

# Individuals who purchased Apple and Beats products from 31 October 2018 could benefit from a proposed collective action

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

- Christine Riefa Class Representative Limited (“**Christine Riefa CRL**”) has filed an application to bring collective proceedings as a class representative on an opt-out basis against Apple Inc., Apple Distribution International Limited, Amazon.com, Inc., Amazon Europe Core S.à.r.l, Amazon Services Europe S.à.r.l, Amazon EU S.à.r.l, and Amazon.com Services LLC (collectively, “**Apple and Amazon**”). The application has been filed with the Competition Appeal Tribunal (“**Tribunal**”) by Christine Riefa CRL on behalf of a proposed class of individuals that it claims have suffered loss due to Apple and Amazon’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.
- Christine Riefa CRL has applied to the Tribunal for a CPO which, if granted, would allow its proposed claim to proceed to a full trial. The proposed claim by Christine Riefa CRL alleges that Apple and Amazon have breached competition law by entering into and implementing unlawful anticompetitive agreements which restricted third parties from reselling Apple and Beats-branded products on Amazon. Christine Riefa CRL alleges that, as a result of this breach, customers paid higher prices for those Apple and Beats products when purchasing them from any retailer in the United Kingdom selling to final customers through an internet sales channel (including apps) or a physical retail store, other than as part of a mobile network operator or mobile virtual network operator contract, from 31 October 2018 until the date of final judgment or earlier settlement of the claim.
- At a hearing scheduled to commence on **11 July 2024 at 10:30am**, the Tribunal will hear arguments as to whether Christine Riefa CRL should be authorised to act as the class representative and whether the claims Christine Riefa CRL is bringing can proceed as collective proceedings on behalf of the proposed class. The proposed class includes:

*All individuals who purchased one or more Apple or Beats-branded products from any retailer in the United Kingdom selling to final customers through an internet sales channel (including apps) or a physical retail store, other than as part of a mobile network operator or mobile virtual network operator contract, in the period from 31 October 2018 until the date of final judgment or earlier settlement of the present collective proceedings.*
- If Christine Riefa CRL’s 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. Those who fall within this definition but are not domiciled in the UK but wish to participate in the claim would have the opportunity to opt-in to the claim. For more details on this please visit [www.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.co.uk).

- The hearing, scheduled to commence on **11 July 2024 at 10:30am**, will last for **two (2)** 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 Christine Riefa CRL’s proposed claim, please visit [www.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.co.uk) or [www.catribunal.org.uk/cases/16027723-christine-riefa-class-representative-limited](http://www.catribunal.org.uk/cases/16027723-christine-riefa-class-representative-limited).

YOUR LEGAL RIGHTS AND OPTIONS NOW	
<b>OBJECT TO THE APPLICATION OR THE PROPOSED CLASS REPRESENTATIVE</b>	Any person with an interest (including any proposed class member) may object to the application for a CPO, or the authorisation of the proposed class representative (Christine Riefa CRL), by stating their reasons for objecting in writing to be received by the Tribunal by <b>16 May 2024 at 4pm</b> . For further details, see Question 8 below.
<b>APPLY TO MAKE ORAL / WRITTEN SUBMISSIONS TO THE TRIBUNAL</b>	Any person with an interest (including any proposed class member) may apply to the Tribunal for permission to make written and/or oral submissions at the hearing commencing on <b>11 July 2024</b> . Any such application must be made in writing, supported by reasons, and received by the Tribunal by <b>16 May 2024 at 4pm</b> .
<b>CONTACT DETAILS</b>	To learn more about the application to bring the proposed claim, visit <a href="http://www.ukappleamazonclaim.co.uk">www.ukappleamazonclaim.co.uk</a> and/or <a href="http://www.catribunal.org.uk/cases/16027723-christine-riefa-class-representative-limited">www.catribunal.org.uk/cases/16027723-christine-riefa-class-representative-limited</a> .

## GENERAL INFORMATION

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

The Tribunal has issued directions for a hearing, to determine whether Christine Riefa CRL’s application for a CPO should be granted. The hearing is scheduled to commence on **11 July 2024**. It has also directed that this notice be issued ahead of the hearing to seek the views of any interested persons.

Christine Riefa CRL’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 Christine Riefa CRL 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 Christine Riefa CRL as 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](http://www.catribunal.org.uk).

A summary of the claims against Apple and Amazon can also be found on the Tribunal's website at [www.catribunal.org.uk/cases/16027723-christine-riefa-class-representative-limited](http://www.catribunal.org.uk/cases/16027723-christine-riefa-class-representative-limited).

## 3. Who are the proposed claims against?

The proposed claims are against Apple and Amazon. Both companies are well-known global technology businesses which offer a wide range of products and services, including the sale of electronic products.

## 4. What are Apple and Amazon alleged to have done wrong? What are the claims?

Christine Riefa CRL alleges that Apple and Amazon have breached European and UK competition law by entering into and implementing unlawful anticompetitive agreements. Christine Riefa CRL claims that these agreements restricted third parties from reselling Apple and Beats-branded products on Amazon and, as a result, customers paid higher prices for these products when purchasing them from any retailer in the United Kingdom selling to final customers through an internet sales channel (including apps) or a physical retail store, other than as part of a mobile network operator or mobile virtual network operator contract, from 31 October 2018 until the date of final judgment or earlier settlement of the claim.

Christine Riefa CRL alleges that all such customers are entitled to compensation.

## 5. Who is the proposed class representative?

The CPO application requests that Christine Riefa CRL be authorised to act as the class representative for the proposed claim.

Christine Riefa CRL is a company specifically formed by Professor Christine Riefa (who is its sole director and member) for the purpose of bringing this claim against Apple and Amazon. Prof. Riefa is a Professor of Law at the University of Reading and an established academic in the field of consumer protection law and policy. She has extensive background in researching and promoting effective consumer law enforcement within digital markets, including its intersection with competition law, and has hands-on experience of the UK's collective proceedings regime as part of the consultative group advising the class representative in Case No. 1408/7/7/21 *Elizabeth Helen Coll v Alphabet Inc. and Others*.

As the proposed class representative, Christine Riefa CRL would conduct the claim against Apple and Amazon on behalf of all class members (except for those who decide to opt-out of the class). Christine Riefa CRL 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 Apple and/or Amazon may make to the Tribunal for its approval. The Tribunal will assess Christine Riefa CRL's suitability to act as the proposed class representative as part of the hearing on **11 July 2024**.

During the collective proceedings, Christine Riefa CRL 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, Christine Riefa CRL would regularly update the class about the claim on the website [www.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.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 a class of individuals who purchased one or more Apple or Beats-branded products from any retailer in the United Kingdom selling to final customers through an internet sales channel (including apps) or a physical retail store, other than as part of a mobile network operator or mobile virtual network operator contract, from 31 October 2018 until the date of final judgment or earlier settlement of the claim.

To check whether you fall within the proposed class, you may have regard to the following instructions:

Individuals will be able to determine whether they fall within the Proposed Class by reviewing any invoices and/or receipts issued to them electronically or in hard copy when purchasing Apple and/or Beats-branded product(s) from retailers in the UK.

Further details regarding the requirements for eligibility as class members (and any applicable exclusions from the class, which includes any members of Christine Riefa CRL, Apple or Amazon’s legal teams and anyone assigned to determine the claim) can be found on the websites set up by Christine Riefa CRL at [www.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.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, it will also be possible for those who are not automatically included in the claim but meet certain criteria to ‘opt-in’ to the claim if they have suffered loss as a result of Apple and Amazon’s conduct. More information can be found at [www.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.co.uk).

### 7. How much money does the claims ask for?

The proposed claims seek compensation for all those within the proposed class who have been affected by Apple and Amazon’s allegedly anti-competitive conduct. The total aggregate amount sought is currently estimated to be at least GBP £494m (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.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.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 (Christine Riefa CRL). You should review the information above and visit [www.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.co.uk) and [www.catribunal.org.uk/cases/16027723-christine-riefa-class-representative-limited](http://www.catribunal.org.uk/cases/16027723-christine-riefa-class-representative-limited) 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 16 May 2024 at 4pm**, to [Registry@catribunal.org.uk](mailto: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](http://www.catribunal.org.uk)

When writing to the Tribunal you must include the following reference: ‘Christine Riefa Class Representative Limited v Apple Inc. & Others, Case No. 1602/7/7/23’.

Any person with an interest (including any proposed class member) can also apply to the Tribunal for permission to make written and/or oral submissions at the hearing commencing on **11 July 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](mailto:Registry@catribunal.org.uk) so it is received **no later than 16 May 2024 at 4 pm**.

## GETTING MORE INFORMATION

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

You can visit [www.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.co.uk) for periodic updates on the proposed claims.

### 10. Who is funding the proposed claim?

The costs of bringing the claim are covered by a highly experienced commercial litigation funder who is a Funder Member of the Association of Litigation Funders of England and Wales and abides by its Code of Conduct.

In order to fund the claim, Christine Riefa CRL has entered into a litigation funding agreement with the litigation funder, a non-confidential copy of which is available to proposed class members upon request through [www.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.co.uk). Additionally, Christine Riefa CRL has secured insurance cover in order to pay Apple and Amazon’s adverse costs up to a limit of £20 million in aggregate. A non-confidential copy of the insurance policy is available to proposed class members upon request through [www.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.co.uk).

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

More information can be found on the claim website: [www.ukappleamazonclaim.co.uk](http://www.ukappleamazonclaim.co.uk).