



AMERICA'S CUP 32

AMERICA'S CUP JURY JURY NOTICE JN055

14th December 2006
Victory Challenge
Request for Branding Approval
Jury Decision ACJ022



To: Challengers and Defender, ACM, Chief Measurer (“Parties”)

Applicant: Gamla Stans Yacht Sällskap - Stockholm represented by Victory Challenge (“Victory Challenge”)

An Application in respect of the Protocol governing the 32nd America’s Cup

AND

An Application filed by Victory Challenge pursuant to Article 10.13 of the Protocol concerning the branding of its yacht SWE 96

The Application

- [1] On 25th November 2006 Victory Challenge filed a submission requesting approval for branding of its yacht SWE 96.
- [2] The submission was made pursuant to Article 10.13 of the Protocol and included a separate exhibit showing two pictures of the proposed branding and the measurements of the name and logos on the hull.

Jury Notice JN053

- [3] On 28th November 2006, the Jury issued a Jury Notice JN053 which included directions and a timetable. Jury Notice JN053 provided:

“[1] Victory Challenge on 25th November 2006 filed a submission requesting approval for branding of its yacht SWE 96.

[2] The submission was made pursuant to Article 10.13 of the Protocol. The submission also included a separate exhibit 1 showing two pictures of the proposed branding and the measurements of the name and logos on the hull.

Directions and Timetable

[3] Parties wishing to respond to the Application must do so by the 8th December 2006.

[4] Submissions in response are requested to include views on whether or not the colour/colour scheme of the hull in the context of the Application constitutes advertising with reference to the definition of Advertising contained in Article 1.1(d) of the Protocol and in the context of Articles 10.8 and 10.9 of the Protocol.

[5] Victory Challenge may respond to any submissions by the other Parties by the 12th December 2006.

Case AJC015

[6] In providing any response or reply parties may wish to consider case ACJ015 which involved an Application by Mascalzone Latino – Capitalia Team in respect of advertising on a yacht's mainsail under the Protocol provisions.

No Further responses

[7] Unless the Jury directs otherwise there will not be any further opportunity to respond or reply to this Application other than as provided for within the above timetable."

No Submissions in Response

[4] No submissions in response to the Application were received.

Victory Challenge Right to Respond

[5] Jury Notice JN053 gave Victory Challenge the opportunity to respond to any submissions by the other parties by the 12th December 2006. No other party made a response to the Application and accordingly no further submissions were filed by Victory Challenge.

Decision

[6] Article 10.8(a) of the Protocol provides that in respect of the Hull:

"(a) Advertising on the Hull is permitted in an area not to exceed ten (10) square meters on each side (a "side" is the area from the centreline of the Hull to the sheerline)..."

[7] Article 10.8(b) of the Protocol provides:

"(b) Article 10.8(a) notwithstanding, the Hull may be of any colour or combination of colours, and such colour schemes (as opposed to logos or lettering) shall not constitute advertising."

[8] The background colour of the Hull identified in the Exhibits attached to Victory Challenge's Application is predominately blue. Also depicted is a combination of other colours including a depiction of a bull on the bow of the boat. Victory

Challenge has submitted that other than the Red Bull name itself and the depiction of the bull it has excluded the other colours of the hull in calculating whether it meets the total area requirement contained in Article 10.8(a) of the Protocol.

- [9] The Jury considers that the colours outside the depicted rectangular areas of the Red Bull name and the depiction of the bull do not constitute advertising as they are merely a combination of colours and are permitted by Article 10.8(b) of the Protocol. The name of the yacht and its burgee are permitted by Article 10.8(c) of the Protocol.
- [10] Pursuant to Article 10.13 of the Protocol the Jury approves the branding as submitted in Victory Challenge's Application. Victory Challenge must ensure that such branding, when it is placed on their yacht, does not exceed the size limits provided for in Article 10.8(a) of the Protocol.

Costs

- [11] In terms of the Jury Guidelines for the Award of Costs, the Application is specific to the nature of the branding proposed and is particular to the commercial opportunities available to Victory Challenge with regard to its sponsor. The Jury awards costs of €4000, such payment to be made by Victory Challenge to the Event Authority within thirty (30) days of the date of this decision.

Summary of Decision

- [12] Victory Challenge's Application for branding is approved pursuant to Article 10.13 of the Protocol.

A handwritten signature in black ink that reads "Bryan Willis". The signature is written in a cursive style with a large, sweeping initial 'B'.

Bryan Willis

America's Cup Jury:
Graham McKenzie, Henry Menin, Professor Henry Peter, David Tillett, Bryan Willis (chairman)