

## **10-POINT PLAN FOR A FAIR AND COMPETITIVE AMERICA'S CUP 33**

The following is a 10-point plan that articulates simple changes to the proposed Protocol for America's Cup 33 that would address the concerns of many Challengers who want to ensure that the rules of AC33 are fair. With the exception of 10, the plan is based on the points we negotiated with the Challengers in December last year, and reflect further concessions since offered. Agreement to these 10 points by the Challenger community could return AC33 to the water as early as 2010.

1. Once the changes to the Applicable Rules are completed, any further changes to Applicable Rules governing AC33 shall be mutually agreed between Defender and the Challenger of Record (COR) (subject to point 2).
2. All Challenger of Record decisions, including agreeing to the ACC Rules, Event and Competition Regulations, shall be made by majority vote of the Challengers in a Challenger Commission, one vote per team, including the COR who also has one vote, except that material amendments to the Protocol, Event Regulations or Competition Regulations, once agreed and issued, can be made only by unanimous vote of Competitors.
3. The current Arbitration Panel shall be dissolved and a new Arbitration Panel shall be appointed comprised of five members; SNG and the Challenger Commission shall each appoint two members, and the other four shall select the fifth member.
4. The Defender can race in the Challenger Round Robins, Challenger Sail-Off and Challenger Secondary Series. The Defender cannot sail in the Challenger Semi Finals and Final. Larry Ellison's letter of 17 October 2008 to Ernesto Bertarelli offered several options in this regard, which BOR stands by.
5. The 'Fair Competition' clause (2.3 of the Protocol) shall be expanded to include the Officials, Sailing Jury and Arbitration Panel.
6. The Defender and Challenger of Record shall jointly appoint a Regatta Director who shall be responsible for ensuring fair races are conducted in accordance with the terms of the Protocol. The Regatta Director shall have the same powers as for the last America's Cup (he or she appoints/manages race committee, appoints measurement committee, umpires, and other officials as needed, prepares and publishes Notice of Race and Sailing Instructions).
7. Entries from AC32 challengers shall be accepted and not thereafter disqualified provided continued compliance with the rules, and then only by the Arbitration Panel.
8. AC33 shall be held in Valencia with AC32 teams retaining their bases if they desire. In addition, the format and Schedule to be published by ACM ahead of time and not to be altered without consent of affected Competitors.
9. Each Challenger and the Defender may be limited to building only one new boat. As a result of this change, and as consideration for allowing the Defender into the Challenger selection series, there can be no Defender selection series.
10. There shall be no restrictions on Competitors' sponsors or any control by the Defender or ACM over Competitors' sponsors beyond the traditional restrictions (e.g., no tobacco sponsors). Moreover, ACM shall not ambush existing team sponsors, and if ACM secures an Event sponsor that conflicts with a major sponsor of a Competitor, that Competitor shall be under no obligation to display ACM sponsor logos on its yacht, base or team gear or otherwise promote or associate with such Event sponsor.