



Neutral citation [2012] CAT 2

**IN THE COMPETITION  
APPEAL TRIBUNAL**

Case Number: 1189/3/3/11

B E T W E E N:

**TELEFÓNICA UK LIMITED**

Appellant

-v-

**OFFICE OF COMMUNICATIONS**

Respondent

**EVERYTHING EVERYWHERE LIMITED  
HUTCHISON 3G UK LIMITED  
VODAFONE LIMITED**

Interveners

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**ORDER**

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**UPON** Hutchison 3G UK Ltd proposing that a confidentiality ring be set up by the Tribunal to ensure that information that the parties consider to be confidential is kept within a limited number of the parties' legal advisers

**AND UPON** reading a letter from Ashurst LLP dated 19 January 2012, and its enclosures, concerning a dispute between Telefónica UK Limited and Everything Everywhere Limited ("EE") about the confidentiality undertakings to be given by in-house lawyers employed by EE

**IT IS ORDERED THAT:**

1. The EE in-house lawyer should give the same form of undertaking as that to be given by the parties' external counsel and solicitors.

**REASONS:**

In my judgment, no good reason has been given for requiring a different form of undertaking from EE's in-house lawyer in these proceedings. The in-house lawyer in question is subject to the same professional obligations as external solicitors. Further, EE has proposed various practical measures to ensure that others cannot access the

relevant material, such as storage in locked filing cabinets or on secure computers. Given the professional standing and experience of the EE in-house lawyer, it would be invidious and unreasonable to require her to give additional confidentiality undertakings that are not also required from external lawyers.

**The Honourable Mr Justice Henderson**  
Chairman of the Competition Appeal Tribunal

Made: 25 January 2012  
Drawn: 25 January 2012