

File No. CT-2015-

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 August 28, 2015 CT-2015-009 Jos LaRose for / pour REGISTRAR / REGISTRAIRE	
OTTAWA, ONT	# 1

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

NOTICE OF APPLICATION FOR LEAVE

(Pursuant to section 103.1 of the *Competition Act*)

TAKE NOTICE THAT:

1. The Applicant will make an application to the Competition Tribunal (“**Tribunal**”) on a date and time to be set by the Tribunal at Ottawa or Toronto, Ontario pursuant to Section 103.1 of the *Competition Act* (the “**Act**”) seeking leave to bring an application for:
 - (a) an Order pursuant to section 75(1) of the Act requiring the Respondents to accept the Applicant as a customer within 15 days of the Tribunal's order, on the same standard trade terms applicable to other applicants to the Canadian Musical Reproduction Rights Agency Ltd.;
 - (b) an Order pursuant to section 76(2) of the Act prohibiting the Respondents from continuing to engage in the practices that form the basis of this Application;
 - (c) an Order pursuant to section 76(2) of the Act requiring the Respondents to accept the Applicant as a customer within 15 days of the Tribunal's order, on the same standard trade terms applicable to other applicants to CMRRA;
 - (d) an Order pursuant to section 76(8) of the Act prohibiting the Respondents from continuing to engage in the practices that form the basis of this Application;
 - (e) an Order pursuant to section 76(8) of the Act requiring the Respondents to accept the Applicant as a customer within 15 days of the Tribunal's order, on the same standard trade terms applicable to other applicants to CMRRA;

- (f) an Order pursuant to section 77(2) of the Act prohibiting the Respondents from continuing to engage in exclusive dealing;
- (g) an Order pursuant to section 77(2) of the Act requiring the Respondents to accept the Applicant as a customer within 15 days of the Tribunal's order, on the same standard trade terms applicable to other applicants to CMRRA;
- (h) an Order expediting the hearing of the within Application;
- (i) an Order for costs, if the within Application is opposed; and
- (j) such further and other orders as the Applicant may request and the Tribunal deems just.

AND TAKE NOTICE THAT:

2. Concurrently with its Application for Leave, the Applicant will seek an interim order under section 104 of the Act requiring the Respondents to grant mechanical licences to the Applicant on the usual terms associated with the granting of said licences through CMRRA, lasting until a final decision is made on the Applicant's Application for Leave pursuant to s. 103.1 of the Act or, if the Application for Leave is granted, until a final decision is made on the Proposed Notice of Application pursuant to ss. 75, 76, and 77 of the Act.
3. The persons against whom the orders are sought are the Respondents: 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.
The Respondents' addresses are set out below.

4. The Applicant will rely on the Statement of Grounds and Material Facts attached as Schedule "A" to the Proposed Notice of Application; the Affidavit of Terry Perusini, sworn August 26, 2015; the Affidavit of Mario Bouchard, sworn August 27, 2015; the Memorandum of Fact and Law accompanying this Application; and such further or other material as counsel may advise and the Tribunal may permit.
5. The Applicant requests that this Application be heard in the English language.
6. The Applicant requests that the documents for this Application be filed in electronic form.
7. Dated at Toronto this 28th day of August, 2015.



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Competition Tribunal**
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Tel: 613-957-7851
Fax: 613-952-1123
- AND TO: John Pecman
Commissioner of Competition**
Competition Bureau
50 Victoria Street
Gatineau, QC K1A 0C9
Tel: 819-997-4282
Fax: 819-997-0324
- AND TO: Universal Music Publishing Group Canada**
(A Division of Universal Music Canada Inc.)
2450 Victoria Park Avenue, Suite 1
Toronto, ON M2J 5H3
Tel: 416-718-4000
Fax: 416-718-4224
- AND TO: Universal Music Canada Inc.**
(A Division of Universal Music Group)
2450 Victoria Park Avenue, Suite 1
Toronto, ON M2J 5H3
Tel: 416-718-4000
Fax: 416-718-4224
- AND TO: Sony/ATV Music Publishing Canada Co.**
1670 Bayview Avenue, Suite 408
Toronto, ON M4G 3C2
Tel: 416-489-5354
- AND TO: Sony Music Entertainment Canada Inc.**
150 Ferrand Drive
Toronto, ON M3C 3E5
Tel: 416-589-3000
- AND TO: ABKCO Music & Records, Inc.**
85 5th Ave #11
New York, NY 10003
United States
Tel: 212-399-0300
- AND TO: Casablanca Media Publishing**
249 Lawrence Avenue East
Toronto, ON M4N 1T5
Tel: 416-921-9214

AND TO: Canadian Musical Reproduction Rights Agency Ltd.
320-56 Wellesley Street West
Toronto, ON M5S 2S3
Tel: 416-926-1966
Fax: 416-926-7521

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