



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1280/3/3/17

BETWEEN

(1) VIASAT UK LIMITED
(2) VIASAT, INC.

Appellants

-v-

OFFICE OF COMMUNICATIONS

Respondent

-and-

INMARSAT VENTURES LIMITED

Intervener

ORDER

UPON reading the correspondence between the parties regarding the establishment of a confidentiality ring on an interim basis

AND UPON the parties having agreed to 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**” means information contained in the Relevant Document (as defined below), where such information (i) has been identified by any party to these proceedings and (ii) is (or is likely to be) accorded confidential treatment pursuant to Rule 99 and/or Rule 101 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648).
 - 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.
 - c. “**Relevant Document**” means the confidential version of the Office of Communications decision entitled “Authorisation under the Wireless Telegraphy Act 2006 of Inmarsat Ventures Limited’s ground-based stations forming part of its system or provision of mobile satellite services for aeronautical use” dated 10 October 2017.
3. The Respondent shall hereafter disclose the unredacted version of the Relevant Document containing Confidential Information on the condition that such unredacted version shall be disclosed only to the Relevant Advisers.
4. All such unredacted versions of the Relevant Document must be marked or highlighted 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 party the Confidential Information belongs (or such other system as the parties shall agree where colour-coding is considered unworkable).
5. If any party wishes to add any additional person as a Relevant Adviser for the purpose of this Order, they shall apply to the Tribunal in writing, copied to the other parties, indicating whether each of the other parties consents or does not consent to the addition of that person.
6. If any party wishes one of its Relevant Advisers to be removed as a Relevant Adviser for the purpose of this Order, they shall inform the Tribunal in writing (copying the representatives of the other parties).
7. There be liberty to apply.

The Honourable Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 24 January 2018
Drawn: 24 January 2018

SCHEDULE

Part A

This Part contains the names of Relevant Advisers for the purposes of this Order:

Viasat UK Limited and Viasat, Inc.

External solicitors (all of Latham & Watkins (London) LLP)

John D. Colahan

Alexandra Luchian

External counsel (all of Monckton Chambers)

Michael Bowsher QC

Fiona Banks

Part B: Form of undertakings

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser listed in Part A of this Order undertakes that they will comply with the following requirements in the following terms:

UNDERTAKING

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 as follows:

1. I have read a copy of the Tribunal's Order of 24 January 2018 (the "**Tribunal's Order**") and understand the implications of the Tribunal's 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 a Relevant Adviser (as defined in the **Tribunal's Order**) or an employee of the Office of Communications without the express written consent of the party originally disclosing the Confidential Information (the "**Disclosing Person**") or the permission of the Tribunal.
3. I will use the Confidential Information only for the purpose of these proceedings (and for no other proceedings or use).
4. The Relevant Document (as defined in the Tribunal's Order) containing the Confidential Information will remain in my custody or the custody of another Relevant Adviser at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access or disclosure.
5. The production of further copies by me of the Relevant Document containing the Confidential Information shall be limited to those required for the use of the Relevant Advisers for the purposes of these proceedings and shall be held in accordance with paragraph 4 of this undertaking.
6. Any and all copies of the Relevant Document containing the Confidential Information in paper form will be returned to the Office of Communications at the conclusion of the present proceedings (including the determination of any appeals); any such copies and the Relevant Document in electronic form will be returned where possible or, where that is not possible, will be securely disposed of insofar as technologically possible or rendered inaccessible from any computer systems, disk or device so that the Confidential

Information is not readily available to any person at the conclusion of these proceedings.

7. Save that none of the requirements listed at paragraphs 2 to 5 above shall prevent the Relevant Advisers from disclosing to the party advised by them information (i) of which that party was the original provider in these proceedings, or (ii) which that party has already legitimately seen in circumstances not subject to the provisions of the Tribunal's Order.

Name:.....

Signed:.....

Date:.....