lambert (Québec) J4R1X4 Canada

Dirigeants non membres du conseil d'administration

Nom de famille	Péladeau
Prénom	Pierre Karl
Fonctions actuelles	Président
Adresse	134 av. Duchastel Montréal (Québec) H2V3G1 Canada

Nom de famille	Riendeau
Prénom	Sophie
Fonctions actuelles	Secrétaire
Adresse	235 ch. Markham Mont-Royal (Québec) H3P2Z9 Canada

Fondé de pouvoir

Aucun fondé de pouvoir n'a été déclaré.

Administrateurs du bien d'autrui

Aucun administrateur du bien d'autrui n'a été déclaré.

Établissements

Aucun établissement n'a été déclaré.

Documents en traitement

Aucun document n'est actuellement traité par le Registraire des entreprises.

Index des documents

Documents conservés

Type de document	Date de dépôt au registre
Déclaration de mise à jour courante	2021-06-28
Déclaration de mise à jour courante	2021-06-07
DÉCLARATION DE MISE À JOUR ANNUELLE 2020	2021-04-13
Déclaration de mise à jour courante	2020-06-18
Déclaration de mise à jour courante	2020-05-14
Déclaration de mise à jour courante	2020-04-07
Déclaration de mise à jour courante	2020-03-17
Déclaration de mise à jour courante	2019-06-05
Déclaration de mise à jour courante	2019-05-15
DÉCLARATION DE MISE À JOUR ANNUELLE 2019	2019-01-17
Déclaration de mise à jour courante	2018-10-03
Déclaration de mise à jour courante	2018-05-10
DÉCLARATION DE MISE À JOUR ANNUELLE 2018	2018-03-13
Déclaration de mise à jour courante	2018-01-05
Certificat de fusion	2018-01-04
Déclaration de mise à jour courante	2018-01-04
Déclaration de mise à jour courante	2018-01-03
Déclaration de mise à jour de correction	2017-12-20
Déclaration initiale	2017-12-11
Certificat de constitution	2017-12-08

Index des noms

Date de mise à jour de l'index des noms 2018-10-03

Nom

Nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
VIDÉOTRON LTÉE	VIDEOTRON LTD.	2018-01-04		En vigueur
9370-5762 Québec inc.		2017-12-08	2018-01-04	Antérieur

Autres noms utilisés au Québec

Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
FIZZ (MD)		2018-10-03		En vigueur
BEAUCE DISTRIBUTION T.V.		2018-01-05		En vigueur
BOULE ILLICO (DESSIN)		2018-01-05		En vigueur
CABLINTEL		2018-01-05		En vigueur

Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
CANAL INDIGO (MC)		2018-01-05		En vigueur
CANAL VOX (MC)		2018-01-05		En vigueur
CENTRE VIDÉOTRON	VIDEOTRON CENTRE	2018-01-05		En vigueur
CLUB ILLICO		2018-01-05		En vigueur
CLUB MULTI-POINTS (MC)		2018-01-05		En vigueur
CLUB VIDEOTRON (MC)		2018-01-05		En vigueur
DUOPHONE (MC)		2018-01-05		En vigueur
FORFAIT DUOPHONE		2018-01-05		En vigueur
GRUPE VIDEOTRON (MC)		2018-01-05		En vigueur
ILLICO (MC)		2018-01-05		En vigueur
ILLICO CLUB À VOLONTÉ	ILLICO CLUB UNLIMITED	2018-01-05		En vigueur
ILLICO INTÉRACTIF		2018-01-05		En vigueur
ILLICO.CA (MC)		2018-01-05		En vigueur
ILLICO.COM (MC)		2018-01-05		En vigueur
ILLICO.TV (MC)		2018-01-05		En vigueur
ILLICOTV.COM (MC)		2018-01-05		En vigueur
INDIGO (MC)		2018-01-05		En vigueur
INTERNET TGV		2018-01-05		En vigueur
INTERNET TGV 120 (MC)		2018-01-05		En vigueur
INTERNET TGV 15 (MC)		2018-01-05		En vigueur
INTERNET TGV 30 (MC)		2018-01-05		En vigueur
INTERNET TGV 50 (MC)		2018-01-05		En vigueur
LES BRANCHÉS (MC)		2018-01-05		En vigueur
MATV		2018-01-05		En vigueur
QUÉBEC À L'INFINI (MC)	INFINITE QUÉBEC (TM)	2018-01-05		En vigueur
QUÉBEC À L'INFINI + MESSAGERIE (MC)	INFINITE QUÉBEC + MESSAGING (TM)	2018-01-05		En vigueur
TORRIDE (MC)	TORRID (TM)	2018-01-05		En vigueur
TRAFICOMM		2018-01-05		En vigueur
TRIANGLES (DESSIN)		2018-01-05		En vigueur

Autre nom	Versions du nom dans une autre langue	Date de déclaration du nom	Date de déclaration du retrait du nom	Situation
TV EXPRESS (MC)		2018-01-05		En vigueur
TV EXTRA		2018-01-05		En vigueur
TVI (DESSIN)		2018-01-05		En vigueur
VIDÉOTRON (MC)	VIDEOTRON (TM)	2018-01-05		En vigueur
Vidéotron Affaires	Videotron Business	2018-01-05		En vigueur
VIDÉOTRON LE POUVOIR INFINI (DESSIN)		2018-01-05		En vigueur
VIDÉOTRON MOBILE		2018-01-05		En vigueur
VIDÉOTRON PLUS (MC)		2018-01-05		En vigueur
VIDÉOTRON SERVICES AFFAIRES	VIDEOTRON BUSINESS SOLUTION	2018-01-05		En vigueur
VIDÉOWAY (MC)	VIDEOWAY (TM)	2018-01-05		En vigueur
VTL TELECOM (MC)		2018-01-05		En vigueur
ZONE URBAINE À L'INFINI (MC)	INFINITE URBAN ZONE (TM)	2018-01-05		En vigueur
ZONE URBAINE À L'INFINI + MESSAGERIE (MC)	INFINITE URBAN ZONE + MESSAGING (TM)	2018-01-05		En vigueur



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FEDERAL COURT

B E T W E E N:

**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.**

Plaintiffs

- and -

JOHN DOE 1

JOHN DOE 2

**OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
SERVERS PROVIDING ACCESS TO NHL LIVE GAMES IN CANADA**

Defendants

AFFIDAVIT OF G.D., SWORN ON JUNE 28, 2021

**CONTAINS CONFIDENTIAL INFORMATION
PURSUANT TO THE DIRECTION ISSUED BY MADAM PROTHONOTARY
AYLEN ON JUNE 15, 2021**

**FILED UNDER SEAL
SEE CONFIDENTIAL VOLUME**

Court File No. T-955-21

FEDERAL COURT

B E T W E E N:

**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.**

Plaintiffs

- and -

JOHN DOE 1**JOHN DOE 2**

**OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
 SERVERS PROVIDING ACCESS TO NHL LIVE GAMES IN CANADA**

Defendants

AFFIDAVIT OF STEVEN ROGERS

I, Steven Rogers, having a professional residence in the City of London, in the Province of Ontario, Canada, SOLEMNLY AFFIRM THAT:

1. I am the founder and President of Digital Evidence International Inc. (“**DEI**”), a licensed private investigation agency in the Province of Ontario. DEI was established in August 2003 and has been providing Internet investigation services and digital forensics analysis since its inception.
2. Prior to my current position at DEI, I was a member of the Royal Canadian Mounted Police (“**RCMP**”) for 24 years. During the last 6 years of my service at the RCMP, I was in charge of the Technological Crime Section for Ontario. I was also a member of the RCMP National Task Force on the use of advanced technologies in conducting major crime investigations. During my career with the RCMP, and since my retirement, I conducted or managed hundreds of Internet

investigations, and examined or was involved in the collection and examination of thousands of pieces of digital storage media.

3. In my current position as President of DEI, one of my main responsibilities and duties include investigating instances of television piracy involving some of the Plaintiffs in this proceeding.

4. I have notably participated in the collection of evidence in support of a large number of Anton Piller orders pertaining to the unauthorized distribution and reception of television signals and programming, as well as in the execution of such orders. I have also performed the analysis of the sources of television programming available on various Streaming Platforms (as defined below).

5. I have personal knowledge of all the facts stated in this affidavit, unless indicated otherwise.

CONTEXT

6. The present affidavit pertains to Internet streaming sites that provide unauthorized live access to National Hockey League (“NHL”) games in Canada (“**Streaming Platforms**”).

7. Streaming Platforms can be divided into two categories:

- a) **Open Web Piracy Sites**, which are typically ad-funded websites that are freely and publicly available to all¹; and
- b) **Unauthorized Subscription Services**, sometimes referred to as “IPTV services”, which can only be accessed through a paid subscription. Depending on the service, the price of a month of service can normally range from \$7 to \$15.

8. I have been asked by the Plaintiffs’ attorneys at Smart & Biggar LLP to test certain Streaming Platforms to confirm that they provide access to NHL games. I understand from the Plaintiffs’ attorneys, whom I have every reason to believe, that the Streaming Platforms discussed in this affidavit have been selected from a list of Streaming Platforms identified in the course of

¹ I note that some Open Web Piracy Sites collect money through memberships (for ad-free viewing) and through donations.

monitoring conducted by a third party, Friend MTS, as providing unauthorized access to certain NHL games.

9. More specifically, I was asked to confirm whether certain NHL games were accessible on the following Streaming Platforms:

a) The Open Web Piracy Sites operating on the following domains:

- (i) usagoals.video,
- (ii) watchme.top,
- (iii) buffstream.io,
- (iv) sportp2p.com; and
- (v) livetotal.tv.

b) The Unauthorized Subscription Services operating under the following names:

- (i) ComstarTV (the “**ComstarTV Service**”); and
- (ii) AlienStreams (the “**AlienStreams Service**”).

10. In this context and for comparison purposes, on April 14, 2021, I began by purchasing access to three online services operated by the Plaintiffs, which I understand provide legitimate access to certain NHL games in Canada, namely:

- a) The **Sportsnet NOW Service**, on the website www.snow.ca, which notably provides access to the Sportsnet-branded television stations operated by Rogers Media Inc.;
- b) The **TVA Sports Service**, on the website www.tvasports.ca, which provides access to the TVA Sports-branded television stations operated by Groupe TVA Inc.; and
- c) The **TSN Service**, on the website www.tsn.ca, which provides access to the TSN and RDS television stations operated by Bell Media Inc.

11. Confirmations of purchases for these online services are attached to my affidavit, in a bundle as **Exhibit SR-1**. I note that my subscription to the TVA Sports Service renewed automatically on May 14, 2021. I also renewed my subscription to the Sportsnet NOW Service on May 27, 2021 in order to conduct additional tests, as explained further below.

12. I was also informed by the Plaintiffs' attorneys at Smart & Biggar LLP which games would be available on the Plaintiffs' services during my tests on April 15, 2021, April 21, 2021 and May 27, 2021, as explained further below.

I. TESTING OF OPEN WEB PIRACY SITES

A. The usagoals.video website

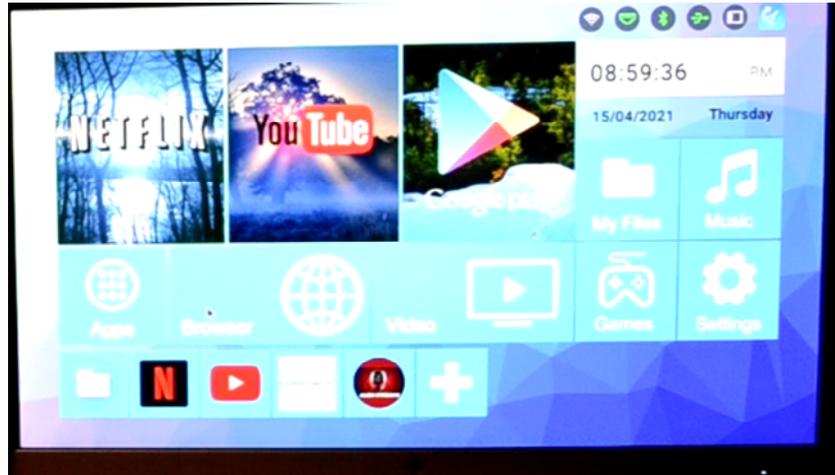
13. The usagoals.video domain was registered in August 2019. Attached to my affidavit as **Exhibit SR-2** is a copy of the WHOIS information for the domain usagoals.video. WHOIS information is obtained from publicly available databases that store information on the owner and administrator of a domain or IP address, such as their name and address, in addition to more technical information, such as the DNS server(s) associated with a given domain, the identity of the registrar with which the domain name is registered, etc. As it appears from Exhibit SR-2, the registrant's details for the domain usagoals.video are privacy protected and are not publicly disclosed, as is typically the case for domains associated with pirated content. I am therefore unable to confirm the identity of the owner of that domain.

14. As it appears from a copy of a website analysis report dated April 2021 obtained from SimilarWeb (a recognized Internet traffic analysis tool operating on the website www.similarweb.com), attached to my affidavit as **Exhibit SR-3**, the usagoals.video website appears to be quite popular, having received over 40,000 visits from Canada between April 2020 and June 2020 (the most up-to-date information available).

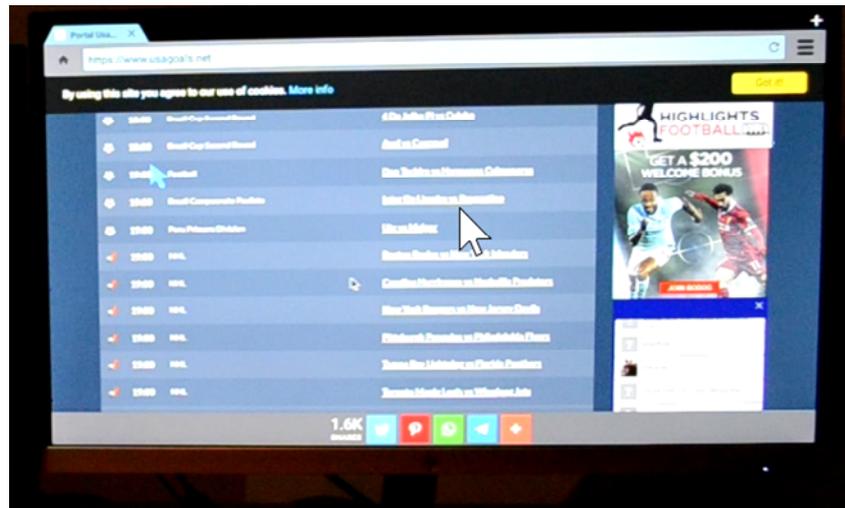
15. Around 7 PM ET on April 15, 2021, I attempted to watch NHL games on the website usagoals.video. While the website is accessible using any typical Internet browser on a computer or mobile device, I opted to use a set-top box to access the usagoals.video website. Set-top boxes are a type of electronic device that can be connected to virtually any standard television or

computer monitor. Set-top boxes allow users to execute and use various applications installed on the set-top box, which are displayed on the television or computer monitor's screen.

16. First, I selected the "Web browser" application on the main menu of the set-top box.



17. I subsequently proceeded to connect to the website <http://usagoals.video>. I noticed that I was automatically redirected to the website <https://www.usagoals.net>, a screen capture of which is reproduced below.



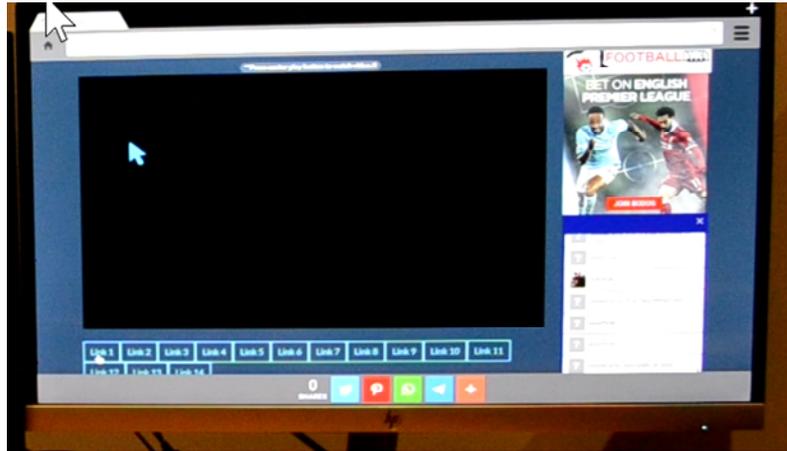
18. I noticed that the home page of the usagoals.net website contained a schedule listing various sports games available for streaming, including:

- a) The NHL game between the *New York Islanders* and the *Boston Bruins*, at 7 PM ET (which game I was told by Smart & Biggar LLP would be broadcast on the SN360 station, available on the Sportsnet NOW Service, on April 15, 2021);
- b) The NHL game between the *Florida Panthers* and the *Tampa Bay Lightning*, 7 PM ET (which game I was told by Smart & Biggar LLP would be broadcast on the TVA Sports station, available on the TVA Sports Service, on April 15, 2021); and
- c) The NHL game between the *Winnipeg Jets* and the *Toronto Maple Leafs*, at 7 PM ET (which game I was told by Smart & Biggar LLP would be broadcast on the TSN3 and TSN4 stations, available on the TSN Service, on April 15, 2021).

19. The rest of the content advertised as available appeared to be professional sports games, such as games of the National Basketball Association (NBA), of the Association of Tennis Professionals (ATP) and of the Major League Baseball (MLB). All the television programming appeared to be available for free without any subscription required.

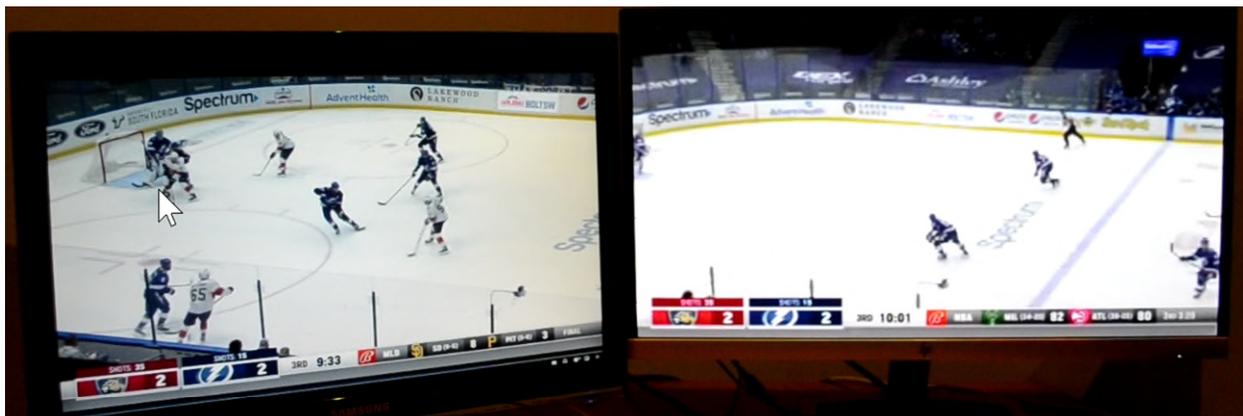
20. After navigating on the website, I clicked on the “*Boston Bruins vs New York Islanders*” NHL game. I was automatically redirected to a page of the usagoals.video website. I was ultimately unable to watch the game in question.

21. I subsequently went back on the usagoals.net website and clicked on the “*Tampa Bay Lightning vs Florida Panthers*” NHL game. I was automatically redirected to a page of the usagoals.video website, which listed fourteen (14) “Links” to stream the content.

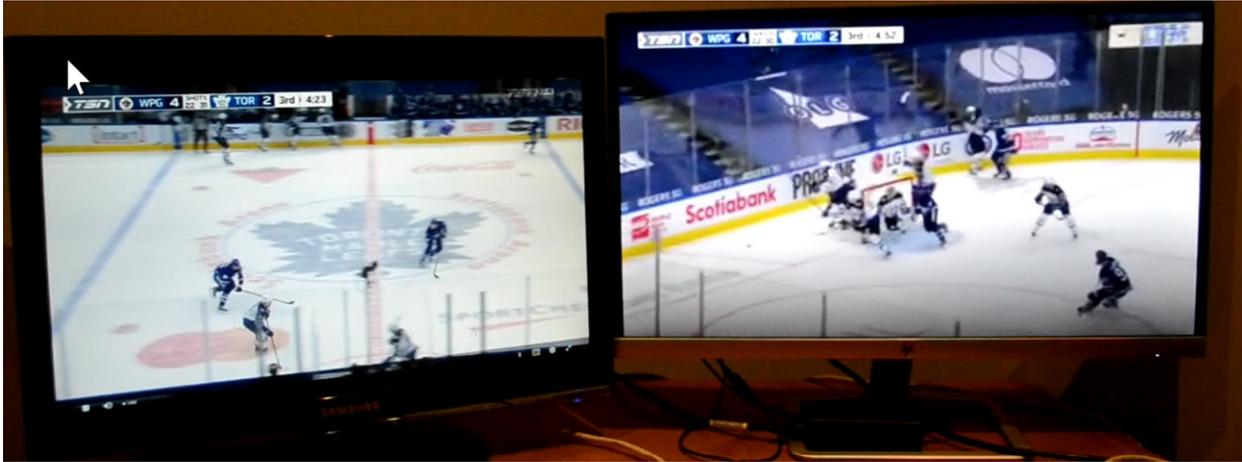


22. I clicked on one of the “Links” at the bottom of the screen and was able to watch the NHL game between the *Florida Panthers* and the *Tampa Bay Lightning*.

23. As it appears from the screen captures below, I compared the unauthorized feed available on the usagoals.video website (on the right) with the legitimate feed available on the TVA Sports Service (on the left), and confirmed that the usagoals.video website provided access to the NHL game in question with a delay of approximately 30 seconds.



24. In the same manner as described above, I was able to watch the NHL game between the *Winnipeg Jets* and the *Toronto Maple Leafs*. I compared the unauthorized feed available on the usagoals.video website (on the right) with the legitimate feed available on the TSN Service (on the left), and confirmed that the usagoals.video website provided access to the NHL game in question with a delay of approximately 30 seconds.



25. The screen captures reproduced at paragraphs 16-24 above, which were taken from the tests that I have conducted on April 15, 2021 on the usagoals.video website, are attached in a bundle to my affidavit as **Exhibit SR-4**.

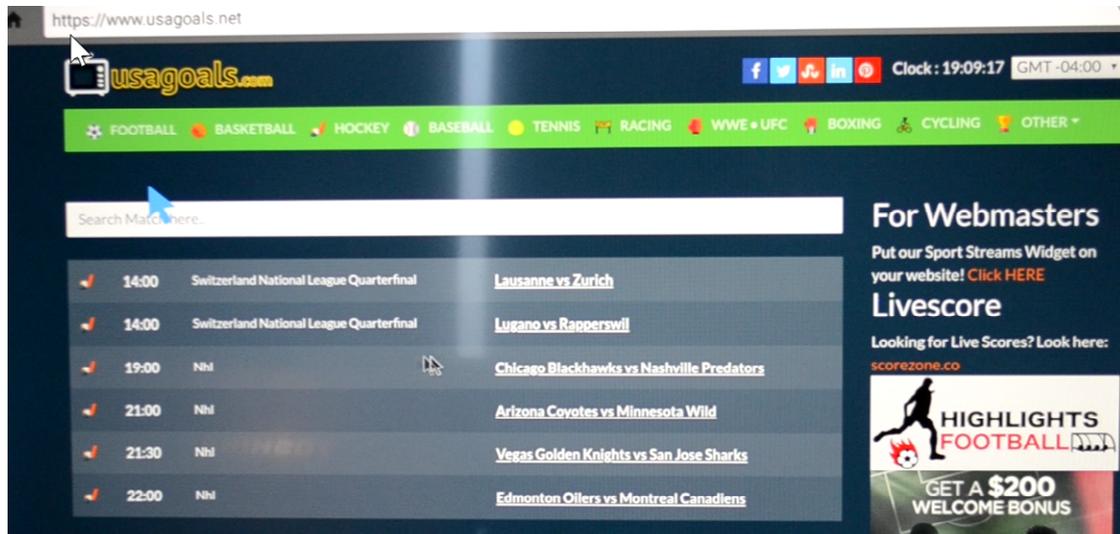
26. On April 21, 2021, I tested the usagoals.video website again in the same manner as described at paragraphs 16-24 above to confirm that it still provided access to live NHL games. I note that some of these tests conducted on April 21, 2021 were conducted using the Web browser of a computer instead of that of a set-top box.

27. I first noticed that, once again, various professional sports games were advertised as available on the main page of the usagoals.net website.

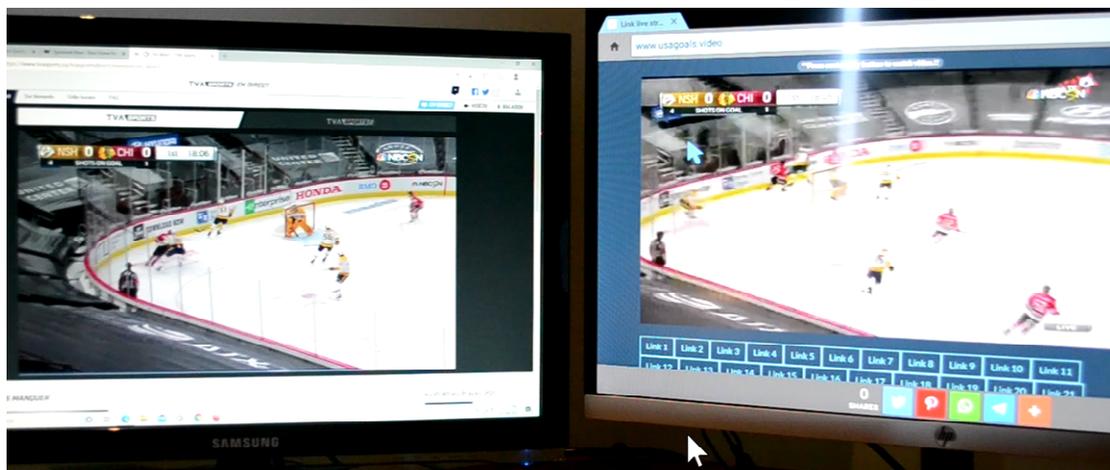
28. I then proceed to click on “Hockey” on the navigation bar at the top of the page. I was automatically redirected to a page of the usagoals.net website listing two hockey games of the Switzerland National League and four hockey games of the NHL, including:

- a) The NHL game between the *Chicago Blackhawks* and the *Nashville Predators*, at 7 PM ET (which game I was told by Smart & Biggar LLP would be broadcast on the TVA Sports station, available on the TVA Sports Service, on April 21, 2021); and
- b) The NHL game between the *Edmonton Oilers* and the *Montreal Canadiens*, at 10 PM ET (which game I was told by Smart & Biggar LLP would be broadcast on

the Sportsnet West station, available on the Sportsnet NOW Service, as well as on the TSN2 station, available on the TSN Service, on April 21, 2021).



29. Upon clicking on “*Chicago Blackhawks vs Nashville Predators*”, I was redirected to the usagoals.video website and, upon clicking on one of the streams “Links” available, I was able to watch the NHL game in question. I then compared the unauthorized feed available on the usagoals.video website (on the right) with the legitimate feed available on the TVA Sports Service (on the left), and confirmed that the usagoals.video website provided access to the NHL game with a delay of about 30 seconds.



30. On the same day, at or around 10 PM, I tested again the usagoals.video website and I was easily able to watch the live NHL game between the *Edmonton Oilers* and the *Montreal Canadiens*

in the same manner as described above. As shown below, depending on the stream “Link” that I clicked on, I was able to watch different high definition feeds of the same live NHL game, including a feed that appeared to originate from the Sportsnet television station and a feed that appeared to originate from the TSN television station, as it appears from the logos in the red boxes below.

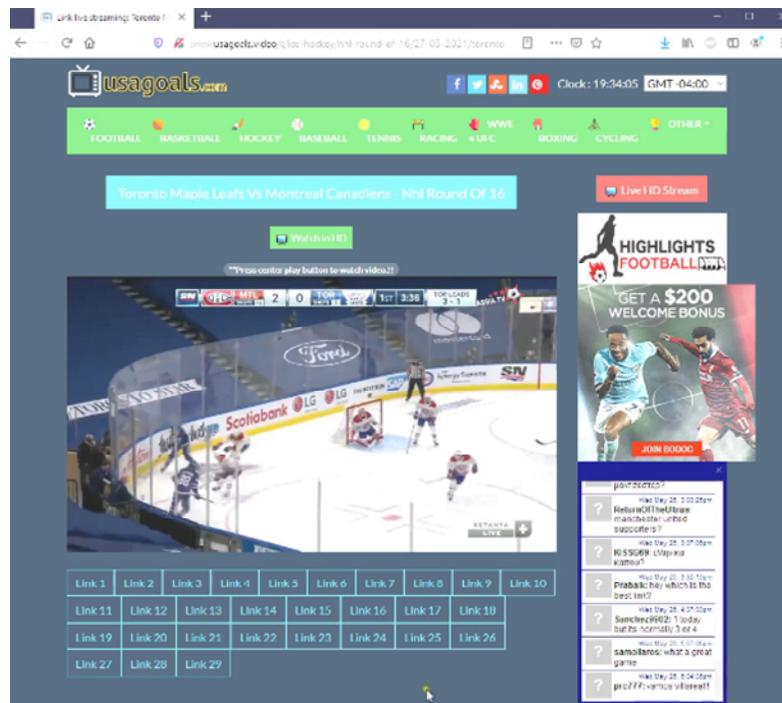


31. Screen captures taken from the tests that I have conducted on April 21, 2021, including those reproduced at paragraphs 28-30 above, are attached in a bundle to my affidavit as **Exhibit SR-5**.

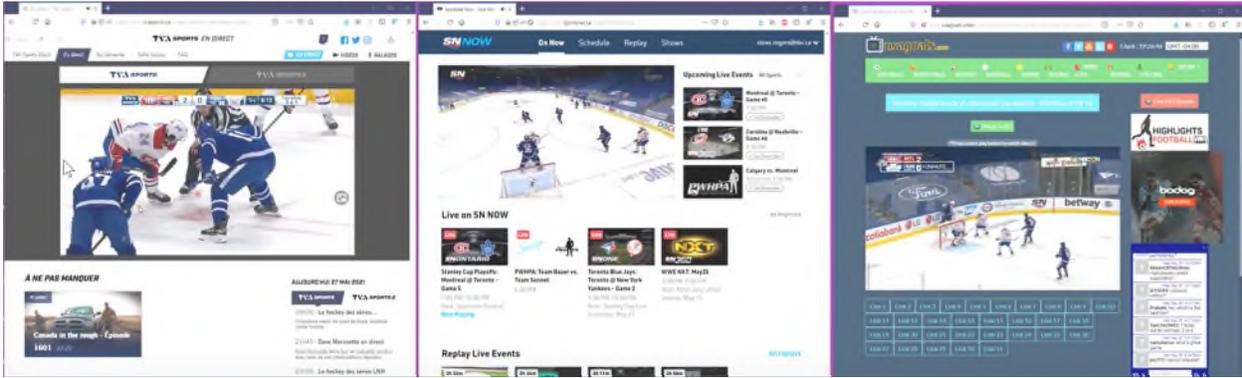
32. On May 27, 2021, I tested the usagoals.video website again in the same manner as described at paragraphs 16-24 above to confirm that it still provided access to live NHL games. I note that these tests were conducted using the Web browser of a computer.

33. More specifically, I tested the usagoals.video website to confirm that it provided access to the NHL game between the *Toronto Maple Leafs* and the *Montreal Canadiens*, which game I was told by Smart & Biggar LLP would be broadcast on the Sportsnet station (available on the Sportsnet NOW Service) as well as on the TVA Sports station (available on the TVA Sports Service) on May 27, 2021.

34. In the same manner as described above, I was easily able to watch the NHL game between the *Toronto Maple Leafs* and the *Montreal Canadiens* in high definition, as it appears from the screen capture reproduced below:



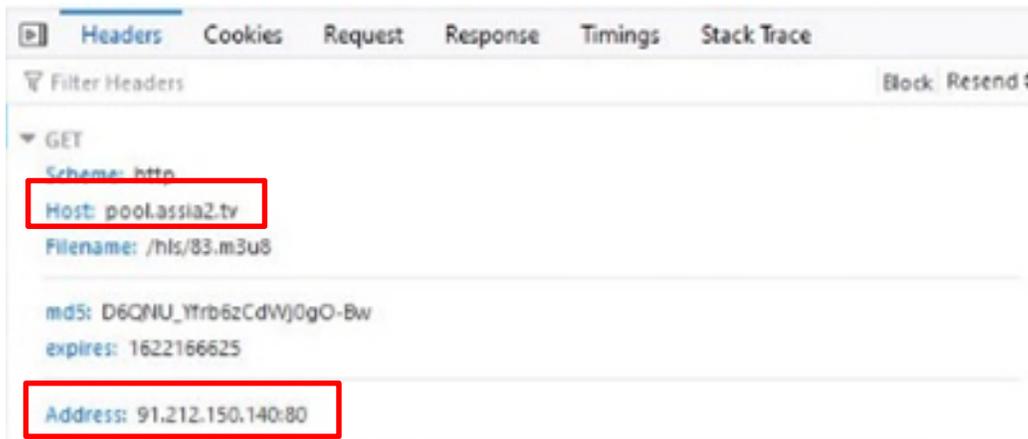
35. I then compared the unauthorized feeds available on the usagoals.video website (on the right) with the legitimate feed available on the TVA Sports Service (on the left) and on the Sportsnet NOW Service (in the center), and confirmed that the usagoals.video website provided access to the NHL game with a very short delay (typically less than one minute), which varied depending on the stream “Link” that I clicked on.



36. The screen captures reproduced at paragraphs 34-35 above, which were taken from the tests that I have conducted on May 27, 2021, are attached in a bundle to my affidavit as **Exhibit SR-6**.

37. During the tests conducted on May 27, 2021, I used the “Developer tools” available in my Web browser to determine the IP addresses of the streaming servers from which my browser was streaming (downloading) the unauthorized feeds made available through the Streaming Platform operating on the usagoals.video website.

38. As it appears from the screen capture attached to my affidavit as **Exhibit SR-7**, an excerpt of which is reproduced below, one of the unauthorized feeds available on the usagoals.video website originated from a streaming server located at IP address **91.212.150.140**, on the subdomain **pool.assia2.tv**.



39. As it appears from the WHOIS information attached to my affidavit as **Exhibit SR-8**, the streaming server located at IP address **91.212.150.140** is associated with the hosting provider “NForce Entertainment BV” (ASN 43350).

40. As it appears from Exhibit SR-8, the contact person for IP address **91.212.150.140** is an individual named Alexandros Iosifidis who is associated with Private Internet Hosting Ltd. and is based in Belize. However, in my experience, the WHOIS information for the IP address of a server is usually that of the hosting provider (who owns and rents the server) and not the operator of the server (i.e., the client of the hosting provider).

41. This also seems to be the case in this instance. As can be seen from the screen capture of the website <https://internetprivatehosting.com> and from current and historical WHOIS records for the corresponding domain attached in a bundle as **Exhibit SR-9**, Private Internet Hosting Ltd. appears to be related to Internet Private Hosting Ltd. (if they are not the same company), as both entities are located in Belize, share the same phone number, and are (or have been) associated with Alexandros Iosifidis. Internet Private Hosting Ltd. is an Internet hosting provider that owns servers in Russia and that claims to ignore copyright infringement notices.

42. The subdomain **pool.assia2.tv**, mentioned at paragraph 38 above, is not associated with any public website, as it appears from the screen capture attached as **Exhibit SR-10**. The main domain for this subdomain, namely **assia2.tv**, seems to be associated with the online streaming of sports content, as it appears from the screen capture of this website attached as **Exhibit SR-11**.

43. Attached to my affidavit as **Exhibit SR-12** is a copy of the WHOIS information for the domain **assia2.tv**. As it appears from Exhibit SR-12, the registrants' details are privacy protected and are not publicly disclosed.

44. The reverse-IP records for the IP address **91.212.150.140** are attached to my affidavit as **Exhibit SR-13**. Reverse-IP records are used to identify the domains associated with a given IP address. As it appears from Exhibit SR-13, the IP address **91.212.150.140** is not currently associated with any domain.

B. The watchme.top, buffstream.io, sportp2p and livetotal.tv websites

45. On April 21, 2021, I also conducted similar tests on other Open Web Piracy Sites operating on the domains **watchme.top**, **buffstream.io**, **sportp2p.com** (through the domain **0dt.net**) and **livetotal.tv**, and was able to watch the live NHL game between the *Chicago Blackhawks* and the *Nashville Predators* and the live NHL game between the *Edmonton Oilers* and the *Montreal*

Canadiens on all of them, in a manner akin to that of the usagoals.net/usagoals.video website, as it appears from the screen captures attached in a bundle to my affidavit as **Exhibit SR-14**. I note that some of these tests were conducted using the Web browser of a computer instead of that of a set-top box.

46. Attached in a bundle to my affidavit as **Exhibit SR-15** are copies of the WHOIS information for the domains watchme.top, buffstream.io, sportp2p.com, 0dt.net and livetotal.tv. As it appears from Exhibit SR-15, the registrants' details are privacy protected and are not publicly disclosed.

II. TESTING OF UNAUTHORIZED SUBSCRIPTION SERVICES

A. The ComstarTV Service

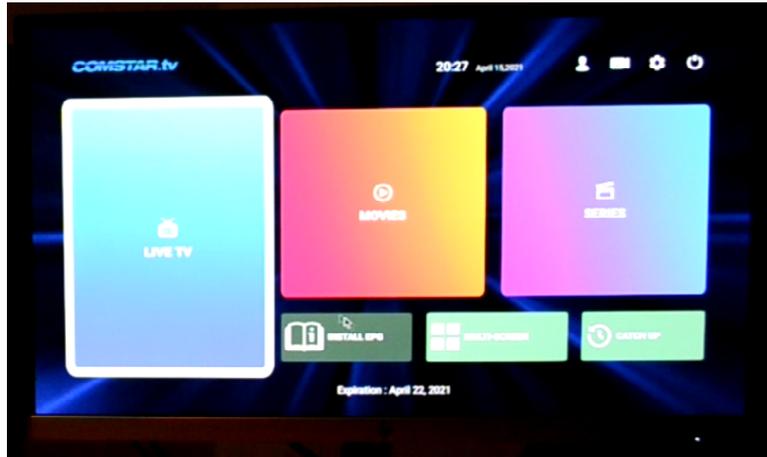
47. The ComstarTV Service is an Unauthorized Subscription Service operating from the domain comstar.tv. As it appears from the current WHOIS information for this domain, attached to my affidavit as **Exhibit SR-16**, the domain comstar.tv was registered in July 2018. As it appears from Exhibit SR-16, the registrant's details are privacy protected and are not publicly disclosed.

48. As it appears from the screen capture of the comstar.tv website attached to my affidavit as **Exhibit SR-17**, the ComstarTV Service advertises access to "more than 10,000+ stable channels, 9,000 Movies and TV shows", including "premium sports channels", for as low as \$14.99 USD per month. I also attach in a bundle to my affidavit as **Exhibit SR-18** screen captures of the comstar.tv website listing 83 Canadian sports channels available on the ComstarTV Service.

49. On April 15, 2021, I purchased a seven-day subscription to the ComstarTV Service from the website comstar.tv. I attach in a bundle to my affidavit as **Exhibit SR-19** copies of emails confirming my subscription purchase and the activation of my subscription, as well as summary installation instructions.

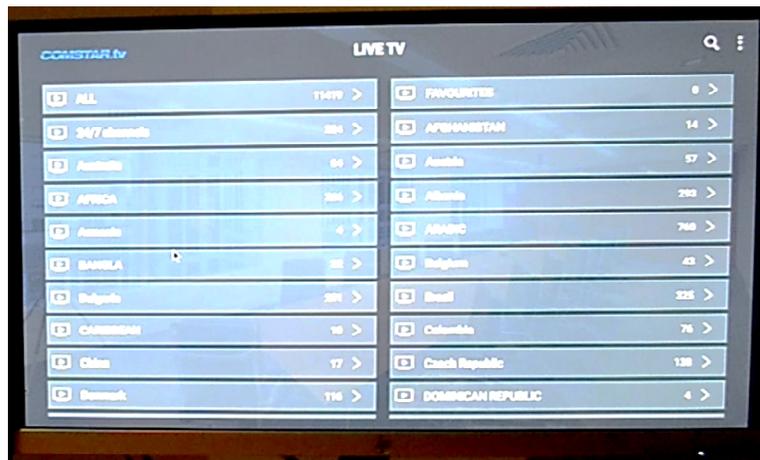
50. As it appears from Exhibit SR-19, I was provided a username and a password, and was directed to the website <https://comstarservices.com> to use the ComstarTV Service.

51. I followed the instructions provided and successfully accessed the ComstarTV Service on a set-top box, as shown on the screen capture below of the home screen of the ComstarTV Service.

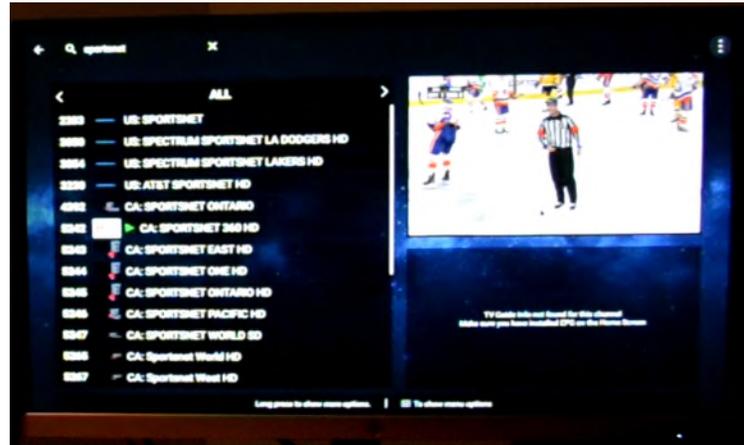


52. Around 8:30 PM ET on April 15, 2021, I attempted to access live NHL games on my set-top box through the ComstarTV Service.

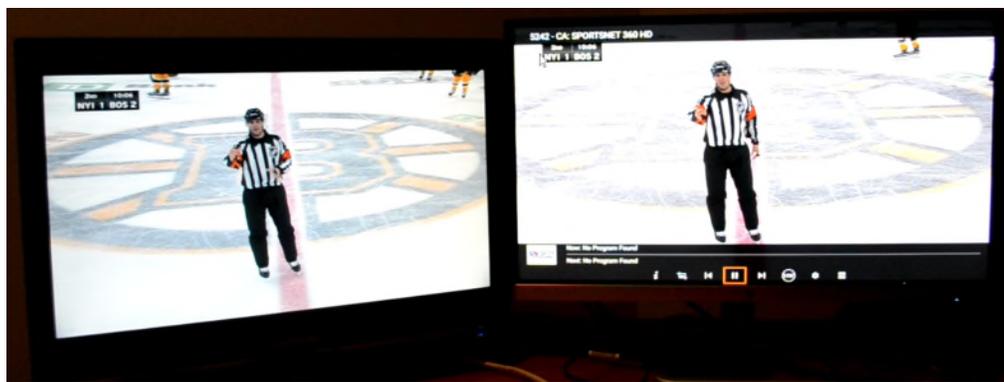
53. First, I selected the “Live TV” application on the main menu of the ComstarTV Service. I was automatically redirected to a page from which the user can filter the available content with a search tool or based on its origin (e.g., Brazil, Canada, etc.) and on the type of television programming.



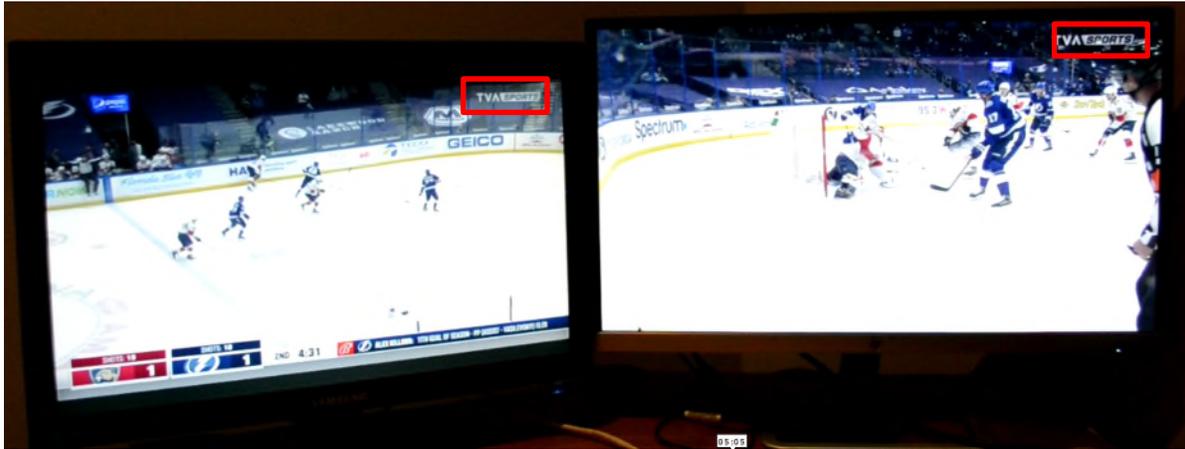
54. Using the search tool, I proceeded to search for the SN360 station, and I was able to watch the NHL game between the *New York Islanders* and the *Boston Bruins* in high definition.



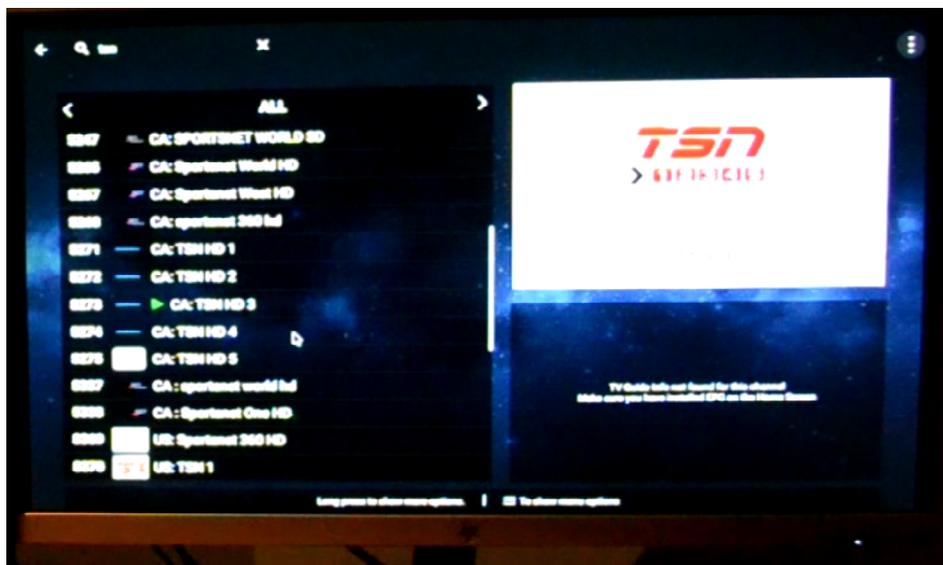
55. I then compared the unauthorized feed available on the ComstarTV Service (on the right) with the legitimate feed available on the Sportsnet NOW Service (on the left), and confirmed that the ComstarTV Service provided access to the NHL game with no delay, as it appears from the screen capture below.



56. Similarly, I then proceeded to search for the TVA Sports station, and I was able to watch the NHL game between the *Florida Panthers* and the *Tampa Bay Lightning*. I compared the unauthorized feed (on the right) available on the ComstarTV Service (which appeared to originate from the TVA Sports station) with the legitimate feed available on the TVA Sports Service (on the left), and confirmed that the ComstarTV Service provided access to the NHL game with a delay of approximately 30 seconds, as it appears from the screen capture below.



57. I then attempted to watch the NHL game between the *Winnipeg Jets* and the *Toronto Maple Leafs* on the TSN-3 station. I noticed that while the ComstarTV Service did appear to provide access to the TSN-3 station, this station was “frozen” on a page displaying the TSN logo. I was ultimately unable to watch the game in question.



58. The screen captures reproduced at paragraphs 51-57 above, which were taken from the tests that I have conducted on April 15, 2021, are attached in a bundle to my affidavit as **Exhibit SR-20**.

59. On May 27, 2021, I tested the ComstarTV Service again in the same manner as described at paragraphs 49-57 above to confirm that it still provided access to live NHL games. I note that these

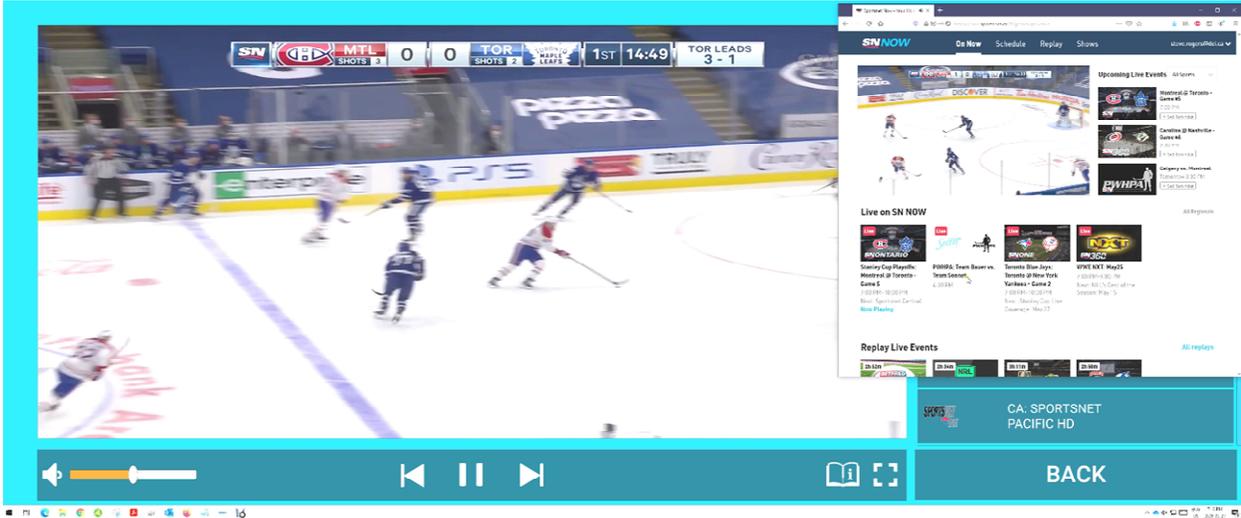
tests were conducted using the Web browser of a computer instead of that of a set-top box, which explains why the user interface of the ComstarTV Service in the screen captures below appears different than for the tests conducted on April 15, 2021.

60. In this context, I purchased a new seven-day subscription to the ComstarTV Service from the website comstar.tv. I attach in a bundle to my affidavit as **Exhibit SR-21** screen captures of emails confirming my subscription purchase and the activation of my subscription.

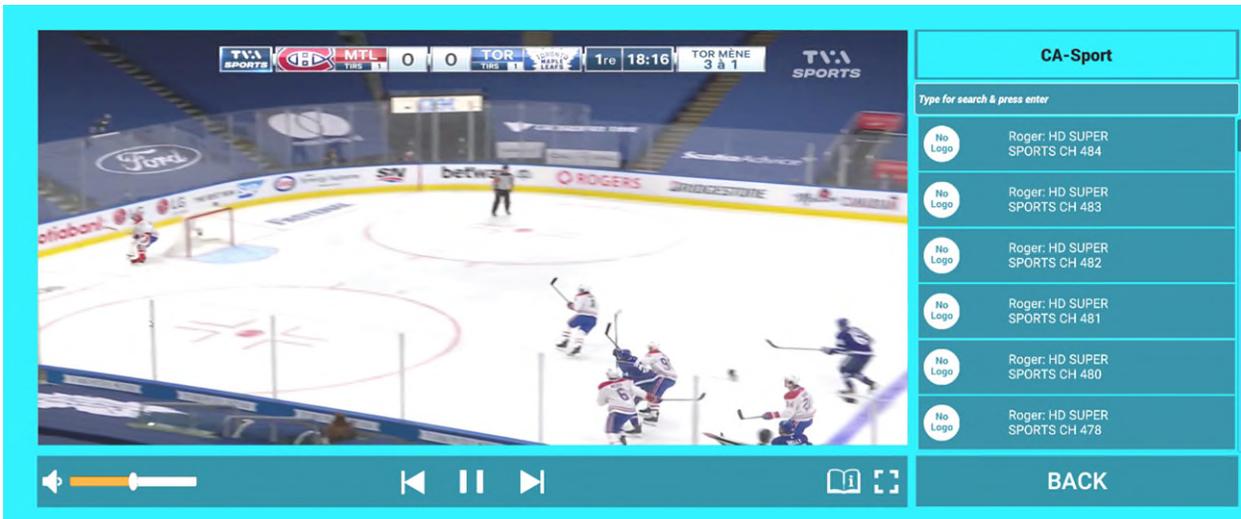
61. In the same manner as described above, I proceeded to search for the Sportsnet Ontario station and was able to watch the NHL game between the *Toronto Maple Leafs* and the *Montreal Canadiens* in high definition.



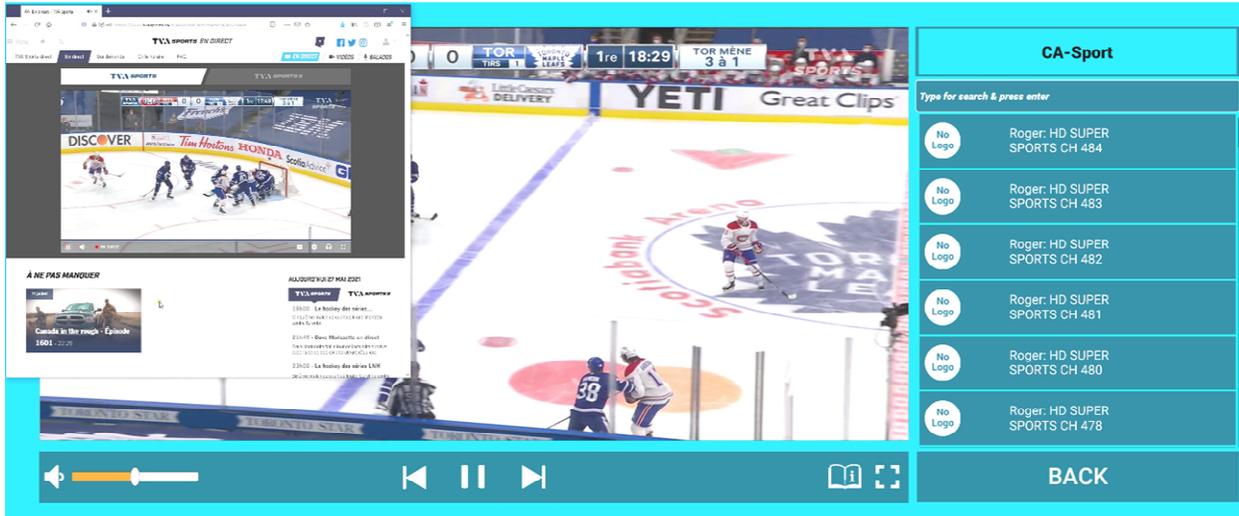
62. I compared the unauthorized feed available on the ComstarTV Service (in the background) with the legitimate feed available on the Sportsnet NOW Service (in the upper right corner), and confirmed that the ComstarTV Service provided access to the NHL game in question with a delay of approximately 30 seconds, as it appears from the screen capture below.



63. I then proceeded to search for the TVA Sports station and was able to watch the NHL game between the *Toronto Maple Leafs* and the *Montreal Canadiens* in high definition, as it appears from the screen capture below.



64. I compared the unauthorized feed available on the ComstarTV Service (in the background) with the legitimate feed available on the TVA Sports Service (in the upper left corner), and confirmed that the ComstarTV Service provided access to the NHL game with a delay of approximately 40 seconds, as it appears from the screen capture below.



65. Screen captures taken from the tests that I have conducted on May 27, 2021 on the ComstarTV Service, including those reproduced at paragraphs 61-64 above, are attached in a bundle to my affidavit as **Exhibit SR-22**.

66. During the tests conducted on May 27, 2021, I used a specialized software named Wireshark, which I have used and found to be reliable in the past in similar contexts, in order to identify the IP address of the streaming server from which I was streaming the unauthorized feed of the Sportsnet Ontario station broadcasting the NHL game between the *Toronto Maple Leafs* and the *Montreal Canadiens* using the ComstarTV Service.

67. As it appears from the screen capture of the Wireshark interface taken during that test attached to my affidavit as **Exhibit SR-23**, the unauthorized feed of the Sportsnet Ontario station available on the ComstarTV Service originated from a server located at IP address **185.191.124.245**.

68. As it appears from the WHOIS information attached to my affidavit as **Exhibit SR-24**, the streaming server located at IP address **185.191.124.245** is associated with the hosting provider “Amarutu-Technology” (ASN 206264).

69. The contact person for IP address **185.191.124.245** is an individual named Ronald Linco, who appears to be the CEO of the aforementioned hosting provider, as it appears from a copy of the LinkedIn resume of Ronald Linco attached as **Exhibit SR-25**. I was unable to obtain further

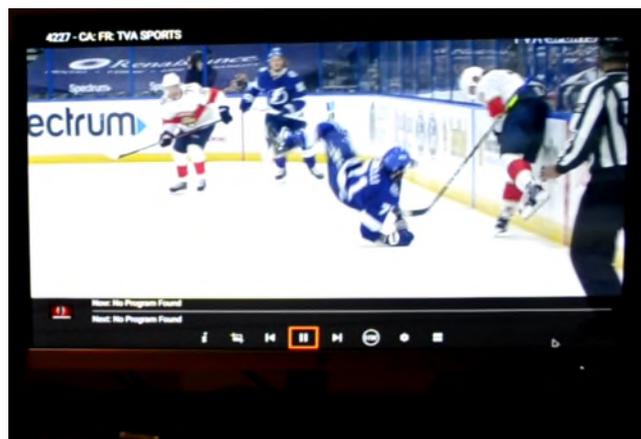
information on the operator of the streaming server located at IP address **185.191.124.245** based on the WHOIS information for this IP address.

70. Additionally, according to the reverse-IP records attached to my affidavit as **Exhibit SR-26**, IP address **185.191.124.245** does not appear to be associated with any domain.

B. The AlienStreams Service

71. On April 15, 2021, I also purchased access to another Unauthorized Subscription Service, namely the AlienStreams Service, on the website <https://alienstreams.net/>. I attach to my affidavit in a bundle as **Exhibit SR-27** screen captures of the alienstreams.net website, copies of emails confirming my subscription purchase and the activation of my subscription, as well as summary installation instructions.

72. I proceeded to test the AlienStreams Service in a manner akin to that of the ComstarTV Service and was able to watch the NHL game between the *Florida Panthers* and the *Tampa Bay Lightning*, as it appears from the screen capture below attached as **Exhibit SR-28**, as well as the NHL game between the *Winnipeg Jets* and the *Toronto Maple Leafs*.

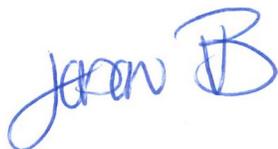


73. Attached to my affidavit as **Exhibit SR-29** is a copy of the WHOIS information for the domain alienstreams.net. As it appears from Exhibit SR-29, the registrant's details are privacy protected and are not publicly disclosed.

74. Based on the above tests, I can conclude that it is fairly easy to watch unauthorized live feeds of NHL games online through Open Web Piracy Sites (for free) and Unauthorized Subscription Services (at a low cost) in Canada.

SOLEMNLY AFFIRMED before me,
through videoconference, in accordance with
the Notice from the Ministère de la Justice du
Québec, in Montreal, Province of Quebec,
this 28th day of June 2021

AND I HAVE ELECTRONICALLY
SIGNED

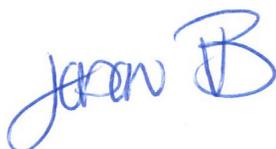


Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Steven Rogers

This is **Exhibit SR-1** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

NOW™



Welcome, [steve.rogers@dei.ca](#)
• [steve.rogers@dei.ca](#)

- [Account](#)

Your Subscription

- [Sign Out](#)

Sportsnet NOW+
CAD \$34.99 / Month

[Change Plan](#)

[Cancel Subscription](#)

Visa (** * 6687)**

[Update Credit Card](#)

Billing History

te	Type	Tax	Total
r 14, 2021	Sportsnet NOW+: \$34.99	\$4.55	\$39.54

Need Help?

Check out the [FAQ](#) for detailed answers to the most common questions. For additional support please use the live chat link below, or contact nowsupport@sportsnet.ca.

[Live Chat](#)



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TELEVISION - SPORTSNET NETWORK
CANADA

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Reply all | Delete | Junk | Block | ...

Subscription Receipt

Some content in this message has been blocked because the sender isn't in your Safe senders list. I trust content from do_not_reply@tsn.ca. | Show blocked content



TSN <do_not_reply@tsn.ca>
Wed 4/14/2021 3:49 PM
To: Steve Rogers

Share | Reply | Reply all | Forward | ...

Subscription Receipt

Your subscription to TSN Direct was successfully processed. For future reference, your order number is **222125343**.

Price: \$19.99
Tax: \$2.60
Details: HST \$2.60
Total: \$22.59

UPDATE PAYMENT DETAILS

Thank you,
TSN Direct Customer Service Team

This email was sent to steve.rogers@dei.ca. Some conditions apply. [Terms and Conditions](#) [Privacy Policy](#)
Please do not respond to this message by using the "Reply" function.
Bell Media Inc | 299 Queen Street West, Toronto, ON, M5V 2Z5 | 1-833-TSN-HELP (876-4357) | help@TSN.ca
Bell Media Inc. GST/HST: 861701399RT0001 QST: 1087079798TQ0001
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Reply | Forward

↩ Reply all | ▾ | 🗑 Delete | 🚫 Junk | Block | ...

Reçu de paiement et accès à Plan mensuel

ⓘ Some content in this message has been blocked because the sender isn't in your Safe senders list. I trust content from nepasrepondre@tva.ca. | Show blocked content

🌐 Translate message to: English | Never translate from: French



TVA Sports direct <nepasrepondre@tva.ca>

Wed 4/14/2021 5:33 PM

To: Steve Rogers



Merci de votre achat avec TVA Sports direct.
Veillez trouver ci-dessous votre reçu et l'accès à votre contenu.

Facturé à:
steve.rogers@dei.ca
N6H 2S4
Canada

Numéro de reçu: T347407039
Date: 14/04/2021
Montant facturé : CAD 22.59

No	Description	Montant	Montant avec Taxes
1	<u>Plan mensuel</u>	CAD 19.99	CAD 22.59
	TOTAL	CAD 19.99	CAD 22.59

Accédez tout de suite au direct

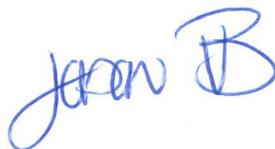
[Besoin d'aide?](#)

Conservez une copie de ce reçu.

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TVA Inc, 1600 boulevard de Maisonneuve E, Montréal, QC H2L 4P2
TPS : 105166888 RT0001 TVQ : 1000078146 TQ0003

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This is **Exhibit SR-2** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Home > Whois Lookup > UsaGoals.video

Whois Record for UsaGoals.video

How does this work?

Domain Profile

Registrant	REDACTED FOR PRIVACY
Registrant Org	Privacy service provided by Withheld for Privacy ehf
Registrant Country	is
Registrar	NameCheap, Inc. IANA ID: 1068 URL: https://www.namecheap.com/ Whois Server: whois.namecheap.com abuse@namecheap.com (p) 16613102107
Registrar Status	clientTransferProhibited
Dates	616 days old Created on 2019-08-17 Expires on 2021-08-17 Updated on 2020-08-14
Name Servers	CHAD.NS.CLOUDFLARE.COM (has 18,742,739 domains) JOAN.NS.CLOUDFLARE.COM (has 18,742,739 domains)
Tech Contact	REDACTED FOR PRIVACY REDACTED FOR PRIVACY, REDACTED FOR PRIVACY, REDACTED FOR PRIVACY, REDACTED FOR PRIVACY, REDACTED FOR PRIVACY (p) x (f) x
IP Address	104.21.27.64 - 391 other sites hosted on this server
IP Location	🇺🇸 - California - San Francisco - Cloudflare Inc.
ASN	🇺🇸 AS13335 CLOUDFLARENET, US (registered Jul 14, 2010)
Hosting History	2 changes on 3 unique name servers over 2 years

Website

Website Title	📺 500 SSL negotiation failed:
Response Code	500

Whois Record (last updated on 2021-04-24)

```

Domain Name: usagoals.video
Registry Domain ID: 4c945a7579304053842286539357fcc1-DONUTS
Registrar WHOIS Server: whois.namecheap.com
Registrar URL: https://www.namecheap.com/
Updated Date: 2020-08-14T16:26:00Z
Creation Date: 2019-08-17T09:19:31Z
Registry Expiry Date: 2021-08-17T09:19:31Z
Registrar: NameCheap, Inc.
Registrar IANA ID: 1068
Registrar Abuse Contact Email: abuse@namecheap.com
Registrar Abuse Contact Phone: +1.6613102107
Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
Registry Registrant ID: REDACTED FOR PRIVACY
Registrant Name: REDACTED FOR PRIVACY
Registrant Organization: Privacy service provided by Withheld for Privacy ehf
Registrant Street: REDACTED FOR PRIVACY
Registrant City: REDACTED FOR PRIVACY
Registrant State/Province: Capital Region
Registrant Postal Code: REDACTED FOR PRIVACY
Registrant Country: IS
Registrant Phone: REDACTED FOR PRIVACY
Registrant Phone Ext: REDACTED FOR PRIVACY
Registrant Fax: REDACTED FOR PRIVACY
Registrant Fax Ext: REDACTED FOR PRIVACY
Registrant Email: Please query the RDDS service of the Registrar of Record identified in this output for information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.
Registry Admin ID: REDACTED FOR PRIVACY
Admin Name: REDACTED FOR PRIVACY
Admin Organization: REDACTED FOR PRIVACY
Admin Street: REDACTED FOR PRIVACY
Admin City: REDACTED FOR PRIVACY
Admin State/Province: REDACTED FOR PRIVACY
Admin Postal Code: REDACTED FOR PRIVACY
Admin Country: REDACTED FOR PRIVACY
Admin Phone: REDACTED FOR PRIVACY
Admin Phone Ext: REDACTED FOR PRIVACY
Admin Fax: REDACTED FOR PRIVACY
Admin Fax Ext: REDACTED FOR PRIVACY
Admin Email: Please query the RDDS service of the Registrar of Record identified in this output for information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.
Registry Tech ID: REDACTED FOR PRIVACY
Tech Name: REDACTED FOR PRIVACY
Tech Organization: REDACTED FOR PRIVACY
Tech Street: REDACTED FOR PRIVACY
Tech City: REDACTED FOR PRIVACY
Tech State/Province: REDACTED FOR PRIVACY
Tech Postal Code: REDACTED FOR PRIVACY

```

DomainTools Iris
More data. Better context.
Faster response.
[Learn More](#)

Preview the Full Domain Report

Tools

- Hosting History
- Monitor Domain Properties
- Reverse IP Address Lookup
- Network Tools
- Visit Website

View Screenshot History

Available TLDs

- General TLDs
- Country TLDs

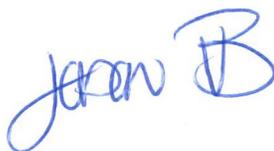
The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- Taken domain.
 - UsaGoals.com [View Whois](#)
 - UsaGoals.net [View Whois](#)
 - UsaGoals.org [View Whois](#)
 - UsaGoals.info [View Whois](#)
 - UsaGoals.biz [Buy Domain](#)
 - UsaGoals.us [View Whois](#)
- Available domain.
 - UsaGoals.com [View Whois](#)
 - UsaGoals.net [View Whois](#)
 - UsaGoals.org [View Whois](#)
 - UsaGoals.info [View Whois](#)
 - UsaGoals.biz [Buy Domain](#)
 - UsaGoals.us [View Whois](#)
- Deleted previously owned domain.
 - UsaGoals.com [View Whois](#)
 - UsaGoals.net [View Whois](#)
 - UsaGoals.org [View Whois](#)
 - UsaGoals.info [View Whois](#)
 - UsaGoals.biz [Buy Domain](#)
 - UsaGoals.us [View Whois](#)

```
Tech Postal Code: REDACTED FOR PRIVACY
Tech Country: REDACTED FOR PRIVACY
Tech Phone: REDACTED FOR PRIVACY
Tech Phone Ext: REDACTED FOR PRIVACY
Tech Fax: REDACTED FOR PRIVACY
Tech Fax Ext: REDACTED FOR PRIVACY
Tech Email: Please query the RDDS service of the Registrar of Record identified in this output
for information on how to contact the Registrant, Admin, or Tech contact of the queried domain
name.
Name Server: chad.ns.cloudflare.com
Name Server: joan.ns.cloudflare.com
DNSSEC: unsigned
URL of the ICANN Whois Inaccuracy Complaint Form: https://www.icann.org/wicf/
```



This is **Exhibit SR-3** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



APRIL 2021

Website Analysis

usagoals.video

View the full analysis at:
pro.similarweb.com



usagoals tv is now back with usagoals.net! watch live stream sports and television online on all devices, up to date videos, free and no need registration.



TRAFFIC & ENGAGEMENT

Total visits

Apr 2020 - Jun 2020 Canada

40,116

24.31% from last month

Device distribution

Apr 2020 - Jun 2020 Canada



Global rank #35,031

Country rank #29,638 Canada

Category rank #650 Sports

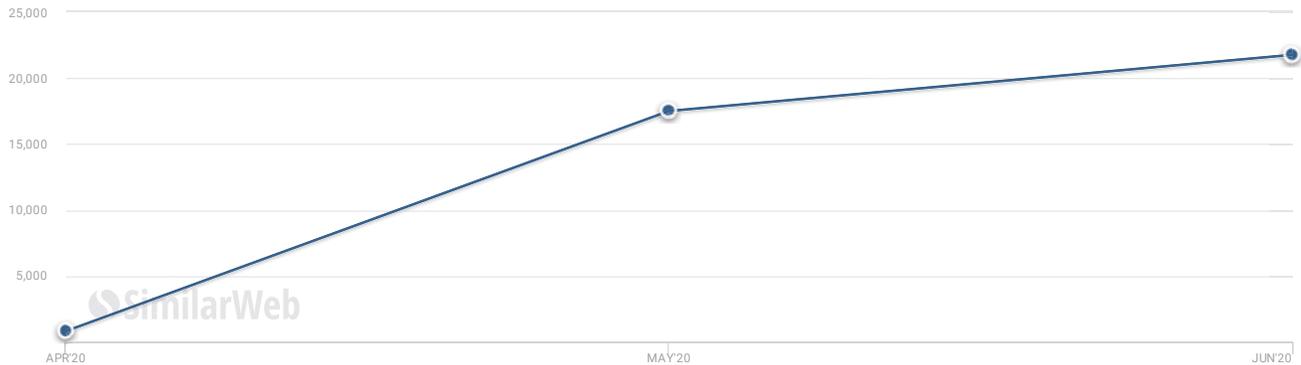
Engagement overview

Apr 2020 - Jun 2020 All Traffic Canada

Monthly visits	13,372	Deduplicated audience	N/A	Pages / Visit	3.90
Monthly Unique Visitors	5,182	Visit Duration	00:05:21	Bounce Rate	22.52%

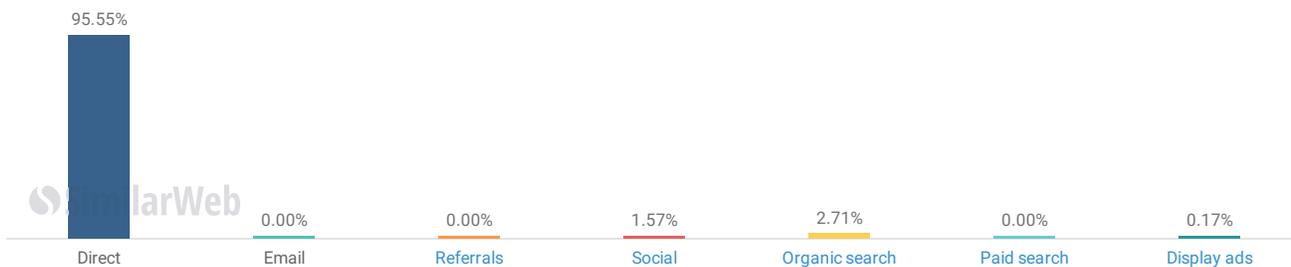
Visits over time

Apr 2020 - Jun 2020 All Traffic



Channels overview ⓘ

Apr 2020 - Jun 2020 🇨🇦 Canada 🖥️ Desktop Only



GEOGRAPHY

Top countries ⓘ

Apr 2020 - Jun 2020, 🖥️ Desktop

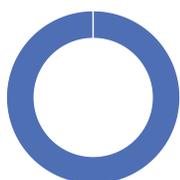


🇬🇧 United Kingdom	17.13%	↑ 551.74%
🇬🇷 Greece	11.89%	↑ 1,478.17%
🇩🇪 Germany	10.74%	↑ 54.24%
🇺🇸 United States	10.52%	↑ 40.19%
🇨🇪 Czech Republic	4.89%	↑ 97.5%

SEARCH

Search traffic ⓘ

Apr 2020 - Jun 2020 🇨🇦 Canada 🖥️ Desktop Only



🔍 Organic 100.00%
💰 Paid 0.00%

Top search terms: Organic ▼

Apr 2020 - Jun 2020 🇨🇦 Canada 🖥️ Desktop Only

usagoalsvidfo	33.35%	↓ 97.2%
---------------	--------	---------

REFERRALS

Top referring websites ⓘ



No data available

Top referring categories ⓘ



No data available

OUTGOING TRAFFIC

Top link destinations

Apr 2020 - Jun 2020 Canada Desktop Only

javafooty.com	43.95%	↓ 2.95%
bodog.eu	14.35%	↑ 109.91%
usagoals.net	12.09%	↑ 103.61%
intertops.eu	5.90%	↑ 127.88%
ptaulrou.net	4.98%	-

OUTGOING ADS

Top ad destinations

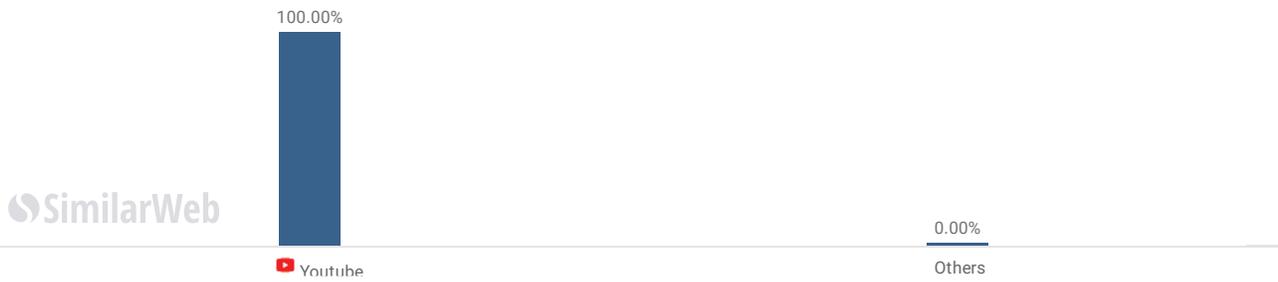
Apr 2020 - Jun 2020 Canada Desktop Only

sportsinteraction.com	73.93%	-
dadspz.com	26.07%	-

SOCIAL

Social traffic

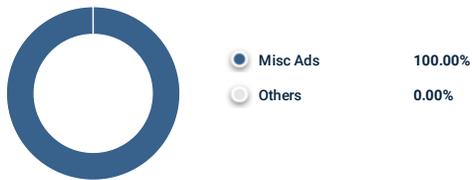
Apr 2020 - Jun 2020 Canada Desktop Only



DISPLAY ADVERTISING

Display ad network

Apr 2020 - Jun 2020 Canada Desktop Only

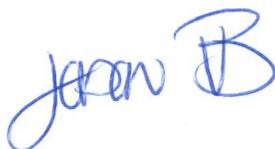


Top publishers

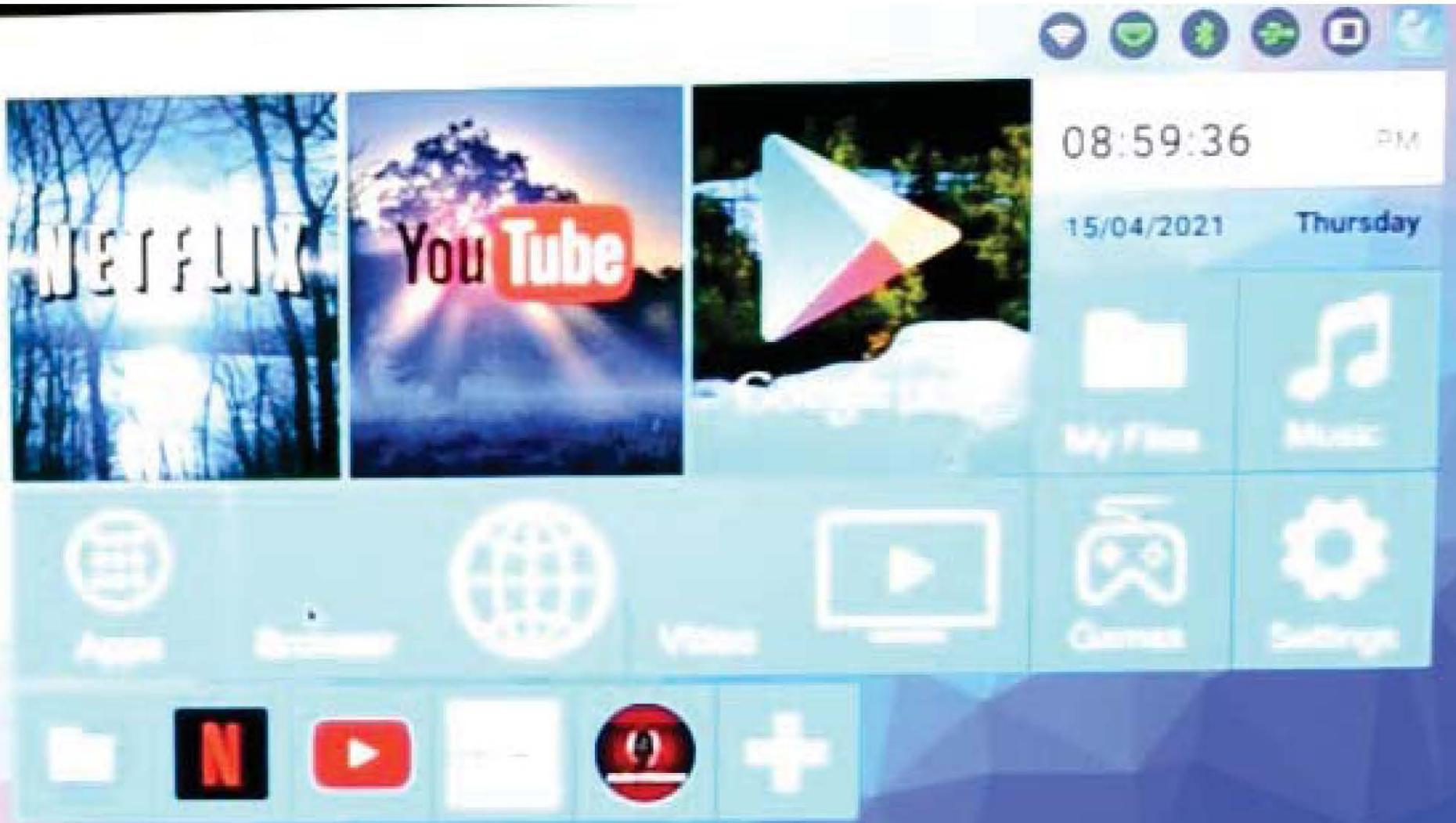


No data available

This is **Exhibit SR-4** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.

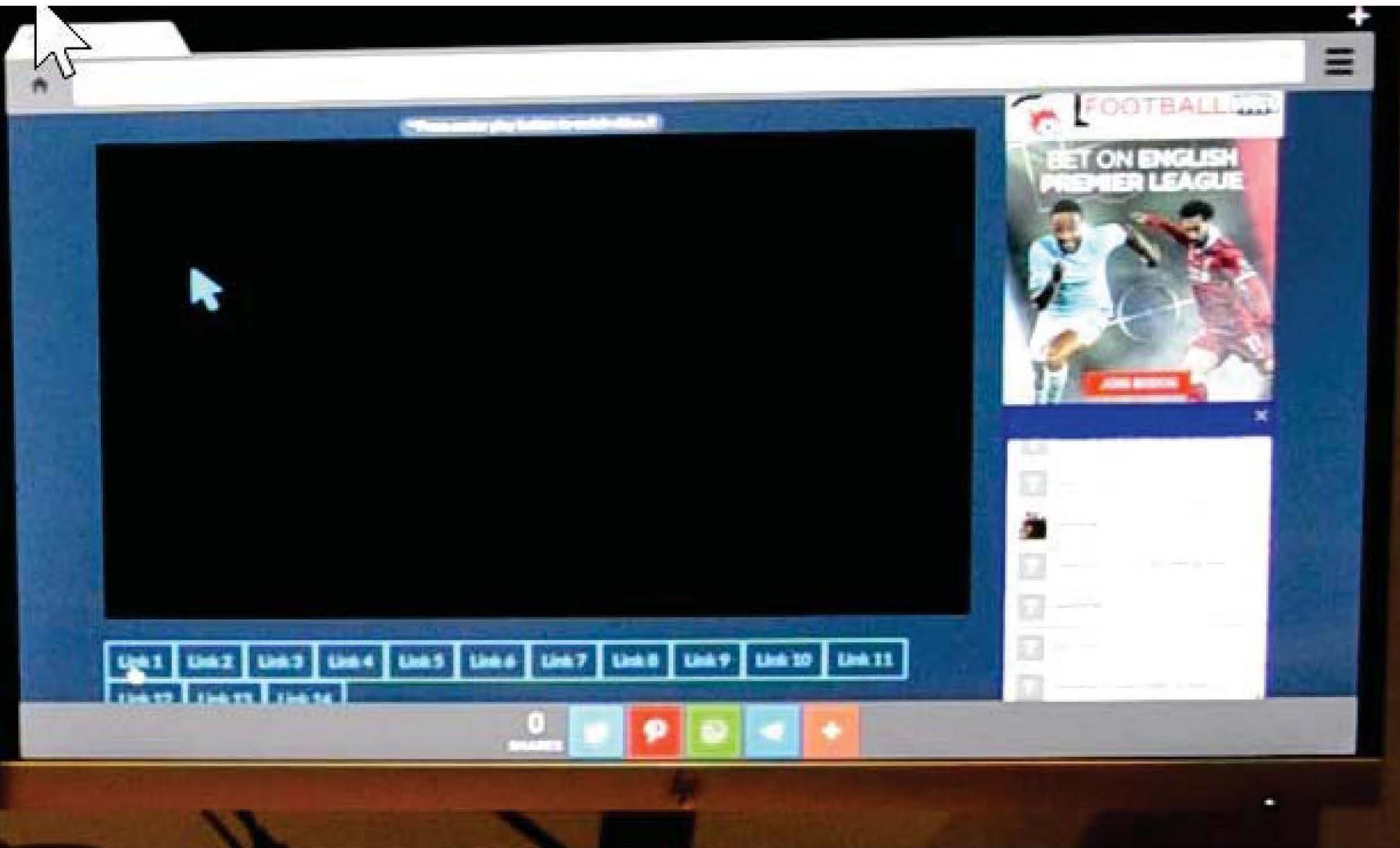


Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

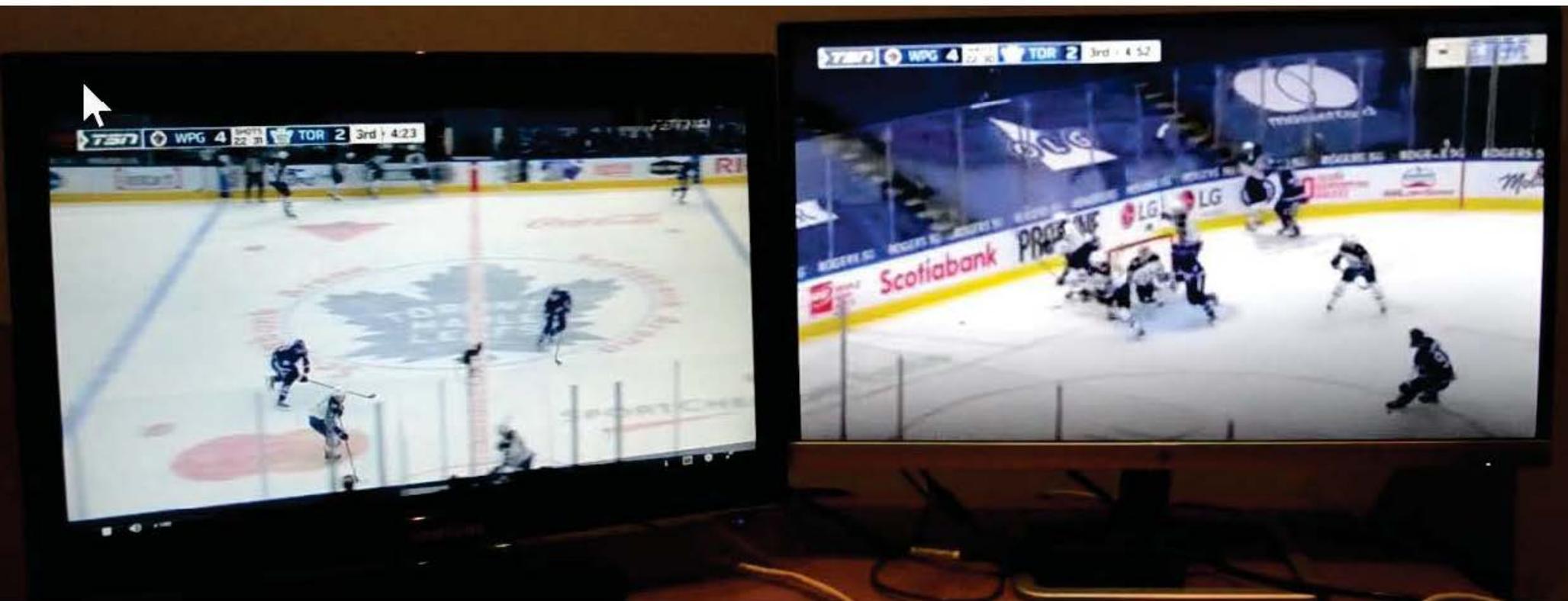


The image shows a mobile browser interface. At the top, the address bar displays 'https://www.sargol's.net'. Below the address bar is a cookie consent banner: 'By using this site you agree to our use of cookies. More info' with a yellow 'OK' button. The main content area is a list of football matches, each with a score and team names. A mouse cursor is pointing at the match 'New York Yankees vs Boston Red Sox'. To the right, there is a sidebar with a 'HIGHLIGHTS FOOTBALL' banner that says 'GET A \$200 WELCOME BONUS' and a 'JOIN NOW' button. Below the banner is a social media feed. At the bottom, there is a navigation bar with a '1.6K' notification icon and several colored buttons (blue, red, green, cyan, orange).

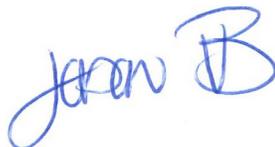
Score	Home Team	Away Team
0-0	Small Cap Soccer Team	4 Da Bulls FC vs Dallas
0-0	Small Cap Soccer Team	Real vs Arsenal
0-0	Football	Bay, Dallas vs Houston, Columbus
0-0	Small Cap Soccer Team	New York Yankees vs Boston Red Sox
0-0	Small Cap Soccer Team	Sts vs Wolves
0-0	Small Cap Soccer Team	Boston Red Sox vs New York Yankees
0-0	Small Cap Soccer Team	Crested Rockers vs Sheffield Panthers
0-0	Small Cap Soccer Team	New York Yankees vs Boston Red Sox
0-0	Small Cap Soccer Team	Sheffield Panthers vs Sheffield Panthers
0-0	Small Cap Soccer Team	New York Yankees vs Boston Red Sox
0-0	Small Cap Soccer Team	New York Yankees vs Boston Red Sox



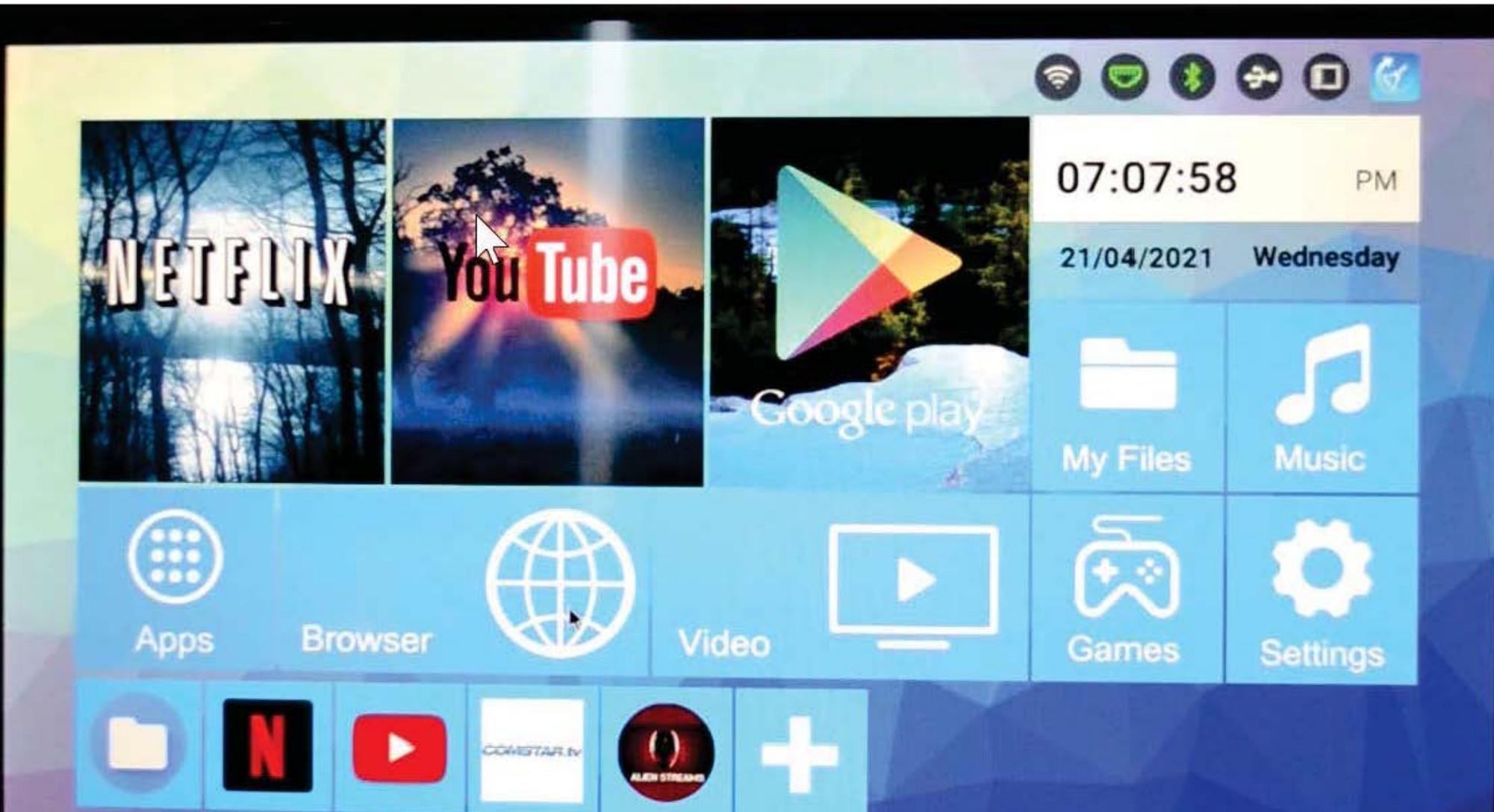




This is **Exhibit SR-5** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.

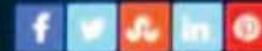


Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



https://www.usagoals.net

 usagoals.com



Clock : 19:09:17 GMT -04:00

 FOOTBALL
  BASKETBALL
  HOCKEY
  BASEBALL
  TENNIS
  RACING
  WWE + UFC
  BOXING
  CYCLING
  OTHER

Search Match here

	14:00	Switzerland National League Quarterfinal	Lausanne vs Zurich
	14:00	Switzerland National League Quarterfinal	Lugano vs Rapperswil
	19:00	Nhl	Chicago Blackhawks vs Nashville Predators
	21:00	Nhl	Arizona Coyotes vs Minnesota Wild
	21:30	Nhl	Vegas Golden Knights vs San Jose Sharks
	22:00	Nhl	Edmonton Oilers vs Montreal Canadiens

For Webmasters

Put our Sport Streams Widget on your website! [Click HERE](#)

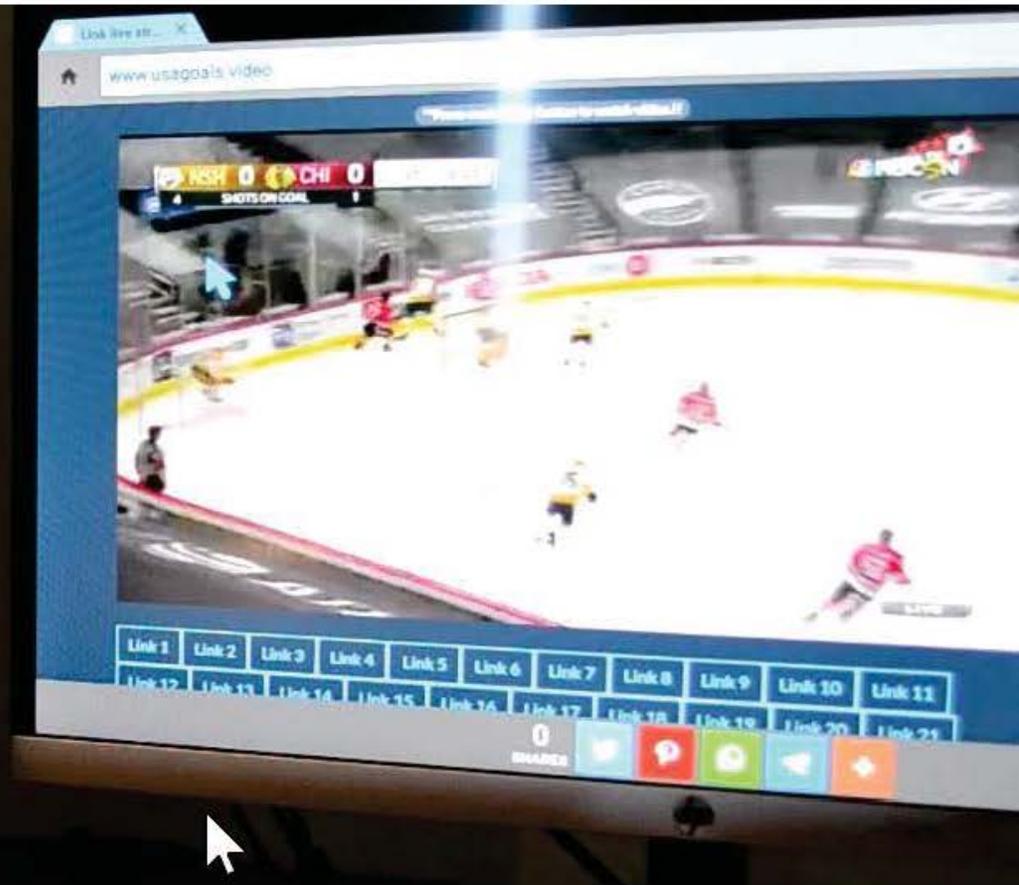
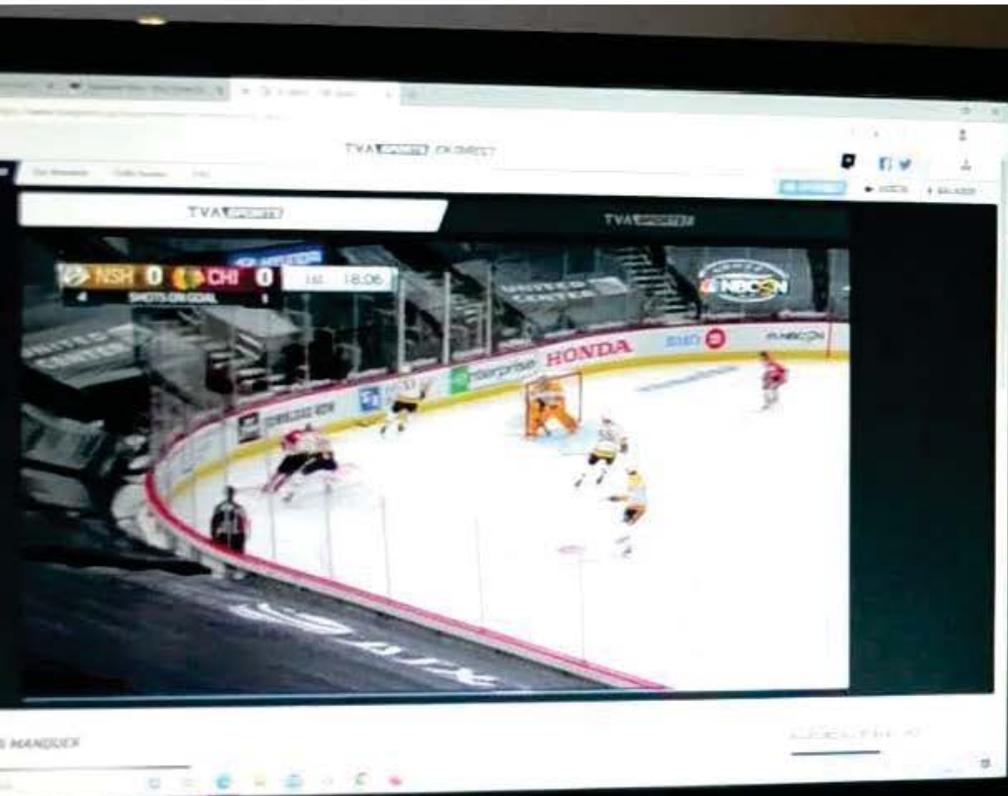
Livescore

Looking for Live Scores? Look here: scorezone.co



HIGHLIGHTS
FOOTBALL

GET A **\$200**
WELCOME BONUS



Coverage

SN **MTL** 0 | 0 **EDM** (MARRS) 1ST 17:06

ROGERS 5G ROGERS 5G

Tim Hortons PLAYALBERTA ROGERS RE/MAX 50/50 RE/MAX 50/50 THE

ESSE

|| LIVE AUTO (6600Kbps) HD

Link 1 Link 2 Link 3 Link 4 Link 5 Link 6 Link 7 Link 8 Link 9 Link 10 Link 11

TSN MTL 0 EDM 0 1st 17:14



|| LIVE AUTO (6600Kbps) HD

- Link 1
- Link 2
- Link 3
- Link 4
- Link 5
- Link 6
- Link 7
- Link 8
- Link 9
- Link 10
- Link 11

Link live streaming: Edmonton C x

Not secure | www.usagoals.video/c/ice-hockey/nhl/21-04-2021/edmonton-oilers-vs-montreal-canadiens/3/

Watch in HD

Press center play button to watch video.!!



HIGHLIGHTS FOOTBALL

bodog JOIN BODOG

στο εκείνο το σημείο

originalistas21: σμα αναλογιστείς ότι ο επρεπε να προσεχεια μια γρηγορή ομαδα με τσιγκρι πίσω

originalistas21: και μανταλο να μη συνδεει τίποτα σημερα καταλαβαινεις ότι και στρε3αν και προσπαθησαν

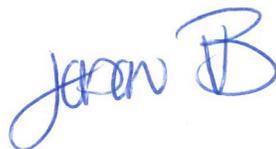
Sepultura21: σωστα αλλα αποφευ επρεπε η ευκαιρια να παισουμε τους αλλους γαμπατο

Link 1 Link 2 Link 3 Link 4 Link 5 Link 6 Link 7 Link 8 Link 9 Link 10 Link 11

Link 12

0 SHARES

This is **Exhibit SR-6** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Toronto Maple Leafs Vs Montreal Canadiens - NHL Round Of 16

Live HD Stream

Watch in HD

Press center play button to watch video.



HIGHLIGHTS FOOTBALL. GET A \$200 WELCOME BONUS. JOHN BOBBOG. Image of two football players.

Link 1	Link 2	Link 3	Link 4	Link 5	Link 6	Link 7	Link 8	Link 9	Link 10
Link 11	Link 12	Link 13	Link 14	Link 15	Link 16	Link 17	Link 18		
Link 19	Link 20	Link 21	Link 22	Link 23	Link 24	Link 25	Link 26		
Link 27	Link 28	Link 29							

- ReturnDT: the ultras manchester united supporters?
- ISSG88: LMPK ka komu?
- Prabak: hey which is the best link?
- Sanchee8902: 1 today but its normally 3 or 4
- samilanos: what a great game
- pro777: vencia vifreall

TV-1 Sports Direct

TV-1 SPORTS EN DIRECT

TV-1 Sports Direct En direct Sur demande Guide Toronto ENG

40 DIRECT VIDEOS BALADES



À NE PAS MANQUER

Canada in the rough - Episode 1601 - 22:28

ALJOURD'HUI 27 MAI 2021

TV-1 SPORTS **TV-1 SPORTS 2**

19:00 - Le hockey des séries...
Quelques matchs de la série de finale. Montréal contre Toronto.

21:45 - Dave Marissette en direct
Dave Marissette fait le tour de l'actualité sportive avec vous en live interactif et régulier.

23:00 - Le hockey des séries LNH

SN NOW On Now Schedule Replay Shows

steve.rogers@sn.ca



Upcoming Live Events All Sports

- Montreal @ Toronto - Game #5 7:00 PM
- Carolina @ Nashville - Game #5 7:30 PM
- Calgary vs. Montreal 10:00 PM

Live on SN NOW

- SN ONTORARIO** Live: Montreal @ Toronto - Game 5 7:00 PM - 12:00 PM Next: Sportsnet Central [Now Playing](#)
- PWHPA** Team Bauer vs. Team Spontet 4:30 PM
- Toronto Blue Jays** Toronto @ New York Yankees - Game 2 7:00 PM - 10:00 PM Next: Stanley Cup Live Coverage May 27
- WWE NXT** May 25 7:00 PM - 9:00 PM Next: WWE's Best of the Season May 15

Replay Live Events

2h 12m 2h 34m 2h 11m 2h 38m

luggan's.com

Click: 19:26:43 GMT-04:00

Home About Us Contact Us Privacy Policy Terms & Conditions

Toronto Maple Leafs @ Montreal Canadiens - May 27 7:00 PM



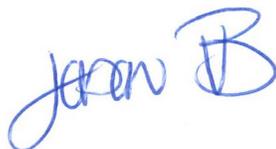
HIGHLIGHTS FOOTBALL

betway

Link 1	Link 2	Link 3	Link 4	Link 5	Link 6	Link 7	Link 8	Link 9	Link 10
Link 11	Link 12	Link 13	Link 14	Link 15	Link 16	Link 17	Link 18	Link 19	Link 20
Link 19	Link 20	Link 21	Link 22	Link 23	Link 24	Link 25	Link 26		
Link 27	Link 28	Link 29	Link 30	Link 31					

2h 12m 2h 34m 2h 11m 2h 38m

This is **Exhibit SR-7** in support of the
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Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Status	Method	Domain	File	Initiator	Type	Transferred	Size
304	GET	pool.assia2.tv	83.m3u8?mid5=D6QNU_Yfrb6zCdWj0gO-Bw&expires=1622166625	clappr.min.js:1 (xhr)	vnd.apple.mpegurl	cached	2...
200	GET	pool.assia2.tv	83.m3u8?mid5=D6QNU_Yfrb6zCdWj0gO-Bw&expires=1622166625	clappr.min.js:1 (xhr)	vnd.apple.mpegurl	682 B	2...
304	GET	pool.assia2.tv	83.m3u8?mid5=D6QNU_Yfrb6zCdWj0gO-Bw&expires=1622166625	clappr.min.js:1 (xhr)	vnd.apple.mpegurl	cached	2...
200	GET	pool.assia2.tv	83.m3u8?mid5=D6QNU_Yfrb6zCdWj0gO-Bw&expires=1622166625	clappr.min.js:1 (xhr)	vnd.apple.mpegurl	682 B	2...
304	GET	pool.assia2.tv	83.m3u8?mid5=D6QNU_Yfrb6zCdWj0gO-Bw&expires=1622166625	clappr.min.js:1 (xhr)	vnd.apple.mpegurl	cached	2...
200	GET	pool.assia2.tv	83.m3u8?mid5=D6QNU_Yfrb6zCdWj0gO-Bw&expires=1622166625	clappr.min.js:1 (xhr)	vnd.apple.mpegurl	682 B	2...
304	GET	pool.assia2.tv	83.m3u8?mid5=D6QNU_Yfrb6zCdWj0gO-Bw&expires=1622166625	clappr.min.js:1 (xhr)	vnd.apple.mpegurl	cached	2...
304	GET	pool.assia2.tv	83.m3u8?mid5=D6QNU_Yfrb6zCdWj0gO-Bw&expires=1622166625	clappr.min.js:1 (xhr)	vnd.apple.mpegurl	cached	2...
200	GET	pool.assia2.tv	83.m3u8?mid5=D6QNU_Yfrb6zCdWj0gO-Bw&expires=1622166625	clappr.min.js:1 (xhr)	vnd.apple.mpegurl	682 B	2...

Headers

Filter Headers

GET

Scheme: http

Host: pool.assia2.tv

Filename: /hls/83.m3u8

md5: D6QNU_Yfrb6zCdWj0gO-Bw

expires: 1622166625

Address: 91.212.150.140:80

Status: 200 OK

Version: HTTP/1.1

Transferred: 682 B (239 B size)

Referrer Policy: strict-origin-when-cross-origin

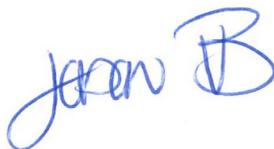
Response Headers (443 B)

- Accept-Ranges: bytes
- Access-Control-Allow-Headers: DNT,X-CustomHeader,Keep-Alive,User-Agent,X-Requested-With,If-Modified-Since,Cache-Control,Content-Type,Content-Range,Range
- Access-Control-Allow-Origin: *
- Connection: keep-alive
- Content-Length: 239
- Content-Type: application/vnd.apple.mpegurl
- Date: Fri, 28 May 2021 00:50:53 GMT
- ETag: "60b03e6c-ef"
- Last-Modified: Fri, 28 May 2021 00:50:52 GMT
- Server: nginx/1.10.3

Request Headers (433 B)

- Accept: */*
- Accept-Encoding: gzip, deflate
- Accept-Language: en-US,en;q=0.5
- Connection: keep-alive
- DNT: 1
- Host: pool.assia2.tv
- If-Modified-Since: Fri, 28 May 2021 00:50:47 GMT
- If-None-Match: "60b03e67-ef"
- Origin: http://assia.org
- Referer: http://assia.org/
- User-Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64; rv:83.0) Gecko/20100101 Firefox/83.0

This is **Exhibit SR-8** in support of the
Affidavit of Steven Rogers,
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Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Home > Whois Lookup > 91.212.150.140

IP Information for 91.212.150.140

— Quick Stats

IP Location	 Ukraine Shpola Private Internet Hosting Ltd
ASN	 AS43350 NFORCE, NL (registered Jul 18, 2007)
Resolve Host	mail-dm24networkg009.outbound.protection.accounts-hubsalesdata.com
Whois Server	whois.ripe.net
IP Address	91.212.150.140

% Abuse contact for '91.212.150.0 - 91.212.150.255' is 'alexx.person@gmail.com'

```
inetnum:          91.212.150.0 - 91.212.150.255
netname:          PIHLTD
country:          RU
org:              ORG-PIHL2-RIPE
admin-c:          AI4225-RIPE
tech-c:           AI4225-RIPE
mnt-routes:      MNT-NFORCE
status:           ASSIGNED PI
mnt-by:           RIPE-NCC-END-MNT
mnt-by:           MNT-PHL
created:          2009-04-17T08:57:19Z
last-modified:   2019-12-02T14:01:18Z
source:           RIPE
sponsoring-org:  ORG-ML520-RIPE

organisation:     ORG-PIHL2-RIPE
org-name:         Private Internet Hosting LTD
org-type:         OTHER
address:          New Horizon Building, Ground Floor, 3  Miles Philip S.W. Goldson High
way,
Belize city, Belize
e-mail:           alexx.person@gmail.com
abuse-c:          ACR0937-RIPE
mnt-ref:          MNT-PHL
mnt-by:           MNT-PHL
created:          2016-07-04T16:31:10Z
last-modified:   2020-06-22T07:27:29Z
source:           RIPE

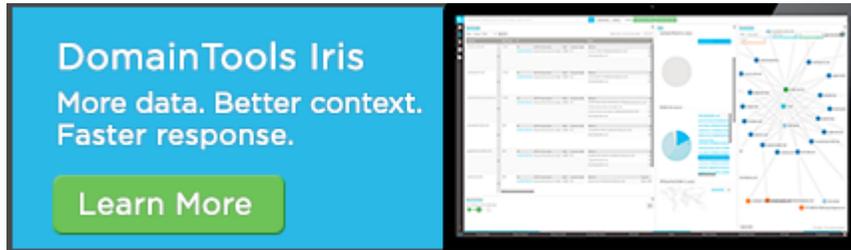
person:           Alexandros Iosifidis
address:          New Horizon Building, Ground Floor, 3  Miles Philip S.W. Goldson High
way,
Belize city, Belize
phone:            +4915145583734
nic-hdl:          AI4225-RIPE
```

```

mnt-by:      MNT-PHL
created:     2016-07-07T13:25:43Z
last-modified: 2020-06-23T07:48:51Z
source:     RIPE

route:      91.212.150.0/24
descr:     NForce Entertainment BV - route 91.212.150.0/24
origin:    AS43350
mnt-by:    MNT-NFORCE
created:   2016-07-13T09:23:03Z
last-modified: 2016-07-13T09:23:03Z
source:    RIPE

```



Tools

Monitor Domain Properties	▼
Reverse IP Address Lookup	▼
Network Tools	▼



[Sitemap](#)
[Blog](#)
[Terms](#)
[Privacy](#)
[Contact](#)
[California Privacy Notice](#)
[Do Not Sell My Personal Information](#)
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This is **Exhibit SR-9** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Quality services and stable network servers!

You looking for stable service with high quality support for your websites? You are in the right place.

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- ★ Stable network and servers with 99.9% uptime.
- ★ Multiple choices for covering your needs.
- ★ DMCA ignored servers in Russia.



Private Hosting with high privacy and care!

[CONTACT US NOW!](#)



Support

Service is fully managed, no need to worry for issues may occur with your server and hire system administrators.



Multiple Operating Systems

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Network Stability

We are keeping things stable so you experience top speeds and stability without lags or downtime.



1Gbps port

All our services is equipment with 1Gbps port for great speeds and performance.



Services you can find in Private hosting.

Get your desired service per your needs!

Shared	VPS	Dedicated Server	Custom
from \$3.00 /Month	from \$10 /Month	from \$90 /Month	\$Custom /Month
cPanel	Russia Location	Russia Location	Custom Location
SSD disks	Unlimited Bandwidth	100mbps or 1gbps port	Custom RAM
Unlimited Bandwidth	Multiple Operating Systems	Multiple Operating Systems	Custom Disk Space
Cloudlinux	SAS Disks	Customization tools	Custom Port Speed
DMCA ignored	DMCA ignore	DMCA ignore	DMCA ignore
Softaculous	Fully Managed	Fully Managed	Fully Managed
24/7 support	24/7 support	24/7 support	24/7 support
<i>Best for starters</i>	<i>Best for medium websites</i>	<i>Best for high traffic/resources</i>	<i>Customize plan per your needs.</i>
VIEW MORE	VIEW MORE	VIEW MORE	CONTACT US

Why Private Hosting?

Here in Private Hosting we try our best so we keep everything in order and protect you against multiple threats, we provide internet hosting services in Russia with high quality and 99.9% uptime. If you are interested in ordering from us please do check with plan fits for you needs if you are unsure which one to get please contact us and we will try to answer you as soon as possible. Make sure you read our terms of service too.

What makes us different?

Our work and our services is high different anywhere you look, we try our best to provide you the best service from anywhere else and of course our support will be the greater you found anywhere. What you will find here:

- ★ Managed services.
- ★ 99.9% uptime.
- ★ Freedom of speech.
- ★ No sharing/selling of your data.



Ability to choose on any services DDos Protection with the most cheap price in market, multiple ip's, unlimited bandwidth and latest technology to all services.



Need Custom Plans?
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Our Payment Methods

We accept the below payment methods, all your infos is stored in private servers with high security.



Home



Private Hosting in Russia location with high performance and quality services with DMCA ignore.

Products

- Shared Hosting
- Virtual Private Servers
- Dedicated Servers
- Domain names

Quick Links

- Terms Of Service
- About Us
- Client Area
- Contact Us

Contact Information

- 🏠 24.5 Old Northern Highway, Boston Village, Belize
- ☎ +49 151 455 837 34
- ✉ sales@internetprivatehosting.com
- 📧 support@internetprivatehosting.com

This is **Exhibit SR-10** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
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in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Welcome to nginx!

If you see this page, the nginx web server is successfully installed and working. Further configuration is required.

For online documentation and support please refer to nginx.org.
Commercial support is available at nginx.com.

Thank you for using nginx.

This is **Exhibit SR-11** in support of the
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Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Terms of service
Contact Us

For contact please e-mail here: assiatv3@gmail.com

CREATE STREAM

Stream Name(*):

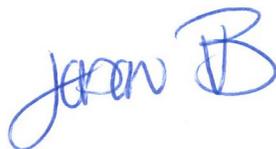
E-mail(*):

I agree to terms to use and I will not upload any copyrighted content

[Create a channel for broadcasting](#)

DISCLAIMER: ASSIA.TV DOES NOT host any videos on our web page. All videos found on our site are found freely available around the web. We make no guarantees or promises in our service and take no liability for our users actions. We are not affiliated nor claim to be affiliated with any of the owners of videos/streams played on our site. All content is copyright of their respective owners.

This is **Exhibit SR-12** in support of the
Affidavit of Steven Rogers,
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Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Home > Whois Lookup > Assia2.tv

Whois Record for Assia2.tv

— Domain Profile

Proximity Score	21	
Email	abuse@internet.bs is associated with ~497,074 domains assia...@customers.whoisprivacypcorp.com assia...@customers.whoisprivacypcorp.com assia...@customers.whoisprivacypcorp.com	
Registrar	Internet Domain Service BS Corp. Internet Domain Service BS Corp IANA ID: 2487 URL: http://www.internetbs.net,http://www.internet.bs Whois Server: whois.internet.bs abuse@internet.bs (p) 15163015301	
Registrar Status	clientTransferProhibited, ok	
Dates	134 days old Created on 2021-02-01 Expires on 2022-02-01 Updated on 2021-02-03	
Name Servers	NS-CANADA.TOPDNS.COM (has 139,741 domains) NS-UK.TOPDNS.COM (has 139,741 domains) NS-USA.TOPDNS.COM (has 139,741 domains)	
IP Address	31.220.0.201 - -1 other site is hosted on this server	
IP Location	 - Belize - Amarutu Technology Ltd.	
ASN	 AS206264 AMARUTU-TECHNOLOGY, SC (registered Feb 22, 2017)	
Whois History	4 records have been archived since 2021-05-13	
Hosting History	1 change on 2 unique name servers over 0 year	

— Website

Website Title	None given.	
----------------------	-------------	---

Whois Record (last updated on 2021-06-15)

Domain Name: ASSIA2.TV
Registry Domain ID:

Registrar WHOIS Server: whois.internet.bs
Registrar URL: http://www.internetbs.net
Updated Date: 2021-02-03T20:51:00Z
Creation Date: 2021-02-01T22:31:30Z
Registrar Registration Expiration Date: 2022-02-01T22:31:30Z
Registrar: Internet Domain Service BS Corp.
Registrar IANA ID: 2487
Registrar Abuse Contact Email: abuse@internet.bs
Registrar Abuse Contact Phone: +1.5163015301
Reseller:
Domain Status: ok - http://www.icann.org/epp#ok
Domain Status: clientTransferProhibited - http://www.icann.org/epp#clientTransferProhibited
Registry Registrant ID: Not disclosed
Registrant Name: Domain Admin
Registrant Organization: Whois Privacy Corp.
Registrant Street: Ocean Centre, Montagu Foreshore, East Bay Street
Registrant City: Nassau
Registrant State/Province: New Providence
Registrant Postal Code:
Registrant Country: BS
Registrant Phone: +1.5163872248
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: assia2.tv-owner-os3x@customers.whoisprivacycorp.com
Registry Admin ID: Not disclosed
Admin Name: Domain Admin
Admin Organization: Whois Privacy Corp.
Admin Street: Ocean Centre, Montagu Foreshore, East Bay Street
Admin City: Nassau
Admin State/Province: New Providence
Admin Postal Code:
Admin Country: BS
Admin Phone: +1.5163872248
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: assia2.tv-admin-9syi@customers.whoisprivacycorp.com
Registry Tech ID: Not disclosed
Tech Name: Domain Admin
Tech Organization: Whois Privacy Corp.
Tech Street: Ocean Centre, Montagu Foreshore, East Bay Street
Tech City: Nassau
Tech State/Province: New Providence
Tech Postal Code:
Tech Country: BS
Tech Phone: +1.5163872248
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: assia2.tv-tech-kv3k@customers.whoisprivacycorp.com
Name Server: ns-canada.topdns.com
Name Server: ns-uk.topdns.com
Name Server: ns-usa.topdns.com
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System: https://www.icann.org/wicf/

For more information on Whois status codes, please visit https://icann.org/epp



Tools

Whois History	
Hosting History	
Monitor Domain Properties	▼
Reverse Whois Lookup	▼
Visit Website	
📄 Preview the Full Domain Report	
Queue Screenshot for Addition	

Available TLDs

General TLDs	Country TLDs
---------------------	--------------

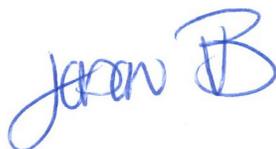
The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- Taken domain.
- Available domain.
- Deleted previously owned domain.

Assia2.com	Buy Domain
Assia2.net	Buy Domain
Assia2.org	Buy Domain
Assia2.info	Buy Domain
Assia2.biz	Buy Domain
Assia2.us	Buy Domain



This is **Exhibit SR-13** in support of the
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Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Home > Reverse IP Lookup > 91.212.150.140

91.212.150.140 Reverse IP Lookup

Enter an IP address and our patented Reverse IP Lookup tool will show you all of the domains currently hosted there. Results include all gTLD domains and any known ccTLD domains.



We did not find any results for your lookup

Please try again or contact support with questions about this lookup.

Lookup Connected Domains

[Lookup tips](#)

LOOKUP

Example: 65.55.53.233 or 64.233.161.%

ONE-CLICK MONITORING

Create an IP Monitor to monitor future changes to "91.212.150.140".

[Monitor 91.212.150.140](#)

Related Tools

Reverse NS Lookup

Discover all the domain names currently hosted on any given name server.

Name Server Monitor

Monitor the daily activity of any name server and receive notification of all new and/or deleted domains.

Hosting History

View historical IP addresses, name servers, and registrars for any given domain name.

IP Explorer

Explore the range of all IP addresses and discover how any particular IP block is being utilized.

IP Monitor

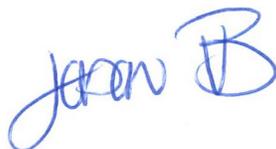
Passively monitor additions and changes to registered domain names associated with an IP Address.

Bulk Parsed Whois

Submit a list of domain names, and receive a .csv file with parsed Whois records for the domains.



This is **Exhibit SR-14** in support of the
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Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Broadcast online



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AMERICAN EXPRESS

North Shore ENERGY

WEDNESDAY NIGHT HOCKEY

NASHVILLE	3
CHICAGO	1

2ND INTERMISSION

NSH 3 CHI 1 2nd 1.4



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SN	CH	MTL	0	0	EDM	11:35	1ST	15:38
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0dt.net/video/2853035.html

HOME

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Stream is down

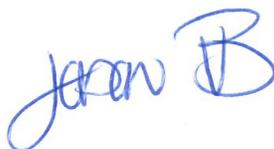
Bad quality

Good quality

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This is **Exhibit SR-15** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Home > Whois Lookup > watchme.top

Whois Record for watchme.top

How does this work?

Domain Profile

Proximity Score	39
Email	abuse@pananames.com is associated with ~210,545 domains
Registrar	URL Solutions Inc. IANA ID: 1449 URL: http://pananames.com Whois Server: Whois.pananames.com abuse@pananames.com (p) 14692250522
Registrar Status	clientTransferProhibited
Dates	102 days old Created on 2021-01-17 Expires on 2022-01-17 Updated on 2021-01-17
Name Servers	NS1.FOZZY.COM (has 40,396 domains) NS2.FOZZY.COM (has 40,396 domains)
IP Address	88.212.244.12 - 1,481 other sites hosted on this server
IP Location	Moskva - Moscow - United Network Lic
ASN	AS9799 SERVERS-COM, US (registered Mar 11, 1997)
Whois History	26 records have been archived since 2016-03-23
Hosting History	7 changes on 6 unique name servers over 5 years
Website	
Website Title	500 SSL negotiation failed:
Response Code	500

Whois Record (last updated on 20210429)

```

Domain Name: watchme.top
Registry Domain ID: D02010118G10001G_55141593-top
Registrar WHOIS Server: whois.pananames.com
Registrar URL: http://pananames.com
Updated Date: 2021-01-18T05:47:10Z
Creation Date: 2021-01-18T05:47:05Z
Registry Expiry Date: 2022-01-18T05:47:05Z
Registrar: URL Solutions Inc.
Registrar IANA ID: 1449
Registrar Abuse Contact Email: abuse@pananames.com
Registrar Abuse Contact Phone: +1.469.225.0522
Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
Registry Registrant ID: REDACTED FOR PRIVACY
Registrant Name: REDACTED FOR PRIVACY
Registrant Organization: Private Person
Registrant Street: REDACTED FOR PRIVACY
Registrant City: REDACTED FOR PRIVACY
Registrant State/Province: Moskva
Registrant Postal Code: REDACTED FOR PRIVACY
Registrant Country: RU
Registrant Phone: REDACTED FOR PRIVACY
Registrant Phone Ext: REDACTED FOR PRIVACY
Registrant Fax: REDACTED FOR PRIVACY
Registrant Fax Ext: REDACTED FOR PRIVACY
Registrant Email: Please query the RDDS service of the Registrar of Record identified in this output for information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.
Registry Admin ID: REDACTED FOR PRIVACY
Admin Name: REDACTED FOR PRIVACY
Admin Organization: REDACTED FOR PRIVACY
Admin Street: REDACTED FOR PRIVACY
Admin City: REDACTED FOR PRIVACY
Admin State/Province: REDACTED FOR PRIVACY
Admin Postal Code: REDACTED FOR PRIVACY
Admin Country: REDACTED FOR PRIVACY
Admin Phone: REDACTED FOR PRIVACY
Admin Phone Ext: REDACTED FOR PRIVACY
Admin Fax: REDACTED FOR PRIVACY
Admin Fax Ext: REDACTED FOR PRIVACY
Admin Email: Please query the RDDS service of the Registrar of Record identified in this output for information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.
Registry Tech ID: REDACTED FOR PRIVACY
Tech Name: REDACTED FOR PRIVACY
Tech Organization: REDACTED FOR PRIVACY
Tech Street: REDACTED FOR PRIVACY
Tech City: REDACTED FOR PRIVACY
Tech State/Province: REDACTED FOR PRIVACY
Tech Postal Code: REDACTED FOR PRIVACY
Tech Country: REDACTED FOR PRIVACY
Tech Phone: REDACTED FOR PRIVACY
Tech Phone Ext: REDACTED FOR PRIVACY
Tech Fax: REDACTED FOR PRIVACY
Tech Fax Ext: REDACTED FOR PRIVACY
Tech Email: Please query the RDDS service of the Registrar of Record identified in this output for information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.
Name Server: ns1.fozzy.com
Name Server: ns2.fozzy.com
DNSSEC: unsigned
URL of the ICANN Whois Inaccuracy Complaint Form: https://www.icann.org/wicf/
>>> Last update of WHOIS database: 2021-04-29T14:42:03Z <<<

For more information on Whois status codes, please visit https://icann.org/epp

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: The information in the Whois database is collected through ICANN-accredited registrars. Jiangsu banging science & technology Co., Ltd("BANGNING") make this information available to you and do not guarantee its accuracy or completeness. By submitting a whois query, you agree to abide by the following terms of use: you agree that you may use this data only for lawful purposes and that under no circumstances will you use this data to: (1) to allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via direct mail, electronic mail, or by telephone; (2) in contravention of any applicable data and privacy protection acts; or (3) to enable high volume, automated, electronic processes that apply to BANGNING (or its computer systems). Compilation, repackaging, dissemination, or other use of the WHOIS database in its entirety, or of a substantial portion thereof, is not allowed without BANGNING prior written permission. You agree not to use electronic processes that are automated and high-volume to access or query the whois database except as reasonably necessary to register domain names or modify existing registrations. BANGNING reserves the right to restrict your access to the whois database in its sole discretion to ensure operational stability. BANGNING may restrict or terminate your access to the whois database for failure to abide by these terms of use. BANGNING reserves the right to modify these terms at any time without prior or subsequent notification of any kind.

```

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Tools

- Whois History
- Hosting History
- Monitor Domain Properties
- Reverse Whois Lookup
- Reverse IP Address Lookup
- Network Tools
- Visit Website
- Queue Screenshot for Addition

Available TLDs

General TLDs Country TLDs

The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- Taken domain.
- Available domain.
- Deleted previously owned domain.

watchme.com	View Whois
watchme.net	View Whois
watchme.org	View Whois
watchme.biz	View Whois
watchme.us	View Whois

Home > Whois Lookup > BuffStream.io

Whois Record for BuffStream.io

How does this work?

Domain Profile

Proximity Score	23
Registrar	Sarek Oy IANA ID: 802672 URL: -- Whois Server: --
Registrar Status	ok
Dates	567 days old Created on 2019-10-10 Expires on 2022-10-10 Updated on 2021-03-17
Name Servers	ISLA.NS.CLOUDFLARE.COM (has 18,811,413 domains) LANGSTON.NS.CLOUDFLARE.COM (has 18,811,413 domains)
IP Address	104.21.42.96 - 386 other sites hosted on this server
IP Location	California - San Francisco - Cloudflare Inc.
ASN	AS13335 CLOUDFLARENET, US (registered Jul 14, 2010)
Whois History	21 records have been archived since 2019-10-11
Hosting History	2 changes on 3 unique name servers over 2 years

Website

Website Title	buffstream.io - Watch Live NBA, MMA, NHL, UFC, Boxing, NFL, MLB Streams Free Sports in HD Buffstream Reddit Crackstreams
Server Type	cloudflare
Response Code	200
Terms	936 (Unique: 283, Linked: 271)
Images	58 (Alt tags missing: 0)
Links	70 (Internal: 65, Outbound: 5)

Whois Record (last updated on 2021-04-29)

```

Domain Name: BUFFSTREAM.IO
Registry Domain ID: D503300001181962204-LRMS
Registrar WHOIS Server:
Registrar URL:
Updated Date: 2021-03-17T20:47:49Z
Creation Date: 2019-10-11T04:47:52Z
Registry Expiry Date: 2022-10-11T04:47:52Z
Registrar Registration Expiration Date:
Registrar: Sarek Oy
Registrar IANA ID: 802672
Registrar Abuse Contact Email:
Registrar Abuse Contact Phone:
Reseller:
Domain Status: ok https://icann.org/epp#ok
Registrant Organization: Whoisguard, Inc.
Registrant State/Province: Panama
Registrant Country: PA
Name Server: ISLA.NS.CLOUDFLARE.COM
Name Server: LANGSTON.NS.CLOUDFLARE.COM
DNSSEC: unsigned

The Registrar of Record identified in this output may have an RDDS service that can be queried for additional information on how to contact the Registrant, Admin, or Tech contact of the queried domain name.

```

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Tools

- Whois History
- Hosting History
- Monitor Domain Properties
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- Visit Website
- Queue Screenshot for Addition

Available TLDs

General TLDs Country TLDs

The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- Taken domain.
 - Available domain.
 - Deleted previously owned domain.
- | | |
|-----------------|------------|
| buffstream.com | View Whois |
| buffstream.net | View Whois |
| buffstream.org | View Whois |
| buffstream.info | View Whois |
| buffstream.biz | View Whois |
| buffstream.us | Buy Domain |

Home > Whois Lookup > SportP2p.com

Whois Record for SportP2p.com

How does this work?

Domain Profile

Proximity Score	29
Email	abuse@namecheap.com is associated with ~14,512,238 domains f670ab34167e4e578b3cf...@whoisguard.com
Registrar	NAMECHEAP INC NameCheap, Inc. IANA ID: 1068 URL: http://www.namecheap.com Whois Server: whois.namecheap.com abuse@namecheap.com (p) 16613102107
Registrar Status	clientTransferProhibited
Dates	4,064 days old Created on 2010-03-14 Expires on 2022-03-14 Updated on 2021-02-11
Name Servers	CLYDE.NS.CLOUDFLARE.COM (has 18,811,413 domains) OLGA.NS.CLOUDFLARE.COM (has 18,811,413 domains)
IP Address	104.21.50.74 - 381 other sites hosted on this server
IP Location	California - San Francisco - Cloudflare Inc.
ASN	AS13335 CLOUDFLARENET, US (registered Jul 14, 2010)
Domain Status	Registered And Active Website
Whois History	260 records have been archived since 2007-11-26
IP History	22 changes on 22 unique IP addresses over 14 years
Registrar History	7 registrars with 2 drops
Hosting History	16 changes on 13 unique name servers over 14 years
Website	
Website Title	Free live football p2p stream, p2p football, p2p sports, p2p fussball, p2p calcio - Sportp2p.com
Server Type	cloudflare
Response Code	200
Terms	1,947 (Unique: 1,029, Linked: 719)
Images	203 (Alt tags missing: 3)
Links	220 (Internal: 214, Outbound: 3)

Whois Record (last updated on 20210429)

```

Domain name: sportp2p.com
Registry Domain ID: 1558733912_DOMAIN_COM-VRSN
Registrar WHOIS Server: whois.namecheap.com
Registrar URL: http://www.namecheap.com
Updated Date: 2021-02-12T07:19:22.442Z
Creation Date: 2010-03-14T12:48:26.002Z
Registrar Registration Expiration Date: 2022-03-14T12:48:26.002Z
Registrar: NAMECHEAP INC
Registrar IANA ID: 1068
Registrar Abuse Contact Email: abuse@namecheap.com
Registrar Abuse Contact Phone: +1.6613102107
Reseller: NAMECHEAP INC
Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
Registry Registrant ID:
Registrant Name: WhoisGuard Protected
Registrant Organization: WhoisGuard, Inc.
Registrant Street: P.O. Box 0823-03411
Registrant City: Panama
Registrant State/Province: Panama
Registrant Postal Code:
Registrant Country: PA
Registrant Phone: +507.8365503
Registrant Phone Ext:
Registrant Fax: +51.17057182
Registrant Fax Ext:
Registrant Email: f670ab34167e4e578b3cfd3c126a6433.protect@whoisguard.com
Registry Admin ID:
Admin Name: WhoisGuard Protected
Admin Organization: WhoisGuard, Inc.
Admin Street: P.O. Box 0823-03411
Admin City: Panama
Admin State/Province: Panama
Admin Postal Code:
Admin Country: PA
Admin Phone: +507.8365503
Admin Phone Ext:
Admin Fax: +51.17057182
Admin Fax Ext:
Admin Email: f670ab34167e4e578b3cfd3c126a6433.protect@whoisguard.com
Registry Tech ID:
Tech Name: WhoisGuard Protected
Tech Organization: WhoisGuard, Inc.
Tech Street: P.O. Box 0823-03411
Tech City: Panama
Tech State/Province: Panama
Tech Postal Code:
Tech Country: PA
Tech Phone: +507.8365503
Tech Phone Ext:
Tech Fax: +51.17057182
Tech Fax Ext:
Tech Email: f670ab34167e4e578b3cfd3c126a6433.protect@whoisguard.com
Name Server: olga.ns.cloudflare.com
Name Server: clyde.ns.cloudflare.com
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System: http://udprs.internic.net/
>>> Last update of WHOIS database: 2021-04-28T18:51:02.872Z <<<
For more information on Whois status codes, please visit https://icann.org/epp

```

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Tools

- Whois History
- Hosting History
- Monitor Domain Properties
- Reverse Whois Lookup
- Reverse IP Address Lookup
- Network Tools
- Visit Website



View Screenshot History

Last checked September 22, 2020

[Queue Screenshot for Update](#)

Available TLDs

General TLDs Country TLDs

The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

■ Taken domain.
■ Available domain.
■ Deleted previously owned domain.
SportP2p.com View Whois
SportP2p.net Buy Domain
SportP2p.org Buy Domain
SportP2p.info View Whois
SportP2p.biz Buy Domain
SportP2p.us Buy Domain

Home > Whois Lookup > 0Dt.net

Whois Record for 0Dt.net

How does this work?

Domain Profile

Proximity Score	29
Email	abuse@namecheap.com is associated with ~14,512,238 domains 13b05446d68f4a2e99371...@whoisguard.com
Registrar	NAMECHEAP INC NameCheap, Inc. IANA ID: 1068 URL: http://www.namecheap.com Whois Server: whois.namecheap.com abuse@namecheap.com (p) 16613102107
Registrar Status	clientTransferProhibited
Dates	5,467 days old Created on 2006-05-11 Expires on 2021-05-11 Updated on 2020-04-10
Name Servers	ALLA.NS.CLOUDFLARE.COM (has 18,811,413 domains) WALT.NS.CLOUDFLARE.COM (has 18,811,413 domains)
IP Address	5.45.68.44 - 1 other site is hosted on this server
IP Location	- Drenthe - Meppel - 3nt Solutions Lip
ASN	AS58061 SCALAXY-AS, NL (registered Aug 06, 2019)
Domain Status	Registered And Active Website
Whois History	219 records have been archived since 2006-09-07
IP History	53 changes on 53 unique IP addresses over 16 years
Registrar History	5 registrars
Hosting History	12 changes on 10 unique name servers over 16 years

Website

Website Title	409 Conflict
Server Type	cloudflare
Response Code	409
Terms	1,947 (Unique: 1,029, Linked: 719)
Images	203 (Alt tags missing: 3)
Links	220 (Internal: 214, Outbound: 3)

Whois Record (last updated on 20210429)

```

Domain name: 0dt.net
Registry Domain ID: 445272445_DOMAIN_NET-VRSN
Registrar WHOIS Server: whois.namecheap.com
Registrar URL: http://www.namecheap.com
Updated Date: 2020-04-11T09:37:49.57Z
Creation Date: 2006-05-11T09:41:34.00Z
Registrar Registration Expiration Date: 2021-05-11T09:41:34.00Z
Registrar: NAMECHEAP INC
Registrar IANA ID: 1068
Registrar Abuse Contact Email: abuse@namecheap.com
Registrar Abuse Contact Phone: +1.6613102107
Reseller: NAMECHEAP INC
Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
Registry Registrant ID:
Registrant Name: WhoisGuard Protected
Registrant Organization: WhoisGuard, Inc.
Registrant Street: P.O. Box 0823-03411
Registrant City: Panama
Registrant State/Province: Panama
Registrant Postal Code:
Registrant Country: PA
Registrant Phone: +507.8365503
Registrant Phone Ext:
Registrant Fax: +51.17057182
Registrant Fax Ext:
Registrant Email: 13b05446d68f4a2e9937134984be6858.protect@whoisguard.com
Registry Admin ID:
Admin Name: WhoisGuard Protected
Admin Organization: WhoisGuard, Inc.
Admin Street: P.O. Box 0823-03411
Admin City: Panama
Admin State/Province: Panama
Admin Postal Code:
Admin Country: PA
Admin Phone: +507.8365503
Admin Phone Ext:
Admin Fax: +51.17057182
Admin Fax Ext:
Admin Email: 13b05446d68f4a2e9937134984be6858.protect@whoisguard.com
Registry Tech ID:
Tech Name: WhoisGuard Protected
Tech Organization: WhoisGuard, Inc.
Tech Street: P.O. Box 0823-03411
Tech City: Panama
Tech State/Province: Panama
Tech Postal Code:
Tech Country: PA
Tech Phone: +507.8365503
Tech Phone Ext:
Tech Fax: +51.17057182
Tech Fax Ext:
Tech Email: 13b05446d68f4a2e9937134984be6858.protect@whoisguard.com
Name Server: walt.ns.cloudflare.com
Name Server: alla.ns.cloudflare.com
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
>>> Last update of WHOIS database: 2021-04-28T16:50:45.27Z <<<
For more information on Whois status codes, please visit https://icann.org/epp
    
```

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Tools

- [Whois History](#)
- [Hosting History](#)
- [Monitor Domain Properties](#)
- [Reverse Whois Lookup](#)
- [Reverse IP Address Lookup](#)
- [Network Tools](#)
- [Visit Website](#)



[View Screenshot History](#)

Last checked November 26, 2020

[Queue Screenshot for Update](#)

Available TLDs

General TLDs Country TLDs

The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- Taken domain.
- Available domain.
- Deleted previously owned domain.

0Dt.com	View Whois
0Dt.net	View Whois
0Dt.org	View Whois
0Dt.info	Buy Domain
0Dt.biz	Buy Domain
0Dt.us	Buy Domain

Home > Whois Lookup > LiveTotal.tv

Whois Record for LiveTotal.tv

How does this work?

Domain Profile

Proximity Score	29
Email	abuse@namecheap.com is associated with ~14,512,238 domains 6075d999f29f4...@withheldforprivacy.com
Registrar	NAMECHEAP INC NameCheap, Inc. IANA ID: 1068 URL: http://www.namecheap.com Whois Server: whois.namecheap.com abuse@namecheap.com (p) 16613102107
Registrar Status	clientTransferProhibited
Dates	746 days old Created on 2019-04-14 Expires on 2022-04-14 Updated on 2021-04-10
Name Servers	EDNA.NS.CLOUDFLARE.COM (has 18,811,413 domains) WILL.NS.CLOUDFLARE.COM (has 18,811,413 domains)
IP Address	104.21.12.237 - 377 other sites hosted on this server
IP Location	California - San Francisco - Cloudflare Inc.
ASN	AS13335 CLOUDFLARENET, US (registered Jul 14, 2010)
Whois History	16 records have been archived since 2019-04-15
Hosting History	2 changes on 3 unique name servers over 2 years

Website

Website Title	None given.
Server Type	cloudflare
Response Code	349

Whois Record (last updated on 2021-04-29)

```

Domain name: livetotal.tv
Registry Domain ID: 141998792_DOMAIN_TV_VRSN
Registrar WHOIS Server: whois.namecheap.com
Registrar URL: http://www.namecheap.com
Updated Date: 2021-04-10T15:08:55.00Z
Creation Date: 2019-04-15T04:11:23.00Z
Registrar Registration Expiration Date: 2022-04-15T04:11:23.00Z
Registrar: NAMECHEAP INC
Registrar IANA ID: 1068
Registrar Abuse Contact Email: abuse@namecheap.com
Registrar Abuse Contact Phone: +1.6613102107
Reseller: NAMECHEAP INC
Domain Status: clientTransferProhibited https://icann.org/epp/clientTransferProhibited
Registry Registrant ID:
Registrant Name: Withheld for Privacy Purposes
Registrant Organization: Privacy service provided by Withheld for Privacy ehf
Registrant Street: Kalkofnsvegur 2
Registrant City: Reykjavik
Registrant State/Province: Capital Region
Registrant Postal Code: 101
Registrant Country: IS
Registrant Phone: +354.4212434
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: 6075d999f29f44a3b846bfbeab722d52.protect@withheldforprivacy.com
Registry Admin ID:
Admin Name: Withheld for Privacy Purposes
Admin Organization: Privacy service provided by Withheld for Privacy ehf
Admin Street: Kalkofnsvegur 2
Admin City: Reykjavik
Admin State/Province: Capital Region
Admin Postal Code: 101
Admin Country: IS
Admin Phone: +354.4212434
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: 6075d999f29f44a3b846bfbeab722d52.protect@withheldforprivacy.com
Registry Tech ID:
Tech Name: Withheld for Privacy Purposes
Tech Organization: Privacy service provided by Withheld for Privacy ehf
Tech Street: Kalkofnsvegur 2
Tech City: Reykjavik
Tech State/Province: Capital Region
Tech Postal Code: 101
Tech Country: IS
Tech Phone: +354.4212434
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: 6075d999f29f44a3b846bfbeab722d52.protect@withheldforprivacy.com
Name Server: edna.ns.cloudflare.com
Name Server: will.ns.cloudflare.com
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
For more information on Whois status codes, please visit https://icann.org/epp

```

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[Preview the Full Domain Report](#)

Tools

- Whois History
- Hosting History
- Monitor Domain Properties
- Reverse Whois Lookup
- Reverse IP Address Lookup
- Network Tools
- Visit Website



[View Screenshot History](#)

Last checked April 23, 2021

[Queue Screenshot for Update](#)

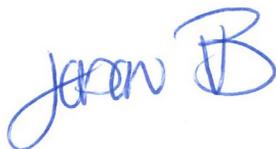
Available TLDs

General TLDs Country TLDs

The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- Taken domain.
 - Available domain.
 - Deleted previously owned domain.
- | | |
|----------------|------------|
| livetotal.com | View Whois |
| livetotal.net | View Whois |
| livetotal.org | Buy Domain |
| livetotal.info | Buy Domain |
| livetotal.biz | Buy Domain |
| livetotal.us | Buy Domain |

This is **Exhibit SR-16** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Home > Whois Lookup > Comstar.tv

Whois Record for Comstar.tv

How does this work?

Domain Profile

Proximity Score	29
Email	abuse@namecheap.com is associated with ~14,446,237 domains 5e88b20b4ea24...@withheldforprivacy.com
Registrar	NAMECHEAP INC NameCheap, Inc. IANA ID: 1068 URL: http://www.namecheap.com Whois Server: whois.namecheap.com abuse@namecheap.com (p) 16613102107
Registrar Status	clientTransferProhibited
Dates	1,028 days old Created on 2018-07-01 Expires on 2021-07-01 Updated on 2020-06-02
Name Servers	ELMA.NS.CLOUDFLARE.COM (has 18,742,739 domains) RAM.NS.CLOUDFLARE.COM (has 18,742,739 domains)
IP Address	104.21.85.214 - 398 other sites hosted on this server
IP Location	🇺🇸 - California - San Francisco - Cloudflare Inc.
ASN	🇺🇸 AS13335 CLOUDFLARENET, US (registered Jul 14, 2010)
Whois History	57 records have been archived since 2008-12-18
Hosting History	11 changes on 7 unique name servers over 8 years

Website

Website Title	🚫 500 SSL negotiation failed:
Response Code	500

Whois Record (last updated on 2021-04-24)

```

Domain name: comstar.tv
Registry Domain ID: 136468263_DOMAIN_TV-VRSN
Registrar WHOIS Server: whois.namecheap.com
Registrar URL: http://www.namecheap.com
Updated Date: 2020-06-02T20:47:57.76Z
Creation Date: 2018-07-01T23:27:04.00Z
Registrar Registration Expiration Date: 2021-07-01T23:27:04.00Z
Registrar: NAMECHEAP INC
Registrar IANA ID: 1068
Registrar Abuse Contact Email: abuse@namecheap.com
Registrar Abuse Contact Phone: +1.6613102107
Reseller: NAMECHEAP INC
Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
Registry Registrant ID:
Registrant Name: Withheld for Privacy Purposes
Registrant Organization: Privacy service provided by Withheld for Privacy ehf
Registrant Street: Kalkofnsvegur 2
Registrant City: Reykjavik
Registrant State/Province: Capital Region
Registrant Postal Code: 101
Registrant Country: IS
Registrant Phone: +354.4212434
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: 5e88b20b4ea24989b7517883db8f49d0.protect@withheldforprivacy.com
Registry Admin ID:
Admin Name: Withheld for Privacy Purposes
Admin Organization: Privacy service provided by Withheld for Privacy ehf
Admin Street: Kalkofnsvegur 2
Admin City: Reykjavik
Admin State/Province: Capital Region
Admin Postal Code: 101
Admin Country: IS
Admin Phone: +354.4212434
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: 5e88b20b4ea24989b7517883db8f49d0.protect@withheldforprivacy.com
Registry Tech ID:
Tech Name: Withheld for Privacy Purposes
Tech Organization: Privacy service provided by Withheld for Privacy ehf
Tech Street: Kalkofnsvegur 2
Tech City: Reykjavik
Tech State/Province: Capital Region
Tech Postal Code: 101
Tech Country: IS
Tech Phone: +354.4212434
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: 5e88b20b4ea24989b7517883db8f49d0.protect@withheldforprivacy.com
Name Server: elma.ns.cloudflare.com
Name Server: ram.ns.cloudflare.com
DNSSEC: unsigned
URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/
For more information on whois status codes, please visit https://icann.org/epp

```

DomainTools Iris
More data. Better context. Faster response.
[Learn More](#)

Preview the Full Domain Report

Tools

Whois History	Hosting History
Monitor Domain Properties	
Reverse Whois Lookup	
Reverse IP Address Lookup	
Network Tools	
Visit Website	

Available TLDs

General TLDs Country TLDs

The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- 🚫 Taken domain.
- 🟢 Available domain.
- 🟡 Deleted previously owned domain.

Comstar.com	View Whois
Comstar.net	View Whois
Comstar.org	View Whois
Comstar.info	Buy Domain
Comstar.biz	View Whois
Comstar.us	View Whois

For more information on whois, dns, or other tools, please visit [https://www.domaintools.com](#)



This is **Exhibit SR-17** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

UK, PT, UAE and KSA Customers MUST use a VPN - Please make sure you use a VPN if you are in the UK, PT, UAE or KSA [Get it Now](#)



HOME CHANNELS FREE TRIAL TUTORIALS + FAQ DOWNLOADS + BITCOIN + CLIENT AREA CONTACT US




1 Month

USD 14.99

- Over 10,000+ Worldwide Channels
- Over 9000 Movies & TV Shows
- PPV Events
- FHD, HD & SD Channels
- Premium Channels
- TV Guide / EPG
- Support for All Devices
- 1 Device/Connection
- 99.9% Uptime
- Available Worldwide
- Movies, News, Sports
- 24/7 TV Shows
- No Hidden Fees



SUBSCRIBE NOW!


3 Months

~~USD 34.99~~
USD 29.99

GOOD DEAL

- Over 10,000+ Worldwide Channels
- Over 9000 Movies & TV Shows
- PPV Events
- FHD, HD & SD Channels
- Premium Channels
- TV Guide / EPG
- Support for All Devices
- 1 Device/Connection
- 99.9% Uptime
- Available Worldwide
- Movies, News, Sports
- 24/7 TV Shows
- No Hidden Fees



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USD 49.99

MOST POPULAR

- Over 10,000+ Worldwide Channels
- Over 9000 Movies & TV Shows
- PPV Events
- FHD, HD & SD Channels
- Premium Channels
- TV Guide / EPG
- Support for All Devices
- 1 Device/Connection
- 99.9% Uptime
- Available Worldwide
- Movies, News, Sports
- 24/7 TV Shows
- No Hidden Fees



SUBSCRIBE NOW!


1 Year

~~USD 99.99~~
USD 79.99

BEST DEAL! NEW!

- Over 10,000+ Worldwide Channels
- Over 9000 Movies & TV Shows
- PPV Events
- FHD, HD & SD Channels
- Premium Channels
- TV Guide / EPG
- Support for All Devices
- 1 Device/Connection
- 99.9% Uptime
- Available Worldwide
- Movies, News, Sports
- 24/7 TV Shows
- No Hidden Fees

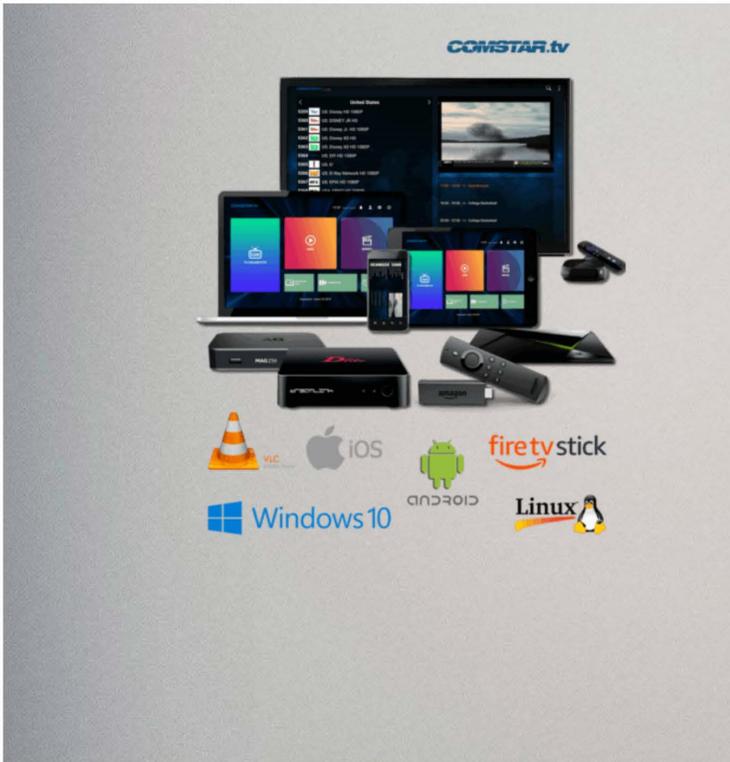


SUBSCRIBE NOW!

The TV you know and love, brilliantly brought together.

Free Android App included!

Comstar.tv is a premium IPTV provider offering more than 10.000+ stable



channels, 9,000 Movies and TV shows on demand along with 24/7 channels of your favorite shows. We didn't start yesterday, or last year. We've been providing the same **high-quality and affordable service for over 2 years!**

TV you can enjoy anywhere – On your TV, your phone, your laptop or tablet. Enjoy everything from news and sports to all the premium channels!

• **GREAT QUALITY AND STABILITY**

Watch shows and movies in **SD, HD and FHD** on one of the most stable services around – **94+ load-balancing servers** and **over 2 years of providing the best IPTV service** and improving every day!

• **VIP and PPV**

Watch **premium sports and movie channels** at the click of a button

• **WATCH ANYWHERE**

Why be limited to a TV? Watch on **your phone, laptop or tablet**. We offer our own free Android and Windows apps that are easy to use – at no cost to you!

• **TRY BEFORE YOU BUY**

We offer a **FREE 48 HOURS FULL TRIAL** to help you make an informed decision

• **REAL SUPPORT 24/7/365**

Need help getting started? Our Customer Service Team is always there for you – **24/7/365**

Subscribe Now!

Request a FREE 48hr trial

What Clients Say About COMSTAR.TV

“ I have tried other services but this one has everything I need. No need to wait for several hours or days for your account. Good customer service and many many channels. Excellent overall.

Customer at Softonic Solutions

“ Comstar.tv: Provider approved and certified. Service provided is clearly following our rules and standards. – IPTV-PL Admin

IPTVProvidersList.com

“ Aside from the fact that Comstar has an excellent customer service, I really like the fact also that they have any channel almost every country!

Customer at Softonic Solutions

“ Comstar.tv IPTV is one of the best providers in the market. ...Comstar.tv offers great service at a very affordable price. We didn't observe any major flaw while testing the service.

Review at Exploring-Usa.com

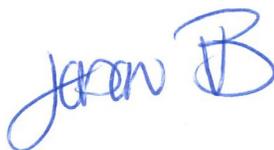
Get lost With IPVANISH

We use and recommend **IPvanish VPN** Which is the fastest and most secure VPN in the industry (and streaming-friendly!).

It is very easy to install on any device including Android TV boxes. Also, it comes with a 31-day money-back guarantee. If you don't like their service, you can always ask for a refund.



This is **Exhibit SR-18** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

- NAVIGATION
- Home
- Store
- Channel List
- Announcements
- Knowledgebase
- Network Status
- Affiliates
- Contact Us

Channel List

Portal Home / ChannelList

- AFGHANISTAN
- AFRICA
- ALBANIA
- ARABIC
- ARMENIA
- AUSTRALIA
- AUSTRIA
- BANGLA
- BELGIUM
- BRAZIL
- BULGARIA
- BYCF-FZZ
- CA-ENTERTAINMENT
- CA-FRENCH
- CA-KIDS
- CA-LOCAL
- CA-NEWS
- CARIBBEAN
- CA-SPORT
- CHINA
- COLOMBIA
- CZECH REPUBLIC
- DE-CINEMA
- DE-GENERAL (GERMANY)
- DENMARK
- DE-SPORTS
- DOMINICAN REPUBLIC
- EX-YU
- EX-YU MOVIE
- FINLAND
- FRANCE-CINEMA
- FRANCE-CULTURE
- FRANCE-ENFANTS
- FRANCE-GENERAL
- FRANCE-INFOR
- FRANCE-MUSIQUE
- FRANCE-SPORT
- GERMANY MOVIES
- GREECE
- HUNGARY
- INDIA
- INDIA MOVIES
- INDONESIA
- IRAN
- IRAQ
- ISRAEL
- ITALY
- ITALY
- JORDAN
- KOREA
- KURDISTAN
- LATIN AMERICA
- MACEDONIA
- MALAYSIA
- MALTA
- MEXICO
- MULTIPLE SUB MOVIES
- NETHERLANDS
- NEW ZEALAND
- NORWAY
- PAKISTAN
- PHILIPPINES
- POLAND
- PORTUGAL
- ROMANIA
- RUSSIA
- SPAIN
- SRI LANKA
- SWEDEN
- SWISS
- THAILAND
- TURKEY
- TURKEY
- TURKISH MOVIES
- UK - ENTERTAINMENT
- UK - GENERAL
- UK - KIDS
- UK - NEWS
- UK - SPORT
- UK - SPORT
- US - ENTERTAINMENT
- US - KIDS
- US - LOCAL
- US-MUSIC
- US - NEWS
- US - NEWS
- US-SPORT
- VIET NAM
- VIPCHANNELS

Search a Channe...

CA-SPORT - TOTAL: 83

FIGHT NETWORK HD	RDSIN (RDS INFO) SD	SCGNX (SUPER CHANNEL GNX) SD
SCHRT (SUPER CHANNEL HEART & HOME) SD	SCVLT (SUPER CHANNEL VAULT) SD	SN360 (SPORTSNET 360) SD
SNETE (SPORTSNET EAST) SD	SNETO (SPORTSNET ONTARIO) SD	SNETP (SPORTSNET PACIFIC) SD
SNETW (SPORTSNET WEST) SD	Sportnet Ontario HD	Sportnet Pacific HD
sportsnet 360 hd	SPORTSNET 360 HD	SPORTSNET EAST HD
Sportsnet One HD	SPORTSNET ONE HD	SPORTSNET ONTARIO HD
SPORTSNET PACIFIC HD	Sportsnet West HD	sportsnet world hd
Sportsnet World HD	SPORTSNET WORLD SD	S (SERIES +) SD
TSN 1	TSN1 SD	TSN2 SD
TSN3 SD	TSN4 SD	TSN5 SD
TSN HD 1	TSN HD 2	TSN HD 3

- NAVIGATION
- Home
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- Channel List
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- Contact Us

Channel List

Portal Home / ChannelList

- AFGHANISTAN AFRICA ALBANIA ARABIC ARMENIA AUSTRALIA AUSTRIA BANGLA BELGIUM BRAZIL
- BULGARIA BYCF-FZZ CA-ENTERTAINMENT CA-FRENCH CA-KIDS CA-LOCAL CA-NEWS CARIBBEAN CA-SPORT
- CHINA COLOMBIA CZECH REPUBLIC DE-CINEMA DE-GENERAL (GERMANY) DENMARK DE-SPORTS
- DOMINICAN REPUBLIC EX-YU EX-YU MOVIE FINLAND FRANCE-CINEMA FRANCE-CULTURE FRANCE-ENFANTS
- FRANCE-GENERAL FRANCE-INFOR FRANCE-MUSICQUE FRANCE-SPORT GERMANY MOVIES GREECE HUNGARY
- INDIA INDIA MOVIES INDONESIA IRAN IRAQ ISRAEL ITALY ITALY JORDAN KOREA KURDISTAN
- LATIN AMERICA MACEDONIA MALAYSIA MALTA MEXICO MULTIPLE SUB MOVIES NETHERLANDS NEW ZEALAND
- NORWAY PAKISTAN PHILIPPINES POLAND PORTUGAL ROMANIA RUSSIA SPAIN SRI LANKA SWEDEN
- SWISS THAILAND TURKEY TURKEY TURKISH MOVIES UK - ENTERTAINMENT UK - GENERAL UK - KIDS
- UK - NEWS UK - SPORT UK - SPORT US - ENTERTAINMENT US - KIDS US - LOCAL US - MUSIC US - NEWS
- US - NEWS US-SPORT VIET NAM VIPCHANNELS

Search a Channe...

TSN HD 1	TSN HD 2	TSN HD 3
TSN HD 4	TSN HD 5	TVA SPORTS
TVA SPORTS	TVA SPORTS HD	VRAK SD
WILD TV SD	WWE HD	YOOPA SD
HD SUPER SPORTS CH 368	HD SUPER SPORTS CH 431	HD SUPER SPORTS CH 432
HD SUPER SPORTS CH 433	HD SUPER SPORTS CH 434	HD SUPER SPORTS CH 435
HD SUPER SPORTS CH 436	HD SUPER SPORTS CH 437	HD SUPER SPORTS CH 438
HD SUPER SPORTS CH 439	HD SUPER SPORTS CH 440	HD SUPER SPORTS CH 441
HD SUPER SPORTS CH 442	HD SUPER SPORTS CH 443	HD SUPER SPORTS CH 444
HD SUPER SPORTS CH 450	HD SUPER SPORTS CH 452	HD SUPER SPORTS CH 453
HD SUPER SPORTS CH 454	HD SUPER SPORTS CH 455	HD SUPER SPORTS CH 456
HD SUPER SPORTS CH 457	HD SUPER SPORTS CH 458	HD SUPER SPORTS CH 459

- NAVIGATION
- Home
- Store
- Channel List
- Announcements
- Knowledgebase
- Network Status
- Affiliates
- Contact Us

Channel List

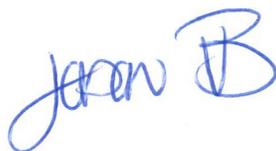
Portal Home / ChannelList

- AFGHANISTAN
- AFRICA
- ALBANIA
- ARABIC
- ARMENIA
- AUSTRALIA
- AUSTRIA
- BANGLA
- BELGIUM
- BRAZIL
- BULGARIA
- BYCF-FZZ
- CA-ENTERTAINMENT
- CA-FRENCH
- CA-KIDS
- CA-LOCAL
- CA-NEWS
- CARIBBEAN
- CA-SPORT
- CHINA
- COLOMBIA
- CZECH REPUBLIC
- DE-CINEMA
- DE-GENERAL (GERMANY)
- DENMARK
- DE-SPORTS
- DOMINICAN REPUBLIC
- EX-YU
- EX-YU MOVIE
- FINLAND
- FRANCE-CINEMA
- FRANCE-CULTURE
- FRANCE-ENFANTS
- FRANCE-GENERAL
- FRANCE-INFOR
- FRANCE-MUSICQUE
- FRANCE-SPORT
- GERMANY MOVIES
- GREECE
- HUNGARY
- INDIA
- INDIA MOVIES
- INDONESIA
- IRAN
- IRAQ
- ISRAEL
- ITALY
- ITALY
- JORDAN
- KOREA
- KURDISTAN
- LATIN AMERICA
- MACEDONIA
- MALAYSIA
- MALTA
- MEXICO
- MULTIPLE SUB MOVIES
- NETHERLANDS
- NEW ZEALAND
- NORWAY
- PAKISTAN
- PHILIPPINES
- POLAND
- PORTUGAL
- ROMANIA
- RUSSIA
- SPAIN
- SRI LANKA
- SWEDEN
- SWISS
- THAILAND
- TURKEY
- TURKEY
- TURKISH MOVIES
- UK - ENTERTAINMENT
- UK - GENERAL
- UK - KIDS
- UK - NEWS
- UK - SPORT
- UK - SPORT
- US - ENTERTAINMENT
- US - KIDS
- US - LOCAL
- US-MUSIC
- US - NEWS
- US - NEWS
- US-SPORT
- VIET NAM
- VIPCHANNELS

Search a Channe...

HD SUPER SPORTS CH 439	HD SUPER SPORTS CH 440	HD SUPER SPORTS CH 441
HD SUPER SPORTS CH 442	HD SUPER SPORTS CH 443	HD SUPER SPORTS CH 444
HD SUPER SPORTS CH 450	HD SUPER SPORTS CH 452	HD SUPER SPORTS CH 453
HD SUPER SPORTS CH 454	HD SUPER SPORTS CH 455	HD SUPER SPORTS CH 456
HD SUPER SPORTS CH 457	HD SUPER SPORTS CH 458	HD SUPER SPORTS CH 459
HD SUPER SPORTS CH 460	HD SUPER SPORTS CH 461	HD SUPER SPORTS CH 462
HD SUPER SPORTS CH 464	HD SUPER SPORTS CH 465	HD SUPER SPORTS CH 473
HD SUPER SPORTS CH 474	HD SUPER SPORTS CH 475	HD SUPER SPORTS CH 476
HD SUPER SPORTS CH 477	HD SUPER SPORTS CH 478	HD SUPER SPORTS CH 479
HD SUPER SPORTS CH 480	HD SUPER SPORTS CH 481	HD SUPER SPORTS CH 482
HD SUPER SPORTS CH 483	HD SUPER SPORTS CH 484	

This is **Exhibit SR-19** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Sports Nut <sportsnut008@gmail.com>

Invoice Payment Confirmation

1 message

Comstar Services <noreply@comstarservices.com>
To: Sports Nut <sportsnut008@gmail.com>

15 April 2021 at 08:09



Dear Sports Nut,

This is a payment receipt for Invoice 19941 sent on Thursday, April 15th, 2021

One Week Pass \$7.99 USD
Payment Gateway Charge (\$0.80 USD) \$0.80 USD

Sub Total: \$8.79 USD
Credit: \$0.00 USD
Total: \$8.79 USD

Amount: \$8.79 USD
Transaction #: 272104156289200917
Total Paid: \$8.79 USD
Remaining Balance: \$0.00 USD
Status: Paid

You may review your invoice history at any time by logging in to your client area.

Note: This email will serve as an official receipt for this payment.

Comstar Services
<http://comstarservices.com>

[visit our website](#) | [log in to your account](#) | [get support](#)
Copyright © Comstar Services, All rights reserved.

 **Invoice-19941.pdf**
22K



Sports Nut <sportsnut008@gmail.com>

Comstar.tv IPTV Service Info

1 message

Comstar Services <noreply@comstarservices.com>
To: Sports Nut <sportsnut008@gmail.com>

15 April 2021 at 08:09



Dear Sports Nut,

Thank you for choosing Comstar.tv IPTV Premium service. Your service One Week Pass has now been activated.

Please use the following details to use your service:

UK, UAE and KSA Customers MUST use a VPN - Please make sure you use a VPN if you are in the UK, UAE or KSA

Your IPTV Service Details are:**Your Username :** 37160582**Your Password :** 5789603**M3u Playlist URL :** <http://link.comstar.tv:6969/get.php?username=37160582&password=5789603&type=m3u&output=ts>**M3u Plus Playlist URL :** http://link.comstar.tv:6969/get.php?username=37160582&password=5789603&type=m3u_plus&output=ts**EPG link:** <http://link.comstar.tv:6969/xmltv.php?username=37160582&password=5789603>**Download Android app :** <http://comstar.tv/comstartv221.apk>**Download Windows app :** <https://comstar.tv/ComstarTVSetup3.0.0.exe>**Download MAC OS app :** <https://comstar.tv/Comstar.TV.app.zip>**How to use iptv with another software :** <http://www.comstar.tv/tutorials/>

You can now modify your channel list to select only the countries you watch by login in the client area, clicking on your active service and then on "IPTV Service Details"

We recommend [IPVanish VPN](#)

Billing Info:

Product/Service: One Week Pass
Payment Method: 2 - Paynext - Visa/Mastercard/UnionPay
Amount: \$7.99 USD
Billing Cycle: One Time
Next Due Date: Thursday, April 22nd, 2021

Thank you for choosing Comstar.tv.

Comstar Services
<http://comstarservices.com>[visit our website](#) | [log in to your account](#) | [get support](#)

Copyright © Comstar Services, All rights reserved.



Sports Nut <sportsnut008@gmail.com>

Welcome

1 message

Comstar Services <noreply@comstarservices.com>
To: Sports Nut <sportsnut008@gmail.com>

15 April 2021 at 07:50

Dear Sports,

Thank you for creating a Comstar Services account. Please review this email in its entirety as it contains important information.

Logging In

You can access our client area at <https://comstarservices.com/>

You will need your email address and the password you chose during signup to login.

If you created an account as part of placing a new order with us, you will shortly receive an order confirmation email.

Getting Support

If you need any help or assistance, you can access our support resources below.

- [Knowledgebase](#)
- [Submit a Ticket](#)

Comstar Services
<http://comstarservices.com>

You are receiving this email because you recently created an account. If you did not do this, please contact us.

[visit our website](#) | [log in to your account](#) | [get support](#)

Copyright © Comstar Services, All rights reserved.

NAVIGATION

- Home
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- Channel List
- Announcements
- Knowledgebase
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- Affiliates
- Contact Us

Knowledgebase

Portal Home / Knowledgebase / Setup Tutorials / VLC Media Player

Categories

Tag Cloud

Support

VLC Media Player

This tutorial will guide you through the simple setup instruction for VLC Media Player. 'VLC Media Player' – it is a free media player. To play the multimedia file you do not need to set any extra codec, they are already set in a program. VLC produces stream video (IPTV) and Internet radio perfectly. Also, the program can record a stream audio/video on your computer. That is why, this program will be perfect for watching TV programs on your computer. This program works with the most modern operation systems.

VLC Media Player Setup Instructions:

- Download and install 'VLC Media Player' on your computer here or from Google Play Store here or from Amazon Store here or from iTunes here.
- Install and Open the 'VLC Media Player'.
- Open the 'Menu' and choose 'Medium' -> 'Network stream' and in the window that appeared, enter your M3U link (Check your activation e-mail) into 'Networks'.
- Open 'Show' -> 'Playlist' to view the list of channels.
- Choose channel from the playlist to watch it.

Troubleshooting VLC Media Player

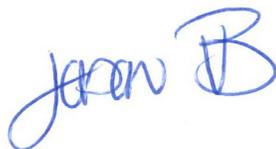
If you have any problems viewing the Channels please follow this recommended fix:
Restart your Program/App, Device/Box and Wi-Fi Router.

Windows, VLC, Media App, Setup 0 Users Found This Useful

Was this answer helpful?

YES NO

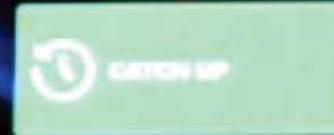
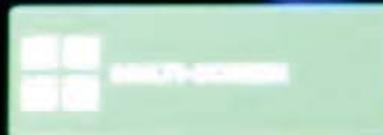
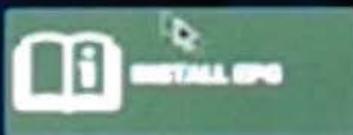
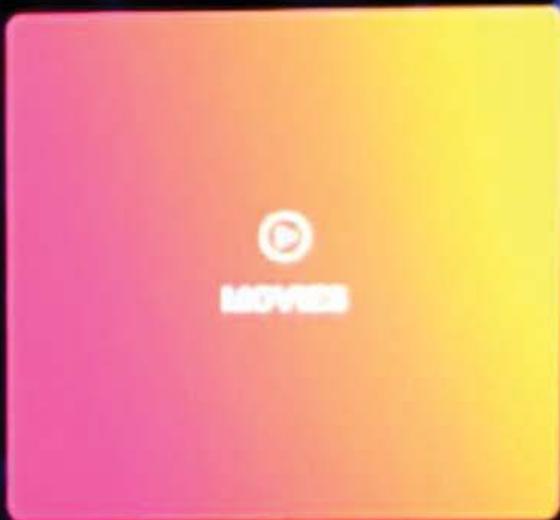
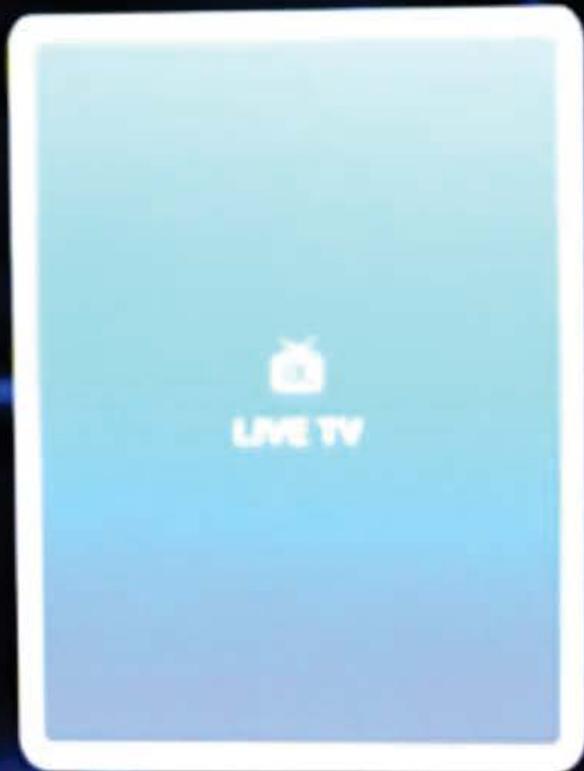
This is **Exhibit SR-20** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

COMSTAR.TV

2027 April 19, 2021



Expiration : April 22, 2021

COMSTAR.tv

LIVE TV



ALL	13479 >	FINDOUTER	8 >
24/7 channels	284 >	AFGHANISTAN	14 >
Australia	64 >	Algeria	57 >
AFRICA	284 >	Algeria	26 >
Austria	4 >	ALBANIA	76 >
BANGLA	28 >	Belgium	6 >
Belgium	28 >	Brazil	25 >
CHANNELS	18 >	Colombia	76 >
China	17 >	Czech Republic	128 >
Denmark	116 >	DOMINICAN REPUBLIC	4 >

← Q sportsnet X

< ALL >

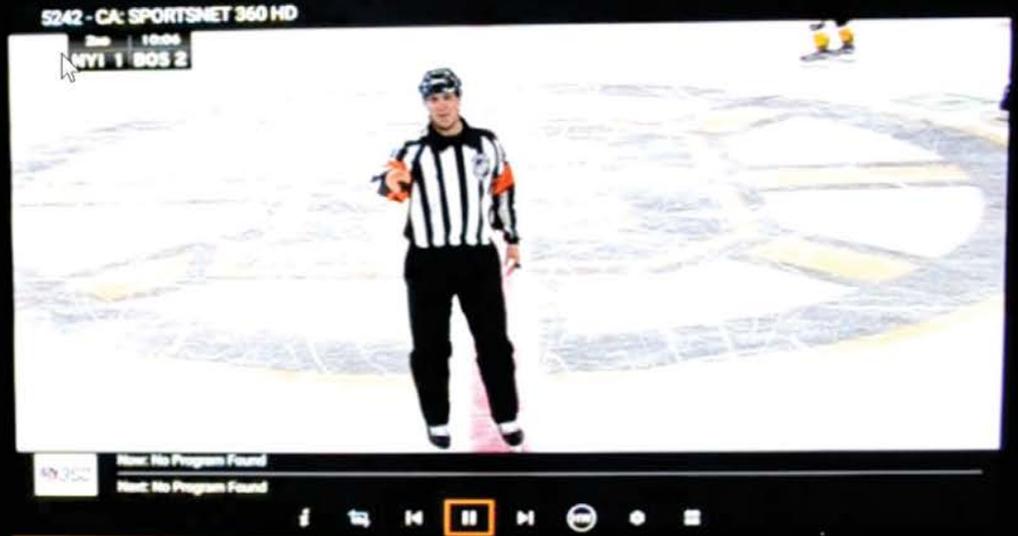
- 2383 — US: SPORTSNET
- 3888 — US: SPECTRUM SPORTSNET LA DODGERS HD
- 3884 — US: SPECTRUM SPORTSNET LAKERS HD
- 3238 — US: AT&T SPORTSNET HD
- 4392 — CA: SPORTSNET ONTARIO
- 8342 — CA: SPORTSNET 360 HD
- 8343 — CA: SPORTSNET EAST HD
- 8344 — CA: SPORTSNET ONE HD
- 8345 — CA: SPORTSNET ONTARIO HD
- 8346 — CA: SPORTSNET PACIFIC HD
- 8347 — CA: SPORTSNET WORLD SD
- 8355 — CA: Sportnet World HD
- 8357 — CA: Sportnet West HD



TV Guide info not found for this channel
 Make sure you have installed EPG on the Home Screen

Long press to show more options.

To show more options





05:05

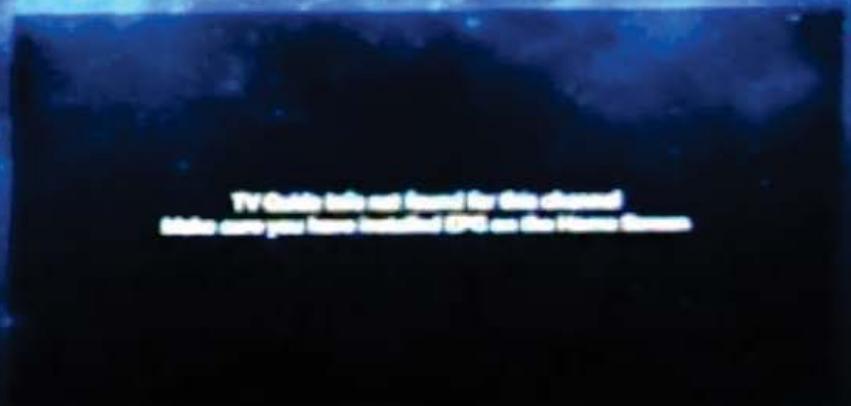


X



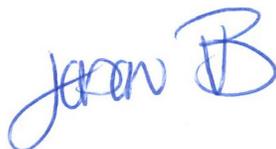
< ALL >

- 8247 CA: SPORTSNET WORLD HD
- 8258 CA: Sportnet World HD
- 8257 CA: Sportnet West HD
- 8266 CA: sportnet 360 HD
- 8271 CA: TSN HD 1
- 8272 CA: TSN HD 2
- 8273 CA: TSN HD 3
- 8274 CA: TSN HD 4
- 8275 CA: TSN HD 5
- 8287 CA: sportnet world hd
- 8288 CA: Sportnet One HD
- 8289 US: Sportnet 360 HD
- 8270 US: TSN 1



Long press to show more options. | To show more options

This is **Exhibit SR-21** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



Sports Nut <sportsnut008@gmail.com>

Order Confirmation (No Reply)

1 message

Comstar Services <noreply@comstarservices.com>
To: Sports Nut <sportsnut008@gmail.com>

27 May 2021 at 11:59



Dear Sports Nut,

We have received your order and will be processing it shortly

AFTER MANUAL REVIEW (If it's a free trial)**OR AFTER PAYMENT CONFIRMATION (If it's a paid subscription).**

The details of the order are below:

Order Number: **9333662737**

Product/Service: Comstar Services - One Week Pass

Device: Android Box

Mac Address (ONLY for MAG / STB devices) Please use this format 00:1A:79:12:34:5A:

First Payment Amount: \$7.99 USD

Billing Cycle: One Time

Total Due Today: \$7.99 USD

You will receive an email from us shortly once your account has been setup.

Please quote your order reference number if you wish to contact us about this order.

Thanks,

—

Comstar Services

<http://comstarservices.com>

visit our website | log in to your account | get support

Copyright © Comstar Services, All rights reserved.



Sports Nut <sportsnut008@gmail.com>

Your payment has been completed with COMSTAR - <https://comstarservices.com/> - - (descriptor : bestiptvs.com)

1 message

ePay Global <info@esipay.com>
 Reply-To: ePayGlobal <ask@esipay.com>
 To: "sportsnut008@gmail.com" <sportsnut008@gmail.com>

27 May 2021 at 12:04

Dear Sports Nut,

Thank you for choosing payment by Credit Card for the product/services purchased from COMSTAR - <https://comstarservices.com/> ! Your payment has been **captured** by ePayGlobal, Authorize merchant service provider for COMSTAR .

Your Order Details

Order Reference No.	: 272105280886000401
Payment Source	: visa
Order Date	: 05-28-2021
Credit Card	: XXXXXXXXXXXXXXX3095
Descriptor	: bestiptvs.com
Grand Total	: 8.79 USD

To expedite the resolution of any dispute/complaint or requests for refund with merchant, please contact ePayGlobal directly by We strive to give you the best solution as soon as possible.

The payment has been successfully **completed**, there is nothing else you need to do. However, we recommend you keep this email for future reference. The purchased products and services will be delivered in accordance with the terms and conditions published on merchant website and agreed by you during the order.

-

Best Regards?
 ePayGlobal, Operations Team

This message (including any attachments) contains confidential information intended for a specific individual and purpose. If you are not the intended recipient, please delete this message immediately and if possible inform the sender of the error.



Sports Nut <sportsnut008@gmail.com>

Comstar.tv IPTV Service Info

1 message

Comstar Services <noreply@comstarservices.com>
To: Sports Nut <sportsnut008@gmail.com>

27 May 2021 at 12:04



Dear Sports Nut,

Thank you for choosing Comstar.tv IPTV Premium service. Your service One Week Pass has now been activated.

Please use the following details to use your service:

UK, UAE and KSA Customers MUST use a VPN - Please make sure you use a VPN if you are in the UK, UAE or KSA**Your IPTV Service Details are:****Your Username :** 58471620**Your Password :** 5362807**M3u Playlist URL :** <http://link.comstar.tv:6969/get.php?username=58471620&password=5362807&type=m3u&output=ts>**M3u Plus Playlist URL :** http://link.comstar.tv:6969/get.php?username=58471620&password=5362807&type=m3u_plus&output=ts**EPG link:** <http://link.comstar.tv:6969/xmltv.php?username=58471620&password=5362807>**Download Android app :** <http://comstar.tv/comstartv221.apk>**Download Windows app :** <https://comstar.tv/ComstarTVSetup3.0.0.exe>**Download MAC OS app :** <https://comstar.tv/Comstar.TV.app.zip>**How to use Iptv with another software :** <http://www.comstar.tv/tutorials/>

You can now modify your channel list to select only the countries you watch by login in the client area, clicking on your active service and then on "IPTV Service Details"

We recommend IPVanish VPN

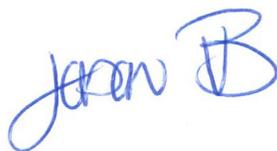
Billing Info:Product/Service: One Week Pass
Payment Method: 2 - Paynext - Visa/Mastercard/UnionPay
Amount: \$7.99 USD
Billing Cycle: One Time
Next Due Date: Thursday, June 3rd, 2021

Thank you for choosing Comstar.tv.

—
Comstar Services
<http://comstarservices.com>

visit our website | log in to your account | get support

This is **Exhibit SR-22** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

COMSTAR.tv

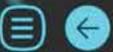
07:08 PM May 27,2021

LIVE TV 	MOVIES 	SERIES 	CATCH UP COMING SOON 
	 LIVE RECORDINGS COMING SOON	 INSTALL EPG	
	 SETTINGS	 MY ACCOUNT	 LOGOUT

Expiration : June 03,2021

COMSTAR.TV

LIVE TV



 France-Cinema	91 >	 France-General	58 >
 Mexico	2 >	 DE-General (Germany)	184 >
 DE-Cinema	39 >	 DE-Sports	194 >
 CA-News	18 >	 CA-Sport	81 >
 UK - General	78 >	 UK - Sport	167 >

5097

No
Logo

CA: TVA SPORTS



COMSTAR.TV

LIVE TV | CA-Sport

2212  Roger: HD SUPER SPORTS CH 4842213  Roger: HD SUPER SPORTS CH 4832214  Roger: HD SUPER SPORTS CH 4822215  Roger: HD SUPER SPORTS CH 4812216  Roger: HD SUPER SPORTS CH 4802217  Roger: HD SUPER SPORTS CH 4782218  Roger: HD SUPER SPORTS CH 4792219  Roger: HD SUPER SPORTS CH 4772220  Roger: HD SUPER SPORTS CH 4762221  Roger: HD SUPER SPORTS CH 475



CA-Sport

SPORTSNET ✕

 CA: SPORTSNET ONTARIO ▶

 CA: SPORTSNET 360 HD

 CA: SPORTSNET EAST HD

 CA: SPORTSNET ONE HD

 CA: SPORTSNET ONTARIO HD

 CA: SPORTSNET PACIFIC HD

BACK



SN NOW On Now Schedule Replay Shows steve.rogers@tci.ca

Upcoming Live Events All Sports

- Montreal @ Toronto - Game 45
- Carolina @ Nashville - Game 44
- Calgary vs. Montreal

Live on SN NOW All Regions

- SN ONTARIO**: Stanley Cup Playoffs: Montreal @ Toronto - Game 5 (7:00 PM - 10:00 PM)
- SNOWE**: PWHPA: Team Bauer vs. Team Sonnet (6:30 PM)
- SN360**: Toronto Blue Jays: Toronto @ New York Yankees - Game 2 (7:30 PM - 10:00 PM)
- NXT**: WWE NXT: May 25 (7:00 PM - 9:00 PM)

Replay Live Events All replays

- 2h 52m
- 2h 34m
- 2h 11m
- 2h 50m

SPORTSNET CA: SPORTSNET PACIFIC HD

BACK

Audio volume control and playback controls (play/pause, stop, next).



CA-Sport

Type for search & press enter

No
Logo

Roger: HD SUPER
SPORTS CH 484

No
Logo

Roger: HD SUPER
SPORTS CH 483

No
Logo

Roger: HD SUPER
SPORTS CH 482

No
Logo

Roger: HD SUPER
SPORTS CH 481

No
Logo

Roger: HD SUPER
SPORTS CH 480

No
Logo

Roger: HD SUPER
SPORTS CH 478

BACK

En direct - TVA Sports

TVVA SPORTS EN DIRECT

TVA Sports direct En direct Site Webmobile Guide Télévisé FAQ

TVVA SPORTS

TVVA SPORTS

0 TOR TIRS 1 TORONTO MAPLE LEAFS 1re 18:29 TOR MÈNE 3 à 1

DISCOVER Tim Hortons HONDA ScotiaAdvice

À NE PAS MANQUER

11 juillet

Canada in the rough - Épisode 1601 - 22:29

AUJOURD'HUI 27 MAI 2021

TVVA SPORTS TVVA SPORTS 2

18h00 - Le hockey des séries...
C'est la dernière partie de la série de séries, Montréal contre Toronto.

21h45 - Dave Morissette en direct
Dave Morissette parle live de l'actualité sportive avec les fans de ses clubs favoris régionaux.

23h00 - Le hockey des séries LNH
Dernière partie de la série de séries, Toronto contre...



CA-Sport

Type for search & press enter

No Logo

Roger: HD SUPER SPORTS CH 484

No Logo

Roger: HD SUPER SPORTS CH 483

No Logo

Roger: HD SUPER SPORTS CH 482

No Logo

Roger: HD SUPER SPORTS CH 481

No Logo

Roger: HD SUPER SPORTS CH 480

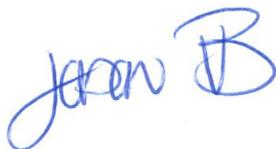
No Logo

Roger: HD SUPER SPORTS CH 478



BACK

This is **Exhibit SR-23** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

- ▼ Internet Protocol Version 4, Src: 185.191.124.245, Dst: 192.168.2.226
 - 0100 = Version: 4
 - 0101 = Header Length: 20 bytes (5)
 - > Differentiated Services Field: 0x68 (DSCP: AF31, ECN: Not-ECT)
 - Total Length: 1492
 - Identification: 0x32c9 (13001)
 - > Flags: 0x40, Don't fragment
 - Fragment Offset: 0
 - Time to Live: 51
 - Protocol: TCP (6)
 - Header Checksum: 0x14b4 [validation disabled]
 - [Header checksum status: Unverified]
 - Source Address: 185.191.124.245
 - Destination Address: 192.168.2.226
- ▼ Transmission Control Protocol, Src Port: 8080, Dst Port: 64038, Seq: 30493, Ack: 1, Len: 1452
 - Source Port: 8080
 - Destination Port: 64038
 - [Stream index: 0]
 - [TCP Segment Len: 1452]

This is **Exhibit SR-24** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
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Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Home > Whois Lookup > 185.191.124.245

IP Information for 185.191.124.245

— Quick Stats

IP Location	 Netherlands Amsterdam
ASN	 AS206264 AMARUTU-TECHNOLOGY, SC (registered Feb 22, 2017)
Whois Server	whois.ripe.net
IP Address	185.191.124.245

% Abuse contact for '185.191.124.0 - 185.191.124.255' is ' abuse@koddos.com '

```
inetnum:      185.191.124.0 - 185.191.124.255
netname:      SC-AMARUTU-NL3
country:      NL
admin-c:      RL11970-RIPE
tech-c:       RL11970-RIPE
status:       ASSIGNED PA
mnt-by:       sc-amarutu-1-mnt
created:      2020-09-15T03:29:45Z
last-modified: 2020-09-20T03:51:43Z
source:       RIPE
```

```
person:       Ronald Linco
address:      Level 23, One Island East, 18 Westlands Road.
address:      N/A
address:      Hong Kong
address:      HONG KONG
phone:        +2484225244
nic-hdl:      RL11970-RIPE
mnt-by:       sc-amarutu-1-mnt
created:      2017-02-20T15:55:54Z
last-modified: 2017-02-20T15:55:54Z
source:       RIPE
```

```
route:        185.191.124.0/24
descr:        Amarutu Technology Ltd. Network
origin:       AS206264
mnt-by:       sc-amarutu-1-mnt
created:      2020-09-15T03:30:32Z
last-modified: 2020-09-15T03:30:32Z
source:       RIPE
```



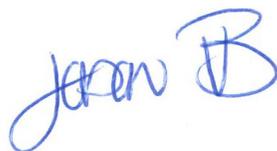
Tools

Monitor Domain Properties	▼
Reverse IP Address Lookup	▼
Network Tools	▼



[Sitemap](#) [Blog](#) [Terms](#) [Privacy](#) [Contact](#) [California Privacy Notice](#) [Do Not Sell My Personal Information](#)
© 2021 DomainTools

This is **Exhibit SR-25** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
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in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Contact

www.linkedin.com/in/koddos

(LinkedIn)

www.koddos.com/ (Company)

www.koddos.com/blog/ (Blog)

www.koddos.com/blog/ (Rss)

Languages

English (Native or Bilingual)

French

Spanish

Ronald Linco

Owner at KoDDoS

Hong Kong SAR

Summary

Summary Of KoDDoS : DDoS attacks tend to infiltrate websites through internet. It can make websites temporarily unavailable to users. Protection against DDoS needs to be your prime security strategy. We are ready with our qualified team & experience. DDoS attack detection & mitigation is a crucial IT function & we are here to help you. We offer services for complete protection against all sorts of DDoS threats including application attacks & network-based attacks like UDP or SYN Floods. We can even block advanced L7 attacks. To know more, visit koddos.net

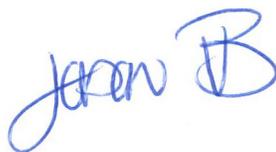
Experience

KoDDoS (Amarutu Technology Ltd)

CEO

2009 - Present (12 years)

This is **Exhibit SR-26** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Home > Reverse IP Lookup > 185.191.124.245

185.191.124.245 Reverse IP Lookup

Enter an IP address and our patented Reverse IP Lookup tool will show you all of the domains currently hosted there. Results include all gTLD domains and any known ccTLD domains.



We did not find any results for your lookup

Please try again or contact support with questions about this lookup.

Lookup Connected Domains

[Lookup tips](#)

LOOKUP

Example: 65.55.53.233 or 64.233.161.%

ONE-CLICK MONITORING

Create an IP Monitor to monitor future changes to "185.191.124.245".

Monitor 185.191.124.245

Related Tools

Reverse NS Lookup

Discover all the domain names currently hosted on any given name server.

Name Server Monitor

Monitor the daily activity of any name server and receive notification of all new and/or deleted domains.

Hosting History

View historical IP addresses, name servers, and registrars for any given domain name.

IP Explorer

Explore the range of all IP addresses and discover how any particular IP block is being utilized.

IP Monitor

Passively monitor additions and changes to registered domain names associated with an IP Address.

Bulk Parsed Whois

Submit a list of domain names, and receive a .csv file with parsed Whois records for the domains.



This is **Exhibit SR-27** in support of the
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in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

 Categories[Alien Hosting 3 Day Trial](#)**[Login Packages](#)**[Alien Portal VOD](#)[Mac/Mag Plans](#)[Reseller Plans](#)[Reseller Credits](#)[VPN](#)**+ Actions**[View Cart](#) 

Select Your Perfect Plan

1 Month Alien Streams

Services for Firestick, Android Devices,
PC, Xbox One, M3U link.
Roku Not Supported

Starting from
\$10.00 USD
Monthly

[Order Now](#)

1 Month Alien Streams (NO Adult)

Services for Firestick, Android Devices,
PC, Xbox One, M3U link.
Roku Not Supported

Starting from
\$10.00 USD
Monthly

[Order Now](#)

3 Months Alien Streams

Services for Firestick, Android Devices,
PC, Xbox One, M3U link.
Roku Not Supported

Starting from
\$30.00 USD
Quarterly

[Order Now](#)

3 Months Alien Streams (NO Adult)

Services for Firestick, Android Devices,
PC, Xbox One, M3U link.
Roku Not Supported

Starting from
\$30.00 USD
Quarterly

[Order Now](#)

6 Months Alien Streams

Services for Firestick, Android Devices,
PC, Xbox One, M3U link.
Roku Not Supported

Starting from
\$50.00 USD
Semi-Annually

[Order Now](#)

6 Months Alien Streams (NO Adult)

Services for Firestick, Android Devices,
PC, Xbox One, M3U link.
Roku Not Supported

Starting from
\$50.00 USD
Semi-Annually

[Order Now](#)

12 Months Alien Streams

Services for Firestick, Android Devices,
PC, Xbox One, M3U link.
Roku Not Supported

Starting from
\$100.00 USD
Annually

[Order Now](#)

12 Months Alien Streams (NO Adult)

Services for Firestick, Android Devices,
PC, Xbox One, M3U link.
Roku Not Supported

Starting from
\$100.00 USD
Annually

[Order Now](#)



View Cart

Categories

- Alien Hosting 3 Day Trial
- Login Packages
- Alien Portal VOD
- Mac/Mag PLans
- Reseller Plans
- Reseller Credits
- VPN

Actions

[View Cart](#)

Review & Checkout

Product/Options	Price/Cycle
1 Month Alien Streams Edit Login Packages <small>» Extra Connections: 0 x Extra Connection \$5.00 USD</small>	\$10.00 USD Monthly

Empty Cart

Apply Promo Code

Enter promo code if you have one

Validate Code

Order Summary

Subtotal	\$10.00 USD
Totals	\$10.00 USD Monthly
\$10.00 USD Total Due Today	
Checkout	
Continue Shopping	



 Categories [Alien Hosting 3 Day Trial](#)[Login Packages](#)[Alien Portal VOD](#)[Mac/Mag PLans](#)[Reseller Plans](#)[Product Addons](#)[Reseller Credits](#)[VPN](#) Actions [View Cart](#)

Order Confirmation

Thank you for your order. You will receive a confirmation email shortly.

Your Order Number is: **4001312064**

If you have any questions about your order, please open a support ticket from your client area and quote your order number.

[Continue To Client Area !\[\]\(7082b6dae16445614b387a9a2a4a67f0_img.jpg\)](#)



Sports Nut <sportsnut008@gmail.com>

Welcome

1 message

Alien Hosting <alien@alienstreams.net>
Reply-To: Alien Hosting <alien@alienstreams.net>
To: Sports Nut <sportsnut008@gmail.com>

15 April 2021 at 14:17



Dear Sports,

Thank you for creating a Alien Hosting account. Please review this email in its entirety as it contains important information.

Logging In

You can access our client area at <https://www.alienstreams.net/billing/>

You will need your email address and the password you chose during signup to login.

If you created an account as part of placing a new order with us, you will shortly receive an order confirmation email.

Getting Support

If you need any help or assistance, you can access our support resources below.

- [Knowledgebase](#)
- [Submit a Ticket](#)

Alien Hosting
<http://www.alienstreams.net>

You are receiving this email because you recently created an account. If you did not do this, please contact us.

[visit our website](#) | [log in to your account](#) | [get support](#)

Copyright © Alien Hosting, All rights reserved.



Sports Nut <sportsnut008@gmail.com>

Your Alien Streams Service Info

1 message

Alien Hosting <alien@alienstreams.net>
Reply-To: Alien Hosting <alien@alienstreams.net>
To: Sports Nut <sportsnut008@gmail.com>

15 April 2021 at 14:17



Dear Sports Nut, **DO NOT REPLY TO THIS EMAIL.. YOU MUST OPEN A TICKET ON THE WEBSITE FOR SUPPORT AND REPLY TO TICKETS ON WEBSITE ONLY**

Thanks for buying our service. Your service 1 Month Alien Streams has now activated. Please use the following to details to use your service.

Your IPTV Service Details are:

Your Username : 3940079698

Your Password : 8870433932

App Link 1 (smarters): <http://alienstreams.net/tv.apk>

App Link 2 (tivi mate): <http://alienstreams.net/tivi.apk>

M3u Plus Playlist URL : http://watch.alienstreams.tv:8080/get.php?username=3940079698&password=8870433932&type=m3u_plus&output=ts

Epg Url: http://watch.alienstreams.tv:8080/xmltv.php?username=3940079698&password=8870433932&type=m3u_plus&output=ts

You can visit our knowledgebase here: <https://www.alienstreams.net/billing/index.php?rp=/knowledgebase>

Report down channels, request channels, and daily channel updates in our Slack group here: https://join.slack.com/t/alien-hosting/shared_invite/zt-lw97f0fr-2oMg7bAVbMAS~Ps4fcRhxQ

Billing Info:

Product/Service: 1 Month Alien Streams
Payment Method: Debit Cards & Credit Cards
Amount: \$10.00 USD
Billing Cycle: Monthly
Next Due Date: Saturday, May 15th, 2021

Thank you for choosing us.

Alien Hosting
<http://www.alienstreams.net>

[visit our website](#) | [log in to your account](#) | [get support](#)
Copyright © Alien Hosting, All rights reserved.



CLICK HERE FOR TUTORIALS AND INSTALLS



Android devices such as firesticks and android streaming boxes

App link 1 (smarters): <http://alienstreams.net/tv.apk>

App link 2 (tivi mate): <http://alienstreams.net/tivi.apk>

Firestick install instructions:

1. Go into settings of your firestick
2. Click on Device
3. Enable apps from unknown sources under developer options
4. Now go back to home page on firestick and click on the search icon
5. Search for the application "downloader"
6. once you have downloaded the app "downloader" type in one or both of the app links above
7. Login with your username and password.

APPLE IOS

1. download either the GSE or IPTV smarters from the App store and login with your stream logins and use the dns: <http://watch.alienstreams.tv:8080>

Windows PC

myiptvplayer: Found in microsoft windows store

Webplayer: <http://alienwebplayer.net/webplayer/>

Roku Devices

Not Supported

★ 3 Users Found This Useful

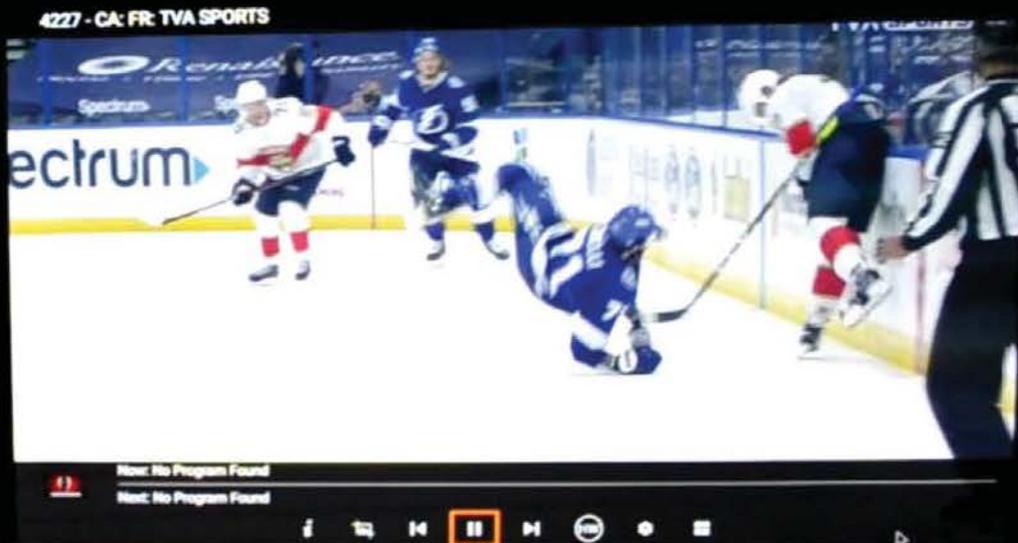
Copyright © 2021 Alien Hosting. All Rights Reserved.



This is **Exhibit SR-28** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)



This is **Exhibit SR-29** in support of the
Affidavit of Steven Rogers,
solemnly affirmed before me, through videoconference,
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in the city of Montréal, in the Province of Québec, this 28th day of June 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Home > Whois Lookup > AlienStreams.net

Whois Record for AlienStreams.net

[How does this work?](#)

Domain Profile

Proximity Score	22
Email	abuse@hostinger.com is associated with ~274,582 domains contact@privacyprotect.org is associated with ~1,571,867 domains
Registrar	Hostinger, UAB IANA ID: 1636 URL: https://www.hostinger.com,http://www.hostinger.com Whois Server: whois.hostinger.com abuse@hostinger.com (p) 37064503378
Registrar Status	clientTransferProhibited
Dates	1,108 days old Created on 2018-04-17 Expires on 2022-04-17 Updated on 2021-03-23
Name Servers	NS1.DNS-PARKING.COM (has 1,066,201 domains) NS2.DNS-PARKING.COM (has 1,066,201 domains)
IP Address	51.81.84.126 is hosted on a dedicated server
IP Location	Virginia - Warrenton - Ovn Us Llc
ASN	AS16276 OVH, FR (registered Feb 15, 2001)
Domain Status	Registered And Active Website
Whois History	23 records have been archived since 2018-04-17
Registrar History	1 registrar
Hosting History	4 changes on 4 unique name servers over 3 years

Website

Website Title	500 SSL negotiation failed:
Response Code	500

Whois Record (last updated on 2021-04-29)

```

Domain Name: ALIENSTREAMS.NET
Registry Domain ID: 2253696180_DOMAIN_NET-VRSN
Registrar WHOIS Server: whois.hostinger.com
Registrar URL: https://www.hostinger.com
Updated Date: 2021-03-23T11:03:16Z
Creation Date: 2018-04-18T03:40:32Z
Registrar Registration Expiration Date: 2022-04-18T03:40:32Z
Registrar: Hostinger, UAB
Registrar IANA ID: 1636
Domain Status: clientTransferProhibited https://icann.org/epp#clientTransferProhibited
Registry Registrant ID: Not Available From Registry
Registrant Name: Domain Admin
Registrant Organization: Privacy Protect, LLC (PrivacyProtect.org)
Registrant Street: 10 Corporate Drive
Registrant City: Burlington
Registrant State/Province: MA
Registrant Postal Code: 01803
Registrant Country: US
Registrant Phone: +1.8022274003
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: contact@privacyprotect.org
Registry Admin ID: Not Available From Registry
Admin Name: Domain Admin
Admin Organization: Privacy Protect, LLC (PrivacyProtect.org)
Admin Street: 10 Corporate Drive
Admin City: Burlington
Admin State/Province: MA
Admin Postal Code: 01803
Admin Country: US
Admin Phone: +1.8022274003
Admin Phone Ext:
Admin Fax:
Admin Fax Ext:
Admin Email: contact@privacyprotect.org
Registry Tech ID: Not Available From Registry
Tech Name: Domain Admin
Tech Organization: Privacy Protect, LLC (PrivacyProtect.org)
Tech Street: 10 Corporate Drive
Tech City: Burlington
Tech State/Province: MA
Tech Postal Code: 01803
Tech Country: US
Tech Phone: +1.8022274003
Tech Phone Ext:
Tech Fax:
Tech Fax Ext:
Tech Email: contact@privacyprotect.org
Name Server: ns1.dns-parking.com
Name Server: ns2.dns-parking.com
DNSSEC: Unsigned
Registrar Abuse Contact Email: abuse@hostinger.com
Registrar Abuse Contact Phone: +37864503378
URL of the ICANN WHOIS Data Problem Reporting System: http://wdprs.internic.net/

```

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Tools

- [Whois History](#)
- [Hosting History](#)
- [Monitor Domain Properties](#)
- [Reverse Whois Lookup](#)
- [Reverse IP Address Lookup](#)
- [Network Tools](#)
- [Visit Website](#)
- [Queue Screenshot for Addition](#)

Available TLDs

General TLDs Country TLDs

The following domains are available through our preferred partners. Select domains below for more information. (3rd party site)

- Taken domain.
- Available domain.
- Deleted previously owned domain.

AlienStreams.com	View Whois
AlienStreams.net	View Whois
AlienStreams.org	Buy Domain
AlienStreams.info	Buy Domain
AlienStreams.biz	Buy Domain
AlienStreams.us	Buy Domain

FEDERAL COURT

B E T W E E N:

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

Plaintiffs

- and -

JOHN DOE 1**JOHN DOE 2**

**OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
 SERVERS PROVIDING ACCESS TO NHL GAMES IN CANADA**

Defendants

AFFIDAVIT OF GARETH EVANS

I, Gareth Evans, of the City of London, England, SOLEMNLY AFFIRM THAT:

1. I am a Client Services Manager at OpSec Online LLC ("**OpSec Online**").
2. On or about January 3, 2020, Clarivate Analytics, for which I was working, sold the brand protection, anti-fraud and anti-piracy business of MarkMonitor Inc. to OpSec Security Group Ltd. ("**OpSec Security**"). Upon closing the sale, OpSec Security formed the new business into OpSec Online, my current employer, which provides content rightsholders with technical and enforcement services to combat the illegal streaming of live content.
3. In my current position, as well as my prior position at Clarivate Analytics, which I have held since 2018, my responsibilities and duties include investigating internet piracy and taking

appropriate enforcement actions, liaising with Internet Service Providers and other intermediaries, and producing analytical reporting for clients.

4. I understand that in the present proceeding, the Plaintiffs are seeking a live and dynamic site blocking order that would enjoin Internet Service Providers in Canada to block or attempt to block their subscribers' access to servers that provide access to infringing live streams of National Hockey League ("NHL") games.

5. I am authorized to sign the present affidavit on behalf of OpSec Online.

6. I have personal knowledge of all the facts stated in this affidavit, unless indicated otherwise.

I. OPSEC ONLINE AND THE NHL

7. OpSec Security has been serving customers for nearly 40 years in the fight against counterfeiting, diversion and fraud, and provides services related to intellectual property protection, antifraud protection, anticounterfeiting protection and antipiracy protection.

8. OpSec Online's antipiracy services use proprietary technology, data intelligence and cyber expertise to detect and defend against online piracy occurring around the world. Such services include monitoring sites providing access to infringing content, using tools to confirm copyright infringement, applying sophisticated fingerprinting technology to verify live and archived infringing video streams almost instantaneously, sending takedown notices and cease and desist letters, and turning piracy data into actionable intelligence for fresh business insight on a daily basis.

9. Part of OpSec Online's antipiracy services is dedicated to the combating of infringing live stream content, which service (so-called "**NetResult**") has been offered since 2001, mostly for live sports content. OpSec Online is aware that live content such as sports content has to be watched in real time. As such, the NetResult service uses automated and proprietary software to identify, send takedown notices, and help shut down sites providing access to infringing live content in real time.

10. I understand that the NHL is a professional ice hockey league in North America and that NHL games are broadcast in Canada on different television stations and online services owned and/or operated by the Plaintiffs.

11. In its efforts to combat infringing live streams of NHL games, and after sending takedown notices manually to online sites providing access to infringing live streams of NHL games for some time, the NHL hired OpSec Online in December 2019 to send such takedown notices using its automated fingerprinting technology.

12. Fingerprinting technology is designed to recognize a copy of an original piece of video using a mathematical analysis of the video frames themselves. OpSec Online's monitoring utilises proprietary video fingerprinting technology, which generates fingerprints from potentially infringing live streams and compares these fingerprints in real time to the reference fingerprints generated from the legitimate live feeds (NHL's feeds). If a positive match is detected with a high degree of confidence, the stream is confirmed as an infringement and this triggers an enforcement process, including sending takedown notices.

13. For the purpose of my affidavit, a takedown notice is a notice alleging that the streaming of a particular content is illegal (i.e., infringing a third party's copyright(s)), and requesting that such content be removed.

II. TAKEDOWN NOTICES SENT BY OPSEC ONLINE AND RESULTS

14. OpSec Online identifies sites providing access to infringing live streams of NHL games using its automated fingerprinting technology as described above, and by investigating various online discussion groups providing links to such sites. Some hockey fans also report infringing live streams directly to the NHL.

15. OpSec Online sends takedown notices on behalf of the NHL to different individuals and organizations involved at different levels in the operation of sites providing access to infringing live streams of NHL games, including operators of streaming sites, operators of streaming servers and hosting providers (the "**Unauthorized Services**").

16. OpSec Online sends takedown notices to the Unauthorized Services by email while the sites are streaming live NHL games.

17. Since December 2019, OpSec Online has sent a total of approximately 46,400 takedown notices on behalf of the NHL to Unauthorized Services. For the 2020-2021 NHL season alone, OpSec Online has sent a total of 26,300 takedown notices to Unauthorized Services so far (i.e., from January 2021 to April 26, 2021). A representative example of OpSec Online's takedown notice sent on behalf of the NHL is attached to my affidavit as **Exhibit GE-1**.

18. OpSec Online receives very few replies to its takedown notices in a timely fashion, except for legitimate sites (e.g., Facebook) which usually complied after receiving a takedown notice. A representative example of such a reply from a legitimate provider is attached to my affidavit as **Exhibit GE-2**.

19. OpSec Online has observed that the infringing content was removed in a timely fashion for only approximately 11% of all the takedown notices sent so far on behalf of the NHL for the 2020-2021 season.

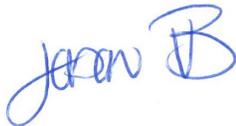
20. I also note that 81% of the Unauthorized Services have received more than one takedown notice, with no compliance.

AND I HAVE ELECTRONICALLY SIGNED:

(s) Gareth Evans

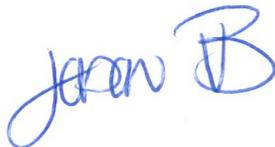
Gareth Evans

SOLEMNLY AFFIRMED BEFORE ME through videoconference, in accordance with the Notice from the Ministère de la Justice du Québec, in Montreal, Province of Quebec, this 14th day of May 2021.



Commissioner of Oaths
Jason Vallée Buchanan
(Number: 214,310)

This is **Exhibit GE-1**
in support of the Affidavit of Gareth Evans
solemnly affirmed before me, through videoconference, in accordance
with the Notice from the Ministère de la Justice du Québec, in Montreal,
Province of Quebec, this 14th day of May 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

RE: Unauthorized Online Streaming of NHL Games

OpSec Online Ltd Internal Reference: _[NRID]_

Please quote the above _[NRID]_ reference in all communications with us regarding this issue.

Dear Sir or Madam:

We are writing on behalf of NHL Enterprises, L.P. (“NHLE”), the entity authorized to represent the National Hockey League (the “NHL”) and its member clubs in intellectual property matters.

We have noticed that your website, _[URL]_, is displaying and/or offering audiovisual content that is copyrighted material owned by the NHL, its member clubs, and/or its authorized broadcast partners (“NHL Content”).

_[TITLE_LEGALNAME]_

[URL]

As you have neither sought nor obtained permission from the NHL, the NHL member clubs, and/or any of their authorized broadcast partners to use NHL Content, your present use is an infringement of these parties’ rights.

Please immediately cease all such infringements on any and all of your web sites, and refrain from any such unauthorized conduct in the future. We request your written response via email confirming your compliance with our requests.

This letter is not intended nor shall it be construed to constitute an express or implied waiver of any of the NHL or NHL member clubs’ rights or remedies, including any rights or remedies with respect to any infringement not expressly stated, whether current or in the future, all of which are expressly reserved.

I hereby state that OpSec Online Ltd is authorized to act on NHLE’s behalf with respect to internet monitoring, compliance and enforcement in relation to the unauthorized use of NHL Content. On behalf of NHLE, I hereby state that I have a good faith belief that use of the NHL Content in the manner

complained of is not authorized by the NHL, its member clubs, or its authorized broadcast partners, and is not otherwise permitted by law.

I, Bill Birnie, as a representative of OpSec Online LLC hereby digitally sign this e-mail message under penalty of perjury under the laws of the United States of America with the additional statement under penalty of perjury that the information in the notice is accurate.

If you have any questions, please contact the undersigned at the contact information provided below.

Yours sincerely,

Bill Birnie

OpSec Online LLC

(208) 389-5740

3540 E Longwing Ln #300

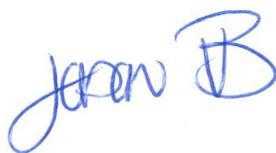
Meridian, ID 83646

United States

Tel: _[SENDER_TELEPHONE]_

_[NR_DISCLAIMER]_

This is **Exhibit GE-2**
in support of the Affidavit of Gareth Evans
solemnly affirmed before me, through videoconference, in accordance
with the Notice from the Ministère de la Justice du Québec, in Montreal,
Province of Quebec, this 14th day of May 2021.



Commissioner for Oaths
Jason Vallée Buchanan
(number: 214,310)

Subject: Copyright Report Form #774093430137524

Hi,

Thanks for contacting us. We removed the content you reported for violating Facebook's Terms of Service. We understand this action to resolve your intellectual property report.

If you'd like to retract this report, please email ip@fb.com and reference this report number (Complaint #774093430137524). For more information on retractions, please visit:

<https://www.facebook.com/help/1206218382801108?ref=CR>

If you'd like to report something else, please fill out this form:

<https://www.facebook.com/help/contact/634636770043106?ref=CR>

Please reference this report (Complaint #774093430137524) in your new report if you think it will help us better understand your issue.

If you have any additional questions about intellectual property, please visit the Intellectual Property section of the Help Center:

https://www.facebook.com/help/intellectual_property?ref=CR

** Please note: this is a no-reply email. Any replies will not be received. **

Thanks,

Aiden
Facebook

Court File No. T-955-21

FEDERAL COURT

B E T W E E N:

**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.**

Plaintiffs

- and -

**JOHN DOE 1
 JOHN DOE 2
 OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
 SERVERS PROVIDING ACCESS TO NHL LIVE GAMES IN CANADA**

Defendants

- and -

**BELL CANADA
 BRAGG COMMUNICATIONS INC. dba EASTLINK
 COGECO CONNEXION INC.
 DISTRIBUTEL COMMUNICATIONS LIMITED
 FIDO SOLUTIONS INC.
 ROGERS COMMUNICATIONS CANADA INC.
 SASKATCHEWAN TELECOMMUNICATIONS
 SHAW COMMUNICATIONS INC.
 TEKSAVVY SOLUTIONS INC.
 TELUS COMMUNICATIONS INC.
 VIDEOTRON LTD.**

Third Party Respondents

AFFIDAVIT OF JASON VALLÉE BUCHANAN

I, Jason Vallée Buchanan, having a professional residence in the City of Montreal, in the Province of Quebec, Canada, SOLEMNLY AFFIRM THAT:

1. I am a paralegal at Smart & Biggar LLP, the solicitors of record for the Plaintiffs in the present proceeding.
2. I am involved in this file as an assistant to Messrs. François Guay, Jean-Sébastien Dupont, Guillaume Lavoie Ste-Marie, Olivier Jean-Lévesque, and Ms. Marie-Christine Bernier, who act in this matter on behalf of the Plaintiffs.
3. I have personal knowledge of all the facts mentioned in this affidavit, unless indicated otherwise.

A. CERTIFICATES OF REGISTRATION OF COPYRIGHT LICENSES

4. In the context of the present proceeding, I personally assisted Mr. Dupont with the preparation and filing of applications for the registration of the grants of interest described below.
5. On June 1, 2021, I have filed an application with the Canadian Intellectual Property Office (“CIPO”) for the registration of a Confirmatory Copyright License, from Vancouver Canucks Limited Partnership to Rogers Media Inc., granting an interest in Canada in the In-Market Regional NHL Live Games of the Vancouver Canucks (2012/13 through 2022/23 NHL seasons). Attached to my affidavit as **Exhibit JVB-1** is a copy of the above-mentioned Confirmatory Copyright License, dated May 7, 2021.
6. I have not yet received the corresponding certificate of registration and the registration also does not yet appear on CIPO’s online database. I have followed up with Ms. Jocelyne Bédard, Copyright Officer, at CIPO on June 22, 2021, who explained that there have some COVID-related administrative delays, but the Confirmatory Copyright License was registered under registration No. 1182622 and should appear shortly on CIPO’s online database.
7. On June 1, 2021, I have filed an application with CIPO for the registration of a Confirmatory Copyright License, from Rogers Media Inc. to Quebecor Media Inc., granting an interest in Canada in the National NHL Live Games in the French language (2014/15 through 2025/26 NHL seasons).

8. On June 2, 2021, the Confirmatory Copyright License mentioned at paragraph 7 above was registered under registration No. 1182623. I have not yet received the corresponding certificate of registration.

9. Attached in a bundle to my affidavit as **Exhibit JVB-2** is:

- a) a copy of the particulars of Canadian copyright registration no. 1182623, which I have obtained from CIPO's online database; and
- b) a copy of the above-mentioned Confirmatory Copyright License, dated May 10, 2021, between Rogers Media Inc. and Quebecor Media Inc., corresponding to Registration No. 1182623.

10. On June 1, 2021, I have filed an application with CIPO for the registration of a Confirmatory Copyright License, from Oilers Entertainment Group Canada Corp. and Calgary Sports and Entertainment Corporation to Rogers Media Inc., granting an interest in Canada in the In-Market Regional NHL Live Games of the Calgary Flames and of the Edmonton Oilers (2020/21 through 2023/24 NHL seasons).

11. On June 7, 2021, the Confirmatory Copyright License mentioned at paragraph 10 above was registered under registration No. 1182781.

12. Attached in a bundle to my affidavit as **Exhibit JVB-3** is:

- a) a copy of the original Certificate of Registration of the Canadian copyright registration no. 1182781, dated June 7, 2021; and
- b) a copy of the above-mentioned Confirmatory Copyright License, dated April 29, 2021, between Oilers Entertainment Group Canada Corp. and Calgary Sports and Entertainment Corporation and Rogers Media Inc., corresponding to Registration No. 1182781.

13. On June 1, 2021, I have filed an application with CIPO for the registration of a Confirmatory Copyright License, from Maple Leaf Sports & Entertainment Partnership to Rogers Communications Inc., BCE Inc. and 8047286 Canada Inc., granting an interest in Canada in the

In-Market Regional NHL Live Games of the Toronto Maple Leafs (2015/16 through 2025/26 NHL seasons).

14. On June 7, 2021, the Confirmatory Copyright License mentioned at paragraph 13 above was registered under registration No. 1182782.

15. Attached in a bundle to my affidavit as **Exhibit JVB-4** is:

- a) a copy of the original Certificate of Registration of the Canadian copyright registration no. 1182782, dated June 7, 2021; and
- b) a copy of the above-mentioned Confirmatory Copyright License, dated May 7, 2021, between Maple Leaf Sports & Entertainment Partnership and Rogers Communications Inc., BCE Inc. and 8047286 Canada Inc., corresponding to Registration No. 1182782.

16. On June 1, 2021, I have filed an application with CIPO for the registration of a Summary of Grant of Certain Rights, from NHL Enterprises Canada, LP, NHL Interactive CyberEnterprises, LLC and The National Hockey League to Rogers Media Inc., granting an interest in Canada in the National and Out-of-Market Regional NHL Live Games (2014/15 through 2025/26 NHL seasons).

17. On June 7, 2021, the Summary of Grant of Certain Rights mentioned at paragraph 16 above was registered under registration No. 1182783. I have not yet received the corresponding certificate of registration.

18. Attached in a bundle to my affidavit as **Exhibit JVB-5** is:

- a) a copy of the particulars of Canadian copyright registration no. 1182783, which I have obtained from CIPO's online database; and
- b) a copy of the above-mentioned Summary of Grant of Certain Rights, dated May 20, 2021, between NHL Enterprises Canada, LP, NHL Interactive CyberEnterprises, LLC and The National Hockey League and Rogers Media Inc., corresponding to Registration No. 1182783.

19. On June 15, 2021, I have filed an application with CIPO for the registration of a Confirmatory Copyright License, from Winnipeg Jets Hockey Club Limited Partnership to CTV Specialty Television Enterprises Inc., granting an interest in Canada in the In-Market Regional NHL Live Games of the Winnipeg Jets (2011/12 through 2023/24 NHL seasons).

20. On June 16, 2021, the Confirmatory Copyright License mentioned at paragraph 19 above was registered under registration No. 1183068. I have not yet received the corresponding certificate of registration.

21. Attached in a bundle to my affidavit as **Exhibit JVB-6** is:

- a) a copy of the particulars of Canadian copyright registration no. 1183068, which I have obtained from CIPO's online database; and
- b) a copy of the above-mentioned Confirmatory Copyright License, dated June 11, 2021, between Winnipeg Jets Hockey Club Limited Partnership and CTV Specialty Television Enterprises Inc., corresponding to Registration No. 1183068.

22. On June 15, 2021, I have filed an application with CIPO for the registration of a Confirmatory Copyright License, from Capital Sports & Entertainment Inc. to Bell Media, Inc., granting an interest in Canada in the In-Market Regional NHL Live Games of the Ottawa Senators (2014/15 through 2024/25 NHL seasons).

23. On June 16, 2021, the Confirmatory Copyright License mentioned at paragraph 22 above was registered under registration No. 1183069. I have not yet received the corresponding certificate of registration.

24. Attached in a bundle to my affidavit as **Exhibit JVB-7** is:

- a) a copy of the particulars of Canadian copyright registration no. 1183069, which I have obtained from CIPO's online database; and
- b) a copy of the above-mentioned Confirmatory Copyright License, dated June 11, 2021, between Capital Sports & Entertainment Inc. and Bell Media Inc., corresponding to Registration No. 1183069.

25. On June 15, 2021, I have filed an application with CIPO for the registration of a Confirmatory Copyright License, from Club de hockey Canadien, Inc. and 9310-1566 Quebec Inc. to Le Réseau des Sports (RDS) Inc., granting an interest in Canada in the In-Market Regional NHL Live Games in the French language of the Montreal Canadiens (2014/15 through 2025/26 NHL seasons).

26. On June 16, 2021, the Confirmatory Copyright License mentioned at paragraph 25 above was registered under registration No. 1183070. I have not yet received the corresponding certificate of registration.

27. Attached in a bundle to my affidavit as **Exhibit JVB-8** is:

- a) a copy of the particulars of Canadian copyright registration no. 1183070, which I have obtained from CIPO's online database; and
- b) a copy of the above-mentioned Confirmatory Copyright License, dated June 11, 2021, between Club de hockey Canadien, Inc. and 9310-1566 Quebec Inc. and Le Réseau des Sports (RDS) Inc., corresponding to Registration No. 1183070.

28. On June 15, 2021, I have filed an application with CIPO for the registration of a Confirmatory Copyright License, from Club de hockey Canadien, Inc. and 9310-1566 Quebec Inc. to The Sports Network Inc., granting an interest in Canada in the In-Market Regional NHL Live Games in the English language of the Montreal Canadiens (2017/18 through 2021/22 NHL seasons).

29. On June 16, 2021, the Confirmatory Copyright License mentioned at paragraph 28 above was registered under registration No. 1183071. I have not yet received the corresponding certificate of registration.

30. Attached in a bundle to my affidavit as **Exhibit JVB-9** is:

- a) a copy of the particulars of Canadian copyright registration no. 1183071, which I have obtained from CIPO's online database; and

- b) a copy of the above-mentioned Confirmatory Copyright License, dated June 11, 2021, between Club de hockey Canadien, Inc. and 9310-1566 Quebec Inc. and The Sports Network Inc., corresponding to Registration No. 1183071.
31. On June 15, 2021, I have filed an application with CIPO for the registration of a Confirmatory Copyright License, from Quebecor Media Inc. to Groupe TVA Inc., granting an interest in Canada in the National NHL Live Games in the French language (2014/15 through 2025/26 NHL seasons).
32. On June 16, 2021, the Confirmatory Copyright License mentioned at paragraph 31 above was registered under registration No. 1183072. I have not yet received the corresponding certificate of registration.
33. Attached in a bundle to my affidavit as **Exhibit JVB-10** is:
- a) a copy of the particulars of Canadian copyright registration no. 1183072, which I have obtained from CIPO's online database; and
 - b) a copy of the above-mentioned Confirmatory Copyright License, dated June 11, 2021, between Quebecor Media Inc and Groupe TVA Inc., corresponding to Registration No. 1183072.

B. SERVICE OF THE STATEMENT OF CLAIM

34. I personally assisted Mr. Dupont with the service of the Statement of Claim issued by the Federal Court on June 14, 2021, attached to my Affidavit as **Exhibit JVB-11**, upon the Defendants John Doe 1 and John Doe 2 as described below.

i. Service of the Statement of Claim upon the Defendant John Doe 1

35. On June 15, 2021 at 9:46 a.m., I sent an e-mail to the addresses abuse@nforce.com, notifications@nforce.com, info@nforce.com, administration@nforce.com and noc@nforce.com attaching an electronic copy of the Statement of Claim. Attached to my Affidavit as **Exhibit JVB-12** is a printout of said e-mail.

36. As it appears from the WHOIS information attached to my affidavit as **Exhibit JVB-13**, the streaming servers located at IP addresses 91.212.150.116, 91.212.150.132 and 91.212.150.140 are associated with the hosting provider “NForce Entertainment BV” (ASN 43350).

37. As it appears from the contact section of the website <https://bgpview.io/> attached to my affidavit as **Exhibit JVB-14**, the hosting provider “NForce Entertainment BV” (ASN 43350) contact e-mails are abuse@nforce.com, notifications@nforce.com, info@nforce.com, administration@nforce.com and noc@nforce.com.

38. On June 15, 2021 at 9:46 a.m., I received confirmation that the delivery of my e-mail to abuse@nforce.com, notifications@nforce.com, info@nforce.com, administration@nforce.com and noc@nforce.com was completed. I did not receive any response since. Attached to my Affidavit as **Exhibit JVB-15** is a printout of the automatically generated e-mail confirming delivery.

39. On June 15, 2021 at 9:47 a.m., I sent an e-mail to the addresses abuse@v-sys.org, hostmaster@v-sys.org and abuse@quasar-ip.com attaching an electronic copy of the Statement of Claim. Attached to my Affidavit as **Exhibit JVB-16** is a printout of said e-mail.

40. As it appears from the WHOIS information attached to my affidavit as **Exhibit JVB-17**, the streaming server located at IP address 77.83.117.128 is associated with the hosting provider “Yurteh-AS” (ASN 30860) and to the e-mail address abuse@quasar-ip.com.

41. As it appears from the contact section of the website <https://bgpview.io/> attached to my affidavit as **Exhibit JVB-18**, the hosting provider “Yurteh-AS” (ASN 30860) contact e-mails are abuse@v-sys.org, hostmaster@v-sys.org and admin@ics.gov.ua.

42. On June 15, 2021 at 9:47 a.m., I received confirmation that the delivery of my e-mail to abuse@quasar-ip.com was completed. Attached to my Affidavit as **Exhibit JVB-19** is a printout of the automatically generated e-mail confirming delivery.

43. On June 15, 2021 at 9:48 a.m., I received confirmation that the delivery of my e-mail to abuse@v-sys.org and hostmaster@v-sys.org was completed. I did not receive any response since.

Attached to my Affidavit as **Exhibit JVB-20** is a printout of the automatically generated e-mail confirming delivery.

44. On July 15, 2021 at 9:58 a.m., I received an e-mail from abuse@quasar-ip.com advising me that our e-mail containing the electronic copy of the Statement of Claim had been forwarded to their client's e-mail address business@hosting356.com. Attached to my Affidavit as **Exhibit JVB-21** is a printout of said e-mail.

45. On June 16, 2021 at 4:55 p.m., I sent an e-mail to the address business@hosting356.com, which I obtained in the e-mail I received from abuse@quasar-ip.com on June 15, 2021, attaching an electronic copy of the Statement of Claim. Attached to my Affidavit as **Exhibit JVB-22** is a printout of said e-mail.

46. On June 16, 2021 at 5:15 p.m., I received confirmation that the delivery of my e-mail to business@hosting356.com was completed. I did not receive any response since. Attached to my Affidavit as **Exhibit JVB-23** is a printout of the automatically generated e-mail confirming delivery.

47. On June 15, 2021 at 9:48 a.m., I sent an e-mail to the address support-link.ac@yandex.com attaching an electronic copy of the Statement of Claim. I did not receive confirmation that the delivery of my e-mail was completed and I did not receive any response since. Attached to my Affidavit as **Exhibit JVB-24** is a printout of said e-mail.

48. As it appears from the WHOIS information attached to my affidavit as **Exhibit JVB-25**, the streaming servers located at IP addresses 185.232.52.31 and 185.232.52.4 are associated with the hosting provider "Internet-It," (ASN 200313).

49. As it appears from the contact section of the website <https://bgpview.io/> attached to my affidavit as **Exhibit JVB-26**, the hosting provider "Internet-It," (ASN 200313) contact e-mails are support-link.ac@yandex.com and support-link.ac@yandex.ru.

50. On July 2, 2021 at 12:21 p.m., I sent an e-mail to the address support-link.ac@yandex.ru attaching an electronic copy of the Statement of Claim. I did not receive confirmation that the

delivery of my e-mail was completed and I did not receive any response since. Attached to my Affidavit as **Exhibit JVB-27** is a printout of said e-mail.

51. As it appears from the main page of the website <http://assia2.tv> attached to my affidavit as **Exhibit JVB-28**, the contact e-mail is assiatv3@gmail.com.

52. On June 18, 2021 at 12:33 p.m., I sent an e-mail to the address assiatv3@gmail.com attaching an electronic copy of the Statement of Claim. Attached to my Affidavit as **Exhibit JVB-29** is a printout of said e-mail.

53. On June 18, 2021 at 12:33 p.m., I received confirmation that the delivery of my e-mail to assiatv3@gmail.com was completed. I did not receive any response since. Attached to my Affidavit as **Exhibit JVB-30** is a printout of the automatically generated e-mail confirming delivery.

54. As it appears from the WHOIS information attached to my affidavit as **Exhibit JVB-13**, the streaming servers located at IP addresses 91.212.150.116, 91.212.150.132 and 91.212.150.140 are also associated to the e-mail address alex.person@gmail.com.

55. On June 18, 2021 at 5:09 p.m., I sent an e-mail to the address alex.person@gmail.com attaching an electronic copy of the Statement of Claim. Attached to my Affidavit as **Exhibit JVB-31** is a printout of said e-mail.

56. On June 18, 2021 at 5:09 p.m., I received confirmation that the delivery of my e-mail to alex.person@gmail.com was completed. I did not receive any response since. Attached to my Affidavit as **Exhibit JVB-32** is a printout of the automatically generated e-mail confirming delivery.

ii. Service of the Statement of Claim upon the Defendant John Doe 2

57. On June 15, 2021 at 9:45 a.m., I sent an e-mail to the addresses abuse@koddos.com and noc@koddos.com attaching an electronic copy of the Statement of Claim. Attached to my Affidavit as **Exhibit JVB-33** is a printout of said e-mail.

58. As it appears from the WHOIS information attached to my affidavit as **Exhibit JVB-34**, the streaming server located at IP address 185.191.124.245 is associated with the hosting provider “Amarutu-Technology” (ASN 206264).

59. As it appears from the contact section of the website <https://bgpview.io> attached to my affidavit as **Exhibit JVB-35**, the hosting provider “Amarutu-Technology” (ASN 206264) contact e-mails are abuse@koddos.com and noc@koddos.com.

60. On June 15, 2021 at 9:46 a.m., I received confirmation that the delivery of my e-mail to abuse@koddos.com and noc@koddos.com was completed. I did not receive any response since. Attached to my Affidavit as **Exhibit JVB-36** is a printout of the automatically generated e-mail confirming delivery.

C. THE THIRD PARTY RESPONDENTS

61. I attach to my affidavit as **Exhibits JVB-37 to JVB-43** below the corporate information reports for some of the Third Party Respondents in this action, namely:

- a) **Exhibit JVB-37:** Bragg Communications Incorporated, a corporation incorporated and subsisting under the laws of Nova Scotia, having a registered office at 4881 Main Street, Oxford, Nova Scotia.
- b) **Exhibit JVB-38:** Cogeco Connexion Inc., a corporation incorporated and subsisting under the laws of Canada, having a registered office at 3301-1 Place Ville-Marie, Montreal, Quebec.
- c) **Exhibit JVB-39:** Distributel Communications Limited, a corporation incorporated and subsisting under the laws of Canada, having a registered office at 801-3300 Bloor Street West, Toronto, Ontario.
- d) **Exhibit JVB-40:** Saskatchewan Telecommunications, a corporation incorporated and subsisting under the laws of Saskatchewan, having a registered office at 2121 Saskatchewan Drive, Regina, Saskatchewan.

- e) **Exhibit JVB-41:** Shaw Communications Inc., a corporation incorporated and subsisting under the laws of Alberta, having a registered office at 900-630 3rd Avenue SW, Calgary, Alberta.
- f) **Exhibit JVB-42:** Teksavvy Solutions Inc., a corporation incorporated and subsisting under the laws of Ontario, having a registered office at 800 Richmond Street, Chatham, Ontario.
- g) **Exhibit JVB-43:** Telus Communications Inc., a corporation incorporated and subsisting under the laws of British Columbia, having a registered office at 510 West Georgia Street, 7th floor, Vancouver, British Columbia.

SOLEMNLY AFFIRMED before me,
through videoconference, in accordance with
the Notice from the Ministère de la Justice du
Québec, in Montreal, Province of Quebec,
this 2nd day of July 2021

AND I HAVE ELECTRONICALLY
SIGNED



Commissioner for Oaths
Julie Morin
(number: 193,000)



Jason Vallée Buchanan

This is **Exhibit JVB-1** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

CONFIRMATORY COPYRIGHT LICENSE

WHEREAS Vancouver Canucks Limited Partnership ("LICENSOR"), being the owner and operator of the Vancouver Canucks ("TEAM"), a franchise team of the National Hockey League ("NHL"), owns the copyright in, *inter alia*, all pre-season NHL games and all regional regular season NHL games played by the TEAM (as further described in Schedule A, "TEAM CONTENT"), limited to the TEAM's Territory (as described in Schedule B).

WHEREAS LICENSOR and Rogers Media Inc. (as successor to Rogers Sportsnet Inc.) ("LICENSEE") are parties to a Distribution Agreement dated as of September 12, 2012 ("AGREEMENT") pursuant to which, *inter alia*, LICENSOR granted to LICENSEE an exclusive license over the TEAM CONTENT, in the TEAM's Territory, for the 2012/13 through 2022/23 NHL seasons.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSOR and LICENSEE hereby confirm that pursuant to the AGREEMENT, LICENSOR granted LICENSEE an exclusive audiovisual distribution rights license, for the 2012/13 through 2022/23 NHL seasons, to communicate to the public, *inter alia*, the live and in-progress TEAM CONTENT in the TEAM's Territory on all platforms, including via online streaming and television broadcast.
2. LICENSOR and LICENSEE hereby confirm that the license confirmed herein has been in force since at least as early as September 12, 2012 and will remain in force until seventy-two (72) hours following the conclusion of the last regular season NHL game played by the TEAM during the 2022/23 NHL season.

In the event of a conflict between the terms and conditions of this Confirmatory Copyright License and the terms and conditions of the AGREEMENT, the terms of the AGREEMENT will govern.

**VANCOUVER CANUCKS LIMITED
PARTNERSHIP
(LICENSOR)**



Name: CITRUS BEARDSHORE

Title: VICE PRESIDENT & GENERAL COUNSEL

Date: APRIL 8/2021

**ROGERS MEDIA INC.
(LICENSEE)**



Name: Bart Yabsley

Title: SVP NHL & President of Sportsnet

Date: May 7, 2021



Name: Imran Khan

Title: VP Business Operations

1
Date: May 7, 2021

SCHEDULE A**TEAM CONTENT**

1. All pre-season NHL games played by the TEAM; and
2. All regional regular season NHL games played by the TEAM, being rights within the TEAM's Territory as described in Schedule B for those regional games as determined by the NHL prior to the beginning of each season.

SCHEDULE B

The TEAM's Territory consists generally of the Province of British Columbia and the Yukon territory.

This is **Exhibit JVB-2** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



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The links on the text provide access to the help file.

Title: Confirmatory Copyright License
Type: Grant of Interest
Registration Number: 1182623
Status: Registered
Registered: 2021-06-02

Works Affected:

1 (0 Registered, 1 Unregistered)

Interested Parties:

Assignee:

Company Name: Quebecor Media Inc.
Original Address: 612 Saint-Jacques St Montréal
 Quebec H3C 4M8
 Canada
Current Address: Same as original address.

Assignor:

Company Name: Rogers Media Inc.
Original Address: 333 Bloor St E, 10th floor Toronto
 Ontario M4W 1G9
 Canada
Current Address: Same as original address.

Agent:

Company Name: Smart & Biggar LLP
Person Name: Jean-Sébastien Dupont
Original Address: 3300-1000 Rue De La Gauchetière O Montréal
Quebec H3B 4W5
Canada
Current Address: Same as original address.

Information Block:

Rogers Media Inc. To Quebecor Media Inc.

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Canada 

CONFIRMATORY COPYRIGHT LICENSE

WHEREAS National Hockey League, a professional ice hockey league in North America, with offices at 1185 Avenue of the Americas, New York, NY 10036, U.S.A., as agent for its member clubs and its affiliated entities (collectively, "LICENSOR"), owns the copyright in Canada in, *inter alia*, all national regular season NHL games and all post-season NHL games as well as in other NHL-related content (together "NHL CONTENT").

WHEREAS LICENSOR and Rogers Media Inc., a federal Canadian company with offices at 333 Bloor Street East, Toronto, Ontario M4W 1G9 Canada ("LICENSEE"), are parties to a media rights agreement dated November 25, 2013 pursuant to which, *inter alia*, LICENSOR granted to LICENSEE an exclusive license, in Canada, over the NHL CONTENT for the 2014/2015 through the 2025/2026 NHL seasons.

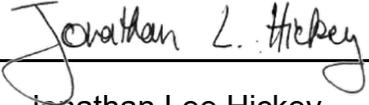
WHEREAS LICENSEE and Quebecor Media Inc., a Quebec company with offices at 612 rue Saint-Jacques, Montreal, Quebec H3C1C8 ("SUBLICENSEE") are parties to a sublicense agreement dated November 25, 2013 (the "AGREEMENT") pursuant to which, *inter alia*, LICENSEE granted to SUBLICENSEE an exclusive license, in Canada and in the French language only, to certain NHL CONTENT as further described in Schedule A (the "SUBLICENSED NHL CONTENT") for the 2014/2015 through the 2025/2026 NHL seasons.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSOR and SUBLICENSEE hereby confirm that pursuant to the AGREEMENT, LICENSEE granted SUBLICENSEE an exclusive audio/visual distribution rights license, for the 2014/15 through 2025/2026 seasons of the NHL, to communicate, *inter alia*, the live and in-progress SUBLICENSED NHL CONTENT in Canada to the public in the French language and on the linear programming services known as "TVA Sports" and "TVA" and the "tvasports.com" and "tvasports.ca" websites.
2. LICENSEE and SUBLICENSEE hereby confirm that the term of the AGREEMENT confirmed herein started and has been in force since at least as early as July 1, 2014 and ends at the end of the last game of the 2025-2026 NHL season.
3. LICENSEE and SUBLICENSEE hereby confirm that the license confirmed herein has been approved by the LICENSOR.

[Signature page to follow]

**QUEBECOR MEDIA INC.
(SUBLICENSEE)**


Name: Jonathan Lee Hickey

Title: Vice-President, Legal Affairs and
Corporate Secretariat

Date: May 7, 2021


Name: Catherine Tees

Name: Catherine Tees

Title: Assistant Secretary

Date: May 7, 2021

**ROGERS MEDIA INC.
(LICENSEE)**


Name: Imran Khan

Title: VP Business Operations

Date: May 10, 2021


Name: Bart Yabsley

Name: Bart Yabsley

Title: SVP NHL & President of Sportsnet

Date: May 10, 2021

SCHEDULE A

SUBLICENSED NHL CONTENT

- i. All national regular season NHL games played by a Canadian NHL team, including all such games occurring on Wednesday nights, Saturday nights and Sunday nights;
- ii. Select additional national regular season NHL games played by the Montreal Canadiens hockey team, determined before each NHL season. This is not applicable to the 2020/2021 NHL season, considering the exceptionally shortened 2020/2021 NHL season;
- iii. Select regular season NHL games involving two US-based NHL teams;
- iv. All NHL games of the Stanley Cup Playoffs and Stanley Cup Final including games featuring Canadian teams; and
- v. Special events, including but not limited to NHL All-Star Games, NHL Draft, Winter Classic and NHL Awards.

This is **Exhibit JVB-3** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



Droit d'auteur

CERTIFICAT D'ENREGISTREMENT

Copyright

CERTIFICATE OF REGISTRATION

1182781

*Numéro d'enregistrement
Registration number*

Ce certificat d'enregistrement est émis conformément aux articles 49 et 53 de la Loi sur le droit d'auteur. Le droit d'auteur sur l'oeuvre a été enregistré à la date d'enregistrement et selon les détails indiqués dans les présentes.

This Certificate of Registration is issued pursuant to sections 49 and 53 of the Copyright Act. The copyright in the work was registered on the date of registration and as detailed herein.

Membre du personnel du Bureau du droit d'auteur
Officer of the Copyright Office

Date d'enregistrement /
Date of registration

07 JUIN / JUN 2021

Type de transaction /
Transaction type

Confirmatory Copyright License

Se rapportant aux enregistrement(s) ou oeuvre(s) /
Affecting registration(s) or work(s)

In-Market Regional NHL Live Games of the Calgary Flames and of the Edmonton Oilers (2020/21 through 2023/24 NHL seasons)

Description

BETWEEN: CALGARY SPORTS AND ENTERTAINMENT CORPORATION, AS GENERAL PARTNER FOR AND ON BEHALF OF CALGARY FLAMES LIMITED PARTNERSHIP AND OILERS ENTERTAINMENT GROUP CANADA CORP.

AND: ROGERS MEDIA INC.

Date d'émission /
Date of issuance

07 JUIN / JUN 2021

CONFIRMATORY COPYRIGHT LICENSE

WHEREAS Calgary Sports and Entertainment Corporation, as General Partner for and on behalf of Calgary Flames Limited Partnership (“FLAMES CLUB”), being the owner and operator of the Calgary Flames (“FLAMES”), a franchise team of the National Hockey League (“NHL”), owns the copyright in, *inter alia*, all pre-season NHL games and all regional regular season NHL games played by the FLAMES (as further described in Schedule A, “FLAMES CONTENT”), limited to the FLAMES and OILERS’ Territory (as described in Schedule B).

WHEREAS Oilers Entertainment Group Canada Corp. (“OILERS CLUB”), being the owner and operator of the Edmonton Oilers (“OILERS”), a franchise team of the NHL, owns the copyright in, *inter alia*, all pre-season NHL games and all regional regular season NHL games played by the OILERS (as further described in Schedule A, “OILERS CONTENT”), limited to the FLAMES and OILERS’ Territory.

WHEREAS FLAMES CLUB and OILERS CLUB (collectively, “LICENSORS”) and Rogers Media Inc. (“LICENSEE”) are parties to a Distribution Agreement dated as of October 1, 2020, as amended (“AGREEMENT”) pursuant to which, *inter alia*, FLAMES CLUB granted to LICENSEE an exclusive license over the FLAMES CONTENT and OILERS CLUB granted to LICENSEE an exclusive license over the OILERS CONTENT, in each case in the FLAMES and OILERS’ Territory, for the 2020/21 through 2023/24 NHL seasons.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSORS and LICENSEE hereby confirm that pursuant to the AGREEMENT, LICENSORS granted LICENSEE an exclusive license to distribute on a live, delayed or repeat basis audiovisual FLAMES CONTENT and OILERS CONTENT for the 2020/21 through 2023/24 NHL seasons, in the FLAMES and OILERS’ Territory, by means of all forms of broadcast media distribution whether now known or hereinafter created on any platform. Notwithstanding the foregoing, LICENSEE acknowledges and confirms that the exclusive right to distribute pre-season NHL games played by the Flames and Oilers, respectively, is subject to the applicable LICENSORS’ right to broadcast those games on a pay-per-view basis only in the event LICENSEE elects not to distribute any such game.
2. LICENSORS and LICENSEE hereby confirm that the license confirmed herein has been in force since at least as early as October 1, 2020 and will remain in force until seven (7) days after the last regular season NHL game or playoff NHL game played by each of the FLAMES and OILERS during the 2023/24 NHL season.
3. In the event of a conflict between the terms and conditions of this Confirmatory Copyright License and the terms and conditions of the AGREEMENT, the terms of the AGREEMENT will govern.

[Signature page to follow]

CALGARY SPORTS AND ENTERTAINMENT CORPORATION, as General Partner for and on behalf of CALGARY FLAMES LIMITED PARTNERSHIP (LICENSOR)

DocuSigned by:
John Bean
E490E76B4A8043E...

Name: John Bean

Title: President and CEO

Date: April 29, 2021

ROGERS MEDIA INC. (LICENSEE)

DocuSigned by:
Bart Yabsley
FE3A904FE7684F4...

Name: Bart Yabsley

Title: SVP NHL & President of Sportsnet

Date: April 29, 2021

DocuSigned by:
Imran Khan
0000B041134D450...

Name: Imran Khan

Title: VP Business Ops & Affairs

Date: April 29, 2021

OILERS ENTERTAINMENT GROUP CANADA CORP. (LICENSOR)

DocuSigned by:
Tom Anselmi
0B97000501CB4A0...

Name: Tom Anselmi

Title: President, Business

Date: April 29, 2021

SCHEDULE A

FLAMES & OILERS CONTENT

1. FLAMES CONTENT:

- a. All pre-season NHL games played by the FLAMES; and
- b. All regional regular season NHL games played by the FLAMES, being rights within the FLAMES and OILERS's Territory as described in Schedule B for those regional games as determined by the NHL prior to the beginning of each season.

2. OILERS CONTENT:

- a. All pre-season NHL games played by the OILERS; and
- b. All regional regular season NHL games played by the OILERS, being rights within the FLAMES and OILERS's Territory as described in Schedule B for those regional games as determined by the NHL prior to the beginning of each season.

SCHEDULE B

The “FLAMES and OILERS Territory” consists generally of the Provinces of Alberta and Saskatchewan and the Northwest Territories and Nunavut.

This is **Exhibit JVB-4** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



Droit d'auteur

CERTIFICAT D'ENREGISTREMENT

Copyright

CERTIFICATE OF REGISTRATION

1182782

*Numéro d'enregistrement
Registration number*

Ce certificat d'enregistrement est émis conformément aux articles 49 et 53 de la Loi sur le droit d'auteur. Le droit d'auteur sur l'oeuvre a été enregistré à la date d'enregistrement et selon les détails indiqués dans les présentes.

This Certificate of Registration is issued pursuant to sections 49 and 53 of the Copyright Act. The copyright in the work was registered on the date of registration and as detailed herein.

*Membre du personnel du Bureau du droit d'auteur
Officer of the Copyright Office*

Date d'enregistrement /
Date of registration

07 JUIN / JUN 2021

Type de transaction /
Transaction type

Confirmatory License

Se rapportant aux enregistrement(s) ou oeuvre(s) /
Affecting registration(s) or work(s)

In-Market Regional NHL Live Games of the Toronto Maple Leafs (2015/16 through 2025/26 NHL seasons)

Description

BETWEEN: MAPLE LEAF SPORTS & ENTERTAINMENT PARTNERSHIP, BY ITS MANAGING PARTNER, MAPLE LEAF SPORTS AND ENTERTAINMENT LTD.

AND: 8047286 CANADA INC. AND ROGERS COMMUNICATIONS INC. AND BCE INC.

Date d'émission /
Date of issuance

07 JUIN / JUN 2021

CONFIRMATORY LICENSE

WHEREAS Maple Leaf Sports & Entertainment Partnership, by its Managing Partner, Maple Leaf Sports & Entertainment Ltd. (“LICENSOR”), being the owner and operator of the Toronto Maple Leafs (“TEAM”), a franchise team of the National Hockey League (“NHL”), controls the ability to grant audio/visual distribution rights in, *inter alia*, all pre-season NHL games and all regional regular season NHL games played by the TEAM (as further described in Schedule A, “TEAM CONTENT”), limited to the TEAM’s Territory (as described in Schedule B).

WHEREAS LICENSOR and 8047286 Canada Inc. (“LICENSEE”) are parties to a Content Rights Agreement dated July 19, 2012 (“AGREEMENT”) pursuant to which, *inter alia*, LICENSOR granted to LICENSEE an exclusive license over the TEAM CONTENT, in the TEAM’s Territory, for the 2015/16 through 2025/26 NHL seasons.

WHEREAS LICENSEE and Rogers Communications Inc. (“ROGERS”) are parties to a Sublicense Agreement dated September 13, 2013 (“ROGERS SUBLICENSE”) pursuant to which, *inter alia*, LICENSEE granted to ROGERS an exclusive license over certain of the TEAM CONTENT (the “ROGERS TEAM CONTENT”), in the TEAM’s Territory, for the 2015/16 through 2025/26 NHL seasons.

WHEREAS LICENSEE and BCE Inc. (“BELL” and together with ROGERS, the “SUBLICENSEES”) are parties to a Sublicense Agreement dated September 13, 2013 and amended July 15, 2015 (“BELL SUBLICENSE” and together with the ROGERS SUBLICENSE, the “BR SUBLICENSES”) pursuant to which, *inter alia*, LICENSEE granted to BELL an exclusive license over certain of the TEAM CONTENT (“BELL TEAM CONTENT”), in the TEAM’s Territory, for the 2015/16 through 2025/26 NHL seasons. The ROGERS TEAM CONTENT and the BELL TEAM CONTENT, collectively, being all TEAM CONTENT.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSOR and LICENSEE hereby confirm that pursuant to the AGREEMENT, LICENSOR granted LICENSEE an exclusive audio/visual distribution rights license, for the 2015/16 through 2025/26 NHL seasons, to communicate to the public, *inter alia*, the live and in-progress TEAM CONTENT in the TEAM’s Territory on all platforms, including via online streaming and television broadcast.
2. LICENSEE and SUBLICENSEES hereby confirm that pursuant to the BR SUBLICENSES, LICENSEE granted ROGERS and BELL, as applicable, an exclusive audio/visual distribution rights license, for the 2015/16 through 2025/26 NHL seasons, to communicate to the public, *inter alia*, the live and in-progress TEAM CONTENT in the TEAM’s Territory on all platforms, including via online streaming and television broadcast.
3. LICENSOR, LICENSEE and SUBLICENSEES hereby confirm that the license confirmed herein has been in force since at least as early as July 1, 2015 and will remain in force until the last day of the TEAM’s participation in the 2025/26 NHL season (including playoffs).

MAPLE LEAF SPORTS &
ENTERTAINMENT PARTNERSHIP, BY ITS
MANAGING PARTNER, MAPLE LEAF
SPORTS & ENTERTAINMENT LTD.
(LICENSOR)



Name: Peter T. Miller
Title: Chief Legal Officer

Date: April 20, 2021

8047286 CANADA INC.
(LICENSEE)



Name: Curtis Millen

Title: Authorized Signatory

Date: _____

BCE INC.
(SUBLICENSEE)



Name: Curtis Millen

Title: SVP, Corporate Strategy & Treasurer

Date: _____

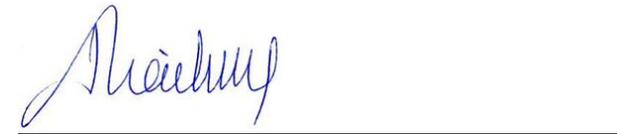
ROGERS COMMUNICATIONS INC.
(SUBLICENSEE)



Name: Jordan Banks

Title: President

Date: May 7, 2021



Name: Judy G. Naiberg

Title: Authorized Signatory

Date: May 4, 2021

SCHEDULE A**TEAM CONTENT**

1. All pre-season NHL games played by the TEAM; and
2. All regional regular season NHL games played by the TEAM, being rights within the TEAM's Territory as described in Schedule B for those regional games as determined by the NHL prior to the beginning of each season.

SCHEDULE B

The “TEAM’s Territory” consists generally of that portion of the Province of Ontario shown on the map below:



This is **Exhibit JVB-5** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



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Title: SUMMARY OF GRANT OF CERTAIN RIGHTS IN NOVEMBER 25, 2013, AGREEMENT

Type: Grant of Interest

Registration Number: 1182783

Status: Registered

Registered: 2021-06-07

Works Affected:

1 (0 Registered, 1 Unregistered)

Interested Parties:

Assignee:

Company Name: Rogers Media Inc.
Original Address: 333 Bloor St E, 10th floor Toronto
 Ontario M4W 1G9
 Canada
Current Address: Same as original address.

Assignor:

Company Name: NHL Enterprises Canada, LP
Original Address: 1185 Avenue of the Americas New York
 New York 10036
 United States of America
Current Address: Same as original address.

Company Name: NHL Interactive CyberEnterprises, LLC
Original Address: 1185 Avenue of the Americas New York
 New York 10036
 United States of America
Current Address: Same as original address.

Company Name: The National Hockey League
Original Address: 1185 Avenue of the Americas New York
 New York 10036
 United States of America
Current Address: Same as original address.

Agent:

Company Name: Smart & Biggar LLP
Person Name: Jean-Sébastien Dupont
Original Address: 3300-1000 Rue De La Gauchetière O Montréal
 Quebec H3B 4W5
 Canada
Current Address: Same as original address.

Information Block:

BETWEEN: THE NATIONAL HOCKEY LEAGUE, NHL ENTERPRISES CANADA, LP AND NHL INTERACTIVE CYBERENTERPRISES, LLC AND: ROGERS MEDIA INC.

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Canada

**SUMMARY OF GRANT OF CERTAIN RIGHTS IN NOVEMBER 25, 2013, AGREEMENT
BETWEEN
ROGERS MEDIA INC. (AS SUCCESSOR TO ROGERS COMMUNICATIONS INC.)
AND
NATIONAL HOCKEY LEAGUE (AS AGENT FOR THE MEMBER CLUBS), NHL
ENTERPRISES CANADA, LP AND NHL INTERACTIVE CYBERENTERPRISES, LLC**

1. The National Hockey League (the "NHL"), as agent for the member clubs (together with NHL Enterprises Canada, LP and NHL Interactive CyberEnterprises, LLC, "LICENSOR"), with offices at 1185 Avenue of the Americas, New York, NY 10036, U.S.A., owns the copyright in Canada in, *inter alia*, the productions (including footage) of all of the live regular season and playoff NHL games that are broadcast nationally, as well as in other NHL-related content.
2. LICENSOR is the exclusive licensee of the copyright in Canada in, *inter alia*, the productions (including footage) of all out-of-market regular season regional NHL games.
3. On November 25, 2013, LICENSOR and Rogers Communications Inc. ("RCI") entered into a media rights agreement ("AGREEMENT") pursuant to which, *inter alia*, LICENSOR granted to RCI an exclusive license, in Canada, over the copyrighted works detailed in Schedule A hereto for the 2014/2015 through the 2025/2026 NHL seasons (the "NHL CONTENT").
4. Effective as of May 1, 2014, RCI assigned all of its rights, title, and interest in and to the AGREEMENT to its affiliated company, Rogers Media Inc. ("LICENSEE"), a federal Canadian company with offices at 333 Bloor Street East, Toronto, Ontario M4W 1G9 Canada.
5. LICENSOR and LICENSEE hereby confirm that pursuant to, and subject in all respects to the terms and conditions set forth in, the AGREEMENT, LICENSOR granted LICENSEE exclusive national live regular season and playoff game audio/visual distribution rights within Canada, in all languages on all platforms, now known or hereinafter devised, to the NHL CONTENT for the 2014/15 through 2025/2026 NHL seasons.
6. LICENSOR and LICENSEE hereby confirm that the AGREEMENT has been in force since November 25, 2013 and, by and subject to its terms and conditions, will remain in force until June 30, 2026.
7. LICENSOR and LICENSEE hereby confirm that the AGREEMENT includes the right to grant certain sublicenses to NHL-approved sublicensees.
8. This document is only intended to be a summary of the grant of certain rights as set forth in the AGREEMENT, and not a new grant. In the event of a conflict or inconsistency between this document and the terms and conditions of the AGREEMENT, the terms and conditions of the AGREEMENT will govern. For clarity, notwithstanding anything to the contrary herein, nothing in this document shall be construed to amend, affect, terminate or otherwise modify any of the terms, provisions or conditions of the AGREEMENT, the terms, provisions and conditions of which are hereby affirmed, confirmed and ratified and shall remain in full force and effect.

[Remainder of this page intentionally left blank]

LICENSOR:

NATIONAL HOCKEY LEAGUE

**NHL ENTERPRISES CANADA, LP,
by National Hockey League Enterprises
Canada, Inc., its general partner**

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

**NHL INTERACTIVE
CYBERENTERPRISES, LLC**

Name: _____

Title: _____

Date: _____

LICENSEE:

ROGERS MEDIA INC.



Name: Bart Yabsley

Title: SVP NHL & President of Sportsnet

Date: May 18, 2021



Name: Imran Khan

Title: VP Business Operations

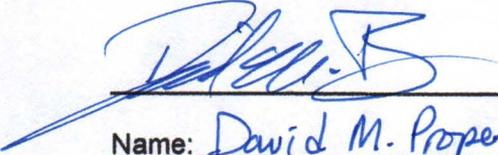
Date: May 18, 2021

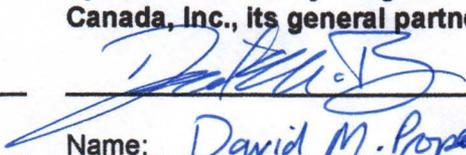
EXECUTION COPY

LICENSOR:

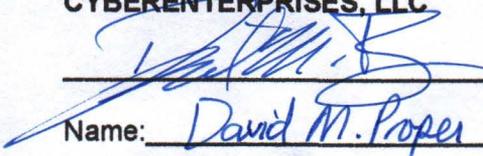
NATIONAL HOCKEY LEAGUE

NHL ENTERPRISES CANADA, LP,
by National Hockey League Enterprises
Canada, Inc., its general partner


Name: David M. Proper
Title: SEVP
Date: 5/20/21


Name: David M. Proper
Title: SEVP
Date: 5/20/21

NHL INTERACTIVE
CYBERENTERPRISES, LLC


Name: David M. Proper
Title: SEVP
Date: 5/20/21

LICENSEE:

ROGERS MEDIA INC.


Name: Bart Yabsley
Title: SVP NHL & President of Sportsnet
Date: May 18, 2021


Name: Imran Khan
Title: VP Business Operations
Date: May 18, 2021

SCHEDULE A**NHL CONTENT**

- i. The productions (including footage) of all live nationally broadcast regular season NHL games involving a Canadian-based NHL Club;
- ii. The productions (including footage) of all live regular season NHL games involving two US-based NHL Clubs;
- iii. The productions (including footage) of all live games of the Stanley Cup Playoffs and Stanley Cup Final;
- iv. The productions (including footage) of select live events including but not limited to NHL All-Star Games; and
- v. Out of market rights to the productions (including footage) of regional regular season live NHL games involving a Canadian-based NHL Club for distribution on a subscription single package basis, including by means of LICENSOR's NHL Live service (previously Game Center Live) which is operated in Canada by LICENSEE.

This is **Exhibit JVB-6** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



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The links on the text provide access to the help file.

Title: Confirmatory Copyright License
Type: Grant of Interest
Registration Number: 1183068
Status: Registered
Registered: 2021-06-16

Works Affected:

1 (0 Registered, 1 Unregistered)

Interested Parties:

Assignee:

Company Name: CTV Specialty Television Enterprises Inc.
Original Address: 299 Queen St W Toronto
 Ontario M5V 2Z5
 Canada
Current Address: Same as original address.

Assignor:

Company Name: Winnipeg Jets Hockey Club Limited Partnership
Original Address: 260 Hargrave St Winnipeg
 Manitoba R3C 5S5
 Canada
Current Address: Same as original address.

Agent:

Company Name: Smart & Biggar LLP
Person Name: Jean-Sébastien Dupont
Original Address: 3300-1000 Rue De La Gauchetière O Montréal
 Quebec H3B 4W5
 Canada
Current Address: Same as original address.

Information Block:

Winnipeg Jets Hockey Club Limited Partnership To CTV Specialty Television Enterprises Inc.

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Canada 

CONFIRMATORY COPYRIGHT LICENSE

WHEREAS Winnipeg Jets Hockey Club Limited Partnership (“LICENSOR”), being the owner and operator of the Winnipeg Jets (“TEAM”), a franchise team of the National Hockey League (“NHL”), holds the audio/visual distribution rights in, *inter alia*, all pre-season NHL games and all regional, non-nationally broadcast regular season NHL games played by the TEAM (as further described in Schedule A, “TEAM CONTENT”), limited to the TEAM’s Territory (as described in Schedule B).

WHEREAS LICENSOR and CTV Specialty Television Enterprises Inc. are parties to a Rights Agreement and a Binding Term Sheet (collectively, the “AGREEMENTS”) pursuant to which, *inter alia*, LICENSOR granted to LICENSEE an exclusive license over the TEAM CONTENT, in the TEAM’s Territory, from the 2011-2012 season until at least the end of the 2023-2024 season.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSOR and LICENSEE hereby confirm that pursuant to the AGREEMENTS, LICENSOR granted LICENSEE an exclusive audio/visual distribution rights license, from the 2011-2012 season until at least the end of the 2023-2024 season, to communicate to the public, *inter alia*, the live and in-progress TEAM CONTENT in the TEAM’s Territory on all platforms, including via online streaming and television broadcast.
2. LICENSOR and LICENSEE hereby confirm that the license confirmed herein will be in force until at least the end of the 2023-2024 season.

**WINNIPEG JETS HOCKEY CLUB LIMITED
PARTNERSHIP
(LICENSOR)**



Name: John Olfert

Title: President & COO

Date: May 18, 2021

**CTV SPECIALTY TELEVISION
ENTERPRISES INC.
(LICENSEE)**



Name: Kevin Assaff

Title: Director and Secretary

Date: June 11, 2021

SCHEDULE A**TEAM CONTENT**

1. All pre-season NHL games played by the TEAM; and
2. All regional, non-nationally broadcast regular season NHL games played by the TEAM, being rights within the TEAM's Territory as described in Schedule B for those regional games as determined by the NHL prior to the beginning of each season.

SCHEDULE B

The TEAM's Territory consists generally of Manitoba, Saskatchewan, Nunavut, the Northwest Territories, and parts of Northwestern Ontario.

This is **Exhibit JVB-7** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



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Title: Confirmatory Copyright License
Type: Grant of Interest
Registration Number: 1183069
Status: Registered
Registered: 2021-06-16

[Works Affected:](#)

1 (0 Registered, 1 Unregistered)

[Interested Parties:](#)

[Assignee:](#)

Company Name: Bell Media Inc.
Original Address: 299 Queen St W Toronto
 Ontario M5V 2Z5
 Canada
Current Address: Same as original address.

[Assignor:](#)

Company Name: Capital Sports & Entertainment Inc.
Original Address: 1000 Palladium Dr Kanata
 Ontario K2V 1A5
 Canada
Current Address: Same as original address.

Agent:

Company Name: Smart & Biggar LLP
Person Name: Jean-Sébastien Dupont
Original Address: 3300-1000 Rue De La Gauchetière O Montréal
Quebec H3B 4W5
Canada
Current Address: Same as original address.

Information Block:

Capital Sports & Entertainment Inc. To Bell Media Inc.

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Canada 

CONFIRMATORY COPYRIGHT LICENSE

WHEREAS Capital Sports & Entertainment Inc. (“LICENSOR”), being the owner and operator of the Ottawa Senators (“TEAM”), a franchise team of the National Hockey League (“NHL”), holds the audio/visual distribution rights in, *inter alia*, all pre-season NHL games and all regional regular season NHL games played by the TEAM (as further described in Schedule A, “TEAM CONTENT”), limited to the TEAM’s Territory (as described in Schedule B).

WHEREAS LICENSOR, Capital Sports Properties Inc. (owner of the Canadian Tire Centre), and Bell Media Inc. are parties to a Memorandum of Understanding (“AGREEMENT”) pursuant to which, *inter alia*, LICENSOR granted to LICENSEE an exclusive license over the TEAM CONTENT, in the TEAM’s Territory, from the 2014-2015 season until at least the end of the 2024-2025 season.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSOR and LICENSEE hereby confirm that pursuant to the AGREEMENT, LICENSOR granted LICENSEE an exclusive audio/visual distribution rights license, from the 2014-2015 season until at least the end of the 2024-2025 season, to communicate to the public, *inter alia*, the live and in-progress TEAM CONTENT in the TEAM’s Territory on all platforms, including via online streaming and television broadcast.
2. LICENSOR and LICENSEE hereby confirm that the license confirmed herein will be in force until at least the end of the 2024-2025 season.

**CAPITAL SPORTS & ENTERTAINMENT
INC.
(LICENSOR)**



Name: John Miszuk

Title: EVP, CAO

Date: May 25, 2021

**BELL MEDIA INC.
(LICENSEE)**



Name: Kevin Assaff

Title: Vice President, Legal & Business Affairs, Bell Media &
Bell TV

Date: June 11, 2021

SCHEDULE A**TEAM CONTENT**

1. All pre-season NHL games played by the TEAM; and
2. All regional regular season NHL games played by the TEAM, being rights within the TEAM's Territory as described in Schedule B for those regional games as determined by the NHL prior to the beginning of each season.

SCHEDULE B

The TEAM's Territory consists of the current Senators local broadcast territory, including the portion of eastern Ontario consisting of Ottawa-Hull, Belleville, Kingston, and Pembroke DMAs (inclusive of the Ottawa Senators 50-mile home territory), and the Montreal Canadiens extended broadcast territory (Atlantic Canada and the Province of Quebec).

This is **Exhibit JVB-8** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



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Title: Confirmatory Copyright License
Type: Grant of Interest
Registration Number: 1183070
Status: Registered
Registered: 2021-06-16

Works Affected:

1 (0 Registered, 1 Unregistered)

Interested Parties:

Assignee:

Company Name: Le Réseau des Sports (RDS) Inc.
Original Address: 300-1755 Boul René-Lévesque E Montréal
 Québec H2K 4P6
 Canada
Current Address: Same as original address.

Assignor:

Company Name: 9310-1566 Québec Inc.
Original Address: 1275 Rue Saint-Antoine O Montréal
 Québec H3C 5L2
 Canada
Current Address: Same as original address.

Company Name: Club de hockey Canadien, Inc.
Original Address: 1275 Rue Saint-Antoine O Montréal
 Quebec H3C 5L2
 Canada
Current Address: Same as original address.

Agent:

Company Name: Smart & Biggar LLP
Person Name: Jean-Sébastien Dupont
Original Address: 3300-1000 Rue De La Gauchetière O Montréal
 Quebec H3B 4W5
 Canada
Current Address: Same as original address.

Information Block:

9310-1566 Quebec Inc. and Club de hockey Canadien, Inc. To Le Réseau des Sports (RDS) Inc.

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CONFIRMATORY COPYRIGHT LICENSE

WHEREAS 9310-1566 Quebec Inc. and Club de hockey Canadien, Inc. (collectively, "LICENSOR"), being the owner and operator of the Montreal Canadiens ("TEAM"), a franchise team of the National Hockey League ("NHL"), holds the audio/visual distribution rights in, *inter alia*, such NHL games played by the TEAM (as further described in Schedule A, "TEAM GAMES"), limited to the TEAM's Territory (as described in Schedule B).

WHEREAS LICENSOR and Le Réseau des Sports (RDS) Inc. ("RDS") are parties to a Media Rights Agreement ("RDS AGREEMENT") pursuant to which, *inter alia*, LICENSOR granted to RDS an exclusive French language license over the TEAM GAMES, in the TEAM's Territory, from the 2014-2015 season until the end of the 2025-2026 season.

WHEREAS Club de hockey Canadien Inc. and The Sports Network Inc. ("TSN") are parties to a Binding Term Sheet ("TSN AGREEMENT") pursuant to which, *inter alia*, LICENSOR granted to TSN an exclusive English language license over the TEAM GAMES, in the TEAM's Territory, from the 2017-2018 season until the end of the 2021-2022 season.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSOR and RDS hereby confirm that subject to the terms and conditions set forth in the RDS AGREEMENT, LICENSOR granted RDS an exclusive audio/visual distribution rights license, from the 2014-2015 season until the end of the 2025-2026 season, to communicate to the public, *inter alia*, the live TEAM GAMES in the TEAM's Territory in the French language on all platforms, including via online streaming and television broadcast.
2. LICENSOR and RDS hereby confirm that the license confirmed herein will be in force until the end of the 2025-2026 season.
3. LICENSOR and TSN hereby confirm that subject to the terms and conditions set forth in the TSN AGREEMENT, LICENSOR granted TSN an exclusive audio/visual distribution rights license, from the 2017-2018 season until the end of the 2021-2022 season, to communicate to the public, *inter alia*, the live TEAM GAMES in the TEAM's Territory in the English language on all platforms, including via online streaming and television broadcast.
4. LICENSOR and TSN hereby confirm that the license confirmed herein will be in force until the end of the 2021-2022 season.

9310-1566 QUEBEC INC.

Geoff Molson

Name: Geoffrey E. Molson

Title: President

Date: 10 juin 2021

LE RESEAU DES SPORTS (RDS) INC.



Name: Kevin Assaff

Title: Director and Secretary

Date: June 11, 2021

CLUB DE HOCKEY CANADIEN, INC.

Geoff Molson

Name: Geoffrey E. Molson

Title: President

Date: 10 juin 2021

THE SPORTS NETWORK INC.



Name: Kevin Assaff

Title: Director and Secretary

Date: June 11, 2021

SCHEDULE A

TEAM GAMES

1. TSN:

- 1.1. All pre-season and regular season NHL games played by the TEAM, communicated in the English language, which are not broadcast by third party pursuant to a national broadcast agreement with the NHL.

2. RDS:

- 2.1. Certain pre-season and all regular season NHL games played by the TEAM, communicated in the French language, which are not broadcast by third party pursuant to a national broadcast agreement with the NHL.

SCHEDULE B

The TEAM's Territory consists generally of Atlantic Canada, Quebec, the portion of eastern Ontario consisting of Ottawa-Hull, Belleville, Kingston, and Pembroke DMAs (inclusive of the Ottawa Senators 50-mile home territory) as may be modified, limited, reduced or amended, from time to time, by the NHL.

This is **Exhibit JVB-9** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



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Julie Morin
(number: 193,000)



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Title: Confirmatory Copyright License
Type: Grant of Interest
Registration Number: 1183071
Status: Registered
Registered: 2021-06-16

Works Affected:

1 (0 Registered, 1 Unregistered)

Interested Parties:

Assignee:

Company Name: The Sports Network Inc.
Original Address: 299 Queen St W Toronto
 Ontario M5V 2Z5
 Canada
Current Address: Same as original address.

Assignor:

Company Name: 9310-1566 Quebec Inc.
Original Address: 1275 Rue Saint-Antoine O Montréal
 Quebec H3C 5L2
 Canada
Current Address: Same as original address.

Company Name: Club de hockey Canadien, Inc.
Original Address: 1275 Rue Saint-Antoine O Montréal
 Quebec H3C 5L2
 Canada
Current Address: Same as original address.

Agent:

Company Name: Smart & Biggar LLP
Person Name: Jean-Sébastien Dupont
Original Address: 3300-1000 Rue De La Gauchetière O Montréal
 Quebec H3B 4W5
 Canada
Current Address: Same as original address.

Information Block:

9310-1566 Quebec Inc. and Club de hockey Canadien, Inc. To The Sports Network Inc.

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CONFIRMATORY COPYRIGHT LICENSE

WHEREAS 9310-1566 Quebec Inc. and Club de hockey Canadien, Inc. (collectively, "LICENSOR"), being the owner and operator of the Montreal Canadiens ("TEAM"), a franchise team of the National Hockey League ("NHL"), holds the audio/visual distribution rights in, *inter alia*, such NHL games played by the TEAM (as further described in Schedule A, "TEAM GAMES"), limited to the TEAM's Territory (as described in Schedule B).

WHEREAS LICENSOR and Le Réseau des Sports (RDS) Inc. ("RDS") are parties to a Media Rights Agreement ("RDS AGREEMENT") pursuant to which, *inter alia*, LICENSOR granted to RDS an exclusive French language license over the TEAM GAMES, in the TEAM's Territory, from the 2014-2015 season until the end of the 2025-2026 season.

WHEREAS Club de hockey Canadien Inc. and The Sports Network Inc. ("TSN") are parties to a Binding Term Sheet ("TSN AGREEMENT") pursuant to which, *inter alia*, LICENSOR granted to TSN an exclusive English language license over the TEAM GAMES, in the TEAM's Territory, from the 2017-2018 season until the end of the 2021-2022 season.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSOR and RDS hereby confirm that subject to the terms and conditions set forth in the RDS AGREEMENT, LICENSOR granted RDS an exclusive audio/visual distribution rights license, from the 2014-2015 season until the end of the 2025-2026 season, to communicate to the public, *inter alia*, the live TEAM GAMES in the TEAM's Territory in the French language on all platforms, including via online streaming and television broadcast.
2. LICENSOR and RDS hereby confirm that the license confirmed herein will be in force until the end of the 2025-2026 season.
3. LICENSOR and TSN hereby confirm that subject to the terms and conditions set forth in the TSN AGREEMENT, LICENSOR granted TSN an exclusive audio/visual distribution rights license, from the 2017-2018 season until the end of the 2021-2022 season, to communicate to the public, *inter alia*, the live TEAM GAMES in the TEAM's Territory in the English language on all platforms, including via online streaming and television broadcast.
4. LICENSOR and TSN hereby confirm that the license confirmed herein will be in force until the end of the 2021-2022 season.

9310-1566 QUEBEC INC.

Geoff Molson

Name: Geoffrey E. Molson

Title: President

Date: 10 juin 2021

LE RESEAU DES SPORTS (RDS) INC.



Name: Kevin Assaff

Title: Director and Secretary

Date: June 11, 2021

CLUB DE HOCKEY CANADIEN, INC.

Geoff Molson

Name: Geoffrey E. Molson

Title: President

Date: 10 juin 2021

THE SPORTS NETWORK INC.



Name: Kevin Assaff

Title: Director and Secretary

Date: June 11, 2021

SCHEDULE A

TEAM GAMES

1. TSN:

- 1.1. All pre-season and regular season NHL games played by the TEAM, communicated in the English language, which are not broadcast by third party pursuant to a national broadcast agreement with the NHL.

2. RDS:

- 2.1. Certain pre-season and all regular season NHL games played by the TEAM, communicated in the French language, which are not broadcast by third party pursuant to a national broadcast agreement with the NHL.

SCHEDULE B

The TEAM's Territory consists generally of Atlantic Canada, Quebec, the portion of eastern Ontario consisting of Ottawa-Hull, Belleville, Kingston, and Pembroke DMAs (inclusive of the Ottawa Senators 50-mile home territory) as may be modified, limited, reduced or amended, from time to time, by the NHL.

This is **Exhibit JVB-10** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
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(number: 193,000)



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Title: Confirmatory Copyright License
Type: Grant of Interest
Registration Number: 1183072
Status: Registered
Registered: 2021-06-16

[Works Affected:](#)

1 (0 Registered, 1 Unregistered)

[Interested Parties:](#)

[Assignee:](#)

Company Name: Groupe TVA Inc.
Original Address: 1600 Boul De Maisonneuve E, 7e étage Montréal
 Quebec H2L 4P2
 Canada
Current Address: Same as original address.

[Assignor:](#)

Company Name: Quebecor Media Inc
Original Address: 612 Rue Saint-Jacques Montréal
 Quebec H3C 4M8
 Canada
Current Address: Same as original address.

Agent:

Company Name: Smart & Biggar LLP
Person Name: Jean-Sébastien Dupont
Original Address: 3300-1000 Rue De La Gauchetière O Montréal
 Quebec H3B 4W5
 Canada
Current Address: Same as original address.

Information Block:

Quebecor Media Inc To Groupe TVA Inc.

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Canada 

CONFIRMATORY COPYRIGHT LICENSE

WHEREAS Quebecor Media Inc., a Quebec company with offices at 612 rue Saint-Jacques, Montreal, Quebec (“LICENSEE”), is the exclusive licensee over and has the rights to, *inter alia*, communicate in Canada certain national NHL games as further described in Schedule A (the “SUBLICENSÉD NHL CONTENT”) in the French language for the 2014/2015 through the 2025/2026 NHL seasons.

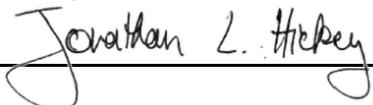
WHEREAS Groupe TVA Inc., a Quebec company with offices at 1600 de Maisonneuve East Boulevard, 7th Floor, Montreal, Quebec (“SUBLICENSEE”) is a wholly owned subsidiary of LICENSEE.

AND WHEREAS the Parties wish to confirm the exclusive sublicense granted by LICENSEE to SUBLICENSEE over rights in the SUBLICENSÉD NHL CONTENT in Canada.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged:

1. LICENSEE and SUBLICENSEE confirm that since at least as early as July 1, 2014, LICENSEE has granted and continue to grant SUBLICENSEE, the exclusive right, for the 2014/15 through 2025/26 NHL seasons, to communicate the live and in-progress SUBLICENSÉD NHL CONTENT in Canada to the public in the French language and on the linear programming services known as “TVA Sports” and “TVA”, and on the “tvasports.com” and “tvasports.ca” websites.

**QUEBECOR MEDIA INC.
(LICENSEE)**



Name: Jonathan Lee Hickey

Title: Vice-President, Legal Affairs and
Corporate Secretariat

Date: June 11, 2021

**QUEBECOR MEDIA INC.
(LICENSEE)**



Name: Catherine Tees

Title: Assistant Secretary

Date: June 11, 2021

**GROUPE TVA INC.
(SUBLICENSEE)**



Name: Martin Picard

Title: Vice-President and Chief Content Officer

Date: June 11, 2021

**GROUPE TVA INC.
(SUBLICENSEE)**



Name: Catherine Tees

Title: Assistant Secretary

Date: June 11, 2021

SCHEDULE A

SUBLICENSED NHL CONTENT

- i. All national regular season NHL games played by a Canadian NHL team, including all such games occurring on Wednesday nights, Saturday nights and Sunday nights;
- ii. Select additional national regular season NHL games played by the Montreal Canadiens hockey team, determined before each NHL season. This is not applicable to the 2020/21 NHL season, considering the exceptionally shortened 2020/21 NHL season;
- iii. Select regular season NHL games involving two US-based NHL teams;
- iv. All NHL games of the Stanley Cup Playoffs and Stanley Cup Final including games featuring Canadian teams; and
- v. Special events, including but not limited to NHL All-Star Games, NHL Drafts, Winter Classic and NHL Awards.

This is **Exhibit JVB-11** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Court File No. T- 955 -21

FEDERAL COURT

ID-1

B E T W E E N:

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.**

Plaintiffs

- and -

JOHN DOE 1**JOHN DOE 2****OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
SERVERS PROVIDING ACCESS TO NHL LIVE GAMES IN CANADA**

Defendants

STATEMENT OF CLAIM**TO THE DEFENDANTS:**

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiffs. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the *Federal Courts Rules*, serve it on the Plaintiffs' solicitor or, where the Plaintiffs do not have a solicitor, serve it on the

e-document		
F I L E D	FEDERAL COURT COUR FÉDÉRALE	D É P O S É
	Jun 14, 2021	
Montréal, QC		1



Plaintiffs, and file it, with proof of service, at a local office of this Court, WITHIN 30 DAYS after this statement of claim is served on you, if you are served within Canada.

If you are served in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period for serving and filing your statement of defence is sixty days.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

June 14, 2021

Issued by: Gheorghe Grosu
(Registry Officer)

Address of local office:
30 McGill Street
Montreal, Quebec
H2Y 3Z7
CANADA
Telephone: (514) 283-4820
Facsimile: (514) 283-6004

TO: **JOHN DOE 1**

TO: **JOHN DOE 2**

AND TO: **OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING SERVERS PROVIDING ACCESS TO NHL LIVE GAMES IN CANADA**

CLAIM

1. The Plaintiffs claim:

a) a declaration that copyright subsists in the cinematographic works defined at paragraph 14 below as the NHL Live Games and that the Plaintiffs hold exclusive rights in Canada to communicate these works to the public by telecommunication;

b) a declaration that the Defendants:

i. have communicated NHL Live Games to the public by telecommunication in Canada, including by making NHL Live Games available to the public by telecommunication in a way that allows members of the public to have access to them from a place individually chosen by them, and

ii. have induced and authorized operators of Streaming Platforms to infringe the Plaintiffs' exclusive rights to communicate NHL Live Games to the public by telecommunications in Canada,

by directly or indirectly operating, maintaining and/or promoting Unauthorized Streaming Servers (as defined at paragraph 31 below) that provide or facilitate access to live streams of NHL Live Games in Canada, consequently infringing the Plaintiffs' exclusive rights thereto, in contravention of sections 2.4(1.1), 3(1)(f), 27(1) and 27(2.3) of the *Copyright Act*;

c) a permanent injunction ordering the Defendants, by themselves or by their employees, representatives and agents, or by any company, partnership, trust, entity or person under their authority or control, or with which they are associated or affiliated, to immediately cease providing unauthorized access to live streams of NHL Live Games in Canada, including by directly or indirectly operating, maintaining, and/or promoting Unauthorized Streaming Servers that provide or facilitate access to live streams of NHL Live Games in Canada, and enjoining and restraining them from directly or indirectly, or otherwise:

- i. communicating NHL Live Games to the public by telecommunication in Canada, including transmitting or otherwise making available NHL Live Games to the public by telecommunication in a way that allows members of the public to have access to them from a place individually chosen by them; or
 - ii. inducing and/or authorizing anyone to infringe the Plaintiffs' right to communicate NHL Live Games to the public by telecommunication in Canada;
- d) damages suffered by the Plaintiffs and an accounting of the profits illegally made by the Defendants or, in the alternative, statutory damages, as the Plaintiffs may elect;
- e) punitive and exemplary damages;
- f) pre- and post-judgment interests;
- g) costs of this action on a solicitor and client basis, plus applicable taxes, including experts' fees; and
- h) such further and other relief as to this Honourable Court may seem just.

I. THE PARTIES

2. The Plaintiff Rogers Media Inc., operating as Rogers Sports and Media, is a corporation incorporated and subsisting under the laws of Canada, having a registered office at 333 Bloor Street East, 10th Floor, Toronto, Ontario.
3. The Plaintiff Rogers Communications Inc. is a corporation incorporated and subsisting under the laws of British Columbia, having a registered office at 2900 - 550 Burrard Street, Vancouver, British Columbia.
4. The Plaintiff Rogers Communications Inc. is the parent company of Plaintiff Rogers Media Inc. (collectively, “**Rogers**”).
5. The Plaintiff BCE Inc., is a corporation incorporated and subsisting under the laws of Canada, having a registered office at 1 Carrefour Alexander-Graham-Bell, Verdun, Quebec.
6. The Plaintiffs Bell Media Inc., CTV Specialty Television Enterprises Inc. and The Sports Network Inc. are corporations incorporated and subsisting under the laws of Canada, having a registered office at 299 Queen Street West, Toronto, Ontario.
7. The Plaintiff Le Réseau des Sports (RDS) Inc is a corporation incorporated and subsisting under the laws of Canada, having a registered office at 1755 Boulevard Rene-Levesque E., Suite 300, Montreal, Quebec.
8. The Plaintiffs BCE Inc, Bell Media Inc., CTV Specialty Television Enterprises Inc., The Sports Network Inc. and Le Réseau des Sports (RDS) Inc. (collectively “**Bell**”), are affiliated companies.
9. The Plaintiff Groupe TVA Inc. (“**Groupe TVA**”) is a corporation incorporated and subsisting under the laws of Quebec, having a registered office at 1600 boulevard de Maisonneuve Est, Montreal, Quebec.
10. The Defendant John Doe 1 is an unidentified person, whose address is unknown to the Plaintiffs, who operates, or has operated, a streaming infrastructure with a series of

associated Unauthorized Streaming Servers, located at Internet Protocol addresses (“**IP addresses**”) 77.83.117.128, 91.212.150.116, 91.212.150.132, 91.212.150.140, 185.232.52.4 and 185.232.52.31, working together to provide unauthorized access to NHL Live Games in Canada.

11. The Defendant John Doe 2 is an unidentified person, whose address is unknown to the Plaintiffs, who operates, or has operated, an Unauthorized Streaming Server located at IP address 185.191.124.245 and providing unauthorized access to NHL Live Games in Canada.
12. The other Defendants are other unidentified persons unknown to the Plaintiffs who operate Unauthorized Streaming Servers that provide unauthorized live access to NHL Live Games in Canada and that are located at IP addresses that change continuously as explained below.

II. THE BUSINESS AND RIGHTS OF THE PLAINTIFFS

13. The Plaintiffs are well-known Canadian broadcasters that own and operate a number of television stations (the “**Plaintiffs Stations**”) and online services (the “**Plaintiffs Online Services**”) throughout Canada on which they broadcast a wide variety of programs that they produce, commission or acquire.
14. The Plaintiffs notably produce and/or broadcast cinematographic works consisting of:
 - a) the live footage of National Hockey League (“**NHL**”) games (the “**NHL Live Footage**”); and
 - b) the live programs produced by adding text, images, videos, commentaries and/or animations to the NHL Live Footage (the “**NHL Live Productions**”).

(Collectively referred to as “**NHL Live Games**”)
15. The NHL is a professional ice hockey league in North America and is the premier professional ice hockey league in the world. The NHL currently comprises a total of thirty-

two (32) teams,¹ including twenty-five (25) teams in the U.S. as well as seven (7) teams in Canada.

16. The Plaintiffs hold the exclusive rights in Canada to communicate NHL Live Games to the public by telecommunication via television broadcast and online streaming. More specifically, rights to communicate the NHL Live Games through television broadcast and online streaming in Canada are currently divided as follows:

a) **National Rights:** the rights to NHL Live Games that are broadcast nationally, referred to as “**National Games**”, are owned by the NHL who licenses these rights to Rogers, as explained below. National Games include:

- i. All live nationally broadcast regular season NHL games designated as “national games” by the NHL involving a Canadian-based NHL Team;
- ii. All live regular season NHL games involving two US-based NHL Teams;
- iii. All live games of the Stanley Cup Playoffs and Stanley Cup Final; and
- iv. Select live events including but not limited to NHL All-Star Games.

b) **Regional Rights:** All NHL games that are not designated as National Games are referred to as “**Regional Games**”. Each Canadian NHL team owns the rights to the Regional Games it plays. The broadcasting rights to these Regional Games are geographically divided between:

- i. **In Market:** Each Canadian NHL team is free to license its broadcasting rights to any broadcaster(s) but only for the team’s broadcasting territory (“**In-Market**”), as discussed below; and
- ii. **Out-of-market:** The broadcasting rights to Regional Games *outside* of the Canadian NHL teams’ respective territory (“**Out-of-market**”) are exclusively licensed by the teams to the NHL and/or its affiliates who, in

¹ Including the Seattle Kraken, the NHL’s newest expansion team which is expected to play their first game in the 2021-22 season.

turn, licenses these broadcasting rights in Canada to Rogers, as discussed below.

17. Pursuant to an agreement with the NHL, effective for the 2014-15 NHL season through the 2025-26 NHL season, Rogers holds the exclusive rights to communicate to the public in Canada, through any means of audio/visual distribution, including television broadcast and online streaming, the following games live,
 - a) All National Games; and
 - b) All Out-of-market Regional Games.
18. Rogers also holds the exclusive rights to communicate to the public in Canada, including through television broadcast and online streaming, all In-Market Regional Games of the following NHL teams, pursuant to agreements with each of these teams:
 - a) Calgary Flames (for the 2020-21 through 2023-24 NHL seasons);
 - b) Edmonton Oilers (for the 2020-21 through 2023-24 NHL seasons);
 - c) Vancouver Canucks (for the 2012-13 through 2022-23 NHL seasons); and
 - d) Toronto Maple Leafs (shared with Bell, for the 2015-16 through 2025-26 NHL seasons).
19. Bell holds the exclusive rights to communicate to the public in Canada, through television broadcast and online streaming, all In-Market Regional Games of the following NHL teams, pursuant to agreements with each of these teams:
 - a) Montreal Canadiens (for the 2014-15 season through the end of the 2025-26 season for the French language and for the 2017-18 season through the end of the 2021-22 season for the English language);
 - b) Ottawa Senators (for the 2014-15 season through at least the 2024-25 season);
 - c) Winnipeg Jets (for the 2021-22 season through at least the 2023-24 season); and

- d) Toronto Maple Leafs (shared with Rogers and for the 2015-16 through 2025-26 NHL seasons).
20. Pursuant to an agreement between Rogers and Quebecor Media Inc., and to an agreement between Quebecor Media Inc. and its subsidiary Groupe TVA, both effective for the 2014-15 through 2025-26 NHL seasons, Groupe TVA holds the exclusive rights to communicate to the public in Canada, through television broadcast and online streaming, select National Games in the French language.
21. In summary, the Plaintiffs hold, with their non-exclusive sublicensees (as discussed at paragraph 24 below), the rights to communicate to the public *all* NHL Live Games in Canada through television broadcast and online streaming.
22. Pursuant to Section 3 of the *Copyright Act*, and as exclusive licensees in Canada, the Plaintiffs have the sole right to, *inter alia*:
- a) communicate NHL Live Games to the public by telecommunication, including by making NHL Live Games available to the public by telecommunication in a way that allows members of the public to have access to them from a place individually chosen by them; and
 - b) authorize such acts.
23. The Plaintiffs broadcast the NHL Live Games they have rights in through:
- a. The following television stations:
 - i. Rogers: the Sportsnet-branded discretionary stations (which include Sportsnet East, Sportsnet Ontario, Sportsnet West and Sportsnet Pacific, Sportsnet One, Sportsnet 360, SN Oilers, SN Flames and SN Canucks), the NHL Centre Ice package, and, for select games, the FX & FXX discretionary station as well as the Citytv and OMNI conventional stations;

- ii. Bell: The TSN-branded discretionary stations (which include TSN1, TSN2, TSN3, TSN4 and TSN5) and RDS-branded discretionary stations (which include RDS and RDS2); and
 - iii. Groupe TVA: The TVA conventional station and the TVA Sports-branded discretionary stations (which include TVA Sports, TVA Sports 2 and TVA Sports 3).
 - b. The following online services only accessible from Canada:
 - i. Rogers: The Sportsnet NOW and Sportsnet NOW+ services, and the NHL Live service (owned by the NHL but operated by Rogers in Canada);
 - ii. Bell: The TSN DIRECT and RDS DIRECT services; and
 - iii. Groupe TVA: The TVA Sports service.
- 24. Rogers sublicenses on a non-exclusive basis select NHL Live Games it produces to also be broadcast on other television stations such as CBC and APTN.
- 25. Live sports events such as NHL games are particularly important for the Plaintiffs. Notably, these are very popular in Canada and the only legal way to watch most sports events live, other than attending in-person, is through the broadcaster holding the rights to the event in question.
- 26. The popularity of live sports events, including NHL games, is also directly correlated with the popularity of NHL-related programs (e.g., hockey-related talk-shows) broadcast on the Plaintiffs' stations and online services, as consumers watching NHL Live Games on the Plaintiffs' stations are typically the same consumers who watch pre or post game programs.
- 27. The Plaintiffs therefore devote a significant amount of resources to the development, production, acquisition, distribution and promotion of NHL Live Games. For instance, the costs associated with the licensing of National and Regional Out-of-Market broadcasting rights (i.e., not including In-Market regional rights) in Canada have been reported to be over \$400M per year. The unauthorized reproduction or communication to the public of

NHL Live Games through acts of copyright infringement thus causes immense harm not only to the Plaintiffs' viability in the entertainment industry, but to the creative and sporting industries as a whole.

III. THE DEFENDANTS' UNLAWFUL ACTIVITIES

A) *The Unauthorized Broadcast of NHL Live Games by Unauthorized Streaming Servers*

28. A significant number of Canadian consumers are turning to unauthorized, user-friendly, websites and services ("**Streaming Platforms**") to access infringing live television content, including NHL Live Games. Some Streaming Platforms are freely and publicly available to all users as they are monetized with advertising and donations ("**Open Web Piracy Sites**"), while others can only be accessed through a paid subscription ("**Unauthorized Subscription Services**", also sometimes referred to as IPTV services).
29. Depending on the Streaming Platform, content can be viewed through various means, including via an Internet browser, on end-user electronic devices such as TV set-top boxes, or through dedicated software applications that can be installed on a variety of electronic devices, including computers, smart phones, tablets, televisions, etc.
30. Unlike legitimate services, Streaming Platforms providing access to infringing live content do not have authorization from, or make payments to, rightsholders to retransmit live television content or to make live content available to users in Canada on the Internet.
31. The exact manner in which Streaming Platforms source their content can vary. Typically, they deal with unauthorized content providers who use hardware and software components to capture legitimate live television broadcasts and immediately make that content available on a server ("**Unauthorized Streaming Server**") for end users to stream live through various Streaming Platforms.
32. Unauthorized Streaming Servers therefore play a central role in the transmission of infringing content to Canadian consumers. Notably, a single Unauthorized Streaming Server can be the source of the infringing content for dozens of Streaming Platforms simultaneously.

33. Over 95% of Unauthorized Streaming Servers accessible from Canada are physically located outside of Canada in different countries around the world and can typically only be identified by their Internet Protocol (“IP”) address. Additionally, Unauthorized Streaming Servers can appear, disappear and change IP address between and during NHL Live Games in order to remain inconspicuous and evade enforcement efforts by rightsholders.
34. Unauthorized Streaming Servers (and Streaming Platforms) are generally operated, maintained, and promoted by unidentified operators also located in different countries who go to great lengths to conceal their identity on the Internet.

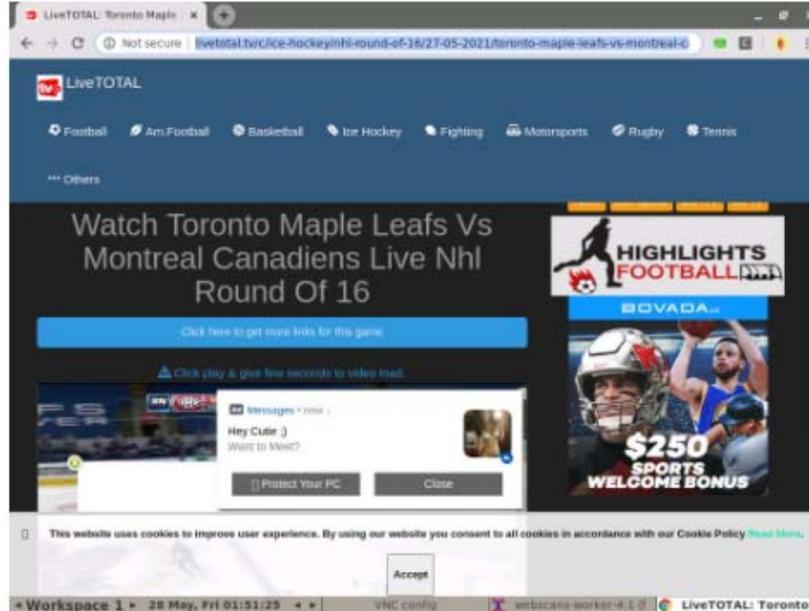
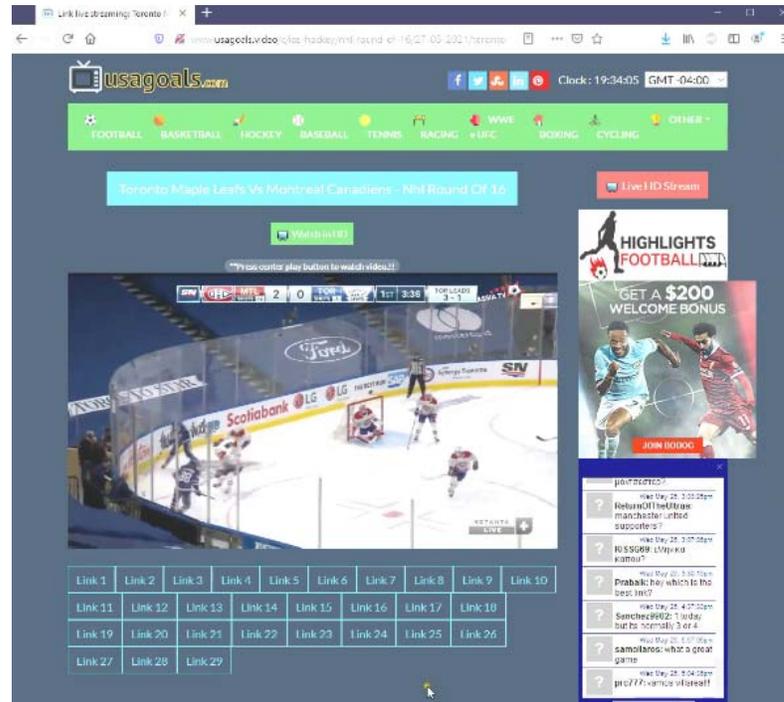
B) *The Defendants*

35. The Defendants are operators of Unauthorized Streaming Servers providing unauthorized access to live streams of NHL Live Games in Canada.
36. Defendant John Doe 1 is an unidentified person, whose address is unknown to the Plaintiffs, who operates, or has operated, a streaming infrastructure with a series of associated Unauthorized Streaming Servers located at IP addresses 77.83.117.128, 91.212.150.116, 91.212.150.132, 91.212.150.140, 185.232.52.4 and 185.232.52.31, which notably provided access in Canada to a live stream of the NHL Live Game between the Montreal Canadiens and the Toronto Maple Leafs on May 27, 2021, as it appears from the screen captures below with the date and time shown as UTC. Said Unauthorized Streaming Servers were physically located in Russia and the Seychelles, and were hosted by hosting providers based in the Seychelles, the Netherlands and Ukraine.



37. The unauthorized live stream of said NHL Live Game from these Unauthorized Streaming Servers was accessible to the public through various Open Web Piracy Sites available in

Canada, including those operated on the domains livetotal.tv and usagoals.video, as illustrated below:

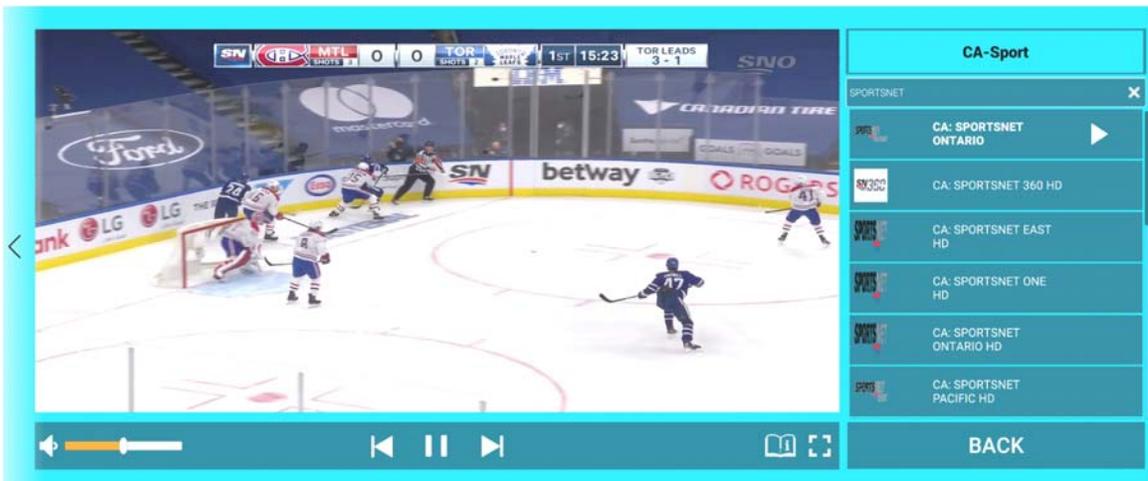


38. The Defendant John Doe 2 is an unidentified person, whose address is unknown to the Plaintiffs, who operates, or has operated, an Unauthorized Streaming Server located at IP address 185.191.124.245 which notably provided access in Canada to a live stream of the

NHL Live Game between the Montreal Canadiens and the Toronto Maple Leafs on May 27, 2021, as it appears from the screen captures below with the date and time shown as UTC. Said Unauthorized Streaming Server was physically located in the Seychelles and hosted by a hosting provider based in Hong Kong.



39. The unauthorized live stream of said NHL Live Game from this Unauthorized Streaming Server was accessible to the public in Canada through the “ComstarTV” Unauthorized Subscription Service, as illustrated below:



40. All the Defendants operate their Unauthorized Streaming Servers similarly to Defendants John Doe 1 and John Doe 2.

C) *The Defendants Infringe the Plaintiffs’ Exclusive Rights in the NHL Live Games*

41. Unauthorized Streaming Servers allow users to obtain immediate and unauthorized access to NHL Live Games in Canada.

42. The Defendants, through their operation of Unauthorized Streaming Servers, provide or facilitate access to the NHL Live Games in complete disregard for the Plaintiffs' rights in Canada, and are directly engaged in the selection of the live content to which Streaming Platforms and their respective users have access by:
- a) operating and maintaining the Unauthorized Streaming Servers;
 - b) making the NHL Live Games available on the Unauthorized Streaming Servers;
and
 - c) making the Unauthorized Streaming Servers available to operators of Streaming Platforms.
43. Due to the availability of the Unauthorized Streaming Servers, users have the ability to easily watch the NHL Live Games on user-friendly platforms without compensating the Plaintiffs or otherwise accessing that live content through authorized distribution channels.
44. The Defendants are not, and have never been, authorized by the Plaintiffs, or any of their respective affiliates, to distribute, in Canada, by any means whatsoever, NHL Live Games to the public.
45. By engaging in these acts, the Defendants communicate NHL Live Games to the public by telecommunication in Canada, including by making NHL Live Games available to users by telecommunication in a way that these users have access to them in real-time from a place of their choosing, thereby infringing the Plaintiffs' exclusive rights in the NHL Live Games contrary to sections 2.4(1.1), 3(1)(f), 27(1) and 27(2.3) of the *Copyright Act*.
46. The Defendants also induce and authorize operators of such Streaming Platforms to infringe the Plaintiffs' rights by making unauthorized communications of NHL Live Games to the public by telecommunication, contrary to sections 3(1)(f) and 27(1) and 27(2.3) of the *Copyright Act*.
47. As holders of a copyright interest in all NHL Live Games in Canada, the Plaintiffs suffer significant losses and damages as a result of the Defendants' infringing activities.

48. These damages take the form of, *inter alia*, undermining the Plaintiffs' rights to control the place and circumstances in which their licensed works are displayed, reproduced, made available and performed, and causing incalculable losses in distribution revenues related to the NHL Live Games and other NHL-related content.
49. Unless restrained by this Honourable Court, the Defendants will continue their aforesaid infringing activities and the Plaintiffs will continue to suffer damages.
50. The Plaintiffs are currently unaware of the full extent of the Defendants' participation in the development, maintaining and updating of the Unauthorized Streaming Servers, or of any similar service, but claim in respect of all such infringing activities.
51. The Plaintiffs propose that this action be tried in Montreal, Quebec.

DATED AT Montreal, Quebec, on June 14, 2021

(S) SMART & BIGGAR LLP

SMART & BIGGAR LLP
 1000 de la Gauchetière Street West
 Suite 3300
 Montreal (Québec) H3B 4W5

Mr. François Guay
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 Ms. Marie Christine Bernier
MBernier@smartbiggar.ca

Tel. 514-954-1500
 Fax. 514-954-1396

(Reference: 88173-23)
 Solicitors for the Plaintiffs

This is **Exhibit JVB-12** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: Vallée Buchanan, Jason
Sent: Tuesday, June 15, 2021 9:46 AM
To: abuse@nforce.com; notifications@nforce.com; info@nforce.com; administration@nforce.com; noc@nforce.com
Cc: Guay, François; Dupont, Jean-Sébastien; Lavoie Ste-Marie, Guillaume; Jean-Lévesque, Olivier; Bernier, Marie Christine; Montreal Paralegals; Central Litigation Mailbox
Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.
Attachments: Statement of Claim - June 14, 2021.pdf

Dear Madam / Sir,

Our law firm represents Rogers Media Inc. and other well-known Canadian broadcasters in the context of a copyright infringement proceeding currently before the Federal Court of Canada (Court File T-955-21).

Please immediately forward the enclosed Court document (Statement of Claim) to the person who was operating the servers located at IP addresses 91.212.150.132, 91.212.150.116 and 91.212.150.140 on May 27, 2021 at 23:18 (UTC), and inform the undersigned of its forwarding or, if applicable, of the reason why it was not possible to forward it.

The present message amounts to formal service of the enclosed document upon this operator.

Should you have any question regarding the foregoing, you may contact Mr. Jean-Sébastien Dupont, one of the lawyers in charge of this file, at jsdupont@smartbiggar.ca or 514-954-1500.

Best regards,

Jason Vallée Buchanan, for Mr. Jean-Sébastien Dupont

Jason Vallée Buchanan

Paralegal / Parajuriste

JValleeBuchanan@smartbiggar.ca

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This email and any attachments may contain information that is privileged or confidential. If you are not the intended recipient, please notify the sender immediately by replying to this message. Please also delete this email and any attachments.

This is **Exhibit JVB-13** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Home > Whois Lookup > 91.212.150.116

IP Information for 91.212.150.116

— Quick Stats

IP Location	 Ukraine Shpola Private Internet Hosting Ltd
ASN	 AS43350 NFORCE, NL (registered Jul 18, 2007)
Whois Server	whois.ripe.net
IP Address	91.212.150.116
Reverse IP	1 website uses this address.

% Abuse contact for '91.212.150.0 - 91.212.150.255' is 'alex.person@gmail.com'

```
inetnum:          91.212.150.0 - 91.212.150.255
netname:          PIHLTD
country:          RU
org:              ORG-PIHL2-RIPE
admin-c:          AI4225-RIPE
tech-c:           AI4225-RIPE
mnt-routes:       MNT-NFORCE
status:           ASSIGNED PI
mnt-by:           RIPE-NCC-END-MNT
mnt-by:           MNT-PHL
created:          2009-04-17T08:57:19Z
last-modified:    2019-12-02T14:01:18Z
source:           RIPE
sponsoring-org:   ORG-ML520-RIPE

organisation:     ORG-PIHL2-RIPE
org-name:         Private Internet Hosting LTD
org-type:         OTHER
address:          New Horizon Building, Ground Floor, 3  Miles Philip S.W. Goldson High
way,
Belize city, Belize
e-mail:           alex.person@gmail.com
abuse-c:          ACR0937-RIPE
mnt-ref:          MNT-PHL
mnt-by:           MNT-PHL
created:          2016-07-04T16:31:10Z
last-modified:    2020-06-22T07:27:29Z
source:           RIPE

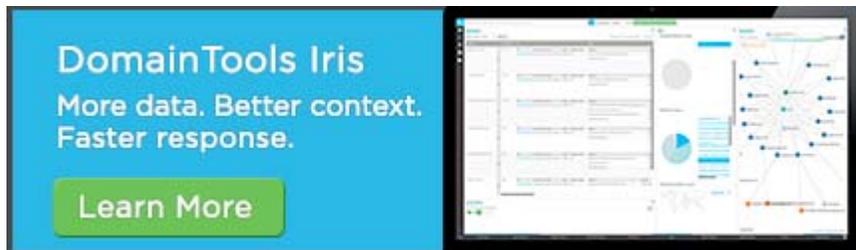
person:           Alexandros Iosifidis
address:          New Horizon Building, Ground Floor, 3  Miles Philip S.W. Goldson High
way,
Belize city, Belize
phone:            +4915145583734
```

```

nic-hdl:      AI4225-RIPE
mnt-by:      MNT-PHL
created:     2016-07-07T13:25:43Z
last-modified: 2020-06-23T07:48:51Z
source:     RIPE

route:      91.212.150.0/24
descr:     NForce Entertainment BV - route 91.212.150.0/24
origin:    AS43350
mnt-by:    MNT-NFORCE
created:   2016-07-13T09:23:03Z
last-modified: 2016-07-13T09:23:03Z
source:    RIPE

```



Tools

Monitor Domain Properties	▼
Reverse IP Address Lookup	▼
Network Tools	▼



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Home > Whois Lookup > 91.212.150.132

IP Information for 91.212.150.132

— Quick Stats

IP Location	 Ukraine Shpola Private Internet Hosting Ltd
ASN	 AS43350 NFORCE, NL (registered Jul 18, 2007)
Whois Server	whois.ripe.net
IP Address	91.212.150.132

% Abuse contact for '91.212.150.0 - 91.212.150.255' is 'alex.person@gmail.com'

```
inetnum:          91.212.150.0 - 91.212.150.255
netname:          PIHLTD
country:          RU
org:              ORG-PIHL2-RIPE
admin-c:          AI4225-RIPE
tech-c:           AI4225-RIPE
mnt-routes:      MNT-NFORCE
status:           ASSIGNED PI
mnt-by:           RIPE-NCC-END-MNT
mnt-by:           MNT-PHL
created:          2009-04-17T08:57:19Z
last-modified:   2019-12-02T14:01:18Z
source:           RIPE
sponsoring-org:  ORG-ML520-RIPE
```

```
organisation:    ORG-PIHL2-RIPE
org-name:         Private Internet Hosting LTD
org-type:         OTHER
address:          New Horizon Building, Ground Floor, 3  Miles Philip S.W. Goldson High
way,
Belize city, Belize
e-mail:           alex.person@gmail.com
abuse-c:          ACR0937-RIPE
mnt-ref:          MNT-PHL
mnt-by:           MNT-PHL
created:          2016-07-04T16:31:10Z
last-modified:   2020-06-22T07:27:29Z
source:           RIPE
```

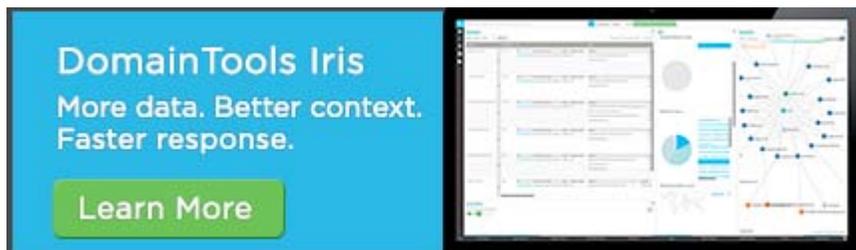
```
person:          Alexandros Iosifidis
address:          New Horizon Building, Ground Floor, 3  Miles Philip S.W. Goldson High
way,
Belize city, Belize
phone:            +4915145583734
nic-hdl:          AI4225-RIPE
mnt-by:           MNT-PHL
```

```

created:      2016-07-07T13:25:43Z
last-modified: 2020-06-23T07:48:51Z
source:      RIPE

route:       91.212.150.0/24
descr:      NForce Entertainment BV - route 91.212.150.0/24
origin:      AS43350
mnt-by:      MNT-NFORCE
created:      2016-07-13T09:23:03Z
last-modified: 2016-07-13T09:23:03Z
source:      RIPE

```



Tools

Monitor Domain Properties	▼
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Home > Whois Lookup > 91.212.150.140

IP Information for 91.212.150.140

— Quick Stats

IP Location	 Ukraine Shpola Private Internet Hosting Ltd
ASN	 AS43350 NFORCE, NL (registered Jul 18, 2007)
Resolve Host	mail-dm24networkg009.outbound.protection.accounts-hubsalesdata.com
Whois Server	whois.ripe.net
IP Address	91.212.150.140

% Abuse contact for '91.212.150.0 - 91.212.150.255' is 'alexx.person@gmail.com'

```
inetnum:          91.212.150.0 - 91.212.150.255
netname:          PIHLTD
country:          RU
org:              ORG-PIHL2-RIPE
admin-c:          AI4225-RIPE
tech-c:           AI4225-RIPE
mnt-routes:      MNT-NFORCE
status:           ASSIGNED PI
mnt-by:           RIPE-NCC-END-MNT
mnt-by:           MNT-PHL
created:          2009-04-17T08:57:19Z
last-modified:   2019-12-02T14:01:18Z
source:           RIPE
sponsoring-org:  ORG-ML520-RIPE

organisation:    ORG-PIHL2-RIPE
org-name:        Private Internet Hosting LTD
org-type:        OTHER
address:         New Horizon Building, Ground Floor, 3  Miles Philip S.W. Goldson High
way,
Belize city, Belize
e-mail:          alexx.person@gmail.com
abuse-c:         ACRO937-RIPE
mnt-ref:         MNT-PHL
mnt-by:          MNT-PHL
created:         2016-07-04T16:31:10Z
last-modified:   2020-06-22T07:27:29Z
source:          RIPE

person:          Alexandros Iosifidis
address:         New Horizon Building, Ground Floor, 3  Miles Philip S.W. Goldson High
way,
Belize city, Belize
phone:           +4915145583734
nic-hdl:         AI4225-RIPE
```

```

mnt-by:      MNT-PHL
created:     2016-07-07T13:25:43Z
last-modified: 2020-06-23T07:48:51Z
source:     RIPE

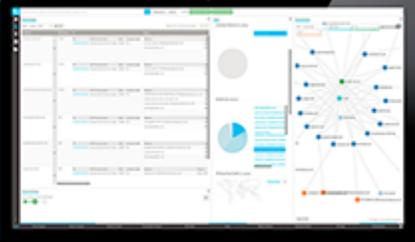
route:      91.212.150.0/24
descr:     NForce Entertainment BV - route 91.212.150.0/24
origin:    AS43350
mnt-by:    MNT-NFORCE
created:   2016-07-13T09:23:03Z
last-modified: 2016-07-13T09:23:03Z
source:    RIPE

```

3448

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This is **Exhibit JVB-14** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



NForce Entertainment B.V.

AS43350 ~ NFORCE

[Company Website](#)

IPv4 Addresses: 91,136

Number of Peers: 1,667

Number of Prefixes: 189

Traffic Estimation: 1-5Tbps

ASN

[Prefixes](#)[Peers](#)[Upstreams](#)[Downstreams](#)[Graphs](#)[World Map](#)[Raw Whois](#)[IX](#)

Summary

REGIONAL REGISTRY: **RIPE**
 ALLOCATION STATUS: **Allocated**
 ALLOCATION DATE: **18th July 2007**
 ALLOCATED COUNTRY: 

TRAFFIC ESTIMATION: **1-5Tbps**
 TRAFFIC RATIO: **Mostly Outbound**
 INTERNET EXCHANGES: **15**
 WEBSITE: <https://www.nforce.com>
 LOOKING GLASS: <https://lg.nforce.com>

Network

IPV4 PREFIXES: **165**
 IPV4 PEERS: **1,083**
 IPV4 UPSTREAMS: **6**

IPV6 PREFIXES: **24**
 IPV6 PEERS: **584**
 IPV6 UPSTREAMS: **6**

Contacts

EMAIL CONTACTS:
abuse@nforce.com
notifications@nforce.com
info@nforce.com
administration@nforce.com
noc@nforce.com

ABUSE CONTACTS:
abuse@nforce.com

ADDRESS:
 Postbus 1142,
 4700BC,
 Roosendaal,
 NETHERLANDS

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This is **Exhibit JVB-15** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: postmaster@IDC-SMTP001
To: administration@nforce.com; noc@nforce.com; info@nforce.com; abuse@nforce.com; notifications@nforce.com
Sent: Tuesday, June 15, 2021 9:46 AM
Subject: Relayed: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

administration@nforce.com

noc@nforce.com

info@nforce.com

abuse@nforce.com

notifications@nforce.com

Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

This is **Exhibit JVB-16** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: Vallée Buchanan, Jason
Sent: Tuesday, June 15, 2021 9:47 AM
To: abuse@v-sys.org; hostmaster@v-sys.org; abuse@quasar-ip.com
Cc: Guay, François; Dupont, Jean-Sébastien; Lavoie Ste-Marie, Guillaume; Jean-Lévesque, Olivier; Bernier, Marie Christine; Montreal Paralegals; Central Litigation Mailbox
Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.
Attachments: Statement of Claim - June 14, 2021.pdf

Dear Madam / Sir,

Our law firm represents Rogers Media Inc. and other well-known Canadian broadcasters in the context of a copyright infringement proceeding currently before the Federal Court of Canada (Court File T-955-21).

Please immediately forward the enclosed Court document (Statement of Claim) to the person who was operating the server located at IP address 77.83.117.128 on May 27, 2021 at 23:18 (UTC), and inform the undersigned of its forwarding or, if applicable, of the reason why it was not possible to forward it.

The present message amounts to formal service of the enclosed document upon this operator.

Should you have any question regarding the foregoing, you may contact Mr. Jean-Sébastien Dupont, one of the lawyers in charge of this file, at jsdupont@smartbiggar.ca or 514-954-1500.

Best regards,

Jason Vallée Buchanan, for Mr. Jean-Sébastien Dupont

Jason Vallée Buchanan
 Paralegal / Parajuriste

JValleeBuchanan@smartbiggar.ca

1000 de la Gauchetière Ouest
 Suite 3300
 Montreal, QC, H3B 4W5
 T. 514.954.1500
 F. 514.954.1396

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Ce courriel et toutes pièces jointes peuvent contenir des renseignements protégés ou confidentiels. Si vous n'êtes pas le destinataire prévu, veuillez en informer immédiatement l'expéditeur en répondant à ce message. Veuillez également supprimer ce courriel et toutes pièces jointes.

This email and any attachments may contain information that is privileged or confidential. If you are not the intended recipient, please notify the

sender immediately by replying to this message. Please also delete this email and any attachments.

This is **Exhibit JVB-17** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Home > Whois Lookup > 77.83.117.128

IP Information for 77.83.117.128

— Quick Stats

IP Location	 Ukraine Kyiv
ASN	 AS30860 YURTEH-AS, UA (registered Dec 23, 2003)
Whois Server	whois.ripe.net
IP Address	77.83.117.128

% Abuse contact for '77.83.117.0 - 77.83.117.255' is ' abuse@quasar-ip.com '

```
inetnum:      77.83.117.0 - 77.83.117.255
netname:      Hosting356
country:      UA
admin-c:      NA6427-RIPE
tech-c:       NA6427-RIPE
status:       ASSIGNED PA
mnt-by:       ru-quasar-1-mnt
created:      2019-10-07T06:01:36Z
last-modified: 2021-03-17T00:17:50Z
source:       RIPE
```

```
role:         Network-Administrator
address:      GrootKwarier 25/1
e-mail:       info@hosting356.com
nic-hdl:      NA6427-RIPE
mnt-by:       Chita-Chowa
created:      2019-10-03T18:10:27Z
last-modified: 2019-10-03T18:10:27Z
source:       RIPE
```

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This is **Exhibit JVB-18** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



Virtual Systems LLC

AS30860 ~ YURTEH-AS

IPv4 Addresses: 15,104

Number of Peers: 24

Number of Prefixes: 59

ASN Allocated: 23rd December 2003

ASN

[Prefixes](#)[Peers](#)[Upstreams](#)[Downstreams](#)[Graphs](#)[World Map](#)[Raw Whois](#)

Summary

REGIONAL REGISTRY: RIPE

TRAFFIC RATIO: Not Disclosed

ALLOCATION STATUS: Allocated

ALLOCATION DATE: 23rd December 2003

ALLOCATED COUNTRY:

Network

IPV4 PREFIXES: 57

IPV6 PREFIXES: 2

IPV4 PEERS: 21

IPV6 PEERS: 3

IPV4 UPSTREAMS: 5

IPV6 UPSTREAMS: 2

Contacts

EMAIL CONTACTS:

abuse@v-sys.orghostmaster@v-sys.orgadmin@ics.gov.ua

ABUSE CONTACTS:

abuse@v-sys.org

ADDRESS:

Laboratorna str.,

building 33/37,

03150,

Kiyv,

UKRAINE

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This is **Exhibit JVB-19** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: postmaster@IDC-SMTP001
To: abuse@quasar-ip.com
Sent: Tuesday, June 15, 2021 9:47 AM
Subject: Relayed: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

abuse@quasar-ip.com

Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

This is **Exhibit JVB-20** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: postmaster@IDC-SMTP001
To: hostmaster@v-sys.org; abuse@v-sys.org
Sent: Tuesday, June 15, 2021 9:48 AM
Subject: Relayed: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

hostmaster@v-sys.org

abuse@v-sys.org

Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

This is **Exhibit JVB-21** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: Dmitry Vorozhtsov <vdl@quasar-ip.com>
Sent: Tuesday, June 15, 2021 9:58 AM
To: Vallée Buchanan, Jason
Subject: Re: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

External Message - Use Caution

Hello, I've forwarded your email to my client. I'm just renting out IP addresses.

This is my client's email - business@hosting356.com

Best regards, Dmitry Vorozhtsov

www.quasar-ip.com

15 июня 2021 г., в 16:46, Vallée Buchanan, Jason <JValleeBuchanan@smartbiggar.ca> написал(а):

Dear Madam / Sir,

Our law firm represents Rogers Media Inc. and other well-known Canadian broadcasters in the context of a copyright infringement proceeding currently before the Federal Court of Canada (Court File T-955-21).

Please immediately forward the enclosed Court document (Statement of Claim) to the person who was operating the server located at IP address 77.83.117.128 on May 27, 2021 at 23:18 (UTC), and inform the undersigned of its forwarding or, if applicable, of the reason why it was not possible to forward it.

The present message amounts to formal service of the enclosed document upon this operator.

Should you have any question regarding the foregoing, you may contact Mr. Jean-Sébastien Dupont, one of the lawyers in charge of this file, at jsdupont@smartbiggar.ca or 514-954-1500.

Best regards,

Jason Vallée Buchanan, for Mr. Jean-Sébastien Dupont

Jason Vallée Buchanan
Paralegal / Parajuriste

1000 de la Gauchetière Ouest
Suite 3300
Montreal, QC, H3B 4W5
T. 514.954.1500

<image001.png>

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<Statement of Claim - June 14, 2021.pdf>

This is **Exhibit JVB-22** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: Vallée Buchanan, Jason
Sent: Wednesday, June 16, 2021 4:55 PM
To: business@hosting356.com
Cc: Guay, François; Dupont, Jean-Sébastien; Lavoie Ste-Marie, Guillaume; Jean-Lévesque, Olivier; Bernier, Marie Christine; Montreal Paralegals; Central Litigation Mailbox
Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.
Attachments: Statement of Claim - June 14, 2021.pdf

Dear Madam / Sir,

Our law firm represents Rogers Media Inc. and other well-known Canadian broadcasters in the context of a copyright infringement proceeding currently before the Federal Court of Canada (Court File T-955-21).

Please immediately forward the enclosed Court document (Statement of Claim) to the person who was operating the server located at IP address 77.83.117.128 on May 27, 2021 at 23:18 (UTC), and inform the undersigned of its forwarding or, if applicable, of the reason why it was not possible to forward it.

The present message amounts to formal service of the enclosed document upon this operator.

Should you have any question regarding the foregoing, you may contact Mr. Jean-Sébastien Dupont, one of the lawyers in charge of this file, at jsdupont@smartbiggar.ca or 514-954-1500.

Best regards,

Jason Vallée Buchanan, for Mr. Jean-Sébastien Dupont

Jason Vallée Buchanan

Paralegal / Parajuriste

JValleeBuchanan@smartbiggar.ca

1000 de la Gauchetière Ouest
 Suite 3300
 Montreal, QC, H3B 4W5
 T. 514.954.1500
 F. 514.954.1396

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sender immediately by replying to this message. Please also delete this email and any attachments.

This is **Exhibit JVB-23** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: postmaster@IDC-SMTP002
To: business@hosting356.com
Sent: Wednesday, June 16, 2021 5:15 PM
Subject: Relayed: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

business@hosting356.com

Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

This is **Exhibit JVB-24** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: Vallée Buchanan, Jason
Sent: Tuesday, June 15, 2021 9:48 AM
To: support-link.ac@yandex.com
Cc: Guay, François; Dupont, Jean-Sebastien; Lavoie Ste-Marie, Guillaume; Jean-Lévesque, Olivier; Bernier, Marie Christine; Montreal Paralegals; Central Litigation Mailbox
Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.
Attachments: Statement of Claim - June 14, 2021.pdf

Dear Madam / Sir,

Our law firm represents Rogers Media Inc. and other well-known Canadian broadcasters in the context of a copyright infringement proceeding currently before the Federal Court of Canada (Court File T-955-21).

Please immediately forward the enclosed Court document (Statement of Claim) to the person who was operating the servers located at IP addresses 185.232.52.4 and 185.232.52.31 on May 27, 2021 at 23:18 (UTC), and inform the undersigned of its forwarding or, if applicable, of the reason why it was not possible to forward it.

The present message amounts to formal service of the enclosed document upon this operator.

Should you have any question regarding the foregoing, you may contact Mr. Jean-Sébastien Dupont, one of the lawyers in charge of this file, at jsdupont@smartbiggar.ca or 514-954-1500.

Best regards,

Jason Vallée Buchanan, for Mr. Jean-Sébastien Dupont

Jason Vallée Buchanan

Paralegal / Parajuriste

JValleeBuchanan@smartbiggar.ca

1000 de la Gauchetière Ouest
 Suite 3300
 Montreal, QC, H3B 4W5
 T. 514.954.1500
 F. 514.954.1396

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This is **Exhibit JVB-25** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Home > Whois Lookup > 185.232.52.31

IP Information for 185.232.52.31

— Quick Stats

IP Location	 Netherlands Dronten Internet It Company Inc
ASN	 AS200313 INTERNET-IT, SC (registered Aug 08, 2018)
Resolve Host	ubuntu.04032019
Whois Server	whois.ripe.net
IP Address	185.232.52.31

% Abuse contact for '185.232.52.0 - 185.232.55.255' is ' support-link.ac@yandex.com '

```
inetnum:          185.232.52.0 - 185.232.55.255
netname:          SC-INTERNET-INC6-20171115
country:          NL
org:              ORG-IICI17-RIPE
admin-c:          IM5378-RIPE
tech-c:           IM5378-RIPE
status:           ALLOCATED PA
mnt-by:           sc-internet-it-1-mnt
mnt-by:           RIPE-NCC-HM-MNT
created:          2020-05-04T15:31:04Z
last-modified:   2020-06-09T12:45:18Z
source:           RIPE

organisation:     ORG-IICI17-RIPE
org-name:         INTERNET IT COMPANY INC
country:          SC
org-type:         LIR
address:          Global Gateway 8, Rue De La Perle, Providence
address:          0000
address:          Mahe
address:          SEYCHELLES
e-mail:           support-link.ac@yandex.ru
admin-c:          IM5378-RIPE
tech-c:           IM5378-RIPE
abuse-c:          AR55186-RIPE
mnt-ref:          sc-internet-it-1-mnt
mnt-by:           RIPE-NCC-HM-MNT
mnt-by:           sc-internet-it-1-mnt
created:          2019-09-30T09:49:23Z
last-modified:   2020-12-16T13:10:02Z
source:           RIPE
phone:            +19299995787

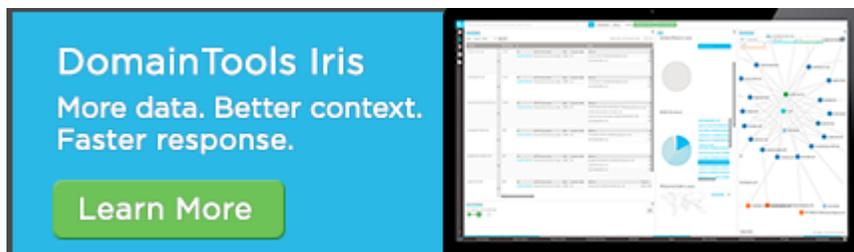
person:           Marie Stravens
```

```

address:      Global Gateway 8, Rue De La Perle, Providence
address:      00000
address:      Mahe
address:      SEYCHELLES
phone:        +19299995787
nic-hdl:      IM5378-RIPE
mnt-by:       sc-internet-it-1-mnt
mnt-by:       sc-internet-company-1-mnt
created:      2017-12-18T18:12:58Z
last-modified: 2020-06-20T17:06:23Z
source:       RIPE

route:        185.232.52.0/24
origin:       AS200313
mnt-by:       sc-internet-company-1-mnt
mnt-by:       sc-internet-it-1-mnt
created:      2018-08-30T18:35:31Z
last-modified: 2018-08-30T18:35:31Z
source:       RIPE

```



Tools

Monitor Domain Properties	▼
Reverse IP Address Lookup	▼
Network Tools	▼



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Home > Whois Lookup > 185.232.52.4

IP Information for 185.232.52.4

— Quick Stats

IP Location	 Netherlands Dronten Internet It Company Inc
ASN	 AS200313 INTERNET-IT, SC (registered Aug 08, 2018)
Resolve Host	ubuntu17821.030518
Whois Server	whois.ripe.net
IP Address	185.232.52.4

% Abuse contact for '185.232.52.0 - 185.232.55.255' is 'support-link.ac@yandex.com'

```
inetnum:          185.232.52.0 - 185.232.55.255
netname:          SC-INTERNET-INC6-20171115
country:          NL
org:              ORG-IICI17-RIPE
admin-c:          IM5378-RIPE
tech-c:           IM5378-RIPE
status:           ALLOCATED PA
mnt-by:           sc-internet-it-1-mnt
mnt-by:           RIPE-NCC-HM-MNT
created:          2020-05-04T15:31:04Z
last-modified:    2020-06-09T12:45:18Z
source:           RIPE

organisation:     ORG-IICI17-RIPE
org-name:         INTERNET IT COMPANY INC
country:          SC
org-type:         LIR
address:          Global Gateway 8, Rue De La Perle, Providence
address:          0000
address:          Mahe
address:          SEYCHELLES
e-mail:           support-link.ac@yandex.ru
admin-c:          IM5378-RIPE
tech-c:           IM5378-RIPE
abuse-c:          AR55186-RIPE
mnt-ref:          sc-internet-it-1-mnt
mnt-by:           RIPE-NCC-HM-MNT
mnt-by:           sc-internet-it-1-mnt
created:          2019-09-30T09:49:23Z
last-modified:    2020-12-16T13:10:02Z
source:           RIPE
phone:            +19299995787

person:           Marie Stravens
```

```

address:      Global Gateway 8, Rue De La Perle, Providence
address:      00000
address:      Mahe
address:      SEYCHELLES
phone:        +19299995787
nic-hdl:      IM5378-RIPE
mnt-by:       sc-internet-it-1-mnt
mnt-by:       sc-internet-company-1-mnt
created:      2017-12-18T18:12:58Z
last-modified: 2020-06-20T17:06:23Z
source:       RIPE

route:        185.232.52.0/24
origin:       AS200313
mnt-by:       sc-internet-company-1-mnt
mnt-by:       sc-internet-it-1-mnt
created:      2018-08-30T18:35:31Z
last-modified: 2018-08-30T18:35:31Z
source:       RIPE

```



Tools

Monitor Domain Properties	▼
Reverse IP Address Lookup	▼
Network Tools	▼



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This is **Exhibit JVB-26** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



INTERNET IT COMPANY INC

AS200313 ~ INTERNET-IT

IPv4 Addresses: 9,472

Number of Peers: 5

Number of Prefixes: 35

ASN Allocated: 8th August 2018

ASN

[Prefixes](#)[Peers](#)[Upstreams](#)[Graphs](#)[World Map](#)[Raw Whois](#)

Summary

REGIONAL REGISTRY: RIPE**ALLOCATION STATUS:** Allocated**ALLOCATION DATE:** 8th August 2018**ALLOCATED COUNTRY:**

Network

IPV4 PREFIXES: 32

IPV6 PREFIXES: 3

IPV4 PEERS: 4

IPV6 PEERS: 1

IPV4 UPSTREAMS: 4

IPV6 UPSTREAMS: 1

Contacts

EMAIL CONTACTS:

support-link.ac@yandex.com

support-link.ac@yandex.ru

ABUSE CONTACTS:

support-link.ac@yandex.com

ADDRESS:Global Gateway 8,
Rue De La Perle,
Providence,
0000,
Mahe,
SEYCHELLESPOWERED BY **SecurityTrails**

This is **Exhibit JVB-27** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: Vallée Buchanan, Jason
Sent: Friday, July 2, 2021 12:21 PM
To: support-link.ac@yandex.ru
Cc: Guay, François; Dupont, Jean-Sebastien; Lavoie Ste-Marie, Guillaume; Jean-Lévesque, Olivier; Bernier, Marie Christine; Montreal Paralegals; Central Litigation Mailbox
Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.
Attachments: Statement of Claim - June 14, 2021.pdf

Dear Madam / Sir,

Our law firm represents Rogers Media Inc. and other well-known Canadian broadcasters in the context of a copyright infringement proceeding currently before the Federal Court of Canada (Court File T-955-21).

Please immediately forward the enclosed Court document (Statement of Claim) to the person who was operating the servers located at IP addresses 185.232.52.4 and 185.232.52.31 on May 27, 2021 at 23:18 (UTC), and inform the undersigned of its forwarding or, if applicable, of the reason why it was not possible to forward it.

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Should you have any question regarding the foregoing, you may contact Mr. Jean-Sébastien Dupont, one of the lawyers in charge of this file, at jsdupont@smartbiggar.ca or 514-954-1500.

Best regards,

Jason Vallée Buchanan, for Mr. Jean-Sébastien Dupont

Jason Vallée Buchanan

Paralegal / Parajuriste

JValléeBuchanan@smartbiggar.ca

1000 de la Gauchetière Ouest
 Suite 3300
 Montreal, QC, H3B 4W5
 T. 514.954.1500
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This is **Exhibit JVB-28** in support of the
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solemnly affirmed before me, through videoconference,
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in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



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E-mail(*):

I agree to terms to use and I will not upload any copyrighted content

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This is **Exhibit JVB-29** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: Vallée Buchanan, Jason
Sent: Friday, June 18, 2021 12:33 PM
To: assiatv3@gmail.com
Cc: Guay, François; Dupont, Jean-Sébastien; Lavoie Ste-Marie, Guillaume; Jean-Lévesque, Olivier; Bernier, Marie Christine; Montreal Paralegals; Central Litigation Mailbox
Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.
Attachments: Statement of Claim - June 14, 2021.pdf

Dear Madam / Sir,

Our law firm represents Rogers Media Inc. and other well-known Canadian broadcasters in the context of a copyright infringement proceeding currently before the Federal Court of Canada (Court File T-955-21).

Please immediately forward the enclosed Court document (Statement of Claim) to the person who was operating the servers located at IP addresses 77.83.117.128, 91.212.150.116, 91.212.150.132, 91.212.150.140, 185.232.52.4 and 185.232.52.31 on May 27, 2021 at 23:18 (UTC), and inform the undersigned of its forwarding or, if applicable, of the reason why it was not possible to forward it.

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Should you have any question regarding the foregoing, you may contact Mr. Jean-Sébastien Dupont, one of the lawyers in charge of this file, at jsdupont@smartbiggar.ca or 514-954-1500.

Jason Vallée Buchanan, for Mr. Jean-Sébastien Dupont

Jason Vallée Buchanan

Paralegal / Parajuriste

JValleeBuchanan@smartbiggar.ca

1000 de la Gauchetière Ouest
 Suite 3300
 Montreal, QC, H3B 4W5
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This is **Exhibit JVB-30** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: postmaster@IDC-SMTP001
To: assiatv3@gmail.com
Sent: Friday, June 18, 2021 12:33 PM
Subject: Relayed: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

assiatv3@gmail.com

Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

This is **Exhibit JVB-31** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: Vallée Buchanan, Jason
Sent: Friday, June 18, 2021 5:09 PM
To: alexx.person@gmail.com
Cc: Guay, François; Dupont, Jean-Sebastien; Lavoie Ste-Marie, Guillaume; Jean-Lévesque, Olivier; Bernier, Marie Christine; Montreal Paralegals; Central Litigation Mailbox
Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.
Attachments: Statement of Claim - June 14, 2021.pdf

Dear Madam / Sir,

Our law firm represents Rogers Media Inc. and other well-known Canadian broadcasters in the context of a copyright infringement proceeding currently before the Federal Court of Canada (Court File T-955-21).

Please immediately forward the enclosed Court document (Statement of Claim) to the person who was operating the servers located at IP addresses 77.83.117.128, 91.212.150.116, 91.212.150.132, 91.212.150.140, 185.232.52.4 and 185.232.52.31 on May 27, 2021 at 23:18 (UTC), and inform the undersigned of its forwarding or, if applicable, of the reason why it was not possible to forward it.

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Best regards,

Jason Vallée Buchanan, for Mr. Jean-Sébastien Dupont

Jason Vallée Buchanan

Paralegal / Parajuriste

JValléeBuchanan@smartbiggar.ca

1000 de la Gauchetière Ouest
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 Montreal, QC, H3B 4W5
 T. 514.954.1500
 F. 514.954.1396

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This is **Exhibit JVB-32** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: postmaster@IDC-SMTP001
To: alexx.person@gmail.com
Sent: Friday, June 18, 2021 5:09 PM
Subject: Relayed: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

alexx.person@gmail.com

Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

This is **Exhibit JVB-33** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: Vallée Buchanan, Jason
Sent: Tuesday, June 15, 2021 9:45 AM
To: abuse@koddos.com; noc@koddos.com
Cc: Guay, François; Dupont, Jean-Sébastien; Lavoie Ste-Marie, Guillaume; Jean-Lévesque, Olivier; Bernier, Marie Christine; Montreal Paralegals; Central Litigation Mailbox
Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.
Attachments: Statement of Claim - June 14, 2021.pdf

Dear Madam / Sir,

Our law firm represents Rogers Media Inc. and other well-known Canadian broadcasters in the context of a copyright infringement proceeding currently before the Federal Court of Canada (Court File T-955-21).

Please immediately forward the enclosed Court document (Statement of Claim) to the person who was operating the server located at IP address 185.191.124.245 on May 27, 2021 at 23:22 (UTC), and inform the undersigned of its forwarding or, if applicable, of the reason why it was not possible to forward it.

The present message amounts to formal service of the enclosed document upon this operator.

Should you have any question regarding the foregoing, you may contact Mr. Jean-Sébastien Dupont, one of the lawyers in charge of this file, at jsdupont@smartbiggar.ca or 514-954-1500.

Best regards,

Jason Vallée Buchanan, for Mr. Jean-Sébastien Dupont

Jason Vallée Buchanan

Paralegal / Parajuriste

JValleeBuchanan@smartbiggar.ca

1000 de la Gauchetière Ouest
 Suite 3300
 Montreal, QC, H3B 4W5
 T. 514.954.1500
 F. 514.954.1396

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This is **Exhibit JVB-34** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Home > Whois Lookup > 185.191.124.245

IP Information for 185.191.124.245

— Quick Stats

IP Location	 Netherlands Amsterdam
ASN	 AS206264 AMARUTU-TECHNOLOGY, SC (registered Feb 22, 2017)
Whois Server	whois.ripe.net
IP Address	185.191.124.245

% Abuse contact for '185.191.124.0 - 185.191.124.255' is ' abuse@koddos.com '

```
inetnum:      185.191.124.0 - 185.191.124.255
netname:      SC-AMARUTU-NL3
country:      NL
admin-c:      RL11970-RIPE
tech-c:       RL11970-RIPE
status:       ASSIGNED PA
mnt-by:       sc-amarutu-1-mnt
created:      2020-09-15T03:29:45Z
last-modified: 2020-09-20T03:51:43Z
source:       RIPE
```

```
person:       Ronald Linco
address:      Level 23, One Island East, 18 Westlands Road.
address:      N/A
address:      Hong Kong
address:      HONG KONG
phone:        +2484225244
nic-hdl:      RL11970-RIPE
mnt-by:       sc-amarutu-1-mnt
created:      2017-02-20T15:55:54Z
last-modified: 2017-02-20T15:55:54Z
source:       RIPE
```

```
route:        185.191.124.0/24
descr:        Amarutu Technology Ltd. Network
origin:       AS206264
mnt-by:       sc-amarutu-1-mnt
created:      2020-09-15T03:30:32Z
last-modified: 2020-09-15T03:30:32Z
source:       RIPE
```

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This is **Exhibit JVB-35** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



Amarutu Technology Ltd

AS206264 ~ AMARUTU-TECHNOLOGY

[Company Website](#)

IPv4 Addresses: 5,888

Number of Peers: 281

Number of Prefixes: 21

ASN Allocated: 22nd February 2017

ASN

- Prefixes
- Peers
- Upstreams
- Downstreams
- Graphs
- World Map
- Raw Whois
- IX

Summary

REGIONAL REGISTRY: **RIPE**
 ALLOCATION STATUS: **Allocated**
 ALLOCATION DATE: **22nd February 2017**
 ALLOCATED COUNTRY:

TRAFFIC RATIO: **Mostly Inbound**
 INTERNET EXCHANGES: **9**
 WEBSITE: <https://koddos.net>

Network

IPV4 PREFIXES: **16**
 IPV4 PEERS: **151**
 IPV4 UPSTREAMS: **7**

IPV6 PREFIXES: **5**
 IPV6 PEERS: **130**
 IPV6 UPSTREAMS: **6**

Contacts

EMAIL CONTACTS:
abuse@koddos.com
noc@koddos.com

ABUSE CONTACTS:
abuse@koddos.com

ADDRESS:
 Level 23,
 One Island East,
 18 Westlands Road.,
 N/A,
 Hong Kong,
 HONG KONG

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This is **Exhibit JVB-36** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Vallée Buchanan, Jason

From: postmaster@IDC-SMTP002
To: noc@koddos.com; abuse@koddos.com
Sent: Tuesday, June 15, 2021 9:46 AM
Subject: Relayed: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

noc@koddos.com

abuse@koddos.com

Subject: Court proceeding - Rogers Media Inc. et al. v. John Doe 1 et al.

This is **Exhibit JVB-37** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Profile Report

Entity details

Information as of	28 June 2021
Registry ID	3022964
Business/Organization Name	BRAGG COMMUNICATIONS INCORPORATED
Incorporation Date	23 September 1998
Annual Return due Date	30 September 2021
Type	Limited Company
Status	Active
Registered Office	4881 MAIN STREET, NS, OXFORD, B0M 1P0, CANADA
Mailing Address	4881 MAIN STREET, NS, OXFORD, B0M 1P0, CANADA

Directors and Officers

Name	Position	Civic Address	Mailing Address
BILLY LAWRENCE	VICE PRESIDENT, FINANCE	6080 YOUNG STREET, 8TH FLOOR HALIFAX NOVA SCOTIA B3K 5M3 CANADA	
DAVID HOFFMAN	Director	4881 MAIN STREET OXFORD NS B0M 1P0 CANADA	
DAVID HOFFMAN	Vice-president	4881 MAIN STREET OXFORD NS B0M 1P0 CANADA	
DEBORAH SHAFFNER	CHIEF EXECUTIVE OFFICER	6080 YOUNG STREET, 8TH FLOOR HALIFAX NOVA SCOTIA B3K 5M3 CANADA	
GEOFFREY C. BALDWIN	Director	4881 MAIN STREET OXFORD NS B0M 1P0 CANADA	
GEOFFREY C. BALDWIN	Secretary, Treasurer	4881 MAIN STREET OXFORD NS B0M 1P0 CANADA	
JOHN BRAGG	Director	4881 MAIN STREET OXFORD NS B0M 1P0 CANADA	



Registry of Joint Stock Companies

JOHN BRAGG	CHAIR	4881 MAIN STREET OXFORD NS B0M 1P0 CANADA
LEE BRAGG	EXECUTIVE VICE CHAIRMAN	6080 YOUNG STREET, 8TH FLOOR HALIFAX NS B3K 5M3 CANADA
MIKE MCALOON	CHIEF FINANCIAL OFFICER	4881 MAIN STREET OXFORD NS B0M 1P0 CANADA
PAUL FESTERYGA	ASSISTANT SECRETARY	1959 UPPER WATER STREET, SUITE 900 HALIFAX NS B3J 3N2 CANADA

Recognized Agent

Name	Position	Civic Address	Mailing Address
GEOFFREY C. BALDWIN	Recognized Agent	4881 MAIN STREET OXFORD NOVA SCOTIA B0M 1P0 CANADA	PO BOX 220 OXFORD NS B0M 1P0 CANADA

Activity

Activity	Date
Authorized Filer - Company	22 April 2021
Company Notice Filing - Notice of Shares Redemption/Acquisition	12 April 2021
Authorized Filer - Company	11 March 2021
Annual Renewal	07 October 2020
Annual Statement Filed	05 October 2020
Annual Renewal	27 August 2019
Annual Statement Filed	23 August 2019
Change of Directors	02 May 2019
Annual Renewal	12 September 2018
Change of Directors	18 December 2017
Annual Renewal	28 August 2017
Filed Document	17 August 2017
Annual Renewal	12 September 2016
Filed Document	26 July 2016
Filed Document	31 May 2016
Special Resolution	31 May 2016
Filed Document	30 May 2016



Registry of Joint Stock Companies

Change of Directors	16 September 2015
Annual Renewal	28 August 2015
Annual Renewal	09 September 2014
Annual Renewal	01 October 2013
Special Resolution	23 July 2013
Annual Statement Filed	30 August 2012
Annual Renewal	30 August 2012
Address Change	28 February 2012
Filed Document	03 February 2012
Annual Statement Filed	30 August 2011
Annual Renewal	30 August 2011
Annual Renewal	04 October 2010
Filed Document	30 August 2010
Special Resolution	30 August 2010
Change of Directors	03 December 2009
Annual Statement Filed	11 September 2009
Annual Renewal	11 September 2009
Change of Directors	11 May 2009
Change of Directors	16 March 2009
Annual Renewal	04 September 2008
Annual Statement Filed	31 August 2007
Annual Renewal	22 August 2007
Change of Directors	05 June 2007
Change of Directors	16 April 2007
Filed Document	12 April 2007
Filed Document	22 December 2006
Annual Renewal	23 August 2006
Filed Document	24 July 2006
Annual Renewal	29 September 2005
Annual Renewal	09 September 2004
Annual Statement Filed	09 September 2004
Filed Document	24 August 2004
Annual Renewal	18 September 2003
Annual Statement Filed	18 September 2003



Registry of Joint Stock Companies

Filed Document	16 September 2003
Filed Document	10 September 2003
Annual Renewal	12 September 2002
Annual Statement Filed	12 September 2002
Special Resolution	15 August 2002
Special Resolution	07 August 2002
Special Resolution	07 August 2002
Special Resolution	07 August 2002
Filed Document	15 April 2002
Import Company Already Registered	12 March 2002
Filed Document	12 March 2002
Address Change	12 March 2002
Appoint an Agent	12 March 2002
Change of Directors	12 March 2002
Annual Renewal	13 September 2001
Annual Renewal	15 September 2000
Annual Statement Filed	15 September 2000
Change of Directors	02 February 2000
Annual Renewal	28 September 1999
Annual Statement Filed	28 September 1999
Date of Filing Amalgamation	23 September 1998
Amalgamated in other Jurisdiction	01 September 1998

Related Registrations

Relationship	Name
Amalgamated From	BRAGG COMMUNICATIONS INCORPORATED
Amalgamated From	COLLINGWOOD CABLEVISION LIMITED
Business Name	SPRINGHILL CABLE T.V.
Business Name	TRI-TOWN CABLE T.V.
Business Name	NICTAUX CABLE
Business Name	SACKVILLE CABLE TV
Business Name	ANTIGONISH CABLEVISION
Business Name	BIRCHGROVE COMMUNICATION SYSTEMS



Registry of Joint Stock Companies

Business Name	SCOTIATEL
Business Name	MID-VALLEY CABLEVISION
Business Name	CENTRAL CABLE TELEVISION
Business Name	PORT BICKERTON CABLE
Business Name	NEW GERMANY CABLEVISION
Business Name	WINDSOR CABLE TV
Business Name	ISLAND CABLEVISION
Business Name	EASTERN CABLEVISION
Business Name	EASTLINK ADVERTISING
Business Name	EASTLINK TELEPHONE
Business Name	EASTLINK COMMUNITY TELEVISION
Business Name	EASTLINK
Business Name	EASTLINK HIGH SPEED INTERNET
Business Name	EASTLINK CABLE SYSTEMS
Business Name	EASTLINK TELECOM
Business Name	RUSH COMMUNICATIONS
Business Name	CANSO CABLE T.V.
Business Name	ESKASONI CABLE T.V.
Business Name	MABOU CABLE T.V.
Business Name	MILFORD CABLE T.V.
Business Name	WEST ARICHAT CABLE T.V.
Business Name	WHYCOCOMAGH CABLE T.V.
Business Name	EASTLINK TV
Business Name	EASTLINK WIRELESS
Business Name	EASTLINK MOBILE
Business Name	EASTLINK MOBILE COMMUNICATIONS
Business Name	EASTLINK WIRELESS COMMUNICATIONS

This is **Exhibit JVB-38** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



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Federal Corporation Information - 1230208-0

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i Note

This information is available to the public in accordance with legislation (see [Public disclosure of corporate information](#)).

Corporation Number

1230208-0

Business Number (BN)

817930498RC0003

Corporate Name

Cogeco Connexion Inc.

Status

Active

Governing Legislation

Canada Business Corporations Act - 2020-08-30

[Order a Corporate Profile](#) [[View PDF Sample](#)] [[View HTML Sample](#)].

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Registered Office Address

1 Place Ville-Marie
Suite 3301
Montréal QC H3B 3N2
Canada

Note

Active CBCA corporations are required to update this information within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

Directors**Minimum** 3**Maximum** 20

Christian Jolivet
5737 av. Déom
Montréal QC H3S 2N5
Canada

Louis Audet
168 chemin Edgehill
Westmount QC H3Y 1E9
Canada

Philippe Jetté
1025, rue de la Commune Est, Suite 902
Montréal QC H2L 0G5
Canada

Patrice Ouimet
253 rue Terroux
St-Lambert QC J4R 2W3
Canada

Note

Active CBCA corporations are required to update director information (names, addresses, etc.) within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

Annual Filings

Anniversary Date (MM-DD)

08-30

Date of Last Annual Meeting

Not available

Annual Filing Period (MM-DD)

08-30 to 10-29

Type of Corporation

Not available

Status of Annual Filings

2021 - Not due

Corporate History

Corporate Name History

2020-08-30 to Present

Cogeco Connexion Inc.

Certificates and Filings

Certificate of Amalgamation

2020-08-30

Corporations amalgamated:

- 8551855 Cogeco Connexion Inc.
- 4383028 Cogeco Communications Holdings Inc.

[Order copies of corporate documents](#)[Start New Search](#)[Return to Search Results](#)

Date Modified:

2021-06-04

This is **Exhibit JVB-39** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



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Federal Corporation Information - 1259682-2

[Order copies of corporate documents](#)

i Note

This information is available to the public in accordance with legislation (see [Public disclosure of corporate information](#)).

Corporation Number

1259682-2

Business Number (BN)

121738256RC0005

Corporate Name

Distributel Communications Limited
Communications Distributel Limitee

Status

Active

Governing Legislation

Canada Business Corporations Act - 2020-12-31

[Order a Corporate Profile](#) [[View PDF Sample](#)] [[View HTML Sample](#)].

[PDF Readers](#)

Registered Office Address

3300 Bloor Street West
Suite 801
Toronto ON M8X 2X2
Canada

Note

Active CBCA corporations are required to update this information within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

Directors**Minimum** 1**Maximum** 10

Matt Stein
3300 Bloor Street West
Suite 801
Toronto ON M8X 2X2
Canada

Melvin Cohen
3300 Bloor Street West
Suite 801
Toronto ON M8X 2X2
Canada

Rob Williams
11 Madison Ave
New York NY 10010
United States

Note

Active CBCA corporations are required to update director information (names, addresses, etc.) within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

Annual Filings**Anniversary Date (MM-DD)**

12-31

Date of Last Annual Meeting

Not available

Annual Filing Period (MM-DD)

12-31 to 03-01

Type of Corporation

Not available

Status of Annual Filings

2021 - Not due

Corporate History

Corporate**Name History**

2020-12-31 to Present	Distributel Communications Limited	2020-12-31 to Present	Communications Distributel Limitee
-----------------------	------------------------------------	-----------------------	------------------------------------

Certificates and Filings

Certificate of Amalgamation

2020-12-31

Corporations amalgamated:

- [10037150 Xinflix Internet Services Limited](#)
- [12559765 Acanac Inc.](#)
- [10551791 Distributel Communications Limited / Communications Distributel Limitee](#)
- [12559790 Yak Communications \(Canada\) Corp.](#)

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Date Modified:

2021-06-04

This is **Exhibit JVB-40** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



Profile Report

Entity Number: 101020055

Page 1 of 1

Entity Name: SASKATCHEWAN TELECOMMUNICATIONS

Report Date: 28-Jun-2021

Entity Details

Entity Type	Other Legislated Entity
Entity Subtype	Other Legislated Entity
Governing Act	THE SASKATCHEWAN TELECOMMUNICATIONS ACT, CHAPTER S-34, 1978
Entity Status	Active
Registration Date	

Contact Information**. GENERAL INQUIRY**

Mailing Address: 2121 SASKATCHEWAN DRIVE, REGINA, Saskatchewan, Canada

Business Names Owned By Corporation

Number	Name	Type
101035208	MYSASK.COM COMMUNICATIONS	Saskatchewan Business Name - Sole Proprietor

Event History

Type	Date
Other Legislated - Registration	30-Apr-2001

This is **Exhibit JVB-41** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Government Corporation/Non-Profit Search of Alberta ■ Corporate Registration System

Date of Search: 2021/06/28
 Time of Search: 12:58 PM
 Service Request Number: 35721043
 Customer Reference Number: 03460285-16547982

Corporate Access Number: 200429801

Business Number:

Legal Entity Name: SHAW COMMUNICATIONS INC.

Name History:

Previous Legal Entity Name	Date of Name Change (YYYY/MM/DD)
CAPITAL CABLE TELEVISION CO LTD	1971/06/21
CAPITAL CABLE TV LTD	1984/02/29
SHAW CABLESYSTEMS LTD.	1993/05/12

Legal Entity Status: Active
Alberta Corporation Type: Named Alberta Corporation
Registration Date: 1966/12/09 YYYY/MM/DD

Registered Office:

Street: 900, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Records Address:

Street: 900, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Email Address: ADINA.TURNER@SJR.B.CA

Directors:

Last Name: BISSONNETTE
First Name: PETER
Street/Box Number: 900, 630 - 3RD AVENUE SW

City: CALGALRY
Province: ALBERTA
Postal Code: T2P4L4

Last Name: BURNS
First Name: ADRIAN
Street/Box Number: 900, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Last Name: CLARK
First Name: CHRISTINA
Middle Name: JOAN
Street/Box Number: 900-630 3 AVE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Last Name: GREEN
First Name: RICHARD
Street/Box Number: 900, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Last Name: KEATING
First Name: GREGG
Street/Box Number: 900, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Last Name: O'BRIEN
First Name: MICHAEL
Street/Box Number: 900, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Last Name: PEW
First Name: PAUL
Street/Box Number: 900, 630 - 3RD AVENUE SW
City: CALGARY

Province: ALBERTA
Postal Code: T2P4L4

Last Name: ROYER
First Name: JEFFREY
Street/Box Number: 900, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Last Name: SHAW
First Name: BRAD
Street/Box Number: 900, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Last Name: SIEVERT
First Name: G.
Middle Name: MICHAEL
Street/Box Number: 9209 NE 37TH PL
City: YARROW POINT
Province: WASHINGTON
Postal Code: 98004

Last Name: VOGEL
First Name: CARL
Middle Name: E.
Street/Box Number: 900, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Last Name: WEATHERILL
First Name: SHEILA
Street/Box Number: 900, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Last Name: WHITE
First Name: STEVE
Middle Name: A
Street/Box Number: 900, 630 - 3RD AVENUE SW

City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4

Voting Shareholders:

Legal Entity Name: CATHTON INVESTMENTS LTD.
Corporate Access Number: 205931132
Street: 210 RIVIERA PLAZA, 5324 CALGARY TRAIL S.
City: CALGARY
Province: ALBERTA
Postal Code: T6H4J8
Percent Of Voting Shares: 9.2

Last Name: CDS & CO
Street: 25 THE ESPLANADE, BOX 1038 STATION A
City: TORONTO
Province: ONTARIO
Postal Code: M5W1E0
Percent Of Voting Shares: 4.8

Last Name: NEW HORIZONS COMMUNICATIONS HOLDINGS LTD
Street: 101A COOPERS HILL ROAD, OLIVEWOOD
City: ST. JAMES
Postal Code: BB24116
Country: BARBADOS
Percent Of Voting Shares: 4.5

Last Name: ORIOLE CHARITABLE FOUNDATION
Street: CAMI SERVICES INC. PO BOX 5480
City: WESTLOCK
Province: ALBERTA
Postal Code: T7P2P5
Percent Of Voting Shares: .9

Legal Entity Name: SJR HOLDCO LTD.
Corporate Access Number: 2019154554
Street: 800, 630 - 3RD AVENUE SW
City: CALGARY
Province: ALBERTA
Postal Code: T2P4L4
Percent Of Voting Shares: 78.3

Details From Current Articles:**The information in this legal entity table supersedes equivalent electronic attachments**

Share Structure: SEE ATTACHED SCHEDULE 1
Share Transfers Restrictions: SEE SECTION IV OF THE ANNEXED SCHEDULE 1
Min Number Of Directors: 8
Max Number Of Directors: 20
Business Restricted To: NONE
Business Restricted From: NONE
Other Provisions: SEE ATTACHED SCHEDULE II

Holding Shares In:

Legal Entity Name
SHAW RADIO LTD.
SHAW CABLESYSTEMS (ALBERTA) LTD.
SHAW RADIO LTD.
CABLE WEST T.V. LTD.
CAPSO PROPERTIES LTD.
DMX CANADA LTD.
SHAW CABLE HOLDINGS LTD.
ROCKY MOUNTAIN CATV LTD.
SHAW CABLESYSTEMS (ALBERTA) LTD.
SHAW TELEVISUAL NETWORKS INC.
3059323 NOVA SCOTIA LIMITED
CABLE TELEVISION ASSOCIATION OF ALBERTA
SHAW CABLEGUARD LTD.
623244 ALBERTA LTD.
METRONET SYSTEMS LTD.
754013 ALBERTA LTD.
SHAW FIBERLINK LTD.
763815 ALBERTA LTD.
CANADIAN SATELLITE COMMUNICATIONS INC.
PRAIRIE CO-AX T.V. LIMITED
SHAW PAY-PER-VIEW LTD.
SHELS II ISSUERCO LTD.
SHELS II NEWCO LTD.
SHAW BUSINESS INC.
SHELS III ISSUERCO LTD.
SHELS III NEWCO LTD.

900934 ALBERTA LTD.
SHAW REAL ESTATE LTD.
SHAW FINANCE INC.
VIDEON CABLESYSTEMS INC.
SHELS V NEWCO LTD.
SHELS V ISSUERCO LTD.
SHAW ENVISION INC.
SHAW CABLE PROPERTIES LTD.
SHAW FIBERLINK LTD.
1001405 ALBERTA LTD.
1005449 ALBERTA LTD.
SHAW CABLESYSTEMS LIMITED
SHAW SATELLITE SERVICES INC. / SERVICES SATELLITES SHAW INC.
SHAW TELECOM INC.
1380057 ALBERTA LTD.
1474888 ALBERTA LTD.
MOUNTAIN CABLEVISION LIMITED
SHAW TELECOM INC.
1698061 ALBERTA LTD.
SHAW VENTURES LTD.
SHAW CABLESYSTEMS LIMITED
SHAW SECURITY SERVICES LIMITED

Associated Registrations under the Partnership Act:

Trade Partner Name	Registration Number
SHAW CABLESYSTEMS G.P.	PT7582828

Other Information:

Last Annual Return Filed:

File Year	Date Filed (YYYY/MM/DD)
2020	2020/12/17

Continued Under the Business Corporations Act on: 1984/03/01 YYYY/MM/DD

Filing History:

List Date (YYYY/MM/DD)	Type of Filing
------------------------	----------------

1998/07/17	Change Address
2011/05/26	Name/Structure Change Alberta Corporation
2020/12/17	Enter Annual Returns for Alberta and Extra-Provincial Corp.
2021/01/13	Change Director / Shareholder

Attachments:

Attachment Type	Microfilm Bar Code	Date Recorded (YYYY/MM/DD)
Share Structure	ELECTRONIC	1999/06/01
Other Rules or Provisions	ELECTRONIC	1999/06/01
Articles/Plan of Arrangement/Court Order	10000696000304053	1999/09/01
Share Structure	ELECTRONIC	1999/09/01
Share Structure	ELECTRONIC	2004/01/28
Share Structure	ELECTRONIC	2007/07/11
Consolidation, Split, Exchange	ELECTRONIC	2007/07/11
Shares in Series	ELECTRONIC	2011/05/26
Consolidation, Split, Exchange	ELECTRONIC	2011/05/27
Share Structure	ELECTRONIC	2011/05/27

The Registrar of Corporations certifies that, as of the date of this search, the above information is an accurate reproduction of data contained in the official public records of Corporate Registry.



This is **Exhibit JVB-42** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)

Request ID: 026370510
 Transaction ID: 79785960
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2021/06/28
 Time Report Produced: 14:52:27
 Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Amalgamation Date
1919503	TEKSAVVY SOLUTIONS INC.	2015/10/01
		Jurisdiction
		ONTARIO
		Former Jurisdiction
		NOT APPLICABLE
Corporation Type	Corporation Status	
ONTARIO BUSINESS CORP.	ACTIVE	
Registered Office Address		Date Amalgamated
800 RICHMOND STREET		NOT APPLICABLE
CHATHAM ONTARIO CANADA N7M 5J5		Amalgamation Ind.
		A
		New Amal. Number
		NOT APPLICABLE
		Notice Date
		NOT APPLICABLE
		Letter Date
		NOT APPLICABLE
Mailing Address		Revival Date
800 RICHMOND STREET		NOT APPLICABLE
CHATHAM ONTARIO CANADA N7M 5J5		Continuation Date
		NOT APPLICABLE
		Transferred Out Date
		NOT APPLICABLE
		Cancel/Inactive Date
		NOT APPLICABLE
		EP Licence Eff.Date
		NOT APPLICABLE
		EP Licence Term.Date
		NOT APPLICABLE
		Date Commenced in Ontario
		NOT APPLICABLE
		Date Ceased in Ontario
		NOT APPLICABLE
		Number of Directors
		Minimum
		Maximum
		00001
		00005
Activity Classification		
NOT AVAILABLE		

Request ID: 026370510
Transaction ID: 79785960
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2021/06/28
Time Report Produced: 14:52:27
Page: 2

CORPORATION PROFILE REPORT

Ontario Corp Number

1919503

Corporation Name

TEKSAVVY SOLUTIONS INC.

Corporate Name History

TEKSAVVY SOLUTIONS INC.

Effective Date

2015/10/01

Current Business Name(s) Exist:

NO

Expired Business Name(s) Exist:

NO

Amalgamating Corporations**Corporation Name**

2218999 ONTARIO INC.

LHNET.CA INC.

TEKSAVVY SOLUTIONS INC.

Corporate Number

2218999

2110995

1266175

Request ID: 026370510
 Transaction ID: 79785960
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2021/06/28
 Time Report Produced: 14:52:27
 Page: 3

CORPORATION PROFILE REPORT

Ontario Corp Number

1919503

Corporation Name

TEKSAVVY SOLUTIONS INC.

Administrator:

Name (Individual / Corporation)

MARC
 VINCENT
 GAUDRAULT

Address

6954 GRANDE RIVER LINE
 R.R. #1

PAINCOURT
 ONTARIO
 CANADA NOP 1Z0

Date Began

2015/10/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Administrator:

Name (Individual / Corporation)

MARC
 VINCENT
 GAUDRAULT

Address

6954 GRANDE RIVER LINE
 R.R. #1

PAINCOURT
 ONTARIO
 CANADA NOP 1Z0

Date Began

2015/10/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

CHIEF EXECUTIVE OFFICER

Resident Canadian

Request ID: 026370510
 Transaction ID: 79785960
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2021/06/28
 Time Report Produced: 14:52:27
 Page: 4

CORPORATION PROFILE REPORT

Ontario Corp Number

1919503

Corporation Name

TEKSAVVY SOLUTIONS INC.

Administrator:

Name (Individual / Corporation)

MARC
 VINCENT
 GAUDRAULT

Address

6954 GRANDE RIVER LINE
 R.R. #1

CHATHAM
 ONTARIO
 CANADA NOP 1Z0

Date Began

2015/10/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Administrator:

Name (Individual / Corporation)

MARC
 VINCENT
 GAUDRAULT

Address

6954 GRANDE RIVER LINE
 R.R. #1

PAINCOURT
 ONTARIO
 CANADA NOP 1Z0

Date Began

2015/10/01

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

Request ID: 026370510
Transaction ID: 79785960
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2021/06/28
Time Report Produced: 14:52:27
Page: 5

CORPORATION PROFILE REPORT

Ontario Corp Number

1919503

Corporation Name

TEKSAVVY SOLUTIONS INC.

Last Document Recorded

Act/Code	Description	Form	Date
CIA	INITIAL RETURN	1	2015/10/13 (ELECTRONIC FILING)

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

The issuance of this report in electronic form is authorized by the Director of Companies and Personal Property Security Branch.

This is **Exhibit JVB-43** in support of the
Affidavit of Jason Vallée Buchanan,
solemnly affirmed before me, through videoconference,
in accordance with the Notice from Ministère de la Justice du Québec,
in the city of Montréal, in the Province of Québec, this 2nd day of July 2021.



Commissioner for Oaths
Julie Morin
(number: 193,000)



BC Company Summary

For
TELUS COMMUNICATIONS INC.

Date and Time of Search: June 28, 2021 12:16 PM Pacific Time
Currency Date: May 17, 2021

ACTIVE

Incorporation Number: BC1101218
Name of Company: TELUS COMMUNICATIONS INC.
Business Number: 100652692 BC0005
Recognition Date and Time: January 01, 2017 12:01 AM Pacific Time as a result of an **In Liquidation:** No
 Amalgamation
Last Annual Report Filed: January 01, 2021 **Receiver:** No

AMALGAMATING CORPORATION(S) INFORMATION

Name of Amalgamating Corporation	Incorporation Number in BC
EMERGIS HEALTH SOLUTIONS INC.	C1100230
TELUS COMMUNICATIONS (QUEBEC) INC.	C1100247
TELUS COMMUNICATIONS INC.	C1100237
TELUS MED ACCESS EMR INC.	C1100232
TELUS XD3 SOLUTIONS INC.	C1100242

REGISTERED OFFICE INFORMATION

Mailing Address: 7TH. FLOOR, 510 WEST GEORGIA STREET VANCOUVER BC V6B 0M3 CANADA	Delivery Address: 7TH. FLOOR, 510 WEST GEORGIA STREET VANCOUVER BC V6B 0M3 CANADA
--	---

RECORDS OFFICE INFORMATION

Mailing Address: 7TH. FLOOR, 510 WEST GEORGIA STREET VANCOUVER BC V6B 0M3 CANADA	Delivery Address: 7TH. FLOOR, 510 WEST GEORGIA STREET VANCOUVER BC V6B 0M3 CANADA
--	---

DIRECTOR INFORMATION

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VANCOUVER BC V6B 0M3
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VANCOUVER BC V6B 0M3
CANADA

NO OFFICER INFORMATION FILED AS AT January 01, 2021.

Court File No. T-955-21

FEDERAL COURT

B E T W E E N:

**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.**

Plaintiffs

- and -

**JOHN DOE 1
 JOHN DOE 2
 OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING
 SERVERS PROVIDING ACCESS TO NHL LIVE GAMES IN CANADA**

Defendants

- and -

**BELL CANADA
 BRAGG COMMUNICATIONS INC. dba EASTLINK
 COGECO CONNEXION INC.
 DISTRIBUTEL COMMUNICATIONS LIMITED
 FIDO SOLUTIONS INC.
 ROGERS COMMUNICATIONS CANADA INC.
 SASKATCHEWAN TELECOMMUNICATIONS
 SHAW COMMUNICATIONS INC.
 TEKSAVYY SOLUTIONS INC.
 TELUS COMMUNICATIONS INC.
 VIDEOTRON LTD.**

Third Party Respondents

**WRITTEN REPRESENTATIONS
 (PUBLIC REDACTED VERSION)**

(Motion for an interlocutory injunction Order binding third parties
 pursuant to Rule 373 of the *Federal Courts Rules*)

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OVERVIEW

1. The Plaintiffs have invested significant resources over the last few years to curb different forms of piracy of their television and movie content. The Federal Court has also been willing to consider new approaches to ensure that rightsholders can have an effective remedy against new forms of piracy, including more recently the issuance of a site blocking order in the *GoldTV* case (2019 FC 1432, aff'd 2021 FCA 100).
2. However, technology is continuing to evolve rapidly (including the Internet getting faster, cheaper and more widely accessible) and pirates are becoming increasingly more sophisticated, changing the way they pirate TV content and taking further steps to remain anonymous and circumvent enforcement efforts around the world. As a result, the Plaintiffs (and other copyright owners) are required to constantly adapt their strategies to be able to effectively enforce their rights.
3. Highly valuable and popular live content (e.g., NHL games in Canada) now poses a particular challenge for enforcing copyright. These events are best experienced, and indeed almost exclusively watched, in real time. The Plaintiffs collectively invest **hundreds of millions of dollars** every year to acquire all rights in Canada to broadcast NHL live games.
4. Yet, sophisticated pirates are increasingly able to deliver unauthorized high-definition streams of live sports events in real time to a large number of viewers by investing in complex technological infrastructures with anonymous servers located all over the world. Some of these servers are only active and can only be identified during the live broadcast of a popular event and pirates are even able to adjust their infrastructures during the broadcast to attempt to circumvent enforcement measures.
5. Monitoring of some of the NHL games broadcast in Canada over the last few months has shown that **hundreds** of distinct anonymous servers accessible from Canada were broadcasting these games in real time over the Internet without any authorization, every week. Over 95% of these servers were located outside of Canada.

6. The Plaintiffs are thus asking this Court to also adapt existing remedies and grant the only effective remedy available in these circumstances to stop such blatant and widespread infringement of the Plaintiffs' rights in Canada, by issuing an interlocutory injunction directed at Canadian Internet Service Providers (i.e., the Third Party Respondents) to enjoin them to **temporarily** and **dynamically** block, or attempt to block, access by their Internet service subscribers to servers providing unauthorized access to NHL live games in Canada.

II. FACTS

A. The Plaintiffs and their Rights in NHL Live Games

(1) The Plaintiffs

7. The Plaintiffs are well-known Canadian entities that own and operate a number of television stations (the “**Plaintiffs’ Stations**”) and online subscription services (the “**Plaintiffs’ Online Services**”) in Canada on which they broadcast a wide variety of television programs, including sports programs and live sports events, for which they own or exclusively license the Canadian rights to communicate to the public by telecommunication.
 - Affidavit of Greg Sansone, dated June 30, 2021 (“**Sansone Aff.**”), paras. 7-14 [Plaintiffs’ Motion Record dated July 7, 2021 (“**PMR**”) Tab 2]
 - Affidavit of Nathalie Cook, dated June 28, 2021 (“**Cook Aff.**”), paras. 8-20 [PMR Tab 3]
 - Affidavit of Louis-Philippe Neveu, dated June 30, 2021 (“**Neveu Aff.**”), paras. 7-13 [PMR Tab 4]
8. Rogers Media Inc., a fully owned subsidiary of Rogers Communications Inc, is a Canadian media company that engages in, *inter alia*, broadcasting (“**Rogers Media**”). As a broadcaster, Rogers Media owns and/or operates numerous television stations, which are distributed in Canada through broadcasting distribution undertakings (“**BDUs**”), such as Rogers Media’s affiliate Rogers Communications Canada Inc. (“**Rogers Cable**”) and other competing BDUs in Canada, to which Canadian consumers subscribe for a fee. Certain of its stations are also broadcast over the air for free.
 - Sansone Aff., paras. 7-8 and 11 [PMR Tab 2]
9. BCE Inc. (“**BCE**”) is Canada’s largest communications company, incorporated in 1970 and having roots in The Bell Telephone Company of Canada, which was founded in 1880.
 - Cook Aff., para. 8 [PMR Tab 3]
10. Bell Media Inc. (“**Bell Media**”) is a wholly owned subsidiary of Bell Canada, which is in turn a wholly owned subsidiary of BCE. Bell Media is a Canadian media company that engages in, *inter alia*, broadcasting. CTV Specialty Television Enterprises Inc. (“**CTV**”) is a wholly owned subsidiary of Bell Media.

Television”) is a subsidiary of Bell Media, while The Sports Network Inc. (“**The Sports Network**”) and Le Réseau des Sports (RDS) Inc. (“**Reseau des Sports**”) are specialty television stations in Canada, and subsidiaries of CTV Television.

- Cook Aff., paras. 9-12 [PMR Tab 3]

11. As a broadcaster, Bell Media owns and/or operates the above-mentioned television stations (and others), which are distributed in Canada through BDUs, such as its parent Bell Canada and its affiliate Bell ExpressVu (which together jointly do business as “**Bell TV**”) and other competing BDUs in Canada. Some of its stations are also broadcast over the air for free.

- Cook Aff., paras. 13-17 [PMR Tab 3]

12. BCE, Bell Media, CTV Television, The Sports Network and Réseau des Sports are all affiliates, collectively referred to hereinafter as “**Bell**”.

13. Groupe TVA Inc. (“**Groupe TVA**”) is a broadcaster that owns and/or operates numerous television stations, which are distributed through several BDUs, including Groupe TVA’s affiliate Vidéotron Ltd. (“**Vidéotron**”). Certain of its stations are also broadcast over the air for free.

- Neveu Aff., paras. 7-11 [PMR Tab 4]

(2) The National Hockey League (NHL)

The NHL Generally

14. Founded in 1917, the National Hockey League (“**NHL**”) is a professional ice hockey league operating in Canada and the United States.

- Sansone Aff., para. 20 [PMR Tab 2]

15. The NHL currently comprises a total of thirty-two (32) teams, including the following seven (7) Canadian teams:

(a) The Montreal Canadiens;

(b) The Ottawa Senators;

- (c) The Toronto Maple Leafs;
 - (d) The Winnipeg Jets;
 - (e) The Calgary Flames;
 - (f) The Edmonton Oilers; and
 - (g) The Vancouver Canucks.
 - Sansone Aff., para. 21 [PMR Tab 2]
16. NHL teams compete in one-year seasons that are typically divided into three phases:
- (a) Pre-season: typically held during the last two weeks of September and consists of about 6 to 8 exhibition games per team;
 - (b) Regular season: typically held from early October to early April and consists of 82 games per team, for a total of 1271 games; and
 - (c) Stanley Cup Playoffs and Final: typically held from mid-April to mid-June and consist of an elimination tournament of four rounds, in which the highest-ranked teams compete for the Stanley Cup. Each round consists in a best-of-seven series, and the total number of games for the Stanley Cup Playoffs and Final can therefore vary between 60 and 105 games.
 - Sansone Aff., para. 23 [PMR Tab 2]
17. The number of games played on a given day in the regular season usually varies between 5 and 10 games, sometimes all of which are played simultaneously.
- Sansone Aff., para. 27 [PMR Tab 2]
18. Due to the COVID-19 pandemic, the schedule of the 2020-21 season was shortened and did not include any pre-season games. The regular season was condensed to 56 games per

team (for a total of 868 games) played from January 13, 2021 until May 19, 2021. The Stanley Cup Playoffs and Final began in mid-May 2021 and will end by mid-July 2021. It is currently expected that the NHL will return to its normal schedule for the 2021-22 season in September.

- Sansone Aff., paras. 28-32, Exhibit GS-7 and GS-8 [PMR Tabs 2, GS-7 and GS-8]

The Broadcast of NHL Live Games in Canada

19. NHL games are filmed and produced (by adding text, images, videos, commentaries, etc. to the footage) by the broadcaster(s) holding rights to the game in question in Canada and the United States. Depending on whether a given NHL game is considered a National Game or a Regional Game (as these terms are defined below), copyright in the live footage and production (the “**NHL Live Games**”) is assigned from the broadcaster(s) to the NHL or to the local NHL team playing the NHL Live Game. The NHL and the NHL teams in turn license these rights back to the broadcasters.

- Sansone Aff., para. 34 [PMR Tab 2]

20. In particular, the rights to broadcast (i.e., communicate to the public by telecommunication) NHL Live Games through television broadcast and online streaming in Canada are divided as follows:

- (a) **National Rights:** the rights to NHL Live Games that are broadcast nationally, referred to as “**National Games**”, are owned by the NHL who licenses these rights to Rogers Media, as explained below. National Games include:
- i. All live nationally broadcast regular season NHL games designated as “national games” by the NHL involving a Canadian-based NHL Team;
 - ii. All live regular season NHL games involving two US-based NHL Teams;
 - iii. All live games of the Stanley Cup Playoffs and Final; and
 - iv. Select live events, including but not limited to NHL All-Star Games.

(b) **Regional Rights:** All NHL Live Games that are not designated as National Games are referred to as “**Regional Games**”. Each Canadian NHL team owns the rights to the Regional Games it plays. The broadcasting rights to these Regional Games are geographically divided between:

- i. **In Market:** Each Canadian NHL team is free to license its broadcasting rights to any broadcaster(s) but only for the team’s broadcasting territory (“**In-Market**”); and
- ii. **Out-of-market:** The broadcasting rights to Regional Games *outside* of the Canadian NHL teams’ respective territory (“**Out-of-market**”) are exclusively held by the NHL and/or its affiliates who, in turn, licenses these broadcasting rights in Canada to Rogers Media.

- Sansone Aff., paras. 35-36 [PMR Tab 2]

(3) The Plaintiffs’ Rights in NHL Live Games

21. Together, the Plaintiffs hold all National and Regional rights to NHL Live Games in Canada (which in turn they sublicense to other broadcasters in some situations):

(a) Rogers Media holds the exclusive rights to distribute, through television broadcast and online streaming:

- i. All National Games in the English language (for the 2014-15 through the 2025-26 NHL seasons);
- ii. All Regional Games of the following NHL teams in their respective territory (i.e., “In-Market”):
 1. Calgary Flames (for the 2020-21 through 2023-24 NHL seasons);
 2. Edmonton Oilers (for the 2020-21 through 2023-24 NHL seasons);
 3. Vancouver Canucks (for the 2012-13 through 2022-23 NHL seasons); and

4. Toronto Maple Leafs (shared with co-Plaintiff Bell, for the 2015-16 through 2025-26 NHL seasons).
- iii. All Out-of-market Regional Games (for the 2014-15 through the 2025-26 NHL seasons), which are notably available online via the NHL Live service operated in Canada by Rogers Media (as discussed below).
 - Sansone Aff., paras. 33 and 39-46 [PMR Tab 2]
 - Affidavit of Jason Vallée Buchanan, dated July 2, 2021 (“**Vallée Buchanan Aff.**”), paras. 5-6 and 10-18, Exhibits JVB-1 and JVB-3 to JVB-5 [PMR Tabs 12, JVB-1 and JVB-3 to JVB-5]
- (b) Bell holds the exclusive rights to distribute all the Regional Games of the following NHL teams in their respective territory (i.e., “In-Market”):
- i. Montreal Canadiens (for the 2014-15 NHL season through the end of the 2025-26 NHL season for the French language, and for the 2017-18 NHL season through the end of the 2021-22 NHL season for the English language);
 - ii. Ottawa Senators (for the 2014-15 NHL season through at least the 2024-25 NHL season);
 - iii. Winnipeg Jets (for the 2021-22 NHL season through at least the 2023-24 NHL season); and
 - iv. Toronto Maple Leafs (shared with Co-Plaintiff Rogers Media, for the 2015-16 through 2025-26 NHL seasons).
 - Cook Aff., paras. 25-27 [PMR Tab 3]
 - Vallée Buchanan Aff., paras. 13-15 and 19-30, Exhibits JVB-4 and JVB-6 to JVB-9 [PMR Tabs 12, JVB-4 and JVB-6 to JVB-9]

(c) Groupe TVA holds the exclusive rights to distribute select National Games in the French language, for the 2014-15 through the 2025-26 NHL seasons.

- Neveu Aff., paras. 18-20 [PMR Tab 4]
- Vallée Buchanan Aff., paras. 31-33, Exhibit JVB-10 [PMR Tabs 12 and JVB-10]

22. Plaintiff Rogers Media also sublicenses on a non-exclusive basis select National Games it produces to also be broadcast by the Canadian Broadcasting Corporation (CBC) and, during certain seasons but not the 2020-21 NHL season, by the Aboriginal Peoples Television Network (APTN).

- Sansone Aff., para. 42 [PMR Tab 2]

(4) The Plaintiffs' Broadcast of NHL Live Games and NHL-related Programs

23. The Plaintiffs broadcast NHL Live Games on the Plaintiffs' Stations and the Plaintiffs' Online Services. These broadcasts are generally preceded or followed by various daily sports news and highlight shows ("**NHL-related Programs**") which are typically watched by the same consumers.

24. In particular, Rogers Media broadcast its NHL Live Games through:

(a) the following television stations:

- i. Rogers Media's Sportsnet-branded discretionary stations, which include four regional stations (namely Sportsnet East, Sportsnet Ontario, Sportsnet West and Sportsnet Pacific), two nationally distributed stations (Sportsnet One and Sportsnet 360) and three team stations (namely SN Oilers, SN Flames and SN Canucks);
- ii. The Citytv and OMNI conventional stations;
- iii. The FX and FXX discretionary stations; and
- iv. NHL Centre Ice (providing access to Out-of-Market Regional Games), and

- (b) the following online services:
- i. Rogers Media's Sportsnet NOW and Sportsnet NOW+; and
 - ii. NHL Live, operated by Rogers Media pursuant to an agreement with the NHL and providing access to all National Games and Out-of-Market Regional Games.
 - Sansone Aff., paras. 47 and 50-51 [PMR Tab 2]
25. In addition to its broadcast of NHL Live Games, Rogers Media also produces and broadcasts various NHL-related Programs, including *Hockey Central*, *Sportsnet Central* and *Tim & Friends*.
- Sansone Aff., paras. 61-62 [PMR Tab 2]
26. Bell broadcasts its NHL Live Games through its TSN-branded discretionary stations (which include TSN1, TSN2, TSN3, TSN4 and TSN5), its RDS-branded discretionary stations (which include RDS and RDS2), and through their corresponding online services TSN DIRECT and RDS DIRECT.
- Cook Aff., paras. 30 and 34 [PMR Tab 3]
27. In addition, Bell also produces and broadcasts various NHL-related Programs, including *SportsCentre*, *Sports 30, 5 À 7*, *Hockey 360*, *E2M (Entre deux Matches)*, *On Jase*, *Max&Bruno*, *Canadiens Express*, *That's Hockey*, *l'Antichambre* and *D'Un Autre Angle*.
- Cook Aff., paras. 35-36 [PMR Tab 3]
28. Groupe TVA broadcasts its NHL Live Games through its TVA conventional station and its TVA Sports-branded discretionary stations (which include TVA Sports, TVA Sports 2 and TVA Sports 3), and through its corresponding online service TVA SPORTS DIRECT.
- Neveu Aff., paras. 23 and 27 [PMR Tab 4]
29. In addition, Groupe TVA also produces and broadcasts various NHL-related Programs, including *JiC* and *Dave Morissette en Direct*.
- Neveu Aff., paras. 28-29 [PMR Tab 4]

30. With the exception of certain NHL Live Games broadcast on conventional stations (e.g., Citytv, OMNI, TVA, CBC), NHL Live Games and NHL-related Programs can typically only be accessed in Canada with a paid television subscription or through a subscription to the Plaintiffs' Online Services. For reference purposes, the average Canadian subscriber paid between \$60.60 - \$77.97 per month in television services in 2018.

- Sansone Aff., paras. 54-55 [PMR Tab 2]
- Cook Aff., paras. 32 and 34 [PMR Tab 3]
- Neveu Aff., paras. 25 and 27 [PMR Tab 4]

(5) Importance of Live Sports and NHL Live Games for the Plaintiffs

31. While revenues related to the broadcast of NHL Live Games are highly confidential, it is fair to say that the broadcast of live sports events, including NHL Live Games, accounts for the vast majority of the viewership and revenues associated with the Plaintiffs' aforementioned Stations and Online Services and is of significant importance to the Plaintiffs. For instance, in 2019, Rogers Media's Sportsnet-branded stations alone generated revenues of more than 700 million dollars, and Bell's TSN-branded stations and RDS-branded stations generated revenues of approximately 500 million and 150 million dollars, respectively.

- Sansone Aff., paras. 63-65 and 69 [PMR Tab 2]
- Cook Aff., paras. 33 and 37-39 [PMR Tab 3]
- Neveu Aff., paras. 26 and 30-32 [PMR Tab 4]

32. Unlike video-on-demand ("VOD") content (e.g., movies, television shows), sports events are primarily relevant and best experienced live, and the only legal way to watch most sports events live, other than attending in-person, is through the broadcaster holding the rights to the event in question in Canada.

- Sansone Aff., paras. 65-66 [PMR Tab 2]

33. The extensive coverage of live sports by the Plaintiffs therefore creates a strong incentive for consumers to purchase access to their stations through a television subscription or through their online services.
- Sansone Aff., para. 66 [PMR Tab 2]
34. This is even more significant for NHL Live Games, which are widely watched across Canada: 40% of Canadians say that hockey is the sport they watch the most, and high-stakes games consistently rank among the top 10 most watched programs in Canada each year.
- Sansone Aff., paras. 70-71 [PMR Tab 2]
35. Viewership of NHL Live Games during the regular season varies between hundreds of thousands to approximately two million viewers per game, depending on matchups, start time and day of the week. This average typically doubles during the Stanley Cup Playoffs and Final. For example, game 7 between the Toronto Maple Leafs and the Montreal Canadiens (which occurred during round 1 of the 2021 Playoffs) reached more than 11 million viewers on the Sportsnet stations and the CBC station combined.
- Sansone Aff., paras. 48-49 [PMR Tab 2]
 - Neveu Aff., paras. 26 and 33 [PMR Tab 4]
36. Of these numbers, only 3% of subscribers watch the replay of the games instead of in real time, which explains the significant importance of *live* broadcast of games for the Plaintiffs.
- Neveu Aff., para. 26 [PMR Tab 4]
37. Moreover, the fact that viewers watch sports content in real time means that they cannot fast-forward through television commercials, and advertisers will know the specific time and date the content will be viewed such that they are prepared to invest large sums to run commercials during live sports events such as NHL Live Games. This fact, combined to the popularity of NHL Live Games, makes the licensing rights extremely valuable.
- Sansone Aff., para. 67 [PMR Tab 2]

38. The popularity of NHL Live Games also directly impacts the viewership of NHL-related programs (e.g., hockey-related talk-shows) broadcast on the Plaintiffs' Stations and Online Services, usually right before, during or after an NHL Live Game, and which are typically watched by the same consumers. For example, the viewership of some of Bell's NHL-related programs triples or quadruples when such programs air right after or before an NHL Live Game broadcast by Bell.
- Sansone Aff., paras. 61-62 and 72-73 [PMR Tab 2]
 - Cook Aff., paras. 35-36 and 40-41 [PMR Tab 3]
 - Neveu Aff., paras. 28-29 and 34 [PMR Tab 4]
39. The Plaintiffs therefore devote a significant amount of resources to the development, production, acquisition, distribution and promotion of NHL Live Games. For instance, the licensing costs for the National and Regional Out-of-Market broadcasting rights (i.e., excluding In-Market regional rights) in Canada have been reported to be over \$400M per year, excluding the costs associated with production, distribution and promotion. The licensing costs for Regional In-Market broadcasting rights (i.e., excluding Out-of-Market regional rights) for one team are estimated at tens of millions of dollars per NHL season.
- Sansone Aff., para. 74 [PMR Tab 2]
 - Cook Aff., paras. 21-23 and 29, Exhibit NC-11 and NC-12 [PMR Tabs 3, NC-11 and NC-12]
40. The real-time nature of NHL Live Games and their popularity also create additional technical challenges compared to the broadcast of non-live and less popular content. The Plaintiffs devote significant resources to acquire, maintain and operate the infrastructure necessary to successfully broadcast live sports events in high definition video to millions of viewers in real time, both through television broadcast and online services.
- Sansone Aff., para. 68 [PMR Tab 2]

B. Unauthorized Streaming on the Internet

(1) The Internet

41. The Internet is a global network that can be construed as a collection of “nodes” that are directly or indirectly connected to each other, which can take the form of a variety of electronic devices that have different uses and purposes, and that have the ability to communicate with one another on that network.
- Affidavit of Erone Quek, dated June 28, 2021 (“**Quek Aff.**”), paras. 12-13 [PMR Tab 5]
 - 
42. While nodes that are typically used by Internet consumers, such as personal computers and smartphones, tend to focus on “accessing” content on the Internet, other nodes used by operators of various Internet services are designated to host and “provide” content to other nodes, for example a server hosting a website or processing e-mail exchanges.
- Quek Aff., para. 13 [PMR Tab 5]
43. These nodes are linked through a complex infrastructure that routes network traffic and manages connections in a manner that is essentially instantaneous and invisible to the average Internet user. When a user visits a website by entering its address into an Internet browser and the main page of that website is then displayed on the user’s device, in practice, the user’s device (a node on the Internet) and the server hosting the website (another node) connect to one another, usually through a series of intermediary nodes, ultimately leading to the page appearing on the user’s device.
- Quek Aff., para. 14 [PMR Tab 5]
44. Generally, nodes that are interconnected through the Internet are each assigned a numerical label, called an Internet Protocol address (“**IP address**”), used to uniquely identify the nodes and route network traffic between each of them. Usually, Internet users do not use

the IP address to connect to a node or a website, but instead use addresses, such as “google.com”, which are referred to as “domain names” or “domains”.

- Quek Aff., paras. 40-43 [PMR Tab 5]

- [REDACTED]

45. The “Domain Name System” or “DNS” bridges the gap between IP addresses and domains or subdomains. The DNS is essentially the Internet’s phonebook and matches each domain with its corresponding IP address such that when a user attempts to connect to a recognized domain, the DNS will automatically point the user to the node having the IP address associated with that domain.

- Quek Aff., para. 44 [PMR Tab 5]

- [REDACTED]

46. The Internet can be used to transfer virtually any type of data (e.g., text files, photos, sound, video, databases, applications, etc.). The transfer of data on the Internet always involves two mirror acts:

- (a) **Downloading**, which involves a first node obtaining a copy of that data *from* a second node connected to the Internet and, simultaneously,
- (b) **Uploading**, which involves the second node transmitting data *to* the first node connected to the Internet.

- [REDACTED]

47. There are two different methods of downloading audio and video content:

- (a) **Permanent download**: implies the download of a complete and *permanent* copy of the data (e.g., a video), which can be watched and re-watched an infinite number of times once the entire download is completed; and
- (b) **Streaming**: implies the download of a *temporary* copy of the video, which will be played as the download progress and is subsequently or progressively automatically

deleted from the device. Such method requires little to no computer storage space and permits near instant viewing of the content. In order for the stream to be displayed on the end viewer's device, the video file must still be transferred to the end viewer's device (temporarily) by a Server at the end viewer's request, and the end viewer's device reads the video file as the transfer (technically a "download") progresses. By way of analogy, streaming is akin to reading a book by being provided with one page at a time, which page is discarded once read.

- [REDACTED]

(2) Internet Piracy (Streaming)

48. While there are popular legitimate services such as Netflix and YouTube that rely on streaming, the Internet also contains many illegitimate or pirate services that provide easy access to infringing video content and allow Internet subscribers to stream that content without authorization from rightsholders. In order for such illegitimate services to stream video content to end viewers, a number of technological components are required.

49. First, a "**Source Feed**" of input video is needed. In a pirate streaming service, the pirates capture the live authorized broadcasts using various means, and upload that unauthorized content for streaming.

- [REDACTED]

50. A "**Streaming Infrastructure**" is also needed to distribute video content to end viewers. It contains multiple hardware (e.g. various servers rented from hosting providers) and software components operated by the same entity, including:

(a) A "**Streaming Server**" receives a copy of the Source Feed from elsewhere within the Streaming Infrastructure and transmits it to the end viewer's device. When a video file is streamed, it is broken down into many discrete small media files (referred to as "segments" or "chunks", corresponding to book pages in the above-mentioned book analogy). These segments can be all located on one Streaming

Server (in a small operation), or distributed or duplicated across multiple different Streaming Servers within the same Streaming Infrastructure (in larger operations).

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

51. The Streaming Server [REDACTED] thus play a central role in the unauthorized communication of copyrighted content (including live sports broadcasts) to the end viewer’s client device.

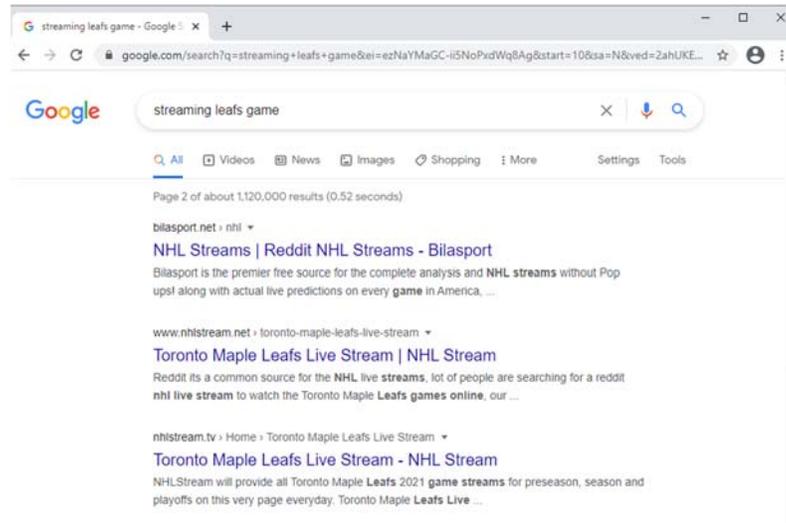
■ [REDACTED]

52. However, the end viewer is generally unaware of the Streaming Server(s) they are connecting to and how the Streaming Infrastructure is functioning in the back end. Rather, the end viewer will typically rely on user-friendly websites and services in the front end (“**Streaming Platforms**”) to access the desired video content. The Streaming Platforms facilitate access to the content available from different Streaming Infrastructures by embedding a video player software component or by linking to a website containing such a component.

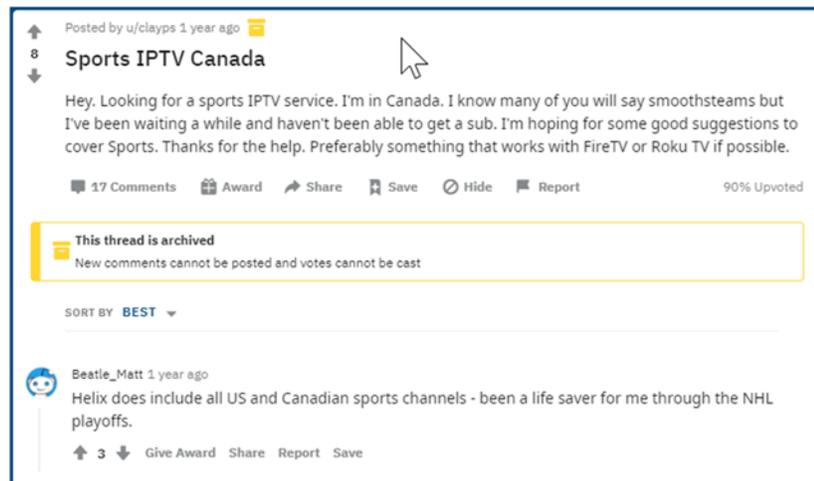
■ [REDACTED]

53. Unauthorized content is typically offered through two types of Streaming Platforms:

- (a) **Open Web Piracy Sites** are streaming websites that are typically free and publicly available to all and that are monetized with advertising and donations. Such sites can typically be accessed on any web browser and can easily be found by searching for them using a search engine or by finding “aggregator” websites that will share lists of links to sites where you can watch unauthorized content:



- (b) **Unauthorized Subscription Services** (sometimes referred to as “IPTV services”) are services that can only be accessed through a paid subscription. Depending on the service, a monthly subscription can normally range from \$7 to \$15. Subscribers can access content via a television set-top box or other types of electronic devices such as computers and smartphones. These tend to offer a higher quality than Open Web Piracy Services with user-friendly interfaces, including searchable menus for browsing channels, genres and programs. Unauthorized Subscription Services can easily be identified by users through word of mouth and on social media:



- Affidavit of Steven Rogers, dated June 28, 2021 (“**Rogers Aff.**”), paras. 6-7 [PMR Tab 10]

- [REDACTED]

54. In some cases, the Streaming Platform can be operated by the same pirate as the Streaming Infrastructure, but in most cases they are unrelated. In fact, a single Streaming Infrastructure may be accessed using a number of different Streaming Platforms (e.g., up to 700).

- [REDACTED]

(3) The Extent of the Harm Caused by the Piracy Problem

55. Streaming Platforms and Streaming Infrastructures that do not have the authorization from copyright owners to rebroadcast all sorts of television content (TV series, movies, sports events, etc.) to users are widespread and are becoming increasingly popular worldwide. Canadians made 2.5 billion visits to piracy websites in 2017, ranking Canada as number 11 in the world in regard to television piracy.

- Sansone Aff., paras. 75-78, Exhibits GS-19 to GS-22 [PMR Tabs 2 and GS-19 to GS-22]

56. The Plaintiffs take the piracy problem very seriously and have invested important resources in the last years in enforcement efforts against piracy of TV and movie content. However, technology is evolving rapidly (including the Internet getting faster, cheaper and more widely accessible) and pirates are also becoming more sophisticated over time, changing

the way they pirate TV content as the technology evolves and as they seek to circumvent enforcement efforts. As a result, the Plaintiffs (and other copyright owners) are required to constantly adapt their strategies to be able to enforce their rights, with variable success.

- Sansone Aff., paras. 93-102 [PMR Tab 2]
- Cook Aff., para. 42 [PMR Tab 3]
- Neveu Aff., para. 36 [PMR Tab 4]

57. As part of their enforcement efforts, the Plaintiffs, or their affiliates/parents, have notably initiated various Court proceedings over the last few years to tackle the new trends in piracy as they emerged, including actions against:

(a) individuals and businesses who sold electronic devices providing users with the ability to access a vast amount of unauthorized live and on-demand television content (called “pre-loaded set-top boxes”) for copyright infringement, and notably obtained an interlocutory injunction order;

- Sansone Aff., paras. 104-110 [PMR Tab 2]
- Cook Aff., paras. 42-44 [PMR Tab 3]
- Neveu Aff., para. 36 [PMR Tab 4]
- *Bell Canada v Red Rhino Entertainment Inc.*, 2019 FC 1460 (Norris J.) [Plaintiffs’ Book of Authorities (“PBA”) Tab 7]
- *Bell Canada v Vincent Wesley (MTL FREETv.com)*, 2018 FC 66 (Roy J.) [PBA Tab 8]
- *Bell Canada v 1326030 Ontario Inc. (iTVBox.net)*, 2016 FC 612 (Tremblay-Lamer J.) (“*iTVBox.net*”) [PBA Tab 3]

(b) such individuals who continued to operate their business of pre-loaded set-top boxes after the interlocutory injunction was issued, by charging them with contempt of Court;

- Sansone Aff., paras. 111-112 [PMR Tab 2]
- Cook Aff., paras. 42 and 44 [PMR Tab 3]
- Neveu Aff., para. 36 [PMR Tab 4]

- (c) a Canadian individual named Adam Lackman who owned and operated a website hosting and distributing a large number of infringing applications proving access to unauthorized content, against whom an interlocutory injunction was obtained; and
- Sansone Aff., para. 113-117 [PMR Tab 2]
 - Cook Aff., para. 42 [PMR Tab 3]
 - Neveu Aff., para. 36 [PMR Tab 4]
 - *Bell Canada v Lackman*, 2017 FC 634 (Bell J.) [PBA Tab 4]
- (d) various individuals involved in the operation of the IPTV Express service that provided unauthorized access to television stations operated by, *inter alia*, Rogers Media and Bell Media, and notably obtained an Interim Injunction Order requiring the hosting provider and domain name registrar operating in Canada to disable access to the servers and domains being used by the IPTV Express service;
- Sansone Aff., paras. 118-123, Exhibits GS-45 to GS-47 [PMR Tabs 2 and GS-45 to GS-47]
 - Cook Aff., para. 42 [PMR Tab 3]
- (e) more recently, the “GoldTV services” which provided access to live television and video-on-demand content for a fee through user-friendly interfaces. The Plaintiffs first obtained interim and interlocutory injunctions against the unidentified defendants, requiring them to disable the unauthorized GoldTV services. Despite these efforts, not only did the defendants not comply with the injunction, but they never appeared before the Court and continued to conceal their identity. Accordingly, the Plaintiffs sought and ultimately obtained a site blocking order enjoining Canadian Internet Service Providers (“ISPs”) to block access by their users to the GoldTV services, which was then confirmed on appeal.
- *Bell Media Inc. v GoldTV.biz*, 2019 FC 1432 (Gleeson J.) (“**GoldTV FC**”) [PBA Tab 9], confirmed in *Teksavvy Solutions Inc. v Bell Media Inc. et al.*, 2021 FCA 100 (Locke J.A.) (“**GoldTV FCA**”) [PBA Tab 24]
 - Sansone Aff., paras. 133-140 [PMR Tab 2]
 - Cook Aff., para. 42 [PMR Tab 3]
 - Neveu Aff., para. 36 [PMR Tab 4]

58. Live sports events are among the most pirated television content: 362.7 million visits to Streaming Platforms providing unauthorized sports content were made in the world in January 2019 alone. Indeed, over half of sports fans consume sports content from unauthorized Streaming Platforms at least once a month. The real cost of global sports piracy is estimated at \$28 billion, with North America being one of the global hotspots for such piracy.
- Sansone Aff., paras. 79-82 and 92, Exhibits GS-23 to GS-25 and GS-30 [PMR Tabs 2, GS-23 to GS-25 and GS-30]
 - Cook Aff., para. 37 [PMR Tab 3]
 - Neveu Aff., para. 30 [PMR Tab 4]
59. More particularly, according to the results of a survey conducted earlier this year by Plaintiff Rogers Media, one in ten sports fans in Canada volunteered having watched sports content from unauthorized Streaming Platforms in a given week, and in 67% of cases it was to watch NHL Live Games (the most pirated sports content in Canada).
- Sansone Aff., para. 81 [PMR Tab 2]
60. The availability of unauthorized and user-friendly Streaming Platforms providing access to infringing live sports events, and more particularly NHL Live Games, leads to permanent and irreversible changes in consumer behaviour and has significant negative financial consequences for television content creators, owners, and distributors. The impact of television programming piracy on rightsholders and on BDUs is virtually impossible to accurately quantify.
- Sansone Aff., para. 83 [PMR Tab 2]
 - Cook Aff., para. 37 [PMR Tab 3]
 - Neveu Aff., para. 30 [PMR Tab 4]
61. By way of illustration, it was estimated in 2018 that BDUs in Canada lost a total of between 583,000 and 974,000 subscribers due to television piracy. The yearly decline in subscribers of television services in Canada, which is at least in part due to piracy, would lead to an annual decrease in revenues of between \$122 million and \$178 million for BDUs in Canada. There would be additional revenues lost from subscribers who continue to

subscribe to a BDU service but do not subscribe to a sports package at an additional expense, due to their ability to access live sports content, when they wish to watch it, through piracy.

- Sansone Aff., paras. 84-87, Exhibits GS-26 to GS-28 [PMR Tabs 2 and GS-26 to GS-28]
- Cook Aff., para. 37 [PMR Tab 3]
- Neveu Aff., para. 30 [PMR Tab 4]

62. The unauthorized access to and distribution of television content on the Internet also further affects broadcasters and rightsholders such as the Plaintiffs as their content (including notably NHL Live Games and NHL-related programs) becomes less attractive for Canadian BDUs and their subscribers, and also decreases the value of advertising slots.

- Sansone Aff., paras. 90-91 [PMR Tab 2]
- Cook Aff., para. 37 [PMR Tab 3]
- Neveu Aff., para. 30 [PMR Tab 4]

C. The Defendants' Unauthorized Streaming Servers

(1) The Defendants' Provision of Unauthorized Access to NHL Live Games

63. Being highly concerned by piracy, and especially the rapidly increasing piracy of NHL Live Games in Canada, Rogers Cable, on behalf of co-Plaintiffs Rogers Media, retained the services of a third-party vendor, Friend MTS Limited (“FMTS”), to monitor the Internet and identify sites and services providing unauthorized access to live streams of certain NHL Live Games broadcast in Canada on four television stations owned by Rogers Media, namely Sportsnet One, Sportsnet Ontario, Sportsnet West and Sportsnet Pacific, starting on or around January 30th, 2021.

- [REDACTED]
- Affidavit of Greg Murray, dated June 30, 2021 (“**Murray Aff.**”), para. 20 [PMR Tab 6]

64. FMTS offers various technological solutions to television broadcasters and copyright owners to protect and enforce their rights against pirates who illegally access or distribute

their content. Its services include notably the monitoring of unauthorized streams, sending takedown notices and providing site blocking solutions.

- [REDACTED]

65. FMTS used various proprietary tools, [REDACTED], to identify, capture and analyze Streaming Servers providing unauthorized access to the monitored NHL Live Games in Canada in real time (the “Unauthorized Streaming Servers”).

- [REDACTED]

66. Between January 30, 2021 and May 30, 2021, FMTS identified a total of 53,443 instances (incidents) where Streaming Servers were providing unauthorized access to streams of the NHL Live Games monitored by FMTS. Approximately 79.7% of these instances originated from Streaming Servers [REDACTED]

- [REDACTED]

67. These incidents originated from 3,957 distinct Unauthorized Streaming Servers (including 1,666 distinct Streaming Servers [REDACTED], with a mean of 822 distinct IP addresses per week (including 319 distinct IP addresses [REDACTED]

- [REDACTED]

68. This monitoring also showed that the IP addresses of Unauthorized Streaming Servers change on average every 3 ½ weeks, with approximately half of the IP addresses appearing for only one single week. Also, approximately 95% of Streaming Servers and 96% of Streaming Servers [REDACTED] were physically located outside of Canada.

- [REDACTED]

69. Since FMTS only monitored NHL Live Games broadcast on the four aforementioned Rogers Media stations, it is to be expected that that the number of Unauthorized Streaming Servers providing access to live streams of all NHL Live Games broadcast in Canada by the Plaintiffs is higher than the figures reported above. This is a significant piracy problem.

■ [REDACTED]

70. The Plaintiffs' affiliated ISPs have confirmed that Unauthorized Streaming Servers identified by FMTS were accessed by tens of thousands of their own Internet subscribers in Canada on a daily basis, generating Internet traffic of tens of Gigabits per second during the broadcast of NHL Live Games.

- Murray Aff., paras. 20-26 [PMR Tab 6]
- Affidavit of Sarah Farrugia, dated June 29, 2021 (“**Farrugia Aff.**”), paras. 15-18 [PMR Tab 7]
- Affidavit of Mohamed Drif, dated July 5, 2021 (“**Drif Aff.**”), paras. 15-18 [PMR Tab 8]

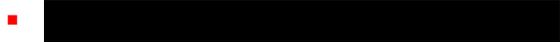
71. Screen captures of a representative example of a Streaming Infrastructure comprising a series of Unauthorized Streaming Servers providing access to the NHL Live Game between the Montreal Canadiens and the Toronto Maple Leafs on May 27, 2021 EST (or May 28, 2021 London time) identified in the course of FMTS' monitoring are reproduced below:



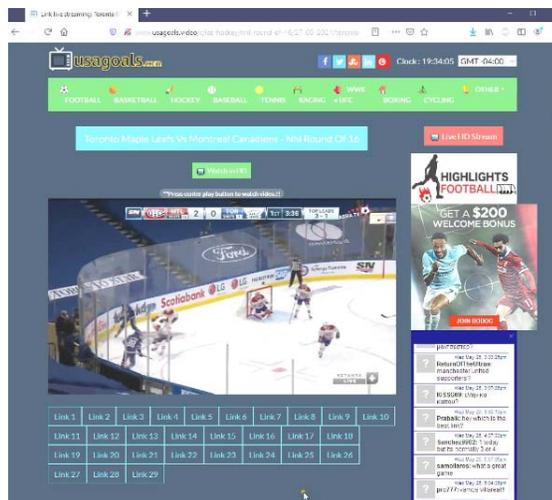


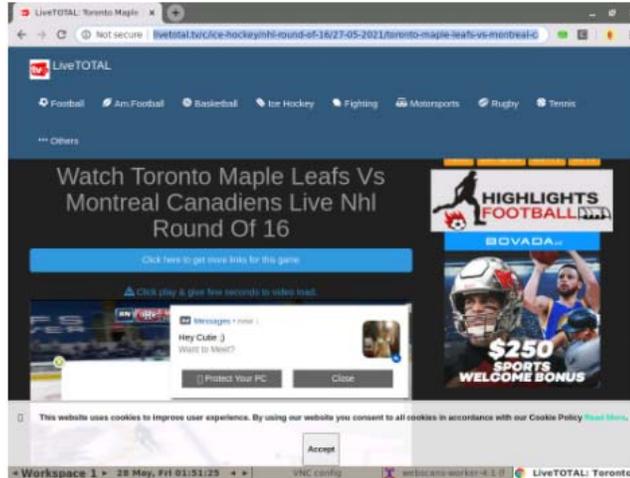


72. These Unauthorized Streaming Servers were located at IP addresses 77.83.117.128, 91.212.150.116, 91.212.150.132, 91.212.150.140, 185.232.52.4 and 185.232.52.31, and were physically hosted in Russia and the Seychelles by different hosting providers based in the Seychelles, the Netherlands and Ukraine.



73. The unauthorized streams identified above were made available through various Open Web Piracy Sites, including those operated on the domains “usagoals.video” and “livetotal.tv”, as illustrated below:





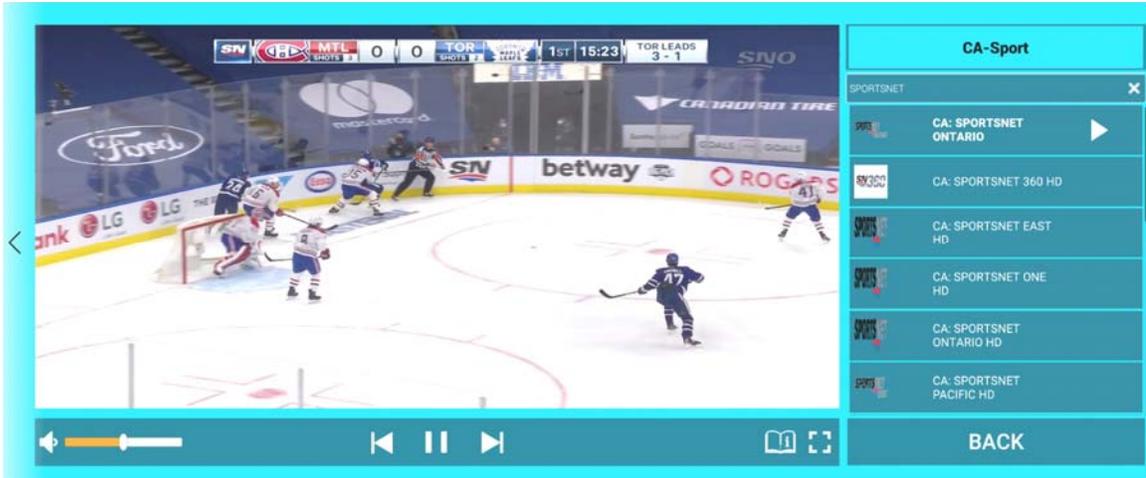
- [REDACTED]
- Rogers Aff., paras. 32-34, [PMR Tab 10]

74. A screen capture of another representative example of an Unauthorized Streaming Server providing access to the same NHL Live Game is reproduced below:



- [REDACTED]

75. This Unauthorized Streaming Server was located at IP address 185.191.124.245, and was physically hosted in the Seychelles by a hosting provider based in Hong Kong. The unauthorized stream was made available through the “ComstarTV” Unauthorized Subscription Service, as illustrated at the following page:



- [REDACTED]
- Rogers Aff., paras. 59-65, Exhibit SR-22 [PMR Tabs 10 and SR-22]

(2) The Plaintiffs' Enforcement Efforts to Curb Piracy of NHL Live Games in Canada

76. The Plaintiffs, by themselves and through the NHL, have invested important resources to try to stop Unauthorized Streaming Servers from infringing their rights in NHL Live Games in Canada.
77. The NHL has been working closely with OpSec Online LLC (“OpSec”), a company specialized in copyright enforcement services, to send takedown notices on its behalf to different individuals and organizations involved at different levels in the operation of sites providing access to infringing live streams of NHL Live Games. Since December 2019, OpSec has sent a total of approximately 46,400 takedown notices on behalf of the NHL.
- Affidavit of Gareth Evans, dated May 14, 2021 (“Evans Aff.”), paras. 2, 11 and 13-16 [PMR Tab 11]
78. For the 2020-21 NHL season alone (which only began in January 2021), approximately 26,300 takedown notices had been sent on behalf of the NHL as of the end of April. Only approximately 11% of these notices led to a timely removal of the infringing content as only legitimate sites (e.g., Facebook) comply with such notices. More than 80% of the

individuals/organizations targeted by the notices received more than one takedown notice, with no compliance.

- Evans Aff., paras. 17-19 [PMR Tab 11]

79. More recently, Rogers Media also mandated FMTS to send notices to hosting providers identified by FMTS as hosting Unauthorized Streaming Servers providing unauthorized access to live streams of Sportsnet’s pre-game programming in the 15-minute window prior to the NHL Live Games monitored by FMTS. Between May 1 and 31, 2021, FMTS sent 221 notices to hosting providers (including those hosting John Doe 2’s Unauthorized Streaming Servers and some of John Doe 1’s Unauthorized Streaming Servers) asking them to forward a notice of infringement to the operators of the Unauthorized Streaming Servers, and has received no response.

- [REDACTED]

80. These efforts have been largely unsuccessful as most Unauthorized Streaming Servers [REDACTED] do not comply with notices.

- [REDACTED]

- Evans Aff., paras. 18-19 [PMR Tab 11]

81. The Plaintiffs also worked closely with a third party to monitor various online classified advertising services and social media platforms to identify individuals and entities advertising Unauthorized Subscription Services that provide access to their television content, including NHL Live Games, and have sent thousands of requests to takedown such ads and posts.

- Sansone Aff., paras. 96-97 [PMR Tab 2]
- Cook Aff., paras. 45-46 [PMR Tab 3]
- Neveu Aff., para. 37 [PMR Tab 4]

82. They also actively monitor websites that sell access to unauthorized services through major payment process services (e.g., PayPal, Visa and MasterCard), and have reported, over the

last few years over 70 services to these payment processors, including 25 NHL-specific websites.

- Sansone Aff., paras. 98-99 [PMR Tab 2]
- Cook Aff., para. 47 [PMR Tab 3]
- Neveu Aff., para. 38 [PMR Tab 4]

83. Rogers Media has also worked with the NHL to identify and report unauthorized streams of NHL Live Games available on social media sites, including Facebook, YouTube, Twitter, Periscope and Twitch, as well as links to such streams posted on aggregating sites such as Reddit and Discord. In the past few years, they reported hundreds of unauthorized streams on these websites.

- Sansone Aff., para. 99 [PMR Tab 2]

84. The overall effectiveness of these measures to curb piracy, and most particularly the piracy of NHL Live Games, is difficult to quantify. These self-help enforcement efforts against classified advertising services, social media platforms and payment providers can disrupt Unauthorized Subscription Services that rely on these reputable services, but they do not stop the Unauthorized Subscription Services (or Unauthorized Streaming Servers) *per se*.

- Sansone Aff., para. 102 [PMR Tab 2]
- Cook Aff., para. 49 [PMR Tab 3]
- Neveu Aff., para. 40 [PMR Tab 4]

85. In any event, despite all of these efforts by the Plaintiffs, Unauthorized Streaming Servers providing access to high quality streams of NHL Live Games in Canada are still widespread and can be accessed easily by consumers with a simple search on a search engine, and in many cases for free.

(3) Difficulties in Identifying Operators of Unauthorized Streaming Servers

86. Identifying the person(s) responsible for operating a Streaming Platform and/or a Streaming Infrastructure is a very difficult and often impossible endeavour. In general, individuals engaging in illegal activities over the Internet tend to leave very little trace of

their identity. Since the Plaintiffs cannot identify the individuals, they do not know where they are located. However, logically, they may be located anywhere in the world.

- [REDACTED]

87. A number of methods are commonly used by operators of Streaming Platforms and Streaming Infrastructures to remain anonymous and avoid legal prosecution, including:

- (a) Never using their real identity in online activities (e.g., by using pseudonyms and/or fake identities);
- (b) For Unauthorized Subscription Services, offering subscriptions exclusively through third party resellers (i.e., never dealing directly with end users);
- (c) Registering relevant websites with false ownership information to show that their owner is in a different location, or by simply blocking the disclosure of public information from WHOIS databases;
- (d) Controlling their websites through offshore corporations, sometimes having offshore bank accounts;
- (e) Receiving payments through anonymous payment methods that are difficult or impossible to trace (e.g., cryptocurrency);
- (f) Using fictional businesses and false identities to receive payments; and
- (g) Regularly moving the location of their Servers.

- [REDACTED]

88. Identification is even more difficult in the case of operators of Streaming Servers and other components of the Streaming Infrastructure. While Streaming Platforms (which in many cases are operated independently from Streaming Infrastructure) interact directly with end viewers via user-friendly interfaces (e.g., a website) and transact with end viewers (for paid

services) or ad agencies, the Streaming Infrastructure usually does not have any front-facing website or direct interactions with end viewers that could potentially provide information on the identity of its operator.

- [REDACTED]

89. In the vast majority of cases the only reliable information that can be obtained on a Streaming Server (and the associated Servers within the Streaming Infrastructure) is the IP address of the Server and the identity of the hosting provider who is renting that Server to the operator of the Streaming Server.

- [REDACTED]

90. Unlike the individual pirate operators, it is normally possible to trace with relative certainty where the servers used by the pirate operators are physically located. Pirate operators rent servers from different hosting providers located all over the world (i.e. not necessarily where they are themselves located). In turn, a given hosting provider can have Servers physically located in different countries.

- [REDACTED]

91. By way of mere example, a pirate operator located in Italy could contract with a hosting provider based in the Netherlands to rent server space on Servers physically located in Russia, Belgium and the United States.

- [REDACTED]

92. While notices can be (and have been) sent to hosting providers asking them to relay the notices to their customers, [REDACTED]

[REDACTED]

- [REDACTED]

D. Addressing Piracy through ISP-implemented Site-blocking

93. The most direct manner of ensuring that Streaming Platforms and/or Streaming Servers providing access to unauthorized content cease their infringing activities is to deactivate

the node(s) on which they are hosted, i.e. by shutting down the server. However, in certain situations, including when the pirate cannot be identified and/or is located outside of the Court's jurisdiction, it may not be possible to shut down that node directly.

- Quek Aff., para. 49 [PMR Tab 5]

94. In such a situation where rightsholders and the Court in Canada cannot effectively stop a pirate from **distributing** infringing content, the alternative is to disable **access** to the node for users located in Canada (referred to as “site blocking”). This form of relief, which requires the assistance of ISPs, has the same practical effect: impeding access to these services so that Internet subscribers in Canada cannot **receive** or **access** the infringing content.

- Quek Aff., para. 50 [PMR Tab 5]

(1) Internet Service Providers

95. An ISP is a company or other entity (e.g., a university) that provides its customers with access to the Internet by providing the infrastructure necessary to connect their customers' devices to the rest of the Internet, either through a fixed physical wireline connection (e.g., Internet in a residence) or through a wireless connection (e.g., Internet accessible on a smartphone).

- Quek Aff., para. 15 [PMR Tab 5]

96. There are generally two types of residential wireline ISPs:

- (a) Those that **own** the physical “last-mile” infrastructure to which their customers are connected (known as “**common carriers**”); and
- (b) Those who **lease** the last-mile infrastructure on a wholesale basis from common carriers in order to provide Internet access to their own customers (known as “**resellers**”).

- Quek Aff., paras. 18 and 24-34 [PMR Tab 5]

97. The Third Party Respondents to the present motion are Canadian ISPs providing Internet access to the vast majority of residential customers in Canada:

(a) Most of the Canadian market is served by common carrier facilities-based ISPs that own and control their entire infrastructure, including Third Party Respondents Bell Canada, Rogers Cable and its subsidiary Fido Solutions Inc., Vidéotron Ltd., Shaw Communications Inc., TELUS Communications Inc., Cogeco Connexion Inc., Saskatchewan Telecommunications (SaskTel) and Bragg Communications Inc. dba Eastlink, which represent over 90% of the market.

- Quek Aff., paras. 35-37, Exhibits EQ-1 to EQ-3 [PMR Tabs 5 and EQ-1 to EQ-3]
- *GoldTV FC* at paras. 79-80 [PBA Tab 9], confirmed in *GoldTV FCA* at para. 1 [PBA Tab 24]

(b) Less than 5% of the Canadian residential Internet subscribers are connected to the Internet through a reseller ISP. The largest reseller ISP in Canada is Third Party Respondent Teksavvy Solutions Inc., which serves approximately 300,000 customers in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, and in Atlantic Provinces. Third Party Respondent Distributel Communications Limited is another prominent reseller ISP in Canada.

- Quek Aff., paras. 37-39, Exhibits EQ-3 to EQ-5 [PMR Tabs 5 and EQ-3 to EQ-5]

(2) Site Blocking

Characteristics of site blocking

98. Site blocking can take different forms, which will impact the duration and scope of the blocking as well as the level of intervention required from ISPs to implement.

- Quek Aff., paras. 7 and 73-75 [PMR Tab 5]

99. Site blocking can be *site-specific* or *event-specific*, depending on the target of the site blocking. A *site-specific* blocking targets specific site(s) providing access to illegal content that can typically be accessed at **any time of the day**. On the other hand, an *event-specific*

blocking generally targets specific live content and is particularly **relevant during such live event** (e.g., live sports events). Such blocking may target multiple sites or Internet services that are all broadcasting the targeted live content without authorization.

- Quek Aff., paras. 76-78 [PMR Tab 5]

100. Site blocking can also have different temporal scopes. In particular, *live* blocking refers to blocking which is only **in effect while the event** is being broadcast in real time (i.e., for *event-specific* blocking). *Non-live* blocking is not limited to a particular time but is instead **in force at any moment** for the duration of the order (i.e., for *site-specific* blocking).

- Quek Aff., paras. 77-80 [PMR Tab 5]

101. Site blocking can be either *static* or *dynamic*. A *static* site blocking order is where the list of domains/subdomains, URLs and/or IP addresses associated with a particular site to be blocked are explicitly listed in the order and do not change unless the order is varied or there is some other mechanism to manually update the list from time to time. On the other hand, a *dynamic* site blocking order approves a mechanism by which the list of domains/subdomains, URLs and/or IP addresses providing access to a specific unauthorized content (e.g., live sports event) are identified and blocked *in real time*.

- Quek Aff., paras. 81-85 [PMR Tab 5]

- [REDACTED]

102. Static blocking can be effective against important sites or services that have a large userbase, and cannot easily change their domain and/or URL without losing users (including paying customers in some instances) because they are known by a given name (e.g., GoldTV), or because their domain, URL or IP address is hard-coded or otherwise already inputted into a particular application or device. In other situations, and especially for pirate streaming of live events, static blocking can be circumvented by sophisticated pirates such that dynamic blocking will be required to be effective.

- Quek Aff., paras. 83-84 [PMR Tab 5]

- [REDACTED]

103. Piracy of live sports events is particularly challenging to address. Popular live sports events are watched in real time by a large number of viewers. Over the last few years, pirates

involved in the streaming of such events have become increasingly more sophisticated and are increasingly able to deliver high quality unauthorized streams of live sports events to a large number of viewers by investing in complex and robust Streaming Infrastructures.

- Quek Aff., para. 83 [PMR Tab 5]

- [REDACTED]

104. Moreover, experienced pirates can adjust their Streaming Infrastructures relatively quickly to circumvent enforcement efforts to maintain their service online and recoup their investments. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- Quek Aff., para. 84 [PMR Tab 5]

- [REDACTED]

105. Some Streaming Servers will also only be in operation during a live sports event to meet high demand for popular events and go dormant, or be re-tasked to broadcast other content, after the conclusion of the event. This makes it difficult to identify in advance, for example in a static blocking order, all the relevant IP addresses to be blocked to prevent the unauthorized streaming of a popular live broadcast. [REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

Implementation of site blocking by ISPs

106. There are generally three main ways for an ISP to disable access to unauthorized content on the Internet depending on their technical capability and the scope of the site blocking order:

- (a) **DNS blocking** “disconnects” the link between a domain and its corresponding IP address in the DNS;

- (b) **IP address blocking** blocks traffic to and from specified IP addresses by rerouting all traffic directed to or from these IP addresses to “nowhere” rather than the intended destination; and
 - (c) **URL path blocking** blocks traffic to and from very specific locations on a website or other Internet service.
 - Quek Aff., para. 51 [PMR Tab 5]
107. All Third Party Respondent ISPs are able to put in place one or more forms of site blocking. As a matter of fact, the Third Party Respondent ISPs have previously successfully implemented a *site-specific* and *static* site blocking order as part of the GoldTV case, and, for some of the Third Party Respondents, as part of “Project Cleanfeed Canada”, a voluntary initiative to block non-Canadian websites that are hosting child pornography.
- Quek Aff., paras. 68, 71 and 72 [PMR Tab 5]
 - *GoldTV FC*, para. 19 [PBA Tab 9], confirmed in *GoldTV FCA* [PBA Tab 24]
108. IP address blocking is particularly relevant in the present case as the Streaming Servers are primarily identified by their IP address, and all Third Party Respondents should have the capability to implement IP address blocking.
- Quek Aff., paras. 61, 70 and 72 [PMR Tab 5]
 - *GoldTV FC*, para. 19 [PBA Tab 9], confirmed in *GoldTV FCA* [PBA Tab 24]
109. IP address blocking takes place at the “border router” or “core router” layer of the ISP infrastructure, which connects the ISP’s network to the rest of the Internet. Every common carrier ISP controls its relevant core router(s) and can put in place IP address blocking. As for reseller ISPs, if they control their own relevant core router, they can put in place IP address blocking themselves, and if they use a service provided by a common carrier ISP using its core router, the IP address blocking put in place by the common carrier ISP will also apply to the subscribers of the reseller ISP.
- Quek Aff., paras. 58-62 and 70 [PMR Tab 5]

110. In all cases, the ISPs are provided with a list of domains, subdomains, URLs, and/or IP addresses to block. In the case of a static and non-live blocking (such as in the GoldTV case), the list only needs to be entered in the system once, and possibly updated from time to time if the order is varied, and eventually removed when the order comes to an end.
- Quek Aff., paras. 75 and 81-82 [PMR Tab 5]
 - [REDACTED]
111. Admittedly, a dynamic and live blocking potentially requires more intervention from the ISP if implemented manually. At minimum, if the process is not automated, the block list needs to be entered at the beginning of each live blocking window (e.g., at the beginning of the targeted live event) and removed at the end. The level of intervention will therefore depend on the number of live blocking windows. Moreover, it may also be necessary to update the block list at intervals (e.g., every hour) during the live blocking window as additional unauthorized sites or services are identified in real time.
- Quek Aff., paras. 84-85 and 88 [PMR Tab 5]
112. Practically speaking, each manual implementation of IP address blocking would essentially involve the following steps from a technical standpoint:
- (a) Retrieving the list of IP addresses to be blocked from a trusted source;
 - (b) Opening the list of IP addresses and visually validating the syntax to ensure the IP addresses are properly formatted; and
 - (c) Applying the blocking by essentially copy/pasting the list of IP addresses in the ISP's system.
- Murray Aff., para. 39 [PMR Tab 6]
 - Farrugia Aff., para. 29 [PMR Tab 7]
 - Drif Aff., para. 23 [PMR Tab 8]
113. These steps would take approximately 5 to 15 minutes and would need to be repeated every time the block list is required to be updated (e.g., at least every hour). Between each update,

the ISP's network specialist would likely monitor the network to ensure that all systems are working properly.

- Murray Aff., paras. 39-40 [PMR Tab 6]
- Farrugia Aff., para. 30 [PMR Tab 7]
- Drif Aff., para. 24 [PMR Tab 8]

114. Importantly, this manual process can be automated with different technological solutions, allowing blocking to be implemented with no human intervention (beyond the initial set-up) at more frequent intervals (e.g., every 15 minutes). At least some ISPs, including Rogers Cable and Bell Canada, already have the capability to automate the process, or plan to implement it in anticipation of the issuance of the Order sought.

- Quek Aff., para. 90 [PMR Tab 5]
- Murray Aff., para. 34 [PMR Tab 6]
- Farrugia Aff., para. 23 [PMR Tab 7]

115. For instance, Rogers Cable was able to develop the necessary software script by using its existing tools and dedicating the equivalent of approximately \$32,000 of its internal labour to the project (calculated on the basis of its internal labour rates for capital investments, which is based on the average salary of its technology team, below Vice Presidents, and includes base salary, benefits, bonuses and pension), without any external cost. It is estimated that other ISPs can similarly deploy this technology at a cost of approximately \$30,000 up to \$50,000.

- Murray Aff., para. 35 [PMR Tab 6]
- Quek Aff., para. 90 [PMR Tab 5]
- Farrugia Aff., para. 23 [PMR Tab 7]

116. ISPs that implement these automated solutions will be able to utilize them for other site blocking orders in the future, as the case may be, and other applications. Interestingly, ISPs in other jurisdictions where site blocking orders have become more frequent in recent years have generally migrated towards such automation.

- Quek Aff., para. 91 [PMR Tab 5]
- [REDACTED]

Effectiveness of site blocking

117. While there are measures that a more sophisticated end user can potentially implement to attempt to circumvent site blocking by their ISP (e.g., by using a VPN), in practice these methods are either difficult to implement, costly or tend to be simply ineffective.
- Quek Aff., paras. 96-107 [PMR Tab 5]
118. At the other end, depending on the type of site blocking, it is possible in some circumstances for the operator of the blocked site to attempt to thwart blocking measures using circumvention methods, such as registering a new domain to connect to the same server IP address if it has not also been blocked, or creating a new server to host the problematic website at a different IP address. However, these circumvention methods are often temporary, as the new domain/IP address can also be blocked using site blocking.
- Quek Aff., paras. 108-111 [PMR Tab 5]
119. In practice, various static site blocking orders have been implemented in different jurisdictions around the world since the early-to-mid 2010s, and the data stemming from these enforcement efforts demonstrate the effectiveness of site blocking to thwart access to sites associated with copyright infringement, notably by showing a decrease in users' access to those sites and an increase in access to sources containing legal content.
- Quek Aff., paras. 112-113, Exhibits EQ-7 to EQ-11 [PMR Tabs 5 and EQ-7 to EQ-11]
120. Following such enforcement efforts around the world, the Federal Court issued in 2019 the first *site-specific* and *static* order in the GoldTV case to block access to domains and/or IP addresses associated with two Internet services distributing infringing content. The order also provided that the initial list of domains/IP addresses could be updated if and when the infrastructure associated with the GoldTV services migrated to new domains or IP addresses. At this time, the list has successfully been updated three (3) times, and no complaints of overblocking have been made by any rightsholders or ISPs.
- Quek Aff., para. 72 [PMR Tab 5]
 - Sansone Aff., paras. 133-140, Exhibits GS-52 to GS-56 [PMR Tabs 2 and GS-52 to GS-56]

121. As discussed above, the implementation of site blocking for live content has been more difficult and dynamic site blocking has proved to be more effective. *Dynamic* site blocking makes it more difficult for operators of infringing sites to circumvent blocking since any new domain/URL/IP address to which the unauthorized content would be transferred could rapidly be targeted by the site blocking as it can be dynamically updated and applied to newly identified sites.
- Quek Aff., para. 111 [PMR Tab 5]
122. Dynamic blocking has been available and enforced with success in different jurisdictions in the last 5 years, including in the United Kingdom, Ireland, Denmark, France, Italy, the Netherlands, Spain, Sweden, and Argentina (including more specifically *live* blocking in the United Kingdom, Ireland and Spain).
- Quek Aff., paras. 114-115, Exhibits EQ-12 to EQ-18 [PMR Tabs 5 and EQ-12 to EQ-18]
 - 
123. Following the success of dynamic blocking in Europe, the European Union Parliament has voted in favour of a report urging the EU Commission to adopt legislation that would require hosting platforms to remove pirate live streams in real-time, confirming the effectiveness of such blocking to reduce infringement of live sports events.
- Quek Aff., para. 116, Exhibit EQ-19 [PMR Tabs 5 and EQ-19]

III. SUBMISSIONS

A. The Order Sought (and Why)

124. As briefly summarized above, the extensive evidentiary record put forward by the Plaintiffs in support of the present motion demonstrates that the Plaintiffs are facing an important and difficult piracy problem with respect to their rights in Canada in the NHL Live Games:
- (a) The Plaintiffs collectively invest **hundreds of millions of dollars** every year to acquire all rights in Canada to broadcast NHL Live Games;

- Sansone Aff., paras. 33, 39-46 and 74, Exhibits GS-12, GS-13 and GS-18 [PMR Tabs 2, GS-12, GS-13 and GS-18]
 - Cook Aff., paras. 25-29, Exhibit NC-10 to NC-12 [PMR Tabs 3 and NC-10 to NC-12]
 - Neveu Aff., paras. 18-22 and Exhibit LN-5 [PMR Tabs 4 and LN-5]
- (b) Yet, the monitoring by FMTS of only certain NHL Live Games broadcast by Rogers Media between January 30, 2021 and May 30, 2021 showed that **hundreds** of **distinct** Streaming Servers were broadcasting these NHL Live Games over the Internet without any authorization **every week** (for a total of over **1600 distinct** Streaming Servers [REDACTED] over the monitoring period), as confirmed by FMTS' [REDACTED];
- [REDACTED]
- (c) The NHL itself sent over **26,000** takedown notices to unauthorized services, including Unauthorized Streaming Servers, between mid-January 2021 and the end of April to try to address the problem, with very limited compliance (**11%**);
- Evans Aff., paras. 17-19 [PMR Tab 11]
- (d) As noted above, Rogers Media also tried more recently to send notices-and-notices to hosting providers identified by FMTS as hosting Unauthorized Streaming Servers providing unauthorized access to live streams of Sportsnet's pre-game programming prior to the NHL Live Games, with **no** response at all;
- [REDACTED]
- (e) It is extremely difficult and impractical for the Plaintiffs to identify the individuals behind these Unauthorized Streaming Servers;
- [REDACTED]
- (f) The Plaintiffs can only identify the IP address of the Unauthorized Streaming Servers and the hosting provider renting the servers to the pirates;
- [REDACTED]

- (g) **95% to 96%** of all Unauthorized Streaming Servers are physically located outside of Canada;
- [REDACTED]
- (h) **All** of the [REDACTED] hosting providers are based outside of Canada;
- [REDACTED]
- (i) Even in the absence of any blocking, Unauthorized Streaming Servers are changing IP addresses, and new Unauthorized Streaming Servers emerge, **every 3 ½ weeks** on average (and **within 1 week** for half of them); and
- [REDACTED]
- (j) Sophisticated pirates can even change their infrastructure during a game to circumvent blocking.
- Quek Aff., para. 84 [PMR Tab 5]
 - [REDACTED]

125. In light of the above, the **only effective remedy** to stop such blatant and widespread infringement of their rights in Canada and the irreparable harm that is caused is for the Plaintiffs to seek an interlocutory injunction directed at Canadian ISPs (i.e., the Third Party Respondents) to enjoin them to **temporarily** and **dynamically** block, or attempt to block, access by their Internet service subscribers to Unauthorized Streaming Servers providing access to NHL Live Games in Canada.

- [REDACTED]

126. To be clear, the Third Party Respondents are not wrongdoers. However, due to the nature of their operations as ISPs and the fact that they provide an essential link for the Defendants' acts of copyright infringement in Canada, the Third Party Respondents are in the best position to stop the Defendants' unauthorized communication to the public by telecommunication of NHL Live Games in Canada.

127. As discussed at length in the expert evidence, addressing live sports piracy is particularly challenging for rightsholders. The real-time and transient nature of the streaming of live sports events such as NHL Live Games combined with the increasing sophistication of pirates involved in unauthorized streaming of such live sports events are such that any form of **static site blocking order** (such as the Order issued by this Court in the GoldTV case) would **likely only be effective (if at all) for a single NHL game.**

■ [REDACTED]

128. The Plaintiffs are thus seeking a **dynamic** IP blocking order similar to those granted in other jurisdictions. As discussed above, rather than ordering ISPs to block access to a predetermined (static) list of IP addresses, a dynamic IP blocking order approves a robust mechanism (with all the necessary safeguards) by which IP addresses associated with unauthorized streaming of NHL Live Games can be identified in real time, and blocked dynamically by ISPs in Canada, only for the duration of the broadcast.

129. More specifically, the dynamic IP blocking Order sought by the Plaintiffs would provide:

- (a) The [REDACTED] conditions that must be met for the IP address of a given server (“**Target Server**”) to be notified by the Plaintiffs (or their appointed agent) for blocking by the Third Party Respondents during a NHL Live Game Window (paragraph 3 and Confidential Schedule 2);
- (b) How and when the different IP addresses to be blocked will be notified by the Plaintiffs (or their appointed agent) to the Third Party Respondents to implement the blocking, including how the list is cleared at the end of an NHL Live Game Window to ensure that all IPs are unblocked (paragraphs 4, 9 and 10);
- (c) How the Third Party Respondents are to block or attempt to block access by at least their residential wireline Internet service customers to the IP addresses (i.e., by manual or automated IP address blocking), and how frequently, to ensure that no unduly onerous burden is put on the Third Party Respondents (paragraphs 2 and 6-8);

- (d) Confirmation that the Third Party Respondents have no obligation to verify the IP addresses to be blocked as Target Servers notified by the Plaintiffs or their appointed agent, and assume no liability in that regard (paragraphs 5 and 24(b));
- (e) How the hosts of the servers that are blocked and the customers of the Third Party Respondents who are trying to access these servers will be informed of the Order, including how they can apply to discharge or vary the Order (paragraphs 11-13 and 15);
- (f) The scope and duration of the Order (i.e., all NHL Live Games broadcast in Canada by the Plaintiffs during the regular 2021-22 NHL season, the playoffs and Stanley Cup Final), with the possibility for the Plaintiffs to apply for an extension of the Order (paragraphs 16-17 and Schedule 1);
- (g) How the Plaintiffs are required to provide a report to the Court on the implementation of the Order (including any complaint received and any other issues encountered) after the first three (3) months of implementation, and at the conclusion of the period of the Order (paragraph 18);
- (h) The Plaintiffs' obligation to indemnify the Third Party Respondents for i) the reasonable marginal costs of implementing the blocking (up to a maximum amount corresponding to the reasonable cost to the Third Party Respondents of acquiring and/or developing the technological capability to automate the process, as discussed below), and ii) any reasonably incurred loss resulting from a third party claim regarding their compliance with the Order, absent any fault, error, omission or negligence (paragraphs 23-25); and
- (i) The Confidentiality of some aspects of the evidence submitted in support of the present Motion and Schedule 2 of the Order, to ensure the efficacy of the Order and of similar orders rendered by courts in other jurisdictions (paragraphs 19-22).

130. The [REDACTED] conditions to notify an IP address for blocking set out in Confidential Schedule 2 are explained in intricate technical details in the expert evidence. These conditions (which have been applied by courts in other jurisdictions) are designed to ensure that the blocking is technologically comprehensive and cannot be easily circumvented by pirates, while at the same time making sure that there is no risk of over-blocking legitimate content.

131. In addition to Streaming Servers that are confirmed [REDACTED] to be communicating to the public by telecommunication without authorization an NHL Live Game during an NHL Live Game Window, the Plaintiffs are seeking to also notify for blocking the following servers which also need to be blocked, from a technical standpoint, to have an effective remedy:

(a) Streaming Servers that are confirmed [REDACTED] to be communicating to the public by telecommunication without authorization during the pre-monitoring period one of the Plaintiffs' Stations on which an NHL Live Game is to be broadcast during the NHL Live Game Windows, [REDACTED]
[REDACTED]
[REDACTED];

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

132. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

134. Paragraph 14 of the proposed Order would also allow any party to apply to the Court to vary the contents of Confidential Schedule 2, including the [REDACTED]

[REDACTED]

[REDACTED]

B. The Federal Court has jurisdiction to grant the Order sought

The Federal Court has jurisdiction to grant injunctions that bind third parties

135. It is well established that the powers of Courts of equity to grant injunctions are wide, if not unlimited:

Injunctions are equitable remedies. “The powers of courts with equitable jurisdiction to grant injunctions are, subject to any relevant statutory restrictions, unlimited”. Robert Sharpe notes that “[t]he injunction is a flexible and drastic remedy. Injunctions are not restricted to any area of substantive law and are readily enforceable through the court’s contempt power”.

- *Google Inc. v Equustek Solutions Inc.*, [2017] 1 S.C.R. 824 at para. 23 (Abella J.) (“*Equustek*”) [PBA Tab 17]

136. The power to issue injunctions is not limited to enjoining parties to an action. Courts may issue injunctions (including interlocutory injunctions) that bind third parties to the underlying litigation in various contexts:

Google's first argument is, in essence, that non-parties cannot be the subject of an interlocutory injunction. With respect, this is contrary to the jurisprudence. **Not only can injunctive relief be ordered against someone who is not a party to the underlying lawsuit, the contours of the test are not changed.**

- *Equustek* at para. 28 [PBA Tab 17]. See also: *Glaxo Wellcome plc v Minister of National Revenue*, [1998] 4 F.C. 439 at paras. 20 and 33 (FCA) (Stone J.A.) [PBA Tab 16]

137. The principle that the Court has the power to issue injunctions that bind third parties gave rise to two well-recognized types of injunction: *Norwich* injunctions that order third parties to disclose information in their possession to a plaintiff, and *Mareva* injunctions that order third party financial institutions to freeze a defendant's assets. In both cases, the third party is innocent, but its assistance is necessary to allow the plaintiff to effectively enforce its rights against the defendant:

***Norwich* orders are analogous and can also be used to compel non-parties to disclose information or documents in their possession required by a claimant. *Norwich* orders have increasingly been used in the online context by plaintiffs who allege that they are being anonymously defamed or defrauded and seek orders against Internet service providers to disclose the identity of the perpetrator. *Norwich* disclosure may be ordered against non-parties who are not themselves guilty of wrongdoing, but who are so involved in the wrongful acts of others that they facilitate the harm. In *Norwich*, this was characterized as a duty to assist the person wronged. *Norwich* supplies a principled rationale for granting injunctions against non-parties who facilitate wrongdoing.**

[...]

The same logic underlies *Mareva* injunctions, which can also be issued against non-parties. *Mareva* injunctions are used to freeze assets in order to prevent their dissipation pending the conclusion of a trial or action. A *Mareva* injunction that requires a defendant not to dissipate his or her assets sometimes requires the assistance of a non-party, which in turn can result in an injunction against the non-party if it is just and equitable to do so. Banks and other financial institutions have, as a result, been bound by *Mareva* injunctions even when they are not a party to an underlying action.

- *Equustek* at paras. 31 and 33 [PBA Tab 17]

138. The Supreme Court in *Equustek* also recently upheld an injunction ordering a third party to the litigation (i.e., Google) to de-index the defendant's website from its search engine results. In a manner akin to third parties impacted by *Norwich* and *Mareva*-type injunctions, Google was not a wrongdoer, but its assistance was necessary to preserve the plaintiff's rights:

To preserve Equustek's rights pending the outcome of the litigation, Tindale J.'s order of December 13, 2012 required Datalink to cease carrying on business through the Internet. Google had requested and participated in Equustek's obtaining this order, and offered to comply with it voluntarily. **It is common ground that Datalink was unable to carry on business in a commercially viable way unless its websites were in Google's search results.** In the absence of de-indexing these websites, as Fenlon J. specifically found, **Google was facilitating Datalink's breach of Tindale J.'s order by enabling it to continue carrying on business through the Internet.** By the time Fenlon J. granted the injunction against Google, Google was aware that in not de-indexing Datalink's websites, it was facilitating Datalink's ongoing breach of Tindale J.'s order, the purpose of which was to prevent irreparable harm to Equustek.

Much like a *Norwich* order or a *Mareva* injunction against a non-party, the interlocutory injunction in this case flows from the necessity of Google's assistance in order to prevent the facilitation of Datalink's ability to defy court orders and do irreparable harm to Equustek. Without the injunctive relief, it was clear that Google would continue to facilitate that ongoing harm.

- *Equustek* at paras. 34-35 [PBA Tab 17]

139. While *Equustek* was an appeal from the decision of a provincial Superior Court with inherent jurisdiction (the Supreme Court of British Columbia), it is well established that the Federal Court, albeit a statutory Court, is a Court of equity with similar powers to grant injunctive relief, including injunctions targeted at third parties:

4 The division of the Federal Court of Canada called the Federal Court — Trial Division is continued under the name "Federal Court" in English and "Cour fédérale" in French. **It is continued as an additional court of law, equity and admiralty in and for Canada, for the better administration of the laws of Canada and as a superior court of record having civil and criminal jurisdiction.**

44. In addition to any other relief that the Federal Court of Appeal or **the Federal Court may grant or award, a mandamus, an injunction or an order for specific performance may be granted or a receiver appointed by that court in all cases in which it appears to the court to be just or convenient to do so.** The order may be made either unconditionally or on any terms and conditions that the court considers just.

- *Federal Courts Act*, R.S.C., 1985, c. F-7, ss. 4 and 44 [PBA Tab 33]

373 (1) On motion, a judge may grant an interlocutory injunction.

- *Federal Courts Rules*, SOR/98-106, Rule 373(1) (“**Federal Courts Rules**”) [PBA Tab 34]

Sections 4 and 44 of the Federal Courts Act, RSC, 1985, c F-7 [Federal Courts Act] establish the Federal Court as a court of equity and grant it an injunction power subject only to the condition that the injunction be “just and convenient”:

- *GoldTV FC* at para. 22 [PBA Tab 9]
- *GoldTV FCA* at paras. 19 and 45 [PBA Tab 24]

The Federal Court has jurisdiction to issue an injunction ordering ISPs to block or impede access to Unauthorized Streaming Servers

140. The availability of site blocking orders (i.e., injunctions enjoining third party ISPs to block their subscribers’ access to certain websites or services) was recognized in Canada for the first time in the *GoldTV* case wherein this Court (and the Federal Court of Appeal) confirmed that the Court’s equitable jurisdiction encompasses the authority to issue such orders.

- *GoldTV FC* at para. 26 [PBA Tab 9]
- *GoldTV FCA* at para. 32 [PBA Tab 24]

141. The Federal Court notably relied on *Equustek*, in which, as noted above, the Supreme Court confirmed the availability of a de-indexing injunction against a third party intermediary (search engine) who was in a similar innocent position, but also played an analogous central role in the harm caused by the defendants, as the Third Party Respondents in the present case. Of note, the Supreme Court specifically drew the parallel with the availability of site blocking orders against ISPs in the United Kingdom:

This approach was applied in *Cartier*, where the **Court of Appeal of England and Wales** held that **injunctive relief could be awarded against five non-party Internet service providers who had not engaged in, and were not accused of any wrongful act**. The Internet service providers were ordered to block the ability of their customers to access certain websites in order to avoid facilitating infringements of the plaintiff’s trademarks.

- *Equustek* at para. 32, see also para. 81 [PBA Tab 17]

142. The Federal Court in the *GoldTV* case similarly relied on case law from the United Kingdom where site blocking is a well-recognized remedy and has been granted on several occasions. The Court observed that the High Court of England’s equitable jurisdiction to issue injunctions is laid out in essentially the same terms as the Federal Court’s injunctive power:

Teksavvy correctly notes that the *Cartier* decisions arise in a context where the availability of site-blocking orders has been codified and the interpretation and application of European Union directives also arises. Nonetheless, in *Cartier CA*, the EWCA held that it would have been prepared to find the authority to issue a site-blocking order in subsection 37(1) of the *Senior Courts Act, 1981* (UK), c 54 [*Senior Courts Act*] (*Cartier CA* at para 72) [...]

Subsection 37(1) of the *Senior Courts Act* mirrors the powers granted to this Court at section 44 of the *Federal Courts Act* to "grant or award ... an injunction ... in all cases in which it appears to the court to be just or convenient to do so".

Despite the different statutory context, I am satisfied that it is appropriate to seek guidance from the UK jurisprudence. The principles of equity and the application of those principles in the two jurisdictions have evolved from a common tradition. The factors considered in the UK context, albeit flowing from statute, will be of assistance in determining whether the relief sought in this case should issue.

- *GoldTV FC* at paras. 48-50 [PBA Tab 9], confirmed in *GoldTV FCA* at paras. 76-77 [PBA Tab 24]

143. Indeed, despite the fact that, in the United Kingdom, the Courts’ ability to issue site blocking orders is explicitly provided by statute in copyright matters, site blocking orders have also been granted in trademark matters on the basis of the Court’s broad equitable jurisdiction.

- *Cartier International AG v British Sky Broadcasting Ltd*, [2016] EWCA Civ 658 at paras. 72 and 74 (Kitchin L.J.) (“*Cartier CA*”) [PBA Tab 11]
- *Cartier International AG v British Sky Broadcasting Ltd*, [2018] UKSC 28 at para. 15 (Sumption L.) (“*Cartier SC*”) [PBA Tab 12]

144. In the present case, the Plaintiffs are seeking a **dynamic** and **live** IP site blocking Order whereas the site blocking issued by this Court in *GoldTV* was more static in nature (although it did provide for a mechanism to update the predetermined list of sites to be

blocked from time to time) but also in force at all times (i.e., not limited to the duration of a particular live content).

145. This would be the first dynamic IP blocking order to be issued in Canada. However, the fundamental nature of such an order and its availability in law is no different than the static order issued in the *GoldTV* case. The dynamic site blocking order simply provides a different mechanism to update the list of IP addresses to be blocked, which is necessary because of the transient nature of the infringing activities to be stopped (i.e., the content itself is live) and because of the increasing sophistication of pirates involved in the unauthorized broadcast of popular live sports events.
146. The United Kingdom saw a similar evolution over the last few years. In particular, after issuing static site blocking orders in copyright and trademark cases for some time, the High Court issued its first dynamic site blocking order for Premier League football (soccer) matches in 2017, and has since issued a number of these orders for different types of live sports events such as football and boxing matches to the point where these orders have achieved a high degree of standardization in the UK (which serves as a model for the Order proposed herein).
- *The Football Association Premier League Ltd v British Telecommunications Plc*, [2017] EWHC 480 (Ch) (Arnold J.) (“**Premier League**”) [PBA Tab 25]
 - *Matchroom Boxing Ltd & Anor v British Telecommunications Plc & Ors*, [2020] EWHC 2868 (Ch) (Birss J.) [PBA Tab 19]
 - *Cartier SC* at para. 4 [PBA Tab 12]
147. The Federal Court regularly issues orders the scope of which is delineated by a set of conditions or parameters. For instance, *Anton Piller* orders often do not include an itemized and exhaustive list of items to be seized, but rather parameters such as the location of the seizure and a broad description of what can be seized (e.g., all documents and materials of any nature that relate to the infringement of the right in question). As discussed above, the

proposed Order similarly provides a clear set of positive and negative conditions that must be met for the IP address of a given server to be blocked pursuant to the Order.

- *Adobe Systems Inc. v KLJ Computer Solutions Inc.* (1999), 1 CPR (4th) 177 at para. 13 (FC) (Richard J.) [PBA Tab 2]
- *Bell Canada et al. v Lackman*, Order of Mr. Justice LeBlanc, dated June 9, 2017, Court File T-800-17 (“**Lackman Order**”) [PBA Tab 6]
- *Disney Enterprises Inc. et al. v Akhter*, Order of Mr. Justice LeBlanc dated April 30, 2019, Court File T-329-19 [PBA Tab 14]

148. The *Copyright Act* in Canada also expressly provides the power to issue injunctions extending to works that do not exist at the time the proceedings are commenced, such as the footage and television production of live sports events that have not yet taken place.

- *Copyright Act*, R.S.C., 1985, c. C-42, s. 39.1(2) (“**Copyright Act**”) [PBA Tab 32]

C. The test to be met for the issuance of a site blocking Order

149. The Supreme Court confirmed in *Equustek* that the “contours” of the test for the issuance of an injunction against third parties is the same as for an injunction against a party.

- *Equustek* at para. 28 [PBA Tab 17]

150. As such, in order to obtain an interlocutory injunction in the nature of a site blocking order, a party must first meet the well-established test for interlocutory injunctions set out in *RJR – MacDonald*, as clarified recently in *R v CBC* for mandatory injunctions:

- (a) Does the plaintiff present a strong *prima facie* case;
- (b) Will the plaintiff suffer irreparable harm if the injunction is not issued; and
- (c) Does the balance of convenience favour the plaintiff or the defendant?

- *R. v CBC*, 2018 SCC 5 at paras. 15 and 18 (Brown J.) [PBA Tab 20]
- *RJR - MacDonald Inc. v Canada (Attorney General)*, [1994] 1 S.C.R. 311 at 334 (Sopinka and Cory JJ.) [PBA Tab 22]

151. Additionally, because the Order sought is aimed at third parties, and as in the case of *Norwich* and *Mareva* injunctions, the Plaintiffs ought to demonstrate that the Order is properly targeted and that the third parties should, in fact, be justifiably bound by the Order.
- *GoldTV FC* at para. 44 [PBA Tab 9], confirmed in *GoldTV FCA* [PBA Tab 24]
 - *Cartier CA* at para. 80 [PBA Tab 11]
 - *Glaxo Wellcome plc v Minister of National Revenue*, [1998] 4 F.C. 439 at paras. 20 and 33 (FCA) (Stone J.A.) [PBA Tab 16]
152. In the case at hand, this involves demonstrating that the Third Party Respondents are ISPs providing their customers in Canada with access to the Internet and that the Streaming Servers infringe copyright on the Internet, which leads to the inevitable conclusion that the Third Party Respondents' Internet services are necessary links for the Streaming Servers' acts of infringement and that temporarily severing that link will therefore protect the Plaintiffs' rights.
- *GoldTV FC* at paras. 44-45 [PBA Tab 9], confirmed in *GoldTV FCA* [PBA Tab 24]
 - *Cartier CA* at para. 80 [PBA Tab 11]
153. The third step of the injunction test – balance of convenience – involves a weighing of the effects of the Order sought not only on the Defendants, but also on the Third Parties Respondents and the general public.
154. Because of the similarity in the principles of equity applied by Canadian and English courts (which was notably the origin of the *Norwich* and *Mareva* injunctions subsequently recognized by Canadian courts), and because the law surrounding site blocking is more developed in that jurisdiction, the Plaintiffs submit that it is relevant and useful for this Court to refer to the factors developed in the UK for the analysis of the balance of convenience, as subsequently endorsed by this Court in *GoldTV*:
- (a) The extent to which the relief is “necessary” to protect the Plaintiffs' rights. The relief does not need to be *indispensable*, but the Court may consider if alternative and less onerous measures are available.

- (b) The effectiveness of the relief, in particular whether it will make infringing activities more difficult to achieve and discourage Internet users from accessing the infringing service.
- (c) The dissuasiveness of the relief. This factor is similar to the previous one, but relates to the dissuasive effects on third parties rather than current users.
- (d) The complexity and cost of implementing the relief.
- (e) Whether the relief creates barriers to legitimate trade, meaning whether the relief unduly affects users who are using the ISPs' services to lawfully access information.
- (f) The fairness of the relief, which requires a balancing of the rights of the parties and third parties affected by the relief.
- (g) The extent to which other sites can be substituted for the blocked site (which does not require the plaintiffs to establish that the relief sought is likely to reduce the overall level of infringement).
- (h) The safeguards in place against the relief's abuse.
 - *GoldTV FC* at para. 52 [PBA Tab 9], confirmed in *GoldTV FCA* at para. 77 [PBA Tab 24]
 - *Cartier CA* at paras. 100-101, 116-120, 123-125 and 127 [PBA Tab 11]
 - *Cartier International AG v British Sky Broadcasting Limited*, [2014] EWHC 3354 (Ch) at paras. 162, 176 and 262-265 (Arnold J.) (“*Cartier CH*”) [PBA Tab 10]
 - *1967 Ltd v Sky*, [2014] EWHC 3444 (Ch) at para. 27 (Arnold J.) [PBA Tab 1]

155. The necessity factor is also closely linked to the irreparable harm branch of the injunction test and can be considered under this branch of the test instead of as part of the balance of convenience analysis.

- *GoldTV FC* at para. 53 [PBA Tab 9], confirmed in *GoldTV FCA* at para. 78 [PBA Tab 24]

D. Strong prima facie case of infringement

(1) The Defendants infringe the Plaintiffs' rights to communicate NHL Live Games to the public by telecommunication

156. As further described above, the Plaintiffs have made out an extremely strong *prima facie* case that a large number of unidentified John Doe Defendants all over the world are engaged in blatant infringement of the Plaintiffs' exclusive rights in the NHL Live Games by communicating them to the public in Canada by telecommunication.

157. The Plaintiffs hold, together, the exclusive rights to communicate to the public *all* NHL Live Games in Canada through TV broadcast and online streaming. Pursuant to Section 3 of the *Copyright Act*, the Plaintiffs have the sole right to, *inter alia*:

- (a) communicate NHL Live Games to the public by telecommunication, including by making NHL Live Games available to the public by telecommunication in a way that allows members of the public to have access to them from a place individually chosen by them; and
- (b) authorize such acts.

- *Copyright Act*, ss. 2.4(1.1), 3(1) and 3(1)(f) [PBA Tab 32]

158. Any person who engages in these acts with regard to NHL Live Games without the consent of the Plaintiffs is infringing the Plaintiffs' rights in Canada:

27 (1) It is an infringement of copyright for any person to do, without the consent of the owner of the copyright, anything that by this Act only the owner of the copyright has the right to do.

- *Copyright Act*, s. 27(1) [PBA Tab 32]

159. The monitoring of certain NHL Live Games broadcast by Rogers Media between January 30, 2021 and May 30, 2021 using [REDACTED] identified over 50,000 instances where Streaming Servers were providing unauthorized access to live streams of the monitored NHL Live Games in Canada, which instances of infringement originated from 3,433 distinct Streaming Servers.

- [REDACTED]
- See also: Rogers Aff. [PMR Tab 10]

160. Such unauthorized live streams were made accessible to the public through various Streaming Platforms available in Canada (and were in fact accessed by Internet subscribers of the Plaintiffs' affiliated ISP entities in Canada), as discussed above.

161. By engaging in these acts, the John Doe Defendants responsible for these Unauthorized Streaming Servers communicated NHL Live Games to the public in Canada by telecommunication, including by making NHL Live Games available to users by telecommunication in a way that these users have access to them in real time from a place of their choosing, thereby infringing the Plaintiffs' exclusive rights in the NHL Live Games contrary to sections 2.4(1.1), 3(1)(f), 27(1) and 27(2.3) of the *Copyright Act*.

- *Copyright Act*, ss. 2.4(1.1), 3(1)(f), 27(1) and 27(2.3) [PBA Tab 32]

162. The Defendants also induced and authorized operators of Streaming Platforms to infringe the Plaintiffs' exclusive rights to communicate NHL Live Games to the public by telecommunication, contrary to sections 3(1)(f) and 27(1) and 27(2.3) of the *Copyright Act*.

- *Copyright Act*, ss. 3(1)(f), 27(1) and 27(2.3) [PBA Tab 32]

(2) The Defendants' activities do not fall within the statutory exception of providing only the means of telecommunication

163. The *Copyright Act* includes provisions limiting the liability of those who only provide the "means" of telecommunication:

2.4(1) For the purposes of communication to the public by telecommunication,
[...]

(b) a person whose only act in respect of the communication of a work or other subject-matter to the public consists of providing the means of telecommunication necessary for another

person to so communicate the work or other subject-matter does not communicate that work or other subject-matter to the public; and

[...]

31.1 (1) A person who, in providing services related to the operation of the Internet or another digital network, provides **any means** for the telecommunication or the reproduction of a work or other subject-matter through the Internet or that other network does not, **solely by reason** of providing those means, infringe copyright in that work or other subject-matter.
[emphasis added]

- *Copyright Act*, ss. 2.4(1)(b) and 31.1(1) [PBA Tab 32]

164. However, these defenses are only available to those who **solely** or **only** provide the means of telecommunication, without more. These defenses are not available to those who engage in acts that relate to the content of the communication such as the Defendants:

Section 2.4(1)(b) shields from liability the activities associated with providing the means for another to communicate by telecommunication. “The ‘means’”, as the Board found, “... are not limited to routers and other hardware. They include all software connection equipment, connectivity services, hosting and other facilities and services without which such communications would not occur” (p. 452). I agree. So long as an Internet intermediary does not itself engage in acts that relate to the content of the communication, i.e., whose participation is content neutral, but confines itself to providing “a conduit” for information communicated by others, then it will fall within s. 2.4(1)(b). The appellants support this result on a general theory of “Don’t shoot the messenger!”

[emphasis added]

- *Society of Composers Authors and Music Publishers of Canada v Canadian Assn of Internet Providers*, 2004 SCC 45 at para. 92 (Binnie J.) [PBA Tab 23]

This is not a case where the Defendants merely serve as the conduit, as was argued by Mr. Wesley. Rather they deliberately encourage consumers and potential clients to circumvent authorized ways of accessing content – say, by a cable subscription or by streaming content from the Plaintiffs’ websites – both in the manner in which they promote their business, and by offering tutorials in how to add and use applications which rely on illegally obtained content. The statutory defence provided in paragraph 2.4(1)(b) of the *Copyright Act* does not apply to the Defendants who go above and beyond selling a simple “means of telecommunication”. They also engage in acts related to the content of the infringed communications.

- *iTVBox.net* at para. 22 [PBA Tab 3]
- See also: *Bell Canada v Lackman*, 2018 FCA 42 at paras. 32 and 36 (de Montigny J.A.) (“**Lackman**”) [PBA Tab 5]

165. The Defendants in the present case are unidentified pirates who directly engage in the selection of the live content to which Streaming Platforms and their respective users have access by:
- (a) Operating and maintaining the Streaming Infrastructures (including the Unauthorized Streaming Servers) necessary to stream infringing live content;
 - (b) Making the NHL Live Games available on their Unauthorized Streaming Servers; and
 - (c) Making the Streaming Infrastructures available to operators of Streaming Platforms to access.
166. The Defendants' actions go well beyond **solely** or **only** providing the means of communication and as such they are not mere conduits. The entire purpose of their Streaming Infrastructure and Unauthorized Streaming Servers is to make live content available without authorization to users of Streaming Platforms wanting to circumvent the legal means of watching NHL Live Games in Canada.
167. Unauthorized Streaming Servers primarily located outside of Canada do not broadcast the Plaintiffs' sports stations such as Sportsnet Ontario (which is only available in Canada with a paid subscription) by accident. The Streaming Infrastructures necessary to deliver high quality streams of live sports events such as NHL Live Games to a large number of users are highly complex and costly. The operators of such Streaming Infrastructures take active steps to specifically communicate NHL Live Games to the public in Canada by telecommunication.
168. In addition, the vast majority (if not the totality) of the content available on Unauthorized Streaming Servers (and Streaming Platforms) infringes copyright.
- [REDACTED]
 - Rogers Aff., paras. 17-19, 23-24, 29, 35, 55-56, 62, 64 and 66 [PMR Tab 10]

169. The Defendants operate Unauthorized Streaming Servers that communicate NHL Live Games to the public by telecommunication in Canada, without authorization. Therefore, the Defendants are not content neutral and cannot avail themselves of the statutory defenses expressed at sections 2.4(1)(b) and 31.1(1) of the *Copyright Act*.

- *Copyright Act*, ss 2.4(1)(b), 27(2.3), 31.1(1) and 31.1(6) [PBA Tab 32]

E. Irreparable harm

170. In cases of blatant copyright infringement such as the present one, the threshold of irreparable harm required in order to obtain an interlocutory injunction is less stringent, as a strong finding on one prong of the tripartite injunction test may lower the threshold on the other two prongs:

That being said, I agree with the statement by Justice Annis in *Geophysical Service Inc* that a strong finding on one prong of the tripartite injunction test – as is the case here – may lower the threshold on the other two prongs [...]

[35] Moreover, the three prongs of the interlocutory injunction test are to some degree to be treated together and not as separate silo: Robert J. Sharpe, *Injunctions and Specific Performance*, loose-leaf (Aurora: Canada Law Book, 2010 at para 2.600) as quoted in *Morguard Corporation v InnVest Properties Ottawa GP Ltd*, 2012 ONSC 80 at para 12:

The terms 'irreparable harm', 'status quo' and 'balance of convenience' do not have a precise meaning. They are more properly seen as guides which take colour and definition in the circumstances of each case. More importantly, they ought not to be seen as separate, water-tight categories. These factors relate to each other, and strength on one part of the test ought to be permitted to compensate for weakness on another.

[36] There exist situations where the applicant's case is sufficiently strong that the threshold for meeting the other two factors can be set so low as to be irrelevant. I believe that this may have been the approach underlying the statement in *Diamant Toys*, above, that it was not necessary to establish irreparable harm where copying is blatant.

- *iTVBox.net* at para. 30 [PBA Tab 3]
- *GoldTV FC* at paras. 55-56 [PBA Tab 9], confirmed in *GoldTV FCA* at paras. 66-67 [PBA Tab 24]

171. In any event, the Plaintiffs have shown an extremely strong *prima facie* case of copyright infringement and, if injunctive relief is not granted, the Plaintiffs will suffer serious and irreparable harm which takes the following forms:

- (a) As discussed above, live sports and most particularly NHL Live Games are widely watched across Canada. Their coverage is one of the primary reasons for which consumers purchase access to certain Plaintiffs Stations (through a BDU) and Online Services.
- (b) The Plaintiffs therefore collectively invest hundreds of millions of dollars every year to acquire rights in Canada to broadcast NHL Live Games and to acquire, maintain and operate the infrastructure necessary to successfully broadcast live sports events in high definition video to millions of viewers in real time.
- (c) By their activities, the Defendants undermine the Plaintiffs' rights and ability to control the circumstances in which NHL Live Games are communicated to the public by telecommunication.
- (d) Although it is impossible for the Plaintiffs to determine the number of subscribers that cancel their subscription or never become subscribers of a legitimate service, or that cancel or choose not to subscribe to the Plaintiffs' Stations broadcasting NHL Live Games as part of their subscription, as a result of their access to NHL Live Games through Unauthorized Streaming Servers, it is clear that they provide Canadian users with an incentive to do so.
- (e) The unauthorized access to, and distribution of, NHL Live Games on the Internet directly affects the Plaintiffs, as their content becomes less attractive for Canadian BDUs and their subscribers, thereby affecting their subscription and advertising revenues. Piracy also directly reduces the revenues that the Plaintiffs derive from their online services.

- (f) This harm is exacerbated by the fact that the viewership of NHL Live Games also directly impacts the viewership of NHL-related programs (e.g., hockey-related talk-shows) broadcast on the Plaintiffs' Stations and Online Services, usually right before or after an NHL Live Game, and which are typically watched by the same consumers: as the viewership associated with NHL Live Games declines due to piracy, so does the viewership associated with NHL-related programs.
- (g) In the circumstances, the Plaintiffs are unable to accurately ascertain the prejudice that they are suffering as a consequence of the Defendants' acts of infringement, but it is clear that until access to Unauthorized Streaming Servers is impeded, users who have used or will be using these services and who subsequently cancel their subscription to the Plaintiffs' Stations and Online Services, which can neither be identified nor quantified, will become lost customers, and will have no incentive to return as a subscriber of a legitimate broadcast distribution undertaking.
- (h) In light of the above, it will be virtually impossible to accurately assess the number of subscribers that the Plaintiffs are losing as a result of the Defendants' ongoing activities or the amount of long-term lost revenues for the Plaintiffs. This is especially so given that it is impossible for the Plaintiffs to assess the length of time these lost subscribers would otherwise have remained subscribers had they not had access to NHL Live Games through the Defendants' Unauthorized Streaming Servers.
 - Sansone Aff., paras. 68, 74, 83, 87 and 90-91 [PMR Tab 2]

172. In addition, even if such losses could be quantified and compensable in damages, the harm in this case arises in a context where there is a large number of unidentifiable defendants that could be located virtually anywhere in the world since they are operating on the Internet.

- *GoldTV FC* at para. 66 [PBA Tab 9], confirmed in *GoldTV FCA* [PBA Tab 24]

173. The Federal Court and Federal Court of Appeal have previously held that the Plaintiffs would suffer irreparable harm if an interlocutory injunction was not granted against those who make the Plaintiffs' content available to the public without the Plaintiffs' authorization.

- *iTVBox.net* at para. 31 [PBA Tab 3]
- *Wesley (Mtlfreetv.com) v Bell Canada*, 2017 FCA 55 at paras. 3-5 (Gauthier J.A.) [PBA Tab 31]
- *Lackman* at para. 47 [PBA Tab 5]

The Order is necessary

174. The Order sought herein is **necessary** as it is the **only effective** and **practical remedy** available to the Plaintiffs to stop widespread infringement on the Internet of their exclusive rights in Canada in the NHL Live Games they acquired at the cost of billions of dollars.

175. In other cases, the most efficient (and typical) remedy to restrain acts of copyright infringement is to obtain an injunction directly against those responsible for the infringement. This is simply not a feasible option in the present case given that hundreds of distinct Unauthorized Streaming Servers have been identified as infringing the Plaintiffs' rights, and it is essentially impossible to identify the operators of such Unauthorized Streaming Servers for the reasons explained above.

176. The Plaintiffs nonetheless attempted to notify the Defendants of their blatant infringement (through their hosting providers), without success.

177. Even if it were possible in rare instances to identify the operator of a given Unauthorized Streaming Server (e.g., in situations where the pirate made a mistake and did not properly conceal his or her identity on the Internet), it would be **impractical** and **ineffective** to seek to enforce rights directly against specific operators of Unauthorized Streaming Servers considering that the Plaintiffs' monitoring of certain NHL Live Games showed that:

- (a) **More than 315 distinct** Unauthorized Streaming Servers hosted by [REDACTED] were identified **every week** (for a total of 1,666 distinct

Unauthorized Streaming Servers [REDACTED] during the monitoring period);

- (b) On average, the same IP addresses were only used for about 3 ½ weeks before changing, with approximately half of the IP addresses identified being used for only 1 week; and
- (c) 96% of the Unauthorized Streaming Servers [REDACTED] identified were physically located outside of Canada.

- [REDACTED]

178. In other words, the Plaintiffs would need to be able to identify hundreds of operators of Unauthorized Streaming Servers who do not want to be found, take legal actions against these operators in different countries around the world (primarily outside of Canada), and in most cases they would need to start the process over every 1 to 3 ½ weeks as the IP addresses of the Unauthorized Streaming Servers change.
179. The necessity of such a burdensome process was clearly rejected by Federal Court of Appeal in the *GoldTV* case.

Where, in an action against an anonymous defendant, a court can be convinced that said defendant has and will maintain its anonymity and ignore an injunction against it, **it would seem pointless and unfair to require that the plaintiff jump through certain hoops and wait a certain time to confirm what it already knows, and the court already accepts, before seeking an injunction against a third party.**

- *GoldTV FCA* at para. 42 [PMR Tab 24]

180. In *Equustek*, the Supreme Court held that the issuance of an injunction against an innocent third party was warranted and necessary when the third party played a determinative role in the defendant's acts of infringement:

The interlocutory injunction in this case is necessary to prevent the irreparable harm that flows from Datalink carrying on business on the Internet, a business which would be commercially impossible without Google's facilitation. The order targets Datalink's websites — the list of which has been updated as Datalink has sought to thwart the injunction

— and prevents them from being displayed where they do the most harm: on Google's global search results.

[...]

Datalink and its representatives have ignored all previous court orders made against them, have left British Columbia, and continue to operate their business from unknown locations outside Canada. Equustek has made efforts to locate Datalink with limited success. Datalink is only able to survive — at the expense of Equustek's survival — on Google's search engine which directs potential customers to its websites. In other words, Google is how Datalink has been able to continue harming Equustek in defiance of several court orders.

This does not make Google liable for this harm. It does, however, make Google the determinative player in allowing the harm to occur. On balance, therefore, since the interlocutory injunction is the only effective way to mitigate the harm to Equustek pending the resolution of the underlying litigation, the only way, in fact, to preserve Equustek itself pending the resolution of the underlying litigation, and since any countervailing harm to Google is minimal to non-existent, the interlocutory injunction should be upheld.

- *Equustek* at paras. 42 and 52-53 [PBA Tab 17]

181. The facts and implications of the present case are highly similar. Indeed, in this case the Third Party Respondents play an even more essential, direct and determinative role as ISPs than Google or other search engines in the Defendants' acts of infringement.
182. The Defendants simply cannot communicate the NHL Live Games to the public in Canada in violation of the Plaintiffs' exclusive rights if Internet subscribers in Canada cannot access the Defendants' Unauthorized Streaming Servers.

F. Balance of convenience

183. While the proportionality factors developed by UK courts and recently applied by the Federal Court as outlined above at paragraph 154 are itemized in eight distinct elements, these factors can be distilled to simpler terms: the Court must weigh the potential positive effects of the Order sought on the Plaintiffs (necessity, effectiveness, dissuasiveness, substitutability) against the potential negative effects on the Third Party Respondents (complexity and costs) and on the Defendants and other third parties (barriers to legitimate trade, overall fairness, safeguards).

184. In the present case, the positive effects of the Order sought on the Plaintiffs are quite clear and simple: the infringement on the Internet of their rights in Canada will be significantly reduced, avoiding further irreparable harm from taking place or, at the very least, seriously mitigating that harm.
185. The Order sought will also cause no prejudice to the Third Party Respondents: its implementation leverages tools that are already at their disposal and the reasonable marginal costs of its implementation (if any) will be borne by the Plaintiffs.
186. The rights of the Defendants and other third parties will also be protected: the Order sought is only aimed at blocking access from Canada to blatantly infringing content during limited time windows (i.e., during the broadcast of NHL Live Games in Canada) and strong safeguards are incorporated in the Order to avoid “over-blocking”.
187. That being said, the itemized factors developed in the UK and considered in the *GoldTV* case also individually support the issuance of the Order sought by the Plaintiffs, as explained below.

(1) The Order will be effective

188. The evidence clearly establishes that the dynamic site blocking Order sought will be effective, in that it will substantially reduce ongoing infringement of the Plaintiffs’ rights in Canada.
189. Blocking access to Unauthorized Streaming Servers is more effective than blocking the Streaming Platforms that embed or link to live streams from such servers both because Unauthorized Streaming Servers are the source of the communication to the public of the NHL Live Games and because the same Unauthorized Streaming Server can often be accessed by multiple Streaming Platforms. Blocking access to Unauthorized Streaming

Servers (i.e., the source of the stream) will render inoperable the Streaming Platforms relying on such servers.

- [REDACTED]
- *Premier League* at para. 51 [PBA Tab 25]

190. While the Plaintiffs cannot bring empirical evidence of the effectiveness of dynamic site blocking Orders in Canada since this case is the first of its kind in Canada, the effectiveness of site blocking, including dynamic site blocking, to thwart the effects of piracy of live sports content has been recognized in other jurisdictions:

First, past experience suggests that **blocking causes a material reduction in the number of UK users who access blocked websites**: see for example the evidence reviewed in my judgment in *Cartier* at [220]–[236]. The same may be expected to be true of blocked streaming servers

- *Premier League* at para. 49 [PBA Tab 25].
- See also: *Union des Associations Européennes de Football v Eircom Ltd T/A Eir & Ors*, [2020] IEHC 488 at paras. 22(h)-23 (Barniville J.) (“**Eircom**”) [PBA Tab 28]; *Matchroom Boxing Ltd & Anor v British Telecommunications Plc & Ors*. [2018] EWHC 2443 (Ch) at para. 8 (Arnold J.) [PBA Tab 18]; *The Football Association Premier League Ltd. v Eircom Ltd. t/a Eir & ors*, [2019] IEHC 615 at paras. 6-8 (Haughton J.) [PBA Tab 26]
- *Quek Aff.*, paras. 112-115 [PMR Tab 5]

191. Also, the Plaintiffs’ appointed agent, FMTS, who would monitor and notify Unauthorized Streaming Servers to ISPs under the proposed Order, has been involved in obtaining and successfully implementing several dynamic site blocking orders in the UK and in other jurisdictions.

- [REDACTED]
- *Premier League* at para. 52 [PBA Tab 25]

192. Indeed, dynamic and live site blocking orders have been available and effectively enforced in different jurisdictions in the last couple of years, including the UK, Spain, Ireland and Singapore.

- *Quek Aff.*, para. 115 [PMR Tab 5]

193. Finally, recent academic literature, including a recent study of the European Union Intellectual Property Office on dynamic blocking injunctions, also supports this conclusion:

Benefits and challenges associated with blocking injunctions have been studied in literature at length [...] In particular, UK courts have on multiple occasions reviewed whether the injunctions were effective and found that **the evidence indicates that blocking orders are reasonably effective and cause a material reduction in the number of UK users who access infringing websites**

- *Quek Aff.*, para. 115g) and Exhibit EQ-18 [PMR Tabs 5 and EQ-18]

194. By way of illustration, the Order sought by the Plaintiffs would have blocked a significant portion (approximately 79.7%) of the instances of infringement identified during the monitoring, but not all of them. This is due to the safeguards that are incorporated in the proposed Order to ensure there is no over-blocking of legitimate content and which err on the side of under-blocking (as discussed below).

195. In particular, the rest of the Streaming Servers identified were [REDACTED]
[REDACTED]
[REDACTED] which the Plaintiffs and the NHL will continue to send to enforce their rights.

196. As such, the proposed Order will significantly reduce infringement while being just and balanced.

(2) The Order will be dissuasive

197. The Order sought will be dissuasive against current and potential users of Streaming Platforms and Streaming Servers as it will send the clear message that accessing unauthorized streams is not a reliable way of accessing NHL Live Games.

There is reason to hope that blocking access to the Target Servers will help to educate UK consumers that accessing infringing streams is not a lawful or reliable way to access Premier League content.

- *Premier League* at para. 53 [PBA Tab 25]

198. While users could potentially rely on circumvention tools (e.g., using a VPN), these tools have significant costs. The addition of circumvention costs (and subscription costs to some

Streaming Platforms) brings the users' total costs of accessing infringing content closer to the costs of accessing the same content through legitimate means, which in and of itself is a strong deterrence factor:

Thirdly, it is important not to overlook the question of economics. As I have explained above, Newzbin2 members have to pay a subscription to use it to access content. They will also need to have a Usenet service. For the reasons Mr Huttoy himself explains, they will commonly need to use a paid service. Thus they are not getting infringing content for free even as matters stand. If, in addition to paying for (a) a Usenet service and (b) Newzbin2, the users have to pay for (c) an additional service for circumvention purposes, then the cost differential between using Newzbin2 and using a lawful service (such as a DVD rental service) will narrow still further. This is particularly true for less active users. **The smaller the cost differential, the more likely it is that at least some users will be prepared to pay a little extra to obtain material from a legitimate service.**

- *Twentieth Century Fox Film Corp. v British Telecommunications PLC*, [2011] EWHC 1981 (Ch) at para. 196 (Arnold J.) (“*Fox v BT*”) [PBA Tab 27]
- *GoldTV FC* at paras. 83-84 [PBA Tab 9], confirmed in *GoldTV FCA* [PBA Tab 24]

199. This is particularly applicable in the context of the piracy of live sports events such as NHL Live Games. As discussed above, this type of content is best experienced live without interruptions. Users who repeatedly have their access to Unauthorized Streaming Servers blocked during NHL Live Games are more likely to consider subscribing to one of the Plaintiffs' reliable and legitimate Stations or Online Services, rather than having to keep looking for Unauthorized Streaming Servers that have not yet been detected and blocked.
200. The Order sought will also be dissuasive for operators of Unauthorized Streaming Servers, since any new server to which the illegal content could be transferred could eventually be targeted by the Order, as it can be readily updated and applied to newly identified servers as they are being discovered.

- Quek Aff., paras. 84-85 and 108-111 [PMR Tab 5]

- [REDACTED]

(3) The Order is not unnecessarily complicated or costly

201. The Order sought is concise and clear. The obligations of the Third Party Respondents are laid out in paragraphs 2, 4-8 and 12-13, which enjoin them to block or attempt to block

access to IP addresses that are notified to them. The Third Party Respondents have no obligation to verify the IP addresses provided by the Plaintiff, and bear no liability in that regard.

202. All Third Party Respondents should already have the capability to do IP blocking manually as this is implemented with equipment (i.e., core routers) that is inherently necessary to provide Internet access to their subscribers, and in fact they regularly and efficiently use IP blocking to secure their network from malicious attacks.

- Quek Aff., paras. 61-62 and 69 [PMR Tab 5]

203. While the Plaintiffs appreciate that the dynamic and live nature of the Order sought, if implemented manually, will require more intervention from the ISPs than a static site blocking order, the proposed Order would only require the ISPs to manually update the block list at least every hour during NHL Live Game Windows to limit the interventions required. ISPs with automated solutions would be able to implement more frequent updates (e.g., every 15 minutes) at no incremental cost.

- Draft Order, para. 10 [PMR Tab A]

204. As discussed above, the steps required for the ISPs to implement and update the blocking manually are relatively simple for a network specialist and take approximately 5 to 15 minutes per update. Videotron currently expects to be able to implement the blocking manually with its current resources available during NHL Live Game Windows at no incremental cost.

- Drif Aff., para. 24 [PMR Tab 8]

205. Even if ISPs needed to dedicate one employee exclusively to the manual implementation of the blocking during NHL Live Game Windows and the monitoring of their network between updates, this represents a direct incremental cost of approximately \$215 to \$308

per night for a 6-hour window from the start of the first NHL game on a given night until the end of the last NHL game (e.g., 6:30pm until 12:30am).

- Murray Aff., para. 41 [PMR Tab 6]
- Farrugia Aff., para. 31 [PMR Tab 7]
- In a different context, see: *Voltage Pictures, LLC v Salna*, 2019 FC 1047 at paras. 86-87 (Boswell J.) [PBA Tab 29]

206. The Plaintiffs propose to follow the same approach adopted by this Court in the *GoldTV* case and pay the reasonable marginal costs of implementing the Order (i.e., excluding any capital investment that would be required, as the case may be).

- *GoldTV FC* at paras. 90-91 and 114 [PBA Tab 9], confirmed in *GoldTV FCA* [PBA Tab 24]
- Draft Order, para. 24(a) [PMR Tab A]
- *Cartier SC* at paras. 5, 31, 33 and 39 [PBA Tab 12]

207. However, the Plaintiffs respectfully submit that the reasonable marginal costs the Third Party Respondents can claim for the implementation of the Order ought to be limited to a sum corresponding to the reasonable cost of acquiring and/or developing the technological capability to automate IP blocking with no human intervention (beyond the initial configuration).

208. As discussed above, some of the ISPs already have (or will soon have) that capability and it is estimated that other ISPs can similarly deploy it at a cost of approximately \$30,000 to \$50,000. As such, it would not be reasonable for an ISP to dedicate more resources to manual implementation (which is more burdensome and arguably prone to human errors) than it would require to implement an automated solution that it will be able to use for other purposes beyond the present Order.

- Murray Aff., para. 35 [PMR Tab 6]
- Quek Aff., paras. 90-91 [PMR Tab 5]

209. In practice, it is expected that ISPs that do not have the capability already will migrate towards such automation over time, as ISPs have done in other jurisdictions.

- [REDACTED]

210. Finally, blocking orders have previously been found not to be overly complex or costly in the context of the *GoldTV* case and in other jurisdictions.

- *GoldTV FC* at paras. 91-92 [PBA Tab 9], confirmed in *GoldTV FCA* [PBA Tab 24]
- *Premier League* at para. 64 [PBA Tab 25]
- *Eircom* at para. 48 [PBA Tab 28]

(4) The Order will not create barriers to legitimate trade

211. Unlike the site blocking order in the *GoldTV* case, the dynamic site blocking order sought herein is limited in time in that the blocking would only be in effect during the broadcast of NHL Live Games (and up to 60 minutes prior for Load Balancer Servers and Manifest Servers). As such, while there is no reason to expect the Order to have any impact on legitimate content given the safeguards that will be in place, any interference with legitimate content that did take place would only be temporary due to the very short duration of each instance of blocking.

- *Premier League* at para. 67 [PBA Tab 25]

212. The proposed Order includes important safeguards to ensure that the IP addresses that are identified and notified for blocking are not associated with substantial legitimate activities. In particular, the Plaintiffs (or their vendor) can only notify an IP address for blocking if:

- [REDACTED]
- [REDACTED]

[Redacted text block]

[Redacted text block]

■ [Redacted text block]

[Redacted text block]

■ [Redacted text block]

[Redacted text block]

■ [Redacted text block]

215. [REDACTED]

[REDACTED]

▪ Rogers Aff., para. 19 [PMR Tab 10]

216. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

218. It is noteworthy that over the years that FMTS has been responsible for implementing similar dynamic blocking orders in other jurisdictions, including for the Premier League in the UK, they have never been made aware of any valid complaint that legitimate content was blocked due to being on the same Streaming Infrastructure as infringing content.

▪ [REDACTED]

219. As a result, the proposed dynamic site blocking order will have no effect on the legitimate activities of the Defendants or third parties, and will not create barriers to legitimate trade.

(5) The Order strikes a fair balance between the rights of the parties and of third parties potentially affected by the relief

220. While a balance must be struck between the Plaintiffs' exclusive rights in Canada in the NHL Live Games and the rights of others, for example the right to freedom of expression of the Defendants and/or of the Third Party Respondents and their Internet subscribers, the economic rights of the Third Party Respondents, and other applicable policy considerations, this balance heavily tips in the Plaintiffs' favour in this case.

221. First, the effect of the Order sought is limited to restricting access in Canada to servers (almost all located outside of Canada) that blatantly infringe the Plaintiffs' exclusive rights in the NHL Live Games, and only for a limited time period. As discussed in the previous section, the safeguards ensure there is no impediment to any legitimate activities by the Defendants, and the Order does not otherwise interfere with the provision by the Third Party Respondents of their Internet services to their customers.

- *Premier League* at paras. 65-67 [PBA Tab 25]

222. Second, the right to freedom of expression does not protect the ability to disseminate or access blatantly infringing content:

This is not an order to remove speech that, on its face, engages freedom of expression values, it is an order to de-index websites that are in violation of several court orders. **We have not, to date, accepted that freedom of expression requires the facilitation of the unlawful sale of goods.**

- *Equustek* at para. 48 [PBA Tab 17]

A point which underlies some of the submissions made by counsel for BT, although it was not relied upon by him as a free-standing ground of objection to the proposed order, is the question of proportionality. As set out above, counsel for the Studios accepted that the proposed order engaged the Art.10 ECHR rights of BT's subscribers [*Plaintiffs' note: the right to freedom of expression and to impart and receive information without interference under the European Convention on Human Rights*], and accordingly that it was incumbent on the Studios to satisfy the court that the interference with those rights was proportionate having regard to the Studios' rights protected by Art.1 of the First Protocol [*Plaintiffs' note: the right to peaceful enjoyment of one's possessions under the same Convention*]. The requirement for proportionality is also laid down by the judgments of the Court of Justice in *Promusicae* and *L'Oréal v eBay*.

In general, I am satisfied that the order sought by the Studios is a proportionate one. It is necessary and appropriate to protect the Art.1 First Protocol rights of the Studios and

other copyright owners. Those interests clearly outweigh the Art.10 rights of the users of Newzbin2, and even more clearly outweigh the Art.10 rights of the operators of Newzbin2. They also outweigh BT's own Art.10 rights to the extent that they are engaged. The order is a narrow and targeted one, and it contains safeguards in the event of any change of circumstances. The cost of implementation to BT would be modest and proportionate.

- *Fox v BT* at paras. 199-200 [PBA Tab 27]

223. In fact, Canadian Courts (including the Federal Courts) routinely issue injunctions to enjoin the distribution of clearly infringing content, without any negative impact on values such as freedom of expression of the *Canadian Charter of Rights and Freedoms*.

- See *e.g.* : *Cie générale des établissements Michelin - Michelin & Cie v CAW – Canada* (1996), 71 CPR (3d) 348 at paras. 94-97 (FC) (Teitelbaum J.) [PBA Tab 13]; *Drolet v Stiftung Galsbotchaft*, 2009 FC 17, at para. 187 (de Montigny J.) [PBA Tab 15]; *R. v James Lorimer & Co.* (1983), 77 CPR (2d) 262 at 273 (FCA) (Mahoney J.) [PBA Tab 21]

224. Third, the economic rights of Third Party Respondents are protected by the terms of the Order sought, which provide that the Plaintiffs will bear the marginal costs of implementing the Order. The Order also does not require the Defendants to acquire new technology: they have the requisite technology already to at least implement manual blocking.

- *Premier League* at para. 46 [PBA Tab 25]

225. Lastly, as further explained at paragraphs 236 to 241 below, the Order sought does not raise policy concerns (e.g., with respect to net neutrality) as it does not interfere with the Third Party Respondents' content-neutral character, but merely requests that they impede access to clearly infringing content in compliance with a Court Order. In other words, the Third Party Respondents remain entirely neutral. Moreover, the Court Order does not impact any legal content, and it is well established that net neutrality does not apply to illegal content.

226. For these reasons, the Order sought is fair, equitable and proportionate, and takes into consideration the rights of all those who may be affected by it.

(6) Substitutability of the Unauthorized Streaming Servers is limited

227. While it is not disputed that the Plaintiffs cannot identify all Unauthorized Streaming Servers providing access to NHL Live Games in Canada, they can identify and block a vast majority. The effectiveness of the Order sought and its dissuasive effect, as described at paragraphs 174 to 200 above, are more than sufficient to establish that the Order sought is proportional.

Furthermore, despite what I have said before, I also accept what the ISPs' solicitor Michael Skrein described in his evidence as the "substitutability" of unblocked websites for the blocked one is also a factor to be taken into account in considering proportionality. Although the rightholder does not have to show that blocking access to the target website is likely to reduce the overall level of infringement in order to obtain relief, blocking access to the target website is less likely to be proportionate if there is a large number of alternative websites **which are likely to be equally accessible and appealing to the interested user** than if that is not the case.

- *Cartier CH* at para. 176 [PBA Tab 10]

228. Importantly, the Order sought is a dynamic site blocking order specifically to be able to identify and block Unauthorized Streaming Servers as they change their infrastructure (e.g., by changing their IP addresses) or new Unauthorized Streaming Servers appear in an attempt to replace the servers that are blocked. The Plaintiffs' vendor FMTS will update the block list as frequently on an ongoing basis during an NHL Live Game Window to ensure the block list is as comprehensive as it can be (though the ISPs would not be required to update the blocking as frequently).

(7) The Order contains strong safeguards against its abuse

229. As discussed above, the Order sought contains strong safeguards against abuse and over-blocking. The Plaintiffs are also required to submit to the Court a report of the implementation of the Order, including the details of any complaint received in that regard. The Order sought also specifically provides that the operators of the Unauthorized Streaming Servers that are blocked and, to the extent feasible, the Third Party Respondents' customers, are informed of the Order and of the right to apply to the Court to discharge or vary it.

G. The Third Party Respondents should be bound by the Order sought

230. As explained above, because the Order is aimed at innocent third parties, the Plaintiffs must demonstrate that the proposed Order is properly targeted. The targeting requirement is satisfied in this context by establishing that the Unauthorized Streaming Servers are involved in copyright infringement. Demonstrating that the Third Party Respondents are ISPs will in turn justify them being bound by the Order.

- *GoldTV FC* at paras. 44-45 [PBA Tab 9]

The Third Party Respondents are ISPs

231. As mentioned at paragraphs 95 to 97 above, the Third Party Respondents are ISPs that act as necessary intermediaries to connect their Internet service subscribers to the rest of the Internet.

The Defendants' Unauthorized Streaming Servers infringe the Plaintiffs' rights using the Third Party Respondents' ISP services

232. The Plaintiffs have demonstrated that they have an extremely strong *prima facie* case of copyright infringement against the Defendants.

233. As mentioned above and explained in detail in the affidavit of Mr. Quek, the Third Party Respondents' ISP infrastructure connects their Internet service subscribers to the rest of the Internet, and thus ultimately to the Defendants' Unauthorized Streaming Servers.

- Quek Aff., para. 15 [PMR Tab 5]

234. For this reason, Internet service subscribers of the Third Party Respondents who access Unauthorized Streaming Servers through Streaming Platforms create a connection between their electronic devices and the Defendants' servers. This connection serves as a conduit for the infringing content and, as such, the Defendants use the Third Party Respondents' infrastructure in the communication to the public of NHL Live Games:

It is clear that the defendants' internet access services are used to commit the infringements referred to above, since they play an essential role in enabling users to access the Target Servers and thereby obtain copies of the Works [...]

- *Premier League* at para. 41 [PBA Tab 25]

The Austrian Supreme Court sought the guidance of the Court of Justice in relation to various questions, the first of which again concerned the proper interpretation of Article 8(3) of the Information Society Directive, and whether an internet provider which allows its customers to access protected subject matter made available on the internet by a third party is an intermediary whose services are being used by the website operator to infringe a copyright within the meaning of Article 8(3).

The Court answered this question in the affirmative in these terms:

31. Having regard to the objective pursued by Directive 2001/29, as shown in particular by Recital 9 thereof, which is to guarantee rightholders a high level of protection, the concept of infringement thus used must be understood as including the case of protected subject-matter placed on the internet and made available to the public without the agreement of the rightholders at issue.

32. **Accordingly, given that the internet service provider is an inevitable actor in any transmission of an infringement over the internet between one of its customers and a third party, since, in granting access to the network, it makes that transmission possible** (see, to that effect, the order in Case C-557/07 LSG-Gesellschaft zur Wahrnehmung von Leistungsschutzrechten [2009] ECR I-1227, paragraph 44), **it must be held that an internet service provider, such as that at issue in the main proceedings, which allows its customers to access protected subject-matter made available to the public on the internet by a third party is an intermediary whose services are used to infringe a copyright or related right within the meaning of Article 8(3) of Directive 2001/29.**

▪ *Cartier CA* at paras. 93-94 [PBA Tab 11]

235. In fact, by merely making infringing content available to subscribers of the Third Party Respondents, the Defendants are using the Third Party Respondents' ISP services to infringe the Plaintiffs' rights:

I accept that an information society service is provided to BT's subscribers, and that they are the recipients of the service who request the transmission of data. **In my view, it does not follow that the operators of the Newzbin2 website do not use the service to infringe copyright.** Again, it is important to consider the nature of the infringing act and its relationship with the service in question. In the present case Kitchin J.'s judgment in *20C Fox v Newzbin* establishes **that the operators of the Newzbin2 website infringe the Studios' copyrights in three ways.** First, they authorise the users' infringements. Secondly, they are jointly liable for the users' infringements. **Thirdly, they infringe by making available.** The first two ways are different forms of accessory liability for acts committed by the users. Once it is concluded, as I have, that the users are using BT's service to infringe copyright, then it follows that the operators are too. **As for the third way, this consists of "the making available to the public of the work by electronic transmission in such a way that members of the public may access it from a place and a time individually chosen by them".** The operators make the works available in such a way that users can access them over BT's network (among others).

In my judgment that is sufficient to constitute use of BT's service to infringe. I do not consider that Art.12(1) of the E-Commerce Directive is relevant to this issue.

- *Fox v BT* at para. 113 [PBA Tab 27]

H. Section 36 of the *Telecommunication Act* does not apply to the Order sought

236. One consideration related to Canadian telecommunications law must be briefly addressed.

237. In Canada, ISPs such as the Third Party Respondents are in some respects governed by the *Telecommunications Act* and subject to regulation by the Canadian Radio-television and Telecommunications Commission ("CRTC").

- *Telecommunications Act*, S.C., 1993, c. 38, ss. 2(1) and 24 ("*Telecommunications Act*") [PBA Tab 35]

238. S. 36 of the *Telecommunications Act* provides that a "Canadian carrier" can control the content or influence the meaning or purpose of telecommunications it carries only with the CRTC's approval.

Content of messages

36 Except where the Commission approves otherwise, a Canadian carrier shall not control the content or influence the meaning or purpose of telecommunications carried by it for the public.

- *Telecommunications Act*, s. 36 [PBA Tab 35]

239. However, in *Equustek*, the Supreme Court confirmed that hindering access to a website providing infringing content does not interfere with content neutrality:

And I have trouble seeing how this interferes with what Google refers to as its content neutral character. The injunction does not require Google to monitor content on the Internet, nor is it a finding of any sort of liability against Google for facilitating access to the impugned websites. As for the balance of convenience, the only obligation the interlocutory injunction creates is for Google to de-index the Datalink websites. The order is, as Fenlon J. observed, "only a slight expansion on the removal of individual URLs, which Google agreed to do voluntarily". Even if it could be said that the injunction engages freedom of expression issues, this is far outweighed by the need to prevent the irreparable harm that would result from Google's facilitating Datalink's breach of court orders.

- *Equustek* at para. 49 [PBA Tab 17]

240. Similarly, the present case does not involve an ISP unilaterally controlling or influencing the content it carries at its own discretion, for example in order to provide itself with an

undue advantage over competitors or to disadvantage legitimate communicators. Rather, it involves the Court concluding that a communication is illegal on a strong and uncontested *prima facie* basis and, as a result, enjoining ISPs to block access to that content to preserve the Plaintiffs' rights.

241. In light of the above, and as confirmed recently by the Federal Court of Appeal in the *GoldTV* case, complying with the Order sought will not violate the carrier ISPs' obligation to be content neutral and, as such, the ISPs do not require CRTC authorization under s. 36 of the *Telecommunications Act* to comply with the Order.

The general wording of section 36 of the *Telecommunications Act* does not displace the Federal Court's equitable powers of injunction, including the power to impose a site-blocking order.

- *GoldTV FCA* at paras. 36-37 [PBA Tab 24]. See also: *GoldTV FC* at paras. 41-42 [PBA Tab 9]

I. Confidentiality

242. This Court routinely grants confidentiality orders in piracy and other IP infringement cases where it is necessary in order to prevent a serious risk to an important interest, including a commercial interest.

- *Federal Courts Rules*, Rule 151(1) [PBA Tab 34]
- *Warner Bros. Entertainment Inc. v White (Beast IPTV)*, 2021 FC 53 at para. 6 of the Order (Roy J.) [PBA Tab 30]
- *Lackman Order*, at 17, para. E [PBA Tab 6]

243. As is typically the case in other jurisdictions, including in the UK, the Plaintiffs respectfully request that parts of the evidence and of the Order sought remain confidential to ensure the effectiveness of the Order.

- *Premier League* at para. 9 [PBA Tab 25]

- 

244. More specifically, the Plaintiffs request that the following sensitive documents be designated "Confidential Information":

- (a) the entirety of the affidavit of Mr. G.D.;

- (b) The confidential version of the present written representations in support of the Order;
 - (c) Schedule 2 to the proposed Order, which pertains to the detection and notification criteria that explain what is to be done from a technical point of view; and
 - (d) Reports to be submitted to the Court pursuant to paragraph 18 of the proposed Order.
245. Unless these documents remain confidential, pirates will likely be able to rely on the detailed technical information discussed therein to elaborate techniques allowing them to circumvent any resulting blocking order and thereby continue offering infringing content. This would not only undermine the value and impact of any order to be issued by this Court, but also those previously issued in other jurisdictions that rely on similar technical approaches to blocking infringing content.
- 
246. The Confidential Information should be treated as confidential by the Registry of the Court and should not be made available to anyone other than the Plaintiffs and the Third Party Respondents and appropriate Court personnel, subject to any Defendant or third party obtaining leave from the Court to also have access to the Confidential Information.
- Draft Order, para. 20 [PMR Tab A]
247. Any party who is authorized to have access to the Confidential Information should only make use of the Confidential Information for the purposes of these proceedings and should disclose it only to their representatives and counsel that have a need to know.
- Draft Order, para. 21 [PMR Tab A]

J. Substituted service of the Statement of Claim upon the Defendants

248. As explained above, the Plaintiffs have not been unable to identify the Defendants, including John Doe 1 and John Doe 2, because of their obvious efforts to remain anonymous.

▪ [REDACTED]

249. The Plaintiffs believe that the most efficient, if not the only way, to attempt to serve John Doe 1 and John Doe 2 would be through the hosting providers that are renting the servers that they operate, and proceeded to do so.

▪ [REDACTED]

250. In particular, between June 15, 2021 and July 2, 2021, counsel for the Plaintiffs sent emails to the various email addresses that could be identified for the hosting providers of John Doe 1 and John Doe 2's Unauthorized Streaming Servers with a copy of the Statement of Claim issued on June 14, 2021. Counsel for the Plaintiffs have received no response to these emails.

- Vallée Buchanan Aff., paras. 34-60, Exhibits JVB-12 to JVB-36 [PMR Tabs 12 and JVB-12 to JVB-36]

251. For these reasons, the Plaintiffs respectfully request that this Court issue an order validating service of the Statement of Claim upon the John Doe 1 and John Doe 2 Defendants.

- *Federal Courts Rules*, Rule 147 [PBA Tab 34]

IV. CONCLUSION

252. In view of the above, the Plaintiffs respectfully request:
- (a) An Interlocutory Injunction Order in the form of the draft Order attached to the Notice of Motion as Schedule A;
 - (b) An Order validating service of the Statement of Claim upon the John Doe 1 and John Doe 2 Defendants;
 - (c) An Order dispensing the Plaintiffs from complying with the requirement of filing a 30-page Memorandum of Fact and Law in support of the present motion pursuant to Rules 70 and 366;
253. As for costs, the Plaintiffs seek the issuance of an Order without costs against the Defendants or Third Party Respondents, unless contested, in which case the Plaintiffs seek costs against the contesting Defendant(s) or Third Party Respondent(s) in the form of a lump sum payment in an amount to be determined by the Court depending on the complexity and merits of the contestation, payable forthwith.

Montreal, Quebec, July 7, 2021.

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