



IN THE COMPETITION
APPEAL TRIBUNAL

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

B E T W E E N:

BRITISH SKY BROADCASTING LIMITED

Appellant

- supported by -

THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED

Intervener

- v -

OFFICE OF COMMUNICATIONS

Respondent

- supported by -

BRITISH TELECOMMUNICATIONS PLC
TOP UP TV EUROPE LIMITED
VIRGIN MEDIA, INC.
ORANGE PERSONAL COMMUNICATIONS SERVICES LIMITED

Interveners

ORDER

UPON reading the correspondence from Mr. David Henry and REAL Digital EPG Services Limited (together, “REAL”) and the legal representatives of the Appellant and the respondent indicating that they have reached agreement as to the establishment of a confidentiality ring in the context of REAL’s application in these proceedings

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 “**REAL Confidential Information**” is defined as information justifying confidential treatment by the Tribunal in accordance with rule 53 of the

Competition Appeal Tribunal Rules (S.I. No. 1372 of 2003) which is contained in (i) documents served on the Tribunal by REAL in the context of REAL's application in these proceedings 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 by REAL in the context of REAL's application in these proceedings 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. REAL shall hereafter disclose to parties specified in Part A of the Schedule to this Order un-redacted versions of their documents served in these proceedings on the condition that such un-redacted versions and any REAL Confidential Information contained within those 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 versions of 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 documents served thus far in the proceedings, REAL shall comply with paragraph 3 of this Order by 5pm on 22 October 2010 and in the case of any other document served by REAL, REAL 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. Liberty to apply.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

21 October 2010
21 October 2010

SCHEDULE

PART A

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

British Sky Broadcasting Limited

External Counsel

James Flynn QC

David Scannell (both of Brick Court Chambers)

Meredith Pickford (of Monckton Chambers)

External solicitors

Stephen Wisking

Andrew North

Joanne Segger

Tamara Todorovic

Alexander Fong

Marion Volondat

John Cagan (all of Herbert Smith LLP)

Office of Communications

External Counsel

Dinah Rose QC

Jessica Boyd (both of Blackstone Chambers)

Josh Holmes

Ben Lask (both of Monckton Chambers)

PART B

In respect of any REAL 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 [] October 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 REAL 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 REAL 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 documents containing the REAL 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 REAL 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 documents in paper form containing the REAL Confidential Information will be returned to REAL or destroyed at the conclusion of the present proceedings; any copies of documents containing the REAL 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 REAL 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 REAL Confidential Information which such person has already legitimately seen.

Signed:

Name:

Date: