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## **Media Statement**

September 21<sup>st</sup> 2009

### **SOBA WELCOMES DB's CANCELLATION OF SAISON TRADEMARK**

In response to a media statement issued last week by DB Breweries, New Zealand's Society of Beer Advocates Inc (SOBA) welcomes DB's decision to voluntarily cancel the registration of its New Zealand trademark of the term SAISON, which it has held since 2002.

SAISON is a recognised beer style brewed around the world and SOBA is delighted that DB Breweries' action means any brewers or importers wishing to sell SAISON-style beers within New Zealand will now be free to do so without the threat of legal action from DB.

However, SOBA notes with regret that DB Breweries intends to continue to defend its trademark of the term RADLER, another well known beer style.

In response, SOBA re-states its assertion that no brewery should be allowed to 'own' sole rights to the use of beer style names. SOBA believes that any such ownership is anti-competitive and detrimental to the education of and choice of beers available to the New Zealand consumer.

DB's trademarking of beer style names came to light at the end of 2008 when the company forced the Dunedin-based organic microbrewery, Green Man, to re-label its entire production run of its RADLER style beer, or face costly legal action. Subsequent investigation revealed that DB had also trademarked SAISON.

#### **RADLER, the background:**

- In 2003 DB Breweries, producer of the Monteith's range of beers, was granted a New Zealand trade mark on the name RADLER and is now preventing other brewers from using it.
- In November 2008 Dunedin's Green Man Brewery began making a radler-style beer, but DB's lawyers soon served papers ordering the brewery to cease selling it. Unable to afford a protracted legal battle with DB, the microbrewery capitulated and relabelled its beer Green Man Cyclist.
- In response to the frustrations expressed by the Society of Beer Advocates (SOBA) Inc about DB Breweries' trade marking and preventing others from using the generic term "radler" in relation to their beer, James & Wells Intellectual Property offered SOBA Inc the services of its specialist intellectual property litigation group on a pro-bono basis to invalidate DB Breweries' trade mark registration for RADLER.

- In May 2009, James & Wells, acting on behalf of SOBA, issued an Application for Declaration of Invalidity for New Zealand Trade Mark Registration No. 700726 RADLER in the name of DB Breweries Limited. The case continues.

**SOBA argues:**

1 - That 'radler' - like Pilsener, porter, brown ale, bock etc. - is a generic name for a recognised style of beer and should therefore not be permitted to be a term owned by one brewery. A simple search of the internet will give an indication of the number of breweries producing radlers.

2 - That DB was most certainly well aware that 'radler' is a recognised style of beer. Indeed Monteith's own website acknowledges radler's stylistic heritage, stating, "The style originates from Bavaria and was first created in the early 1920's..."

**About SOBA:**

- The Society of Beer Advocates (SOBA) is an independent, non-profit society whose main aim is promoting a wider availability of better quality beer. SOBA is a growing consumer organisation which seeks to encourage the broader availability and appreciation of high quality beers through education and a sensible approach to drinking.

**Website:** [soba.org.nz](http://soba.org.nz)

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**Ends:**