



Neutral citation [2026] CAT 10

Case No: 1527/7/7/22

IN THE COMPETITION APPEAL TRIBUNAL

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

12 February 2026

Before:
BEN TIDSWELL
(Chair)
THE HONOURABLE LORD RICHARDSON
DEREK RIDYARD

Sitting as a Tribunal in England and Wales

BETWEEN:

ALEX NEILL CLASS REPRESENTATIVE LIMITED

Class Representative

- v -

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

Defendants

Heard at Salisbury Square House on 12 February 2026

RULING (AMENDMENT APPLICATION)

APPEARANCES

Mr Robert Palmer KC, Mr Nikolaus Grubeck, Mr Stefan Kuppen and Ms Charlotte McLean (instructed by Milberg London LLP) appeared on behalf of the Class Representative.

Mr Daniel Beard KC, Ms Charlotte Thomas, Ms Gayatri Sarathy and Mr Firdaus Mohandas (instructed by Linklaters LLP) appeared on behalf of the Defendants.

1. On 5 February 2026, the Class Representative filed an application to amend its Re-Re-Amended Collective Proceedings Claim Form in the proceedings (the “Amendment Application”). The Amendment Application was considered at the pre-trial review which took place on 12 February 2026.
2. For the purpose of the claim, the class is defined as:

“All **PlayStation** users domiciled in the United Kingdom, or their UK domiciled personal representative who, during the **Relevant Period**, made one or more **Relevant Purchases**.”
3. By the Amendment Application, the Class Representative sought to update the class definition to include class members who have opened accounts and made Relevant Purchases¹ between 19 August 2016 and 12 February 2026. This would extend the “Relevant Period” of the claim from the original pleaded end date of 19 August 2022 to the date of the PTR. The need for amendment arises from the requirement that collective proceedings can only combine extant claims and it is necessary to update the claim period and therefore the class membership by reference to a date close to the start of the trial. See *Alex Neill Class Representative Limited v Sony Interactive Entertainment Europe Limited* [2023] CAT 73 and *Dr Rachael Kent v Apple Inc. & Another* [2026] CAT 1 (“*Kent*”).
4. Sony opposed the amendment, on the basis that:
 - (1) In the period since 19 August 2022 and 12 February 2026, the number of potential class members has increased considerably (there is a dispute about exactly by how much, but it seems likely to be in the order of millions of users).
 - (2) The proximity of this hearing to the trial means that only a small number of weeks is available for CPO Notices to be issued and for users to opt out or in, as they may be entitled to.
5. Sony contended that, in these circumstances, the meaningful opportunity to opt out referred to (for example) at [61] of *Kent* cannot be provided, as the period in which

¹ “Relevant Purchase” is defined as meaning any purchase of digital games or add on content from the PlayStation Store for which a PlayStation user pays a charge to access or download in the United Kingdom.

newly added class members can become aware of the proceedings, and take positive steps to opt out or in, is simply too short. When combined with the number of users affected and the length of time since the Relevant Period was set, this is said to cut unacceptably across the scheme and intent of the collective proceedings regime.

6. The Class Representative stated in response that the amended Collective Proceedings Order Notice can be published shortly after the PTR and there would be over three weeks (until the day the trial actually starts on 10 March 2026) for the opt out or opt in process to take place. The proceedings have been well publicised and there has been considerable interest, with some 400,000 users registering their involvement. Some 9,000 people (non-UK domiciled users) have opted in already and approximately 1,500 have already opted out.
7. In the Tribunal's view, there is no real question that the Amendment Application should be permitted. Not to do so would leave a large number of users without access to whatever benefits the collective proceedings may bring. It seems quite possible there will not be other proceedings in which their claims could be included. The overall policy objective of the collective proceedings regime is to facilitate the bringing of such claims (see *Kent* at [25]). We think this consideration largely overrides the concerns in this case about whether opt out and opt in procedures will operate as well as one might want.
8. It is important that the mechanisms which govern the procedures in collective proceedings work properly. We think the reference to "meaningful" in *Kent* was specific to the context of that case, which involved an application to include class members up to the point of judgment. However, it is clearly right that the procedures for opt in and opt out should be effective to serve that purpose.
9. In our view, three weeks is sufficient for that to take place. It is not, we would stress, an ideal position, as the PTR at which this was raised is very close to the trial and compresses the time for opting out or opting in to what might be seen as a bare minimum, even in circumstances where the proceedings do seem to have a considerable public profile. It has also been unhelpful that the issue of updating the class has been left dormant for some considerable time and insufficient thought has apparently been

given to the practicalities involved. Having said that, we recognise that the ruling in *Kent* was only handed down on 13 January 2026 and that there was previously little available guidance on the issue of closing the class.

10. If Sony continues to consider that three weeks is an insufficient period for the opt out and opt in process, then the Tribunal is open to submissions about a later deadline. While *Kent* suggests that the beginning of the trial is the optimal time to close the class, it leaves the matter for each Tribunal to consider in the particular circumstances. We are of the view that allowing another week or two for the opt in/opt out deadline would not materially affect the integrity of the process and we have invited Sony to suggest a later date if it wishes to do that.
11. Overall, therefore, we consider that the interests of updating the class to include users who have opened accounts and made Relevant Purchases after 19 August 2022 outweigh the constraints that have been placed on the period to allow new class members to opt out or opt in. On that basis, we will permit the Amendment Application.
12. This Ruling is unanimous.

Ben Tidswell
Chair

Lord Richardson

Derek Ridyard

Charles Dhanowa O.B.E., K.C. (*Hon*)
Registrar

Date: 12 February 2026