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Press Release 30th April 2009

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 has 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.

The issue arose after DB Breweries forced small entrepreneurial Green Man Brewery to stop using the generic term ‘radler’ in relation to its radler-style beer and re-label its bottles. James & Wells Intellectual Property offered to assist Green Man Brewery, but such were the terms of settlement imposed by DB Breweries that Green Man Brewery was unable to comment on the issue, let alone be involved in, or assist anyone, to challenge the RADLER trade mark registration. As a consequence, SOBA Inc has teamed up with James & Wells Intellectual Property to take on the brewing giant. By placing one of New Zealand’s leading IP litigation groups at SOBA Inc’s disposal, James & Wells considers it has just levelled the playing field.

Says James & Wells partner Ceri Wells, “As patent and trade mark attorneys, James & Wells Intellectual Property is a strong supporter of innovative and entrepreneurial businesses in this country. We don’t like to see IP laws abused in this way. Big business in New Zealand must have some corporate responsibility for supporting entrepreneurs, rather than bullying young businesses. We should all be supporting the kiwi entrepreneurial spirit in these difficult economic times.”

SOBA campaigner Greig McGill says “We greatly appreciate James & Wells’ involvement. As a young organisation, we couldn’t have afforded to challenge this cynical misuse of trade mark law without their assistance. We look forward to justice and common sense prevailing, and the return of radler to a generic term defining a style of beer, as it should be.”

DB Breweries seems to have made a habit of trying to monopolise generic terms for beer styles and along with Radler, has also sought to register “Oud Bruin” and “Saison” with mixed success.

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