

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

BEFORE: Mr Justice Edwin Johnson

DATE: 30 April 2026

B E T W E E N

Claim No. BL-2025-000674



BL-2024-000674

(1) PEARSON EDUCATION LIMITED

Claimant / Applicant

and

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),

Defendants/Respondents

ORDER

PENAL NOTICE

IF YOU, 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 for an injunction pursuant to s.37 Senior Courts Act 1981 and the jurisdiction confirmed and clarified in *Wolverhampton City Council v London Gypsies and Travellers* [2023] UKSC 47 [2024] AC 983, by an application notice dated 17 December 2025

AND UPON reading the Ninth, Tenth, and Eleventh Witness Statements of Nathaniel Philip Capone dated, respectively, 17 December 2025, 1 April 2026 and 29 April 2026

AND UPON hearing of the reasonable steps which the Claimant has taken to ensure that 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 the Claimant 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 the Claimant 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 Alicia Lawson 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. 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.
2. This order does not affect persons domiciled outside of the United Kingdom.
3. This injunction shall be reviewed by the Court at a hearing to be fixed in the period 10 to 31 January 2028 (the "**Review Date**"). The Claimant must apply for the Review Date hearing in due course.
4. Until the relevant Sitting Date for a public examination or 1 February 2028 or until further order, whichever is sooner, 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.

5. Paragraph 4 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.
6. Paragraph 4 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.
7. Paragraph 4 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).
8. Without prejudice to the Claimant's other respective intellectual property rights, Paragraph 4 does not restrict any person from dealing with Confidential Information in respect of a public examination after the Sitting Date for that public examination.
9. Any person with notice of this injunction 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.
10. Any person with notice of this injunction has liberty to apply to be joined to the proceedings.
11. No acknowledgment of service, admission or defence is required to exercise the liberties to apply conferred by paragraphs 9 and 10.
12. Without prejudice to paragraph 6 of the Privacy and Service Order of Robin Vos dated 14 May 2025:

- (1) The Claimant is not required to provide any person with the Second and Fourth Witness Statements of Nathaniel Philip Capone, dated 9 and 13 May 2025 respectively, or the exhibits thereto, (together, the “**Confidential Evidence**”) unless the person who is requesting that information self-identifies;
- (2) A person self-identifies in accordance with the previous subparagraph if that person provides to the Claimant’s legal representatives in writing their full name and a postal address (other than a PO Box) within the United Kingdom at which they may be served. The postal address must comply with the requirements of CPR 6.23(2).
- (3) On a person purporting to self-identify, the Claimant shall be required to provide the Confidential Evidence to that person, which the Claimant may do by post to the address given by the relevant person notwithstanding that the person might express a preference for provision by other means;
- (4) If, however, the Claimant reasonably believes that the postal address provided by a relevant person would not be a compliant address for service (if one had to be provided in accordance with CPR 6.23(2)), or if the Claimant has a reasonable concern about providing the Confidential Evidence to the person who seeks it, then the Claimant must explain this promptly to the relevant person; and
- (5) If the Claimant provides an explanation in accordance with the previous sub-paragraph, then the Claimant shall not be required to provide the relevant person with the Confidential Evidence pending further order of the Court so long as the Claimant proceeds to make an application seeking directions in respect of this within 3 working days of providing the relevant person with the explanation referred to in the previous sub-paragraph.

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

Attn. Nathan Capone:

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SCHEDULE A

The First Claimant undertakes that it will:

1. Display notice of the Order on and allow a copy to be downloaded from the First Claimant'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. Take all reasonable steps to 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, TikTok or Discord when the First Claimant becomes aware that the relevant person(s) appear to be intending to breach the First Claimant's confidence or intellectual property rights in the way that the injunction is seeking to protect.