Federal Court   Cour fédérale

Ottawa, Ontario, October 16, 2015

PRESENT: The Honourable Mr. Justice Martineau

BETWEEN:

**PARAMOUNT PICTURES CORPORATION
COLUMBIA PICTURES INDUSTRIES, INC.
SONY PICTURES TELEVISION INC.
TWENTIETH CENTURY FOX
FILM CORPORATION
UNIVERSAL CITY STUDIOS
PRODUCTION LLLP
UNIVERSAL NETWORK TELEVISION LLC
WARNER BROS. ENTERTAINMENT INC.
DISNEY ENTERPRISES INC.**

Plaintiffs

and

**DAVID LEMARIER,
ALSO D.B.A. WASABI TECHNOLOGIE
VPN.HT LIMITED
ROBERT ENGLISH
LOUIE POOLE**

Defendants

INTERIM INJUNCTION ORDER

UPON motion made *ex parte* and *in camera* by the Plaintiffs for an Interim Injunction

pursuant to Rule 374 *F.C.R.*;

UPON considering the Plaintiffs' motion record and oral submissions at the hearing of this motion;

UPON having concerns with granting the confidentiality order sought by the Plaintiffs on the terms sought by the Plaintiffs, but nevertheless taking note that the materials filed in support of this motion must be kept under seal until the execution of the Orders sought;

AND UPON being satisfied that the Order sought should issue, based on the evidence presented by the Plaintiffs;

THE COURT ORDERS AS FOLLOWS

1. Grants leave to bring this motion *ex parte* and *in camera*;

2. Issues an interim injunction, to remain valid for a period of fourteen (14) days from the date of service of said Interim Injunction Order, within which time, or at the expiration of which time the Plaintiffs may apply to convert said Interim Injunction Order into an interlocutory injunction:

    a. ENJOINING AND RESTRAINING the Defendants, by themselves or by their shareholders, directors, officers, employees, representatives and agents, or by any company, partnership, trust, entity or person under their authority or control, or with which they are associated or affiliated, from directly or indirectly:

i. enabling, inducing or authorizing the reproduction or communication to the public by telecommunication of motion pictures or television series episodes for which the copyright is owned by the Plaintiffs (hereinafter the "Plaintiff Works"), including by directly or indirectly participating in the development, operation, distribution or promotion of the software application Popcorn Time, or of any similar software application;

ii. making the Plaintiff Works available to the public by telecommunication in a way that allows a member of the public to have access to them from a place and at a time individually chosen by that member of the public, including by directly or indirectly participating in the development, operation, distribution or promotion of the software application Popcorn Time, or of any similar software application;

iii. participating in the development of the software application Popcorn Time, or of any similar software application that, like Popcorn Time, can primarily be used by its users to engage in acts of copyright infringement;

iv. operating the website www.popcorntime.io or any other website providing similar services;

v. promoting the software application Popcorn Time, or any similar software application that, like Popcorn Time, can primarily be used by its users to engage in acts of copyright infringement;

b. ORDERING the Defendants to:

    i. provide to the bailiff (the term "bailiff" hereinafter includes independent supervising counsel, and any authorisation or order aimed at a bailiff is equally aimed at independent supervising counsel) attending the execution of the Interim Injunction Order the login credentials for the hosting providers and/or registrars accounts with which the domains and subdomains listed in **Schedule I** attached to the Interim Injunction Order are hosted;

    ii. disclose to the Plaintiffs' solicitors any other domains and subdomains related to the development, operation, distribution or promotion of the software application Popcorn Time;

    iii. provide to the bailiff attending the execution of the Interim Injunction Order their login credentials for the hosting providers and/or registrars accounts with which the domains and subdomains obtained pursuant to paragraph 2(b)(ii) above are hosted;

    iv. provide to the bailiff attending the execution of the Interim Injunction Order the login credentials for the Popcorn Time Twitter account (www.twitter.com/popcorntimetv), the Popcorn Time Facebook page (www.facebook.com/PopcornTimeTv) and the Popcorn Time Google+ account;

c. AUTHORIZING computer forensic experts, acting under the supervision of the Plaintiffs' solicitors and of the bailiff, to log into the accounts of hosting providers and/or registrars hosting the domains and subdomains listed in **Schedule I** attached to the Interim Injunction Order, obtained pursuant to paragraph 2(b)(ii) above, and the social media accounts mentioned at paragraph 2(b)(iv) above (hereinafter collectively the "Popcorn Time Domains and Subdomains"), using the credentials obtained pursuant to paragraphs 2(b)(i), 2(b)(iii) and 2(b)(iv) above;

d. AUTHORIZING computer forensic experts, acting under the supervision of the Plaintiffs' solicitors and of the bailiff, to modify the login credentials for the accounts of hosting providers and/or registrars hosting the Popcorn Time Domains and Subdomains;

e. AUTHORIZING computer forensic experts, acting under the supervision of the Plaintiffs' solicitors and of the bailiff, to deactivate the Popcorn Time Domains and Subdomains;

f. ORDERING the independent supervising counsel to act as custodian of the login credentials modified pursuant to paragraph 2(d) above;

g. ENJOINING AND RESTRAINING the defendants from interfering with the tasks undertaken pursuant to paragraphs 2(c) to 2(f) above;

h. ENJOINING AND RESTRAINING the Defendants, by themselves or by their shareholders, directors, officers, employees, representatives and agents, or by any company, partnership, trust, entity or person under their authority or control, or with which they are associated or affiliated, from directly or indirectly:

    i. enabling, inducing or authorizing the reproduction or communication to the public by telecommunication of the Plaintiff Works, including by directly or indirectly providing or promoting Virtual Private Network (hereinafter "VPN") services integrated in and/or coordinated with the software application Popcorn Time, or any similar software application;

i. ORDERING the Defendants to:

    i. disclose to the Plaintiffs' solicitors any domains and subdomains related to the development, operation, provision or promotion of the VPN service offered by VPN.ht Limited (hereinafter the "VPN.ht Domains and Subdomains");

    ii. provide to the bailiff attending the execution of the Interim Injunction Order their login credentials for the accounts at hosting providers and/or registrars hosting the VPN.ht Domains and Subdomains;

j. AUTHORIZING computer forensic experts, acting under the supervision of the Plaintiffs' solicitors and of the bailiff, to log into the accounts of hosting providers

and/or registrars hosting the VPN.ht Domains and Subdomains, using the credentials obtained pursuant to paragraph 2(i)(ii) above;

k. AUTHORIZING computer forensic experts, acting under the supervision of the Plaintiffs' solicitors and of the bailiff, to modify the login credentials for the accounts of hosting providers and/or registrars hosting the VPN.ht Domains and Subdomains;

l. AUTHORIZING computer forensic experts, acting under the supervision of the Plaintiffs' solicitors and of the bailiff, to deactivate the VPN.ht Domains and Subdomains;

m. ORDERING the bailiff to act as custodian of the login credentials modified pursuant to paragraph 2(k) above;

n. ENJOINING AND RESTRAINING the Defendants from interfering with the tasks undertaken pursuant to paragraphs 2(j) to 2(m)above;

o. ENJOINING AND RESTRAINING David Lemarier, by himself 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:

   i. selling, assigning, alienating, transferring, or otherwise disposing of his assets, including but not limited to the residence located at 58, rue Elphège, Victoriaville, Quebec; a Chevrolet Corvette bearing Quebec

License G81JHW; and a Ford Edge bearing Quebec License FK4225, in any way except for the payment of expenses in the normal course of his livelihood, during the course of the present proceedings;

    ii. removing, or assisting in the removal of his assets from Canada, or doing any act, the effect of which is to remove or assist in the removal of his assets from Canada, without leave of the Court;

p. ENJOINING AND RESTRAINING every person on whom the Interim Injunction Order is served to refrain, during the execution of said Order, from using a computer, telephone, or any other communication device, except in the presence of the independent supervising counsel;

q. ENJOINING AND RESTRAINING every person on whom the Interim Injunction Order is served, or who has notice of the Order, to refrain for a period of forty-eight (48) hours after such service or notice from:

    v. disclosing to, or discussing with, any other person, the existence of this proceeding and of the Interim Injunction Order, except with legal counsel for the purpose of obtaining legal advice with respect to this proceeding or to the Interim Injunction Order; and

    vi. otherwise informing or warning any other person that the Plaintiffs might execute the Interim Injunction Order against him or her;

r. ORDERING the Plaintiffs to bring a review motion to the Court, returnable within fourteen days of the date of service of the Interim Injunction Order, to review the execution of the Interim Injunction Order, and to consider any application on the part of the Plaintiffs to prolong the Interim Injunction Order into an interlocutory injunction (hereinafter the "Review Motion").

3. Orders that the contents of the Court record in respect of this proceeding, including the Statement of Claim, this Motion Record, any Order rendered thereon, and any other documents filed in respect thereof, be held in sealed enveloped in custody of the Court until fourteen (14) days following the time at which the solicitors of record for the Plaintiff notify the Court that said Orders and Statement of Claim have been served on all the Defendants.

4. Independent from the Review Motion and any application to postpone said Review Motion, orders the Plaintiffs to present a motion to maintain the confidentiality of any document in the Court record after the expiration of the delay stated at paragraph 3 above within fourteen (14) days following the time at which the solicitors of record for the Plaintiff notify the Court that said Orders and Statement of Claim have been served on all the Defendants, failing which the Court record will be unsealed in its entirety.

5. Authorizes the Defendants to refuse answering any question asked pursuant to the present Order only if such answer would involve breaching or waiving solicitor-client privilege.

6. Authorises independent supervising counsel hired by the Plaintiffs to monitor the execution of the Interim Injunction Order and to report to the Court on the Review Motion;

7. Grants costs on this motion to the Plaintiffs in an amount to be determined in the context of the Review Motion.

"Luc Martineau"
Judge

SCHEDULE I
TO THE INTERIM INJUNCTION ORDER

LIST OF DOMAINS AND SUBDOMAINS THAT MUST BE TAKEN OFFLINE IN ORDER TO FULLY DEACTIVATE POPCORN TIME

a) Application Programming Interface

1. api.get-popcorn.com
2. api.popcorntime.cc
3. api.popcorntime.io
4. api.ptn.sh
5. api.ptn.wf
6. br.ptn.pm
7. br.ptn.sh
8. br.ptn.wf
9. eztvapi.re
10. fr.ptn.pm
11. fr.ptn.sh
12. fr.ptn.wf
13. www.ptn.pm
14. www.ptn.sh
15. www.ptn.wf
16. za.ptn.pm
17. za.ptn.sh
18. za.ptn.wf

b) Blog

1. blog.get-popcorn.com
2. blog.popcorntime.cc
3. blog.popcorntime.io
4. blog.popcorntime.re

c) Website

1. api.ptn.re
2. api.eztvapi.re
3. api.its.pt
4. api.popcorntime.re
5. br.its.pt
6. br.popcorntime.io
7. br.eztvapi.re
8. br.ptn.re
9. cdn.eztvapi.re
10. cdn.its.pt
11. cdn.ptn.re
12. cdn.ytspt.re

13. fr.eztvapi.re
14. fr.its.pt
15. fr.popcorntime.io
16. fr.ptn.re
17. get-popcorn.com
18. its.pt
19. popcorntime.cc
20. popcorntime.io
21. popcorntime.re
22. ptn.pm
23. ptn.re
24. ptn.sh
25. ptn.wf
26. www.eztvapi.re
27. www.get-popcorn.com
28. www.its.pt
29. www.popcorntime.cc
30. www.popcorntime.io
31. www.popcorntime.re
32. www.ptn.re
33. za.eztvapi.re
34. za.its.pt
35. za.popcorntime.io
36. za.ptn.re
37. fr1.ptn.re
38. popcorntimewar.com
39. dc-812a2cf4.popcorntimewar.com

d) Continuous Integration Service

1. ci.popcorntime.io

e) Discussion Forum

1. discuss.get-popcorn.com
2. discuss.its.pt
3. discuss.popcorntime.cc
4. discuss.popcorntime.io
5. discuss.popcorntime.re

f) GitLab

1. git.get-popcorn.com
2. git.popcorntime.cc
3. git.popcorntime.io
4. git.popcorntime.re

g) Mail Server

1. mail.its.pt
2. mail.popcorntime.io

h) MX Servers

1. mx.popcorntime.io
2. mx1.popcorntime.io
3. mx6.popcorntime.io

i) Nameservers

1. ns1.eztvapi.re
2. ns1.get-popcorn.com
3. ns1.its.pt
4. ns1.popcorntime.cc
5. ns1.popcorntime.io
6. ns1.popcorntime.re
7. ns1.ptn.pm
8. ns1.ptn.re
9. ns1.ptn.sh
10. ns1.ptn.wf
11. ns1.ytspt.re
12. ns2.eztvapi.re
13. ns2.get-popcorn.com
14. ns2.its.pt
15. ns2.popcorntime.cc
16. ns2.popcorntime.io
17. ns2.popcorntime.re
18. ns2.ptn.pm
19. ns2.ptn.re
20. ns2.ptn.sh
21. ns2.ptn.wf
22. ns2.ytspt.re
23. ns3.eztvapi.re
24. ns3.get-popcorn.com
25. ns3.its.pt
26. ns3.popcorntime.cc
27. ns3.popcorntime.io
28. ns3.popcorntime.re
29. ns3.ptn.pm
30. ns3.ptn.re
31. ns3.ptn.sh
32. ns3.ptn.wf

33. ns3.ytspt.re
34. ns4.eztvapi.re
35. ns4.get-popcorn.com
36. ns4.its.pt
37. ns4.popcorntime.cc
38. ns4.popcorntime.io
39. ns4.popcorntime.re
40. ns4.ptn.pm
41. ns4.ptn.re
42. ns4.ptn.sh
43. ns4.ptn.wf
44. ns4.ytspt.re

j) Status

1. status.popcorntime.io

k) Update Server

1. update.popcorntime.io

l) Observium

1. observium.ptn.re

m) Shout

1. shout.ptn.re
2. us-chi.ptn.re

n) arpReach

1. reach.popcorntime.io

o) Content Delivery

1. get.popcorntime.io
2. mirror02.ptn.sh
3. mirror03.ptn.sh
4. mirror04.ptn.sh
5. mirror05.ptn.sh
6. mirror06.ptn.sh
7. mirror07.ptn.sh
8. mirror08.ptn.sh
9. mirror09.ptn.sh
10. mirror10.ptn.sh

11. mirror11.ptn.sh
12. mirror12.ptn.sh
13. mirror13.ptn.sh
14. mirror14.ptn.sh
15. mirror15.ptn.sh
16. mirror16.ptn.sh
17. mirror17.ptn.sh
18. mirror18.ptn.sh
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