



## COMPETITION APPEAL TRIBUNAL

### **1590/4/12/23 Microsoft v CMA: Failure to respect the understanding on which Tribunal Proceedings are livestreamed**

**8 June 2023**

The Tribunal is one of a limited number of courts in the United Kingdom with the statutory right to “livestream” its proceedings (The Competition Appeal Tribunal (Recording and Broadcasting) Order 2022, 2022 No. 156), which the Tribunal does whenever appropriate. Generally, proceedings are livestreamed in the interests of open justice, but issues of confidentiality may restrict or even preclude livestreaming. All livestreamed hearings of the Tribunal begin with a reminder from the Chair that the proceedings are not to be further broadcast, recorded, transmitted or photographed. This reflects the rules that apply in court and it is appropriate that the same regime apply in respect of the livestream. The rules regarding “livestreaming” have generally been complied with, and there has been no breach requiring consideration of contempt jurisdiction.

The Tribunal has had drawn to its attention a number of photographs of the livestreamed case management conference in *Microsoft v. CMA* on 30 May which have been taken, manipulated and broadcast in what can only be the clearest violation of the rules. These violations – which appear to be deliberate – are taken extremely seriously by the Tribunal, not only because they show a disregard for the rule of law and the court’s authority, but also because the concerns of those opposed to livestreaming (hitherto shown to have been unfounded) are given substance.

The Tribunal will keep this matter under the closest review. The Tribunal urges those involved in these breaches of procedure to avoid repetition and to do what they can to remove, retract and destroy the infringing material.