



Neutral citation [2026] CAT 35

Case No: 1468/7/7/22

IN THE COMPETITION
APPEAL TRIBUNAL

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

21 April 2026

Before:

JUSTIN TURNER KC
(Chair)
JANE BURGESS
DEREK RIDYARD

Sitting as a Tribunal in England and Wales

BETWEEN

JUSTIN GUTMANN

Class Representative

-and-

(1) APPLE INC.
(2) APPLE DISTRIBUTION INTERNATIONAL LIMITED
(3) APPLE RETAIL UK LIMITED

Defendants

Determined on the papers

RULING (COSTS)

1. We gave judgment on 11 March 2026 in relation to an application by Apple Inc. and others (**Apple**) to strike out this claim ([2026] CAT 20). We found that the application failed insofar as Apple sought to strike out the claim in its entirety or for the period after December 2017. It succeeded in relation to the period after March 2018. The period after March 2018, which relates to iOS 11.3, occupied this Tribunal for a short time only and was dealt with only briefly in written submissions.
2. The Class Representative (**CR**) has been the successful party on this application. We order that Apple pay 90% of its costs with a 10% reduction representing the fact that it lost in relation to the period after March 2018.
3. We propose to summarily assess the costs. We have been provided with a schedule of costs by the CR. These total £292,061.50. The hourly rates are considerably greater than the Solicitors' guideline rates. Adjusting down to the guideline hourly rates brings the solicitors bill of £239,561.50 to approximately £170,000 which with counsels' fees of £52,500 would amount total £222,500. With an adjustment to 90% this is approximately £200,000.
4. Apple point out that the overall costs bill is large and that excessive time appears to have been spent *inter alia* on "Correspondence with and attendance on Counsel" of nearly 80 hours. It also observes that the claim of £101,314 for "Work Done on Documents" was disproportionate and the contents of the witness evidence served by the CR was largely irrelevant to the matters the Tribunal was required to decide. We see some force in these submissions.
5. Taking these matters into account, we order that the costs be summarily assessed at £175,000 to be paid by Apple to the CR within 28 days of the date of this Ruling.
6. Apple seek an order that the CR should pay the costs of and occasioned by future amendments to its claim form which have been directed by this Tribunal. Our provisional view is that such an order is likely to be appropriate

for the usual reasons however we make no order today as this matter does not yet fall for determination.

7. This Ruling is unanimous.

Justin Turner KC
Chair

Jane Burgess

Derek Ridyard

Charles Dhanowa CBE., KC (*Hon*)
Registrar

Date: 21 April 2026