

Google customers who made payments in the UK Google Play Store since 1 October 2015 could benefit from collective action

Currently living in the UK? You are already included.

Currently living outside the UK? You must act now to participate.

This is a legal notice that has been issued at the direction of the Competition Appeal Tribunal

- The Competition Appeal Tribunal has decided that an application for a proposed claim filed against Alphabet Inc., Google LLC, Google Ireland Limited, Google Commerce Limited and Google Payment Limited (collectively “Google”) on behalf of UK Google Play Store customers may proceed as collective proceedings to a full trial. Elizabeth Coll has been approved to act as the class representative on behalf of individuals and businesses that she claims have suffered loss due to Google’s conduct.
- According to Ms Coll’s claim, Google has breached competition law by engaging in practices that are capable of restricting competition and charged an unfair and excessive level of commission in relation to certain purchases made on Android devices through the UK Google Play Store. Ms Coll seeks compensation from Google on behalf of affected individuals and businesses.
- The class that Ms Coll represents comprises:

all persons (including both consumers and businesses) who, at any point during the period between 1 October 2015 and the date of final judgment or earlier settlement of this claim, made for themselves and/or another person, one or more purchases of an app or digital content, services or subscriptions within an app (excluding Google apps) in the UK version of the Google Play Store from an Android smartphone or tablet on which the Google Play Store was pre-installed.

- No money is available now and there is no guarantee that money will be available in the future. The claim will need to be won or settled by Ms Coll before any money can become available.
- You have important legal rights in relation to this claim. Exercising these rights could affect your ability to get a payment in the future (if the case is won or a settlement is reached, and when money becomes available). This notice explains the claim, who is covered by the claim, your rights in relation to the claim, how to exercise these rights and any related deadlines. Please read this notice carefully as your decisions about this claim will have legal consequences.
- To read the Tribunal's full Collective Proceedings Order made on 18 July 2022 (“Order”), which allows the claim to proceed, see Annex A.

YOUR LEGAL RIGHTS AND OPTIONS	
STAY IN THE CLAIM	If you or your business are domiciled in the UK as of 18 July 2022 and fall within the class definition, you do not need to do anything at this time to be eligible to claim a share of any money that may become available in the future. However, if you do not “opt out” of the claim (see below) you give up the right to make your own separate claim against Google for the same legal claims in this case and you agree to be bound by judgments the Tribunal may issue in this case.
OPT-OUT	If you are currently domiciled in the UK as of 18 July 2022 you have the right to “opt-out” or request to be excluded from the claim by 28 November 2022. By opting-out you keep the right to bring your own separate claim against Google. However, if you opt-out you will not be able to get any money from this claim (if money becomes available). More information on how to opt-out can be found at www.appstoreclaims.co.uk and at question 17 below.
OPT-IN	If you are domiciled outside the UK as of 18 July 2022 but meet the other criteria to be in the class and wish to be part of the claim, you will need to “opt-in” to the claim. The deadline for opting-in is 28 November. More information on how to opt-in can be found at www.appstoreclaims.co.uk and at questions 18 and 19 below.

GENERAL INFORMATION

1. Why has this notice been issued?

The Competition Appeal Tribunal (“**Tribunal**”) has directed that this notice be issued following the Order being made on 18 July 2022 (see copy at Annex A). The Order allows the claim to proceed as collective proceedings on behalf of eligible UK class members.

This notice has been issued to inform you of important legal rights you have related to this claim. Exercising these rights could affect your ability to get a payment in the future (if money becomes available). This notice explains the claim, who is covered by the claim, your rights in relation to the claim, how to exercise these rights and any related deadlines. **Please read this notice carefully as your decisions about this claim will have legal consequences.**

2. Who is the claim against?

This claim is against Google. Google is a well-known global technology business which offers a wide range of digital services as well as manufacturing consumer devices including smart mobile devices.

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

Ms Coll alleges that Google has breached European and UK competition law. She claims that Google has abused a powerful position by engaging in practices which are capable of restricting competition in two markets (for Android app distribution and for the processing of certain purchases made in the Google Play Store) and charging an excessive and unfair commission on certain purchases in the UK Google Play Store; as much as 30%. As a result, you may have paid more than you should have done when paying to download apps from the Play Store, and/or

Questions? Visit: www.appstoreclaims.co.uk

making “in-app” purchases. If you have made a purchase in the UK Google Play Store on your Android smartphone or tablet since 1 October 2015 you may be entitled to compensation.

4. Who has brought the claim? What is the role of the class representative?

The Tribunal has authorised Ms Coll to serve as the class representative for this claim.

As the class representative, Ms Coll will conduct the claim against Google on behalf of all class members (except those who opt-out of this claim). Ms Coll will instruct a team of lawyers and experts, make decisions on the conduct of the claim and, in particular, consider and decide whether to accept any settlement offer that Google may make and present it to the Tribunal for its approval.

To assist her, Ms Coll has established a consultative group made up of individuals experienced in the legal, consumer and payments sectors relevant to the claim. The consultative group’s role is to advise Ms Coll to ensure that the claim is run in a way that is in the best interests of the class members. The members of the consultative group are: Sir Gerald Barling, Dr Christine Riefa and Aidene Walsh.

During the proceedings, Ms Coll is responsible for communicating with the class and for issuing formal notices, such as this notice, to class members. Updates about the claim will be available on the website www.appstoreclaims.co.uk and through the media.

5. Who is Ms Coll?

Ms Coll is a consumer tech policy expert with over twelve years’ experience of campaigning for consumers’ rights online. At Citizens Advice and Consumer Focus she led work on critical issues for consumers in the digital world like data privacy, smart home devices and online reviews. She went on to establish a global digital programme at Consumers International, where she led advocacy and research into e-commerce, consumer internet of things, AI, data privacy and the impact of platforms on consumers’ access to choice, redress and fair treatment. She has represented consumer interests at national and global policy forums including the OECD and the G20. As an independent consultant, she works with international policy makers, consumer groups and standards setters, sits on EU technology standards committees and is a strategic advisor to the UK’s Consumer and Public Interest Network.

6. How is the class defined?

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.” As a result of the Act, groups of persons who have all lost out do not need to bring an individual claim to obtain compensation for their loss. 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 the class of persons who can bring a claim is: all persons (including both consumers and businesses) who, at any point during the period between 1 October 2015 and the date of final judgment or earlier settlement of this claim, made for themselves and/or another person, one or more purchases of an app or digital content, services or subscriptions within an app (excluding Google apps) in the UK version of the Google Play Store from an Android smartphone or tablet on which the Google Play Store was pre-installed.

To check whether you or your business fall within the class, you may have regard to the following instructions.

First, you should check if you have been using the UK version of the Google Play Store. To check this, enter the Google Play Store on your Android smartphone or tablet, click on your account (the small icon with your photo or the first letter of the name you registered with in the top right-hand corner of your screen), go to 'Settings', click the drop-down box 'General', go to 'Account and device preferences' and check which country is listed (with a green tick beside it) under 'Country and profiles'. Alternatively, you can check this online by following this link: <https://play.google.com/store>, clicking on your account icon in the top right-hand corner, clicking on the 'Payments and Subscriptions' tab, clicking on 'Manage Payment Methods' and then selecting the 'Settings' tab. The UK should be listed under 'Country/Region'. If the UK is listed, you are using the UK version of the Google Play Store. If you have made purchases in the Google Play Store using more than one Google account since 1 October 2015, please follow the above steps in respect of each of your Google accounts to check that each is registered to the UK version of the Google Play Store.

Next, you need to check whether you have made any purchases in the UK version of the Google Play Store. To check this, enter the Google Play Store on your Android smartphone or tablet, click on your account, select 'Payments and subscriptions', then select 'Budget and history' and you will be able view your purchase history. Alternatively, you can view your purchase history online by following this link: <https://play.google.com/store>, clicking on the 'Account' tab, clicking on the 'Order History' tab, and filtering 'Categories' by 'Apps'. Your purchase history is linked to your Google account. Therefore, if you have made purchases in the Google Play Store using more than one Google account since 1 October 2015, please follow the above steps in respect of each of your Google accounts to collate a composite list of all purchases.

If you have paid money to Google in the UK version of the Google Play Store from an Android smartphone or tablet at any point since 1 October 2015, you are likely to be a member of the class.

Only payments that show up in your purchase history, and which do not relate to one of Google's own apps, are relevant to the proposed claim. Certain categories of payments, such as payments for taxi rides and food deliveries (e.g. most payments for a physical good or service) won't show up in your purchase history and are not relevant to the proposed claim. In addition, payments for or within Google apps (e.g. payments within the "Play Books" app) are also excluded from the claim. Further details regarding the requirements for eligibility as class members (and any applicable exclusions from the class, which includes any members of Ms Coll's or Google's legal teams, anyone assigned to determine the claim and deceased persons) can be found on the website set up by Ms Coll at www.appstoreclaims.co.uk, and additional information can be found at "Am I part of the class", below.

7. What is an opt-out claim? What is the "domicile date"?

This claim is proceeding as an opt-out claim. In simple terms, if you don't opt-out (i.e. ask to be excluded), you're in. This process means that, if you or your business are domiciled in the UK as of 18 July 2022, which is known as the "domicile date", and you fall within the class definition, you are included in the class (and do not need to do anything) unless you ask to be excluded from the class.

All class members who stay in the class will be bound by any judgment of the Tribunal. As a class member, you will not be able to bring an individual claim against Google raising the same issues included in this claim.

If you are not domiciled in the UK as of 18 July 2022 but you meet the other criteria to be in the class, you can only participate in this claim if you take steps to say that you want to be included. Asking to be included in the class is called “opting-in” to the class. You need to consider opting-in if you are living abroad as of the domicile date.

This notice explains how to opt-out of the class and how to opt-in to the class.

8. How much money does the claim ask for?

The claim seeks compensation for all those within the class who have been affected by Google’s allegedly anti-competitive behaviour. The total aggregate amount sought is between GBP 263 million and GBP 752 million (excluding interest). If the claim is successful, all persons who fall within the class and have not opted out (and, for those domiciled outside the UK, those who have opted in by the required deadline) will be able to seek their share of the compensation.

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

9. How do I get a payment?

No money is available now and there is no guarantee that money will be available in the future. The case will have to be won in the Tribunal unless a settlement can be agreed between the class representative (on behalf of the class) and Google and approved by the Tribunal.

The court process can take time, so please be patient. If, and when, money becomes available, class members will be notified about how to obtain a payment. Please register at www.appstoreclaims.co.uk to stay up to date. In the meantime it may be helpful to keep a record of your Google Play Store purchases by following the steps set out above.

10. What is the Competition Appeal Tribunal?

The Competition Appeal Tribunal is a specialist court based in London that covers the whole of the UK and hears disputes such as these. The Tribunal publishes its Rules and Guidance, together with information about what it does, on its website www.catribunal.org.uk. A summary of the claim against Google can be found on the Tribunal’s website at www.catribunal.org.uk.

WHO IS IN THE CLASS

11. What does it mean to be a class member?

As a class member (provided you have not opted out, and – if you are not domiciled in the UK – provided you have opted in by the required deadline), if money becomes available following a trial or settlement, you will be eligible to claim a share of the money. You will also be legally bound by all Tribunal judgments with respect to this claim. Whether Ms Coll wins money for the class or not, unless you opt-out, you will never be able to make your own claim against Google in respect of the claims included in this case.

12. Am I part of the class?

The class includes only those who meet the class definition (see ‘How is the class defined?’ above) and are domiciled in the UK as of 18 July 2022. Potential class members who are not domiciled in the UK as of 18 July 2022 may opt-in to the proceedings if they choose. Business purchasers are included in the class. Being domiciled in the UK is the same, for individuals, as being a UK resident.

13. Am I a UK resident?

For this case, a UK resident is someone living in England, Wales, Scotland or Northern Ireland. If you are a resident of the UK on 18 July 2022 you are automatically within the class unless you ask to be removed from the class (See “How to Opt-Out or Opt-In” below). However, if you are not a resident of the UK on 18 July 2022, you must take steps to opt-in to the class if you want to be part of this claim and be eligible for a payment in the future.

14. What if I am a UK resident and move outside the UK after 18 July 2022?

If you move outside the UK after 18 July 2022, you should keep some documents showing that you were a UK resident on 18 July 2022. If money becomes available in the future and you are living outside of the UK at that time, then you may need to show that you were a UK resident on 18 July 2022 to receive your payment.

15. Are business purchasers included in the class?

Business purchasers are included in the class. It is called an opt-out class because anyone who meets the class definition, including business purchasers, will be included in the claim automatically and bound by the result, unless they ask to opt-out. If your business is registered in the UK on 18 July 2022 you will be domiciled in the UK for the purposes of the claim.

16. I am not sure if I am included in the class.

If you are not sure whether you are included in the class, visit www.appstoreclaims.co.uk to review the Order, answers to frequently asked questions (FAQs) and other documents which can help you to determine whether you are part of the class.

HOW TO OPT-OUT OR OPT-IN

17. I am a UK resident on 18 July 2022 and I want to be removed from the class.

If you are a UK business or resident on 18 July 2022 and you want to be removed from the class, send a letter by post to:

UK Apps Administrator
PO Box 1435
Sunderland
SR5 9UD

Alternatively, email the following email address: forms@Appstoreclaims.co.uk.

Questions? Visit: www.appstoreclaims.co.uk

Include the following statement in your letter or email: “**I want to opt-out of the UK collective claim against Google, Case No. 1408/7/7/21,**” along with your full name, postal address, email address and telephone number. Sign and date your opt-out letter or email (you may do so electronically if you are opting out by email). You do not have to give a reason for opting-out. Visit www.appstoreclaims.co.uk to download a template letter to assist with this process.

To be processed, your opt-out letter or email must be received or postmarked by 28 November 2022. Once your opt-out letter or email is received and processed, you will be sent an acknowledgement by email if you have provided an email address, or by post if not.

By opting-out, you will not be able to claim a share of the compensation if money becomes available. However, you may be able to bring your own separate claim against Google for the same issues.

18. I will NOT be a UK resident on 18 July 2022 and I want to be part of the class.

If you are not a UK resident on 18 July 2022 (even if you were before) but have suffered loss as a result of Google’s conduct in respect of the UK Play Store, you must take steps to opt-in to the class if you want to be part of the claim and be eligible to receive a payment in the future.

Visit www.appstoreclaims.co.uk and complete the opt-in form on the website, submitting it directly through the website or via email to the following email address: forms@Appstoreclaims.co.uk. In order to opt-in to the class you must provide your full name, postal address and country of domicile, email address and telephone number, and state that you satisfy the criteria set out in the class definition.

If you prefer, you may also opt-in by post. Send the opt-in form, which can be downloaded at www.appstoreclaims.co.uk, or a letter with the information listed in the previous paragraph to:

UK Apps Administrator
PO Box 1435
Sunderland
SR5 9UD

To be considered, your opt-in request must be received or postmarked by 28 November 2022. Once your opt-in request is received and processed, you will be sent an acknowledgement by email if you have provided an email address, or by post if not.

19. If I am NOT a UK resident 18 July 2022 and I do not opt-in by 28 November 2022, can I claim payment?

Under the rules of the Tribunal, if you are not a UK resident on 18 July 2022, you are required to submit an opt-in request by 28 November 2022 (see previous question) to be part of the class. If you do not opt-in by 28 November 2022 and money later becomes available, the only way for you to be eligible to receive a payment is for the Tribunal to give you permission to opt-in at a later time. There is no guarantee this permission will be given, so you must opt-in by 28 November 2022 if you want to ensure you are eligible to receive a payment.

GETTING MORE INFORMATION

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

You can visit www.appstoreclaims.co.uk and register to receive 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.

21. How can I get more information?

This notice summarises the Order. To read the full Order, see Annex A, and for other information about the claim, visit www.appstoreclaims.co.uk.

Annex A



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1408/7/7/21

BETWEEN:

ELIZABETH HELEN COLL

Class Representative

- and -

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

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 "Tribunal Rules") (the "CPO Application") filed on 28 July 2021.

AND UPON reading the documents recorded on the Tribunal file as having been read.

AND UPON hearing Leading Counsel for the Class Representative at the hearing of the CPO Application on 18 July 2022.

AND UPON the Tribunal having handed down judgment on the CPO Application on 31 August 2022.

IT IS ORDERED THAT:

A. FORUM

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

B. 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 Tribunal Rules, Elizabeth Coll 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 Hausfeld & Co LLP, 12 Gough Square, London EC4A 3DW (hard copy) or collhausfeldclaim@hausfeld.com; lhannah@hausfeld.com; and lstreatfeild@hausfeld.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 Tribunal Rules are claims for damages for loss suffered by the Class (as defined below) as a result of the Defendants' alleged breaches of statutory duty in infringing: (i) section 18 of the Act; and (ii) until 31 December 2020, Article 102 of the Treaty on the Functioning of the European Union.

C. CLASS DEFINITION

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

All GMS Device users who, during the Relevant Period, used the UK version of the Play Store and made one or more Relevant Purchases.

6. For the purposes of the Class Definition:

- (a) “**Android**” means Google’s proprietary smart mobile operating system.
- (b) “**Android App**” means an app developed for Android by a third-party developer (i.e. not by Google).
- (c) “**GMS Bundle**” means the bundle of Proprietary Apps and services that Google licenses together, as specified and amended by Google from time to time.
- (d) “**GMS Device**” means a smart mobile device (smartphone or tablet) which runs on the Google Android operating system and on which the GMS Bundle has been pre-installed.
- (e) “**GMS Device users**” includes all users of GMS Devices, whether legal or natural, except for:
 - (i) officers, directors or employees of the Defendants, their subsidiaries and any entity in which they have a controlling interest;
 - (ii) all members of the Class Representative’s and Defendants’ respective legal teams and all experts and professional advisors instructed and retained by them and all funders or insurers involved, in connection with these collective proceedings;
 - (iii) all members and staff of the Tribunal assigned at any point to these collective proceedings;
 - (iv) any judge and Court staff involved in any appeal in these collective proceedings (whether in respect of the grant of permission to appeal or the hearing of any substantive appeal);
 - (v) any deceased person; and
 - (vi) any registered corporate entity or other registered entity with legal personality which has been struck off or dissolved pursuant to the Companies Act 2006 or equivalent legislation applying outside the UK,

or which has experienced the onset of insolvency within the meaning of section 240(3) of the Insolvency Act 1986 or equivalent legislation applying outside the UK, or which is dormant within the meaning of the Companies Act 2006 or equivalent legislation applying outside the UK.

- (f) **“Google Android”** means a version of Android that has been approved as “Android-compatible” by Google.
- (g) **“Play Store”** means Google’s proprietary app store, formerly known as Android Market.
- (h) **“Proprietary App”** means an app developed for Android by Google.
- (i) **“Relevant Period”** means the period between 1 October 2015 and the date of final judgment or earlier settlement of these collective proceedings.
- (j) **“Relevant Purchase”** means:
 - (i) any purchase of an Android App in the UK version of the Play Store, which a GMS Device user pays a fee to download;
 - (ii) any one-time purchase by a GMS Device user within an Android App downloaded from the UK version of the Play Store, for which the GMS Device user pays a fee; or
 - (iii) any recurring purchase by a GMS Device user within an Android App downloaded from the UK version of the Play Store, for which the GMS Device user pays a fee,

subject to the following exclusions to the extent that they were applicable at the time of the Relevant Purchase:

- i. in-app payments that are primarily for the purchase or rental of physical goods or services that will be consumed outside of the Android App;

- ii. in-app payments that are primarily remittances in respect of credit card bills or utility bills;
- iii. in-app payments for peer-to-peer services;
- iv. in-app payments for online auctions;
- v. in-app payments for tax exempt donations;
- vi. in-app payments for content or services that facilitate online gambling; and
- vii. in-app payments in respect of any product category deemed unacceptable under Google’s Payments Center Content Policies (available here: https://pay.google.com/intl/en_in/about/policy/?visit_id=636308113142509927-1253831182&rd=3) from time to time.

(k) **“UK version of the Play Store”** means the version of the Play Store where its settings specify the United Kingdom as the Google Play country.

D. DOMICILE DATE, OPT-OUT AND OPT-IN

- 7. The Domicile Date is 18 July 2022, being the date on which the Tribunal granted the CPO Application.
- 8. Persons satisfying the Class Definition who are domiciled within the United Kingdom on the Domicile Date may opt-out of these collective proceedings by posting a letter to or emailing Epiq, the Claims Administrators appointed on behalf of the Class Representative, by 28 November 2022 at UK Apps Administrator, PO Box 1435, Sunderland, SR5 9UD or forms@appstoreclaims.co.uk, as specified online at www.appstoreclaims.co.uk.
- 9. Persons satisfying the Class Definition and who are domiciled outside the United Kingdom on the Domicile Date may opt-in to these collective proceedings via the opt-in form available online at www.appstoreclaims.co.uk or by posting a letter to or

emailing Epiq, the Claims Administrators appointed on behalf of the Class Representative, by 28 November 2022, at UK Apps Administrator, PO Box 1435, Sunderland, SR5 9UD or forms@appstoreclaims.co.uk, as specified online at www.appstoreclaims.co.uk.

E. PUBLICATION

10. The Class Representative shall publicise this Collective Proceedings Order in accordance with the Rule 81 Notice approved by the Tribunal and the proposal set out in Section 8 of the Notice and Administration Plan which is annexed to the First Witness Statement of Elizabeth Coll (subject to any modifications ordered in this Collective Proceedings Order).

F. DIRECTIONS

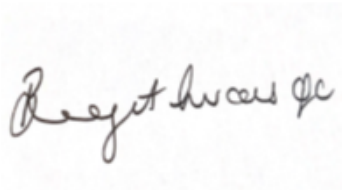
11. Pursuant to Rules 32(1)(b) and 74(1) and (2) of the Tribunal Rules, the Class Representative shall have permission to file and serve an amended Collective Proceedings Claim Form (excluding annexes) in the form of the Draft Amended Collective Proceedings Claim Form provided to the Defendants on 29 June 2022 and the Tribunal on 11 July 2022, within 7 days of this Order being drawn.
12. The Defendants shall file and serve a consolidated Defence to the Amended Collective Proceedings Claim Form by **4pm on 14 October 2022**.
13. The Class Representative shall file and serve a Reply, if so advised, by **4pm on 18 November 2022**.
14. A Case Management Conference (time estimate: 1 day) shall be listed on the first available date following 5 December 2022 before Bridget Lucas QC, Tim Frazer and Professor Michael Waterson.

G. GENERAL

15. Costs shall be determined by the Tribunal on paper, after receipt of submissions from the parties as follows:

- (a) The Class Representative shall file and serve any application for costs and supporting submissions within 28 days of this Order being drawn;
- (b) The Defendants shall file and serve any submissions in response within 14 days of receiving the Class Representative's application for costs and supporting submissions; and
- (c) The Class Representative shall file and serve any submissions in reply within 7 days of receiving the Defendants' submissions in response.

16. There be liberty to apply.



Bridget Lucas QC

Chair of the Competition Appeal Tribunal

Made: 18 July 2022

Drawn: 9 September 2022