



Competition Appeal Tribunal Case No. 1382/7/7/21

Claim update: purchases of certain Apple and Samsung 4G smartphones are included in the claim up to 9 January 2024

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

In May 2022, the Tribunal authorised Which? as the class representative to bring collective proceedings against Qualcomm. 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 Which?.

The Tribunal originally ordered that the class included all persons who purchased certain models of Apple and Samsung smartphones from 1 October 2015 to the date of final judgment or earlier settlement.

Between July and November 2022, Which? notified class members of the collective proceedings.

Following recent legal developments, the Tribunal has decided that the scope of the class needs to be limited to persons that have purchased relevant smartphones up to the date of a recent hearing and does not include persons who may purchase smartphones in the future.

On this basis, the class only includes persons who purchased certain Apple and Samsung smartphones (included in the list in the Annex to this notice) up to 9 January 2024. Any purchases of new 4G-enabled Apple and Samsung smartphones after this date are not currently included in the claim but they may be added at a later point.

If you purchased one of the relevant phone models at any time between 1 October 2015 and 9 January 2024, and you were a UK resident on 17 May 2022, you are automatically included in this claim unless you opted-out by the 15 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 **9 January 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, Which?, 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 www.smartphoneclaim.co.uk, 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 9 January 2024, you purchased an Apple or Samsung smartphone, the current list of which is set out in the Annex to this notice, or any subsequent LTE-enabled Apple or Samsung smartphone models (excluding 5G/5G NR-enabled models), in the UK, other than wholly for business use. You must also have been living in the UK on 17 May 2022 to be included in the class.

You can use the eligibility tool at www.smartphoneclaim.co.uk to check whether your smartphone is an eligible model for inclusion in the claim.

Representatives of consumers who would otherwise have qualified as class members but who died between the purchase of their smartphone and 9 January 2024, are also included in the class of persons who can bring a claim (however, the representatives of any consumers who died on or before 18 February 2021 and whose smartphone purchases all pre-date 24 December 2015, do not form part of the class).

This is regardless of how you purchased your smartphone. For example, you will be included in the claim if you purchased your smartphone directly from the manufacturer (Apple or Samsung), via your mobile network operator (such as Vodafone, EE or O2) or through a retail store such as Carphone Warehouse; similarly you will be included if you purchased it via a hire-purchase or similar credit agreement or as part of a bundled mobile contract covering the supply of the smartphone with data and voice services. However, if you have purchased your smartphone second-hand or refurbished, unfortunately you do not fall within the scope of the class definition, and will not be able to receive payment in respect of that smartphone if the case succeeds. Likewise, purchases where the smartphone was delivered outside the UK do not fall within the class.

Getting More Information

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

You can visit www.smartphoneclaim.co.uk 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](#). A previous order varying the CPO in July 2022 is found [here](#). For further information about the claim, visit www.smartphoneclaim.co.uk.