

**CHALLENGER OF RECORD & DEFENDER**  
**AMERICA'S CUP 36**

**Notice to Competitors**  
**N°32**

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**To:** All Competitors in the 36<sup>th</sup> America's Cup  
**From:** Royal New Zealand Yacht Squadron and Circolo della Vela Sicilia  
**Subject:** Race Content for Teams  
**Date:** 02 November 2020

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Please find attached the Race Content for Teams document attached.

Kind regards,



On Behalf of COR/D



## **RACE CONTENT FOR TEAMS**

### **Summary of Rights Granted Under the Protocol**

Clause 39.1 of the Protocol prohibits Competitors from exploiting moving images during the time period commencing thirty (30) minutes before the first scheduled race and ending thirty (30) minutes after the final scheduled race of each race day during any Event. This maximises the appeal of centrally sold media rights and ensures that the racing organisation can disseminate official news and results.

The Protocol also says that Competitors can use up to 120s of still or moving images of its yacht and crew per approved instance. In addition, the Protocol requires teams to submit requests to COR/D for the prior written approval by COR/D for any specific use by the Competitor on its own official Competitor platforms, on a royalty-free basis, of up to one hundred and twenty (120) seconds in each instance of still and/or moving images of its yacht and crew that have been recorded by or on behalf of COR/D.

### **Enhanced Rights to be Granted to Teams**

COR/D has advanced negotiations of central TV deals far enough that we can be confident about granting further rights (“Enhanced Rights”) to Competitors. These rights have been reserved in the television distribution contracts.

Subject to Competitors respecting the conditions of usage below, COR/D grants the right for teams to use 120s of race footage per race of its yacht and crew, royalty free, world-wide, on a delayed basis, and only on their websites and official social media channels. The minimum delay on exploitation is 3 minutes from the end of each race. This means that Competitors will be able to provide their fans with content featuring its yacht and crew whilst COR/D’s two-hour TV production is live. The 120s of race footage must be predominantly of that Competitor’s yacht and crew, and any footage of the yacht and crew of other team(s) should only be used incidentally and where clearly justified by the context e.g. relevant sporting highlights.

### **COR/D and Broadcaster online content - live, highlights and clips**

As part of the contracts with broadcasters, COR/D has reserved online rights for live, highlights and clip content of racing. Broadcasters also have live, highlights and clip rights for online usage within their territories.



COR/D will live stream four channels of coverage for free on americascup.com and social channels, subject to any territorial restrictions imposed by broadcast contracts. The four channels are the world feed, two yacht channels (one for each team racing) and the data feed.

COR/D is largely unrestricted in its use of highlights and will offer an extensive range of clips and highlights world-wide.

In New Zealand, TVNZ will broadcast and stream all four feeds live. COR/D expects that other broadcasters will show only the world feed, which they will all broadcast and stream live in their territories. The yacht and data feeds are likely to be, therefore, *de facto* exclusive to COR/D outside New Zealand.

COR/D informs Competitors that COR/D (but not its sponsors) and broadcasters (in their territories) can, with some restrictions, exploit clips during racing.

## Notes

Other than in respect of Cl 39.1, in the event of any discrepancy between this notice and the Protocol, the Protocol shall prevail.

COR/D reserves the right to amend the Enhanced Rights and their Conditions of Use, and Competitors shall immediately delete or otherwise remove any videos that do not comply with the amended Enhanced Rights and their Conditions of Usage.

If a Competitor fails to adhere to the Conditions of Usage, COR/D, using its absolute discretion, may withdraw the grant of Enhanced Rights to that Competitor. That Competitor shall immediately delete or otherwise remove any videos that include the Enhanced Rights.

If a Competitor wishes to use the video rights in an alternative way to that outlined, it should submit its request to COR/D<sup>1</sup> for pre-approval per the Protocol.

## COR/D

**2 November 2020.**

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<sup>1</sup> Please send emails to [stephen2.nuttall@americascup.com](mailto:stephen2.nuttall@americascup.com)



## Conditions of Usage

COR/D grants the Enhanced Rights to Competitors subject to all of the following Conditions of Usage:

- 1. Maximum 120s of race footage predominantly of the Competitor's yacht and crew per race.** Competitors may use up to 120s in total of race footage predominantly of its yacht and crew per race in which that Competitor competes. Any footage of the yacht and crew of other team(s) should only be used incidentally and where justified by the context e.g. relevant sporting highlights;
- 2. Primary media channel.** Competitors are reminded that COR/D is the broadcaster and the primary source of news and coverage for the media. As such, Competitors must, per the Protocol, give COR/D and its broadcasters preferential access for interviews etc;
- 3. Term.** COR/D grants the Enhanced Rights until 31 January 2022. Competitors may be required to remove content using the Enhanced Rights after this point. This will be a decision for the Defender of the 37th America's Cup;
- 4. Exploitation must be by the Competitor only.** The rights may not be sub-licensed nor granted to sponsors nor to commercial partners. However, teams are free to create content for sponsors and their commercial partners, provided that this content resides only on the Competitor's website or social media channels;
- 5. Exploitation on official website and/or social channels only.** Exploitation may be only on the Competitor's official website and official social media channel as have been notified to, and approved in writing by, COR/D prior to each Event;
- 6. No requirement for pre-notification.** Competitors shall notify COR/D of the video posts that have been made (by email, with links<sup>2</sup>) on a daily basis. This information is important and will be used to aid Nielsen, who will measure the media value of the Event;
- 7. No embedding.** Competitors shall not permit content that includes the Enhanced Rights to be embedded by third parties;
- 8. Sharing permitted.** Competitors and their sponsors and commercial partners may share links on their social media channels to footage (including live footage) as made available by COR/D.

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<sup>2</sup> Please send emails to [ryan.pellett@americascup.com](mailto:ryan.pellett@americascup.com)



Similarly, the sponsors and commercial partners of Competitors may share footage made available by Competitors. In so doing, Competitors, sponsors or commercial partners shall not claim, nor create the impression, that they are a broadcaster of the Event(s);

9. **Restriction on length of highlights.** Competitors may use up to 120s of race footage predominantly of its yacht and crew in videos each with a maximum length of 240s. Competitors have editorial control of non-race footage in such clips provided that such content, in the opinion of COR/D, must respect the fair play principles of the 36th America's Cup;
10. **3 minute holdback on usage.** Competitors may make such videos available on a delayed basis no sooner than 3 minutes after the end of the relevant race. Given the short holdback, COR/D's host broadcast production will still be on-air when the window for usage by Competitors opens;
11. **One highlight per platform during the restricted period.** Competitors may only make one video of race footage per race per website or platform during the time period commencing thirty (30) minutes before the first scheduled race and ending thirty (30) minutes after the final scheduled race of each race day during any Event. Competitors may make different highlights videos available on each platform but must not exceed the limit of 120s of race footage per race in aggregate;
12. **Any language** may be used **but no French** language clips should be offered within 24 hours of the race; and,
13. **Access to content via media portal.** Competitors will be granted access to the official media portal ([www.media.americascup.com](http://www.media.americascup.com)). The media portal will allow Competitors to view, clip and download content produced by COR/D and removes the need for Competitors to rely on hard drives to access content. In addition, the media portal may be used by Competitors to store their own media clips. Further, COR/D intends to give teams access to live content in their bases. Details will be supplied separately.