

COMPETITION TRIBUNAL

BETWEEN

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE	
FILED / PRODUIT	
March 7, 2015 CT-2015-014	
Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 18

STARGROVE ENTERTAINMENT INC.

Applicant

- and -

**SONY/ATV MUSIC PUBLISHING CANADA CO.,
SONY MUSIC ENTERTAINMENT CANADA INC.,
ABKCO MUSIC & RECORDS, INC.,
CASABLANCA MEDIA PUBLISHING, and
CANADIAN MUSICAL REPRODUCTION RIGHTS AGENCY LTD.**

Respondents

**NOTICE OF MOTION
FOR LEAVE TO INTERVENE**

TAKE NOTICE THAT the Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic the Moving Party, will make a motion to the Competition Tribunal (the “Tribunal”) in writing under Rule 42 of the Competition Tribunal Rules.

1. **THE MOTION IS FOR AN ORDER:**

- (a) granting the Moving Party leave to intervene under section 9(3) of the *Competition Tribunal Act*, R.S.C., 1985, c. 19 (2nd Supp.).
- (b) an Order that the Moving Party will not seek costs, nor have any costs awarded against it unless it unduly and unreasonably delays the proceeding; and

such further and other relief as this Honourable Court may consider just and equitable in the circumstances.

2. **THE GROUNDS FOR THE MOTION ARE:**

- (a) the Application raises the issue of whether and to what extent the Respondents violated the price maintenance provisions of section 76 of the *Competition Act* and the impact on Canadian copyright law. These issues are of great public importance and transcend the private interests of the parties;
- (b) the Moving party has a great deal of institutional experience, specialized knowledge and expertise in the important issues that will be before the Tribunal in this Application. Specifically, it has had numerous occasion to examine the scheme and structure of Canadian copyright law. This expertise will allow it to assist the Tribunal in the present Application;
- (c) the Moving Party will file its submissions in a timely manner;
- (d) the intervention of the Moving Party will not prejudice any existing parties;
- (e) section 9(3) of the *Competition Tribunal Act*; and
- (f) rule 42 of the *Competition Tribunal Rules*, SOR/2008-141.

3. **THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED AT THE HEARING OF THE MOTION:**

- (a) the Affidavit of Tamir Israel, sworn March 4, 2016 ;
- (b) the motion for leave to intervene; and
- (c) such further and other material as counsel may advise and this Honourable Court may permit.

March 4, 2016.



Samuelson-Glushko Canadian Internet

Policy & Public Interest Clinic (CIPPIC)

University of Ottawa, Faculty of Law
Common Law Section
57 Louis Pasteur St.
Ottawa, Ontario, K1N 6N5

David Fewer LSUC # 45307C
Tel.: 613-562-5800 ext. 2558
Fax: (613) 562-5417

Counsel for the Moving Party
Samuelson-Glushko Canadian Internet Policy &
Public Interest Clinic (CIPPIC)

TO: WEIRFOULDS LLP
Barristers & Solicitors
4100 - 66 Wellington Street
West
P.O. Box 35, Toronto-Dominion
Centre
Toronto, ON M5K 1B7

Nikiforos Iatrou
aniatrou@weirfoulds.com
Tel: 416-947-5072, Fax: 416-365-1876

Scott McGrath
Tel: 416-947-5038, Fax: 416-365-1876
smcgrath@weirfoulds.com

Bronwyn Roe
broe@weirfoulds.com
Tel: 416-947-5051, Fax: 416-365-1876

Counsel for the Applicant

AND TO: DIMOCK STRATTON LLP
20 Queen Street West, 32nd
Floor
Toronto, ON M5H 3R3

Sangeetha Punniamoorthy
spunniamoorthy@dimock.com
Tel: 647-288-9536, Fax: 416-971-6638

Thomas Kurys
tkurys@dimock.com
Tel: 647-288-9551, Fax: 416-971-6638

Counsel for the Applicant

AND TO: OSLER, HOSKIN & HARCOURT LLP
100 King Street West
1 First Canadian Place
Suite 6200, P.O. Box 50
Toronto, ON M5X 1B8

Mahmud Jamal
Tel: 416-862-6764; Fax: 416-862-6666
mjamal@osler.com

Peter Franklyn
Tel: 416-862-6494; Fax: 416-862-6666
pfranklyn@osler.com

**Counsel for the Respondents Sony/ATV Music
Publishing Canada Co. and Sony Music Entertainment
Canada Inc.**

AND TO: AFFLECK GREENE MCMURTRY LLP
365 Bay Street, Suite 200
Toronto, ON M5H 2V1

W. Michael G. Osborne
Tel: 416-360-5919; Fax: 416-360-5960
mosborne@agmlawyers.com

Wendy Sun
Tel: 416-360-1485; Fax: 416-360-5960
wsun@agmlawyers.com

**Counsel for the Respondents ABKCO Music & Records,
Inc. and Casablanca Media Publishing**

AND TO: CASSELS BROCK & BLACKWELL LLP
Suite 2100, Scotia Plaza
40 King Street West
Toronto, ON M5H 3C2

Chris Hersh
Tel: 416-869-5387; Fax: 416-640-3017
chersh@casselsbrock.com

Casey Chisick
Tel: 416-869-5403; Fax: 416-644-9326
cchisick@casselsbrock.com

**Counsel for the Respondent Canadian Musical
Reproduction Rights Agency Ltd.**