



SOCIÉTÉ NAUTIQUE DE GENÈVE

International Sailing Federation
Vice President David Kellet
General Secretary Jérôme Pels
Ariadne House
Town Quay
Southampton
Hampshire
SO14 2AQ
United Kingdom

Geneva, 16 September 2009

ISAF-SNG Agreement dated 5 June 2009

Dear Sirs,

We write in connection with the above-referenced ISAF-SNG agreement to update you on the current situation regarding the 33rd America's Cup.

In our litigation against GGYC, Justice Kornreich issued an Order and Decision on July 29, 2009, in which the New York Supreme Court confirmed that SNG's rules will govern the 33rd Cup and that SNG has the right to issue and modify these rules until the commencement of the 33rd America's Cup races.

As the organizing authority for the 33rd America's Cup, we have been working over the past months to draft a Notice of Race. The Notice of Race will be issued no later than November 6, 2009. The Sailing Instructions will be released no later than January 8, 2010.

Further to the agreement signed with the International Sailing Federation (ISAF) on 5th June 2009 and as stated in the joint press release on 17th July 2009, Societe Nautique de Geneve (SNG) had agreed that:

- the 33rd America's Cup Match will be conducted under the Deed of Gift provisions, the SNG Rules, the current ISAF Racing Rules of Sailing and ISAF Regulations as required by the Deed of Gift.
- any changes to the ISAF Rules and Regulations not already covered by provisions within the ISAF Rules and Regulations will require sanction from ISAF.
- the Principal Race Officer, International Jury members and International Umpires (if used) will be suitably qualified personnel and independently appointed by ISAF.





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Further to the above, at this stage, we are able to confirm the following additional points:

1. Article 4 - SNG itself will likely be the organizing authority.
2. Article 5(a) - The reservation of rights to make changes requiring a RRS 86.2 letter is not likely to be used. In any case, we understood that the exercise of such right would require your authorisation as per ISAF Regulation 31.1.3 and that such authorisation might be withheld.
3. Article 7 – We understood that any requests by the organising authority for confidential opinions of officials would be as provided for in the ISAF Racing Rules of Sailing (e.g., rule N2), the ISAF Race Management Manual and the ISAF Judges Manual.
4. Article 8 - We request that ISAF appoint the International Jury members and the International Umpires (if used) promptly after issuance of the Notice of Race on November 6, 2009, taking into consideration our joint press release, nationality, the differing languages of the competing clubs, experience in the America's Cup officiating and the type of craft. We hope that your appointment of such officials can be made by ISAF as early as December 15, 2009.
5. Article 11 – This confidentiality clause seems no longer necessary. We agree that such provision be waived in its entirety and that both ISAF and SNG are released from any confidentiality obligations under this agreement.

Yours sincerely

Fred Meyer
Vice-Commodore
America's Cup Committee Chairman

Alec Tournier
General Secretary

