Court File No. T-743-24

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.
FUBOTV INC.

Applicants

- and -

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

Respondents

- and -

BELL CANADA
BRAGG COMMUNICATIONS INC. dba EASTLINK
COGECO CONNEXION INC.
FIDO SOLUTIONS INC.
ROGERS COMMUNICATIONS CANADA INC.
SASKATCHEWAN TELECOMMUNICATIONS
TEKSAVYY SOLUTIONS INC.
TELUS COMMUNICATIONS INC.
VIDEOTRON LTD.
2251723 ONTARIO INC. dba VMEDIA

Third Party Respondents

PUBLIC REPORT

PURSUANT TO THE JUDGMENT DATED JULY 9, 2024

STATEMENT OF ISSUE(S)

One Key Issue: **Review and verify** the application of the criteria by the Applicants' Agent for the identification of IP addresses for blocking, and criteria applied that resulted in them being notified for blocking;

INTRODUCTION AND SUMMARY

1) We were able to review and independently verify the criteria used by FMTS to select IP addresses for inclusion in the blocklist from July 2025 to June 2026. The IP addresses associated with the distribution of the following sports content were included in the blocklists: National Hockey League (NHL), National Basketball Association (NBA), Premier League (PL), Ultimate Fighting Championship (UFC), Major League Baseball (MLB), International Ice Hockey Federation World Junior Championships (IIHF), and Fédération Internationale de Football Association (FIFA). We confirmed that 10,191 unique IP addresses were valid matches.

QUALIFICATIONS

2) I am a partner at the Toronto, Ontario, law firm of Lipkus Law LLP. The principal focus of my practice is in the area of intellectual property.

3) I received my Juris Doctor from the University Of Detroit Mercy School Of Law in 2008. I received a BA in Honours Philosophy: Reasoning and Ethics in 2005 from The University of Western Ontario. I became a member of the New York State Bar in March, 2009. I was called to the Ontario Bar in January, 2010.

4) I have conducted training sessions, workshops and lectures on intellectual property enforcement for various regional, municipal and Federal police forces, representatives of Canada Border Services Agency, private investigators, and various professional organizations.

5) I have also regularly attended lectures, seminars and conferences on a variety of counterfeiting issues conducted by our firm and various intellectual property rights holders, including the International Anti-Counterfeiting Coalition (IACC), the largest international organization devoted solely to combating product counterfeiting and piracy and the International Trademark Association.

6) I regularly review jurisprudential developments in the field of Anton Piller Orders, and I am very much aware of the jurisprudence of this Honourable Court on Anton Piller Orders. I am mindful of the importance of respecting the rights of the person(s) on which an Anton Piller Order is executed including third parties in attendance during the execution of an Anton Piller Order, and take my responsibilities as an officer of the court in this regard very seriously.

7) I have executed several Anton Piller Orders granted by this Honourable Court and the Superior Court of Justice in Ontario as an independent supervising solicitor.

8) My work as an independent supervising solicitor in the *Tracey Clancey et al v. Tanvir Farid* matter (file number CV-17-587516) was commented on by the Honourable Justice Pattillo at paragraph 36 of his endorsement:

"I am satisfied, based on the material filed, that the APO was conducted in accordance with the terms of both the APO/Injunction Order and the December 11, 2017 Order extending it. I find that at all material times, the ISS and those accompanying him as authorized by the APO acted in both a courteous and professional manner at all times towards Farid."

9) On behalf of my clients, I am involved with the removal of tens of thousands of online listings that include infringing content. I have been provided with access to (and utilization of) numerous third-party provider software, to assist with these intellectual property takedowns efforts. Additionally, I regularly review the policies of Registries, Registrars, ISPs, social media platforms, marketplaces and other intermediaries as it relates to intellectual property infringement.

10) Attached hereto and marked as Schedule A is a copy of my Curriculum Vitae including my rankings, speaking engagements, publications and memberships.

DISCUSSION

Review and verify the application of the criteria by the Applicants' Agent for the identification of IP addresses for blocking:

11. The Applicants' Agent (Friend MTS Limited ("**FMTS**")) searches for and identifies unauthorized copies of Protected Live Content (as defined below) by using proprietary [redacted]

13. Further, FMTS reports to the hosting provider on a daily basis whenever one or more of their servers are blocked so they can advise their customer (pirate streaming operator) and any complaint relating to the Applicants' requests can be raised by the hosting provider and/or the customer (pirate streaming operator).

[redacted]

Review and Verification:

15) To facilitate our review and verification of the criteria for identifying IP addresses for blocking (including its application of the criteria set out in Confidential Schedule 2), FMTS provided us with spreadsheets containing all IP addresses on the blocklists, and timestamps indicating when they were added to the blocklist, among other things. In total, 109,400 IP addresses were added to the blocklists from July 2025 to June 2026. The information and documentation will remain on FMTS' portal for at least one year, and will be accessible to us in the event we are required to produce any additional information concerning our review and verification.

Breakdown of IP addresses/Media Segments Provided by FMTS:

Below is a chart displaying the number of IP addresses/media segments provided by FMTS from July 2025to June 2026, per Rights Owner.

Rights Owner	Total IP Addresses Provided by FMTS
Premier League (PL)	44,513
National Basketball Association (NBA)	19,706
National Hockey League (NHL)	25,724
Ultimate Fighting Championship (UFC)	5,894
Major League Baseball (MLB)	7,329
Fédération Internationale de Football Association (FIFA)	5,553
International Ice Hockey Federation World Junior Championships (IIHF)	681
TOTAL:	109,400

16) When verifying these criteria, we used sample sets of unique IP addresses. These unique IP addresses were obtained by removing duplicate occurrences of IP addresses from the blocklists, leaving only the unique IP addresses per rights owner. In total, there

were 47,949 instances where the IP addresses were verified and confirmed to meet blocking criteria (A breakdown chart can be seen in paragraph 25). The 47,949 instances were further refined to identify the number of unique IP addresses across all rights owners, resulting in a total sample of 9,841 unique IP addresses.

Time Limits

17) Pursuant to the terms of the Judgment, IP addresses added to the blocklist are those determined by FMTS to be part of streaming infrastructure making the Protected Live Content available without authorization during the NHL, NBA, PL, UFC, MLB, IIHF, and FIFA Protected Live Content Windows, as well as during the Pre-Monitoring Period.

Verification:

18) Reviewing the blocklist, we confirmed that all 9,841 unique IP addresses were added to the blocklist during the NHL, NBA, PL, UFC, MLB, IIHF and FIFA Protected Live Content Windows, as well as during the Pre-Monitoring Period.

[redacted]**Proprietary Technology**

19) FMTS uses proprietary [redacted] technology which allows it to compare available content to legitimate samples of NHL, NBA, PL, UFC, MLB, IIHF and FIFA live sports events (referred to herein as "**Protected Live Content**"). When matches are detected, the IP addresses of the source and associated streaming infrastructure are flagged for potential inclusion in the blocklist. Screenshots and video footage of the matched content are retained and were made available, along with thumbnail images of the identified content and the legitimate sample content it was found to match.

Verification

20) To verify that the Protected Live Content was properly identified, we reviewed all matches that resulted in blocklist entries for the 9,841 unique IP addresses. Only blocklist entries added during the Pre-Monitoring Period and Protected Live Content Windows were reviewed. Some of the 9,841 unique IP addresses were found to be associated with multiple matches throughout the Pre-Monitoring Period and Protected Live Content

Windows. In total, the selection included 47,949 instances of IP addresses confirmed to meet blocking criteria, corresponding to the 9,841 unique IP addresses.

21) Our validity checking involved visual review of thumbnail images, screenshots, and video captured from online video streams for each, and comparing them to reference images of the Protected Live Content this streaming content was matched against.

22) Additionally, from our review of the 9,841 unique IP addresses, 1,650 IP Addresses related to [redacted] Our validity checking relating to these 1,650 IP Addresses involved visual review of thumbnail images, screenshots, and video captured from the [redacted], and comparing them to reference images of the Protected Live Content this streaming content was matched against. The total count of 1,650 was refined to display unique IP addresses associated with [redacted] across all rights owners, resulting in a total of 670 verified unique IP addresses.

23) We confirmed that 9,841 unique IP addresses were valid matches.

Breakdown of Verified IP Addresses per Rights Owner

24) Below is a cumulative breakdown of verified IP addresses and [redacted] per rights owner. This breakdown is based on the 47,949 verified IP address segments recorded between July 2025 and June 2026.

Rights Owner	Total Verified IP Addresses	[redacted]
Premier League (PL)	17,891	1,206
National Basketball Association (NBA)	9,113	768
National Hockey League (NHL)	10,689	834
Ultimate Fighting Championship (UFC)	4,116	366
Major League Baseball (MLB)	3,864	349

Fédération Internationale de Football Association (FIFA)	1,925	124
International Ice Hockey Federation World Junior Championships (IIHF)	351	50
TOTAL	47,949	3,697

25) Below is a cumulative breakdown of unique verified IP addresses per rights owner (duplicate IP addresses removed once more). This breakdown is based on the unique verified IP address segments recorded between July 2025 and June 2026.

Rights Owner	Total Unique Verified IP Addresses	Total Unique [redacted]
Premier League (PL)	7,314	540
National Basketball Association (NBA)	3,567	270
National Hockey League (NHL)	3,749	280
Ultimate Fighting Championship (UFC)	1,881	173
Major League Baseball (MLB)	2,179	213
Fédération Internationale de Football Association (FIFA)	1,925	124
International Ice Hockey Federation World Junior Championships (IIHF)	351	50
TOTAL	20,966 (refined to 9,841 after removal of duplicates)	1,650 (refined to 670 after removal of duplicates)

Identification of Additional Unauthorized Content (pirated material)

26) FMTS indicated to us that it performs a [redacted] to the streaming sources. Additionally, it indicated to us that in its experience with online streaming services, it is [redacted]

Verification

27) [redacted]

Determination of Absence of Legitimate Usage

28) FMTS indicated that not only does it use its knowledge of the online infringing video stream technologies to make a determination that a target IP address is unlikely to have any legitimate usage, it also uses [redacted] to confirm this in cases where the Protected Live Content is found on [redacted] This involves [redacted] which determine if there is a [redacted] Only if all [redacted] indicate there is no [redacted] can it be added to the blocklist.

29) In order to avoid [redacted]

Verification

30) [redacted] that were associated with pirate streaming services, and were found by FMTS to pass all tests indicating there is no legitimate usage and the IP addresses can be added to the blocklist.

[redacted]

31) FMTS indicates that in order for an IP address identified during the proprietary process to be added to the blocklist, it must be assigned to [redacted] meeting both of the following two conditions:

[redacted]

33) There are [redacted]

Verification

[redacted]

David S Lipkus

Date: October 22, 2026

David S. Lipkus
LSO#57890B

lipkus.law
is in our DNA



David S. Lipkus has dedicated his practice to stopping infringers from using or reproducing his clients' intellectual properties without permission in Canada, and online.

Mr. Lipkus principal focus is on intellectual property brand protection for trademarks, copyrights and industrial designs, insurance defence litigation including defence of professionals (solicitors and paralegals) as well as civil and commercial litigation.

Mr. Lipkus has extensive experience in these areas and has appeared as counsel in Small Claims Court, Superior Court of Justice, Federal Court, Federal Court of Appeal, Divisional Court and the Court of Appeal for Ontario. Mr. Lipkus has testified before the Canadian Parliament at the House of Commons and Senate on strengthening anti-counterfeiting laws and procedures in Canada.

Ranking and Recognition

IAM and WTR Global IP Awards 2024 - Anti-counterfeiting Firm of the Year (North America)

Selected by his peers for inclusion in The Best Lawyers in Canada in the field of Intellectual Property Law (since 2016)

Selected by Chambers Canada and Chambers Global (since 2025)

Selected by the World Trademark Review 1000 (Gold Band) Canadian Anti-Counterfeiting Lawyer– The Definitive Guide to Trademark Legal Services, which identifies the firms and individuals, by country, that are setting the industry benchmark for trademark legal services (since 2016)

Recipient of an Award in Recognition of Outstanding Contribution to the Toronto Police Service and the Community by the Toronto Police Service (2014)

Training Sessions, Lectures and Publications

Mr. Lipkus regularly conducts web based training of law enforcement throughout the year on behalf of several brand holders. He is active in educating law enforcement, customs, investigators and others about the impact of piracy\counterfeiting; particularizing ways in which to distinguish between authentic and pirated\counterfeit products; outlining techniques to assist law enforcement in obtaining criminal search warrants; and assisting law enforcement on behalf of brand owners in identifying and prosecuting criminal cases.

Since joining the firm, Mr. Lipkus manages all internet based counterfeiting investigation and enforcement. Mr. Lipkus regularly speaks at conferences dealing with a variety of subject matters and has lectured to lawyers, paralegals, law enforcement and other professionals.

Mr. Lipkus has lectured on brand protection and counterfeiting matters at various educational meetings and conferences, including:

- ASIS Toronto
- Atlantic Forum on Contraband Tobacco

- Brazilian Intellectual Property Association
- CBC Marketplace
- Canada Border Services Agency (CBSA)
- Canadian Anticounterfeiting Network (CACN)
- Canadian Bar Association (CBA)
- Canadian Cosmetic, Toiletry and Fragrance Association (CCTFA)
- Canadian Forum Against Organized Crime
- Canadian Intellectual Property Council (CIPC)
- Canadian Standards Association
- Canadian International Internet Dispute Resolution Centre (CIIDRIC)
- C.O. Bick College
- Comic-Con San Diego
- Conestoga College, Law and Security Administration Program
- Council of Professional Investigators Ontario (CPIO)
- Crime Stoppers International
- Franklin Pearce School of Law
- Georgia State University College of Law
- International Anti-Counterfeiting Coalition (IACC)
- Intellectual Property Institute of Canada (IPIC)
- International Trademark Association (INTA)
- Institute of Internal Auditors
- Imaging Supplies Coalition (ISC)
- IQPC – Anti-Counterfeiting Summit
- Kestenberg Siegal Lipkus LLP Fraud and Anti-Counterfeiting Conferences
- The Law Society of Ontario
- McGill University/IPIC
- Mohawk College
- National Cyber Forensics & Training Alliance (NCFTA)
- Ontario Bar Association
- Osgoode Hall Fashion Law Society
- Retail Council of Canada
- Seneca College
- The Embassy of Canada
- York University
- University of Miami Law

Publications:

- The Brand Protection Professional: A Practitioner's Journal (June 2018): If You Build It, They Will Come: Canada Needs an IP Coordination Center
- Social Media and Internet Law (2nd Edition): Chapter 17 - IP Litigation of Counterfeit Goods, LexisNexis Canada
- Anti-counterfeiting 2012-2021 - "A Global Guide", 'Canada', World Trademark Review
- Canadian Forms & Precedents – Debtor/Creditor 2nd Edition, LexisNexis Canada

Memberships

- International Anti-Counterfeiting Coalition (**IACC**) – Former Chair of the Social Networking Task Force - Internet Committee
- International Trademark Association (**INTA**)
  - 2022-2023 –Chair of the Online Counterfeiting Project Team – Anti-counterfeiting Committee
  - 2018-2019 - Chair of the Canada sub-committee of the Anti-counterfeiting Committee

- Intellectual Property Institute of Canada (**IPIC**)
  - 2020-2021 – Chair of the Internet and Technology Committee
  - The Advocate's Society
  - Ontario Bar Association
  - Canadian Bar Association

Education/Background

David S. Lipkus received his Juris Doctor from the University Of Detroit Mercy School Of Law in 2008. Mr. Lipkus received his BA in Honours Philosophy: Reasoning and Ethics in 2005 from The University of Western Ontario. Mr. Lipkus became a member of the New York State Bar in March, 2009. Mr. Lipkus was called to the Ontario Bar in January, 2010. He was a member of Kestenberg Siegal Lipkus LLP on a full-time basis since August, 2008, becoming a partner in January, 2015. Co-founded with Lorne Lipkus on January 1, 2023, Lipkus Law LLP commenced providing legal services.