



IN THE COMPETITION
APPEAL TRIBUNAL

Case Number: 1212/3/3/13

BETWEEN:

COLT TECHNOLOGY SERVICES

Appellant

- v -

OFFICE OF COMMUNICATIONS

Respondent

ORDER

UPON reading the correspondence from the legal representatives of the parties to this appeal relating to the establishment of a confidentiality ring

AND UPON hearing the legal representatives of the parties at the case management conference on 20 June 2013

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 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 confidential 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 party shall hereafter disclose to the other parties confidential versions of its pleadings and other documents which it has served in these proceedings. Save in respect of employees of OFCOM, disclosure in each case is on the condition that such confidential 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. 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.
 5. 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.
 6. All such confidential versions of the 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).
 7. In the case of the pleadings and other documents served thus far in the proceedings, the parties shall comply with paragraph 3 above by 5.00pm on the second business day after this Order is made.
 8. 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 on notice to Telefonica O2 UK Limited indicating whether each of the other parties consents or does not consent to the addition of that person.
 9. Costs be reserved.
 10. There be liberty to apply.

SCHEDULE

PART A

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

Colt Technology Services

External solicitors

Richard Pike
Martin Montague
Matthew Foster
Claire Rivington (all of Baker & McKenzie LLP)

External experts

Andrew Lilico
Fernando Louge (both of Europe Economics)

Office of Communications

External counsel

Josh Holmes (Monckton Chambers)
Mark Vinall
Ravi Mehta (both of Blackstone Chambers)

British Telecommunications plc

External counsel

Daniel Beard QC
Robert Palmer (both of Monckton Chambers)
Nicholas Gibson (Matrix Chambers)

In-house solicitors

Graham Clegg
Karen Nightingale
Nancy Johnson

Interveners in support of Colt

External solicitors

Paul Brisby
Lucas Ford
Helen Gill-Williams (all of Towerhouse Consulting)

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, [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 as follows:

1. I will not disclose the Confidential Information (as defined in the Tribunal's order of [_____]) 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