File No.

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 Rave Inc. ("Rave") for an order pursuant to section 103.1 of the Act granting leave to bring an application under sections 75 and 79 of the Act;

AND IN THE MATTER OF an application by Rave for an order pursuant to sections 75 and 79 of the Act.

B E T W E E N:

RAVE INC.

Applicant

and

APPLE CANADA INC. and APPLE INC.

Respondents

NOTICE OF APPLICATION FOR LEAVE TO BRING APPLICATION UNDER SECTIONS 75 AND 79

(Pursuant to section 130.1 of the Competition Act)

TAKE NOTICE THAT:

1. The Applicant, Rave Inc. ("**Rave**") applies to the Competition Tribunal (the "**Tribunal**") on a date and time to be set by the Tribunal at Toronto, Ontario pursuant to section 103.1 of the *Competition Act* seeking leave to bring an application for:

(a) An order pursuant to sections 75(1) and 75(1.2) of the Act:

(i) directing the Respondents to reinstate the Applicant's access to the App Store and the Apple Developer Program, including the ability to distribute the Rave application through the App Store and maintain a developer account, on terms and conditions that are usual in the trade and acceptable to the Tribunal;

(ii) directing the Respondents to reinstate the Applicant's macOS developer certificates, and refrain from falsely identifying Rave as "malware" and blocking it, such that macOS users can once again install and use Rave, on terms and conditions that are usual in the trade and acceptable to the Tribunal;

(iii) prohibiting the Respondents from refusing to supply, discontinuing supply of, or otherwise denying access to the App Store distribution platform and related developer services to the Applicant on arbitrary, discriminatory, pretextual, or otherwise unjustified grounds;

(iv) requiring the Respondents to process and approve applications, updates, and developer account credentials submitted by the Applicant in accordance with fair, transparent, and non-discriminatory review processes; and

(v) requiring the Respondents to pay an amount, not exceeding the value of the benefit derived from the conduct, to be distributed among the Applicant and any other person affected by the conduct, in any manner that the Tribunal considers appropriate.

(b) An order pursuant to subsections 79(1), 79(2), 79(3.1) and 79(4.1) of the Act:

(i) declaring that the Respondents substantially or completely control the market for the market for smartphone software platforms; (ii) the market for the distribution of apps to iOS devices; (iii) the market for payment processing for in-app purchases on iOS; and (iv) the market for streaming co-viewing applications;

(ii) declaring that the Respondents have engaged in a practice of anti-competitive acts, including but not limited to:

(1) terminating the Applicant's access to the Apple App Store and Apple Developer Program;

(2) selectively enforcing App Store policies and review processes against the Applicant;

(3) denying the Applicant access to essential platform services required to distribute and maintain its application on iOS devices;

(4) removing or excluding Rave from the App Store other than on the basis of legitimate, consistently applied, objectively justified, and non-discriminatory grounds; and

(5) excluding or disciplining applications that compete with Apple's own services, including Apple's SharePlay functionality.

(iii) prohibiting the Respondents from continuing to engage in the anti-competitive practice described herein or any substantially similar conduct that has the purpose or effect of excluding or disciplining competing applications;

(iv) requiring the Respondents to reinstate the Applicant's developer account and restore the Applicant's access to the App Store distribution platform and reinstate the Applicant's macOS developer certificates, subject to reasonable and non-discriminatory terms;

(v) alternatively or additionally, requiring the Respondents to implement non-discriminatory platform access conditions, including transparent and objective App Store review procedures and safeguards against discriminatory enforcement against competing applications;

(c) An order pursuant to subsection 79(4.1) of the Act requiring the Respondents to pay an amount not exceeding the value of the benefit derived from their anti-

competitive conduct, to be distributed in such manner as the Tribunal considers appropriate;

(d) An order pursuant to subsection 79(3.1) directing the Respondents to pay, in any manner that the Tribunal specifies, an administrative monetary penalty in an amount not exceeding the greater of:

(i) $25,000,000 (or, in the case of any subsequent order under subsection 79(1) or (2), $35,000,000); and

(ii) three times the value of the benefit derived from the Respondents' anti-competitive practice, or, if that amount cannot be reasonably determined, 3% of the Respondents' annual worldwide gross revenues, which exceeds $400 billion; or

(iii) such other amount as the Tribunal may determine to be appropriate within the limits prescribed by subsection 79(3.1) of the Act.

(e) An interim or interlocutory order pursuant to sections 75(1.2) and 104 of the Act requiring the Respondents to reinstate the Rave application to the App Store and restore the Applicant's access to the Apple Developer Program, including reinstating the macOS developer certificates, pending the final disposition of this application, on the grounds that:

(i) there is a serious issue to be tried in respect of each of the claims set out herein;

(ii) Rave will suffer irreparable harm if the interim order is not granted, including permanent loss of its iOS and macOS user base through natural attrition, accelerating degradation of cross-platform network effects, inability to update or maintain the iOS application, ongoing harm to its reputation due to the false malware labelling, and destruction of Rave's commercial viability that cannot be remedied in damages alone;

(iii) the balance of convenience favours granting the interim relief, as the harm to Rave from non-reinstatement substantially exceeds any harm to the Respondents from interim reinstatement pending a hearing.

(f) An order for costs; and

(g) Such further and other orders as the Applicant may request and the Tribunal deems just.

AND TAKE NOTICE THAT:

2. The Applicant requests that this application be heard in English. The Applicant requests that documents for this application be filed in electronic form.

Dated this 7th day of May, 2026

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A. OVERVIEW

1. Rave Inc. ("**Rave**") is a Canadian startup technology company that spent more than a decade building the world's most popular co-viewing application ("**app**").

2. Founded in Ontario, Rave has been downloaded more than 225 million times. Rave's app enables users to watch Netflix, YouTube, Disney+, and other streaming content together in real time, across iPhones, Android phones, Windows computers, and Macs simultaneously. Friends and family can watch together remotely, regardless of what device or platform they use.

3. Rave was a Canadian success story until August 2025 when Apple unceremoniously deleted Rave from the App Store without notice or justification.

4. Apple wiping Rave from its ecosystem achieved two anti-competitive goals.

5. First, Apple eliminated a direct competitor. Apple operates its own co-viewing application, SharePlay, which is less functional than Rave. Second, in eliminating Rave, Apple deprived its users of an app that facilitated and promoted connection, engagement and networking with Android and Windows users. Rave's cross-platform functionality is core to its value proposition. Friends and family can watch together no matter what device they use. Connecting smartphone users across platforms, however, is antithetical to Apple's decades-long strategy to build a "walled garden" that confines Apple users within Apple's platforms.

6. After wiping Rave from iPhones without notice, Apple refused to engage with Rave on the reasons for its removal. Apple provided a series of shifting and unsubstantiated justifications for its self-serving conduct.

7. At one point, Apple falsely accused Rave of failing to prevent the distribution of child sex abuse material ("**CSAM**") on its app. Apple made this serious allegation despite its own internal investigation having confirmed and approved of Rave's anti-CSAM measures, and despite Apple itself being the subject of legal action for knowingly allowing iCloud and other Apple apps to be used as a vehicle for distributing CSAM.

8. Apple's unilateral action has devastated Rave's business. Rave does not expect to survive without access to Apple users, and particularly iPhone users. Apple dominates Canada's smartphone market with a 65% market share. Every day that Rave's app is not available to Apple users, the harm to Rave compounds while Apple further entrenches SharePlay as the sole and dominant streaming co-viewing app.

9. In the circumstances, Rave's seeks leave under section 103.1 of the Act to bring an application against Apple for refusal to deal under section 75 and abuse of dominance under section 79.

B. DEFINITIONS

10. The terms in this Notice of Application have the same meaning as the proposed Notice of Application that is being filed at the same time as this Notice of Application for Leave.

C. PROPOSED CLAIM

11. The background facts, relevant markets and legal claims Rave seeks leave to bring are set out in the Proposed Notice of Application that is being filed at the same time as this Notice of Application for Leave.

D. LEAVE SHOULD BE GRANTED UNDER SECTION 103.1

12. Rave meets the criteria for leave set out in section 103.1 of the Act.

13. Rave's business has been directly and substantially affected by Apple's conduct. Removal from the App Store is an existential threat to Rave. In Canada, Apple users represented over half of Rave's entire user base, which has been eliminated. Rave's revenue and monthly active users has plummeted, and Rave's non-Apple users can no longer co-view with apple users.

14. Apple's conduct could also give rise to an order under section 75 or 79 of the Act, as particularize in the Proposed Notice of Application. Specifically:

(a) With respect to section 75, Apple has engaged in a refusal to deal. Rave's business has been substantially affected due to its inability to access the App Store and Apple users. There are no alternatives for Rave to access the market for iOS apps. Rave is willing to meet to Apple's usual trade terms and Apple no supply issues. Rave's removal from Apple devices is having an adverse effect on the streaming co-viewing market.

(b) With respect section 79(1)(a) and 79(1)(b), Apple substantially or completely controls several relevant markets relating to Rave, including the market for smartphone software platforms, the market for iOS Apps and the market for streaming co-viewing applications.

(c) With respect to section 79(1)(b) specifically, through its removal of Rave, Apple has engaged in conduct that has and is likely to continue to prevent or lessen

competition substantially in a relevant market, and the effect is not a result of superior competitive performance.

(d) With respect to section 79(1)(a) specifically, Apple has engaged in multiple anti-competitive acts – including a selective and discriminatory response to Rave, its competitor – for the purpose of eliminating Rave from the market.

E. LOGISTICS

15. The Applicant intends to use English in the proceedings.

16. The Applicant requests that the documents in this application be filed electronically.

Dated this 7th day of May, 2026

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