



IN THE COMPETITION
APPEAL TRIBUNAL

Case Nos: 1530/7/7/22
1531/7/7/22

BETWEEN:

ELISABETTA SCIAL LIS

Applicant /
Proposed Class Representative

- v -

- (1) **ROLAND EUROPE GROUP LIMITED**
- (2) **ROLAND CORPORATION**

Respondents /
Proposed Defendants
(the “Roland Proceedings”)

AND BETWEEN:

ELISABETTA SCIAL LIS

Applicant /
Proposed Class Representative

- v -

- (1) **YAMAHA MUSIC EUROPE GMBH**
- (2) **YAMAHA CORPORATION**

Respondents /
Proposed Defendants
(the “Yamaha Proceedings”)

REASONED ORDER

UPON the Tribunal’s Reasoned Orders, each made on 25 November 2022, granting the Proposed Class Representative permission to serve the respective Second Proposed Defendant in each of the Roland and Yamaha Proceedings outside the jurisdiction

AND UPON the Tribunal’s letters, each dated 2 December 2022, providing directions for service of the Proposed Class Representative’s collective proceedings claim form and supporting evidence (together, the “Claim Documents”) in relation to the Roland and Yamaha Proceedings on the respective Second Proposed Defendant out of the jurisdiction (the “Directions for Service Letters”)

AND UPON considering the application from the Proposed Class Representative made by letter dated 24 March 2023 for an order that the time for service of the Claim Documents on the respective Second Proposed Defendant in each of the Roland and Yamaha Proceedings be extended until 2 November 2023

AND UPON considering the letter dated 3 April 2023 from the solicitors for the First and Second Proposed Defendants in the Yamaha Proceedings raising factual points and providing observations regarding the Proposed Class Representative’s reasons for seeking an extension of time (the “Dentons Letter”)

AND UPON considering the letter of 4 April 2023 from the solicitors for the Proposed Class Representative responding to the Tribunal’s letter of 28 March 2023 regarding the Proposed Class Representative’s intention to file proposed collective proceedings in relation to a further, fifth musical instrument brand by 31 May 2023

AND UPON considering the amended application from the Proposed Class Representative dated 6 April 2023 in response to the Dentons Letter (the “Amended Application”)

AND HAVING REGARD TO the Tribunal’s governing principles pursuant to Rule 4 of the Competition Appeal Tribunal Rules 2015 (the “Tribunal Rules”) and the Tribunal’s case management powers pursuant to Rule 53 of the Tribunal Rules

IT IS ORDERED THAT:

1. The time for the Proposed Class Representative to serve the Claim Documents on each of the Second Proposed Defendants in the Roland and Yamaha Proceedings out of the jurisdiction shall be extended to 2 October 2023.
2. The service of the Proposed Class Representative’s Claim Documents in each of the Roland and Yamaha Proceedings shall be effected in accordance with the relevant Directions for Service Letter, save that, where translations of the Claim Documents are required under Part 6 of the Civil Procedure Rules, the Proposed Class Representative is required to provide a translated version of only the relevant collective proceedings claim form.

3. Where service out of the jurisdiction on each of the Second Proposed Defendants in the Roland and Yamaha Proceedings is effected under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the “Hague Convention”), the Proposed Class Representative shall also provide translated versions of the following:
 - (a) the relevant Directions for Service Letter;
 - (b) the relevant Tribunal’s Reasoned Order made on 25 November 2022 granting permission to serve out of the jurisdiction;
 - (c) the Amended Application; and
 - (d) this Reasoned Order granting an extension to the time for service out of the jurisdiction.
4. There shall be no order as to costs.
5. There shall be liberty to apply.

REASONS:

1. I note the observations made in the Dentons Letter regarding the delay on the part of the Proposed Class Representative to start the foreign service process and the insufficient progress made by the Proposed Class Representative to obtain quotes for translations and enquire as to the time associated with service in Japan. Accordingly, I have granted the Proposed Class Representative a more limited extension of time to 2 October 2023 to effect service out of the jurisdiction. Under this limited extension, the Proposed Class Representative still has nearly six months from the date of this Order to effect service under the Hague Convention.
2. I agree with the observations made in the Dentons Letter that the Proposed Class Representative and their solicitors are under an obligation to co-operate with the Tribunal to ensure that the proceedings issued against the Proposed Defendants are dealt with expeditiously and fairly. In this regard, I consider that the Tribunal’s governing principles under Rule 4 of the Tribunal Rules requiring parties to co-operate

with the Tribunal to ensure that cases are dealt with justly and at proportionate cost apply also to the Second Proposed Defendants of the Roland and Yamaha Proceedings, who are each entitled to be served in Japan with documents translated into Japanese.

3. In each of the Roland and Yamaha Proceedings, service has been effected in this jurisdiction on each of the First Proposed Defendants and their respective solicitors have acknowledged service on their behalf. In these circumstances, I consider it just and proportionate that the Proposed Class Representative is not required to translate all the Claim Documents which are to be served on each of the Second Proposed Defendants, and to translate only the relevant collective proceedings claim form, whilst serving English versions of all the Claim Documents.

4. I note also that the Proposed Class Representative has commenced separate collective proceedings in respect of four musical instrument brands (Case Nos. 1437/7/7/22 and 1529-1531/7/7/22) and intends to commence, by 31 May 2023, a fifth collective proceedings in respect of a further musical instrument brand. It is desirable for the expeditious and fair management and determination of similar cases by the Tribunal that they are progressed together, whether jointly or in parallel. I therefore expect all parties to the relevant proceedings to assist the Tribunal in ensuring that these existing and proposed collective proceedings are dealt with justly, at proportionate cost and expeditiously.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 19 April 2023
Drawn: 20 April 2023