



Claim No. BL-2024-000674

IN THE HIGH COURT OF JUSTICE
BUSINESS & PROPERTY COURTS OF ENGLAND & WALES
BUSINESS LIST (ChD)

BL-2024-000674

Mr Justice Richards

21 October 2024

BETWEEN:

AQA EDUCATION

Claimant

-and-

(3) PERSONS UNKNOWN (being the persons who between April-June 2023 used the telephone number +44 7537183264 and by means of impersonation attempted to access to the Claimant's examination papers)

(4) PERSONS UNKNOWN (being the persons who between April-June 2023 used the telephone number +44 7751927736 and by means of impersonation attempted to access to the Claimant's examination papers)

(5) PERSONS UNKNOWN (being the persons who between April-June 2023 used the telephone number +44 7460960005 and by means of impersonation attempted to access to the Claimant's examination papers)

(6) PERSONS UNKNOWN (being the persons who between April-June 2023 used the telephone number +44 7462005579 and by means of impersonation attempted to access to the Claimant's examination papers)

(8) PERSONS UNKNOWN (being the persons who between April-June 2023 used the telephone number +44 7488863658 and by means of impersonation attempted to access to the Claimant's examination papers)

(9) PERSONS UNKNOWN (being the persons who between April-June 2023 used the telephone number +44 7458107862 and by means of impersonation attempted to access to the Claimant's examination papers)

(18) PERSONS UNKNOWN (being the persons who between 8 and 9 January 2024 controlled or operated or were the account-holders for the @dylanjak 'Telegram' account)

- (19) PERSONS UNKNOWN (being the persons who between 12 January and 4 April 2024 controlled or operated or were the account-holders for the @ExamPlugUK 'Telegram' account)
- (20) PERSONS UNKNOWN (being the persons who between 18 January and 25 April 2024 controlled or operated or were the account-holders for the @gcsepluguk 'Telegram' account)
- (21) PERSONS UNKNOWN (being the persons who between 4 and 5 March 2024 controlled or operated or were the account-holders for the @AStarExams 'Telegram' account)
- (22) PERSONS UNKNOWN (being the persons who between 4 March and 5 April 2024 controlled or operated or were the account-holders for the @Kingpaperz 'Telegram' account)
- (23) PERSONS UNKNOWN (being the persons who between 16 March and 30 April 2024 controlled or operated or were the account-holders for the @NobodyPlugs 'Telegram' account)
- (24) PERSONS UNKNOWN (being the persons who between 24 and 25 March 2024 controlled or operated or were the account-holders for the @Revishaan 'Telegram' account)
- (25) PERSONS UNKNOWN (being the persons who between 6 and 7 April 2024 controlled or operated or were the account-holders for the @examjesus 'Telegram' account)
- (26) PERSONS UNKNOWN (being the persons who between 19 and 29 April 2024 controlled or operated or were the account-holders for the @professorpapers 'Telegram' account)
- (27) PERSONS UNKNOWN (being the persons who between 28 and 29 April 2024 controlled or operated or were the account-holders for the XRF 'Telegram' account)
- (30) PERSONS UNKNOWN (being the persons who between 22 and 23 April 2024 controlled or operated or were the account-holders for the @ThatExamGuy 'Telegram' account)
- (31) PERSONS UNKNOWN (being the persons who between 29 and 30 April 2024 controlled or operated or were the account-holders for the Gamal Samei 2 'Telegram' account)

Defendants/Respondents

-and-

(1) PERSONS UNKNOWN (being persons who obtain, transfer, publish, offer for sale or sell the Claimant's examination papers, resource booklets or answer booklets or what purport to be the Claimant's examination papers, resource booklets or answer booklets)

Respondents

ORDER

PENAL NOTICE

IF YOU:

- (a) THE ABOVE-NAMED THIRD TO THIRTY-FIRST DEFENDANTS; OR**
- (b) ANYONE WITH NOTICE OF THIS ORDER;**

DO NOT COMPLY WITH THE ORDERS BELOW YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE PUNISHED BY FINE, IMPRISONMENT, CONFISCATION OF ASSETS OR OTHER PUNISHMENT UNDER THE LAW.

ANY OTHER PERSON (OR IN THE CASE OF A CORPORATE BODY, A DIRECTOR OR OFFICER OF THAT BODY) WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY DEFENDANT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND THAT PERSON (OR DIRECTOR OR OFFICER) MAY BE PUNISHED BY FINE, IMPRISONMENT, CONFISCATION OF ASSETS OR OTHER PUNISHMENT UNDER THE LAW.

UPON the Claimant's application by notice dated 14 August 2024

AND UPON reading the Seventh Witness Statement of Nathaniel Philip Capone dated 14 August 2024 and the Eighth Witness Statement of Nathaniel Philip Capone dated 8 October 2024

AND UPON hearing of the reasonable steps which the Claimant has taken to ensure that other persons likely to be affected by this Order have been notified of the application

AND UPON the Claimant undertaking that it will take the steps set out in Schedule A to ensure that persons likely to be affected by this Order will receive notice of the Order

AND UPON the Claimant undertaking that it will have regard to its continuing obligation to make full disclosure to the Court of all facts, matters and arguments of which the Claimant becomes aware and which might affect the decision of the Court whether to maintain, vary or discharge this Order, and that the Claimant will put the matter back before the Court on a further application should it become aware of such further facts, matters or arguments

AND WHEREAS an “Approved Centre” is a school, college, training provider or sole provider which has approval from AQA that it has met the standards and has the relevant qualified or experienced employees and resources to deliver qualifications. All Approved Centres are contained on the National Centre Number (NCN) Register

AND UPON hearing Matthew McGhee and Eliza Bond of Counsel for the Claimant

AND UPON no other person making written or oral representations to the Court in respect of this application

IT IS ORDERED THAT:

1. Judgment in default be entered for the Claimant against the Third to Sixth, Eighth to Ninth and Twenty-Fourth Defendants.
2. This is an injunction concerning the contents of any (or any part of an) examination paper, resource booklet or answer booklet produced or published by the Claimant in respect of public examinations (the “**Confidential Information**”). Access to the Confidential Information is controlled by this Order only until the “**Sitting Date**”, being the date and time on which the relevant public examination is scheduled to take place.
3. This order does not affect persons domiciled outside of the United Kingdom, save to the extent that any of the Third to Thirty-First Defendants are so domiciled.
4. This injunction shall be reviewed by the Court at a hearing to be fixed in the period 5 to 30 January 2026 (the “**Review Date**”). The Claimant must apply for the Review Date hearing in due course.

5. Until the relevant Sitting Date for a public examination or until further order, whichever is sooner, the Defendants or anyone with notice of this Order must not obtain, transfer, publish, offer for sale or sell Confidential Information relating to that public examination or offer for sale or sell what purports to be the Claimant's Confidential Information relating to that public examination.
6. Paragraph 5 does not prevent any person from performing any act:
 - (1) where that person has the express written authority of the Claimant to perform it;
 - (2) where the person is acting in accordance with the Joint Council for Qualifications' General Regulations for Approved Centres as then in force; or
 - (3) where the person is acting in good faith in accordance with any contract or arrangement involving the Claimant or an Approved Centre for the provision of public examinations to the body of students scheduled to sit those examinations on the applicable Sitting Date.
7. Paragraph 5 does not restrict the Defendants or anyone with notice of this Order from sitting public examinations. The Defendants or anyone with notice of this Order are entitled to obtain Confidential Information relating to a public examination provided that: (i) they obtain that Confidential Information at the Sitting Date for that public examination (or such other date or time as they are scheduled to sit the relevant examination); and (ii) they are sitting the public examination in question.
8. Paragraph 5 does not restrict the Defendants or anyone with notice of this Order from obtaining or transferring Confidential Information for the purpose of, or in connection with, the transportation or transmission of Confidential Information in circumstances where the Confidential Information remains in the Claimant's sealed packaging (for example couriers and others transferring examination papers in such packaging).
9. Without prejudice to the Claimant's other intellectual property rights, Paragraph 5 does not restrict any person from dealing with Confidential Information in respect of a public examination after the Sitting Date for that public examination.
10. Any person with notice of this injunction (other than the Third to Sixth, Eighth to Ninth and Twenty-Fourth Defendants) has liberty to apply to vary or discharge this Order on

any grounds whatsoever, including any grounds that those persons could have raised at the time that this Order was originally sought.

11. Any person with notice of this injunction has liberty to apply to be joined to the proceedings.
12. No acknowledgment of service, admission or defence is required to exercise the liberties to apply conferred by paragraphs 10 and 11.
13. This Order shall be served by the Claimant on the Defendants.

The Claimant's legal representatives may be contacted as follows:

Attn. Nathan Capone:

Nathan.Capone@fieldfisher.com

Louis.Muncey@fieldfisher.com

Esther.Thomas@fieldfisher.com

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2 Swan Lane
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SCHEDULE A

The Claimant undertakes that it will:

1. Display notice of the Order on and allow a copy to be downloaded from AQA's website for the duration of the injunction.
2. Display notice of the Order on and allow a copy to be downloaded from the Centre Services portal for the duration of the injunction.
3. Ensure that the Order is provided to authorised staff at each Approved Centre, including invigilators, in the period leading up to a relevant public examination.

4. Where possible, send a copy of the Order by link to users on Telegram or into channels on Telegram where the relevant person(s) appear to be intending to breach the Claimant's confidence or intellectual property rights in the way that the injunction is seeking to protect.