

## **Claim update: purchases of apps, digital content, or subscriptions within the UK version of the Google Play Store are included in the claim up to 1 March 2024**

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

In July 2022, the Tribunal authorised Elizabeth Coll as the class representative to bring collective proceedings against Google. Further information regarding the claim can be read [here](#).

The purpose of this notice is to explain a change in the scope of the class of persons on whose behalf the proceedings are brought by Elizabeth Coll.

The Tribunal originally ordered that the class included all persons who purchased for themselves or on someone else's behalf an app, digital content within an app, services, or subscriptions within an app in the UK version of the Google Play Store since 1 October 2015 from an Android smartphone or tablet on which the Google Play Store was pre-installed, to the date of final judgment or earlier settlement ("**Relevant Purchases**").

Between July and November 2022, Ms Coll notified class members of the collective proceedings.

Following recent legal developments, Ms Coll made an application to the Tribunal to amend the scope of the class to capture any class members who have now made Relevant Purchases- but who were not previously a class member at the date of the filing of the Claim Form on 29 July 2021- are combined with those who were.

On this basis, the class now includes persons who have made Relevant Purchases up to 1 March 2024 although that date may be extended at a later point.

If you made Relevant Purchases at any time between 1 October 2015 and 1 March 2024, and you were a UK resident on 18 July 2022, you are automatically included in this claim unless you opted-out by the 28 November 2022 deadline which has now passed. You do not therefore need to do anything.

### **General Information**

#### 1. Why has this notice been issued?

The Competition Appeal Tribunal has directed that this notice be issued following an Order made on **1 March 2024** (the "**Order**"; see copy at the Annex to this notice). The Order states that the class definition should be amended as described above.

This notice has been issued to inform you of this change.

During the case, the class representative, Elizabeth Coll, is responsible for communicating with the class and for issuing formal notices, such as this notice. Updates about the claim will be available on the website <https://www.appstoreclaims.co.uk/Google>, through the media and on social media.

## 2. Who is in the class?

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

In this case, the Tribunal has decided that you are included in the class of persons who can bring a claim if, in the period between 1 October 2015 and 1 March 2024, you made Relevant Purchases. This is regardless if you are an individual or business. You must also have been living in the UK on 18 July 2022 to be included in the class.

You can answer the questions provided on the website, <https://appstoreclaims.co.uk/Google#RepresentedClaimants> to check whether you can be included in the claim.

However, you will only be eligible to be part of the class if you made at least one Relevant Purchase since 1 October 2015 and you made that purchase on an Android smartphone or tablet on which the UK version of the Google Play Store was pre-installed (i.e. installed by the manufacturer of your Android smartphone or tablet). The Relevant Purchase must have been made using a Google account that was registered to the UK version of the Google Play Store.

## Getting More Information

### 3. How can I stay updated on the progress of the claim?

You can visit <https://www.appstoreclaims.co.uk/Google> and register to receive email updates and any future notices via email as the claim progresses. If, and when, money becomes available, you will be contacted with information on how to claim your share.

### 4. How can I get more information?

This notice summarises the Order which varies the original CPO. The full Order is set out in the Annex. The original CPO is found [here](#). For further information about the claim, visit <https://www.appstoreclaims.co.uk/Google>.



REGISTERED AT THE COMPETITION  
APPEAL TRIBUNAL  
UNDER NUMBER: 20389  
DATE: 16/04/24

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

Case No: 1408/7/7/21

BETWEEN:

**ELIZABETH HELEN COLL**

Class Representative

- v -

**(1) ALPHABET INC.**  
**(2) GOOGLE LLC**  
**(3) GOOGLE IRELAND LIMITED**  
**(4) GOOGLE COMMERCE LIMITED**  
**(5) GOOGLE PAYMENT LIMITED**

Defendants

(together “**Google**”)

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**ORDER**

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**UPON** the Class Representative’s applications of 15 February 2024 (the “**Applications**”)

**AND UPON** hearing counsel for the Class Representative and leading counsel for the Defendants at the case management conference on 1 March 2024 (the “**Fourth CMC**”)

**IT IS ORDERED THAT:**

**Pleadings and class definition**

1. The Class Representative has permission to re-amend the Amended Claim Form in the form enclosed with the Application.
- 1a. Paragraph 6(i) of the Collective Proceedings Order of 9 September 2022 is varied as

follows:

“**Relevant Period**” means the period between 1 October 2015 and 1 March 2024.

- 1b. The Notice of Amended Class Definition is approved.
- 1c. The Class Representative shall publish the Notice of Amended Class Definition to the claim website (<https://www.appstoreclaims.co.uk/Google>) and shall also provide a copy to those class members who have registered for updates on the claim.

## **Disclosure**

2. The Defendants shall provide disclosure and inspection of:
  - 2.1. Data concerning the costs incurred by the Defendants (or any of them) in the development and maintenance of the Play Store/Google Play since its creation to the extent available.
  - 2.2. Alphabet’s Weighted Average Cost of Capital for each year of the Relevant Period (as defined in the Amended Claim Form).  
  
by **4pm on 15 March 2024**;
  - 2.3. The (i) “*Platforms & Ecosystems quarterly controller review*”; (ii) “*Quarterly CFO Report to Board of Directors*”; and (iii) “*P&E Period End close*” for the dates referenced at paragraph 13(a)-(c) of the Class Representative’s letter to Google dated 2 February 2024, to the extent they exist, by **4pm on 15 March 2024** to the extent such documents are available to be disclosed by that date; and, to the extent there is a remaining balance of any such documents, on a rolling basis when they become available, and in any event by **15 April 2024**.
  - 2.4. The documents identified in Annex A of the Class Representative’s letter of 30 January 2024 (insofar as such documents have not already been disclosed in these proceedings) subject to the exceptions set out at paragraph 32(a)-(c) of Christopher Duncan Ross’ Witness Statement dated 22 February 2024, by **4pm on 15 March 2024**.
3. By **4pm on 15 April 2024**, the Defendants shall provide disclosure of the internal

project name / acronym documents contained in the Annex to, and by reference to paragraph 2(a) of, the Class Representative's letter to the Defendants dated 13 February 2024.

### **Further information**

4. By **4pm** on **15 March 2024** the Defendants shall provide worked examples showing how the financial information provided by Google can be used by Mr Dudney to: (1) identify the corporate overheads which are unallocated in the Defendants' general ledger and/ or management reporting packs for Google Play; (2) identify "natural accounts" for Google Play that contain allocated costs; and (3) inform the aggregation of Google Play's general ledger accounts into the Google Play P&L.
5. By **4pm** on **15 March 2024**, the Defendants shall answer the question at paragraph 5 of the Class Representative's letter of 26 February 2024. By **4pm** on **15 April 2024**, the Defendants shall provide the following information to the CR: the number of devices distributed in the United Kingdom by OEMs who are (or were) party to (i) a Google Search European License Agreement and (ii) an EMADA and which had pre-installed on them the Google Search app but not the Play Store; the number of devices distributed in the United Kingdom by those OEMs which had pre-installed on them both the Google Search app and the Play Store; confirmation of the proportion of devices subject to a device-based Revenue Share Agreement ("RSA") which are relevant to the United Kingdom for the period encompassed by the Relevant Period and provide details of the relevant device-based RSA; and confirmation of whether this coverage is different to that set out in the CMA's Mobile Ecosystems market study.
6. By **4pm** on **15 March 2024**, the Defendants shall provide to the Class Representative confirmation of the number of documents responsive to the terms contained in the Annex, with reference to 2(b)-(c), of the Class Representative's letter to the Defendants dated 13 February 2024.

### **Costs and liberty to apply**

7. The Class Representative shall pay the Defendants' costs of and occasioned by any consequential amendments pursuant to paragraph 1 of this order. Otherwise, costs in the case.

8. There be liberty to apply.

*Bridget Lucas KC*

**Bridget Lucas KC**  
Chair of the Competition Appeal Tribunal

Made: 1 March 2024  
Drawn: 16 April 2024