



## COMPETITION APPEAL TRIBUNAL

### **NOTICE OF APPEAL UNDER SECTION 47 OF THE COMPETITION ACT 1998 CASE NO 1068/2/1/06**

Pursuant to rule 15 of the Competition Appeal Tribunal Rules 2003 (“the Rules”), the Registrar gives notice of the receipt of an appeal on 28 April 2006, under section 47 of the Competition Act 1998 (“the Act”), by Casting Book Limited (in administration) (trading as Independent Posters) (“the appellant”), c/o Harris Lipman, 2 Mountview Court, 310 Friern Barnet Lane, Whetstone, London N20 0YZ, in respect of a decision (“the Decision”) dated 20 February 2006 taken by the Office of Fair Trading (“the OFT”) to close its investigation into an alleged collective boycott by Trade Marks and Rights Holders Against Piracy (“TRAP”) and/or certain of its members on the basis that it no longer constitutes an administrative priority.

The notice of appeal, which is in the form of a letter, states that the appellant was a manufacturer of posters of celebrities until it went into administration caused by the activities of a cartel. According to the appellant, the posters contain ‘unofficial’ celebrity photographs, are perfectly legitimate and do not breach any copyright. The notice of appeal further states that suppliers of unofficial celebrity merchandise compete on prices with official celebrity merchandise. Both sets of merchandise are supplied to the same retailers.

According to the notice of appeal, the appellant and others made a complaint to the OFT regarding the conduct of members of TRAP to the effect that TRAP and/or its members were threatening to stop supplying retailers with official merchandise if those retailers stocked unofficial merchandise.

The notice of appeal states that the OFT’s initial investigation indicated a case to answer on the part of TRAP, that a formal investigation was launched by the OFT and that information was sought under section 26 of the Act from TRAP, its members and other third parties. According to the appellant, its understanding is that the OFT concluded that TRAP was acting unlawfully. By letter dated 5 January 2006 the OFT wrote to the appellant to inform it that it had provisionally decided to close the case on the ground that it did not constitute an administrative priority. That provisional decision was confirmed in the Decision.

The appellant appeals on the basis that, in its view, there was a cartel which the OFT investigated and in respect of which a case was made out but which the OFT now refuses to pursue because of apparent administrative restrictions. The appellant requests that the Decision be set aside and that the OFT conclude its work.

Any person who considers that he has sufficient interest in the outcome of the proceedings may make a request for permission to intervene in the proceedings, in accordance with rule 16 of the Rules.

A request for permission to intervene should be sent to the Registrar, The Competition Appeal Tribunal, Victoria House, Bloomsbury Place, London, WC1A 2EB, so that it is received within **three weeks** of the publication of this notice.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at [www.catribunal.org.uk](http://www.catribunal.org.uk). Alternatively, the Tribunal Registry can be contacted by post at the above address or by telephone (020 7979 7979) or fax (020 7979 7978). Please quote the case number mentioned above in all communications.

*Charles Dhanowa*

Registrar  
22 August 2006