



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1468/7/7/22

BETWEEN:

**JUSTIN GUTMANN**

Class Representative

- v -

**(1) APPLE INC.**

**(2) APPLE DISTRIBUTION INTERNATIONAL LIMITED**

**(3) APPLE RETAIL UK LIMITED**

Defendants

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**ORDER (AMENDMENT)**

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**UPON** the Tribunal making a Collective Proceedings Order on 23 January 2025 (the **CPO Order**)

**AND UPON** the Defendants making an application for strike out, decertification and/or for summary judgment of the Collective Proceedings dated 5 December 2025 (the **Strike Out, Decertification and/or Summary Judgment Application**)

**AND UPON** the Tribunal having handed down its judgment on 11 March 2026 ([2026] CAT 20) (the **Strike Out Judgment**) in which it, *inter alia*, determined the Strike Out, Decertification and/or Summary Judgment Application and directed that the Class Representative shall replead his case, with consequential amendments to the Claim Form, Defence and Reply, including to reflect the Strike Out Judgment

**AND UPON** the Class Representative having filed and served the Re-Re-Re-Amended Claim Form on 1 May 2026

**IT IS ORDERED THAT:**

1. The paragraphs in the CPO Order are varied as set out below, using the original paragraph

numbering from the CPO Order.

...

6. The claims certified for inclusion in the Collective Proceedings are the claims as set out in the Re-Re-Re-Amended Claim Form dated 1 May 2026.

## **Class Definitions**

### Consumer Class

7. The class of Consumers (the “**Consumer Class**”) whose claims are certified for inclusion in the Collective Proceedings includes—

All Consumers who:

- (a) Acquired and used, prior to 23 January 2017 in the case of iPhone 6, 6 Plus, 6S, 6S Plus or SE models or prior to 2 December 2017 in the case of iPhone 7 or 7 Plus models, one or more Affected iPhones in the United Kingdom for use wholly or mainly outside their business;
- (b) Entered into standard iOS software licence terms with the First Defendant and/or were registered as an Apple ID account holder, in connection with their Affected iPhone(s); and
- (c) During the Relevant Period, used one or more of the Affected iPhones, incorporating any Apple iOS update from iOS 10.2.1 (released on 23 January 2017) onwards in the case of iPhone 6, 6S, 6S Plus, and SE models or iOS 11.2 (issued on 2 December 2017) onwards in the case of iPhone 7 and 7 Plus models.

### Business Entities Class

8. The class of business users (the “**Business Entities Class**”) whose claims are certified for inclusion in the Collective Proceedings includes:

All Business Entities who:

- (a) Acquired and used, prior to 23 January 2017 in the case of iPhone 6, 6 Plus, 6S, 6S Plus and SE models or prior to 2 December 2017 in the case of iPhone 7 or 7 Plus models, one or more Affected iPhones in the United Kingdom for use, whether for themselves or by their employees, in the course of business;
- (b) Entered into (or employed an individual who entered into) standard iOS software licence terms with the First Proposed Defendant and/or were registered (or employed an individual who was registered) as an Apple ID account holder, in connection with their Affected iPhone(s); and
- (c) During the Relevant Period, used one or more of the Affected iPhones, incorporating any Apple iOS update from iOS 10.2.1 (released on 23 January 2017) onwards in the case of iPhone 6, 6 Plus, 6S, 6S Plus and SE models or iOS 11.2 (issued on 2 December 2017) onwards in the case of iPhone 7 and 7 Plus models.

9. Whereby:

...

“**Relevant Period**” shall mean the period from 12 December 2016 to no later than 28 March 2018 in relation to iPhone 6, 6 Plus, 6S, 6S Plus and SE purchases prior to 23 January 2017 and iPhone 7 and 7 Plus purchases prior to 2 December 2017.

...

13. Any person falling within the description of the Class who was domiciled in the United Kingdom on the Domicile Date was required to opt-out of the Collective Proceedings (as applicable) by giving the Class Representative notice in writing of their decision to opt out in accordance with the Notice of the Collective Proceedings (“Notice”) by 7 June 2025 and may no longer do so.
14. Every Class member who was not domiciled in the United Kingdom on the Domicile Date was required to opt-in to the Collective Proceedings (as applicable) by giving the Class Representative notice in writing of their decision to opt-in in accordance with the Notice by 7 June 2025 and may no longer do so.

#### **Notification**

15. Subject to paragraph 16 below, the Class Representative shall publish this order on the claim website (<https://www.theiphoneclaim.com>), update the Frequently Asked Questions section accordingly, and shall write by email to all Class Members who previously registered for updates to inform them of the revised claim definitions set out above.

#### **Stay of notification requirement**

16. Paragraph 15 above is stayed until 16 July 2026.

**Justin Turner KC**  
Chair of the Competition Appeal Tribunal

Made: 1 June 2026  
Drawn: 1 June 2026