



IN THE COMPETITION
APPEAL TRIBUNAL

B E T W E E N :

Case No.: 1205/3/3/13

BRITISH TELECOMMUNICATIONS PLC

Appellant

- and -

OFFICE OF COMMUNICATIONS

Respondent

Case No.: 1206/3/3/13

(1) CABLE & WIRELESS WORLDWIDE PLC

(2) VIRGIN MEDIA LIMITED

(3) VERIZON UK LIMITED

Appellants

- and -

OFFICE OF COMMUNICATIONS

Respondent

Case No.: 1207/3/3/13

(1) BRITISH SKY BROADCASTING LIMITED

(2) TALKTALK TELECOMMUNICATIONS GROUP PLC

Appellants

- and -

OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON reading the correspondence from the legal representatives of all the parties to these appeals relating to the establishment of a Confidentiality Ring

AND UPON hearing the legal representatives of the parties to these appeals at a Case Management Conference on 18 March 2013

AND UPON the parties having agreed 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 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 which is contained in (i) the full un-redacted versions of the parties’ pleadings and other documents served on the Tribunal which has 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 documents served or disclosed hereafter.
 - b. “**Relevant Advisers**” are those persons:
 - i. listed in Part A 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 un-redacted versions of their pleadings and other documents served in these proceedings on the condition that such un-redacted versions and save in respect of the Office of Communications’ employees any Confidential Information contained within those pleadings and documents shall be disclosed only to Relevant Advisers who have signed an undertaking to the Tribunal and to the parties in the terms of Part B of the Schedule to this Order.
4. All such un-redacted 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 Appellants shall comply with paragraph 3 of this Order by 5pm on 22 March 2013.

6. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 2(b) of this Order, they shall apply to the Tribunal indicating whether each of the other parties consents or does not consent to the addition of that person.
7. Costs be reserved.
8. There be liberty to apply.

The Honourable Mr Justice Roth
Chairman of the Competition Appeal Tribunal

Made: 22 March 2013
Drawn: 22 March 2013

SCHEDULE

PART A

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

British Telecommunications Plc

External Counsel

Rhodri Thompson QC (of Matrix Chambers)

Graham Read QC (of Devereux Chambers)

Sarah Lee (of Brick Court Chambers)

Ben Lynch (of Devereux Chambers)

In-house Solicitors

Stuart Murray

Maya Barr

External Solicitors

Jeremy Sharman

Nina Cummins

Rachel Glass

Luisa Zukowski (all of Bird & Bird LLP)

External Experts

Dr Daniel Maldoom

Tasneem Azad

Michael Weekes (all of DotEcon Ltd)

Greg Harman

Mark Gillespie

Lau Nilausen (all of FTI Consulting LLP)

David Coulson

Andrew Edge (both of Ernst & Young LLP)

Office of Communications

External Counsel

Pushpinder Saini QC

Kate Gallafent

Hanif Mussa

Emily Neill (all of Blackstone Chambers)

Cable & Wireless Worldwide Plc, Virgin Media Limited and Verizon UK Limited

External Counsel

Dinah Rose QC

Tristan Jones (both of Blackstone Chambers)

In-house Solicitors

Raj Roy

Russell Hoare (both of Vodafone Ltd for Cable & Wireless Worldwide Plc)

David Christie (of Virgin Media Limited)

Kahl Oozeerally (of Verizon UK Limited)

External Solicitors

Rob Bratby

Dan Tench

Oliver Gayner

Lucy Davies (all of Olswang LLP)

British Sky Broadcasting Limited and TalkTalk Telecom Group Plc

External Counsel

Meredith Pickford (of Monckton Chambers)

In-house Solicitors

Matthew Marsh

Jason Logendra (both of British Sky Broadcasting Limited)

External Solicitors

Stephen Wisking

John McInnes

Andrew North

Tanya Macrae

Tim Kelly (all of Herbert Smith Freehills LLP)

External Experts

Dr George Houpis

Martin Duckworth

Robert Francis (all of Frontier Economics LLP)

Thomas Mark Robinson

James Stanbury

Conor Brennan (all of RGL Forensics)

PART B

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 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 and each of the parties as follows:

1. I have read a copy of the Tribunal's Order of 22 March 2013 ("the Tribunal's Order") and understand the implications of that Order and the giving of this undertaking.
2. Save in respect of provision to the Tribunal, I will not disclose the Confidential Information (as defined in the Tribunal's Order) to any person who is not an Office of Communications ("Ofcom") employee or a Relevant Adviser (as defined in the Tribunal's Order) without the express consent of the party originally disclosing the information or the permission of the Tribunal.
3. I will use the 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 party originally disclosing the information or the permission of the Tribunal.
4. The pleadings and documents containing the Confidential Information will remain in my custody or the custody of another Relevant Adviser or Ofcom at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
5. 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 Ofcom for the purpose 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 Confidential Information will be returned to the party originally disclosing the pleading or documents at the conclusion of the present proceedings unless they contain Confidential Information from more than one party, in which case they shall be destroyed; any copies of the pleadings and documents containing the 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 Confidential Information is not available to any person.

7. Save that none of the requirements listed at paragraphs 2 to 5 above shall prevent Relevant Advisers from disclosing to a person advised by them Confidential Information which such person has already legitimately seen.

Signed:

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Name

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Date