



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1342/5/7/20
1409/5/7/21(T)
1410/5/7/21(T)

BETWEEN:

(1) SPORTRADAR AG
(2) SPORTRADAR UK LIMITED

Claimants

and

(1) FOOTBALL DATA CO LIMITED
(2) BETGENIUS LIMITED
(3) GENIUS SPORTS GROUP LIMITED

Defendants
(*"The Sportradar Claim"*)

AND BETWEEN:

FOOTBALL DATA CO LIMITED

Claimant

and

(1) SPORTRADAR AG
(2) SPORTRADAR UK LIMITED
(3) PETER KENYON
(4) ISAIAH GARDNER
(5) FLOYD MARCH
(6) NICK MILLS
(7) PRZEMYSŁAW DUBININ

Defendants
(*"The FDC Claim"*)

AND BETWEEN:

BETGENIUS LIMITED

Claimant

and

(1) SPORTRADAR AG

(2) SPORTRADAR UK LIMITED

(3) PETER KENYON

(4) ISAIAH GARDNER

(5) FLOYD MARCH

(6) NICK MILLS

(7) PRZEMYSŁAW DUBININ

Defendants

("The Genius Claim")

ORDER

UPON the Tribunal's Order of 29 July 2021 (as varied from time to time) setting out directions in this matter (the "Directions Order")

AND UPON the parties' disclosure schedule prepared in accordance with paragraph 18 of the Directions Order, with matters in dispute resolved by the Tribunal (the "Disclosure Schedule")

AND UPON the application dated 3 March 2022 (the "Application") from the solicitors for Betgenius Limited and Genius Sports Group Limited ("Genius" or the "Receiving Party") for an order that the Claimants in the Sportradar Claim ("Sportradar" or the "Producing Party") comply with their disclosure obligations in respect of the Model C request for Issue 52 of the Disclosure Schedule (the "Issue 52 Request")

IT IS ORDERED THAT:

1. The Application is adjourned to the conclusion of the trial of these proceedings on the basis that:

- (a) The Receiving Party and not the Producing Party will undertake a review of the documents provided by the Producing Party.
 - (b) The costs of that review may (subject to any order of the Tribunal) be the Receiving Party's in any event and (if so advised) on the indemnity basis.
2. The costs of the Application and any costs incurred by Genius in reviewing the documents disclosed by Sportradar to extract the relevant data as set out in the Issue 52 Request shall be recorded in a schedule of costs to be produced by the Receiving Party on conclusion of the review, those costs to be assessed at the conclusion of the trial pursuant to paragraph 1(b) above.

REASONS:

1. The Issue 52 Request is an expert-led request agreed by the parties in the Disclosure Schedule, which envisaged that categories of data would be extracted from data rights agreements held by Sportradar and Genius and disclosed in list form organised by various sub-categories. Genius has provided this in respect of its own agreements, whilst Sportradar has disclosed the underlying agreements without extracting the relevant categories of data. The questions raised by the Application are: (i) whether the review of Sportradar's agreements - and the extraction and organisation of the relevant data - is an exercise that needs to be completed, and (ii) whether the Producing Party or the Receiving Party should bear the costs of the exercise.
2. As to (i), it is noted that the Issue 52 Request stemmed from a joint request by the experts, and it was assigned the highest priority level in the Joint Expert Statement. I am not in a position - at this stage of the proceedings - to question the experts' view that the requested information is of importance to the analysis of the market (notwithstanding Sportradar's instructed expert's subsequent suggestion that certain categories may be unnecessary). I therefore consider that the exercise should be undertaken.
3. As to (ii), Sportradar maintains that the costs of the manual review are not reasonable or proportionate (hence why it has not undertaken the exercise). In this instance, the Receiving Party will be the primary beneficiary of the outcome of this exercise and has

an interest in the review being conducted thoroughly and diligently. It seems to me that the exercise should therefore be conducted by the Receiving Party. I make no specific direction in this regard, as it is for the Receiving Party to determine how it wishes to extract the information needed from the documents which have been disclosed.

4. If, at the conclusion of the trial listed in October 2022, the Tribunal considers it would have been reasonable for the Producing Party to have undertaken this exercise in accordance with the Issue 52 Request, the costs of this exercise will be assessed and consideration will be given to the making of a specific costs order against the Producing Party. This process will be independent of any other costs order that may otherwise apply or be made. Genius is therefore directed to produce a precise schedule of costs relating to its review of the Producing Party's documents for the purposes of extracting the necessary information detailed in the Issue 52 Request, so that (if appropriate) a costs order can be made to reflect the disclosure obligations as they may be.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 11 March 2022
Drawn: 11 March 2022