



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1745/5/7/25 (T)

BETWEEN:

(1) ROADGET BUSINESS PTE. LTD. (A COMPANY INCORPORATED IN SINGAPORE)

(2) SHEIN DISTRIBUTION UK LIMITED

Claimants/

Defendants to the Counterclaim

- v -

WHALECO UK LIMITED

Defendant/

Claimant to the Counterclaim

REASONED ORDER (CMC8)

AND UPON the Claimants (**Shein**) making an application dated 1 July 2026 for a complete and unredacted copy of the template for the Comprehensive Foreign Trade Agreement (the **Claimants' Xinpinmu Application**)

AND UPON the Defendant (**Temu**) making the following applications dated 17 July 2026 to the Tribunal for orders:

- (a) requiring the Claimants to provide disclosure relating to the objective justification case advanced in their factual witness evidence served on 3 July 2026 (the **Defendant's Objective Justification Disclosure Application**);
- (b) requiring the Claimants to disclose and provide for inspection to the Defendant any interview notes, recordings, and / or transcripts, arising from or relating to interviews

or meetings with suppliers as referred to in paragraph 94 of Lin 4 (the **Defendant's Supplier Interviews Application**);

(c) requiring the addition of Mr Xu Yangtian as a custodian and obliging Shein to apply the search terms specified in respect of Issue 31 of the DRD and other specified search strings to documents and data held by Mr Xu Yangtian and to disclose any documents responsive to those searches (the **Defendant's Custodian Application**); and

(d) requiring the Claimants to re-designate from Inner Confidentiality Ring Information (**ICRI**) to Outer Confidentiality Ring Information (**OCRI**) the identifying information relating to Non-Relevant Suppliers contained in the documents identified in Annex 1 to the Defendant's letter dated 19 June 2026 (the **Defendant's Re-Designation Application**)

AND HAVING REGARD TO the Tribunal's case management powers pursuant to Rule 53 of the Competition Appeal Tribunal Rules 2015

AND UPON hearing leading and junior counsel for the Defendant and leading counsel for the Claimants at the case management conference (**CMC8**) on 30 July 2026

AND UPON the Tribunal giving judgments dated 30 July 2026 with limited permission for the parties to make further submissions in writing on the form of order to be determined on the papers

IT IS ORDERED THAT:

DEFENDANT'S OBJECTIVE JUSTIFICATION DISCLOSURE APPLICATION

1. The Claimants shall by 4.30pm on 16 October 2026 provide the following to the Defendant:

(a) The identity of the top 10 products (by UK GMV) launched in 2023, 2024 and 2025. For each of those products, the Claimants shall provide all correspondence between the Claimants and the relevant supplier of each product for the shorter of: (i) the period from the first conception of design to product launch; and (ii) the two-month period prior to product launch.

- (b) For the top 10 products that were the subject of takedown notices (as determined by column F of HSFK0000595), all correspondence between the Claimants and the relevant supplier for the shorter of: (i) the period from the first conception of design to product launch; and (ii) the two-month period prior to product launch.
- (c) The Claimants' total UK GMV in 2025 attributable to fashion products.

DEFENDANT'S SUPPLIER INTERVIEWS APPLICATION

- 2. On or before 4.30pm on 11 September 2026, the Claimants shall disclose and provide for inspection to the Defendant any interview notes, recordings, and/or transcripts, arising from or relating to interviews or meetings with suppliers as referred to in paragraph 94 of Lin 4.
- 3. The disclosure referred to in paragraph 2 shall only be required insofar as it relates to meetings and/or interviews with Shein's suppliers:
 - (a) from 1 February 2024 onwards;
 - (b) which were conducted by Ms Lin's department;
 - (c) which concerned alleged breaches of Shein's intellectual property rights; and
 - (d) where the alleged breaches of Shein's intellectual property rights concerned suppliers on the Temu platform.

DEFENDANT'S CUSTODIAN APPLICATION

- 4. On or before 4.30pm on 28 August 2026, the Claimants shall provide a witness statement explaining their position on compliance with the Tribunal's Order dated 6 November 2025 in respect of Mr Xu Yangtian.
- 5. The Claimants shall apply the Model D search terms specified in respect of Issue 31 of the DRD and the additional search strings set out in Annex 1 to this Order to documents

and data held by Mr Xu Yangtian over the period 1 June 2023 to 1 June 2024, and disclose and give inspection of any documents responsive to those searches, by 4.30pm on 16 October 2026.

DEFENDANT'S RE-DESIGNATION APPLICATION

6. The identifying information relating to Non-Relevant Suppliers contained in the documents identified in Annex 2 to this Order is re-designated from ICRI to OCRI.
7. The Claimants shall by 4.30pm on 21 August 2026 serve re-designated versions of the documents identified in Annex 2 to this Order.

CLAIMANTS' XINPINMU APPLICATION

8. Save for costs, there be no order on the Claimants' Xinpinmu Application.

COSTS

9. The costs of the Claimants' Xinpinmu Application, the Defendant's Objective Justification Disclosure Application and the Defendant's Custodian Application shall each be costs in the case.
10. The Claimants shall pay the Defendant's costs of the Defendant's Supplier Interviews Application and the Defendant's Re-Designation Application, such costs being jointly summarily assessed in the sum of £45,000. The Claimants shall pay that sum to the Defendant within 21 days of the date of this Order.

LIBERTY TO APPLY

11. The parties shall have liberty to apply.

REASONS

1. I have already given three judgments arising from CMC8 held remotely on 30 July 2026. At the hearing, I gave the parties permission to make limited further written submissions on the form of orders arising from those judgments. The parties have provided written submissions. These are my reasons for the final form of the order.

(1) The Claimants' Xinpinmu Application

2. In their written submissions of 6 August 2026, the Claimants have confirmed that this application is no longer pursued. Costs in the case is the appropriate costs order.

(2) The Defendant's Objective Justification Disclosure Application

3. I made a provisional order on this application in my first judgment of 30 July 2026. As regards the issues raised in the post-hearing submissions:
 - (i) I intended to order (and did order) Request 1(c) for the reasons advanced by the Defendant at CMC8.
 - (ii) I agree with Temu that Request 1(b)(i) should not be limited to Relevant Suppliers. The Order was always intended to be wider than Relevant Suppliers for the reasons given by Temu at CMC8 (and again in its submissions dated 6 August 2026), with which I agree.
 - (iii) I decline to limit the order to correspondence "relating to inputs, direction and/or guidance provided by Shein to the supplier in relation to that product". This wording is vague and open to interpretation and dispute. It also focusses only on Shein rather than also on the supplier concerned.
 - (iv) I do not accept that Request 1(b)(i) necessarily renders Request 1(c)(i) redundant. If there is overlap, then that cuts down on the additional work that is needed for Request 1(c)(i).

- (v) As regards Request 1(d), both parties have provided slightly different wording to that originally requested. The reasons for this are not clear to me. In any event, this was not a matter for these post-hearing submissions. I will make the order as originally made, changing the word “apparel” to “fashion” because both parties now use the word “fashion” in their respective draft Orders.
- (vi) As regards timing, Temu says that 4 September 2026 ought to be sufficient (i.e. four weeks from today). Shein requests twelve weeks (i.e. to 30 October 2026). Shein has explained what needs to be done. Some of the times given look surprisingly long, but I accept that four weeks over the August period is too short. I will order that it be done in ten weeks (i.e. by 16 October 2026). That would seem to me to be sufficient, having regard to the disclosure now covered by the Order. It also accords with the date for the custodian disclosure discussed below.
- (vii) Confidentiality is agreed and neither party suggests that a specific confidentiality order is required.

(3) The Defendant’s Supplier Interviews Application

- 4. This is the subject of my second judgment of 30 July 2026. I gave permission for further submissions on timing and confidentiality.
- 5. Notwithstanding that direction, Shein has made written submissions on the nature of the disclosure and its temporal scope. It is too late for such submissions for which no permission was given.
- 6. As regards timing, the parties have agreed five weeks from the date of this order and have agreed confidentiality.

(4) The Defendant’s Custodian Application

- 7. This is the subject of my third judgment of 30 July 2026. In that judgment I gave permission for further written submissions on the search strings to be used. Essentially, Shein now seeks to limit the strings to two strings, use a double “w/20” operator and

have the “Temu identifier” at the end of the string as an additional limb. This is all too limiting. It means that the term describing those involved must be close to a term describing a supplier which in turn must be close to the term seeking to capture the interview. Further, the terms for Temu (or similar) have become mandatory. Moreover, by reducing the strings to two, Shein seeks to remove terms which would seem to me to be potentially relevant. I have some sympathy for Shein’s complaint that the term “meeting” in string (b) appears broad, but that term has already been used in the DRD for Issue 31. Although relatively broad, the strings proposed by Temu seem to me to be justified.

8. Shein says it needs at least ten weeks from the date of this Order to run Temu’s search strings. Temu says that eight weeks should be sufficient. I will give Shein the ten weeks said to be needed.
9. The statement explaining compliance with the existing Order of the Tribunal was intended to relate only to Mr Xu. This can be done by 28 August 2026.

(5) The Defendant’s Re-Designation Application

10. This application has not been the subject of a previous judgment and the parties agreed that this could be determined on the papers. Temu requests that “Non-Relevant Suppliers” be re-designated OCRI. This is said to be needed so that those representatives in the Outer Ring can know what is happening in these proceedings and in the run up to trial. Moreover, it is said to be needed to check Temu’s own records and databases and to ascertain, to the extent possible, the GMV for the Non-Relevant Suppliers and investigate them properly.
11. Temu relies on what was said by the Court of Appeal in *OnePlus v Mitsubishi Electric* [2021] FSR 13 at §39 concerning limitations to external eyes only being an “exceptional” course. Temu also relies on what was said by O’Farrell J DBE in *IBM v LzLabs & Others* [2024] EWHC 423 (TCC) at §33 where the Judge explained that the burden is on the party seeking to maintain the level of confidentiality designated within a confidentiality ring to produce clear and cogent evidence to explain and to justify the same, particularly where the documents have been designated as ICRI.

12. I accept that Temu's pleading is not limited only to Relevant Suppliers and that Non-Relevant Suppliers are in fact relevant to the pleaded case. However, I also accept that the information of supplier names has the necessary quality of confidence to justify protection. The question is whether this information continues to justify ICRI protection.
13. Shein objects for three principal reasons. First, it says that whether information is relevant to a pleaded issue is not enough to justify re-designation to OCRI. I accept that proposition. Second, it says that Temu's Outer Ring members do not need to know the Non-Relevant Supplier names and, in any event, do not appear to have done anything with the 450 Attestation Supplier names previously moved from ICRI to OCRI. I do not accept the former point. As to the latter, I raised that at the hearing and was told that this is not correct and that interrogations are in fact ongoing. Third, Shein maintains that ICRI protection remains appropriate and Shein is concerned that the information is being requested for improper reasons. Mr Democratis explains in his evidence that at about the time of the order moving Attestation Supplier names to OCRI, a number of them were contacted for the first time and this has caused Shein some concern.
14. Turning to the factors set out in *OnePlus*. The Court there made clear that an arrangement under which an officer or employee of the receiving party gains no access at all to documents of importance at trial will be exceptionally rare, if indeed it should happen at all, and that restricting disclosure to external eyes only at any stage is exceptional. However, the Court also made clear that difficulties in policing misuse are also relevant and so too is the role which documents may play in the case.
15. The present case does not so much concern documents as information. Temu already has access (in the Outer Ring) to the c.30 Relevant Suppliers and the 450 Attestation Suppliers. It seems to me that the additional c.350 Non-Relevant Supplier names are relevant to the pleaded issues and need to be re-designated for similar reasons to those that applied to the Attestation Suppliers. If the names are held purely as ICRI, then Temu is most unlikely to be able to investigate these suppliers, check its own records, and so forth. Temu's preparation for trial is likely to be hampered by the confidentiality regime in a way that would not be justified. Confidentiality in the information of the supplier names remains protected by being OCRI.

16. I was concerned about Mr Democratis's evidence that a certain number of the Attestation Suppliers appear to have been contacted for the first time by Temu after their names were re-designated OCRI. However, Mr Democratis accepts that he "will not go further at this point" than to say it seems a surprising coincidence.
17. In its skeleton argument for the hearing, Temu confirmed that there has been no breach of the Confidentiality Ring Order and anything designated OCRI has been handled solely by the designated ring members and that there has been no breach. Mr Grubeck (for Temu) repeated that at the hearing. I would have preferred evidence to this effect. However, Mr Grubeck explained (on instruction) that far from being a "surprising coincidence" that about 19 suppliers have been contacted, this is a function of the parties operating in a small pool of a limited number of suppliers. I accept this explanation. Those in the Outer Ring of the Confidentiality Order will be well aware of the importance of maintaining confidentiality and I am sure that those advising Temu will again stress the importance of compliance. Indeed, it is my understanding that the named individuals have a legal background or are lawyers, something which Temu has now confirmed. Accordingly, I will make the order sought by Temu. Shein has requested two weeks within which to disclose re-designated versions and I accede to that request.

(6) Costs

18. Rule 104 of the Competition Appeal Tribunal Rules 2015 provides a discretionary power to award costs at an interim stage. In making any order, the Tribunal may take account of conduct, a costs schedule, the degree of success, as well as proportionality and reasonableness, of the costs incurred. The Tribunal may summarily assess costs and will typically apply a starting point that costs follow the event and will usually have close regard to Guideline Rates (*Riefa v Apple* [2025] CAT 34 at §13). Roth J explained in *Trucks (Ryder v MAN SE)* [2020] CAT 21 at §26 that summary assessment is often utilised for hearings of no more than about a day. This is a broad-brush assessment.
19. Temu seeks its costs of these applications. The order it obtained on the Objective Justification Disclosure Application was greatly reduced in scope. This was a significant application in respect of which Temu had only partial success. Temu was

also only partially successful on the Custodian Application (having dropped the final search string at the hearing). By contrast, Temu succeeded on the Supplier Interviews Application and Re-Designation Application.

20. Temu's partial success in the Defendant's Objective Justification Disclosure Application is not sufficient for it to obtain its costs of that application (or even a proportion of those costs). Costs of that application should be costs in the case, to reflect the fact that both parties obtained significant degrees of success.
21. Although Temu obtained a far greater level of success on the Custodian Application, it dropped one of the search strings. Moreover, this was an application that had not been pursued at a previous case management conference. Temu made clear that this was a proportionate way to proceed and was a deliberate approach to disclosure by Temu. I have held that approaching disclosure in this way did not prevent Temu from making the current application. However, I do not think it would be just for Temu to obtain its separate costs for so doing. Accordingly, for this application, I order costs in the case.
22. Temu succeeded on the Supplier Interviews Application and the Re-Designation Application. Both were standalone applications that were unsuccessfully resisted by Shein. Temu should obtain its costs of both. The solicitor rates accord with the Guideline Rates and the time spent by solicitors and counsel do not appear to me to be excessive. However, caution needs to be exercised on a summary assessment where I have very little visibility on what work was done and where Temu did not have to prepare evidence. To ensure that the sum to be paid is reasonable and proportionate, I will summarily assess the total amount for both applications at £45,000 to be payable within 21 days.

Andrew Lykiardopoulos KC
Chair of the Competition Appeal Tribunal

Made: 7 August 2026
Drawn: 7 August 2026

Annex 1

	Search terms (in Chinese)	Search terms (in English)
a.	(“监察部” OR “总经办” OR “供应链合规” OR “供应链法务” OR “Temu” OR “拼多多” OR “Amigo” OR “阿米狗”) AND ((“供应商” OR “商家”) w/20 (“侵权” OR “同款” OR “高嫌” OR “高度嫌疑” OR “同图” OR “排查” OR “核对” OR “处罚” OR “下架” OR “措施”))	(“Supervision Department” OR “General Office” OR “Supply Chain Compliance” OR “Supply Chain Legal” OR “Temu” OR “Pinduoduo” OR “Amigo” OR “Amigou”) AND ((“supplier” OR “merchant”) w/20 (“infringement” OR “identical style” OR “highly suspicious” OR “high suspicion” OR “Identical image” OR “investigation” OR “verification” OR “check” OR “penalty” OR “take down” OR “delist” OR “removal” OR “measures”))
b.	(“监察部” OR “总经办” OR “供应链合规” OR “供应链法务” OR “Temu” OR “拼多多” OR “Amigo” OR “阿米狗”) AND ((“供应商” OR “商家”) w/20 (“约谈” OR “访谈” OR “笔录” OR “指示” OR “要求” OR “部署” OR “专项” OR “发起” OR “启动”))	(“Supervision Department” OR “General Office” OR “Supply Chain Compliance” OR “Supply Chain Legal” OR “Temu” OR “Pinduoduo” OR “Amigo” OR “Amigou”) AND ((“supplier” OR “merchant”) w/20 (“interview” OR “meeting” OR “interview record” OR “interview notes” OR “instructions” OR “requirements” OR “deployment” OR “special project” OR “initiate” OR “launch”))
c.	(“监察部” OR “总经办” OR “供应链合规” OR “供应链法务” OR “Temu” OR “拼多多” OR “Amigo” OR “阿米狗”) AND ((“供应商” OR “商家”) w/20 (“竞争” OR “专一” OR “忠诚” OR “粘合度” OR “粘度” OR “黏合度” OR “黏度” OR “交易往来”))	(“Supervision Department” OR “General Office” OR “Supply Chain Compliance” OR “Supply Chain Legal” OR “Temu” OR “Pinduoduo” OR “Amigo” OR “Amigou”) AND ((“supplier” OR “merchant”) w/20 (“competition” OR “exclusivity” OR “loyalty” OR “stickiness” OR “engagement” OR “transaction relationship”))
d.	(“监察部” OR “总经办” OR “供应链合规” OR “供应链法务” OR “Temu” OR “拼多多” OR “Amigo” OR “阿米狗”) AND ((“供应商” OR “商家” OR “账号”) w/20 (“杀鸡儆猴” OR “上课” OR “上一下课” OR “打击” OR “清退” OR “终止” OR “取缔” OR “处罚” OR “名单” OR “清单” OR “管控” OR “上措施” OR “加措施” OR “罚款” OR “转款” OR “公告” OR “警告”))	(“Supervision Department” OR “General Office” OR “Supply Chain Compliance” OR “Supply Chain Legal” OR “Temu” OR “Pinduoduo” OR “Amigo” OR “Amigou”) AND ((“supplier” OR “merchant” OR “account”) w/20 (“making an example of someone” OR “teach a lesson” OR “crackdown” OR “removal from platform” OR “terminate” OR “ban” OR “penalty” OR “list” OR “checklist” OR “control” OR “carry out measures” OR “enhance measures” OR “fine” OR “transfer styles” OR “re-allocating the styles” OR “announcement” OR “warning”))

Annex 2

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