

**FEDERAL COURT**

BETWEEN:

**BELL MEDIA INC.  
CTV SPECIALTY TELEVISION ENTERPRISES INC.  
THE SPORTS NETWORK INC.  
LE RESEAU DES SPORTS (RDS) INC.**

Plaintiffs

and

**JOHN DOE 1**

**JOHN DOE 2**

**OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING  
SERVERS THAT PROVIDE OR WILL PROVIDE ACCESS TO FIFA WORLD CUP  
LIVE MATCHES 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 Plaintiffs, and file it, with proof of service, at a local office of this Court,

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

WITHIN 60 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.



TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in Form 204.1 prescribed by the Federal Courts Rules.

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.**

September 15, 2022

Issued by: \_\_\_\_\_  
(Registry Officer)

Address of local office:

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Montreal (Quebec) H2Y 3Z7

Telephone: (514) 283-4820  
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TO: **JOHN DOE 1**

TO: **JOHN DOE 2**

AND TO: **OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED STREAMING SERVERS THAT PROVIDE OR WILL PROVIDE ACCESS TO FIFA WORLD CUP LIVE MATCHES IN CANADA**

## CLAIM

1. The Plaintiffs claim:

- a) a declaration that copyright subsists and will subsist in the cinematographic works defined at paragraphs 10 and 11 below as the FIFA World Cup Live Matches and that the Plaintiffs hold exclusive rights in Canada to communicate these works to the public by telecommunication;
- b) a declaration that directly or indirectly operating, maintaining, and/or promoting Unauthorized Streaming Servers (as defined at paragraph 28 below) providing or facilitating access to live streams of FIFA World Cup Live Matches amounts to:
  - i. communicating FIFA World Cup Live Matches to the public by telecommunication in Canada, and
  - ii. inducing and authorizing operators of Piracy Streaming Platforms (as defined at paragraph 25 below) to infringe the Plaintiffs' exclusive rights to communicate FIFA World Cup Live Matches to the public by telecommunication in Canada,

and consequently to the infringement of the Plaintiffs' exclusive rights thereto, in contravention of sections 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 or facilitating unauthorized access to live streams of FIFA World Cup Live Matches, including by directly or indirectly operating, maintaining, promoting, and/or providing access to Unauthorized Streaming Servers providing or facilitating access to live streams of FIFA World Cup Live Matches in Canada, and enjoining and restraining them from otherwise directly or indirectly:

- i. communicating FIFA World Cup Live Matches to the public by telecommunication in Canada; or
  - ii. inducing and/or authorizing anyone to infringe the Plaintiffs' exclusive rights to communicate FIFA World Cup Live Matches 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 damages;
- f) pre- and post-judgment interest;
- 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 Plaintiffs Bell Media Inc., CTV Specialty Television Enterprises Inc., and The Sports Network Inc. are corporations incorporated and subsisting under the laws of Canada, all having a registered office at 299 Queen Street West, Toronto, Ontario.
3. 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.
4. The Plaintiffs CTV Specialty Television Enterprises Inc., The Sports Network Inc., and Le Réseau des Sports (RDS) Inc. are subsidiaries of the Plaintiff Bell Media Inc. (collectively “**Bell Media**”).
5. 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 (“**IP**”) addresses 185.232.52.10, 185.232.52.31, 185.232.52.4, 185.232.52.52, 185.233.186.71 and 185.255.120.89, providing unauthorized access in Canada to one of the Plaintiffs’ Stations (defined at paragraph 8 below) that will likely broadcast FIFA World Cup Live Matches scheduled to take place between November 20 and December 18, 2022, namely TSN4. Notably, these Unauthorized Streaming Servers were streaming live Toronto v Montreal and San Jose v Vancouver Major League Soccer (“**MLS**”) matches broadcast on TSN4 on September 4, 2022.
6. Defendant John Doe 2 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 185.53.89.214, 185.53.89.29, and 37.49.224.253, providing unauthorized access in Canada to one of the Plaintiffs’ Stations that will likely broadcast FIFA World Cup Live Matches, namely TSN4. Notably, these Unauthorized Streaming Servers were streaming live Toronto v Montreal and San Jose v Vancouver MLS matches broadcast on TSN4 on September 4, 2022.

7. The other Defendants are other unidentified persons unknown to the Plaintiffs who operate Unauthorized Streaming Servers providing unauthorized access in Canada to Plaintiffs' Stations that will broadcast FIFA World Cup Live Matches scheduled to take place between November 20 and December 18, 2022, and that are located at IP addresses that change continuously, as explained below.

## **II. THE BUSINESS AND RIGHTS OF THE PLAINTIFFS**

8. The Plaintiffs are well-known Canadian broadcasters that own and operate a number of television stations (the "**Plaintiffs' Stations**") and online streaming services and applications (the "**Plaintiffs' Online Services**") throughout Canada on which they broadcast a wide variety of programs that they produce, commission or acquire.
9. As further explained below, the programs broadcast by the Plaintiffs on the Plaintiffs' Stations and Plaintiffs' Online Services include matches and ancillary programming for the Fédération Internationale de Football Association ("**FIFA**") World Cup, a soccer (also referred to as "football") tournament held every four (4) years.
10. In that regard, the Plaintiffs notably produce and/or broadcast cinematographic works consisting of:
  - a) the live footage of FIFA World Cup matches (the "**FIFA World Cup Footage**");  
and
  - b) the live programs produced by adding text, images, videos, commentaries and/or animations to the FIFA World Cup Footage (the "**FIFA World Cup Productions**").
11. The Plaintiffs will produce and/or broadcast FIFA World Cup Footage and FIFA World Cup Productions during the FIFA World Cup Qatar 2022 scheduled to take place between November 20 and December 18, 2022 ("**FIFA World Cup Live Matches**").

12. The FIFA World Cup is one of the most popular and widely watched live sporting events in the world, with more than half of the global population aged four (4) and over having tuned in to the FIFA World Cup 2018.
13. The current format of the FIFA World Cup involves a qualification phase, which takes place over the preceding three (3) years, to determine which teams qualify for the tournament phase. In the tournament phase, thirty-two (32) men's national teams, including the automatically qualifying host nation, compete for the title of world champion at venues within the host nation over about a month.
14. The FIFA World Cup 2022 will be hosted in Qatar between November 20 and December 18, 2022, and will notably be the first time that the Canadian men's national team has qualified since 1986.
15. Pursuant to an agreement with FIFA, the Plaintiff CTV Specialty Television Enterprises Inc. holds the exclusive rights to communicate to the public by telecommunication in Canada, on Plaintiffs' Stations, namely RDS, TSN, CTV, and Noovo branded stations, and associated online services, all FIFA World Cup Live Matches.
16. 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 FIFA World Cup Live Matches to the public by telecommunication;  
and
  - b) authorize such acts.
17. In addition to the FIFA World Cup Qatar 2022, the Plaintiffs have held the rights to the FIFA World Cup since 2015, which notably included the FIFA World Cup 2018. The Plaintiffs also hold the rights to the FIFA Women's World Cup 2023, FIFA U-20 World Cup 2023 and 2025, FIFA Beach Soccer World Cup 2023 and 2025, FIFA Futsal World Cup 2024, FIFA U-20 Women's World Cup 2024 and 2026, FIFA U-17 Women's World Cup 2024 and 2026, and FIFA Confederations Cup 2025.

18. The Plaintiffs also produce other soccer related content that includes, *inter alia*, MLS matches. MLS is a men's professional soccer league sanctioned by the United States Soccer Federation, which represents the sport's highest level in the United States and Canada. The MLS league is comprised of twenty-eight (28) teams, including twenty-five (25) from the United States and three (3) from Canada (namely Montreal, Toronto, and Vancouver).
19. For the FIFA World Cup Qatar 2022, the Plaintiffs will broadcast the FIFA World Cup Live Matches in Canada through:
  - a) The following Plaintiffs' Stations: The TSN-branded discretionary stations (will likely include TSN1, TSN2, TSN3, TSN4, and/or TSN5), RDS-branded discretionary stations (which include RDS1 and RDS2), CTV-branded conventional stations, and Noovo-branded conventional stations.
  - b) The TSN, RDS, CTV, and Noovo Plaintiffs' Online Services only accessible from Canada.
20. Live sports events such as FIFA World Cup Live Matches 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 (i.e., the Plaintiffs in the case of the FIFA World Cup Live Matches).
21. During the FIFA World Cup 2018 tournament, a total of 25.8 million Canadian viewers, representing 72% of the Canadian population, tuned in at least at some point on CTV, TSN, and RDS. Over the course of the tournament, Canadians collectively watched a total of 200 million hours of coverage.
22. As mentioned at paragraph 14 above, given that Canada has qualified for the FIFA World Cup for the first time in thirty-six (36) years, the Plaintiffs expect an increase in viewership for the FIFA World Cup Qatar 2022 as compared to previous FIFA World Cups, as there is typically a significant increase in viewers when a Canadian team is participating in a sporting event.

23. The popularity of live sports events, including FIFA World Cup Live Matches, is also directly correlated with the popularity of FIFA World Cup-related programs (e.g., soccer-related talk-shows) broadcast on the Plaintiffs' Stations and Online Services, as consumers watching FIFA World Cup Live Matches on the Plaintiffs' Stations are typically the same consumers who watch pre- and post-game programs.
24. The Plaintiffs therefore devote a significant amount of resources to the development, production, acquisition, distribution, and promotion of FIFA World Cup Live Matches and FIFA World Cup-related programs. For instance, the costs associated with the licensing of FIFA World Cup broadcasting rights in Canada have been reported to be in the tens of millions per tournament. The unauthorized reproduction or communication to the public of FIFA World Cup Live Matches 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 FIFA World Cup Live Matches by Unauthorized Streaming Servers*
25. A significant number of Canadian consumers are turning to unauthorized, user-friendly, websites and services on the Internet ("**Piracy Streaming Platforms**") to access infringing live television content, including soccer content. Some Piracy 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").
26. Depending on the Piracy 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.

27. Unlike legitimate services, Piracy 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.
28. The exact manner in which Piracy 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 Piracy Streaming Platforms.
29. 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 if not hundreds of Piracy Streaming Platforms simultaneously, which may collectively be accessed by thousands of users.
30. The Plaintiffs have monitored Unauthorized Streaming Servers providing access to their TSN2, TSN4, RDS1, and RDS2 sports television stations and live sports events licensed to the Plaintiffs in Canada (e.g., MLS matches).
31. This monitoring has shown that over 99% 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 IP address (i.e., their operator is anonymous).
32. Additionally, Unauthorized Streaming Servers can appear, disappear, and change IP address between and during live sports events in order to remain inconspicuous and evade enforcement efforts by rightsholders.
33. Unauthorized Streaming Servers (and Piracy 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.

34. In these circumstances, it is exceedingly difficult for the Plaintiffs (or rightsholders in general) to identify operators of Unauthorized Streaming Servers.

***B) The Defendants***

35. The Defendants are operators of Unauthorized Streaming Servers providing unauthorized access in Canada to Plaintiffs' Stations that will broadcast FIFA World Cup Live Matches for the FIFA World Cup Qatar 2022, scheduled to take place between November 20 and December 18, 2022.

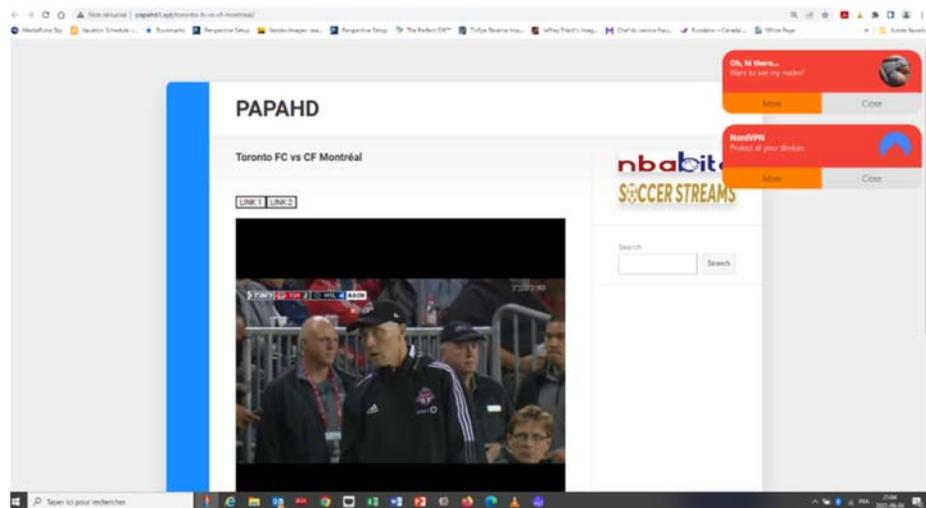
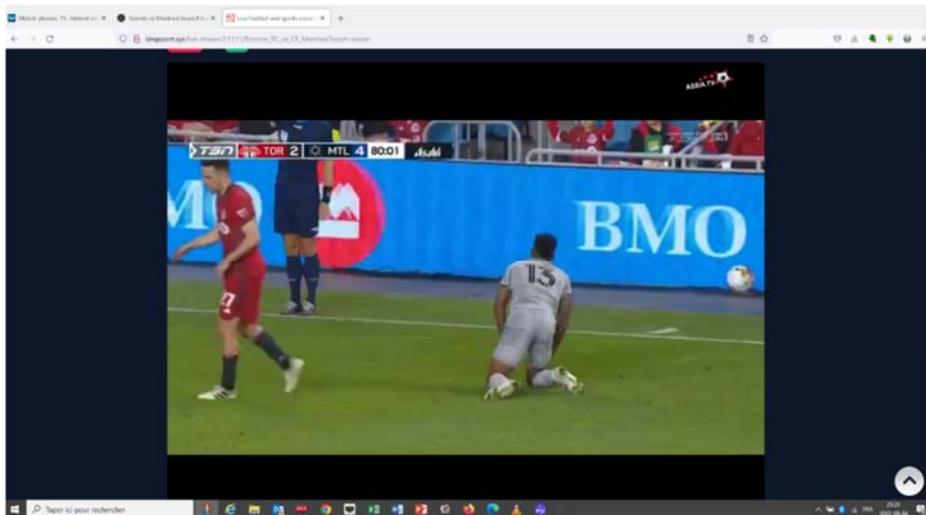
36. Defendant John Doe 1 is an unidentified person, whose address is unknown to the Plaintiffs, who operates, or has operated, a streaming infrastructure with a series of associated Unauthorized Streaming Servers located at IP addresses 185.232.52.10, 185.232.52.31, 185.232.52.4, 185.232.52.52, 185.233.186.71 and 185.255.120.89. These Unauthorized Streaming Servers notably provide or provided access in Canada to an unauthorized live stream of the Plaintiffs' TSN4 station, which will likely broadcast the FIFA World Cup Qatar 2022 in November and December 2022.

37. As it appears from the screen captures below with the date and time shown as UTC, on September 4, 2022 EDT, these Unauthorized Streaming Servers were broadcasting live Toronto v Montreal and San Jose v Vancouver MLS matches. Said Unauthorized Streaming Servers were physically located in the British Virgin Islands, Russia and the United Kingdom, and were hosted by hosting providers based in the British Virgin Islands and Ukraine.

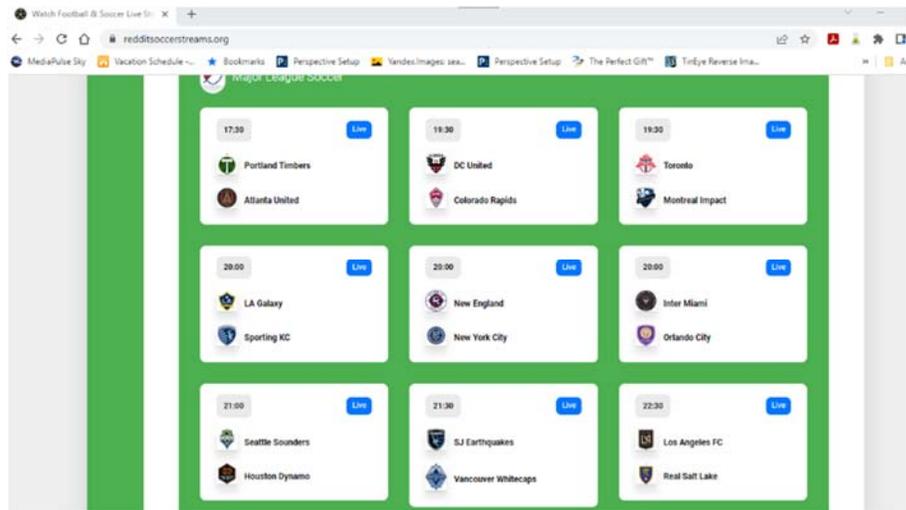
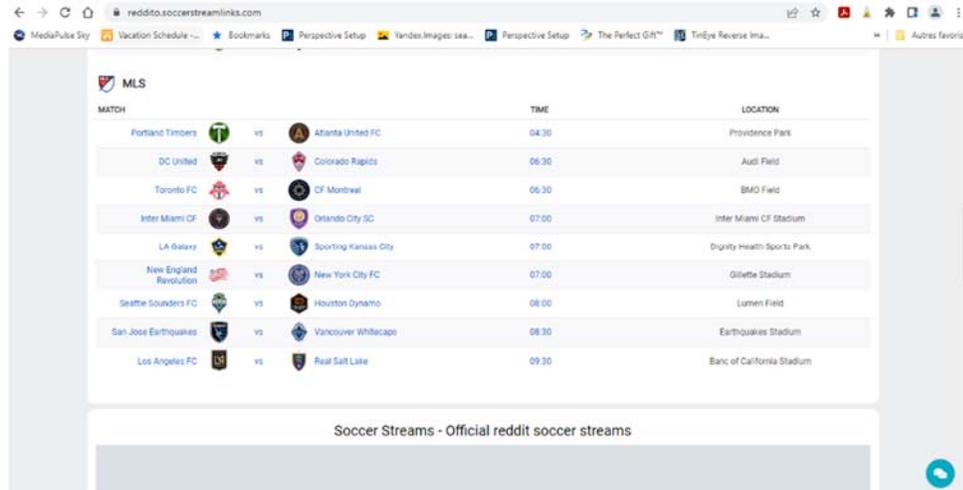


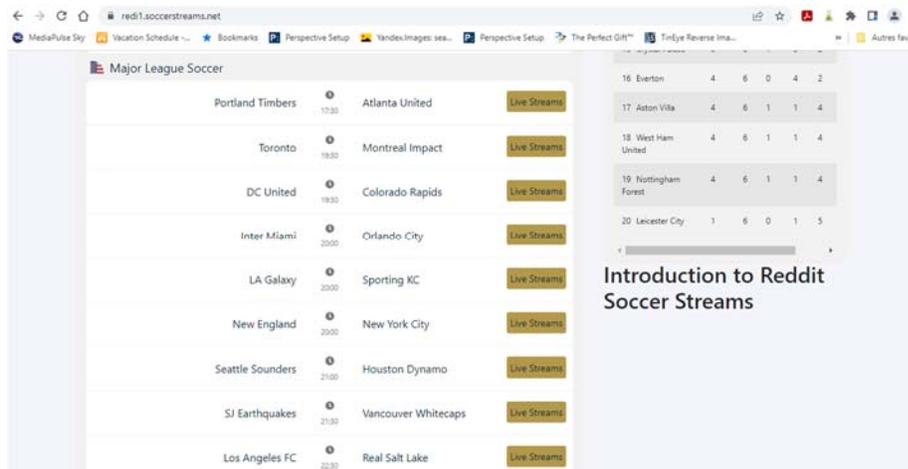


38. The unauthorized live stream of said MLS matches on September 4, 2022 from these Unauthorized Streaming Servers was accessible to the public through various Open Web Piracy Sites available in Canada, including those operated on the domains bingsport.xyz and papahd1.xyz / papahd.club, as illustrated below:



39. The unauthorized live stream of said MLS matches from these Unauthorized Streaming Servers was also accessible to the public through soccer-specific aggregator websites that assemble links to various Open Web Piracy Sites for a given soccer match, including the aggregator websites operated at domains soccerstreamlinks.com, redditsoccerstream.org, and soccerstream.net, as illustrated below:



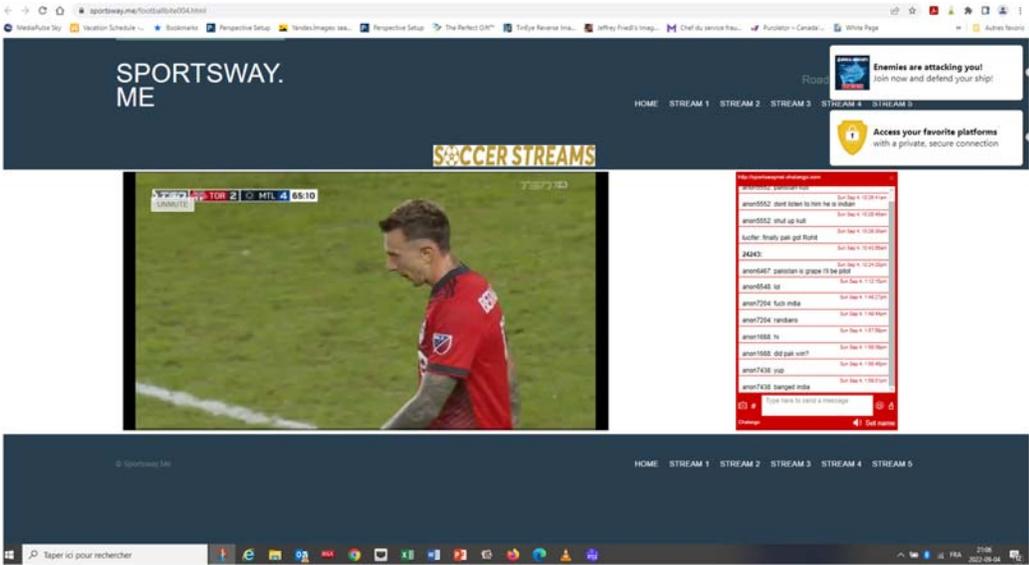


40. Defendant John Doe 2 is an unidentified person, whose address is unknown to the Plaintiffs, who operates, or has operated, a streaming infrastructure with a series of associated Unauthorized Streaming Servers located at IP addresses 185.53.89.214, 185.53.89.29, and 37.49.224.253. These Unauthorized Streaming Servers notably provide or provided access in Canada to an unauthorized live stream of the Plaintiffs' TSN4 station, which will likely broadcast the FIFA World Cup Qatar 2022 in November and December 2022.
  
41. As it appears from the screen captures below with the date and time shown as UTC, on September 4, 2022 EDT, these Unauthorized Streaming Servers were broadcasting live Toronto v Montreal and San Jose v Vancouver MLS matches. Said Unauthorized Streaming Servers were physically located in Belize, and were hosted by a hosting provider based in the same country.





42. The unauthorized live stream of said MLS matches on September 4, 2022 from these Unauthorized Streaming Servers was accessible to the public in Canada through the Open Web Piracy Site located at the domain sportsway.me as illustrated below, and through the aforementioned aggregator websites reddit.com/soccerstreams.org and reddit.com/soccerstreams.net.



43. All the Defendants operate their Unauthorized Streaming Servers similarly to Defendants John Doe 1 and John Doe 2, including in the form of Unauthorized Subscription Services, such as IPGuys, OK2, Comstar and TV Smarters, that provide continuous unauthorized access in Canada to Plaintiffs' Stations that will broadcast FIFA World Cup Live Matches for the FIFA World Cup Qatar 2022.

C) ***The Defendants' Operation of Unauthorized Streaming Servers Providing Unauthorized Access to Stations that will Broadcast FIFA World Cup Live Matches Infringes the Plaintiffs' Exclusive Rights Therein***

44. As described above, the Defendants operate Unauthorized Streaming Servers that allow users to obtain immediate and unauthorized access to Plaintiffs' Stations that will broadcast FIFA World Cup Live Matches for the FIFA World Cup Qatar 2022 in Canada.
45. The Defendants do not merely provide content-neutral means of telecommunication, but rather directly and actively engage in the above acts of infringement and in the selection of the live content that is distributed through their Unauthorized Streaming Servers.
46. The Defendants take steps to obtain unauthorized streams of the Plaintiffs' Stations, to make these streams available through their Unauthorized Streaming Servers, and to make these Unauthorized Streaming Servers available to end-users, including through Piracy Streaming Platforms.
47. Due to the availability of these Unauthorized Streaming Servers, users have or will have the ability to easily watch the FIFA World Cup Live Matches for the FIFA World Cup Qatar 2022 on user-friendly platforms without compensating the Plaintiffs or otherwise accessing that live content through authorized distribution channels.
48. 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, the Plaintiffs' Stations or FIFA World Cup Live Matches to the public.
49. By engaging in these acts, the Defendants communicate or will communicate these FIFA World Cup Live Matches to the public by telecommunication in Canada, thereby infringing the Plaintiffs' exclusive rights in the FIFA World Cup Live Matches contrary to sections 3(1)(f), 27(1), and 27(2.3) of the *Copyright Act*.
50. The Defendants also induce and authorize operators of Piracy Streaming Platforms to infringe the Plaintiffs' rights by making unauthorized communications of these FIFA World Cup Live Matches to the public by telecommunication, contrary to sections 3(1)(f) and 27(1), and 27(2.3) of the *Copyright Act*.

51. As holders of a copyright interest in all FIFA World Cup Live Matches in Canada, the Plaintiffs suffer significant losses and damages as a result of the Defendants' infringing activities.
52. 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, and performed, and causing incalculable losses in distribution revenues related to the FIFA World Cup Live Matches and other FIFA World Cup-related content.
53. Unless restrained by this Honourable Court, the Defendants will continue their aforesaid infringing activities and the Plaintiffs will continue to suffer damages.
54. 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.
55. The Plaintiffs propose that this action be tried in Montreal, Quebec.

DATED AT Montreal, Quebec, on September 14, 2022

**(S) SMART & BIGGAR LLP**

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