



IN THE COMPETITION
APPEAL TRIBUNAL

Case Number 1245/3/3/16

BETWEEN:

BRITISH TELECOMMUNICATIONS PLC

Appellant

- v -

OFFICE OF COMMUNICATIONS

Respondent

-and-

GAMMA TELECOM HOLDINGS LIMITED
SKY UK LIMITED
TALKTALK TELECOM GROUP PLC
VODAFONE LIMITED

Interveners

ORDER

UPON reading the correspondence from the legal representatives of all the parties to this appeal relating to the establishment of a Confidentiality Ring

AND UPON hearing the legal representatives of the parties to this appeal at a Case Management Conference on 11 February 2016

AND UPON the parties having agreed the terms of this order

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 rule 101 of the Competition Appeal Tribunal Rules 2015 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 Advisers**” are those persons:
 - i. 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; 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, save in respect of the Office of Communications’ employees, such un-redacted versions and any Confidential Information contained within those pleadings and documents shall be disclosed only to the Relevant Advisers listed in Part A of the Schedule to this Order and 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 7.46 of the Tribunal’s

Guide to Proceedings 2015. A system of colour-coding shall be used to indicate to which entity the confidential information belongs

5. In the case of pleadings and other documents served thus far in the proceedings, the Appellant shall comply with paragraph 3 of this Order by 5pm on 15 February 2016
6. If any party wishes to add any additional person as a Relevant Adviser 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

Heriot Currie QC
Chairman of the Competition Appeal Tribunal

Made: 12 February 2016
Drawn: 12 February 2016

SCHEDULE

PART A

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

British Telecommunications Plc

External Counsel

Robert Palmer

Fiona Banks (both of Monckton Chambers)

In-house Solicitors

Frederic Dupas

Cecile Plaidy

Jacqueline Williams

External Experts

Dr Daniel Maldoom

Office of Communications

External Counsel

Josh Holmes (of Monckton Chambers)

Tristan Jones (of Blackstone Chambers)

Gamma Telecom Holdings Limited

External Counsel

Sarah Love

Tim Johnston (both of Brick Court)

External Solicitors

Paul Stone

Rory Ashmore (both of Charles Russell Speechlys)

Sky UK Limited, TalkTalk Telecom Group plc and Vodafone Limited

External Solicitors

Paul Brisby

Zach Meyers

Daniel van der Wel

James Singer (all of Towerhouse LLP)

PART B

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser 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 [date] ("the Tribunal's Order") and understand the implications of that Order and the giving of this undertaking.
2. Save in respect of provision to the Tribunal, I will not disclose the Confidential Information (as defined in the Tribunal's Order) to any person who is not an Office of Communications ("OFCOM") employee or a Relevant Adviser (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 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 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 Adviser or OFCOM at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
5. The production by me of further copies of the documents containing the Confidential Information shall be limited to those strictly required for the use of the Relevant Advisers for the purpose of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.
6. Any and all copies and the pleadings and documents in paper form containing the Confidential Information will be returned to the party originally disclosing the pleading or documents or destroyed by the receiving party at the conclusion of the present proceedings; any copies of the pleadings and the 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 a person advised by them Confidential Information which such person has already legitimately seen.

Signed:

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Name

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Date