

CANADA / JUDGMENT

Bell Media Inc. v. John Doe 1

2025 FC 133

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Bell Media Inc. v. John Doe 1 (Soap2day) Court (s) Database Federal Court Decisions Date 2025-01-22 Neutral citation 2025 FC 133 File numbers T-1125-23 Notes A correction was made on January 24th, 2025. Decision Content Date: 20250122 Docket: T-1125-23 Citation: 2025 FC 133 BETWEEN: BELL MEDIA INC. COLUMBIA PICTURES INDUSTRIES, INC. DISNEY ENTERPRISES, INC. GET'ER DONE PRODUCTIONS INC. GET'ER DONE PRODUCTIONS 6 INC. GET'ER DONE PRODUCTIONS 7 INC. NETFLIX STUDIOS, LLC NETFLIX WORLDWIDE ENTERTAINMENT, LLC PARAMOUNT PICTURES CORPORATION SPINNER PRODUCTIONS INC. UNIVERSAL CITY STUDIOS LLC UNIVERSAL CITY STUDIOS PRODUCTIONS LLLP WARNER BROS. ENTERTAINMENT INC. Plaintiffs and JOHN DOE 1 dba SOAP2DAY.TO et al aka ZHANG YONG JOHN DOE 2 dba SOAP2DAY.RS JOHN DOE 3 dba SOAP2DAYX.TO JOHN DOE 4 dba SOAP2DAY.DAY AND OTHER UNIDENTIFIED PERSONS WHO OPERATE UNAUTHORIZED ONLINE TELEVISION AND MOTION PICTURE PIRACY PLATFORMS UNDER THE BRAND SOAP2DAY Defendants and BELL CANADA BRAGG COMMUNICATIONS INC. dba EASTLINK COGECO CONNEXION INC. FIDO SOLUTIONS INC. ROGERS COMMUNICATIONS CANADA INC. SASKATCHEWAN TELECOMMUNICATIONS TEKSAVVY SOLUTIONS INC. TELUS COMMUNICATIONS INC. VIDEOTRON LTD. 2251723 ONTARIO INC. dba VMEDIA Third Party Respondents REASONS FOR ORDER FOTHERGILL J.

- [1] On December 16, 2024, this Court granted Default Judgment against the Defendants and issued a Site-Blocking Order requiring the Third Party Respondents to prevent access to websites and internet services associated with the operation of Soap2Day Platforms, as defined in the Order.
- [2] The Site-Blocking Order was consistent with similar relief granted by this Court in other proceedings, with an important difference. While this Court has previously required internet service providers [ISPs] to block access to specified websites, the Order granted in this proceeding potentially encompasses additional websites that may be described as “copycat” websites operating in much the same way.
- [3] Amendments to the Official Languages Act, RSC, 1985, c 31 [OLA] that came into force on June 20, 2024 require any final decision, order or judgment of the Court, including any reasons given therefor, to be made available simultaneously in both official languages where

“the decision, order or judgment has precedential value” (OLA, s 20(1)(a.1)). Pursuant to s 20(2)(b) of the OLA, the Court retains a discretion not to issue a precedential decision simultaneously in both official languages if this would “occasion a delay prejudicial to the public interest or resulting in injustice or hardship to any party to the proceedings leading to its issuance”.

- [4] Given the urgency in granting the Site-Blocking Order, I determined that the Order should be issued without delay with Reasons to follow. These are those Reasons.
- [5] The Plaintiffs produce, own, and/or distribute popular motion pictures and television programs. Before this action was commenced, the Defendant John Doe 1 operated an online piracy platform under the name “Soap2day”. This platform provided unlimited and unauthorized access to thousands of motion pictures and television programs, including a large number of works owned by the Plaintiffs.
- [6] On June 12, 2023, the Plaintiffs filed and served a motion for an interlocutory injunction requiring John Doe 1 to deactivate Soap2day. By June 13, 2023, it appeared that the Soap2day platform had been deactivated. In the following year, several substantially similar online piracy platforms operating under the name Soap2day gained popularity: soap2day.rs, soap2dayx.to, and soap2day.day. It is unclear whether the operators of these platforms, identified in the pleadings as John Does 2 to 4, are the same as those responsible for the original Soap2day platform.
- [7] On May 30, 2024, the Plaintiffs amended their claim to include the new platforms and their unknown operators. The amended pleadings were served upon the operators of the new sites in the manner approved by the Court. At approximately the same time, soap2day.rs and soap2dayx.to were deactivated. The Plaintiffs subsequently became aware of soap2day.pe, a platform nearly identical in appearance to soap2day.rs.
- [8] In *Bell Media Inc v GoldTV.Biz*, 2019 FC 1432 (aff’d, 2021 FCA 181, leave to appeal to SCC refused, 39876 (March 24 2022)) [GoldTV], Justice Patrick Gleeson granted a “static” site-blocking order that specified a particular platform and required ISPs to block domains, subdomains or IP addresses associated with the platform. In that case, the defendants’ business used a subscription model, making it comparatively easy to verify whether subsequent domains and IP addresses were associated with the original platform.
- [9] By contrast, the Soap2Day platforms do not use a subscription-based model, but rather derive revenue primarily from advertisements. It is therefore difficult to determine whether new domains operating under the banner of Soap2day are operated by the same people or are otherwise related.
- [10] The Site-Blocking Order granted in this proceeding is comparable to the one granted in GoldTV, but potentially encompasses additional Soap2Day platforms (copycat sites) that may appear, or increase in popularity, following deactivation of existing platforms. These additional sites may be included within the scope of the Order only if they make infringing

content available to the public, are unresponsive to notices of infringement, and operate in substantially the same way as the existing sites. The Plaintiffs may notify the Third Party Respondents of the additional infringing websites and, absent an objection from the Third Party Respondents, may expand the scope of the Site-Blocking Order with a simplified motion to the Court.

- [11] The Plaintiffs report a growing trend, whereby infringing platforms that are successfully deactivated are promptly replaced by copycat sites. Platforms such as 123movies, Popcorn Time, and The Pirate Bay have all been shut down or blocked at one time or another, only to be replaced by identical sites with similar domain names. Copyright owners are forced into a digital game of “whack-a-mole”: each time a site is deactivated, another immediately appears in its place. Traffic to domains that are subject to site-blocking orders may be disrupted, but the overall traffic to copycat sites is undiminished.
- [12] In *Columbia Pictures Industries, Inc v British Telecommunications*, [2022] EWHC 2403 (Ch) [Columbia Pictures], Justice Richard Meade of the High Court of England and Wales granted a “copycat” site-blocking order similar to the one granted in this proceeding, holding as follows (at paras 12-13): I am satisfied that the extension of relief sought will be dissuasive. [...] Furthermore, these injunctions will not be difficult for the ISPs to implement. That can be inferred in part from the fact that they do not oppose the making of the order but in any event are described by the certification that has to take place and be communicated to them and that is evidently, in my view, simple and straightforward. Therefore [...] the relief sought is certainly proportionate between the parties. The injunction is targeted only to websites that carry out infringing activities overwhelmingly and will not, therefore, have an impact on legitimate trade. I am satisfied that taking all these matters together, the injunction strikes an overall fair balance. I mention, although it is not a big part of the picture, that some tweaks to the safeguards sought were amended to address concerns raised by the sixth defendant to make extra sure that legitimate websites are not caught.
- [13] This Court has continued to expand the scope of injunctive relief following the order granted in *GoldTV*. In *Rogers Media Inc v John Doe 1*, 2022 FC 775, Justice William Pentney issued what he described as a “dynamic” site blocking order against unknown defendants, in a case where National Hockey League livestreams were regularly moved from one site to another and it was impracticable to enforce copyright laws with a static site-blocking order (at para 6). This order required ISPs to block IP addresses that were broadcasting illegally only for the duration of the specified “game window” (see also *Rogers Media Inc v John Doe 1* (November 21, 2022), Ottawa T-955-21 (FC); *Bell Media Inc v John Doe 1*, 2022 FC 1432; *Rogers Media Inc et al v John Doe 1 et al* (July 18, 2023), Vancouver T-1253-23 (FC)).
- [14] More recently, Justice Andrew Little granted a multi-event dynamic site blocking order that allowed the plaintiff to apply the order to future sporting events by filing a motion to that effect (*Rogers Media Inc v John Doe 1*, 2024 FC 1082). While the relevant precedents had typically taken the form of interlocutory injunctions, Justice Little found (at paras 45-50) that a permanent injunction could be granted for copyright infringement and, as a court of

equity, the Court could also grant an order against third party respondents if it appeared to be just or convenient to do so.

- [15] Applying the considerations identified by this Court in its previous jurisprudence to the Plaintiff's motion for a Site-Blocking Order, the Plaintiffs have demonstrated that: (a) the Order is necessary and the most, if not the only, effective remedy to put an end to the copyright infringing activities of the Defendants and of those who imitate their platforms; (b) the Order is not unnecessarily complex, and implementation costs are demonstrated to be low or negligible; (c) the Order is dissuasive, does not unduly limit the rights of others, and is limited in reach – to the extent that third parties who have not had an opportunity to make representations in the context of the present motion believe they are affected by the Order, they will have the right to seek its variation upon being so affected; and (d) the Order is fair and reflects a careful weighing of the rights of those involved.
- [16] The Order provides that it will terminate two years from the date of issuance, unless the Court orders otherwise.
- [17] As in *Columbia Pictures*, the Third Party Respondents in this case did not oppose the Site-Blocking Order requested by the Plaintiffs. The Order contains measures to exclude legitimate websites, and is a modest and necessary extension of the relief commonly granted in proceedings of this kind.
- [18] Copies of the Default Judgment and Site-Blocking Order are appended as Schedules A and B to these Reasons. "Simon Fothergill" Judge Schedule A Schedule B FEDERAL COURT SOLICITORS OF RECORD DOCKET: T-1125-23 STYLE OF CAUSE: BELL MEDIA INC. et al v JOHN DOE 1 dba SOAP2DAY.TO et al aka ZHANG YONG AND BELL CANADA et al PLACE OF HEARING: BY VIDEOCONFERENCE DATE OF HEARING: DECEMBER 9, 2024 REASONS FOR ORDER: FOTHERGILL J. DATED: January 22, 2025 APPEARANCES: Guillaume Lavoie Ste-Marie For The Plaintiffs AND THIRD PARTY RESPONDENT, BELL CANADA Daniel Pink For The Third ParTY RESPONDENTS, FIDO SOLUTIONS INC. AND ROGERS COMMUNICATIONS CANADA INC. Andrea Daly For The Third ParTY RESPONDENT, TELUS COMMUNICATIONS INC. Andy Kaplan-Myrth For The Third ParTY RESPONDENT, TEKSAVVY SOLUTIONS INC. Zoé Foustokjian For The Third ParTY RESPONDENT, VIDEOTRON LTD. AND 2251723 ONTARIO INC. DBA VMEDIA SOLICITORS OF RECORD: Smart & Biggar LLP Barristers and Solicitors Montreal, Québec For The Plaintiffs AND THIRD PARTY RESPONDENT, BELL CANADA Litigation, Rogers Communications Fido Solutions Inc. and Rogers Communications Canada Inc. Vancouver, British Colombia For The Third ParTY RESPONDENTS, FIDO SOLUTIONS INC. AND ROGERS COMMUNICATIONS CANADA INC. Regulatory Legal Counsel Telus Communications Inc. Vancouver, British Colombia For The Third ParTY RESPONDENT, TELUS COMMUNICATIONS INC. Regulatory and Carrier Affairs Teksavvy Solutions Inc. Chatham, Ontario For The Third ParTY RESPONDENT, TEKSAVVY SOLUTIONS INC. Québecor Média Inc. Videotron Ltd. and 2251723 Ontario Inc. dba VMedia Montreal Québec and Vaughan, Ontario For The Third ParTY RESPONDENT, VIDEOTRON LTD. AND 2251723 ONTARIO INC. DBA VMEDIA

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