



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

Case No: 1527/7/7/22

BETWEEN:

**ALEX NEILL CLASS REPRESENTATIVE LIMITED**

Class Representative

- v -

**(1) SONY INTERACTIVE ENTERTAINMENT EUROPE LIMITED**  
**(2) SONY INTERACTIVE ENTERTAINMENT NETWORK EUROPE LIMITED**

Defendants

---

**COLLECTIVE PROCEEDINGS ORDER**

---

**UPON** the application of the Applicant for a collective proceedings order (the “**CPO Application**”) pursuant to section 47B of the Competition Act 1998 (“**section 47B**”) and Rule 75 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “**Tribunal Rules**”)

**AND UPON** receipt of a Collective Proceedings Claim Form on 19 August 2022

**AND UPON** receipt of an Amended Collective Proceedings Claim Form on 11 January 2023

**AND UPON** hearing Counsel for the parties on 7-9 June and 9 October 2023

**AND UPON** the Tribunal having given judgment on the CPO Application on 21 November 2023

**AND UPON** receipt of a Re-Amended Collective Proceedings Claim Form on 19 December 2023

**AND UPON** the Tribunal considering it is just and reasonable for Alex Neill Class Representative Limited to act as the representative of the Class (as defined below) in these proceedings

**IT IS ORDERED THAT:**

**Forum**

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales.

**Authorisation of Class Representative and certification of the claims as eligible for inclusion in collective proceedings**

2. Pursuant to section 47B and Rules 77 and 80 of the Tribunal Rules, Alex Neill Class Representative Limited be authorised to act as the Class Representative to continue collective proceedings on an opt-out basis claiming damages for loss suffered by the Class (as defined below).
3. The remedy sought is an award of aggregate damages for the Class (as defined below) pursuant to section 47C(2) of the Competition Act 1998 together with interest, costs and any further or other relief as the Tribunal may think fit.
4. The Applicant's address for service is Milberg London LLP, Third Floor, Sutton Yard, 65 Goswell Road, London EC1V 7EN (hard copy) or [npearman@milberg.co.uk](mailto:npearman@milberg.co.uk) and [hzielonka@milberg.co.uk](mailto:hzielonka@milberg.co.uk) (email).

**Class definition**

5. The Class shall be defined as: "*All **PlayStation** users who, during the **Relevant Period**, made one or more **Relevant Purchases**, or the personal representative of any such PlayStation user*", whereby:
  - a. "**PlayStation**" means the proprietary range of game consoles, sold under the brand PlayStation.
  - b. "**Relevant Period**" means the period between 19 August 2016 and 19 August 2022.

- c. **“Relevant Purchase”** means any purchase of digital games or add-on content from the PlayStation Store for which a PlayStation user in the UK pays a charge to access or download.
  - d. **“PlayStation Store”** means the electronic storefront within the PlayStation Network which is pre-installed on all PlayStations (since the launch of the PlayStation 4) and allows users to purchase: (i) digital copies of games to play on their console without the need to own any physical media; and (ii) add-on content for particular games.
6. All persons who fall within the definition of the Class and who are domiciled in the UK on the date of domicile to be determined by the Tribunal are proposed to be included in the Class.
7. All persons who fall within the definition of the Class and who are not domiciled in the UK on the date of domicile to be determined by the Tribunal are proposed to be permitted to opt into the proceedings.
8. The following categories of persons (as constituted from time to time) shall be excluded from the class and accordingly not be Class Members:
- a. officers, directors or employees of the Defendants;
  - b. officers, directors or employees of any entities in which the Defendants have a controlling interest;
  - c. all members of the Defendant’s legal team;
  - d. all experts instructed on behalf of the Defendants;
  - e. all members of the Class Representative’s legal team;
  - f. all experts instructed on behalf of the Class Representative;
  - g. all employees of the claims administrator engaged in advising and assisting the Class Representative and any other professional adviser who may be engaged by the Class Representative for the purposes of these proceedings;

- h. all employees/directors of the Class Representative’s litigation funder; and
  - i. all members of the Tribunal panel assigned to these proceedings.
9. The Class Representative shall publish a Notice of the Collective Proceedings in the form appended to this Order in accordance with Rule 81 of the Tribunal’s Rules.

**Opting-out and opting-in**

10. Every Class Member who is domiciled in the United Kingdom on 21 November 2023, being the date on which the Tribunal granted the CPO Application (“**the Domicile Date**”) shall be included in these collective proceedings.
11. Any Class Member who is domiciled in the United Kingdom on the Domicile Date may opt out of the Collective Proceedings by giving the Class Representative notice in writing of their decision to opt out by 26 April 2024, in accordance with the attached Notice.
12. Any Class Member who is not domiciled in the United Kingdom on the Domicile Date may opt-in to the Collective Proceedings by giving the Class Representative notice in writing of their decision to opt in by 26 April 2024.
13. Any notice to be given under paragraph 11 or 12 above, and any other document to be served on the Class Representative, shall be served in accordance with the attached Notice, including submission via the website ([www.playstationyouoweus.co.uk](http://www.playstationyouoweus.co.uk)) or being sent to:

Alex Neill Class Representative Limited  
PO Box 5551  
Radstock  
BA3 9DL

**General**

14. There be liberty to apply.

**Ben Tidswell**  
Chair of the Competition Appeal Tribunal

Made: 19 January 2024  
Corrected: 2 February 2024