



IN THE COMPETITION
APPEAL TRIBUNAL

Case No. 1227/4/12/14

BETWEEN:-

A. C. NIELSEN COMPANY LIMITED

Applicant

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

- and -

INFORMATION RESOURCES, INC.

Intervener

ORDER

UPON reading the letter from the Applicant's legal representatives dated 14 May 2014 confirming that all parties to these proceedings consent to the creation of a confidentiality ring on the terms set out in this Order

IT IS ORDERED THAT:

1. The provisions of this Order become effective in respect of each of the persons named in Part A of the Schedule to this Order only upon receipt by the Tribunal of a signed undertaking in the terms of Part B of the Schedule to this Order.
2. For the purposes of this Order:
 - a. "**Confidential Information**" means information contained in the unredacted versions of the parties' pleadings and other documents filed with, or otherwise provided to, the Tribunal for the purposes of these proceedings, where (i) such information has been identified by any party to these proceedings as information for which confidential treatment is or may be requested pursuant to rule 53 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003, the "Tribunal Rules"), and (ii) the Tribunal has not refused to accord confidential treatment to that information.

- b. “**Relevant Advisers**” are those persons:
- i. listed in Part A of the Schedule to this Order who have given a written undertaking to the Tribunal in the terms of Part B of the Schedule to this Order; or
 - ii. authorised by the Tribunal upon further application.
3. Each of the parties shall hereafter disclose to the other parties unredacted versions of their pleadings and other documents served in these proceedings on condition that such unredacted versions, and any Confidential Information contained within these, shall be disclosed only to the Relevant Advisers or any Competition & Markets Authority staff or member who is for the time being working on these proceedings or the matters which have given rise to them and not to any other officer or employee of that party or to any other person.
 4. All such unredacted versions of pleadings and other documents served in these proceedings must be marked so as to indicate the parts in relation to which confidential treatment is claimed, in the manner referred to in paragraph 13.22 of the Tribunal’s Guide to Proceedings (October 2005).
 5. In the case of pleadings and other documents served thus far in the proceedings, the parties shall comply with paragraph 3 above by 5.00 pm on 15 May 2014.
 6. By the same deadline, the Competition & Markets Authority shall, pursuant to paragraph 3 above, serve on the Applicant’s and the Intervener’s respective representatives the unredacted version of the decision of the Office of Fair Trading that is the subject of these proceedings.
 7. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 2(b) above, they shall apply to the Tribunal indicating whether each of the other parties consents or does not consent to the addition of that person.
 8. Nothing in this Order prevents the disclosure of any information to the Competition & Markets Authority (including any Competition & Markets Authority staff or member) to facilitate the exercise of its functions.
 9. Costs in the case.
 10. There be liberty to apply.

The Honourable Mr Justice Sales
Chairman of the Competition Appeal Tribunal

Made: 15 May 2014
Drawn: 15 May 2014

SCHEDULE

PART A

This part contains the names, for each party, of Relevant Advisers:

A. C. Nielsen Company Limited

External counsel

Paul Lasok QC
Alan Bates (both of Monckton Chambers)

External solicitors

Diarmuid Ryan
Brian Hartnett
Cathal Flynn (all of Squire Sanders (UK) LLP)

External experts

Kirsten Edwards-Warren (of Compass Lexecon)

Competition & Markets Authority

External counsel

Brian Kennelly (Blackstone Chambers)
Anneliese Blackwood (Monckton Chambers)

Information Resources, Inc.

External counsel

Tim Ward QC (of Monckton Chambers)

External solicitors

Alastair Chapman
Martin McElwee
David Trapp (all of Freshfields Bruckhaus Deringer LLP)

External experts

Matthew Bennett (of Charles River Associates)

PART B

Re: Confidentiality ring order made by the Competition Appeal Tribunal in Case No. 1227/4/12/14 (*A.C. Nielsen Limited v Competition & Markets Authority*)

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser undertakes that they will comply with the following requirements in the following terms:

I, [name], of [firm, company or chambers] being a [legal or other qualification] and regulated so far as my professional conduct is concerned by [regulatory body if any] undertake to the Tribunal as follows:

1. I will not disclose the Confidential Information (as defined in the Tribunal's Order of [] May 2014, the "Confidentiality Ring Order") to any person who is not either (i) a Relevant Adviser, or (ii) a Competition & Markets Authority staff or member who is for the time being working on these proceedings or the matters which have given rise to them, without the consent of the party originally disclosing the information or the permission of the Tribunal.
2. I will use the Confidential Information only for the purpose of these proceedings (and for no other proceedings or use).
3. The documents containing the Confidential Information will remain in my custody or the custody of the other Relevant Advisers at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
4. The production of further copies by me of the documents containing the Confidential Information shall be limited to those required for the use of the Relevant Advisers or any Competition & Markets Authority staff or member who is for the time being working on these proceedings or the matters which have given rise to them for the purposes of these proceedings.
5. Any copies and the documents in paper form containing the Confidential Information will be destroyed or returned to the party originally disclosing the documents at the conclusion of the present proceedings (including the determination of any appeals); any such copies and the documents containing the Confidential Information in electronic form will be returned where possible or, where that is not possible, will be rendered inaccessible from any computer system, disk or device so that it is not readily available to any person. In the event that material containing Confidential Information is to be destroyed (or rendered inaccessible if it is in electronic form) the party destroying (or rendering the material inaccessible if it is in electronic form) shall notify the party originally disclosing the documents as to the manner of, and date of, the destruction (or rendering inaccessible if it is in electronic form).
6. Save that none of the requirements listed at paragraphs 1 to 4 above shall prevent the Relevant Advisers from disclosing to the party advised by them information (i) of which that party was the original provider in these proceedings, or (ii) which that party has already seen in circumstances not subject to the provisions of the Confidentiality Ring Order.

Signed:

Date: _____