



Neutral citation [2025] CAT 71

Case No: 1745/5/7/25 (T)

**IN THE COMPETITION
APPEAL TRIBUNAL**

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

6 November 2025

BETWEEN:

**(1) ROADGET BUSINESS PTE. LTD. (A COMPANY INCORPORATED
IN SINGAPORE)**

(2) SHEIN DISTRIBUTION UK LIMITED

Claimants

- v -

WHALECO UK LIMITED

Defendant

REASONED ORDER

UPON the parties filing on 30 October 2025 written submissions further to Annex 1 (G) of the Order of the Tribunal made on 8 October 2025

AND UPON the parties filing further written submissions following a direction from the Tribunal on 4 November 2025

AND UPON the evidence filed by the Claimants on 4 November 2025

AND UPON the issues being considered and determined on the papers

IT IS ORDERED THAT:

1. On or before 4pm on 14 November 2025, the Claimants shall confirm in writing to the Defendant whether their proposed list of custodians for the Relevant Period (as defined in paragraph 34 of the Re-Re-Re-Re-Amended Defence and Counterclaim (the “Defence”)) includes individuals: (i) with authority to make enforcement decisions; and (ii) who instigated the supplier interviews in respect of all of the suppliers who are relevant to paragraphs 47A, 47B and 47C of the Defence.
2. Without prejudice to paragraph 1 above, the Claimants’ custodians for the Competition Disclosure Review Document (the “DRD”) shall include anyone from its senior management team, including its co-founder and chief executive officer, who had authority to make enforcement decisions or were part of the “Office of General Manager” and who have documents relevant to: (i) the specific allegations in November/December 2023 pleaded in paragraph 47A of the Defence; (ii) the specific allegations particularised in paragraphs 47B.1 and 47B.2 of the Defence; and (iii) the specific allegations particularised in paragraph 47C of the Defence. Any relevant documents shall form part of the disclosure to be given.
3. The following search terms shall be included in the DRD:
 - (a) For Issues 7, 13, 14, 15, 21, 22, 23, 24, 25, 28, 30, 31 and 33, the name of the individual representing a Relevant Supplier (being the suppliers relevant to paragraphs 47A-47C of the Defence) for the years 2022-2023.
 - (b) For Issues 7, 14, 21, 23, 31 and 33, the term “Amigo”.
 - (c) For Issues 15 and 24, the terms “watermark*”, “logo*”, “design*”, “styl*”, “highly suspected”, “reverse search”, “crawl*”, “on-shelf”, “bestseller*”, “new arrival*”, “traffic*”.
 - (d) For Issues 28 and 30, the terms “traffic*” and “Amigo”.

4. On or before 4pm on Friday 14 November 2025, the Claimants shall provide the Defendant with answers to the following questions:
 - (a) Whether all documents held by Guangzhou Shein International Import & Export Co. Limited (“Guangzhou Shein”) are or have been in the control of the Claimants (or either of them).
 - (b) Irrespective of the answer to 4(a) above, whether the disclosure to be given will include relevant documents held by Guangzhou Shein.
 - (c) If the answer to question 4(b) above is yes, whether the searches and disclosure undertaken in respect of any documents held by Guangzhou Shein will be undertaken in accordance with the rules of this Tribunal, as well as applying the search terms of the DRD, including those ordered today.
5. Costs in the case.
6. Permission to apply.

REASONS

1. Pursuant to Annex 1(G) of the Tribunal’s Order made on 8 October 2025, the parties were ordered to provide written submissions on any outstanding disputes in relation to Section 2 of the DRD, any such disputes to be determined on the papers. This Reasoned Order arises from those disputes.
2. The Tribunal has received written submissions from both parties as well as the Eleventh Witness Statement of Mr Timothy Democratis.
3. The Tribunal has been reminded of the principles to be applied when considering disputes of such nature (see paragraph 4 of the Defendant’s submissions).

4. A draft order setting out what is requested and what is opposed would have greatly assisted the Tribunal. In future, the parties are directed to provide draft orders, marked up showing what is in dispute.

A. CUSTODIANS

5. The Defendant complains about the custodians identified by Shein and seeks an order that Shein confirm by 11 November 2025 whether Shein's proposed list of custodians includes individuals: (i) with authority to make enforcement decisions; and (ii) who instigated the supplier interviews in respect of the Relevant Suppliers (being the Suppliers referred to in paragraphs 47A, 47B and 47C of the Defence).
6. The request covers the whole of the Relevant Period. Notwithstanding its breadth, it is only a request for confirmation as to what Shein is proposing to do. Accordingly, compliance with such a request is not onerous, is relevant, and so I direct it to be done. This should be done on or before 4pm on 14 November 2025.
7. However, I have also read the skeleton arguments and correspondence surrounding this issue and am concerned about whether all relevant custodians have been included. What lies behind the Defendant's request is a concern that relevant custodians have not been identified. The Claimants point to the fact that they have identified 131 custodians, but that does not meet the point as to whether that includes everyone who is relevant.
8. The Claimants argue that broadening the custodians to senior executives or management is contrary to the Order of Bacon J made on 29 July 2025 which provided that Model D disclosure should be given only in respect of the Relevant Suppliers. It is correct that Model D disclosure is limited to the suppliers referred to in paragraphs 47A, 47B and 47C of the Defence, which the Claimants say is 30 suppliers rather than 32 as stated by the Defendant, but that does not exclude the possibility that senior executives might be custodians of relevant documents to the issues, particularly in light of the allegations made.

The fact that the Claimants take issue with this suggestion raises a real concern that such individuals have not in fact been included as custodians.

9. Rather than waste more time going back and forth on this issue, in addition to the order above, I direct that Shein must include as custodians those covered by paragraph 2 of the Order above. Any relevant documents shall form part of the disclosure to be given. This is limited in scope to the specific particularised allegations made, and should not be onerous. If such people are already included in the list of custodians, then this order creates no additional burden. If they were not included, they ought to have been.

B. SEARCH TERMS

10. This is a very unedifying dispute. Originally, the Defendant requested that a larger number of search terms be added, but that request appears to have been limited (although the absence of any draft order makes this very difficult to discern).
11. What appears to be left is a request for the following search terms to be included:
 - (a) In respect of DRD Issues 7, 13, 14, 15, 21, 22, 23, 24, 25, 28, 30, 31 and 33, that search terms include the name of the individual representing the supplier in its dealings with the Claimants to the extent that such names are known to the Claimants and/or are reasonably identifiable; or the suppliers' store name on the Defendant to the best of the Claimants' knowledge and understanding, to the extent that such names are known to the Claimants and/or are reasonably identifiable.
 - (b) In respect of DRD Issues 7, 14, 21, 23, 31 and 33, the term "Amigo".
 - (c) In respect of DRD Issue 15 and 24, the terms "watermark*", "logo*", "design*", "styl*", "highly suspected", "reverse search", "crawl*", "on-shelf", "bestseller*", "new arrival*", "traffic*", "memo*", "report*" and "summary*/summary".

(d) In respect of DRD Issues 28 and 30, the terms “traffic*” and “Amigo”.

12. Mr Democratis for the Claimants explains that it is not possible without extensive manual work to extract the names of individuals representing suppliers and/or supplier storefront names over the Relevant Period. Further, suppliers may have operated under multiple storefront names over the Relevant Period and all individuals may have changed over that time.
13. It is not suggested that to do this for the period of the particularised allegations in paragraphs 47A-C of the Defence would be onerous. This limits the information to be included as search terms to 2022-2023. That would seem to me to be relevant and proportionate and so that is what I direct should be done.
14. As regards the other search terms, the Claimants complain about the terms “memo*”, “report*” and “summary*/summary” as being too broad, and I agree. They also complain that some of the other terms (such as “Amigo” and “crawl*”) are “quixotic” and so not justified as relevant. Of course, the “quixotic” nature of search terms limits the risk of an over-return. The Defendant says these are needed because it believes such terms may return relevant documents. I have very little information from either party as to whether this is correct or not, but (just about) accept that these may be relevant and so accede to the Defendant’s request, to that extent.

C. THE POSITION OF GUANGZHOU SHEIN

15. The Defendant is concerned about whether disclosure will be given by Guangzhou Shein. It asks eight questions which it asks Shein to answer, set out in paragraph 2.1.1(A)-(H) of Herbert Smith Freehills Kramer LLP’s letter of 3 November 2025.
16. The Claimants’ response is to say that they do not have “automatic control” over documents held by Guangzhou Shein, but if Guangzhou Shein holds relevant documents, then the Claimants will request and disclose those documents. The Claimants say that they expect that Guangzhou Shein will comply. Overall, they say that this is really a request for third party disclosure.

17. It is very unclear what is meant by “automatic” control. Further, saying that a party “expects” that relevant documents will be provided is not much comfort. The Defendant has a right to know the position. However, the Defendant’s eight questions go beyond what is necessary for it to know the position and so are not all appropriate, particularly at this stage.
18. It seems to me that the Defendant has a right to know the answers to the questions I set out in paragraph 4 of the Order above. I direct that these questions be answered on or before 4pm on 14 November 2025.

Andrew Lykiardopoulos KC
Chair of the Competition Appeal Tribunal

Made: 6 November 2025
Drawn: 6 November 2025