



Case No: 1696/7/7/24

**IN THE COMPETITION APPEAL
TRIBUNAL**

BETWEEN:

DR MARIA LUISA STASI

Applicant/Class Representative

-and-

(1) MICROSOFT CORPORATION

(2) MICROSOFT LIMITED

(3) MICROSOFT IRELAND OPERATIONS LIMITED

Respondents/Defendants

COLLECTIVE PROCEEDINGS ORDER

UPON the collective proceedings claim form filed on 3 December 2024 (the **Collective Proceedings Claim Form**)

AND UPON hearing leading counsel for the parties at a hearing on 11 and 12 December 2025

AND UPON reading the further submissions of the parties filed on 23 January 2026

AND UPON the Tribunal having given judgment on 21 April 2026 ([2026] CAT 34) on the application for a collective proceedings order (**CPO**) made in the Collective Proceedings Claim Form, pursuant to section 47B of the Competition Act 1998 (the **Act**) and Rule 75 of the Competition Appeal Tribunal Rules 2015 (the **Tribunal Rules**)

IT IS ORDERED THAT:

Forum

1. The collective proceedings (**Collective Proceedings**) shall be treated as taking place in England and Wales.

Authorisation of class representative and certification of the claims eligible for inclusion in collective proceedings

2. Pursuant to section 47B of the Act and Rules 77 and 80 of the Tribunal Rules, Dr Maria Luisa Stasi be authorised to act as class representative to continue collective proceedings on an opt-out basis.
3. The remedy sought is an award of aggregate damages pursuant to section 47C(2) of the Act and interest on such damages (alternatively, in respect of further losses, a declaration), costs, and/or such further or other relief as the Tribunal may see fit.
4. The Applicant's address for service be c/o Scott+Scott UK LLP, 1 Chancery Lane, London, WC2A 1LF (Attention: James Hain-Cole).
5. The claims certified to be combined in the CPO pursuant to section 47B of the Act and Rules 79 and 80 of the Tribunal Rules, are claims for loss and damages suffered by the Class and Sub-Class (as defined below), as set out in the Collective Proceedings Claim Form.

The Class

6. The Class be defined as follows (hereafter the **Class** and the **Class Definition**):

All Organisations (other than Excluded Organisations) which, during the Claim Period, obtained a licence to use Windows Server from a Listed Provider.

7. The Sub-Class be defined as follows (hereafter the **Sub-Class** and the **Sub-Class Definition**):

Any Class Member who held an On-Premises Licence with Software Assurance to use Windows Server during the Sub-Class Claim Period.

For these purposes:

Organisation means:

- (1) Any UK incorporated public or private limited company (ie. any “PLC” or “Ltd”), limited liability partnership (ie. any “LLP”) or limited partnership (ie. any “LP”) registered at Companies House.
- (2) Any partnership established under English, Scots or Northern Irish law.
- (3) Any charitable organisation registered with the Charity Commission, the Scottish Charity Regulator or the Charity Commission for Northern Ireland.
- (4) Any public body, including any NHS trust, local authority, central government department or arm’s length body (**ALB**).

*For the purposes of the Proposed Collective Proceedings, **Windows Server** includes:*

- (1) Windows Server 2008, Windows Server 2008 R2, Windows Server 2012, Windows Server 2012 R2, Windows Server 2016, Windows Server 2019, Windows Server 2022 and any forthcoming versions of Windows Server (including Windows Server 2025).
- (2) Any “Editions” of Windows Server that fall within the description set out immediately above.

Listed Providers means:

The term “Listed Provider” was invented by Microsoft and, for the purposes of these Proposed Collective Proceedings, means AWS, GCP and Alibaba Cloud.

Claim Period and **Sub-Class Claim Period**

Starting on 3 December 2018 and runs until the date of judgment.

On-Premises Licence with Software Assurance

Any licence which grants the right to install Windows Server on the client’s premises. This will include any licence for Windows Server obtained through (i) a Microsoft Enterprise Agreement, (ii) a Microsoft Products and Services Agreement (“**MPSA**”), or (iii) Microsoft’s Cloud Solution Provider programme. Such licencees are able to purchase “Software Assurance”, which is a package of additional rights, entitlements and services. When purchased alongside an On-Premises Licence to use Windows Server,

Software Assurance includes a number of “Mobility Rights” which allow a licensee to use their licence on some (but not all) cloud computing platforms.

Excluded Organisations means:

- (1) Any Organisation instructed by the Proposed Defendants to provide legal or expert assistance for the purposes of the Proposed Collective Proceedings;
- (2) Any Organisation instructed by the Proposed Class Representative to provide legal, expert, or other professional support for the purposes of the Proposed Collective Proceedings;
- (3) The Competition Appeal Tribunal itself, and any Organisation owned or controlled by the members of the Tribunal panel assigned to the Proposed Collective Proceedings; and
- (4) Any Organisation owned or controlled by any judge hearing any appeal in the Proposed Collective Proceedings.

Publicity

8. Within seven days of this Order being drawn the Applicant shall publicise the CPO in accordance with the draft Rule 81 Notice provided with the Collective Proceedings Claim Form and the proposal for publication set out in the Litigation Plan exhibited at MLS1.2 to the first witness statement of Dr Maria Luisa Stasi.

Opting out

9. Every Organisation falling within the description of the Class and the Sub-Class which is domiciled in the United Kingdom on the date three months after this Order being drawn (the **Domicile Date**) shall be included in these Collective Proceedings, unless they opt out in accordance with paragraph 10 below.
10. Any Organisation falling within the description of the Class and Sub-Class which 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 in accordance with the draft Rule 81 Notice and by no later than 4pm on the date three months after the date of publication of the Rule 81 Notice.

11. There shall be a hearing held as to matters consequential to this Order (the **Consequential Hearing**) at 2pm on 20 May 2027 with a time estimate of half a day.

Defences and Reply

12. The dates by which the Defendants shall file and serve Defences to the Collective Proceedings Claim Form, and the date by which the Applicant shall file and serve a Reply (if so advised), are reserved to the Consequential Hearing.

Costs

13. Costs reserved to the Consequential Hearing.

General

14. There be liberty to apply.

The Honourable Mr Justice Johnson
Chair

John Davies

Lesley Farrell

Made: 21 April 2026
Drawn: 30 April 2026