

## Ye Old Pube With Pot Belly

God loves a trier. Or apparently he does, I don't know I'll ask him in 80 years. But what if the trier is a large beer company and what they are trying to do is own the trademark of generic beer terms which they didn't create? Beer enthusiasts seem to be just a little bit annoyed with DB right now, and by a little bit I mean pissed right off to the extent that they are calling for a public boycott of all DB products. If you are unaware as to why then you seem to be in the majority. What this kafuffle is all about is that DB tried and succeeded in obtaining the trademark of the term Radler as their own within NZ in 2003. The beer style Radler has been around for over 80 years originating in Germany in the 1920s, so this does seem confusing. Furthermore, the Society of Beer Advocates (SOBA) is crying foul over the way DB treated Green Man breweries when they tried to bring out their own Radler Beer.

Green Man, a Dunedin brewery released their own Radler style beer calling it Green man Radler, which sound fair enough. The details on what really happened are mixed, with DB stating that they merely wrote to Green man telling them to stop using their trademark, and beer advocacy groups stating that DB sued Green Man who lost both their right to the term Radler and fifty thousand dollars. Green Man are unable to comment on the issue stating that they don't want any more letters from DB's lawyers, but it is certain that this would have cost them a lot of money as they needed to do a total recall of their product, which makes the fifty thousand price tag accurate.

Wading into this argument is SOBA who have teamed up with intellectual property litigation firm James & Wells. They are challenging DB's right to the term Radler, albeit not on behalf of Green Man who have had enough of the whole ordeal. They feel that they can take on the brewing giant and prove that they should never have got the trademark rights in the first place. Arguing that DB is attempting to use intellectual property rights to control a market, preventing any other brewery from using the term Radler or importing any true German Radler beer due to it's labelling. James & Wells point out that this is not the first generic beer term that DB has sought to control, with them owning Saison and failing to trademark Oud Bruin highlighting a misuse of trademark laws by DB.

Because DB is such a huge company it is easy to accuse them of underhand tactics but DB disputes this. DB's GM of Marketing Clare Morgan stated, "Like any successful business, whenever there is significant investment in a brand, we look at ways to protect that investment which includes filing trade mark applications." DB also state that at the time when they applied for the trademark no ordinary New Zealander knew the meaning of the term Radler, thus were they able to have their application approved. This may be true but, the ordinary New Zealander isn't a clued up beer enthusiast, and would not be able to list off numerous different beer styles off the top of their head. This simple fact however, does not mean that the ordinary New Zealander should not be able to experience new beer styles labelled with their authentic names.

Furthermore, Ingrid Bayless one of the examiners of the application raised concerns that "The mark Radler does not appear to be registrable because it consists of signs that may serve, in trade, to designate a particular type of beverage. Radler is defined as beer mixed with lemonade." In other words Radler describes a style of beer like Pilsner does. DB claims that in NZ a Radler style beer is called a shandy and that Radler is unique to them here. In that case some of the blame for this situation should be aimed at the Intellectual Property Organisation of New Zealand (IPONZ) who accepted this argument and granted DB the trademark. Ultimately they failed to recognise what the term Radler meant, despite the concerns raised by Bayless. Ceri Wells of James & Wells states that fundamentally the problem is with IPONZ rather than with DB as they were the ones who allowed a generic beer term to be trademarked, but DB exploited IPONZ lack of knowledge to their own ends making both parties accountable.

Whilst also involved in a legal process with DB SOBA is also calling for a general boycott of all DB products until the issue can be resolved in their favour. This doesn't mean just DB Draught but rather a huge array of products these are: Amstel, Budvar, DB Bitter, DB Draught, Double Brown, Erdinger Weissbier, Export, FLAME, Heineken, Monteith's, Murphy's, Sol, Tiger, Tui, Barrel 51, Barrel 71, Fuse, and Vudu. Now that is a lot of alcohol to avoid. DB however, are not concerned with this boycott, counting on the support of customers throughout the expected six month proceedings. For the typical student it would be hard to avoid drinking DB products as they seem to dominate our campus. How many clubs are synonymous with either Tui or Export, and look at the foundry the majority of their alcohol are DB brands.

There is also a degree of Irony in Monteith's Radler because it's not actually a Radler style beer. Traditional Radler is a low alcohol beer (2.3% alco) that is half beer and half lemonade. Monteith's Radler has a 5% alcohol content and is favoured with a small amount of lemon juice. So Monteith's Radler is not a Radler. But in New Zealand a Radler beer is a shandy, which means that DB's argument is right? That's not the conclusion I expected but the German Beer Institute itself agrees with this, as do most old people who mix their own shandies. DB also confirms this stating that, "We do not claim to make a "Radler styled" beer. Monteith's Radler is a brand name, and our product under that brand is a citrus infused full strength beer." So if DB don't claim to make a Radler style beer then why call their beer Radler? Also why refer to the history of Radler style beer in the description of Monteith's Radler on their website? Lemon Hop sounds more accurate. In fact almost anything seems more accurate, after all you don't call a donkey a horse, they may be similar but they certainly aren't the same. So shame on you DB it's not a Radler it's a lemon zest beer, and stop trying to trademark generic beer terms. Just because New Zealand isn't up to date with its beer terminology, doesn't mean they shouldn't be allowed to drink a range of authentic beers labelled with their original names. Shame on you IPONZ try Google searching all new trademark applications from now on, as that is all you needed to do to avoid this whole situation. But most of all shame on us New Zealand; we have let ourselves be controlled by two major breweries who are able to dictate what styles of beer we try. So this weekend or maybe later this month, try a micro

brew expand your palate and support new innovative kiwi brewers.

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