



**33<sup>rd</sup> America's Cup Match**  
(“Match”)

**From 1<sup>st</sup> February 2010 to 25<sup>th</sup> February 2010\***

**Société Nautique de Genève**  
(“Organising Authority”)

**Valencia, Spain**

**NOTICE OF RACE**  
(“NOR”)

**1. RULES**

- 1.1 In accordance with the terms of the Deed of Gift which requires in the absence of mutual consent the Match be governed by SNG's “*rules and sailing regulations so far as they do not conflict with the provisions of this Deed of gift*”, the Match will be governed by the following:
- (a) The Deed of Gift dated 24th October 1887 as amended by the orders of the Supreme Court of the State of New York dated 17th December 1956, 20<sup>th</sup> September 1984, and 5<sup>th</sup> April 1985;
  - (b) this Notice of Race published by the Organising Authority pursuant to RRS 89;
  - (c) the Sailing Instructions to be published by the Race Committee pursuant to RRS 90.2;
  - (d) the Racing Rules of Sailing for 2009-2012 (“RRS”) as amended by the documents precedent and by this NOR;
  - (e) the Prescriptions of Swiss Sailing as set out in Attachment 1 of this NOR with an English translation; and
  - (f) ISAF Addendum Q (Umpired Fleet Racing) as published by ISAF as at the date of this NOR shall apply; (A copy of Addendum Q as at the date of this NOR is attached to this NOR as Attachment 2)

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\* Subject to NOR 6.4

provided it is approved by ISAF, or the International Jury before the issue of the Sailing Instructions; if not so approved, ISAF Addendum Q shall not apply, there shall be no umpires, and Appendix C shall not apply.

- 1.2 Any conflict in the rules shall be resolved by applying the rule in the first listed document above which shall prevail over a conflicting rule in a subsequently listed document.
- 1.3 A copy of all the above documents and rules will be available at [www.americascup.com](http://www.americascup.com) except that any document published by ISAF is available on ISAF's website at [www.sailing.org](http://www.sailing.org).
- 1.4 For the avoidance of doubt:
  - (a) RRS Appendices A, B, C, D, and E shall not apply;
  - (b) The ISAF Equipment Rules of Sailing 2009 – 2012 shall not apply;
  - (c) ISAF Regulations shall not apply, unless stated to apply in this Notice of Race or the Sailing Instructions;
  - (d) All past trustee interpretative resolutions issued prior to 2 March 2003 were repealed by SNG in 2003 and are of no further effect;
  - (e) Any changes to the RRS including to Addendum Q, to any ISAF Regulation, or to the prescriptions of Swiss Sailing, made after the date of issue of this NOR shall not apply to the Match unless adopted by an amendment to this NOR or in the Sailing Instructions;
  - (f) The Prescriptions of the ISAF Member National Authority of the venue of the Match shall not apply.
- 1.5 The RRS will be changed (or applied) in the Sailing Instructions as follows:
  - (a) The amendments made to the RRS by ISAF Addendum Q (if approved pursuant to NOR 1.1).
  - (b) RRS 41 will be amended to permit communications to and from the Umpires (to be appointed if Addendum Q is to be used) and Race Committee to the competing boats via equipment to be provided by the Race Committee, the use of GPS devices, low power onboard communication systems, use of onboard laser, radar and other detection equipment operated solely from onboard, the operation of

onboard event broadcast equipment. RRS 41(c) and RRS 41 (d) will be deleted.

- (c) RRS 47.2 will be replaced with:  
“A person leaving the boat accidentally may be returned to the boat without penalty”
  - (d) RRS 49 to RRS 54 (inclusive) are deleted. For the avoidance of doubt anything that may have been prohibited by such rules is permitted.
  - (e) RRS 62.1 will be altered by adding:  
“(e) an illegal or accidental action by a third party that causes serious damage to a yacht “
  - (f) RRS 63.3(a) is modified to permit the parties to a hearing each to have more than one representative who need not have been on board at the time of the incident.
  - (g) RRS 78 shall be amended so that a reference to “class rules” in RRS 78 shall be a reference to and compliance with the respective measurement requirements specified in NOR 7.
  - (h) Pursuant to RRS 86.1(b) the Sailing Instructions will change to “four” the number of boat lengths determining a zone around marks for all marks and boats.
- 1.6 The changes to the RRS will appear in full in the Sailing Instructions. The Sailing Instructions may also change other racing rules.
- 1.7 If there is a conflict between languages, the English text will take precedence.
- 1.8 Attention is drawn to RRS 3 (Acceptance of the Rules) of Part 1 (Fundamental Rules), which provides that by participating in a race conducted under ISAF RRS each competitor and boat owner agrees:
- (a) to be governed by the *rules*, (as such word is defined in the RRS);
  - (b) to accept the penalties imposed and other action taken under the rules, subject to the appeal as the final determination of any matter arising under the *rules*; and
  - (c) with respect to any determination, not to resort to any court of law or tribunal.

## **2. ADVERTISING**

ISAF Regulation 20 shall apply. ISAF has given its written agreement to boats displaying advertising in accordance with ISAF Regulation 20.6.4. Competing boats may be required to display advertising chosen and supplied by the organizing authority in accordance with and as permitted by ISAF Regulation 20 as follows:

- (a) On the first 20% of the forward part of each side of each hull;
- (b) The foremost 20% of each side of the mainsail boom (subject to ISAF Regulation 20.9(b)(i)); and
- (c) an event sponsors flag to be carried throughout the event including when the boat is in harbour or shore.

## **3. ELIGIBILITY AND ENTRY**

The regatta shall be open to the yacht “USA” as described and defined in an undated certificate which accompanied the Notice of Challenge delivered to Société Nautique de Genève (“SNG”) by Golden Gate Yacht Club (“GGYC”) dated 11<sup>th</sup> July 2007 and in the Certificate of Documentation provided to SNG as its Customs House Registry; and a yacht or vessel which shall be nominated prior to the start of the first race, representing SNG as the Defender. There shall be no other entries.

## **4. CLASSIFICATION**

The ISAF sailor classification code shall not apply.

## **5. FEES**

No entry fees are payable.

## **6. SCHEDULE**

### **6.1 Registration**

No competitor registration is required.

## 6.2 Measurement and Inspection

### Days and dates

- (a) GYYC shall present the *USA* for measurement, and SNG shall present for measurement at least one yacht it may select prior to the first race, as reasonably required by the measurer between February 1, 2010 to February 6, 2010 from 0900 to 1800hrs;
- (b) The Measurer may extend such periods as reasonably required to complete any measurement.
- (c) A competitor may arrange an earlier measurement by mutual agreement with the Measurer and the Organising Authority prior to the above periods.

## 6.3 Dates of racing

Monday 8 <sup>th</sup> February 2010	First Race
Wednesday 10 <sup>th</sup> February 2010	Second Race
Friday 12 <sup>th</sup> February 2010 (if required)	Third race (If required)
15 <sup>th</sup> February 2010 to the 25 <sup>th</sup> February 2010* (inclusive)	Reserve Days

## 6.4 Additional Reserve Days

The Race Committee shall add at any time any number of additional Reserve Days as may be necessary to determine a winner of the Match. Unless mutually agreed by both competitors, at least one (1) working day shall always intervene between each race.

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\* Subject to NOR 6.4

## **6.5 Number of Races**

There shall be a minimum of two (2) races and a maximum of three (3) races. The first to win two races shall be declared the winner of the Match.

If a race is a dead heat, no boat finishes, both boats are disqualified, or one boat fails to finish and the other is disqualified, the race shall be re-sailed.

## **6.6 Scheduled Warning Signal Time**

As provided in RRS J1.1(5), the scheduled time of the warning signal for each race is yet to be determined and is unknown at the time of issue of this NOR, but will be specified in the Sailing Instructions. The warning signal shall not be prior to 0800hrs or after 1630hrs (local time).

## **6.7 Wind and Wave Height Limits**

To ensure the safety of competitors, officials and spectators, and taking into account the length of the courses to be sailed and the nature of the boats, RRS 27 and RRS 32 shall apply. It is anticipated that races shall be sailed in winds having a windspeed of not more than 15 knots, and in waves of not more than 1 metre in height.

## **7. MEASUREMENTS**

7.1 The Organising Authority shall appoint an ISAF qualified international measurer. The measurer may engage assistants to assist the measurer in the taking of measurements and in administration.

7.2 The Measurer shall determine the following:

- (a) Whether the boat representing SNG, has a length on load waterline of between 44 feet and 90 feet if it has one mast, and 80 feet and 115 feet if it has more than one mast;
- (b) Whether the boat representing the GGYC conforms to the description and has dimensions specified in its Notice of Challenge dated 11 July 2007 and its Certificate of Documentation provided to SNG by GGYC as its "customs house registry" namely;
  - (i) it is the "USA";
  - (ii) has a rig of a single mast and is sloop rigged;
  - (iii) a length on load waterline of 90 feet;

- (iv) a beam at load waterline of 90 feet;
- (v) an extreme beam of 90 feet;
- (vi) a draught of water (hull draught) of 3 feet; and
- (vii) a draught of water (boards down) of 20 feet.

7.3 Measurement shall be undertaken as set in documents provided to GGYC by SNG prior to the issue of this NOR but subject to any modification made by order of the Supreme Court of the State of New York. Copies of such documents are attached in Attachment 3 of this NOR.

7.4 If a boat does not conform to the respective requirements in NOR 7.2, the Measurer shall in compliance with RRS 78.3 issue a report to the Race Committee. The Race Committee shall protest the boat as required by RRS 60.2.

7.5 (a) A boat's crew shall provide all assistance as may be reasonably requested by the measurer for any measurement or inspection.

(b) Should the measurer be unable to complete a boat's measurement prior to the dates mentioned herein due to causes beyond the reasonable control of the boat, the International Jury, after reviewing the circumstances, may grant additional time sufficient for the measurement to be completed.

(c) In the event that the measurer is unable to obtain a measurement which is considered accurate before a race, a remeasurement shall be taken as soon as possible after the race, and a boat so remeasured shall forfeit any race won while she failed to properly measure and the race shall be awarded to the other boat.

(d) "Equipment" in RRS 47.1 shall not include movable and variable water ballast

7.6 Post race inspections of a boat for compliance with NOR 7.2 above, may be carried out by the measurer. In the event of such inspection nothing shall be taken on board or removed from the boat without the express permission of the Measurer. A substitution of dry for wet sails and a reasonable time to dry the boat shall be permitted.

7.7 No alterations may be made to a boat after measurement, which may materially alter its measured dimensions without being reported to the Measurer who shall determine if the boat is to be remeasured or not. For the avoidance of doubt the taking on or the discharge of water ballast by a boat shall not be an alternation requiring reporting to the Measurer or require remeasurement.

## **8. SAILING INSTRUCTIONS**

The Sailing Instructions will be available no later than after 1800 hours 8<sup>th</sup> January 2010 and will be available at the office of the Race Committee to be established at the venue.

## **9. VENUE**

The marks of the races shall be within an area bounded by the coast and the following coordinates:

- (a) from the Port of Valencia, Valencia, Spain, northwards along the coast to the point of intersection with Latitude 039° 52.0' North;
- (b) thence East along Latitude 039° 52.0' North to the point of intersection with Longitude 000° 27.5' East;
- (c) thence South along Longitude 000° 27.5' East to the point of intersection with Latitude 038° 58.0' North;
- (d) thence West along Latitude 038° 58.0' North to the point of intersection with the coast in the vicinity of Gandia; and.
- (e) thence northwards along the coast, returning to the place of beginning at the Port of Valencia, Valencia, Spain.

A Marine Traffic Corridor for the passage of commercial port traffic to and from the Port of Valencia will be established by the maritime authorities. The Marine Traffic Corridor will include transit channels, pilot boarding areas, and marine anchorage areas for commercial traffic. Competitors will be advised of the Marine Traffic Corridor location and regulations as soon as these are promulgated.

When established, Competitors may transit the Marine Traffic Corridor during their training not interfering with the commercial and pilot traffic and complying with COLREGS, but are not to establish training courses within the Corridor.

In addition, it may be necessary to temporarily restrict the use of certain parts of the Race Area to allow for marine traffic involved in the expansion of the harbor breakwater. Competitors will be notified when these restrictions are to be in effect.

Attachment 4 shows the location of the racing area.



## 10. THE COURSES

The courses to be sailed will be as follows:

- (a) **The first race:** twenty (20) nautical miles to windward and return;
- (b) **The second race:** an equilateral triangular race of thirty nine (39) nautical miles, the first side of which shall be a beat to windward; and
- (c) **The third race:** (if required) twenty (20) nautical miles to windward and return.

If a race is re-sailed, the course shall not alter.

## 11. SCORING

The winner of the 33<sup>rd</sup> America's Cup Match shall be the first boat to win two (2) races.

## 12. SUPPORT BOATS

Support boats of the competitors shall be clearly marked with the name of the respective competitor. There will be restrictions on the number, positioning, and movement of competitors support boats in the Sailing Instructions.

## 13. BERTHING

Boats shall be kept in their assigned places in the Darsena or in the outer Harbour of Valencia as notified in the Sailing Instructions.

## 14. RADIO COMMUNICATION

Except in an emergency, a boat shall not make any radio or any other transmissions while racing, or receive any radio or other transmissions except as permitted by RRS 41 as amended by the Sailing Instructions. This restriction also applies to mobile telephones or any other form of communication.

## **15. PRIZES**

The winner shall be presented with possession the America's Cup to be held in accordance with the terms of the Deed of Gift dated 24<sup>th</sup> October 1887. In the event GGYC win the Match, an Assignment and Acceptance shall be executed by SNG and GGYC in the form required by the Deed of Gift, prior to presentation.

## **16. DISCLAIMER OF LIABILITY**

Competitors participate in the Match entirely at their own risk. See RRS 4 – “Decision to Race”. The organizing authority will not accept any liability for material damage or personal injury or death sustained in conjunction with or prior to, during, or after the regatta.

## **17. INTERNATIONAL JURY**

- 17.1 There shall be an International Jury to be appointed as prescribed in the ISAF Regulations and RRS 91.(b).
- 17.2 The functions of the International Jury shall be as set out in RRS Appendix N.
- 17.3 The International Jury shall be entitled to resolve any dispute arising under any of the documents referred to in NOR 1.1, at the request of a competitor or the race committee.
- 17.4 The decisions and interpretations of the International Jury shall be final and binding on the competitors in accordance with RRS 70.5, and there shall be no appeal from the decisions of the International Jury. In accordance with Fundamental Rule RRS 3 (c) no competitor shall resort to any court or other tribunal.

## **18. UMPIRES**

If Addendum Q is to be used, ISAF shall appoint ISAF qualified international umpires.

## **19. ANTI-DOPING**

The Match shall be subject to anti doping rules as may be notified by IASF and advised in the Sailing Instructions.

**20. FURTHER INFORMATION**

For further information please contact Mr. Fred Meyer, Chairman America's Cup Committee, Vice-Commodore SNG, at SNG Port Noir, Cologny, Geneva, Telephone: +41 22 707 0500, email: [admin@nautique.org](mailto:admin@nautique.org).

**21. MEDIA RIGHTS**

ISAF as the first owner of all the media rights in the Match pursuant to ISAF Regulation 18.15.1 have licensed all such rights to the Organising Authority. No competitor shall directly or indirectly limit the media rights of the organising authority in any manner or by any means.

**22. DATE OF ISSUE**

This NOR is dated and issued the 10th day of November 2009.

## Attachment 1 Swiss National Authority Prescriptions (NOR1.1(d))

**Prescriptions de Swiss-Sailing (en accord avec les fédérations allemande et autrichienne):**

### **Introduction:**

Insérer après les codes ISAF:

Supplément Swiss Sailing:

Swiss Sailing établit les prescriptions d'application aux codes de l'ISAF

### **5ème partie**

Insérer après la règle 60:

Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

Aucun droit ne peut être exigé pour le dépôt d'une réclamation.

Insérer après la règle 64.3.b:

Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

L'autorité compétente pour établir les faits est un jugeur reconnu par l'autorité nationale.

Lorsque les constatations du jugeur ne suffisent pas au Jury ~~comité de réclamation~~ à trancher le litige, la réclamation doit être soumise sans délai à l'autorité nationale compétente

Insérer après la règle 64.3.d:

Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

Le Jury ~~comité de réclamation~~ peut demander aux parties de dans la réclamation,

préalablement aux opérations de contrôle, une caution couvrant le coût des vérifications consécutives à une réclamation ~~protestation~~ portant sur la jauge.

Insérer après la règle 65.2:

Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

Au cas où une partie de à la réclamation demande à recevoir la décision par écrit et en conformité aux dispositions de la règle 65.1, ce document doit parvenir à son destinataire dans les 15 jours. Passé ce délai et en l'absence du document demandé, la partie peut interjeter un appel dans les 15 jours suivants.

Insérer après la règle 68:

Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

Dans le cas sortant des limites des règles de course, la responsabilité du propriétaire est engagée selon les lois civiles en vigueur: La participation à une régata se fait aux risques et périls du concurrent. La responsabilité d'un ou des membres de l'autorité organisatrice ne peut être engagée. Le comité de course ou le comité de réclamation n'est pas compétent pour statuer sur des demandes d'indemnité.

Le but de cette règle est d'éviter les dégâts entre bateaux. Chaque concurrent, consent avec sa participation à une régata soumise aux RCV, que pour des dégâts résultant d'une infraction aux règles, une exclusion de sa responsabilité n'est pas envisageable.

Insérer après la règle 70.5.a:

Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

L'autorité nationale compétente doit donner son accord.

Insérer après la règle 70.6:  
Supplément des fédérations allemande, autrichienne et de Swiss Sailing:  
En cas d'appel une taxe sera perçue. Son paiement accompagnera l'envoi de l'appel à l'autorité nationale responsable.

#### **6ème partie**

Insérer après la règle 78:  
Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

Les bateaux des classes internationales et des classes reconnues par l'autorité nationale respective ne peuvent participer à une régates que s'ils sont au bénéfice d'un certificat de jauge valable ou d'une carte de conformité valable établi(e) par le fabricant selon les règles de la classe. Le responsable du bateau doit s'assurer que son voilier est conforme à l'ordonnance fédérale.

#### **7ème partie**

Insérer après la règle 86.3:  
Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

Une autorité organisatrice qui désire modifier une règle dans le but de développer ou expérimenter de nouvelles règles doit obtenir au préalable de l'autorité nationale une autorisation écrite, qui devra être mentionnée dans l'avis de course et les instructions de course.

Insérer après la règle 88.2:  
Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

Les prescriptions de l'autorité nationale ne peuvent être modifiées. Les restrictions de modifications d'autres règles sont réglées directement dans ces prescriptions.

Insérer après la règle 89.1.c:  
Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

La responsabilité de l'organisation des régates est réservée aux membres ordinaires de l'autorité nationale.

#### **Annexes**

Insérer après annexe M:  
Supplément des fédérations allemande, autrichienne et de Swiss Sailing:

Les fédérations recommandent au moins 3 juges pour constituer un jury indépendant. Pour des régates d'importance nationale ou internationale, un des juges au moins devrait être juge « national » reconnu respectivement « licencié » par les autorités nationales respectives.

## English Translation

### Racing Rules of Sailing, 2009–2012

#### Swiss Sailing Provisions (in accordance with the German and Austrian federations):

##### Introduction:

To be inserted after the ISAF codes:

Swiss Sailing Additional Text:

Swiss Sailing has established the provisions for application to the ISAF codes

##### Part 5

Insert after Rule 60:

Additional text offered by the German, Austrian and Swiss Sailing federations:

No right shall be required in order to file a claim.

To be inserted after rule 64.3.b:

Additional text entered by the German, Austrian and Swiss Sailing federations:

The authority possessing competence to establish facts shall be a measurement official recognized by the national authority. When the findings of the measurement official do not prove sufficient to allow the ~~claims committee~~ Jury to settle the dispute, the claim must be submitted forthwith to the competent national authority.

To be inserted after Rule 64.3.d:

Additional text entered by the German, Austrian and Swiss Sailing federations:

The Jury ~~claims committee~~ may, prior to the supervisory operations, ask the parties to involved in the claim to submit a guarantee deposit to cover the cost of the inquiries following a claim ~~protest~~ relating to the measurement.

To be inserted after Rule 65.2:

Additional text entered by the German, Austrian and Swiss Sailing federations:

In the event that a party to the claim wishes to receive the decision in writing and pursuant to the provisions of Rule 65.1, this document shall reach the addressee within two weeks. When this deadline is exceeded and in the absence of the requested document, the party may lodge an appeal within the following two weeks.

To be inserted after Rule 68:

Additional text entered by the German, Austrian and Swiss Sailing federations:

In instances that fall outside the scope of the racing rules, the liability of the owner shall be triggered in accordance with the civil laws in force. Participation in a regatta shall occur at the risk and peril of the competitor. The liability of any member or members of the organizing body may not be advanced. The racing and claims committees shall not be competent to rule on requests for indemnification. The purpose of this rule is to avoid damage caused by one boat to another. Each competitor hereby agrees that, by virtue of his/her participation in a regatta governed by the Racing Rules of Sailing, as regards damage suffered as a result of a violation of the rules, the exclusion of his/her liability may not be removed from potential consideration.

To be inserted after Rule 70.5.a:

Additional text entered by the German, Austrian and Swiss Sailing federations:

The competent national authority must give its consent.

To be inserted after Rule 70.6:

Additional text entered by the German, Austrian and Swiss Sailing federations:

In the event of appeal, a tax shall be collected. The payment thereof shall accompany the transmission of the appeal to the national authority responsible for the matter.

## **Part 6**

To be inserted after Rule 78:

Additional text entered by the German, Austrian and Swiss Sailing federations:

Boats belonging to international classes and to classes recognized by the relevant national authority may take part in a regatta only if they carry a valid measurement certificate or compliance card made out by the builder in accordance with the rules of the relevant class. The person responsible for the yacht must ensure that his/her sailboat complies with the federal order.

## **Part 7**

To be inserted after Rule 86.3:

Additional text entered by the German, Austrian and Swiss Sailing federations:

Any organizing body that wishes to amend a rule for the purpose of devising or trying out new rules must first secure a written authorization from the national authority, which must be cited in the race notification and instructions.

To be inserted after Rule 88.2:

Additional text entered by the German, Austrian and Swiss Sailing federations:

The provisions of the national authority may not be amended. Restrictions placed on amendments made to other rules shall be set forth directly in said provisions.

To be inserted after Rule 89.1.c:

Additional text entered by the German, Austrian and Swiss Sailing federations:

Responsibility for organizing regattas shall be reserved to the ordinary members of the national authority.

## **Appendices**

To be inserted after Appendix M:

Additional text entered by the German, Austrian and Swiss Sailing federations:

The federations recommend that at least three judges make up an independent jury. For regattas of a national or international scope, at least one of these judges should be a "national" judge who is recognized as "licensed" by the respective national authorities.

## Attachment 2

### ISAF Addendum Q (NOR 1.1(f))

# ADDENDUM Q

## UMPIRED FLEET RACING

These sailing instructions change the definitions Finish, Proper Course and Protest, and rules 20.1, 28.1, 44.1, 60, 61, 62, 63, 64.1, 65, 66, 70, 78.3 and B7.

#### **Q1 CHANGES TO RACING RULES**

##### **Q1.1 Changes to the Definitions and the Rules of Part 2**

- (a) The definition Finish is changed to

A boat *finishes* when any part of her hull, or crew or equipment in normal position, crosses the finishing line in the direction of the course from the last *mark*, either for the first time or after completing any penalties or, under rule 28.1, after correcting an error made at the finishing line.

- (b) Add to the definition Proper Course: 'A boat taking a penalty or manoeuvring to take a penalty is not sailing a *proper course*.'
- (c) When rule 20.1 applies, the following arm signals are required in addition to the hails:
- (1) for 'Room to tack', repeatedly and clearly pointing to windward; and
  - (2) for 'You tack', repeatedly and clearly pointing at the other boat and waving the arm to windward.

This instruction does not apply to boards.

##### **Q1.2 Changes to Rules Involving Protests, Requests for Redress, Penalties and Exoneration**

- (a) The first sentence of rule 44.1 is replaced with: 'A boat may take a One-Turn Penalty when she may have broken a rule of Part 2 (except rule 14 when she has caused damage or injury) or rule 31 while *racing*.'
- (b) Rule 60.1 is replaced with 'A boat may protest another boat or request redress provided she complies with instructions Q2.1, Q2.4, Q5.1, Q5.2, Q5.3 and Q5.4.'
- (c) The third sentence of rule 61.1(a) and all of rule 61.1(a)(2) are deleted. Rule B7 is deleted.



- (d) Rule 64.1(c) is changed so that the provision for exonerating a boat may be applied by the umpires without a hearing, and it takes precedence over any conflicting instruction of this addendum.

## **Q2 PROTESTS AND REQUESTS FOR REDRESS BY BOATS**

- Q2.1** While racing, a boat may protest another boat under a rule of Part 2, except rule 14, but only for an incident in which she was involved, or under rule 31. To do so she shall hail 'Protest' and conspicuously display a red flag at the first reasonable opportunity for each. She shall remove the flag before, or at the first reasonable opportunity after, a boat involved in the incident has taken a voluntary penalty or after an umpire's decision. However, a board need not display a red flag.
- Q2.2** A boat that protests as provided in instruction Q2.1 is not entitled to a hearing. Instead, a boat involved in the incident may acknowledge breaking a rule by promptly taking a One-Turn Penalty. If no boat takes a penalty voluntarily, an umpire will signal a decision as provided in instruction Q3.1.
- Q2.3** At the finishing line the race committee will display each boat's sail number and her finishing place or scoring abbreviation. After this has been done for all boats, the race committee will promptly display flag B with one sound. Two minutes later flag B will be removed with one sound.
- Q2.4** A boat intending to
  - (a) protest another boat under a rule other than instruction Q3.2 or Q4.2(a), rule 42, 44 or a rule listed in instruction Q2.1,
  - (b) protest another boat under rule 14 if there was contact that caused damage or injury, or
  - (c) request redressshall hail the race committee before or during the display of flag B. The same time limit applies to consideration of redress under instructions Q5.2 and Q5.3 and to protests under instructions Q5.7 and Q5.8. The protest committee may extend the time limit if there is good reason to do so.
- Q2.5** The race committee will promptly inform the protest committee about any protests or requests for redress made under instruction Q2.4.

## **Q3 UMPIRE SIGNALS AND IMPOSED PENALTIES**

- Q3.1** An umpire will signal a decision as follows:
  - (a) A green flag or a green and white flag with one long sound means 'No penalty.'
  - (b) A red flag with one long sound means 'One or more boats are given an imposed penalty.' The umpire will hail or signal to identify each boat to be penalized.
  - (c) A black flag with one long sound means 'A boat is disqualified.' The umpire will hail or signal to identify the boat disqualified.
- Q3.2**
  - (a) A boat given an imposed penalty under instruction Q3.1(b) shall take a One-Turn Penalty.
  - (b) A boat disqualified under instruction Q3.1(c) shall promptly leave the course area.

**Q4 PENALTIES AND PROTESTS INITIATED BY AN UMPIRE; ROUNDING OR PASSING MARKS**

**Q4.1** When a boat

- (a) breaks rule 31 and does not take a penalty,
- (b) gains an advantage despite taking a penalty,
- (c) deliberately breaks a rule,
- (d) commits a breach of sportsmanship, or
- (e) fails to comply with instruction Q3.2 or to take a penalty when required to do so by an umpire,

an umpire may penalize her without a protest by another boat. The umpire may impose one or more penalties to be taken under rule 44, each signalled by displaying a red flag and hailing the boat, or disqualify her under instruction Q3.1(c), or report the incident to the protest committee for further action.

- Q4.2**
- (a) A boat shall not round or pass a mark on the wrong side. If she does so, she may correct her error as provided in rule 28.1 only if she does so before she rounds or passes the next mark or finishes.
  - (b) When a boat breaks instruction Q4.2(a) and fails to correct her error before rounding or passing the next mark or finishing, an umpire may disqualify her under instruction Q3.1(c).

- Q4.3** An umpire who decides, based on his own observation or a report received from any source, that a boat may have broken a rule, other than instruction Q3.2 or Q4.2(a) or a rule listed in instruction Q2.1, may inform the protest committee for its action under rule 60.3. However, he will not inform the protest committee of an alleged breach of rule 14 unless there is damage or injury.

**Q5 PROTESTS; REQUESTS FOR REDRESS OR REOPENING; APPEALS; OTHER PROCEEDINGS**

- Q5.1** No proceedings of any kind may be taken in relation to any action or non-action by an umpire, except as permitted in instruction Q5.2.

- Q5.2**
- (a) A boat may not base a request for redress on a claim that an action by an official boat or helicopter was improper. The protest committee may decide to consider giving redress in such circumstances if it believes that an official boat or helicopter, including an umpire boat, may have seriously interfered with a competing boat. The race committee may request the protest committee to consider this.
  - (b) A boat may not base a request for redress on a claim that an action by an umpire acting under Appendix P was incorrect. The protest committee may decide to consider giving redress in such circumstances, but only to the extent permitted by Appendix P.

- Q5.3** A boat may not request redress under rule 62.1(a). The protest committee may decide to consider giving redress under that rule if it believes that an error may have been made. The race committee may request the protest committee to consider this.

- Q5.4** A boat may not base an appeal on an alleged improper action, omission or decision of the umpires or the protest committee. In rule 66 the third sentence is changed to ‘A party to the hearing may not ask for a reopening.’

- Q5.5** (a) Protests and requests for redress need not be in writing.

- (b) The protest committee may take evidence and conduct the hearing in any way it considers appropriate and may communicate its decision orally.
- (c) If the protest committee decides that a breach of a rule has had no effect on the outcome of the race, it may impose a penalty of points or fraction of points or make another arrangement it decides is equitable, which may be to impose no penalty.

**Q5.6** The race committee will not protest a boat.

**Q5.7** The event measurement committee, or, when no event measurement committee is appointed, the event measurer or equipment inspector for the event, may protest a boat for an alleged breach of a measurement rule or rule 43.1(a) or 43.1(b).

**Q5.8** The protest committee may protest a boat under rule 60.3. However, it will not protest a boat for breaking instruction Q3.2 or Q4.2(a), a rule listed in instruction Q2.1, or rule 14 unless there is damage or injury.

## Attachment 3

### Measurement Procedures for the 33rd America's Cup (NOR 7.5)



**SOCIÉTÉ NAUTIQUE DE GENÈVE**

Mr. Marcus Young Commodore  
The Golden Gate Yacht Club  
#1 Yacht Road  
San Francisco  
California 94123  
USA

6 August 2009

#### **33<sup>rd</sup> America's Cup**

Dear Commodore,

We refer to the letter sent by Barry Ostrager to the New-York Supreme Court on July 22, 2009 a copy of which was sent to James Kearney, representing GGYC. We are pleased to issue the measurement procedures (attached to this letter). These measurement procedures will form part of the Notice of Race, which will be issued at a later date.

The purpose of the measurement will be to confirm that the dimensions of GGYC challenging vessel are the same as the dimensions certified by you, yourself as Commodore, in the Certificate of name, ownership, rig and specified dimensions, which was attached to your notice of challenge dated July 11, 2007.

The requirement to match these dimensions as measured using these procedures shall apply for measurement prior to the start of racing and for any measurement checks during the racing period.

We confirm that the same procedures shall apply to the vessel that the Defender will name on the start of the first race and which will have to comply with the dimensions of the load water-line as per the Deed of Gift requirements.

Respectfully,

Fred Meyer  
Vice-Commodore  
Chairman of America's Cup Committee

Alec Tournier  
General Secretary

**Measurement procedures for 33<sup>rd</sup> America's Cup issued by SNG**

**6 August 2009**

---

1. For the purposes of measurement, the "length on load water line" is the distance between a line perpendicular to the yacht's centre line and passing through the furthest forward point of intersection of the yacht with its water-line plane, and a line perpendicular to the yacht's centre line and passing through the aftermost point of intersection of the yacht with its water line plane.
2. For the purposes of measurement, the "beam at load waterline" is the distance between a line parallel to the yacht's centre line and passing through the furthest starboard point of intersection of the yacht with its waterline plane, and a line parallel to the yacht's centre line and passing through the furthest port point of intersection of the yacht with its water-line plane.
3. The center board(s) or sliding keel, if any, shall not be considered a part of the yacht for any purposes of measurement. The "draught of water" shall be measured with such center board(s) or sliding keels fully retracted.
4. The "length on load water line", "beam at load water-line", and "draught of water" shall be measured with the yacht in "load condition".
5. "Load condition" shall mean the yacht has on board all equipment aboard while racing and shall include all sails, spars, computers, spares, consumables, anchors, warps, safety equipment and crew. All of the above shall be in their normal position. Ballast used during measurement shall be maintained in the same location whilst racing.
6. The "extreme beam" shall be measured in accordance with the instructions published on the website of the United States Coast Guard National Vessel Documentation Center.
7. For the purposes of measurement, the yacht shall be floated in "load condition" in calm water of a specific gravity of 1.025, at the venue of the Match, at a location designated by the measurer.



**CERTIFICATE  
OF NAME, RIG AND SPECIFIED DIMENSIONS OF  
CHALLENGING VESSEL**

I, Commodore Marcus Young, certify the details set out below as to the name, rig and specified dimensions of the keel yacht to represent Golden Gate Yacht Club in a match for the America's Cup to be sailed in accordance with the Notice of Challenge herewith:

1. **Name:** *USA*
2. **Owner:** Oracle Racing, Inc.
3. **Rig:** Single-masted, sloop-rigged
4. **Dimensions:**
  - (a) Length on Load Waterline - 90 feet
  - (b) Beam at Load Waterline - 90 feet
  - (c) Extreme Beam - 90 feet
  - (d) Draught of water (hull draft) - 3 feet
  - (e) Draught of water (boards down) - 20 feet

For the Golden Gate Yacht Club,

  
\_\_\_\_\_  
Marcus Young, Commodore

  
\_\_\_\_\_  
Norbert Bajurin, Staff Commodore

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E-MAIL ADDRESS  
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BY E-MAIL

August 13, 2009

Re: *Golden Gate Yacht Club v. Société Nautique de Genève, et al.* (New York County Clerk's Index No. 602446/07)

James V. Kearney, Esq.  
Latham & Watkins LLP  
885 Third Avenue  
New York, New York 10022

Dear Counsel:

I write in response to your letter of August 11, 2009 requesting clarification as to certain measurement procedures promulgated by Société Nautique de Genève ("SNG") on August 6, 2009 (the "Measurement Procedures").

SNG remains committed to working in good faith with Golden Gate Yacht Club ("GGYC") to answer reasonable questions regarding the measurement procedures. It nevertheless remains indisputably SNG's sole right to set the rules and regulations governing the race for the 33<sup>rd</sup> America's Cup. Accordingly, nothing herein is in any way a waiver of that right.

We address what we understand to be the questions raised in the August 11 letter in turn:

(1) Please confirm that the term "water-line" in the Measurement Procedures has the same meaning as the term "waterline" defined in rule C.6.3(c) of the ISAF Equipment Rules of Sailing for 2009-2012.

The Deed of Gift states that neither the "center-board" nor "sliding keel" shall "be considered a part of the vessel for any purposes of measurement". The Deed excludes no other part of the vessel from measurement. The procedure for measurement of length on load waterline is properly defined in paragraph 1 of the Measurement Procedures. Any part of the yacht which is not a center-board or sliding keel would be considered as part of the yacht for purposes of measuring the length on load waterline.

(2) Please confirm that all ballast (including movable ballast) used while racing shall also be onboard when the vessels are measured (and for the sake of clarity, confirm that the ballast onboard while measuring shall be the maximum movable ballast used while racing).

The procedure for measurement of length on load waterline for the 33<sup>rd</sup> America's Cup is defined in paragraph 5 of the Measurement Procedures. With regard to ballast position, paragraph 5 provides, "Ballast used during measurement shall be maintained in the same location whilst racing." As stated at the August 10, 2009 hearing, this is consistent with SNG's statement that there would be no prohibition against the use of movable ballasts. See Transcript of August 10, 2009 hearing, at 83:5-14 ("This simply says that, if you use ballast at the time of measurement, that ballast that you use at the time of measurement needs to remain there. It says nothing about having additional ballast while you're racing."). To further clarify,

(i) While any ballast used during measurement to obtain the measurement of the boat must remain in the boat and in the same position for the race,

(ii) any other or further moveable or variable ballast not present during measurement may be used and moved freely during the race.

(3) Please confirm that there is no restriction on filling or emptying ballast tanks or otherwise moving ballast while racing.

We reaffirm that the International Sailing Federation Rules of Racing and Sailing ("RRS") Rule 51 will not apply. Furthermore, we reaffirm that the Notice of Race, to be issued by SNG prior to the race, will not prohibit or restrict, while racing, filling or emptying ballast tanks or otherwise moveable or variable ballast which were not used during measurement. As noted above, any ballast, which is used during measurement to obtain measurement, must be maintained in the same location during the race.

(4) Please confirm that the approach to be used under the Measurement Regulations will be that during measurement equipment with more than one normal sailing position and crew shall be located in their normal fore and aft position and approximately on the center line.

The measurer will determine the normal position of the crew for measurement purposes and he will center the weight of the crew athwartships.

(5) Please confirm that the approach to be used under the Measurement Regulations will be that when measuring the vessel to evenly distribute the maximum movable ballast used while racing into the tanks on each side of the vessel.

See response to question 2 and 3.



(6) Please provide a copy of the specific instructions of the United States Coast Guard regulations to which you refer.

Measurement of the "extreme beam" will rely upon the definition found in the United States Coast Guard Form CG-5397:


BREADTH (B) is the horizontal distance taken at the widest part of the hull, excluding rub rails, from the outboard side of the skin (outside planking or plating) on one side of the hull to the outboard side of the skin on the other side of the hull.

(7) Please confirm that SNG will adhere to the provision of the Deed that the Challenge Certificate dimensions "shall not be exceeded."

GGYC's challenging vessel must match the dimensions on the Challenge Certificate. The vessel's measurements may not be greater than or less than those dimensions. The challenging vessel will, of course, not be permitted to race if it does not match the challenge dimensions.

SNG looks forward to meeting GGYC in February 2010 on the waters off of Ras Al-Khaimah in the United Arab Emirates. SNG is willing to work with GGYC to ensure that GGYC understands all of the requirements laid out in the Measurement Procedures. To this end, GGYC may communicate in writing any further questions GGYC may have with regard to the measurement rules directly to Fred Meyer, Chairman of SNG America's Cup Committee.

Sincerely,

  
Jonathan K. Youngwood

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VIA EMAIL

August 21, 2009

*Re: Golden Gate Yacht Club v. Société Nautique de Genève, et al.*  
(New York County Clerk's Index No. 602446/07)

James V. Kearney, Esq.  
Latham & Watkins LLP  
885 Third Avenue  
New York, New York 10022

Dear Mr. Kearney:

I write in response to your letter of August 18, 2009 requesting further clarification as to the rules governing the 33<sup>rd</sup> America's Cup match.

We have previously informed you that ISAF Racing Rules of Sailing ("ISAF RRS") 49 – 54 will not apply in the 33<sup>rd</sup> Cup. SNG has also announced measurement rules and, through my August 13 letter, answered your questions regarding the measurement rules. As required by ISAF RRS, the applicable racing rules and any changes to the ISAF RRS will be identified in the Notice of Race ("NOR") and in the Sailing Instructions ("SI"). SNG will issue the NOR for the 33<sup>rd</sup> America's Cup on November 6, 2009 and SI for the race on January 8, 2010.

We address the majority of the questions raised in your August 18 letter below using the numbering system in your letter. We have responded to any questions that we understand relate to the completion of your boat USA. Any other issues raised by your letter do not pertain to vessel design and construction and will be addressed in the NOR and SI.

(1) *Please advise whether there shall or shall not be a prohibition on outside help.*

There will be a general prohibition on outside help and your boat should be constructed with this prohibition in mind. As an exception, communications from the Umpires and Race Committee to the competing boats via equipment to be provided by the Race Committee, use of GPS devices, low power onboard communication systems, use of onboard laser, radar and any other detection

equipment operated solely from onboard, and the operation of onboard event broadcast equipment will be permitted.

(2) *Please advise whether there shall or shall not be a prohibition on sail pumping.*

Sail pumping shall be prohibited.

(3) *Please advise whether [ ] Rule 47.1 shall or shall not apply.*

Picking up additional equipment while racing shall be prohibited.

(4) *Please confirm by August 21, 2009 that crew members cannot intentionally leave the vessel during a race.*

No crew shall be permitted to intentionally leave a competing yacht or vessel while racing.

(5) *Please confirm by August 21, 2009 that C7.3(a) does not apply.*

We do not see how this question pertains to boat construction.

(6) *Please confirm by August 21, 2009 that the Organizing Authority shall not attempt to place any equipment onboard our vessel.*

We do not see how this question pertains to boat construction.

(7) *Please confirm by August 21 2009 that there will not be wind limits.*

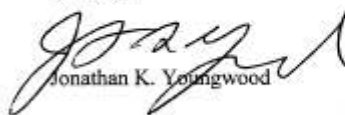
The race committee will retain at all times the responsibility to start the race depending on the adequacy of the weather/sailing conditions.

As you are aware, it remains SNG's unilateral right and duty to set the rules and regulations governing the race for the 33<sup>rd</sup> America's Cup. While Golden Gate Yacht Club ("GGYC") may rely on the answers above, SNG's efforts to answer GGYC's questions through both this letter and our August 13 letter are not in any way a waiver of that right.

SNG is willing to consider and respond to any further reasonable inquiries you may have directly affecting the measurement procedures and vessel design and construction. We believe, however, that you have enough information to complete the construction of USA and deliver us the required Custom House Registry as soon as possible. Furthermore, we invite GGYC to present USA for measurement in advance of the issuance of the NOR and SI if GGYC is concerned about the boat's dimensions.

Again, SNG very much looks forward to meeting GGYC in February 2010 on the waters off of Ras Al-Khaimah in the United Arab Emirates.

Sincerely,

  
Jonathan K. Youngwood

cc: David Boies, Esq.

**Attachment 4**

**Chart of Venue and Race Area (NOR 9)**

