

Damian Collins MP  
Chair, Digital, Culture, Media and Sport Committee  
House of Commons  
London SW1A 0AA

4 September 2018  
Via Email

Dear Mr Collins,

As you are aware, viagogo's Head of Business Development and Sales, Cristopher Miller, is scheduled to give evidence before your Committee this Wednesday. We greatly appreciate the invitation you extended to us and welcome the opportunity to set out why we passionately believe the secondary ticketing market benefits consumers by making events more accessible, curbing black-market sellers and providing a safe and secure platform for consumers to purchase tickets.

Before agreeing to give oral evidence, our lawyers wrote a letter to the Committee on 19<sup>th</sup> July which noted that the Competition and Markets Authority's (CMA) investigation into the secondary ticketing industry would materially constrain the oral evidence we would be able to give. Your clerks argued by way of reply that the fact of the CMA investigation does not engage the sub-judice resolution of the House of Commons, and we therefore accepted your invitation for Mr Miller to attend.

Since this decision, however, the CMA has decided to formally pursue legal action against us. In addition, we have considered it necessary to litigate against Kilimanjaro Live - the founder of which will be appearing in the oral evidence session preceding Mr Miller's - for practices we regard as unlawful. Specifically, we believe Kilimanjaro Live created unlawful contracts, fraudulently posed as viagogo employees and retained the revenues from charging twice for the same place at events.

These developments would require Mr Miller to address matters that are awaiting adjudication in a court of law, therefore in our view contravening the sub-judice rules confirmed by the House of Commons in 2001. However, we fully intend to submit further written evidence to the Committee after the hearing and hope we can cover all of what you and the other members of the Committee raise tomorrow.

It is regrettable that our ability to provide oral evidence to the Committee is constrained at this particular juncture. We greatly respect the important role that the DCMS Select Committee plays and appreciated the opportunity for our Chief Executive to provide oral evidence to the Committee in the past. We would also like to place on the record our sincere apologies for our failure to attend at your request the hearing in 2017, this is something we regret and we had hoped that an appearance by a viagogo colleague on Wednesday would go some way to re-establishing relations with your Committee. We very much hope it can be arranged for us to attend a future hearing once the issues with respect to the CMA are successfully resolved.

In addition to the above, if there is anything else we can do to assist in the Committee's work please let us know.

Kind regards,



Prabhat Shah  
Director, viagogo AG



# Digital, Culture, Media and Sport Committee

House of Commons, London SW1A 0AA  
Tel 020 7219 6120 website [www.parliament.uk/cmscom](http://www.parliament.uk/cmscom)

Prabhat Shah  
Director, viagogo AG  
By email

5 September 2018

Dear Mr Shah,

## Today's evidence session

I was very disappointed to receive your letter at 11pm last night.

There are no material obstacles to proceeding with the session, from either the CMA's or the House's perspective. The CMA has told us—in writing—that it has no objection to the Committee taking evidence, providing that we exercise care over the information shared and discussed in the session about court proceedings. The session does not fall within the scope of the House's sub judice resolution. No papers have been served and no date set, for a trial or even a case management hearing. Indeed, even the scope of the proceedings is not yet known.

The same applies to the Kilimanjaro Live case which, in any case, is reported to be being taken through the German courts.

This is familiar practice for the Committee; during our Fake News inquiry in May and June we took evidence from a number of witnesses facing the prospect of court action.

We plan to proceed with your session at 3.30pm. Any non-appearance will be treated as a gross discourtesy, the more so given your failure to appear last year.

Your place will be set out and the questions put. A large press audience is expected and the session will be broadcast live over the internet. Many of viagogo's customers will be watching the session. I am sure you will be as eager as we are to avoid the public embarrassment that your non-appearance would engender.

Should viagogo fail to appear, I intend to place our correspondence in the public domain.

**DAMIAN COLLINS MP, CHAIR, DCMS COMMITTEE**