

COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34 (the “**Act**”);

AND IN THE MATTER OF an application by Stargrove Entertainment Inc. for an order pursuant to section 103.1 of the Act granting leave to bring an application under sections 75, 76, and 77 of the Act;

AND IN THE MATTER OF an application by Stargrove Entertainment Inc. for an order pursuant to sections 75, 76, and 77 of the Act;

AND IN THE MATTER OF an application by Stargrove Entertainment Inc. for an order pursuant to section 104 of the Act;

BETWEEN:

COMPETITION TRIBUNAL TRIBUNAL DE LA CONCURRENCE FILED / PRODUIT November 20, 2015 CT-2015-009 <small>Jos LaRose for / pour</small> REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 62

STARGROVE ENTERTAINMENT INC.

Applicant

- and -

**UNIVERSAL MUSIC PUBLISHING GROUP CANADA,
 UNIVERSAL MUSIC CANADA INC.,
 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

AFFIDAVIT OF JUDY G. NAIBERG

I, Judy G. Naiberg, of the City of Toronto, in the Province of Ontario, affirm as follows:

1. I am the Vice President, Legal & Business Affairs of Sony Music Entertainment Canada Inc. (“Sony Music Canada”), and as such I have personal knowledge of the matters referred to in this affidavit, except where my knowledge is stated to be on information and belief, which I believe to be true.

2. Sony Music Canada is record label. It is in the business of discovering and developing recording artists and the release, exploitation, and distribution of recorded music in Canada. It owns or controls rights in master recordings.

3. Sony Music Canada is not a music publisher. It does not own or control any copyright rights in musical works. As a result, even if this Tribunal were to grant the orders sought by the Application – namely, to require the Respondents to issue mechanical licenses in respect of copyrighted musical works – Sony Music Canada would simply be unable to comply with any such order as it does not own copyright in any musical works.

4. Sony Music Canada does not otherwise accept the allegations stated in Stargrove's application and reserves the right to dispute those allegations if and when the Tribunal grants leave to commence a private application.

AFFIRMED BEFORE ME at the City of Toronto, in the Province of Ontario on October 6th, 2015.



Commissioner for Taking Affidavits
(or as may be)



JUDY G. NAIBERG