



COMPETITION APPEAL TRIBUNAL

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

CASE NO: 1790/7/7/26

Pursuant to Rule 76(8) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “Rules”), the Registrar gives notice of the receipt on 3 September 2026 of a claim for damages under Section 47B of the Competition Act 1998 (the “Act”) by ATT Collective Action Limited (the “PCR”) against: (1) Apple Inc.; (2) Apple Distribution International Limited; (3) Apple (UK) Limited; and (4) Apple Europe Limited (together, “Apple” or the “Proposed Defendants”). The PCR is represented by Hausfeld & Co. LLP, 12 Gough Square, London, EC4A 3DW.

The Collective Proceedings Claim Form (the “CPCF”) states that the claims (the “Claims”) which the PCR seeks to combine in collective proceedings relate to loss and damage caused by Apple’s alleged breach of statutory duty, and in particular by its infringements of section 18 of the Act during the “Initial Claim Period”, being 26 April 2021 to the date of the issue of the CPCF.

The PCR alleges that Apple was dominant in the distribution of native apps on Apple’s mobile operating system (“iOS”) and abused that dominance through the design and implementation of its App Tracking Transparency framework (“ATT”) in a manner which adversely affected competition in online advertising markets linked to iOS apps. Although ATT was directed at enhancing user privacy, the CPCF states that ATT was implemented in a manner that imposed unfair and discriminatory trading conditions on app developers while obtaining material competitive advantages for Apple.

At all material times Apple has designed and supplied iPhone smartphones and iPad tablets, with iPhones running iOS and iPads running iPadOS. ATT applied to devices running iOS 14.5 or iPadOS 14.5 and later versions. During the Initial Claim Period, Apple controlled the iOS ecosystem as well as the “APIs” (application programming interfaces) and services on which app developers depended, including advertising services such as advertising on the App Store.

The CPCF states that before ATT was implemented, the Identifier for Advertisers (“IDFA”) provided a device-level identifier that enabled activity to be linked across apps for targeting, measurement and attribution. Access to the IDFA was available to app developers by default unless a user proactively enabled Apple’s “Limit Ad Tracking” setting.

Once implemented, Apple made display of the ATT prompt mandatory whenever a third-party app sought to access the IDFA or engage in conduct that Apple regarded as “tracking”. The CPCF states that non-compliant apps became liable to rejection or suspension from the App Store. Unless a user chose “Allow” in response to the ATT prompt, the relevant app could not access the IDFA or use alternative identifiers or techniques that Apple treated as “tracking”.

The CPCF states that ATT materially reduced app developers' ability to undertake cross-app behavioural targeting and IDFA-based attribution. The PCR states that prior to ATT, approximately 80% of users were traceable via IDFA; after ATT, the opt-in rate fell to approximately 20–30% of users, before gradually recovering to approximately 35–40% by 2026. The CPCF also states that Apple's own advertising activities were not subjected to an equivalent ATT prompt in that Apple used a more favourable consent architecture for its own activities.

The PCR argues that the conditions under the ATT, and the manner of their imposition, were unfavourable and detrimental to Apple's trading partners and affected parameters of competition. In particular, the CPCF states that the conditions impaired app developers' ability to target and measure advertising, thereby reducing advertising revenues and advertising effectiveness and increasing user acquisition costs, while correspondingly increasing the relative attractiveness of Apple's own advertising services and diverting advertising demand towards those services. The CPCF states that this amounted to the imposition of unfair and discriminatory trading conditions and, further or alternatively, exclusionary self-preferencing, which distorted competition in iOS app advertising, app promotion and related monetisation, contrary to section 18 of the Act.

The PCR seeks to bring the Claims on an opt-out basis, on behalf of a "Proposed Class" of app developers. The PCR's Proposed Class definition is:

All Third-Party iOS App Developers (other than Excluded Persons) who, during the Initial Claim Period, were UK-domiciled and generated revenue from advertising shown within one or more Third-Party iOS Apps and/or incurred expenditure on advertising to acquire users for one or more Third-Party iOS Apps.

The PCR estimates that the Proposed Class comprises approximately 13,000 UK-domiciled app developers. Aggregate damages are currently estimated at approximately £1.95 billion, inclusive of interest. The CPCF states that this comprises approximately £1.7 billion in reduced in-app advertising revenues suffered by app developers as publishers, and approximately £249 million in increased user acquisition costs suffered by app developers as advertisers. The CPCF states that the estimate does not include additional harm arising from changes in install volumes or active user base.

The CPCF states that it would be just and reasonable for the PCR to act as the class representative in the proposed collective proceedings. In summary:

1. The PCR is a dedicated special purpose company established to act as class representative in the proposed collective proceedings. It is lawfully entitled to pursue the Claims and has no conflict of interest with the interests of the Proposed Class Members (the "PCMs").
2. The PCR's sole director and member is Ms Ann Pope, formerly Senior Director (Antitrust) at the Competition and Markets Authority. Her witness statement filed with the CPCF addresses among other things:

- (a) her experience and independence;
 - (b) her understanding of, and commitment to, the duties of a class representative;
 - (c) the governance and consultation arrangements she has put in place, including the consultative panel and specific arrangements for costs and funding oversight;
 - (d) her approach to communications with, and administration for, the Proposed Class;
 - (e) the arrangements for funding and adverse costs protection; and
 - (f) her assessment of the proportionality of the proposed costs, funding and PCR remuneration arrangements.
3. The PCR has retained experienced specialist solicitors, counsel (including costs counsel) and experts.
 4. The PCR has secured third-party litigation funding from TR Global Funding X (Jersey), LP (the “Funder”) pursuant to a litigation funding agreement.
 5. The PCR has also secured after-the-event (“ATE”) insurance in respect of the Proposed Defendants’ recoverable costs.
 6. In addition, the PCR has secured from the Funder an indemnity (up to a certain amount), in respect of adverse costs exposure to any competing proposed class representative, that may arise from any carriage dispute.

The CPCF states that the Claims are eligible to be brought in collective proceedings because (in summary):

1. The Claims are brought on behalf of an identifiable class of persons and membership of the Proposed Class can be determined using objective criteria, capable of verification by reference to business records, Apple and developer database material, tax and domicile records, and advertising or monetisation records.
2. The Claims raise numerous common issues, including the proper definition of the relevant markets, whether Apple was dominant in one or more relevant markets, the nature, implementation and effect of ATT, whether Apple’s conduct infringed section 18 of the Act, the proper counterfactual, whether the conduct caused loss to the

Proposed Class on a common basis, the aggregate quantum of damages, and the appropriate methodology for distribution.

3. Liability and aggregate loss can be determined by common evidence, including disclosure of Apple documents and data, market evidence, and factual and expert evidence.
4. The fact that a relatively small number of PCMs may account for a significant share of aggregate harm, whilst a long tail of PCMs with smaller claims suffered the same common harm, reinforces the suitability of collective proceedings. In particular, many members of that long tail have claims that would be too modest to pursue individually, but are significant in the aggregate.

The CPCF states that opt-out proceedings are the appropriate procedure because (in summary):

1. The PCR does not contend that there is a presumption in favour of opt-out collective proceedings. However, it contends that the common issues are substantial and the Claims are strong.
2. The CPCF states that neither individual claims nor opt-in collective proceedings would be practicable. In particular:
 - (a) As regards individual claims, the cost, risk and evidential burden is likely to be disproportionate for the large majority of PCMs. Many PCMs also remain commercially dependent on Apple. That dependence is liable to make at least some PCMs reluctant to bring individual claims.
 - (b) As regards opt-in collective proceedings, each PCM would have to take the affirmative step of opting in and engaging with costs exposure, disclosure obligations and management burden. Given the individual losses suffered, many PCMs are unlikely proactively to opt in, particularly smaller developers, despite those developers being among the operators most exposed to the effects of the challenged conduct. An opt-in process would therefore be likely to result in material under-participation. Moreover, many developers' continuing dependence on Apple is liable to make them reluctant affirmatively to identify themselves. There is also no single established UK-wide trade or industry body representing the substantial majority of PCMs through which an opt-in process could readily be organised.
3. The CPCF states that there is therefore a real risk that many PCMs would not pursue individual claims or participate in an opt-in process, with the result that a substantial proportion of those affected would obtain no redress. It follows that opt-out proceedings

are materially more practicable and provide the appropriate procedure for resolving the Claims.

The relief sought in these proceedings is:

1. A collective proceedings order authorising the PCR to act on behalf of the Proposed Class on an opt-out basis;
2. Damages, including aggregate damages under section 47C of the Act;
3. Interest;
4. Costs; and
5. Such further or other relief as the Tribunal thinks 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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