

All UK-domiciled consumers aged 16 years or over who, between 1 January 2011 and 7 September 2023, purchased goods and/or services from businesses selling in the UK, which used search advertising services provided by Google could benefit from proposed collective action

This notice has been issued at the direction of the Competition Appeal Tribunal

- Nikki Stopford (“**Ms Stopford**”) has filed an application to bring collective proceedings as a class representative on an opt-out basis against Alphabet Inc., Google LLC, Google Ireland Limited and Google UK Limited (collectively “**Google**”). The application has been filed with the Competition Appeal Tribunal (“**Tribunal**”) by Ms Stopford on behalf of proposed class of individuals that she alleges have suffered loss due to Google’s conduct.
- The Consumer Rights Act 2015 allows collective proceedings to be brought on behalf of a group or groups of persons who are alleged to have suffered loss as a result of unlawful anticompetitive conduct. For collective proceedings to be brought, the Tribunal must first make a collective proceedings order (a “**CPO**”) authorising a person to act as a representative of the class and certifying the proposed claim as eligible for inclusion in collective proceedings.
- Ms Stopford has applied to the Tribunal for a CPO which, if granted, would allow her proposed claim to proceed to a full trial. The proposed claim by Ms Stopford alleges that Google has breached competition law in respect of its mobile search advertising services in the UK. Ms Stopford alleges that, as a result of these breaches, individuals domiciled in the UK have been overcharged if, in the period between 1 January 2011 and 7 September 2023 (inclusive), they purchased goods and/or services from businesses selling in the UK which used search advertising services provided by Google.
- At a hearing scheduled to commence on **18 September 2024 at 10:30am**, the Tribunal will hear arguments as to whether Ms Stopford should be authorised to act as the class representative and whether the claim Ms Stopford is bringing can proceed as collective proceedings on behalf of the proposed class. The proposed class includes:

All UK-domiciled consumers aged 16 years or over who, between 1 January 2011 and 7 September 2023 (inclusive), purchased goods and/or services from businesses selling in the UK which used search advertising services provided by Google; together with the personal/authorised representative of the estate of any individual who meets that description and was alive on 7 September 2023 but subsequently died.

- If the claim is certified, those who are domiciled in the UK and fall within the class definition of the claim that the Tribunal certifies will automatically be included in that claim, and will be bound by any judgment or settlement, unless they choose to opt-out.
- The hearing, scheduled to commence on **18 September 2024 at 10:30am**, will last for **three (3) days** and will take place at the Competition Appeal Tribunal, Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP. The hearing may be followed virtually via the Tribunal’s website (a “Watch now” link to view the hearing will appear on the hearing date under the Diary list on the following pages: <https://www.catribunal.org.uk/> and <https://www.catribunal.org.uk/diary>).

- To learn more about Ms Stopford’s proposed claim, please visit www.searchclaim.co.uk or www.catribunal.org.uk/index.php/cases/16067723-nikki-stopford.

YOUR LEGAL RIGHTS AND OPTIONS NOW	
OBJECT TO THE APPLICATION OR THE PROPOSED CLASS REPRESENTATIVE	Any person with an interest (including any member of the proposed class) may object to the application for a CPO, or the authorisation of the proposed class representative (Ms Stopford), by stating their reasons for objecting in writing to be received by the Tribunal by 10 June 2024 at 4pm . For further details, see Question 8 below.
APPLY TO MAKE ORAL / WRITTEN SUBMISSIONS TO THE TRIBUNAL	Any person with an interest (including any member of the proposed class) may apply to the Tribunal for permission to make written and/or oral submissions at the hearing commencing on 18 September 2024 . Any such application must be made in writing, supported by reasons, and received by the Tribunal by 10 June 2024 at 4pm .
CONTACT DETAILS	To learn more about the application to bring the proposed claim, visit www.searchclaim.co.uk and/or www.catribunal.org.uk/cases/16067723-nikki-stopford

GENERAL INFORMATION

1. Why has this notice been issued?

The Tribunal has issued directions for a hearing (see the relevant Order at Annex A), to determine whether Ms Stopford’s application for a CPO should be granted. The hearing is scheduled to commence on **18 September 2024**. It has also directed that this notice be issued ahead of the hearing to seek the views of any interested persons.

Ms Stopford’s CPO application asks the Tribunal to: (i) approve the proposed claim as suitable to proceed as a collective claim on behalf of eligible class members; and (ii) approve Ms Stopford as the class representative.

This notice has been issued to inform you of your right to object to the CPO application or the authorisation of the proposed class representative. Please read this notice carefully.

2. What is the Competition Appeal Tribunal?

The Tribunal is a specialist court based in London that covers the whole of the UK and hears cases concerning the application of competition law, including collective proceedings such as these. The Tribunal publishes its Rules and Guidance, together with information about what it does and details of its on-going cases, on its website www.catribunal.org.uk.

A summary of the claim against Google can also be found on the Tribunal’s website at www.catribunal.org.uk/cases/16067723-nikki-stopford.

3. Who is the proposed claim against?

The proposed claim is against several entities within the Google group of companies: Alphabet Inc., Google LLC, Google Ireland Limited and Google UK Limited. Together, these entities are referred to as “Google”.

4. What is Google alleged to have done wrong? What are the claims?

Ms Stopford alleges that Google has breached European and UK competition law by abusing its dominant position in the search advertising market.

In particular, Ms Stopford alleges that Google acted anti-competitively by: (i) tying Google Search with mobile apps and services on Android devices, which in practice forced handset manufacturers to pre-install Google search and browser apps on devices using its Android operating system, and (ii) paying Apple billions to ensure that Google Search was the default search engine on iPhones and other devices that used Apple’s iOS operating system.

As a result of Google Search being the default search engine for the large majority of mobile devices, Ms Stopford alleges that it has been possible for Google to raise the prices paid by advertisers for prominence on the Google Search page. Therefore, you may have paid higher prices for goods and services bought from those advertisers as they passed their increased costs on to you, the Consumer.

Ms Stopford alleges that if you are UK-domiciled, aged 16 and over and you bought goods or services in the period between 1 January 2011 and 7 September 2023 (inclusive) from a business selling in the UK which used search advertising services provided by Google, you are entitled to compensation.

5. Who is the proposed class representative?

The CPO application requests that Ms Stopford be authorised to act as the class representative for the proposed claim.

Ms Stopford is a UK-based consumer champion and member of the proposed consumer class. Ms Stopford is a research, content and publishing professional with over 20 years’ experience, and has a background in business, consumer, and public sector policy. She has held a number of executive, non-executive, consultant and expert advisory positions, and has had significant strategic and organisational leadership experience at reputable consumers’ organisations such as Which? and Resolver. Ms Stopford is currently Chair of the British Standards Institute Consumer Forum, a member of the Digit research team at Sussex University and working as an Independent Consultant using research and data to improve consumer and customer experiences.

As the proposed class representative, Ms Stopford would conduct the claim against Google on behalf of all class members (except for those who decide to opt-out of the class). Ms Stopford would instruct the lawyers and experts, make decisions on the conduct of the claim and consider and decide whether to present any offer of settlement that Google may make to the Tribunal for its approval. The Tribunal will assess Ms Stopford’s suitability to act as the proposed class representative as part of the hearing on **18 September 2024**.

In exercising her duties, Ms Stopford would also consult with a consultative group to give her access to a range of independent and experienced advice in relation to the claim. The consultative group members have extensive and relevant expertise in high value, large scale litigation, online advertising, consumer rights and technology matters.

During the collective proceedings, Ms Stopford would be responsible for communicating with and updating the class members on the conduct of the proceedings and for issuing formal notices, such as this notice. If approved, Ms Stopford would regularly update the class about the claim on the website www.searchclaim.co.uk and through the media.

WHAT DOES THE CPO APPLICATION ASK FOR?

6. Who would be in the proposed class?

The Consumer Rights Act 2015 (the “Act”) allows for a collective claim to be brought on behalf of a group of persons. The group is the “class” and all persons within the group are “class members.” As a result of the Act, groups of persons who have suffered loss do not need to bring an individual claim to obtain compensation for their loss. Instead, such persons may all receive compensation through a single, collective claim brought on their behalf by a representative.

The CPO application asks the Tribunal to allow the proposed claim to proceed on an “opt-out” basis on behalf of all UK-domiciled consumers aged 16 years or over who, between 1 January 2011 and 7 September 2023 (inclusive), purchased goods and/or services from businesses selling in the UK which used search advertising services provided by Google. The class also includes the personal/authorised representatives of the estate of any individual who meets that description and was alive on 7 September 2023, but subsequently died.

This means that you fall within the class if:

- 1) You have, at any time between 1 January 2011 and 7 September 2023 (inclusive), purchased goods and/or services from a business selling in the UK which used search advertising services provided by Google;
- 2) You were resident in the UK for a continuous period of at least three months, as at [domicile date];¹ and
- 3) You were aged 16 years or over at the time of making the purchases.

These 3 conditions are cumulative.

Where an individual met those requirements and was alive on 7 September 2023, but subsequently passed away, that person’s personal representative is the relevant class member.

Further details regarding the requirements for eligibility as class members (and any applicable exclusions from the class, which includes any members of Ms Stopford’s and Google’s legal teams and anyone assigned to determine the claim) can be found on the website set up by Ms Stopford at www.searchclaim.co.uk.

“Opt-out” means that anyone who meets the proposed class definition will be included in the claim automatically and be bound by the result unless they expressly ask to “opt-out”. If the Tribunal allows the proposed claim to proceed as collective proceedings. More information can be found at www.searchclaim.co.uk.

7. How much money does the claim ask for?

The proposed claim seeks compensation for all those within the proposed class who have been affected by Google’s allegedly anti-competitive behaviour. The total aggregate amount sought is

¹ The domicile date will be determined by the Tribunal at the hearing commencing on 18 September 2024.

currently estimated to be approximately £7 billion (excluding interest). If the proposed claim is successful, all persons who fall within the class and have not opted out will be able to seek a payment of the damages awarded.

Visit www.searchclaim.co.uk for more details about the amount of compensation that you may receive in due course.

HOW TO OBJECT TO THE COLLECTIVE PROCEEDINGS ORDER APPLICATION OR TO THE CLASS REPRESENTATIVE

8. Who can object and what can I object to?

Any person with an interest (including anyone who would be a member of the proposed class) may object to the CPO application or the authorisation of the proposed class representative (Ms Stopford). You should review the information above and visit www.searchclaim.co.uk and www.catribunal.org.uk/cases/16067723-nikki-stopford for information.

If you wish to file an objection, you must write to the Tribunal stating your reasons for objecting and send them by post, fax, or email so they are received **no later than 10 June 2024 at 4pm**, to Registry@catribunal.org.uk or the following address:

The Registrar Competition Appeal Tribunal
Salisbury Square House
8 Salisbury Square
London EC8Y 8AP
www.catribunal.org.uk

When writing to the Tribunal you must include the reference: ‘Nikki Stopford v Google, Case No. 1606/7/7/23’.

Any person with an interest (including any member of the proposed class) can also apply to the Tribunal for permission to make written and/or oral submissions at the hearing commencing on **18 September 2024**. Any such application must be made in writing, supported by reasons, and sent by post to the above address or by email to Registry@catribunal.org.uk so it is received **no later than 10 June 2024 at 4pm**.

GETTING MORE INFORMATION

9. How can I stay updated on the progress of the proposed claim?

You can visit www.searchclaim.co.uk for periodic updates on the proposed claim.

10. Who is funding the proposed claim?

The proposed claim is being funded by global commercial litigation funder Hereford Litigation (“**Hereford**”) on behalf of Ms Stopford.

In order to fund the claim, Ms Stopford has entered into a litigation funding agreement with Hereford, a non-confidential copy of which is available to members of the proposed class upon request through www.searchclaim.co.uk. Additionally, Ms Stopford has secured insurance cover in order to pay Google’s adverse costs up to a limit of £15 million in aggregate. A non-confidential

copy of the insurance policy is available to proposed class members upon request through www.searchclaim.co.uk.

As a member of the proposed class, you will not incur any costs of taking part in the proposed collective claim, nor will you be liable to Google for its costs should the proposed collective claim be unsuccessful.

More information can be found on the claim website: www.searchclaim.co.uk.

ANNEX A



REGISTERED AT THE COMPETITION
APPEAL TRIBUNAL
UNDER NUMBER: 20385
DATE: 12/04/24

IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1606/7/7/23

BETWEEN:

NIKKI STOPFORD

Applicant/Proposed Class Representative

- and -

- (1) ALPHABET INC.**
(2) GOOGLE LLC
(3) GOOGLE IRELAND LIMITED
(4) GOOGLE UK LIMITED

Respondents/ Proposed Defendants

ORDER

UPON reading the Applicant's/Proposed Class Representative's ("**PCR**") application filed on 7 September 2023 for a Collective Proceedings Order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules (S.I. 2015 No. 1648) (the "**Tribunal Rules**") and served on the Fourth Respondent/Proposed Defendant on 2 October 2023, served on the First and Second Respondents/Proposed Defendants on 30 October 2023 and served on the Third Respondent/Proposed Defendant on 31 October 2023 (the "**CPO Application**")

UPON the Applicant's/PCR's application under Rule 101 of the Tribunal Rules that certain information in the Amended and Restated Litigation Funding Agreement, the After-the-Event Insurance Policy and the Litigation Budget (the "**Funding Documents**") be treated as confidential and be redacted

UPON the PCR agreeing to amend her Proposed Class Definition following the judgment of the Tribunal in *Alex Neill Class Representative Limited v Sony Interactive Entertainment Europe Limited and Or* [2023] CAT 73, but reserving her right to apply to re-amend the Class Definition at a later stage if her CPO Application is granted

UPON the Proposed Defendants having consented to the PCR's proposed amendments to her Collective Proceedings Claim Form dated 7 September 2023 and ancillary documents in the form sent to the Proposed Defendants under cover of a letter dated 29 February 2024

AND UPON the PCR having agreed to bear the costs of, and occasioned by, her proposed amendments to her Collective Proceedings Claim Form dated 7 September 2023 and ancillary documents

BY CONSENT IT IS ORDERED THAT:

FORUM

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the CPO Application be treated as proceedings in England and Wales.

AMENDMENTS TO COLLECTIVE PROCEEDINGS CLAIM FORM

2. The PCR has permission to file and serve an Amended Collective Proceedings Claim Form and draft Amended Collective Proceedings Order in the form sent to the Proposed Defendants under cover of a letter dated 29 February 2024.
3. The Amended Claim Form shall be filed with the Tribunal and served on the Proposed Defendants by **22 April 2024**. Service shall be effected by email to the Proposed Defendants' legal representatives.
4. The PCR shall at the same time file and serve a draft Amended Notice of CPO and a draft Amended CPO Application and Hearing Notice in the form sent to the Proposed Defendants under cover of a letter dated 29 February 2024.

PUBLICITY

5. The PCR shall publicise the CPO Application in accordance with the proposal set out in paragraphs 7.1 to 7.7 and Annexure C of the Notice and Administration Plan (enclosed with the Litigation Plan) that is exhibited to the PCR's First Witness Statement as [NS1/D12.3] by **29 April 2024**.
6. The PCR shall publicise, in accordance with paragraphs 5, 11 and 12 of this Order, the right under Rule 76(10)(c) of the Tribunal Rules of persons with an interest to object to the CPO Application or the authorisation of the PCR by **29 April 2024**.
7. The PCR shall publicise, in accordance with paragraphs 5 and 11 of this Order, the right under Rule 79(5) of the Tribunal Rules of members of the proposed class to make an application to the Tribunal for permission to make oral submissions at the hearing of the CPO Application by **29 April 2024**.

CONFIDENTIAL TREATMENT OF THE PCR'S FUNDING DOCUMENTS

8. In accordance with Rule 101 of the Tribunal Rules, the PCR may redact from the Funding Documents the passages set out in Annex B to the PCR's letter to the Tribunal dated 7 September 2023 (the "**Table of Redactions**") as updated in the form enclosed with the letter to the Proposed Defendants dated 25 March 2024.

RESPONSES AND REPLIES

9. The Respondents/Proposed Defendants shall file and serve their response to the CPO Application, and any application made pursuant to Rule 41 or Rule 43 of the Tribunal Rules, together with any economic expert and factual evidence by **4pm on 24 May 2024**.
10. The PCR shall file and serve any reply to the Respondents'/Proposed Defendants' response, and any response to any application made pursuant to Rule 41 and Rule 43 of the Tribunal Rules, together with any economic expert and factual evidence, by **4pm on 5 July 2024**.

OBJECTIONS TO THE CPO APPLICATION AND APPLICATIONS FOR PERMISSION TO MAKE OBSERVATIONS

11. Any person with an interest (including any member of the proposed class) may object to the CPO Application or the authorisation of the PCR by writing to the Tribunal stating their reasons for objecting by **4pm on 10 June 2024**. Any member of the proposed class may also seek permission to make oral observations at the CPO Application hearing, by making an application for such permission, with reasons, as part of his/her written objections.
12. Any third party with a legitimate interest (who is not a member of the proposed class) who seeks permission to make written and/or oral observations at the CPO Application hearing is to make such application, supported by reasons, to the Tribunal by **4pm on 10 June 2024**.

SKELETON ARGUMENTS AND BUNDLES

13. The parties shall seek to agree the hearing and authorities bundles for the CPO Application hearing and the PCR shall serve on the Respondents/Proposed Defendants an electronic version of the agreed hearing bundle no later than **4pm on the date falling 21 calendar days before the CPO Application hearing**.
14. The parties shall file and exchange skeleton arguments for the hearing of the CPO Application by **4pm on the date falling 14 calendar days before the CPO Application hearing**.
15. The PCR shall file an electronic version of the agreed hearing bundle by **4pm on the date falling 7 calendar days before the CPO Application hearing** and an agreed electronic authorities bundle by **4pm on the date falling 7 calendar days before the CPO Application hearing**.
16. Hard copy versions of electronic bundles, if requested by the Registry, are to be provided to the Tribunal as soon as possible following such a request being made.

HEARING

17. The hearing of the CPO Application be listed for **18-20 September 2024** with a current provisional time estimate of 3 sitting days plus one reading day. In the event that the parties' time estimate for the hearing changes, they shall notify the Tribunal without delay.

COSTS

18. The PCR to pay the costs of, and occasioned by, the proposed amendments to her Collective Proceedings Claim Form dated 7th September 2023 and ancillary documents, the scope of such costs having been set out at paragraph 7 of the letter of Simmons & Simmons LLP dated 12 March 2024, and such costs to be the subject of detailed assessment (if not agreed).
19. Save as provided by paragraph 18 of this Order, costs in the case.

GENERAL

20. There be liberty to apply.



The Honourable Mr Justice Meade
Chair of the Competition Appeal Tribunal

Made: 12 April 2024
Drawn: 12 April 2024