



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1152/8/3/10 (IR)

B E T W E E N:

BRITISH SKY BROADCASTING LIMITED

Proposed Appellant

- v -

OFFICE OF COMMUNICATIONS

Proposed Respondent

- supported by -

BRITISH TELECOMMUNICATIONS PLC
TOP UP TV EUROPE LIMITED
VIRGIN MEDIA, INC.

Proposed Interveners

ORDER

UPON reading the correspondence reading the correspondence from the legal representatives of the parties indicating that they have reached agreement as to the establishment of a confidentiality ring

IT IS ORDERED THAT:

1. This Order becomes effective in respect of each of the persons named in Part A of the Schedule to this Order only upon receipt by the Tribunal of a signed undertaking in the terms of Part B of the Schedule to this Order.
2. For the purposes of this Order:
 - 2.1 “**Confidential Information**” is defined as information justifying confidential treatment by the Tribunal in accordance with rule 53 of the Competition

Appeal Tribunal Rules which is contained in (i) the full un-redacted versions of the parties' pleadings, witness statements and other documents served on the Tribunal which have not, prior to the making of this Order, been disclosed to all other parties in the non-confidential versions of the documents thus far served, and/or (ii) any documents served or disclosed hereafter.

2.2 “**Relevant Advisers**” are those persons:

2.2.1 listed in Part A of the Schedule to this Order who have given a signed undertaking to the Tribunal in the terms of Part B of the Schedule to this Order;

2.2.2 any person employed by OFCOM; or

2.2.3 authorised by the Tribunal upon further application.

3. Each of the parties shall hereafter disclose to the other parties un-redacted versions of their pleadings, witness statements and other documents served in these proceedings on the condition that such un-redacted versions and any Confidential Information contained within those pleadings and documents shall be disclosed only to the Relevant Advisers who have signed an undertaking to the Tribunal and to the parties in the terms of Part B of the Schedule to this Order.
4. All such un-redacted version of pleadings and other documents served in these proceedings must be marked so as to indicate the parts in relation to which confidential treatment is claimed, in the manner referred to in paragraph 13.22 of the Tribunal's Guide to Proceedings (October 2005).
5. In the case of pleadings and other documents served thus far in the proceedings, the parties shall comply with paragraph 3 of this Order by 10am on 22 April 2010 and in the case of any other pleading and any other document served by a party, that party shall comply with paragraph 3 of this Order.
6. If any party wishes to add any additional person as a Relevant Adviser for the purposes of paragraph 2.2 of this Order, they shall apply to the Tribunal indicating whether each of the other parties consents or does not consent to the addition of that person.
7. There be permission to apply.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

21 April 2010
21 April 2010

SCHEDULE

PART A

This part contains the names, for each party, of Relevant Advisers:

British Sky Broadcasting Limited

External Counsel

James Flynn QC (of Brick Court Chambers)

Meredith Pickford (of Monckton Chambers)

External solicitors

Stephen Wisking

Andrew North

Tamara Todorovic

Marieke Bredenoord-Spoek

Vikas Mahendra (all of Herbert Smith LLP)

Office of Communications

External Counsel

Dinah Rose QC (of Blackstone Chambers)

Josh Holmes (of Monckton Chambers)

Ben Lask (of Monckton Chambers)

British Telecommunications Plc

External Counsel

David Anderson QC

Sarah Ford

Sarah Love (all of Brick Court Chambers)

In-house solicitor

Charlotte Twyning

Top Up TV Europe Limited

External Counsel

Daniel Beard (of Monckton Chambers)

External solicitors

Julian Stait

Emma Hogwood (both of Milbank, Tweed, Hadley & McCloy LLP)

Virgin Media Limited

External Counsel

Mark Hoskins QC

Gerard Rothschild (both of Brick Court Chambers)

External solicitors

Duncan Liddell

Ben Tidswell

Belinda Bagge

Chris Graf

Claire Fourel (all of Ashurst LLP)

PART B

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser referred to in paragraph 2.2.1 of the Tribunal's order of 21 April 2010 (the "Tribunal's Order") undertakes that they will comply with the following requirements in the following terms:

I, [name], of [firm, company or establishment] being [legal or other qualification] and regulated so far as my professional conduct is concerned by [regulatory body, if any] undertake to the Tribunal and each of the parties as follows:

1. I have read a copy of the Tribunal's Order and understand the implications of that order and the giving of this undertaking.
2. I will not disclose the Confidential Information (as defined in the Tribunal's Order) to any person who is not a Relevant Adviser (as defined in the Tribunal's Order) without the express consent of the person originally disclosing the information or the permission of the Tribunal.
3. I will use the Confidential Information only for the purpose of these proceedings and for the purpose of no other current or future proceedings, dispute, complaint, or other use whatsoever without the express consent of the person originally disclosing the information or the permission of the Tribunal.
4. The pleadings and documents containing the Confidential Information will remain in my custody or the custody of another Relevant Adviser at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
5. The production of further copies by me of the documents containing the Confidential Information shall be limited to those required for the use of the Relevant Advisers for the purposes of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.
6. Any and all copies of the pleadings and documents in paper form containing the Confidential Information will be returned to the party originally disclosing the pleadings or documents at the conclusion of the present proceedings; any copies pleadings and documents containing the Confidential Information in electronic form will where possible be returned or, where that is not possible, will be rendered inaccessible from any computer systems, disk or device so that the Confidential Information is not readily available to any person.
7. Save that none of the requirements listed at paragraphs 2 to 5 above shall prevent Relevant Advisers from disclosing to the person advised by them Confidential Information which such person has already legitimately seen.

Signed:

Name:

Date: