



IN THE COMPETITION
APPEAL TRIBUNAL

Case Numbers: 1192/3/3/12
1193/3/3/12

BETWEEN

(1) BRITISH SKY BROADCASTING LIMITED

(2) TALKTALK TELECOM GROUP PLC

Appellants

- and -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

BRITISH TELECOMMUNICATIONS PLC

Intervener

BRITISH TELECOMMUNICATIONS PLC

Appellant

- and -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

BRITISH SKY BROADCASTING LIMITED

TALKTALK TELECOM GROUP PLC

Interveners

ORDER (CONFIDENTIALITY)

UPON reading the correspondence from the legal representatives of the Appellants, Respondents and Interveners (“the Parties”) in connection with the establishment of a confidentiality ring in relation to cases 1192/3/3/12 and 1193/3/3/12

AND UPON hearing the legal representatives of the Parties at a case management conference on 31 May 2012

AND UPON the Parties having agreed to the terms of this Order

IT IS ORDERED THAT

1. This Order becomes 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 from that person in the terms of Part B of the Schedule to this Order
2. For the purposes of this Order:
 - a. **“Confidential Information”** is defined as information justifying confidential treatment by the Tribunal in accordance with rule 53 of the Competition Appeal Tribunal Rules 2003 and which is contained in (i) the full un-redacted versions of the parties’ pleadings and other documents served on the Tribunal which have not, prior to the making of this Order, been disclosed to all other parties in the non-confidential versions of pleadings and other documents thus far served, and/or (ii) any information or documents served or disclosed hereafter
 - b. **“Relevant Advisers”** are those persons:
 - (i) listed in part A of the Schedule to this Order who have given a signed 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 disclose to the other parties un-redacted versions of their pleadings and other documents served in these proceedings on the condition that, save in respect of Ofcom employees, such un-redacted versions and any Confidential Information contained within these shall be disclosed only to the Relevant Advisers listed in Part A of the Schedule to this Order
4. All un-redacted versions of pleadings and other documents served in these proceedings must be marked so as to indicate the parties 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. 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
6. Should any party consider that disclosure of particular Confidential Information should not be made to specific Relevant Advisers of another party, the disclosing party should indicate the basis for the restricted disclosure, and the other (requesting) party should, if so advised, provide an undertaking that disclosure will be restricted from the identified Relevant Advisers
7. If agreement cannot be reached between the parties on the terms of disclosure of particular Confidential Information, the disclosing party may decline to give disclosure of the requested Confidential Information, and the other (requesting) party may apply to the Tribunal for disclosure
8. Costs be reserved
9. There be liberty to apply

SCHEDULE

PART A

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

British Sky Broadcasting Limited

External solicitors

Stephen Wisking

Andrew North

John McInnes

Tanya Macrae (all of Herbert Smith LLP)

External counsel

Meredith Pickford

Philip Woolfe

Alison Berridge (all of Monckton Chambers)

External advisers

Graham Johnson

Daniel Campion

Marc Eschenburg

Pierre Blanc (all of Aetha Consulting Limited)

Alexander Stevens (of GVA)

David Eurin

Mark Hegarty

Yoana Pendachanksa (all of Analysys Mason Limited)

Martin Duckworth

George Houpis

Jayanthi Batchelor

Chris Cuttle (all of Frontier Economics Limited)

Derek Holt

Liam Colley (both of AlixPartners UK LLP)

TalkTalk Telecom Group PLC

External solicitors

Paul Brisby

Robert Sigurdsson

Helen Gill-Williams (all of Towerhouse Consulting LLP)

External counsel

(as for British Sky Broadcasting Limited)

External advisers

(as for British Sky Broadcasting Limited)

British Telecommunications plc

In-house counsel

Russell Hunter

Nancy Johnson

Stephen Hurley (all of BT Legal)

External counsel

Tim Ward QC

Rob Williams

Gerry Facenna

Julianne Stevenson (all of Monckton Chambers)

External advisors

Matthew Corkery

Peter Arnold

Andrew Edge (all of Ernst & Young LLP)

David Malone (of Telereal Trillium)

Felipe Florez-Duncan (of Oxera)

Office of Communications

External counsel

Josh Holmes

Brendan McGurk (both of Monckton Chambers)

Mark Vinall (of Blackstone Chambers)

PART B

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

I, [], of [firm, company or establishment] being [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 1 June 2012) to any person outside those listed in Part A without the consent of the person 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 for the purposes of these proceedings.
5. Any copies and the documents in paper form containing the Confidential Information will be returned to the party originally disclosing the documents at the conclusion of the present proceedings; any copies and the documents containing the Confidential Information in electronic form will either 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.
6. Save that none of the requirements listed at paragraphs 1 to 4 above shall prevent Relevant Advisers from disclosing to the party advised by them information which such party has already seen.

Signed:

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Name

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Date