



COMPETITION APPEAL TRIBUNAL

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

CASE NO. 1342/5/7/20

Pursuant to rule 33(8) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (“the Tribunal Rules”), the Registrar gives notice of the receipt of a claim for damages (“the Claim”) on 28 February 2020, under section 47A of the Competition Act 1998 (the “Act”), by Sportradar AG and Sportradar UK Limited (“the Claimants”) against (1) Football DataCo Limited (“the First Defendant”); (2) BetGenius Limited (“the Second Defendant”); and (3) Genius Sports Group Limited (“the Third Defendant”) (together, “the Defendants”). The Claimants are represented by Sheridans, 76 Wardour Street, London, W1F 0UR (reference: Mr Andrew Nixon).

The Claimants provide sports data and sports betting services (“Sports Data and Sports Betting Services” or “SDSB Services”) to bookmakers in the UK and elsewhere which comprise or incorporate live (or “in-play”) data about football matches. Such data can be used by bookmakers to offer in-play betting (sometimes referred to as “live betting”), which occurs while an event is actually taking place, for example, by placing a bet during a football match on which team or which player will score next.

According to the Claim, the First Defendant claims to be the sole provider of “official” live data in relation to all football matches played in The Premier League, The English Football League and The Scottish Professional Football League (together, “the Three Leagues”), which together account for 134 UK clubs. The live data pertaining to matches played in the Three Leagues is referred to below as “Live League Match Data”, and is abbreviated to “LLMD”.

The Second and Third Defendants compete with the Claimants in the supply of Sports Data and Sports Betting Services to bookmakers in the UK and elsewhere.

The Claim states that on 31 July 2018, the First Defendant issued a Request For Proposals (“RFP”) in relation to the collection and supply of data, including LLMD, from and relating to football matches played by the 134 clubs in the Three Leagues including their respective reserve, Under 21 and cup competitions, over 3 football seasons (2019/20, 2020/21 and 2021/22) i.e. for a 3 year fixed term (“the Original RFP”).

The Original RFP envisaged the appointment by FDC of an “official” provider and up to three “accredited” providers, each of whom would gather their own LLMD from football stadia and would be appointed for periods of 3 years. The Claimants submitted a tender seeking to be appointed as an “accredited” provider, in line with the requirements of the Original RFP.

According to the Claim, on 27 September 2018, the First Defendant altered the criteria on which it would appoint providers, in particular, by: (i) abandoning the proposal to appoint “accredited” providers; and (ii) making the appointments for a “minimum” period of 3 years.

On 9 May 2019, the First Defendant announced that it had granted exclusive rights to the Second and Third Defendants to collect and exploit the “Official Betting Data” for a period of 5 years.

The Claimants allege that the Defendants have breached Article 101 of the Treaty on the Functioning of the European Union (“TFEU”) and Chapter I of the Act by granting, for a period of 5 years, exclusive rights to use LLMD for the supply of SDSB Services as such an arrangement has the object and/or effect of restricting competition, in particular by shutting out all competition in the supply of SDSB Services comprising or incorporating LLMD, including competition from the Claimants.

The Claimants further allege that the First Defendant has breached Article 102 TFEU and Chapter II of the Act by granting to the Second and Third Defendants, for a period of 5 years, exclusive rights to use LLMD for the supply of SDSB Services, in particular because the grant of exclusive rights to a single operator for the full package of LLMD at all and/or for such a long period differs from methods which condition normal competition on the merits and is capable of hindering the maintenance of competition or the growth of that competition in the supply of SDSB Services.

The 134 clubs in the Three Leagues impose conditions of entry to their stadia which prevent ticket holders from logging data for commercial purposes. The Claimants allege that the enforcement of such conditions is intended to give effect to, and is tainted by the illegality of, the unlawful grant to the Second and Third Defendants for a period of 5 years of exclusive rights to use LLMD for the supply of Sports Data and Sports Betting Services.

The Claimants claim:

- (1) An injunction to bring the infringements to an end;
- (2) Damages to be assessed;
- (3) Interest on the damages;
- (4) An order that the Defendants pay the Claimants the costs reasonably incurred in bringing the Claim; and/or
- (5) Any further or other relief which the Tribunal considers appropriate.

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 post at Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP, or by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa OBE, QC (Hon)
Registrar

Published 12 March 2020.