



6th December 2011

JURY CASE AC03
JURY NOTICE JN015
CLOSURE

1. On 13th July the Jury received a 'Notice of Protest' from the America's Cup Event Authority (ACEA) against Emirates Team New Zealand (ETNZ) claiming that ETNZ is in breach of Article 51.1 of the Protocol, which requires all Competitors to use the domain www.americascup.com as their sole online presence and to have existing domain names redirect all online traffic to www.americascup.com, in each case by 1st July 2011.
2. On 15th July the Jury received from ETNZ notice of their intention to protest ACEA for failing to provide space within the website for exclusive use and control of all ETNZ's content, as required by Protocol Article 51.1.

MEDIATION

3. Both parties agreed that the dispute should if possible be resolved by mediation.
4. On 8th August the parties met with Jury members Bryan Willis & Graham McKenzie, in Cascais. The parties came to an agreement.

ADJOURNMENT

5. On 10th August the Jury received a request from ACEA for the Jury to adjourn the case until 30th September. The Jury acceded to the request and the case was adjourned until 30th September.
6. On 1st October the Jury was advised by ACEA that it was not satisfied that ETNZ is in compliance with Article 51.1 of the Protocol, despite the undertakings that were given following the mediation in Cascais. The ACEA offered a further extension of time, to midnight (CET) on Thursday 6th October, for ETNZ to be fully compliant.

CONTINUING MEDIATION


7. The Jury offered further Mediation, which both Parties accepted. Mediation was re-started and continued.

CLOSURE

8. On 1st December the Mediators received an email from ACEA stating 'From the ACEA side, we are happy finally to draw a line under this matter.'
9. On 5th December the Mediators received an email from ETNZ stating 'We are happy to settle the issue and withdraw our counterclaim on the basis that the current status quo meets their requirements under the Protocol ...'
10. The Jury considers the case to be closed.

COSTS

11. Costs will normally be awarded when a case is settled other than during a Regatta with jury members in attendance. However in this case, although a part of the Mediation process occurred outside Regatta periods, there will be no award of costs.



DAVID TILLETT
Jury Chairman

Jury: David Tillett, John Doerr, Josje Hofland, Graham McKenzie, Bryan Willis.

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