

Federal Court



Cour fédérale

Date: 20220223

Docket: T-800-17

Ottawa, Ontario, February 23, 2022

PRESENT: The Honourable Madam Justice Rochester

BETWEEN:

**BELL CANADA
BELL EXPRESSVU LIMITED PARTNERSHIP
BELL MEDIA INC.
VIDÉOTRON LTÉE
GROUPE TVA INC.
ROGERS COMMUNICATIONS CANADA INC.
ROGERS MEDIA INC.**

**Plaintiffs/
Defendants by Counterclaim**

and

ADAM LACKMAN DBA TVADDONS.AG

**Respondent/
Plaintiffs by Counterclaim**

JUDGMENT

UPON review of the informal request by way of letter from the Plaintiffs dated February 18, 2022, with the consent of the Defendant Adam Lackman doing business as TVAddons.ag, confirming an agreement resolving the matter and requesting the issuance of a judgment on consent;

AND UPON the filing by the Plaintiffs and the Defendant of a Consent for the issuance of a judgment in the form provided;

AND UPON considering the Parties' request and the form provided;

1. **THIS COURT DECLARES THAT** the Defendant Adam Lackman dba TVAddons.ag:

(a) has communicated television programs for which the Plaintiffs own the Canadian right to communicate to the public by telecommunication (the “**Plaintiffs Programs**”) to the public by telecommunication, including by directly or indirectly participating in the development, hosting, distribution or promotion of Kodi add-ons that provide users with unauthorized access to the Plaintiffs Programs (“**Infringing Add-ons**”), consequently infringing the Plaintiffs copyright in the Plaintiffs Programs, contrary to sections 3(1)(f) and 27(1) of the *Copyright Act*;

(b) has made the Plaintiffs Programs available to the public by telecommunication in a way that allows members of the public to have access to them from a place and at a time individually chosen by them, including by directly or indirectly participating in the development, hosting, distribution or promotion or Infringing Add-ons, consequently infringing the Plaintiffs copyright in the Plaintiffs Programs, contrary to sections 2.4(1.1) and 3(1)(f) and 27(1) of the *Copyright Act*;

(c) has induced and authorized users of Infringing Add-ons to initiate acts of infringement of the Plaintiffs’ right to communicate the Plaintiffs Programs to the public by telecommunication, by directly or indirectly participating in the development, hosting, distribution or promotion or Infringing Add-ons by contrary to sections 3(1)(f) and 27(1) of the *Copyright Act*;

2. **THIS COURT ISSUES** a permanent injunction enjoining and restraining the Defendant Mr. Lackman, by himself or by his employees, representatives and agents, or by any company, partnership, trust, entity or person under his authority or control, or with which he is associated or affiliated, from directly or indirectly:

(a) communicating the Plaintiffs Programs to the public by telecommunication, including by directly or indirectly participating in the development, operation,

maintenance, updating, hosting, distribution or promotion or Infringing Add-ons, of the “FreeTelly” application, of the “Indigo” tool, or of any similar software application or tool, including through the operation the websites www.tvaddons.ag, www.offshoregit.com, or of any other website providing similar services;

- (b) making the Plaintiffs Programs available to the public by telecommunication in a way that allows members of the public to have access to them from a place and at a time individually chosen by them, including by directly or indirectly participating in the development, operation, maintenance, updating, hosting, distribution or promotion or Infringing Add-ons, of the “FreeTelly” application, of the “Indigo” tool, or of any similar software application or tool, including through the operation the websites www.tvaddons.ag, www.offshoregit.com, or of any other website providing similar services;
- (c) inducing and/or authorizing anyone to initiate or facilitate acts of infringement of the Plaintiffs’ rights to communicate the Plaintiffs Programs to the public by telecommunication, including by directly or indirectly participating in the development, operation, maintenance, updating, hosting, distribution or promotion or Infringing Add-ons, of the “FreeTelly” application, of the “Indigo” tool, or of any similar software application or tool, including through the operation the websites www.tvaddons.ag, www.offshoregit.com, or of any other website providing similar services;
- (d) participating in the development, operation, maintenance, updating, hosting, distribution or promotion of any Infringing Add-ons, of the software application “FreeTelly”, of the “Indigo” tool, or of any similar software application or tool;
- (e) operating the websites www.tvaddons.ag, www.offshoregit.com, or any other website providing similar services;

3. **THIS COURT ORDERS** the Defendant Mr. Lackman to pay the Plaintiffs the amount of twenty-five million dollars (\$25,000,000) in the form of a lump sum for damages, profits, punitive and exemplary damages, and costs.
4. **THIS COURT AUTHORIZES** the bailiffs and independent supervising solicitor, with the assistance of computer forensic experts, to transfer to the Plaintiffs custody of the evidence copied in the context of the execution of the interim order dated June 9, 2017, and of the login credentials, accounts, domains, subdomains and servers transferred in the context of the execution of the interim order.
5. The present Judgment resolves the dispute between the Plaintiffs and the Defendant, as defined in the pleadings.

"Vanessa Rochester"

Judge