



CLAIM NO. HC-2015-005235

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
COMPETITION LIST (ChD)

Before: His Honour Judge Johns QC

HC-2015-005235

Dated: 10 November 2021

BETWEEN:

- (1) KELKOO.COM (UK) LIMITED
- (2) KELKOO SAS
- (3) JAMPLANT LIMITED
- (4) KELKOO INTERNET S.L.
- (5) KELKOO AS
- (6) KELKOO SRL
- (7) KELKOO NETHERLANDS BV
- (8) KELKOO AB
- (9) KELKOO DEUTSCHLAND GmbH
- (10) KELKOO DANMARK A/S
- (11) JOLT LIMITED

Claimants

-and-

- (1) GOOGLE UK LIMITED
- (2) GOOGLE IRELAND LIMITED
- (3) GOOGLE LLC

Defendants

Consent Order

HAVING REGARD TO section 16 of the Enterprise Act 2002 (as amended) (the "**2002 Act**") and to the Section 16 Enterprise Act 2002 Regulations 2015 (the "**2015 Regulations**")

AND HAVING REGARD TO paragraphs 8.3 to 8.6 and 8.10 to 8.13 of Practice Direction 30, supplementing CPR Part 30 ("**Practice Direction 30**")

AND UPON the parties having agreed to the terms of this Order and by consent

IT IS ORDERED THAT:

1. The proceedings, which relate to:
 - (i) a claim to which section 47A of the Competition Act 1998 applies; and/or
 - (ii) an infringement issue (as defined in section 16(6) of the 2002 Act)are hereby transferred to the Competition Appeal Tribunal (“**CAT**”) for its determination of those issues pursuant to section 16(4) of the 2002 Act and/or section 16(1) of that Act together with Regulation 2(a) of the 2015 Regulations.
2. Pursuant to paragraph 3 of Practice Direction 30, this Order shall take effect forthwith.
3. The sending of this Order to the parties and the CAT shall constitute notice to them for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR 30.4(1).
4. For the avoidance of doubt:
 - (i) Neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Claimants’ claim as constituted in this Court prior to the transfer taking effect. If, and to the extent that, any element of the claim as constituted in this Court prior to the transfer taking effect is not capable of falling within the jurisdiction of the CAT on a transfer or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this Court.
 - (ii) The proceedings were and shall continue to be regarded as having been commenced in this Court. Any further statements of case or amendments to a statement of case shall be made in accordance with the Civil Procedure Rules and not with the Competition Appeal Tribunal Rules 2015.
 - (iii) Neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Defendants’ defences to the Claimants’ claim as constituted in this Court prior to the transfer taking effect.
 - (iv) Any appeal to the Court of Appeal against the determination of the CAT of the issues transferred or an Order of the Court giving effect to that determination shall be governed by the rules in CPR Part 52.
 - (v) This Court may give such further directions or make such further Orders as it thinks fit in connection with the transfer and/or with any such element referred to above.
5. There be liberty to apply.
6. This Order shall be served by the Claimants on the Defendants.

DATED: 10 November 2021

Service of the order

The Court has provided a sealed copy of this order to the serving party: Linklaters LLP at One Silk Street, London, EC2Y 8HQ by email to tom.cassels@linklaters.com and james.hennah@linklaters.com