



Neutral citation [2026] CAT 46

**IN THE COMPETITION APPEAL
TRIBUNAL**

Case Nos: 1342/5/7/20;
1409-10/5/7/21 (T)

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

18 May 2026

Before:

HODGE MALEK KC
(Chair)

Sitting as a Tribunal in England and Wales

BETWEEN:

**(1) SPORTRADAR AG
(2) SPORTRADAR UK LIMITED**

Claimants

- v -

**(1) FOOTBALL DATACO LIMITED
(2) BETGENIUS LIMITED
(3) GENIUS SPORTS GROUP LIMITED**

Defendants

AND BETWEEN:

FOOTBALL DATACO LIMITED

Claimants

- v -

**(1) SPORTRADAR AG
(2) SPORTRADAR UK LIMITED
(3) PETER KENYON
(4) ISAIAH GARDNER
(5) FLOYD MARCH
(6) NICK MILLS
(7) PRZEMYSŁAW DUBININ**

Defendants

AND BETWEEN:

BETGENIUS LIMITED

Claimants

- v -

- (1) SPORTRADAR AG**
- (2) SPORTRADAR UK LIMITED**
- (3) PETER KENYON**
- (4) ISAIAH GARDNER**
- (5) FLOYD MARCH**
- (6) NICK MILLS**
- (7) PRZEMYSŁAW DUBININ**

Defendants

Determined on the papers

RULING (NON-PARTY ACCESS TO DOCUMENTS)

A. INTRODUCTION

1. Altenar Technologies Limited (**Altenar**) is a non-party to these proceedings. Paragraph 9.66 of the Tribunal's Guide to Proceedings (the **Guide**) provides that where a pleading, skeleton argument, witness statement or expert report is referred to or quoted in open court, the party who produced that document should be prepared to make a non-confidential version of that document available to a non-party upon request.
2. On 31 March 2026 Altenar made an application to the Tribunal (the **Application**) pursuant to §9.66 of the Guide that Sportradar AG and Sportradar UK Limited (together, **Sportradar**) provide non-confidential versions of Sportradar's claim form, defence, reply, skeleton argument; and the second witness statement of Mr Lampitt (**Lampitt 2**), provided on behalf of Sportradar (together, the **Requested Documents**). Each of the Requested Documents was put before the Tribunal and referred to in open court in the trial which commenced on 4 October 2022 in the proceedings. Very shortly after the trial commenced, and prior to any witnesses being called, the proceedings were resolved by a confidential settlement agreement between the parties (Sportradar, Football DataCo and Genius). In one of the three proceedings at issue, namely Case 1342/5/7/20, the same claim form Altenar seeks was referred to in open court at a hearing on 6 November 2020 concerning an application to transfer those proceedings to the High Court.
3. In accordance with §9.66 of the Guide, Altenar's solicitors approached Sportradar's solicitors on 6 February 2026 and requested non-confidential copies of the Requested Documents. In its letter, Altenar informed Sportradar that it intended to submit a competition law complaint to the UK Competition and Markets Authority and the Isle of Man Communications and Utilities Regulatory Authority which was said to arise from Sportradar's abuses of its dominant position.
4. There followed protracted correspondence between the two sides. Sportradar has refused to provide the Requested Documents.

5. Sportradar filed its response to the Application on 14 April 2026; Altenar filed a reply to Sportradar’s response on 21 April 2026; Altenar filed supplemental submissions on 23 April 2026; Sportradar filed a Rejoinder on 29 April 2026; and Altenar filed a short letter in response on 30 April 2026. On 14 May 2026 at the invitation of the Tribunal, both parties filed short submissions on the relevance to the application of the recent decision of Constable J in *Various Claimants v Mercedes-Benz* [2025] EWHC 1931 (KB) (*Mercedes-Benz*), which set out the relevant principles in relation to applications under the Civil Procedure Rules (CPR), r. 5.4C(1).

B. THE SUBMISSIONS OF ALTENAR AND SPORTRADAR

Altenar

6. Altenar submits that the relevant question for the purposes of §9.66 of the Guide is whether the requested pleading, skeleton argument, witness statement or expert report was referred to in open court. In effect, once one of these categories of documents are referred to in open court, it then follows that they should be disclosed on request and if not, on an application the Tribunal will make an order.
7. The Tribunal has considered the application of §9.66 in a number of cases, and the following principles emerge.
8. First, where the requested documents are before the Tribunal and referred to in open court, that will engage the principle of open justice, such that the requested documents should be provided.
9. Accordingly, in *Sainsbury’s v Mastercard* [2016] CAT 6 (*Sainsbury’s*), the Tribunal said that it approached the application of §9.66 on the following basis:

“40... the principle of open justice is fully engaged in the case of the documents sought - it is not seriously disputed [...] that these documents are squarely within the scope of that principle, given that they have been read by the Tribunal and referred to in the course of proceedings in open court.”

10. The Tribunal has subsequently confirmed the same principle in the reasoned order dated 1 March 2024 in Case 1433/7/7/22 *Gormsen v Meta*, (***Gormsen***), finding that: (a) it “has jurisdiction to make an order requiring the provision of a document to a non party where it has been referred to in open court, in accordance with the principle of open justice”, and (b) where a document is referred to in open court, “the party who produced that document should be prepared to make a non-confidential version available to a non-party upon request”.
11. Second, §9.66 does not require a requesting non-party to demonstrate any other particular or legitimate interest or justification. As the Tribunal held in the reasoned order in *Kent v Apple* [2022] CAT 7 (***Kent***): “the Tribunal does not need to be satisfied that the applicant has a special or particular interest in the proceeding. In the present case, there is no requirement for [the requesting non-party] to demonstrate that it is, or is instructed by, a person with an interest or a third party with legitimate interest”.
12. Third, the Tribunal has held that “in accordance with the principle of open justice, there can be no justification for any delay in access to documents once they have been referred to in open court”: see *Kent* at §4.
13. In its supplemental submissions, Altenar stated that the claim form it seeks was referred to in open court at a hearing in Case 1342/5/7/20 in relation to an application to transfer the Tribunal proceedings to the High Court: see §2 above. Judgment was subsequently handed down following the transfer application hearing in *Sportradar v Football DataCo* [2020] CAT 25. In that judgment, the Tribunal referred repeatedly to Sportradar’s claim form as a basis for its judgment, including by citing specific paragraphs of the claim form.
14. In short, the constitutional principle of open justice is implemented in this Tribunal through §9.66 of the Guide and has been applied consistently. Where a document of the kind identified in §9.66 has been referred to in open court, the position is that access should generally be granted, regardless of the fact of settlement or the documents being sought in the context of parallel proceedings. Each of the documents Altenar requests was before the Tribunal and deployed

in open court at the trial to support Sportradar's case in these proceedings, and the claim form was deployed for the same reason in the transfer application hearing.

Sportradar

15. Sportradar resists the Application. In summary:
 - (1) The Competition Appeal Tribunal Rules 2015 (the **CAT Rules**) do not provide any right for third parties to be provided with certain categories of documents (e.g. claim forms).
 - (2) Paragraph 9.66 of the Guide is intended to reflect the general position that applies in civil litigation across the United Kingdom in accordance with the principles laid down by the UK Supreme Court in *Cape Intermediate Holdings v Dring* [2019] UKSC 38, [2020] AC 629 (**Dring**), which should now be read with the assistance of the clarification provided by the Court of Appeal in *Re HMP Bronzefield* [2025] EWCA Civ 824 (**Re HMP**). Accordingly, where a party to Tribunal proceedings has declined to provide a case document to a third party and that third party then seeks an order from the Tribunal to compel disclosure of that document, the Tribunal should decide the application by applying those principles and disclosure should be ordered only if doing so will further the purposes underlying the open justice principle.
 - (3) Altener's reason for seeking, some 3½ years after the confidential settlement of the proceedings, documents from the bundles prepared for the aborted trial, has nothing to do with examining or understanding the work of the Tribunal in accordance with the open justice principles. Altener's application is for an entirely different purpose, which is to deploy the documents in furtherance of separate litigation against Sportradar in various jurisdictions, and to create leverage in an ongoing contractual dispute between the parties.

- (4) Given that the Application is not made for reasons coming within the purposes underlying the open justice principle, the Application should be refused and there is no need for the Tribunal to carry out any public interest balancing exercise, so as to weigh the open justice interest against any countervailing legitimate interests.
 - (5) But even if the application was genuinely being made for a reason coming within the open justice principle, the balance of considerations would weigh against granting the application because:
 - (a) The open justice rationale that underlies §9.66 of the Guide is significantly attenuated in the particular circumstances of this case - the proceedings settled immediately after opening submissions, no evidence was given, and no judgment was delivered.
 - (b) There is, in this case, a significant public interest weighing against ordering disclosure; namely the public interest in not weakening the incentives for parties to settle proceedings after a trial has commenced.
16. Sportradar says that Altenar is seeking, through the Application, to arm itself with additional documentary material from the proceedings in an attempt to prosecute those same antitrust arguments in various other forums and jurisdictions, as well as other threatened proceedings across multiple jurisdictions.
17. Sportradar submits that *Sainsbury's* does not assist Altenar, and is in any event clearly distinguishable from the present case for the following reasons.
18. First, *Sainsbury's* was decided before the Court of Appeal's judgment in *Re HMP*, which post-dates it and which, as explained above, makes clear that it is incumbent on any applicant to explain how granting access will advance the open justice principle. *Sainsbury's* must now be read in light of *Re HMP*, and to the extent the approach taken in *Sainsbury's* is inconsistent with the later analysis of the Court of Appeal, it is the Court of Appeal's analysis that prevails.

19. Second, *Sainsbury's* involved a case in which there was a substantive judgment of the Tribunal which the public had a genuine interest in scrutinising. The open justice rationale in *Sainsbury's* was therefore at full strength. In the present case, there is no judgment, no findings of fact, no assessment of evidence, and no judicial act of any kind. The entire foundation of the *Sainsbury's* analysis, the existence of a judicial decision to be examined and understood, is absent.
20. Third, in *Sainsbury's* the collateral purpose of the application (use in parallel Commercial Court proceedings) was a background feature of the case and one of several considerations the Tribunal addressed. In the present case, it is not a background feature, but the dominant one and the only articulable purpose for which the application has been made. The Application cannot be credibly characterised as anything other than an attempt to obtain forensic material for use in the multi-jurisdictional campaign that Altenar has explicitly launched against Sportradar. The degree of collateral purpose here is qualitatively different from anything that arose in *Sainsbury's*.
21. Fourth, in *Sainsbury's* the party and the applicant were adverse in separate proceedings, but there was no ongoing contractual and commercial dispute simultaneously on foot between them at the time of the application. In the present case, the combination of those parallel matters takes the present case well outside the situation in *Sainsbury's*.
22. A critical and distinguishing feature of this matter is that the proceedings settled after the parties had delivered opening submissions and before any evidence was called. No judgment was ever delivered. This context is important when considering whether transparency in relation to the content of the Requested Documents would make a significant contribution to furthering the purposes underlying the open justice principle.
23. Where a court or tribunal has determined a dispute on the merits, there will often be a significant open justice interest in enabling the public to understand the full basis for the judicial decision, assessing whether justice was done, and holding the judicial process to account. Those considerations do not arise here. There is

also a significant public interest in not weakening the incentives for parties to settle proceedings after a trial has started.

24. A further and independent ground for refusing production is established by the principles confirmed in *Sayers v SmithKline Beecham* [2007] EWHC 1346 (QB). In that case, Keith J confirmed that a non-party applicant under CPR 5.4C cannot be in a better position than a party applying under CPR 31.22, and that access will be permitted only if there are special circumstances justifying it, particularly where the documents had not been read or treated as having been read by the court. To take Lampitt 2 as an example, this was referenced by Sportradar in a single line of the transcript and by bundle tab number only. Mr Lampitt never gave evidence. His statement was never read to or by the Tribunal, deployed, or substantively engaged with in any way. There are no special circumstances that could justify ordering its disclosure to Altenar.
25. Furthermore, under CPR 31.22(2), as interpreted in *Rawlinson v Serious Fraud Office* [2015] EWHC 266, the court retains the power to restrict the use of a document even where it has been referred to in a public hearing. The Tribunal should exercise that discretion against production of the Requested Documents.
26. Finally, the references to the claim form at the transfer application hearing for a very limited procedural purpose: to establish the nature of the claims and whether they would be suitable for transfer to the High Court. The Tribunal was not asked to, and did not, make any substantive findings on the merits of the claim form. There is no sense in which access to the claim form is required in order to understand the transfer application decision.

C. THE TRIBUNAL'S ANALYSIS

27. In *Dring*, the Supreme Court stated:

“41. The constitutional principle of open justice applies to all courts and tribunals exercising the judicial power of the state. It follows that, unless inconsistent with statute or the rules of court, all courts and tribunals have an inherent jurisdiction to determine what that principle requires in terms of access to documents or other information placed before the court or tribunal in question. The extent of any access permitted by the court's rules is not determinative (save to the extent that they may contain a valid prohibition). It

is not correct to talk in terms of limits to the court's jurisdiction when what is in fact in question is how that jurisdiction should be exercised in the particular case.

42. The principal purposes of the open justice principle are two-fold and there may well be others. The first is to enable public scrutiny of the way in which courts decide cases - to hold the judges to account for the decisions they make and to enable the public to have confidence that they are doing their job properly. In *A v British Broadcasting Corpn*, Lord Reed reminded us of the comment of Lord Shaw of Dunfermline, in *Scott v Scott* [1913] AC 417, 475, that the two Acts of the Scottish Parliament passed in 1693 requiring that both civil and criminal cases be heard "with open doors", "bore testimony to a determination to secure civil liberties against the judges as well as against the Crown" (para 24).

43. But the second goes beyond the policing of individual courts and judges. It is to enable the public to understand how the justice system works and why decisions are taken. For this they have to be in a position to understand the issues and the evidence adduced in support of the parties' cases. In the olden days, as has often been said, the general practice was that all the argument and the evidence was placed before the court orally. Documents would be read out. The modern practice is quite different. Much more of the argument and evidence is reduced into writing before the hearing takes place. Often, documents are not read out. It is difficult, if not impossible, in many cases, especially complicated civil cases, to know what is going on unless you have access to the written material.

44. It was held in *Guardian News and Media* that the default position is that the public should be allowed access, not only to the parties' written submissions and arguments, but also to the documents which have been placed before the court and referred to during the hearing. It follows that it should not be limited to those which the judge has been asked to read or has said that he has read. One object of the exercise is to enable the observer to relate what the judge has done or decided to the material which was before him. It is not impossible, though it must be rare, that the judge has forgotten or ignored some important piece of information which was before him. If access is limited to what the judge has actually read, then the less conscientious the judge, the less transparent is his or her decision.

45. However, although the court has the power to allow access, the applicant has no right to be granted it (save to the extent that the rules grant such a right). It is for the person seeking access to explain why he seeks it and how granting him access will advance the open justice principle. In this respect it may well be that the media are better placed than others to demonstrate a good reason for seeking access. But there are others who may be able to show a legitimate interest in doing so. As was said in both *Kennedy*, at para 113, and *A v British Broadcasting Corpn*, at para 41, the court has to carry out a fact-specific balancing exercise. On the one hand will be "the purpose of the open justice principle and the potential value of the information in question in advancing that purpose".

46. On the other hand will be "any risk of harm which its disclosure may cause to the maintenance of an effective judicial process or to the legitimate interests of others". There may be very good reasons for denying access. The most obvious ones are national security, the protection of the interests of children or mentally disabled adults, the protection of privacy interests more generally,

and the protection of trade secrets and commercial confidentiality. In civil cases, a party may be compelled to disclose documents to the other side which remain confidential unless and until they are deployed for the purpose of the proceedings. But even then there may be good reasons for preserving their confidentiality, for example, in a patent case.

47. Also relevant must be the practicalities and the proportionality of granting the request. It is highly desirable that the application is made during the trial when the material is still readily available, the parties are before the court and the trial judge is in day to day control of the court process. The non-party who seeks access will be expected to pay the reasonable costs of granting that access. People who seek access after the proceedings are over may find that it is not practicable to provide the material because the court will probably not have retained it and the parties may not have done so. Even if they have, the burdens placed on the parties in identifying and retrieving the material may be out of all proportion to benefits to the open justice principle, and the burden placed upon the trial judge in deciding what disclosure should be made may have become much harder, or more time-consuming, to discharge. On the other hand, increasing digitisation of court materials may eventually make this easier. In short, non-parties should not seek access unless they can show a good reason why this will advance the open justice principle, that there are no countervailing principles of the sort outlined earlier, which may be stronger after the proceedings have come to an end, and that granting the request will not be impracticable or disproportionate.”

28. The Court of Appeal in *Re HMP*, at §21, identified two main purposes of the open justice principle as set out in *Dring*: (i) to enable public scrutiny of the way in which the courts decide cases so as to provide public accountability and secure public confidence; and (ii) to enable the public to understand how the justice system operates - the core aim is to ensure appropriate transparency for the work of the courts and tribunals and the judges who sit in them.
29. Both *Dring* and *Re HMP* make clear that a non-party has no right of access to the court file; the court’s permission is required. A person seeking access to documents under the open justice principle must explain: (i) why he/she seeks access; and (ii) how granting him/her access would advance the open justice principle. In this respect it may well be that the media are better placed than others to demonstrate a good reason for seeking access: see *Dring* at §45. A non-party seeking access to documents must therefore show some “good reason” or “legitimate interest”: *Moss v Upper Tribunal* [2024] EWCA Civ 1414, [2024] 4 W.L.R 99 (*Moss*) at §26 and §47. This is a low threshold but needs to be surmounted in each case.

30. Whether a departure from the open justice principle is justified will depend on the facts of each case and the court of tribunal must carry out a balancing exercise: see *Dring* at §45. If there is no good reason for granting disclosure, that is the end of the matter, and the application must fail. No balancing exercise is required. But if there is a good reason, it is then necessary to consider any countervailing factors, such as the risk of any harm or prejudice that may be caused by the disclosure of the documents to a non-party. Proportionality issues will also need to be considered: see *Moss* at §29.
31. In *Mercedes-Benz*, a case that postdates both *Dring* and *Re HMP*, Constable J helpfully summarised the relevant principles relating to applications made under CPR 5.4C(1): see §33(2) below.
32. The present application is made under §9.66 of the Guide. In *Sainsbury's*, *Kent* and *Gormsen* the Tribunal construed this paragraph widely: an applicant is not required to show that it has a special or particular interest in the proceeding. In those cases, the Tribunal proceeded on the basis that open justice was engaged and focused on whether or not there were particular considerations which would militate against making an order for production. Those cases may be fairly interpreted as reflecting that contrary to the approach in *Dring* and other cases dealing with High Court litigation, the Tribunal may in appropriate circumstances proceed on the basis that there is no burden on an applicant under §9.66 to explain the purpose of the application or how it is said that the principles of open justice are in play in order to justify an order. The Tribunal having reflected on the position further in this case where there is a live issue as to whether the open justice principle is engaged at all, does not consider that these cases should be interpreted so narrowly. The Tribunal considers that the correct approach is that in principle the purpose of the application and whether or not open justice would be served in making the order are highly material if not central to any application, even if, in certain types of situations, the presumption is that production will serve open justice in the absence of countervailing factors. It is appreciated that this represents a refinement of approach to that indicated in earlier rulings of the Tribunal.

33. Paragraph 9.66 of the Guide is designed to promote the principles of open justice which have been authoritatively set out by the Supreme Court in *Dring* since the Guide was introduced. It is confined to certain categories of documents which are often central to any substantive hearings or trials in the Tribunal. The nature of these documents is such that the principles of open justice will generally be considered to be engaged, especially in the context of substantive hearings and trials. In particular:

- (1) Skeleton arguments/written submissions: The Tribunal will generally review the parties' skeleton arguments in advance of the hearing. At hearings counsel will usually focus on the arguments set out in the skeleton arguments. Hearings may be difficult to follow, particularly in complicated civil cases, in the absence of skeleton arguments being provided to those who wish to observe and follow them. This point was made by the Supreme Court in *Dring* at §43. In practice, parties are expected to be ready to make them available (with any redactions for confidentiality or other good reason) to the press and other observers on request for the purposes of hearings. As stated by Coulson LJ in *Moss* at §20:

“The importance of skeleton arguments in the conduct of civil justice, and the centrality of such documents to notions of open justice, was identified 25 years ago by Lord Bingham of Cornhill CJ in *SmithKlein Beecham Biologicals SA v Connaught Laboratories Inc* [1999] 4 All ER 498 at 511-512. He said:

“The result is that a case may be heard in such a way that even an intelligent and well-informed member of the public, present throughout every hearing in open court, would be unable to obtain a full understanding of the documentary evidence and the arguments in which the case was to be decided...public access to documents referred to in open court (but not in fact read aloud and comprehensively in open court) may be necessary, with suitable safeguards, to avoid too wide a gap between what has in theory, and what has in practice, passed into the public domain.”

A similar point was made by Nicklin J in *Hayden v Associated Newspapers Ltd & Anr* [2022] EWHC 2693 (KB) (“*Hayden*”), where at [32] he said that “arguably, skeleton arguments (and other documents containing a party's written submissions) are some of the most important documents in modern civil litigation”.

- (2) Statements of case: Pleadings provide the framework for most cases and hearings. The Tribunal will generally read them in advance of any hearing where they are likely to be relevant. They set out the parameters of disputes and define the issues. The importance of public access to statements of case is not only reflected in §9.66 of the Guide, but also the general rule in CPR, r.5.4C(1) that a person who is not a party to proceedings may obtain from the court records a copy of any statement of case. Although CPR, r.5.4C(1) does not apply in proceedings before the Tribunal and there is no equivalent provision in the CAT Rules, it does reflect that open justice principles are generally advanced by there being access to statements of case. As stated by Constable J in *Mercedes-Benz* at §21:

“What open justice means, and the dual purpose that lays behind it, are plainly immutable irrespective of whether an application is being made pursuant to CPR 5.4C(1) or CPR 5.4C(2). However, the approach of the Court to applications under the two regimes is different. This is reflected in the different approach CPR 5.4C takes to the different classes of documents. On the basis of the authorities identified, in particular by Mr McCay in his helpful oral submissions, the relevant principles relating to CPR 5.4C(1) can be summarised as follows:

(1) CPR 5.4C(1) creates a “presumption” amounting to “a very clear default principle” that a non-party should be entitled to obtain unredacted copies of statements of case, judgments and orders (see Various Claimants v News Group Newspapers Ltd and another [2012] EWHC 397 (Ch), at [60]; WH Holding Ltd v E20 Stadium LLP [2024] EWHC 817 (Comm), [2024] 4 WLR 52) at [11];

(2) as such, orders under CPR 5.4C(4) are derogations from the principle of open justice. They must be ordered only when it is necessary and proportionate to do so, on the basis of a clear justification, with a view to protecting the rights which claimants (and others) are entitled to have protected by such means (see G v Wikimedia Foundation Inc [2009] EWHC 3148 (QB), [2010] EMLR 14 at [17]; WH Holding at [11]);

(3) where the applicant is generally entitled to a document as of right under rule 5.4C, as it is under CPR 5.4C(1), the reasons why it wants it are of little or no importance unless it can be said that the document is sought for some improper purpose (see News Group at [63]). As such, there is not a burden upon the applicant specifically to identify how the application advances the principle of open justice. That public availability of unredacted pleadings does so is inherent in the very clear default position under CPR 5.4C(1);

(4) the justification for departure is acutely fact-sensitive, but likely to include and probably most likely to be established by reference to one or more of the matters set out in CPR 39.2(3)(a)–(g) (WH Holding).

This includes circumstances in which publicity would damage confidential information;

(5) when an order restricting the CPR 5.4C(1) right is required, it must be limited in scope to reflect the minimum necessary incursion into the principle of open justice (G v Wikimedia Foundation Inc; WH Holding).”

- (3) Witness statements: Witness statements are part of the evidence placed before the Tribunal. In most cases at trial the witness statement is not read but taken as the witness evidence in chief. Once a witness has been called, parties should be ready to provide non-parties with copies of the witness statements, especially during a trial. In the High Court, CPR r.32.13(1) provides that a witness statement which stands as evidence in chief is open to inspection during the course of the trial unless the court otherwise directs. Although there is no equivalent provision in the CAT Rules, this provision relating to proceedings in the High Court promotes open justice, and parties to proceedings before the Tribunal should be ready to make witness statements available in equivalent circumstances. The Tribunal has the power to direct that they be provided under §9.66 of the Guide.
- (4) Expert reports: Expert evidence plays an important role in many of the cases in the Tribunal. It may not be possible for an observer to follow the expert evidence given at trial without access to the relevant expert reports. No request for an expert report is made in the present application.

34. Whilst §9.66 of the Guide states that parties should be ready to produce these categories of documents referred to at a hearing held in public, it does not provide an obligation to do so. If a party is not prepared to provide copies on request, then an application may be made to the Tribunal. If such an application is made during a hearing or at trial, it can be raised before the Tribunal hearing the matter. Such applications tend to be short and do not entail any significant cost. The Tribunal has a discretion whether or not to order disclosure and it may take into account and balance a number of factors. These may include the following:

- (1) The nature of the documents sought.
- (2) The stage at which the application is made. An application made during the course of the relevant hearing or trial will generally be straightforward and in the ordinary course disclosure will be ordered of documents such as any skeleton arguments or pleadings referred to. An application long after the hearing has concluded may need more justification and may entail more cost to those involved.
- (3) How the provision of the documents may advance or not advance the open justice principle. The Tribunal will generally not need to be persuaded that providing skeleton arguments, statements of case, expert reports and witness statements where witnesses have been called, advances open justice when sought during the hearing or at the time of any ruling or judgment. In considering whether or not open justice is advanced by making an order, the Tribunal may scrutinise applications more closely if made well after the relevant hearing or judgment as in the present case.
- (4) The motives of the applicant, albeit not in all cases, will be relevant. If there is an improper motive, then the application may be refused. Merely because the applicant may wish to use the documents sought in other litigation does not make an application in itself improper.
- (5) The burden or prejudice to the party being asked to produce the documents.
- (6) Confidentiality or privilege of the requested party can be reasons for refusing an application: see *Mercedes-Benz* at §23. In the present case only non-confidential versions of the documents are sought and so this consideration does not arise.
- (7) The ability to obtain the documents sought by other means.

35. In the present case, it appears that Altenar wishes to obtain the Requested Documents so that they can be used against Sportradar in actual and contemplated litigation, and regulatory complaints and investigations. The documents were referred to at the opening of a trial held some time ago which was settled prior to witness evidence being given. The proceedings at trial did not lead to a judgment. Despite the Application being made several years after the settlement of the proceedings, Altenar does not need to persuade the Tribunal that on the facts it does promote open justice for the skeleton argument and the particular statements of case to be produced. These documents are central to understanding what was before the Tribunal at trial, the issues in play, the parties' positions on those issues, and to follow what happened at trial. The Tribunal does not consider that Altenar's particular motive is somehow improper. There is no burden on Sportradar to produce non-confidential versions of these documents, and they should be produced within seven days from the date of this Ruling. At the time of producing the non-confidential versions Sportradar should explain in general terms the approach taken to the redactions and the basis of confidentiality. It does not need to explain each and every redaction.
36. As regards Lampitt 2, the Tribunal is not satisfied that open justice requires that it be produced. The reference to the witness statement was limited and the witness was never called as the case settled. Production of this document is not necessary to understand what happened at trial or to follow the hearing. If this document is relevant and production necessary in any of the proceedings brought by the applicant, Altenar will have the opportunity to seek the same in those proceedings.
37. As regards the costs of the Application, Sportradar should be ordered to pay a reasonable and proportionate amount bearing in mind that the Tribunal has refused part of Altenar's application. The Application was not complex and did not require the elaborate treatment as given by both sides in their multiple submissions. A reasonable sum to be paid by Sportradar is £5,000 plus any applicable VAT. This sum is to be paid within 28 days of the date of this Ruling.

Hodge Malek KC
Chair

Charles Dhanowa CBE, KC
(*Hon*)

Date: 18 May 2026