

Macalpine-Downie & Gibbs sailboat consultants



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V.H.Somerville, Esq,
President, Bayliner Marine Corporation,
P.O.Box 24467,
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28 Sept 1981

Dear Mr Somerville,

We are, as we explained at the Chicago Show last Friday, the designers of the 18' Buccaneer Class sailboat. This craft was shown there by Wellcraft Marine Corporation of Sarasota, the sole licensees; and by yourselves in an unauthorised and pirated copy.

We appreciated your attention at a busy time, but are still unclear how you justify this - a matter, as you pointed out, of little moment to Bayliner, but obviously of the gravest concern to us. As you said, we all have to make a living, but while we can only agree with you that this sort of behaviour is certainly nothing new we are reluctant to believe that a company of your stature would knowingly engage in it; a question, as you also remarked, of attitudes.

Plagiarism aside, such an action calls into question your ethics toward your customers to whom, since the Class Association articles clearly provide that the only boats eligible as Class boats are those from moulds authorised by us - which yours most emphatically are not - you cannot in honesty offer them as Buccaneer Class boats. This view has been unequivocally endorsed by the Association.

We appreciated also your offering to see us for further discussions in your Seattle office after the Show, but since the facts of the matter are not in dispute there seems little to discuss. It may be that you were not fully aware of our position as the designers of this boat, nor Wellcraft's as its manufacturers, but you must realise that your action is not one we can ignore, either in simple self-interest or in defence of our commitment to the licensees.

May we therefore suggest that by far the most satisfactory course for all concerned would be for you voluntarily to desist from a course of action in which, in the face of the active opposition of both Class Association and designers, you are surely likely to be at best only second-runners, and one which can only tarnish the reputation of your company, give rise to ill-will all round, and embarrass you personally.

For ourselves, an undertaking to this effect in terms acceptable also to Wellcraft would suffice.

yours truly,

R.L.Gibbs
J.R.Macalpine-Downie