



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No.: 1278/5/7/17

**B E T W E E N:**

**(1) BRITISH TELECOMMUNICATIONS PLC**  
**(2) EE LIMITED**  
**(3) PLUSNET PLC**  
**(4) DABS.COM LIMITED**

Claimants

**-v-**

**(1) MASTERCARD INCORPORATED**  
**(2) MASTERCARD INTERNATIONAL INCORPORATED**  
**(3) MASTERCARD EUROPE SA**

Defendants

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**ORDER**

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**HAVING REGARD TO** the Tribunal's Reasoned Order of 28 September 2017

**AND UPON** reading the Claimants' application made on 18 October 2017 (the "Application") under rules 31(2) and 32(1)(b) of the Competition Appeal Tribunal Rules 2015 (the "Tribunal Rules") for permission: (i) to amend the Claim Form and Particulars of Claim; and (ii) to serve the claim outside the jurisdiction on the First and Second Defendants

**IT IS ORDERED THAT:**

1. The Claimants be permitted to amend the Claim Form and Particulars of Claim in the form of the draft attached to the Application.
2. The Claimants be permitted to serve the Amended Claim Form and Particulars of Claim on First and Second Defendants outside the jurisdiction.

3. This order is without prejudice to the rights of the First and Second Defendants to apply pursuant to rule 34 of the Tribunal Rules to dispute the jurisdiction.

## **REASONS**

1. The claim and an application for service out of jurisdiction on the First and Second Defendants were filed at the Tribunal on 12 September 2017. Pursuant to that Application, I granted permission for service out for the reasons set out in my Order of 28 September 2017. After Directions for Service were sent to the Claimants, the Claimants' solicitors became aware that on 15 September 2017 the Fourth Claimant, which at the time the claim was filed was a public company, had re-registered as a private limited company. Accordingly, on 18 October 2017 the Claimants applied to the Tribunal to amend their claim to reflect the new status of the Fourth Claimant and for a revised order granting them permission to serve out of the jurisdiction.
2. In these circumstances it is appropriate to grant permission for the Claimants to amend the Claim to reflect the change in the status of the Fourth Claimant. I also consider it appropriate to grant permission for the claimants to serve out of the jurisdiction for the reasons explained in the Reasoned Order of 28 September 2017.

**The Hon Mr Justice Roth**  
President of the Competition Appeal Tribunal

Made: 23 October 2017  
Drawn: 25 October 2017