



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

Cases No: 1156-1159/8/3/10

**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 -

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

Interveners

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**ORDER**

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**UPON** reading the correspondence from the legal representatives of the parties indicating that they have reached agreement as to the establishment of a confidentiality ring in relation to Cases No: 1156/8/3/10, 1157/8/3/10, 1158/8/3/10 and 1159/8/3/10 (together, the “Appeals”)

**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:

- 2.1 “**Confidential Information**” is defined as information justifying confidential treatment by the Tribunal in accordance with rule 53 of the Competition Appeal Tribunal Rules which is contained in any documents served or disclosed in connection with these Appeals.
- 2.2 “**Relevant Advisers**” are those persons:
  - 2.2.1 listed in Part A(i) of the Schedule to this Order who have given a signed undertaking to the Tribunal in the terms of Part B(i) of the Schedule to this Order;
  - 2.2.2 listed in Part A(ii) of the Schedule to this Order who have given a signed undertaking to the Tribunal in the terms of Part B(ii) of the Schedule to this Order;
  - 2.2.3 any person employed by OFCOM; or  
authorised by the Tribunal upon further application
3. OFCOM shall serve on the parties un-redacted copies of the Pay TV Statement dated 31 March 2010, including any pricing models on which OFCOM relied in drafting the Pay TV Statement and each of the parties shall serve on the other parties un-redacted versions of their pleadings, witness statements and other documents on the condition that such un-redacted versions and any Confidential Information contained within those pleadings and documents shall be disclosed only to the 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. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 2.2 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.
6. There be liberty to apply.

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

Made: 29 June 2010  
Drawn: 29 June 2010

## SCHEDULE

### **PART A**

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

#### **PART A(i)**

##### **The Football Association Premier League Limited**

###### *External Counsel*

Helen Davies QC

Maya Lester

Richard Blakeley (all of Brick Court Chambers)

###### *External Solicitors*

Kate Vernon

Martin Rees

Nicholas West

Sally Cook

Rachel Mifsud

Chloe Barker

Mary Mullen (all of DLA Piper LLP)

###### *External Economists*

Simon Bishop

Iestyn Williams

Gordon Cookson (all of RBB Economics)

Zoltan Biro

David Parker

Chris Newton (all of Frontier Economics)

##### **British Sky Broadcasting Limited**

###### *External Counsel*

James Flynn QC

David Scannell (both of Brick Court Chambers)

Meredith Pickford (of Monckton Chambers)

*External Solicitors*

Stephen Wisking

Elizabeth McKnight

Andrew North

Joanne Segger

Anna FitzHerbert

Tamara Todorovic

Mark Rogers

Marieke Bredenoord-Spoek

Vikas Mahendra (all of Herbert Smith LLP)

*External Economists/ Experts*

John Van Reenen (of the London School of Economics)

Liam Colley

Derek Holt

Jessica Reach (all of AlixPartners)

Cristina Caffarra

Hugh Wills

Hristina Dantcheva (all of Charles River Associates)

Martin Cave (of Warwick University and the London School of Economics)

Paul Grout (of University of Bristol)

David Hulbert (of Ravensbeck)

**Virgin Media, Inc.**

*External Counsel*

Mark Hoskins QC

Gerard Rothschild (both of Brick Court Chambers)

*External Solicitors*

Duncan Liddell

Ben Tidswell

Belinda Bagge

Chris Graf

Claire Fourel

Christopher Eberhardt

Emily Clark (economist) (all of Ashurst LLP)

*External Economists*

Dan Maldoom

Christian Koboldt

Tasneem Azad (all of dot.econ)

**BT**

*External Counsel*

David Anderson QC

Sarah Ford

Sarah Love (all of Brick Court Chambers)

*External Economist*

Nicola Floyd (of Nicola Floyd Consulting)

**Top Up TV**

*External Counsel*

Daniel Beard (of Monckton Chambers)

*External Solicitors*

Julian Stait

Emma Hogwood (both of Milbank, Tweed, Hadley & McCloy LLP)

**Rugby Football League**

*External Counsel*

Paul Harris

Fiona Banks (both of Monckton Chambers)

**The Football Association Limited**

*External Counsel*

Paul Harris

Fiona Banks (both of Monckton Chambers)

*External Solicitors*

Richard Eccles

Chelsea Roche (both of Bird & Bird LLP)

**The Football League Limited**

*External Counsel*

Paul Harris

Fiona Banks (both of Monckton Chambers)

*External Solicitors*

Sam Szlezinger

Alex Haffner

Ruth Osborne (all of Denton Wilde Sapte LLP)

**PGA European Tour**

*External Counsel*

Paul Harris

Fiona Banks (both of Monckton Chambers)

*External Solicitors*

Oliver Hunt

Chris Walsh

Adam Leadercramer

Shenal Shah (all of Onside Law Limited)

**Rugby Football Union**

*External Counsel*

Paul Harris

Fiona Banks (both of Monckton Chambers)

*External Solicitors*

Howard Cartlidge

April Carr (both of Olswang LLP)

**Freesat (UK) Limited**

*External Counsel*

Tim Ward (of Monckton Chambers)

*External Solicitors*

Tom Usher

Emma Radcliffe (both of SJ Berwin LLP)

**England and Wales Cricket Board**

*External Counsel*

Marie Demetriou (of Brick Court Chambers)

*External Solicitors*

Kate Vernon

Martin Rees

Nicholas West

Sally Cook

Rachel Mifsud

Chloe Barker

Mary Mullen (all of DLA Piper LLP)

**Office of Communications**

*External Counsel*

Dinah Rose QC (of Blackstone Chambers)

Josh Holmes (of Monckton Chambers)

Ben Lask (of Monckton Chambers)



**PART A(ii)**

**BT**

*In-house Solicitors*

Emily Smith

Annabel Borg

Katharine Wilson

## **PART B(i)**

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser referred to in paragraph 2.2.1 of the Tribunal's order of **29 June 2010** (the "Tribunal's 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 and each of the parties as follows:

1. I have read a copy of the Tribunal's Order and understand the implications of that order and the giving of this undertaking.
2. I will not disclose the Confidential Information (as defined in the Tribunal's Order) to any person who is not a Relevant Adviser (as defined in the Tribunal's Order) without the express consent of the person 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 person 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 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 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 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 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 readily 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 the person advised by them Confidential Information which such person has already legitimately seen.

Signed: .....

Name: .....

Date: .....

## **PART B(ii)**

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser referred to in paragraph 2.2.2 of the Tribunal's order of **29 June 2010** (the "Tribunal's 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 and each of the parties as follows:

1. I have read a copy of the Tribunal's Order and understand the implications of that order and the giving of this undertaking.
2. I will not disclose the Confidential Information (as defined in the Tribunal's Order) to any person who is not a Relevant Adviser (as defined in the Tribunal's Order) without the express consent of the person 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 person 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 at all times and:
  - (i) In relation to hard copies of any documents containing Confidential Information be held in a filing system that is locked and unable to be accessed by anyone other than me or a Relevant Adviser at any time so as to prevent unauthorised access; and
  - (ii) In relation to electronic copies of any documents containing Confidential Information be stored and transmitted in such a way as to be inaccessible by electronic means by anyone within BT other than a Relevant Adviser;
5. The production of further copies shall only be done by me or a Relevant Adviser or under my direct supervision or under the direct supervision of a Relevant Adviser and the production by me of the documents containing the Confidential Information shall be limited to those strictly required for the use of the Relevant Advisers 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 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 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 readily available to any person.
7. Save that none of the requirements listed at paragraphs 2 to 6 above shall prevent Relevant Advisers from disclosing to the person advised by them Confidential Information which such person has already legitimately seen.
8. My activities in relation to BT Vision and any other television service that is or may be offered by BT whether on its own or in conjunction with any other party ("BT Television"), will for the duration of these proceedings and a period of two years from their final conclusion by a judgment from any final competent court of appeal ("the Relevant Period") be limited to the conduct of these and any directly

related proceedings, and to the provision of legal advice on competition and regulatory matters unconnected to the subject matter of these proceedings, but not including any future actual or contemplated investigation by Ofcom, or any other regulatory authority or any actual or contemplated litigation by any party relating to the sale of the audiovisual rights to any sporting event(s) or competition(s).

9. During the Relevant Period, I will have no involvement (whether by the giving of legal advice or otherwise) in the consideration or formulation of commercial strategy or policy in relation to BT Television. In addition, for the Relevant Period and for three years thereafter, I will not advise BT in relation to any bid or negotiation for movie rights or in relation to any actual or potential sale, acquisition or use of sports audiovisual rights by BT Television, including specifically the following in relation to sports rights:
  - a. Any future Invitations to Tender issued by sports rights holders in relation to any sports audiovisual rights; and
  - b. Any bid submitted or considered by BT Television in relation to the sale of any sports audiovisual rights.

Signed: .....

Name: .....

Date: .....