COMPETITION APPEAL TRIBUNAL

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

CASE NO: 1795/7/7/26

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 16 October 2026, of an application to commence collective proceedings under section 47B of the Competition Act 1998 (the "Act") by BIRA Trading Limited (the "PCR") against: (1) Alphabet Inc.; (2) Google LLC; (3) Google Ireland Limited; and (4) Google UK Limited (together the "Proposed Defendants" or "Google"). The PCR is represented by Stephenson Harwood LLP, 1 Finsbury Circus, London, EC2M 7SH, England (Ben Sigler, Tim Knight, and Alex Athanasopoulos).

The Collective Proceedings Claim Form ("CPCF") states that the claims (the "Claims") it is proposed to be combined in collective proceedings are for damages resulting from Google's alleged breaches of section 18 of the Act (the Chapter II prohibition), Article 102 of the Treaty on the Functioning of the European Union and Article 54 of the Agreement on the European Economic Area (the "Proposed Claim").

The CPCF states that the "Proposed Class" consists of "[a]ll Advertisers who, during the Relevant Period, paid for one or more Online Display Ads, whether directly or through a Media Agency acting on their behalf (but excluding Excluded Persons)": Advertisers being defined as "natural or legal persons wishing to place one or more advertisements, but excluding Media Agencies;" and Media Agencies being defined as "person[s] that purchases Online Display Ads for or on behalf of Advertisers, whether as agent or as principal" (the "Proposed Class Members").

The CPCF states that the "Relevant Period," during which the PCR claims damages, commences from 1 October 2015 and concludes on the date of the filing of the CPCF. The Relevant Period is said to be limited to claims existing at the date of the CPCF, although the PCR reserves the right to apply to admit claims arising later.

The PCR is a private limited company within the group of the British Independent Retailers Association. Established in 2009, the PCR is a non-profit trade association whose members are independent retailers.

The Proposed Defendants all fall within the Google corporate group. The Proposed Claim relates to Google's conduct in the markets used to buy and sell open web advertising where adverts are displayed on webpages or within applications. Different users may be shown different advertisements when viewing the same webpage and Advertisers bid to display advertisements based on information relevant to the end user, using technology called "ad

tech." Several intermediaries operate within the system designed to connect advertisers and publishers, ultimately creating the infrastructure (the "stack") to facilitate an auction. The CPCF states that Google supplies the leading service(s) and occupies a dominant market position at each level of the stack. First, in the Ad Buying Tools Market where Google operates Google Ads and DV360. Second, in the Supply-Side Platform ("SSP") Market in which Google operates AdX. Finally, the Publisher Ad Server Market in which operates Google Ad Manager ("DFP").

The PCR contends that Google abused its dominant positions in the Relevant Markets, particularly a continuous exclusionary abuse with elements which in isolation are also abuses. The first such alleged abuse involved "Sell-Side Conduct" by which DFP treated AdX more favourably than rival SSPs with regard to the bidding process and "Buy-Side Conduct" which involved Google's ad buying tool treating AdX more favourably by allegedly channelling Advertisers bids to AdX. The second alleged abuse is that Google made access to AdX conditional on the use of DFP, and the data provided by DFP to AdX was used to manipulate the price of advertising.

Each of the first and second abuses allegedly encompassed a range of conduct and practices which were abusive, whether considered individually or collectively.

The PCR contends that the Proposed Class Members have suffered loss and damage as a result of Google's anti-competitive conduct in the following ways (i) a direct overcharge arising from the manipulation of the auctions and fee schedules by which the Proposed Class Member bids were placed and charged; (ii) the Proposed Class Members' share of Google's supracompetitive ad exchange fee; (iii) the Proposed Class Members' share of the supracompetitive take rate sustained by rival SSPs; and (iv) a reduction in the value which the Proposed Class Members obtained for their advertising expenditure.

The CPCF summarises the basis upon which it is contended that the criteria for certification and approval in r. 79 of the Rules are satisfied:

1. The CPCF states that the Claims are brought on behalf of an identifiable class of persons, to be determined on the basis of whether they had paid for Online Display Ads. It is said that Google ought to have records of direct purchasers of Ads. Where those Ads were purchased through a media agency, the media agencies are likely to have records, if not Google.

2. The Claims raise several common issues within the meaning of s. 47B(6) of the Act, namely: (i) the definition of the relevant market(s); (ii) whether Google held or holds a dominant position in those relevant market(s); (iii) whether Google abused or continues to abuse the relevant markets; (iv) the duration of Google's infringing conduct; (v) whether the conduct constitutes a single and continuous infringement; (vi) whether the abuse of dominance by Google caused loss and damage to the Proposed Class, and the

amounts of that loss and damage with reference to the counterfactual; (vii) the rate and amount of interest payable; and (viii) whether Google deliberately concealed relevant facts and whether the Proposed Class members could, with reasonable diligence, have knowledge of the worthwhile claim.

3. Collective proceedings are an appropriate means for resolution of the Claims for the following reasons: (i) there are between approximately 330,000 and 880,000 Proposed Class Members with average estimated claims between £3,269 and £9,815; (ii) individual Proposed Class Members are likely to lack the resources to bring individual claims, and the cost of bringing such claims would be prohibitive; (iii) individual claims would place a heavy and disproportionate burden on both the Tribunal and Google; and (iv) there is limited variation between the key aspects of each Proposed Claim in relation to factual and economic evidence, the relevant legal principles, the factual background, and Google's defences.

4. The Proposed Claim is suitable to be brought on an opt-out basis. The CPCF states that the Claims are strong, and at the very least have a real prospect of success. Further, it would not be practicable for the proceedings to be brought on an opt-in basis, on the basis of: (i) the modest amounts each Proposed Class Member may recover; (ii) the complexity and costs of individual claims; (iii) the size and composition of the Proposed Class; and (iv) the unwillingness of Proposed Class Members to participate in individual claims given Google's position as a key trading partner.

The PCR states that it is just and reasonable for it to be authorised to act as the class representative and would act fairly and adequately in the interests of the Proposed Class. The PCR has no interest in relation to any of the common issues which is in conflict with the interests of the Proposed Class Members. Further, both a specialist claims administrator with extensive knowledge of managing class actions and a specialist public relations firm have been appointed. The PCR has prepared a litigation plan and budget and has entered into a litigation funding agreement with a third-party provider. The relief sought in the Proposed Claim is an aggregate award of damages, which is provisionally estimated as between £2.95–3.35 billion including compound interest.

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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