

Arbitration in the 36th America's Cup



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Overview

More than the most prestigious regatta and match race in the sport of sailing, the America's Cup is a test of boat design, sail design, and management skills. It is not surprising that its passionate skippers, builders, and managers often become embroiled in disputes. Recognizing this, and the need to deal quickly and professionally with any divergency, an arbitration panel has become an established part of the Cup's organization. This book—the fifth of a series that over time constitutes a unique corpus of decisions rendered over more than twenty years—compiles all the directions and decisions issued by the 36th America's Cup Arbitration Panel in the context of the nineteen cases submitted to it, as well as all supporting documents elucidating the context in which the decisions were issued.

In addition to all the decisions, the following are also included:

- the Protocol of the 36th America's Cup and amendments made thereto;
- the 36th America's Cup Arbitration Panel Rules of Procedure;
- applicable versions of the World Sailing Racing Rules, the AC75 Class Rule, and the so-called Prada Cup Conditions and Match Conditions;
- previously unpublished documents related to proceedings which have led to the amendment and/or interpretation of the Deed of Gift by the Supreme Court of the State of New York; and
- previously unpublished court-related material pertaining to the key Mercury Bay case (1987-1990).

An extensive and valuable introduction provides detailed historical and factual context. Expert commentary addresses issues of special interest decided by the 36th America's Cup Arbitration Panel, including privileged insight into the previously undocumented dispute resolution during the 35th America's Cup (2013-2017) and the World Intellectual Property Organization's Electronic Case Management Facility (ECAF). A table containing a summary of the subject matter of each decision and a keyword index help find which argument is dealt with in which decision.

Because arbitration plays a key role in this context, and because what happens in the America's Cup is of general interest to the sport and arbitration communities, this book's many insights into the kinds of issues that fuel disputes in sports events offer a significant extension of the knowledge base available to lawyers, arbitrators, and scholars in several branches of law and legal practice.

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Table of Contents

Editor	Chapter 6
Contributors	Other 36th America's Cup Governing Documents
List of Abbreviations	Chapter 7
Acknowledgments	The 36th America's Cup Arbitration Panel Directions and Decisions
Chapter 1	Chapter 8
Introduction	Mercury Bay Boating Club v. San Diego Yacht Club (1987 – 1990): Additional So Far Unpublished Yet Important Court Related Material about the 27th America's Cup
Chapter 2	Chapter 9
Overview of the Decisions Issued by the 36th America's Cup Arbitration Panel	The Protocol of the 35th America's Cup, Incorporating Amendments 01 Through 16 (Consolidated Version Dated 2 June 2014)
Chapter 3	Index
The Deed of Gift and Some So Far Unpublished Material	
Chapter 4	
The Protocol of the 36th America's Cup	
Chapter 5	
America's Cup Arbitration Panel Rules of Procedure (Published 6 December 2018; Version as at 11 February 2019)	

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