

BMW Oracle seeks to disqualify Alinghi and to win the America's Cup in court

While Brad Butterworth, Alinghi skipper and Société Nautique de Genève representative, was in Singapore engaged in good faith discussions to resolve remaining issues ahead of the 8 February America's Cup Deed of Gift Match in the presence of David Tillett, the chairman of the ISAF America's Cup Jury, and David Kellett, the ISAF representative, BMW Oracle unilaterally aborted talks by filing their ninth lawsuit against the Société Nautique de Genève at the New York Supreme Court seeking to disqualify the Defender from the upcoming Match.

"BMW Oracle has already successfully disqualified 18 teams through the US courts to gain access to the Match, now they are seeking to win the Cup without ever racing for it," said Brad Butterworth. "This latest lawsuit has come as a shock given we were planning a further meeting to finalise discussions today, it demonstrates extreme bad faith. Clearly they are not ready to race. They have completely disregarded the jurisdiction of the ISAF America's Cup Jury, which they sought so hard to have instated, and have instead reverted to the New York courts where they clearly feel they have a greater chance of success," he added.

SNG's defending yacht has been constructed in Switzerland in compliance with the provision of the Deed of Gift. SNG disagrees with GGYC's interpretation.

BMW Oracle's statement that Alinghi will be using USA-made sails is wrong. The sails for the Match have been constructed in a sail loft in Villeneuve, Switzerland. Furthermore, the 3DL process of making sails is subject to Swiss intellectual property rights. The inventors of the process, Jean-Pierre Baudet and Luc Dubois, are two Swiss engineers. Every challenger and defender for the America's Cup since 1995 has used 3DL Swiss technology based sails.

"BMW Oracle's attempt to derail the America's Cup, and disregard ISAF's jurisdiction, and their continued unsportsmanlike behaviour is unacceptable," said Fred Meyer, SNG vice-commodore. "Alinghi is ready to race on the 8 February as mandated by the 7 April 2009 court order," he added. "We won the right to defend the America's Cup on the water by winning the 31st and 32nd editions, we want to go racing, we do not want the outcome of the America's Cup determined in court," he concluded.