

NOTICE OF A CLAIM UNDER SECTION 47B OF THE COMPETITION ACT 1998

Case No: 1771/7/7/26

Pursuant to Rule 76(8) of the Competition Appeal Tribunal Rules 2015 (SI. 2015 No. 1648) (the “Rules”), the Registrar gives notice of the receipt on 1 April 2026 of a claim for damages under Section 47B of the Competition Act 1998 (the “Act”) by Mr Jeremy Steven Newman (the “PCR”) against: (1) Rightmove PLC; and (2) Rightmove Group Limited (together, the “Proposed Defendants”). The PCR is represented by Scott + Scott UK LLP, 1 Chancery Lane, 3rd Floor, London, WC2A 1LF.

The Collective Proceedings Claim Form (“CPCF”) states that the claims which it seeks to combine in the collective proceedings are brought on a standalone basis and relate to loss caused by the Proposed Defendants’ breach of statutory duty, in particular by their infringements of Article 102 of the Treaty on the Functioning of the European Union (“TFEU”) up to 31 December 2020, and Section 18 of the Act (the “Claims”).

The CPCF states that the “Proposed Class” consists of all persons domiciled in England, Wales and Scotland on the domicile date (which is to be determined by the Tribunal) that, at any point in the six years prior to the date of the CPCF, paid fees directly to Rightmove for the receipt of Rightmove’s “Property Portal Services” (meaning services relating to the publication, operation, distribution and/or receipt by other persons of online property portals or platforms, whether published or received from a website or a mobile electronic device) in relation to the sale or letting of residential property in England, Wales and Scotland. The CPCF specifically notes that the Proposed Class is restricted to the Rightmove subscriber level of commerce and does not include persons at other levels of commerce, such as house sellers or landlords. The Proposed Class also excludes natural persons who are deceased and legal persons that have ceased to exist. The PCR estimates that there are likely to be approximately 7,200 members of the Proposed Class, the vast majority of which are likely to be small businesses (primarily, estate agents, letting agents and new homes developers) with no more than three branches.

The Proposed Defendants own and operate the well-known online property portal of the same name. They are members of the Rightmove corporate group and are said to form part of a single overall Rightmove undertaking (“Rightmove”) for the purposes of Article 102 TFEU and/or section 18 of the Act.

The CPCF alleges that Rightmove is dominant in the property portal services market in Great Britain, and has abused its dominance by:

1. Charging prices (in the form of fees charged to Rightmove subscribers listing properties on the Rightmove portal) that are excessive and unfair in their own right and/or when compared to the prices of competing services; and
2. Engaging in exclusionary conduct which prevents others from competing (effectively or at all) in the provision of Property Portal Services.

(Together, the “Infringing Conduct”).

The Proposed Defendants are said to be jointly and severally liable for the Infringing Conduct.

The PCR contends that as a result of their exclusionary conduct, the Proposed Defendants have conferred an unfair advantage on their own platform, which has the mutually reinforcing effect of artificially diminishing (i) the use of rival online property portals; and therefore (ii) the appeal of rival online property portals to users on both sides of the two-sided market. Because of the alleged diminished competition in the online property portal market, Rightmove has been able to charge higher prices to proposed class members (“PCMs”) than they would have been able to absent the exclusionary conduct.

According to the CPCF, the PCR is a natural person who it would be just and reasonable to authorise to act as the class representative because:

1. The PCR is a highly experienced business leader and accountant with considerable experience in providing strategic, financial and commercial advice to organisations. He also recently completed an eight-year term as a member of the Competition and Markets Authority (“CMA”) panel;
2. The PCR has a workable litigation plan for the proceedings;
3. The PCR has access to experienced and knowledgeable advisers, including an advisory committee with significant legal / litigation, financial and residential property industry expertise that is relevant to the pursuit of the proceedings;
4. He has adequate arrangements in place to fund the proceedings;
5. He has no conflict of interest;
6. The PCR understands that the Proposed Defendants have not been approached by any other person (natural or legal) proposing to bring collective proceedings or apply for a group litigation order in relation to a claim advanced on equivalent grounds to those set out in the CPCF;
7. The PCR has adequate arrangements in place to cover the risk of adverse costs (in particular, the benefit of an indemnity from the funder for adverse costs); and
8. The PCR does not seek an interim injunction, meaning there is no need to consider any possible undertaking as to damages.

The CPCF submits that the Claims are eligible for inclusion in collective proceedings pursuant to Rule 79 of the Rules because they are brought on behalf of an identifiable class of persons and raise a number of common issues including: the definition of the relevant market; whether Rightmove holds a dominant position on that market; whether Rightmove abused and continues to abuse its dominant position; and whether such abuse of dominance caused the PCMs to suffer loss and damage. Furthermore, the CPCF contends that the Claims are suitable to be brought in collective proceedings for the following reasons:

1. Collective proceedings are an appropriate means for the fair and efficient resolution of the issues common to the underlying Claims, and are likely to be the only practically and economically viable method for the vast majority of the PCMs to obtain compensation for the losses suffered as a result of the Infringing Conduct;
2. The benefits of having the Claims brought in collective proceedings outweigh any costs to the parties. In particular, the costs: (i) remain fair and proportionate in view of the aggregate claim value (currently estimated in the region of £1.6 billion); (ii) are outweighed by the benefits to PCMs from being able to pursue compensation for losses suffered due to the Infringing Conduct, which would not otherwise be practically possible; (iii) are accompanied by the benefit to the Proposed Defendants of being able to resolve the Claims in a single set of proceedings; (iv) will be monitored by the specialist cost assessors engaged by the PCR; (v) can and should be controlled by the Tribunal via cost budgeting; and (vi) to the extent that the PCR is unsuccessful, the reasonable costs of the Proposed Defendants are to be covered by the funder, its insurers and/or its guarantors;
3. The estimated size of the class, in which each claimant advances substantially the same claim, mean that the Claims can realistically only be brought by way of collective proceedings; and
4. It is possible to objectively determine whether a person is a member of the Proposed Class.

The Claims are suitable for an aggregate award of damages. The PCR proposed to bring the Claim on an opt-out basis, pursuant to Rule 79(3) of the Rules, citing the following supporting reasons:

1. The claims are strong. The PCR states that the assertion that Rightmove is dominant in the market for property portal services in England and Wales and Scotland is consistent with the Tribunal's findings in *Agents' Mutual Limited v Gascoigne Halman Limited (t/a Gascoigne Halman)* [2017] CAT 15 (in respect of an earlier time period) and Rightmove's own public statements as to its market share. In support of its assertion that the fees charged by the Proposed Defendants are excessive and unfair, the PCR relies upon Rightmove's profit margins as reported in their accounts;
2. It would not be practicable to bring the claims on an opt-in basis for the purposes of Rule 79(3)(b) of the Rules given:
 - a. The relatively modest amounts that most members of the Proposed Class could recover;
 - b. The complexity and cost involved in competition claims in general (and in this claim in particular, which will require detailed economic analysis), which would

make it difficult for members of the Proposed Class to conduct their own assessments of the strengths and values of their various Claims;

- c. The large size of the Proposed Class, the majority of whom are small businesses;
- d. The fact that many of the members of the Proposed Class would want to recover their losses but would be insufficiently resourced to take the proactive steps required for opt-in participation; and
- e. The fact that many PCMs might be deterred from actively participating in an opt-in action because of Rightmove's position as a key trading partner providing a "must have" service.

The relief sought in these proceedings is:

1. Damages representing the loss caused by the Proposed Defendants' breaches of statutory duty, comprising the difference between the fees actually paid by the Proposed Class to Rightmove and the fees that would have been paid absent the Infringing Conduct;
2. Compound interest on any damages payable. Alternatively, simple interest under Section 35A of the Senior Courts Act 1981 and/or Rule 105 on such sums, for such period, and at such a rate as the Tribunal thinks fit;
3. The PCR's costs; and
4. Such further other relief as the Tribunal may think fit.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa, CBE, KC (Hon)

Registrar

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