



IN THE COMPETITION
APPEAL TRIBUNAL

Case Numbers: 1171/3/3/10
1172/3/3/10

BETWEEN:

BRITISH TELECOMMUNICATIONS PLC

Appellant

-v-

OFFICE OF COMMUNICATIONS

Respondent

-supported by-

EVERYTHING EVERYWHERE LTD
HUTCHISON 3G UK LIMITED

Interveners (Case 1171)

VIRGIN MEDIA LTD
EVERYTHING EVERYWHERE LTD
TALKTALK TELECOM GROUP PLC
BRITISH SKY BROADCASTING LTD

Interveners (Case 1172)

ORDER

UPON reading the correspondence from the legal representatives of the parties to this appeal relating 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:
 - a. "**Confidential Information**" is defined as information justifying confidential treatment by the Tribunal in accordance with the rule 53 of the

Competition Appeal Tribunal Rules 2003 which is contained in (i) the full un-redacted versions of the parties' pleadings and other documents served on the Tribunal which has not, prior to the making of this order, been disclosed to all other parties in the non-confidential versions of pleadings and other documents thus far served, and / or (ii) any documents served or disclosed hereafter.

b. "Relevant Advisors" are those persons:

- i. listed in Part A of the Schedule of this Order who have given a signed undertaking to the Tribunal in the terms of Part B of the Schedule to this Order; or
 - ii. 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 and other documents served in these proceedings on the condition that such un-redacted versions and save in respect of the Office of Communications' employees any Confidential Information contained within those pleadings and documents shall be disclosed only to Relevant Advisors 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 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 the proceedings and other documents served thus far in the proceedings, the Appellant shall comply with paragraph 3 of this Order forthwith and in any event by 7 January 2011, 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 Advisor for the purposes of paragraph 2(b) 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. Costs be reserved.
 8. There be liberty to apply.

SCHEDULE

PART A

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

British Telecommunications Plc

External counsel

Graham Read QC (of Devereux Chambers)

Sarah Lee (of Brick Court Chambers)

External solicitors

Chris Watson

John Markham

David Bridge

Christine Graham (all of CMS Cameron McKenna LLP)

In-house solicitors

Maria Ouli

Stuart Murray

Frederic Dupas

Sophie Bouckaert (all of BT Legal)

Office of Communications

External counsel

Pushpinder Saini QC

Hanif Mussa (both of Blackstone Chambers)

Virgin Media Ltd

External solicitors

Rob Bratby

Ginny O'Flinn

Tomos Jones

Jack Gilbert (all of Olswang LLP)

In-house solicitors

Annemaree McDonough (of Virgin Media)

Everything Everywhere Limited

External counsel

Philip Woolfe (of Monckton Chambers)

In-house solicitors

Robyn Durie

Robert Wells (both of Everything Everywhere)

British Sky Broadcasting Ltd

External counsel

Alan Bates (of Monckton Chambers)

External solicitors

Stephen Wisking

John McInnes

Ralph Sellar (all of Herbert Smith LLP)

Talk Talk Telephone Group plc

In-house solicitors

Tim Morris

William Stead (both of Talk Talk Telecom Group plc)

Hutchison 3G UK Ltd

External counsel

Brian Kennelly (of Blackstone Chambers)

External solicitors

Richard Pike

Rodger Burnett (both of Baker & McKenzie LLP)

In-house solicitors

Jane Jellis (of Hutchison 3G)

PART B

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Advisor 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 of [] ("the Tribunal's Order") and understood 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 an Office of Communications employee ("OFCOM") or a Relevant Advisor (as defined in the Tribunal's Order) without the express consent of the party originally disclosing the information or the permission of the Tribunal.
3. I will use the Confidential Information only for purposes 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 party 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 Advisor or OFCOM 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 Advisors of OFCOM for the purpose 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 pleading or documents at the conclusion of the present proceedings; any copies of the 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 system, disk or device so that the Confidential Information is not available to any person.
7. Save that none of the requirements listed at paragraph 2 to 5 above shall prevent Relevant Advisors from disclosing to a person advised by them Confidential Information which such person has already legitimately seen.

Signed:

Name:

Date: