



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Cases No: 1156-1159/8/3/10  
1170/8/3/10  
1179/8/3/11

**B E T W E E N :**

**VIRGIN MEDIA, INC.**  
**THE FOOTBALL ASSOCIATION PREMIER LEAGUE**  
**BRITISH SKY BROADCASTING LIMITED**  
**BRITISH TELECOMMUNICATIONS PLC**

Appellants / Interveners

- v -

**OFFICE OF COMMUNICATIONS**

Respondent

- and -

**TOP UP TV EUROPE LIMITED**

Interveners in Cases No. 1156-1159/8/3/10,  
1170/8/3/10 and 1179/8/3/11

**RFL (GOVERNING BODY) LIMITED**  
**THE FOOTBALL ASSOCIATION LIMITED**  
**FREESAT (UK) LIMITED**  
**RUGBY FOOTBALL UNION**  
**THE FOOTBALL LEAGUE LIMITED**  
**PGA EUROPEAN TOUR**  
**ENGLAND AND WALES CRICKET BOARD**

Interveners in Cases No. 1156-1159/8/3/10

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**ORDER**

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**UPON** considering the Tribunal's Order of 21 April 2010 establishing a confidentiality ring in Case 1152/8/3/10, the Tribunal's Order of 29 June 2010 establishing a confidentiality ring in Cases 1156-1159/8/3/10, the Tribunal's Order of 25 November 2010 establishing a composite confidentiality ring in Cases 1156-1159/8/3/10 and 1170/8/3/10 and the Tribunal's Order of 31 March 2011 extending the composite confidentiality ring to Case 1179/8/3/11 (together, "the Confidentiality Ring Orders")

**AND UPON** the parties having made arrangements with Merrill Legal Solutions for the provision of transcription services during the main hearing in these proceedings

**AND UPON** the parties requesting that the employees of Merrill Legal Solutions listed at Part A of the Schedule to this Order provide a written undertaking to the Tribunal and the parties in the terms of Part B of the Schedule to this Order and there being no objections to that request

**IT IS ORDERED THAT:**

1. Confidential Information (as defined in the Confidentiality Ring Orders) and any other information which is defined as information justifying confidential treatment in accordance with Rule 53 of the Competition Appeal Tribunal Rules 2003 which is disclosed during the oral hearing in cases 1156-1159/8/3/10, 1170/8/3/10 and 1179/8/3/11, or which is otherwise indicated to the Tribunal as confidential during the oral hearing in those cases may be disclosed to the individuals listed in Part A of the Schedule to this Order, subject to the terms of the undertaking set out at Part B of the Schedule to this Order
2. There be liberty to apply

**The Honourable Mr Justice Barling**  
President of the Competition Appeal Tribunal

Made: 13 May 2011  
Drawn: 13 May 2011

## **SCHEDULE**

### **PART A**

Jill Godwin  
Christopher Accini  
Amanda McPherson  
Daniel Cheal

(all of Merrill Legal Solutions)

## **PART B**

I, [ ] of Merrill Legal Solutions undertake to the Competition Appeal Tribunal (“the Tribunal”), to OFCOM and to each of the Appellants and Interveners in cases 1156-1159/8/3/10, 1170/8/3/10 and 1179/8/3/11 as follows:

1. I have read a copy of the Tribunal’s Orders dated 21 April 2010 and 31 March 2011 (“the Tribunal’s Orders”) and understand the implications of those orders and the giving of this undertaking.
2. I will not disclose;
  - (a) the Confidential Information (as defined in the Tribunal’s Orders); or
  - (b) any other information which is defined as information justifying confidential treatment in accordance with Rule 53 of the Competition Appeal Tribunal Rules 2003 which is disclosed during the oral hearing in cases 1156-1159/8/3/10, 1170/8/3/10 and 1179/8/3/11, or which is otherwise indicated to the Tribunal as confidential during the oral hearing in those cases;

(together the “Relevant Confidential Information”).

to any person who is not a Relevant Adviser (as defined in the Tribunal’s Orders) or an individual listed in Part A of the Schedule to the Order dated 13 May 2011 (“Transcript Reporter”) without the express consent of the person originally disclosing the information or the permission of the Tribunal.

3. I will use the Relevant Confidential Information only for the purpose of these proceedings and for the purpose of no other current or future proceedings, dispute, complaint, or other use whatsoever without the express consent of the person originally disclosing the information or the permission of the Tribunal.
4. All pleadings and documents containing the Relevant Confidential Information will remain in my custody or the custody of a Relevant Adviser or another Transcript Reporter at all times and be held in a manner appropriate to the circumstance so as to prevent unauthorised access.
5. The production of documents (including transcripts) containing the Relevant Confidential Information and/or any further copies by me of documents containing the Relevant Confidential Information shall be limited to those required for the use of the Transcript Reporters for the purposes of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.
6. Any and all copies of the pleadings and documents in paper form containing the Relevant Confidential Information will be returned to the party originally disclosing the pleadings or documents at the conclusion of the present proceedings; any copies pleadings and documents containing the Relevant Confidential Information in electronic form will where possible be returned or,

where that is not possible, will be rendered inaccessible from any computer systems, disk or device so that the Relevant Confidential Information is not readily available to any person.

Signed: .....

Name: .....

Date: .....