

**INTERNATIONAL COURT OF APPEAL (ICA)**  
**OF THE**  
**FEDERATION INTERNATIONALE DE L'AUTOMOBILE (FIA)**

**CASE:**

**Petition submitted by the FIA President, Mr Max MOSLEY,  
by virtue of Article 11 of the Statutes of FIA-France**

**Concerning the request from British American Racing GP Ltd for  
interpretation of the sporting regulations  
of the Formula One World Championship  
(Article 62 of the Sporting Regulations)**

**Hearing of Monday, 15<sup>th</sup> November 1999 in Paris**

*Translation - Original in French*

The FIA INTERNATIONAL COURT OF APPEAL, comprising Mr. Philippe ROBERTI de WINGHE (Belgium), elected President, Mr. Vassilis KOUSSIS (Greece), Mr. J.W.G. van ROSMALEN (Netherlands), and Dr. José MACEDO e CUNHA (Portugal);

Sitting in Paris on Monday, 15 November 1999, at the Headquarters of the Fédération Internationale de l'Automobile, 8, place de la Concorde, 75008, PARIS;

After hearing, on the one hand, Mr. Pierre de CONINCK, Secretary-General of FIA-Sport, on behalf of the FIA, by virtue of the petition submitted by the President of the FIA, in accordance with Article 11 of the FIA-France Statutes, « Missions » paragraph;

And after hearing on the other hand Mr Terry LANKSHEAR, General Secretary of the Royal Automobile Club Motor Sports Association, and Mr Craig POLLOCK, Chairman of British American Racing, who originally requested the hearing, assisted by Mr RIVERS, Solicitor, and Mr Adam SHORE, Assistant Solicitor

Having recognised that the procedure was in order, that the rights of the parties had been properly examined both prior to the hearing and during the hearing itself, that there had been due hearing of the parties who had supplied detailed explanations and answers when requested during the hearing with the aid of simultaneous interpretation which was deemed acceptable by all parties involved;

**WHEREAS** by virtue of Article 11 mentioned above, the International Court of Appeal is asked, to interpret and express an opinion in regard to Article 62 of the Formula One Sporting Regulations;

**WHEREAS** BAR maintains in effect that the two cars which it intends to race during the 2000 season have similar liveries, in conformity with Article 62;

**WHEREAS** the two cars were presented to the International Court of Appeal (ICA) where it was meeting so that the liveries of the cars could be viewed firsthand on the same day , 15 November 1999, at 10 :30 a.m., in the presence of the parties;

**WHEREAS**, in accordance with Article 62 of the Formula One Sporting Regulations, it must be determined if the cars have « ... *substantially the same livery*... »;

**WHEREAS** to avoid any confusion, the FIA had seven colour photographs taken of each of the cars in question ; these photographs were recognized by the Court as conforming to reality, were signed and dated by the President of the Court, by Mr Pierre de CONINCK, FIA Secretary-General Sport Division, and by Mr Craig POLLOCK, Chairman of BAR ; the Court and all parties each received one set of these photographs ;

**WHEREAS** the main question is to determine what is meant by « livery » ;

**WHEREAS** the definitions provided by both the English and French dictionaries coincide, and define, initially, a piece of clothing or an outfit worn by a servant to show the name of those asking that the clothing be worn ;

**WHEREAS** the outfit may be a specific colour, and include badges, buttons, braids, and combinations of colours which may be different but which form a distinctive whole, and which in any case enable the identification of those asking that the livery be worn ;

**WHEREAS** the notion of livery has been extended to, notably, cars, airplanes, etc., which belong to a particular company, as stated in the text itself submitted by BAR and taken from the Oxford English Dictionary, 1990 Edition ;

**WHEREAS** under these circumstances, the livery of a car consists of a variety of elements, including the colour of the car paint, with all the graphic and advertising inscriptions which are affixed to it, and which determine the car's aspect as well as the team to which the car belongs ;

**WHEREAS** under Article 62, the cars must be « ... *presented in substantially the same livery ...* », the English text cited above being the definitive text in the matter ;

**WHEREAS** following the presentation of the two Cars for viewing by the Court, on the day of their presentation, they comprised essentially two different adverts : « Lucky Strike » and « 555 » ;

**WHEREAS** it thus appears that the two cars were, in large part, not presented with the same livery because of differences in their main adverts ;

**WHEREAS** under these circumstances, after viewing the cars, the International Court of Appeal can but refer to Article 62, and note that the two cars are not presented with the same livery ;

**ON THESE GROUNDS,**

The International Court of Appeal (ICA) is of the OPINION that, at the presentation of the two BAR cars at 10 :30 a.m. this day, the two liveries were not the same and therefore do not respect the prescriptions of Article 62 of the Formula One Sporting Regulations ;

**ASKS** that all costs be borne by the initial party requesting the hearing, British American Racing.

Paris, 15th November 1999

(signature)

The President