



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1673/7/7/24

BETWEEN:

PROFESSOR BARRY RODGER

Applicant / Class Representative

– and –

(1) ALPHABET INC

(2) GOOGLE LLC

(3) GOOGLE IRELAND LIMITED

(4) GOOGLE ASIA PACIFIC PTE. LIMITED

(5)

6) GOOGLE PAYMENT LIMITED

(7)

Respondents / Defendants

COLLECTIVE PROCEEDINGS ORDER

UPON receipt of the Class Representative’s application for a Collective Proceedings Order pursuant to section 47B of the Competition Act 1998 (the “**Act**”) and Rule 75 of the Competition Appeal Tribunal Rules 2015 (the “**2015 Rules**”) (the “**CPO Application**”) filed on 22 August 2024

AND UPON receipt of a collective proceedings claim form filed on 22 August 2024 (the “Collective Proceedings Claim Form”)

AND UPON hearing Counsel for the Class Representative at the hearing of the CPO Application on 6 March 2025

AND UPON the Tribunal certifying the present collective proceedings on 6 March 2025, subject to the Class Representative satisfying certain conditions

AND UPON the Class Representative having satisfied those conditions.

IT IS ORDERED THAT:

Forum

1. Pursuant to Rules 18, 52 and 74 of the 2015 Rules, the present collective proceedings be treated as proceedings in England and Wales.

Authorisation of the Class Representative and certification of the claims as eligible for inclusion in collective proceedings

2. Pursuant to section 47B of the Act and Rules 77 and 80 of the 2015 Rules, Professor Barry Rodger shall be authorised to act as Class Representative to continue the present collective proceedings on an opt-out basis.
3. The Class Representative’s address for service is:
 - (a) Geradin Partners Limited, Copthall House, 14-18 Copthall Avenue, London, EC2R 7DJ (hard copy); or
 - (b) all four of:
 - (i) dgeradin@geradinpartners.com;

- (ii) dgallagher@geradinpartners.com;
- (iii) aojukwu@geradinpartners.com; and
- (iv) gsternberg@geradinpartners.com.

(email).

- 4. The claims certified as eligible for inclusion in the present collective proceedings pursuant to section 47B of the Act and Rules 79 and 80 of the 2015 Rules are claims for loss and damage caused by Google’s breach of statutory duty, and in particular by its infringement of Article 102 of the Treaty on the Functioning of the European Union (“TFEU”) (to and including 31 December 2020) and section 18 of the Act 1998.

Class Definition

- 5. The class is defined as follows (hereafter the “**Class**” and the “**Class Definition**”):

“All UK-domiciled Third-Party App Developers who, during the Relevant Period, made one or more Relevant Sales”.

- 6. For the purposes of the Class Definition:

- (a) “**Android**” means the mobile operating system of that name.
- (b) “**Android app**” means a ‘native’ app programmed to be installed on an Android Device (and so does not refer to a ‘web’ app, which instead functions via an internet browser).
- (c) “**Android Device**” means any smartphone, tablet or other device that uses Android as its operating system.
- (d) “**app**” means a software application.

- (e) “**Commission**” means any commission charged by Google in connection with any sale made (i) via the Play Store and/or (ii) within an app.
- (f) “**Play Store**” means Google’s proprietary app store.
- (g) “**Proprietary App**” means an Android app developed by Google (but does not include the Play Store).
- (h) “**Relevant Period**” means the period starting six years before the date of the Collective Proceedings Claim Form and ending on the date that the Collective Proceedings Claim Form is filed. (The PCR seeks to combine Claims arising in the Relevant Period; but each of those underlying Claims will be in respect of all corresponding losses, whenever suffered, including after the end of the Relevant Period.)
- (i) “**Relevant Sale**” means:
 - (i) any sale of a Third-Party App via the Play Store; and
 - (ii) any sale to an Android Device user within a Third-Party App

on which the Commission is charged, and includes:

- (1) any sale of a Third-Party App via the Play Store in connection with which an Android Device user pays a fee for the app and/or to download the app (a “**Relevant App Sale**”);
- (2) any one-time sale to an Android Device user within a Third-Party App for which the Android Device user pays a fee (a “**Relevant In-App Sale**”); and
- (3) any recurring sale to an Android Device user within or for a Third-Party App for which the Android Device user pays a fee (a “**Relevant Subscription Sale**”).

- (j) **“Third-Party App”** means an Android app developed by a Third-Party App Developer, but does not include any Android app that is or functions as an Android app store, Android app marketplace, or Android app distribution service.
- (k) **“Third-Party App Developer”** means a third-party developer (i.e., not Google) of an Android app or Android apps, but does not include:
 - (i) developers of any Android app that is or functions as an Android app store, Android app marketplace, or Android app distribution service; or
 - (ii) developers that, as at the Domicile Date:
 - (1) in the case of natural persons, are deceased; or
 - (2) in the case of legal persons, have been dissolved and/or struck off the register and/or otherwise ceased to exist.

Domicile Date and opt-out

- 7. The Domicile Date is 23 May 2025.
- 8. Any person satisfying the Class Definition may opt out of these collective proceedings by giving the Class Representative notice in writing of their intention to opt out by 4pm on 23 August 2025. Any such notice may be given by posting a letter to or emailing Angeion, the claims administrator appointed on behalf of the Class Representative, at the address or email address specified online at www.googleplaystoredeveloperclaim.com

Publication

- 9. The Class Representative shall publish a Notice of the Collective Proceedings in the form appended to this Order, in accordance with Rule 81 of the 2015 Rules.

General

10. The costs of the CPO Application shall be determined on the papers by the Tribunal following hand down of the CPO judgment.
11. The parties have liberty to apply.

The Honourable Mr Justice Morris
Chair of the Competition Appeal Tribunal

Made: 23 May 2025
Drawn: 23 May 2025