



BERMUDA IOD FLEET
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June 8, 2018

Re: World Sailing Membership

IOD WCA,

After the International One Design (IOD) was removed from World Sailing (previously known as ISAF) in 2014, the IOD World Class Association (IOD WCA) has worked hard to rejoin World Sailing. While many IOD WCA members did not understand the need for this to occur, the IOD WCA Executive proceeded with diligently requesting World Sailing to reinstate the IOD Class as a recognized Class.

Now that a few years have passed, we believe it is time to reflect on being a recognized Class within World Sailing. We would like to highlight the following points;

1. In order to continue to be recognized by World Sailing, wholesale changes to the IODWCA governing documents (including the creation of a consolidated set of Class "Equipment" Rules) were required. These changes effectively changed the legacy IOD WCA structure which had the majority of practical matters governed by the IOD WCA Fleets rather than the IOD WCA itself.
2. The changes to the IOD WCA Class Documents (Constitution, Bylaws and the new Class Rules) have created challenges with jurisdiction, interpretation and ultimate authority as evidenced in the ongoing saga with San Francisco.
3. Under the new Class Rules – the IOD WCA is required to seek approval of any Class Rule changes from World Sailing.
4. World Sailing has previously held the perspective that they have a legal copyright to the term "World Championships" when referring to sailing. They have previously threatened sanctions on participants and officials that participate or support in such an event (where such event is not sanctioned by World Sailing). The idea that World Sailing has a legal copyright of the word "World Championships" for sailing events is not based in any logic or legal fact. Please see attached regarding a recent posting on a popular sailing website where legal precedent has been set against another sport authority. It is our belief that this concern should not be used as a justification for the IOD Class to remain a World Sailing International Class.
5. Back in January 2016 (see attached), the Chairman of Strategic Planning was requested by the IOD WCA to review the pros/cons of being a member of

World Sailing (ISAF at the time). The report concluded that there was no benefit for the IOD Class to be a member of World Sailing.

6. Being a member of World Sailing appears to only add extra work for the dedicated IOD WCA executive whose time is very valuable and can be spent elsewhere on such things as fleet growth, increasing sailing participation, branding, and communication (internally and externally).

Following a thoughtful discussion at our last executive meeting and a resolution of the fleet executive, we, the Bermuda IOD Fleet, request the following;

- 1) A discussion on the pros and cons of being a recognized World Sailing Class Association be tabled for discussion at the 2018 IOD AGM in Sweden.
- 2) Subsequent to the discussion, a motion shall be presented to the IOD WCA for consideration. The motion shall be;
 - a. **The IOD Class shall no longer continue to be a recognized World Sailing Class Association.**
 - i. If passed, by a 2/3rds majority of all Fleets (consistent with Constitution Section 10.1), the IOD WCA is to inform World Sailing of our intention to withdraw from being a World Sailing International Class Association. Given the potential complexities including any agreements in place and notification timelines to all parties – it is recommended that this process be completed prior to the next IOD AGM in 2019. It should be clear that if this is passed – there should be a subsequent discussion on the necessary impact to the IOD WCA Class Documents - with a fresh mandate from the IOD WCA Fleets.
 - ii. If not passed, by a 2/3rds majority, the IOD WCA will have a refreshed and current mandate to continue to redevelop any relevant Class documents in line with World Sailing requirements for recognized International Class associations.

We look forward to seeing everyone in Sweden and would like to thank the IOD WCA in advance for putting this important item on the 2018 IOD AGM agenda.

Respectively submitted,

Gregory Lawrence



Bermuda IOD Fleet Secretary
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20th January 2016

REPORT ON WORLD SAILING MEMBERSHIP FOR THE IOD CLASS

I have been asked to weigh up the pros and cons on whether or not the IOD Class should try and become a member of World Sailing which was previously known as ISAF. As background information, the IOD Class had been a member of ISAF under the Classics category for many years. However, in 2013 ISAF changed their membership criteria and the IOD Class was informed that it no longer qualified as a member. The main reason for the non-qualification was that our "World Championship" did not have 20 boats on the start line for our championship. We did however meet all their other standards. The IOD World Association appealed this decision and got a reprieve in order to correct or seek modification of ISAF's requirements.

However, in a letter dated 18th June 2014, ISAF confirmed that the IOD Class no longer met their requirements and therefore was given notice that ISAF had rejected our application (see attached). Naturally, this has created much anguish for the IOD World Association as they have tried to find other ways of meeting the ISAF standards. In analyzing the pros and cons of membership I went to the World Sailing Class guidelines which outlines the criteria for becoming a member of "World Class Sailing".

They are as follows:

- i. Having World Sailing Class status is a marketing benefit for the Class.
- ii. A World Sailing Class may hold a "World Championship".
- iii. A Class with World Sailing recognition is acknowledged as having an International standard of competition.
- iv. A World Sailing Class can be selected for World Sailing events.
- v. World Sailing supports their Classes with technical services such as Class rules and administration.
- vi. As a World Sailing Class you may appoint one member to the World Sailing Committee.
- vii. World Sailing Classes can have advertising on their boats.
- viii. World Sailing Classes may utilize their Sailor classification code.



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ix. World Sailing can collect fees for the Class.

In reviewing these benefits as outlined by World Sailing, I see nothing that either the IOD Class is not already doing or can live without. The major concern expressed by a number of our executive and others has been whether or not we can have international judges and race officer's attend our regattas and not be sanctioned by the World Sailing authorities. We cannot answer that question for World Sailing. However, when I contacted a number of International Judges their responses were that it wasn't a concern to them.

Recommendation:

Given the lack of benefits for our Class as outlined by World Sailing Entry Guidelines (see above), and from personnel communications with International Judges and Race Officers it was said that it was "absolutely NO PROBLEM WHATSOEVER" in attending our events and the rejection of the IOD Class' application in remaining a member in ISAF.

I recommend we do not waste any more time and energy pursuing that goal.

Respectfully submitted,

Richard Thompson
Chairman of Strategic Planning

<http://sailinganarchy.com/2016/09/29/objectionable/>

As you've likely read on these pages before, one of our biggest beefs with the folks who run ISAF World Sailing has long been their [willingness to threaten those](#) who compete in non-ISAF sanctioned events with a ban from competition. [We've long maintained that the rule](#) allowing them to do this ([ISAF/World Sailing Regulation 19.14 \(a\)\(ii\)](#)) is illegal in much of the modern world, and it appears that the [European Commission agrees wholeheartedly](#).

Acting on complaints from a pair of Dutch speed skaters, EU regulators have told the International Skating Union that its threat to impose lifetime bans on speed skaters for taking part in unauthorized events is anti-competitive, putting pressure on the ruling body and other agencies with similar penalties to back down. The skaters said the ISU threatened them if they competed in a big money "ice derby" in Korea, and after a year-long investigation, the EU agreed that the ISU violated the anti-trust sections of EU law.

For a legal description of what exactly happened and what the implications are for the ISU and other bodies (like ISAF), check out the [EU Competition Law Review](#) summary here. We can sum it up quickly though: The EU investigated ISU for a year and determined that the ISU rules (that allow up to a lifetime ban for competitors) unduly restrict athletes' commercial freedom and effectively discourage them from participating in events other than those organized by ISU or its members. In other words, the international governing body's rules are an attempt to create an impermissible monopoly over all skating events...

ISU now must issue a response to the EU, after which point the EU will decide what penalties and actions they will take against the ISU, and if the ISU's incredibly condescending and dismissive initial response is any indicator, the EU is going to have to take a swing. ISU said it was "surprised" at the EU view, and that, despite their investigation, they 'failed to understand' the international sports world. Perhaps they meant to write that the EU "failed to understand how crooked our international sports world is..."

The smarmy Swiss-based org went on to write that "any allegation that the ISU's rules are somehow anti-competitive appears to be based on a misplaced understanding of the governance structure of sport and the Olympic movement. A neoliberal and deregulated approach to sport could destroy the Olympic values underpinning sport."

It's the same response that insiders always give when challenged with their malfeasance, and it's always bullshit. Bodies like ISU and ISAF need to face the fact that their monopolies are ending, and organizations that dedicate their resources to improving the services they offer in a competitive world are going to succeed. Those who stick their fingers in their ears and complain that the government just doesn't understand them? Folks who are allergic to transparency and equality? It's time to go.

We'll dedicate an upcoming podcast to the wider-reaching implications of this anti-competition ruling, especially as it effects ISAF's unfounded attacks on IKFO kiteboarders and the non-

transparent and anti-competitive equipment selection process for the next Olympics. The kites are [in almost the exact position](#) as the Dutch skaters so we'd expect the IKFO to be filing a complaint with the same EU body very soon if they haven't done it already. This one is getting good.

<http://sailinganarchy.com/2017/12/09/new-worlds-order/>

Clean Report

In a decision that will sound alarm bells across dozens of international sport governing bodies, the European Commission yesterday ruled that the International Skating Union's rules preventing skaters from competing in 'unauthorized' events are illegal and must be abolished within 90 days. What does this have to do with sailing? If you really don't know, here's our [last big story on this case](#), and the short version is this:

World Sailing's [Eligibility Rules](#) allow the body to revoke a sailor's eligibility to compete if they compete in a 'prohibited event', which is basically any major competition that doesn't pay World Sailing or seek its approval. In other words, if you use the word "World Championship" in your fun regatta, World Sailing may ban every sailor in the event from racing in other competitions. It's not theoretical, either – the IKA has been using this bullying tool in their battle with the IFKO, enlisting World Sailing CEO Andy Hunt to write threatening letters to those daring to compete in their own event, and back when we organized the tongue-in-cheek *World Sportboat World Championship of the World*, ISAF actually sent a letter to one of the hosting organizations and threatened them with all sorts of penalties.

With World Sailing's rules very similar to the ISA regs [that were thrown out by the EC, Those days are over now](#), and World Sailing will now know that it's on notice. So call your random event "Worlds" without worries now, and if you get a letter from Andy Hunt, submit it to the European Commission's confidential [Whistleblower Tool](#) and watch the sparks fly. And now that there is a Commission directive, [you can go for damages](#).