

**Competition Appeal Tribunal Case Nos 1572/7/22 and
1582/7/7/23**

NOTICE OF A COLLECTIVE PROCEEDINGS ORDER

Publishers who are UK domiciled and Publisher Partners who, at any time from 1 January 2014 to 30 November 2022, received revenue from the sale of Online Display Ads could benefit from a collective claim against certain Google entities.

This Notice

This is a legal notice published on the direction of the Competition Appeal Tribunal (the “**Tribunal**”) which granted a Collective Proceedings Order on 14 January 2025 in favour of Ad Tech Collective Action LLP (the “**Class Representative**”) against the following Google companies: (1) Alphabet Inc.; (2) Google LLC; (3) Google Ireland Limited; (4) Google UK Limited (collectively, the “**Defendants**” or “**Google**”).

The Collective Proceedings Order can be viewed online at www.adtechclaim.co.uk, along with other information about the claim. This Notice and the enclosed Questions & Answers give important information about these collective proceedings. The Tribunal’s website is: www.catribunal.org.uk.

The claim

The Class Representative seeks to recover damages to compensate (1) UK-domiciled Publishers and (2) Publisher Partners for harm caused by Google’s anticompetitive conduct in the ad tech sector. As explained below:

- A “Publisher” means a UK-domiciled natural or legal person that publishes content on a website or mobile app containing ad units.
- “Publisher Partner” refers to a natural or legal person that sells Online Display Ads on behalf of Publishers, other than Publisher Ad Servers, Ad Exchanges and Ad Networks.

The Consumer Rights Act 2015 allows for such a collective claim to be brought on behalf of a group of persons (known as a “class”) who are alleged to have suffered a common loss as a result of anti-competitive conduct. The Tribunal has decided that the claim filed by the Class Representative against Google may be brought on a collective basis. Ad Tech Collective Action LLP has been approved to act as the Class Representative on behalf of individuals and businesses that it claims have suffered loss due to Google’s misconduct.

The claim alleges Google has breached competition law by engaging in anti-competitive

practices in technologies, within the ad tech sector, that are provided by ad tech intermediaries to help publishers to sell their inventory and advertisers to acquire that inventory. Ad Tech Collective Action LLP seeks compensation from Google on behalf of affected individuals and businesses who have lost revenue from the sale of advertising space on their websites (the “Class”). The **Class Definition** (which determines whether or not a person falls within the Class) is set out below.

No money is available now and there is no guarantee that money will be available in the future. The collective claim will need to be won or settled by the Class Representative before any money can become available.

You have important legal rights related 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 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.**

Your Rights and Options at this Stage:

If you are a Publisher:

- For “Publishers” this is an “opt-out” claim, meaning that anyone who meets the definition of the class and who is domiciled in the UK on 5 June 2024 will be included in the claim automatically and be bound by the result, unless they expressly **opt out** of the Class so as to formally remove themselves from the claim. Therefore, these class members are not required to do anything for the time being. If you are a Publisher you will be included in the claim unless you take the steps outlined below to opt-out.
- If you wish to opt out of the claim, you will need to do so by **4pm on 28 May 2025**. Details as to how you can do this are set out below (see Q12 below).

If you are a Publisher Partner:

- You must “**opt into**” these proceedings by **4pm on 28 May 2025** in order to claim compensation. Details as to how you can do this are set out below.

The Class Definition

The Class is comprised of “*all Publishers and Publisher Partners that received revenue from the sale of Online Display Ads during the Class Period.*”

For the purposes of this definition:

- (1) “Publisher” means a UK-domiciled natural or legal person that publishes content on a

Questions? Visit www.adtechclaim.co.uk for more information.

website or mobile app containing ad units.

- (2) “Publisher Partner” means a natural or legal person that sells Online Display Ads on behalf of Publishers, other than Publisher Ad Servers, Ad Exchanges and Ad Networks.
- (3) “Online Display Ads” means ads displayed on a Publisher’s website or mobile app alongside content (excluding (i) ads on owned and operated platforms and (ii) search advertising).
- (4) “Ad Exchanges” means electronic marketplaces that automate the sale of Online Display Ads, including through real-time auctions.
- (5) “Ad Networks” means intermediaries that operate on their own account aggregating advertising inventory from Publishers and matching it with demand from their own demand sources.
- (6) “Publisher ad server” means an ad server which manages Publishers’ advertising inventory and provides the decision logic underlying the final choice of which ad to serve.
- (7) “Class Period” means the period between 1 January 2014 and 30 November 2022.

The following categories of persons (“**Excluded Persons**”) are excluded from the Class:

- (1) Officers, directors or employees of the Defendants, their subsidiaries and any entity in which they have a controlling interest;
- (2) All members of the Class Representative’s and the 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;
- (3) All members of the Tribunal assigned to these proceedings, their parents, their spouses or civil partners or any persons with whom they cohabit, and their children;
- (4) Any judge involved in any appeal in the present collective proceedings (whether in respect of the grant of permission to appeal or the hearing of any substantive appeal), and their parents, their spouse or civil partner or any person with whom they cohabit, and their children;

- (5) Any deceased person; and
- (6) Any registered corporate entity or other registered entity with legal personality which has been struck off or dissolved pursuant to the Companies Act 2006 more than six years prior to the grant of this Order

The Issues

The claim will determine certain issues that are common to all class members, including:

- (1) The definition of the relevant economic markets.
- (2) Whether Google held a dominant position on the relevant markets.
- (3) Whether Google abused and/or continues to abuse its dominant position(s).
- (4) Whether any abuse(s) of dominance by Google caused loss or damage to the class members; and if so in what amount or amounts?
- (5) The rate and duration of the class members' entitlement to pre-judgment interest on their damages.

Any judgment on the common issues will be binding on class members. If any judgment is given on issues which only concern a sub-class of the class members, any judgment on those common issues will be binding on the sub-class to which those common issues relate.

Any Publisher who opts out of the proceedings will not be bound by any subsequent judgment in the proceedings. Likewise, any Publisher Partner who does not opt into the proceedings will not be bound by any subsequent judgment in the proceedings.

Questions & Answers

Q1: Why has this Notice been issued?

The Tribunal has directed that this Notice be issued following the successful application by the Class Representative for a Collective Proceedings Order, which was granted by the Tribunal on 14 January 2025.

By making the Collective Proceedings Order, the Tribunal approved the Class Representative to act on behalf of the Class in bringing these claims. A summary of the claims being brought by the Class Representative can be found on the claims website: www.adtechclaim.co.uk.

This Notice has been issued to inform you of the making of the Collective Proceedings Order, including details of the Collective Proceedings Order. It informs you of important legal rights you have in relation to the claim. Exercising these rights could affect your ability to get a payment in the future (if compensation becomes available). This Notice explains: (i) the claims being brought by the Class Representative; (ii) your rights in relation to the claim; (iii) how to exercise those rights; and (iv) any related deadlines. **Please read this Notice carefully as your decisions about the claim will have legal consequences.**

Q2: What is the Competition Appeal Tribunal?

The Tribunal is a specialist judicial body that is based in London but covers the whole of the UK and hears certain competition law and regulatory disputes. It has cross-disciplinary expertise in law, economics, business and accountancy. The Tribunal publishes its Rules and Guidance, together with information about what it does, on its website www.catribunal.org.uk.

Q3: What are Collective Proceedings?

Collective Proceedings are sometimes described as a class action, a class claim, a group claim or a group action. This is a single claim brought by multiple claimants or by a specified person or body on behalf of multiple claimants which are the subject of a Collective Proceedings Order and which proceed on an “opt-in” and/or “opt-out” basis (see Q8 below for an explanation of “opt in” and “opt out” proceedings and what this means for your claim). In this case, Ad Tech Collective Action LLP is acting as class representative, bringing the action on behalf of the Class.

Q4: Who is the claim against?

The claim is against Google. Google is a multinational technology company, which focuses on, amongst other products and services: search engine technology, cloud computing, computer software, quantum computing, consumer electronics, artificial intelligence, and online advertising. The Defendants are all members of the Google corporate group:

- (A) Alphabet Inc.;
- (B) Google LLC;
- (C) Google Ireland Limited; and
- (D) Google UK Limited;

Q5: What did Google do wrong?

Ad tech is the technology powering the online ads that billions of consumers see in their everyday lives when surfing the web and using their smartphones. Digital advertising has experienced spectacular growth, exceeding \$490 billion in 2021. Selling digital advertising has become a key source of revenue for publishers of online content, including news and magazine publishers amongst the many examples of websites which carry adverts. Google is the largest and most important ad tech vendor at each step of the value chain.

Following a complaint by news publishers in 2019, the French Competition Authority held that Google committed a breach of competition law, namely that Google abused its dominant position through conduct aimed at ensuring that (i) Google's ad server favours Google's AdX ad exchange, and conversely, (ii) Google's AdX ad exchange favours its ad server.

According to the decision, Google's anti-competitive conduct harmed online publishers (and Publishing Partners) in that it depressed the revenues that they derived from online advertising. That harm forms the basis of Ad Tech Collective Action LLP's claim.

In addition, Ad Tech Collective Action LLP also alleges that Google has abused its dominant position through conduct aimed at ensuring that its demand-side platforms, Google Ads and DV360, favour Google's AdX ad exchange.

Q6: What is the role of the Class Representative?

The Tribunal has authorised Ad Tech Collective Action LLP to act as the class representative for this claim. The Class Representative will conduct the claim against Google on behalf of the Class, except for those who opt-out of the class.

During the case, the Class Representative is responsible for, amongst other things, communicating with the Class and issuing formal notices to its members (such as this one). It will make decisions on the conduct of the claim, including instructing the lawyers and experts, and, in particular, will evaluate any offer of settlement that Google may make and decide whether to present it for the Tribunal's approval.

Updates about the claim will be available on the website www.adtechclaim.co.uk and via various other media.

Questions? Visit www.adtechclaim.co.uk for more information.

Q7: Who is the Class Representative?

The Class Representative is a limited liability partnership, Ad Tech Collective Action LLP, which has been incorporated for the sole purpose of managing the claim against Google on behalf of the Class. The members of the LLP are Claudio Pollack, Charles Arthur, and Kate Wellington.

Mr Pollack has spent much of his career in the communications services sector, focusing on issues faced by consumers within the telecommunications industry. He worked in management positions at Ofcom for over a decade, notably as Competition Policy Director and latterly as Group Director for Content, Consumer & External Affairs. Mr Pollack is passionate about, and committed to, supporting the rights and welfare of consumers and small businesses, promoting positive outcomes for users of digital technology, and preventing abuses by large technology companies.

Mr Arthur is a freelance journalist, author, and speaker in the field of technology, covering a wide variety of topics. During his thirty-year career as an editor and journalist, he served as the Technology Editor of The Guardian (from 2005 to 2014) and the Science and Technology Editor at The Independent (from 1995 to 2004). Mr Arthur was also a visiting fellow at Cambridge University for the Technology & Democracy project from 2016 to 2017. He is the author of the specialist book *‘Digital Wars: Apple, Google, Microsoft and the battle for the internet’*, which details the business battle in search, music, smartphones and tablets between Apple, Google and Microsoft.

Ms Wellington is a qualified solicitor in the UK and Australia with specialities in dispute resolution. She is a long-standing consumer rights champion working for many years at the Consumers’ Association (more commonly known as “Which?”), the UK’s largest consumer organisation, leading the campaigning and policy arm of their legal team. During that time, she worked closely with the Department for Business, Innovation and Skills (as it then was) on developing the Consumer Rights Bill and implementing the collective proceedings regime under the Consumer Rights Act 2015. Kate is also a member of a Consultative Group and Advisory Committee where she advises class representatives in respect of high-profile consumer class actions currently before the Tribunal.

Q8: Who is in the Class?

The Consumer Rights Act 2015 (the “**2015 Act**”) 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 2015 Act, groups of persons who have all allegedly suffered losses 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 (the “**Class Representative**”).

In this case, the Tribunal has decided that the class of persons who can bring a claim be composed of all Publishers and Publisher Partners that received revenue from the sale of Online Display Ads, other than Excluded Persons, at any point during the period from 1 January 2014 and 30 November 2022. For the complete definition, please see section entitled “The Class” at the top of this notice.

The Tribunal has authorised the claim to proceed on an “opt-out” basis on behalf of all Publishers (other than Excluded Persons) and on an “opt-in” basis for all Publisher Partners (other than Excluded Persons) who fall within the Class Definition (as explained at the top of this Notice). This means that:

- If you fall within the definition of “Publishers” and were domiciled in the UK on 5 June 2024, you are automatically included in the Class unless you take positive steps to opt out. Details as to how you can opt-out are set out under Q12 below.
- If you are a “Publisher Partner”, you must “opt into” the class if you want to be included in the claim. Details as to how you can opt-out are set out under Q13 below.

Publishers must have been domiciled in the UK on 5 June 2024 in order to be included in the claim. There is no need for Publisher Partners to have been domiciled in the UK at any stage, although their claims will be limited to any loss in revenue that they suffered in respect of their work for and on behalf of UK-domiciled Publishers

Q9: Who is excluded from the Class?

As described in the definition of the Class at the top of this notice, if you fall into one of the following categories, you will be excluded from the Class:

- (1) Officers, directors or employees of the Defendants, their subsidiaries and any entity in which they have a controlling interest;
- (2) 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 these collective proceedings;
- (3) All members of the Tribunal assigned to these proceedings, their parents, their spouses or civil partners or any persons with whom they cohabit, and their children, assigned at any point to these collective proceedings;
- (4) Any judge involved in any appeal in the present collective proceedings (whether in respect of the grant of permission to appeal or the hearing of any substantive appeal), and their parents, their spouse or civil partner or any person with whom they cohabit, and their children;
- (5) Any deceased person; and
- (6) Any registered corporate entity or other registered entity with legal personality which

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has been struck off or dissolved pursuant to the Companies Act 2006 more than six years prior to the grant of this Order.

Q10: Do I need to do anything in order to be part of the claim?

If you fall within the definition of Publisher, you do not have to take any action at this stage in order to be included in the claim. Anyone who meets the definition of a Publisher (and is domiciled in the UK on 5 June 2024) will be included in the claim automatically and be bound by the result, unless he/she/it asks to opt out (i.e. takes steps to leave the claim – see the response to Q12 below). In simple terms, if you do not opt out and you are a Publisher in accordance with the Class Definition, you will automatically be included as a class member in the claim, and you do not need to do anything at this time to be eligible for a share of any money that may become available in the future.

If you fall within the Class Definition as a Publisher Partner, you will need to opt in to the claim, if you want to be a part of it. For information about opting into the claim, please see the response to Q13 below.

All class members who remain in the Class will be bound by any judgment on the common issues (which are set out above). As a Class member, you will not be able to bring an individual claim against Google raising the same issues that are included in this claim.

Q11: How much money does the claim ask for?

The claim seeks compensation for all those who have been affected by Google’s anti-competitive behaviour. It is too early to quantify the total value of the claim, as it is anticipated that this will only be possible following disclosure of additional data from Google. However, at this stage the experts retained by the Class Representative estimate that the value of the claim is likely to be up to £13.6 billion.

If the claim is successful, all persons who have an eligible claim will be able to seek their share of the compensation. However, it is important to note that recovery of any money by way of the claim is not guaranteed. The Class Representative will need to prove the case at trial in due course.

Q12: Who can opt-out of the claim, and how?

Any member of the Class of Publishers may ask to opt out. By opting out, you will not be able to receive a payment from the claim if money becomes available in due course. However, you may be able to bring your own separate claim against Google for the same issues.

If you are considering opting out, you should review the information above and visit both www.adtechclaim.co.uk and www.catribunal.org.uk for information, before deciding.

If you are a Publisher and wish to opt out, you can do so by completing the online form on the claims website, which can be found at www.adtechclaim.co.uk/opt-out.

Alternatively, you can opt out by signing and sending the template letter available on www.adtechclaim.co.uk (accessible directly here) to the Class Representative indicating that you wish to opt out of the claim. That letter can be sent by email to optout@googleadtechclaim.co.uk or by post to the following address:

PO Box 5551
Radstock
BA3 9DL

Letters sent by post must be postmarked no later than **4pm on 28 May 2025**. Likewise, any letters sent by email should be sent by the same date. You will be sent an acknowledgement by email to the email address that you have provided, or by post if not.

If a member of the Class of Publishers wishes to opt out after **4pm on 28 May 2025**, that member should write directly to the Tribunal to seek approval using the contact details listed below. Under the Tribunal's rules, any request to opt out received after **4pm on 28 May 2025** will have to be considered by the Tribunal, which will decide whether or not to grant permission for the class member to opt out.

The Registrar
Competition Appeal Tribunal
Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

Telephone: 020 7979 7979

When writing to the Tribunal you must include the reference Case Nos 1572/7/22 and 1582/7/7/23.

Q13: Who can opt in to the claim, and how?

Any member satisfying the Class Definition as a Publisher Partner, that has received revenue from the sale of Online Display Ads at any time during the Class Period, will be able to opt in to the claim.

If you are a Publisher Partner and wish to opt into the claim, you can do so by completing the online form on the claims website, which can be found at www.adtechclaim.co.uk/opt-in.

Questions? Visit www.adtechclaim.co.uk for more information.

Alternatively, you can opt in by signing and sending the template letter available on www.adtechclaim.co.uk (accessible directly here) to the Class Representative indicating that you wish to opt into the claim. That letter can be sent by email to optin@googleadtechclaim.co.uk or by post to the following address:

PO Box 5551
Radstock
BA3 9DL

Letters sent by post must be postmarked no later than **4pm** on **28 May 2025**. Likewise, any letters sent by email should be sent by the same date. You will be sent an acknowledgement by email to the email address that you have provided, or by post if not.

If you are a Publisher Partner and you do not opt into the Class by **4pm** on **28 May 2025** 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 should opt in by **4pm** on **28 May 2025** if you want to be eligible to get a payment.

To confirm, a Publisher Partner is not required to be domiciled in the UK on the date of domicile. Publisher Partners only need to sell Online Display Ads on behalf of Publishers (who are domiciled in the UK), other than Publisher Ad Servers, Ad Exchanges and Ad Networks.

You should review the information above and visit both www.adtechclaim.co.uk and www.catribunal.org.uk for further information.

Q14: Who is funding the claim?

Whilst the Class Representative is authorised to run the claim on behalf of the Class, it would not be able to fund a claim of this size and public importance without third-party funding.

The Class Representative has therefore obtained funding for the claim from a third-party litigation funder, CF ADT LTD (the “**Funder**”). The Funder has committed approximately £18 million to fund all elements of the claim, with such amounts to be paid in tranches. In addition, the Class Representative has obtained “after the event” insurance to cover adverse costs risk of £15 million to cover the Defendants’ costs in the event that the claim is ultimately unsuccessful.

Q15: Will I have to pay the legal costs in order to benefit from the claim?

No. The funding arrangements in place, described at Q14 above, mean that class members will not need to pay anything to be part of the claim. These funding arrangements also mean that

Questions? Visit www.adtechclaim.co.uk for more information.

class members will not be reliable for any financial risk should the claim be unsuccessful.

Q16: How can I stay updated on the progress of the claim?

You can visit www.adtechclaim.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.

This notice summarises the Collective Proceedings Order. To read the full Order and see other information about the claim, please visit www.adtechclaim.co.uk