

IDAHO BREW *magazine*

APRIL
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ISSUE
#10



BEAR ISLAND BREWING

by Beth Bechtel

BEER LAW

by Steve Weiland

THE NATURAL PROGRESSION

by Ryan Driscoll



IDAHO BREW MAGAZINE

APRIL 2015

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Idaho Brew Magazine is Idaho's only publication dedicated to celebrating the Gem State's craft beer culture; from brewers, to brews, to brew lovers, we're here because Idaho's craft beers are amazing. *Idaho Brew Magazine* is a division of **With An H LLC**, and all rights are reserved by said company. It was founded in 2014 by Jim Lee and Daniel Foster, who serve as Editors-in-Chief. You can reach them at tycoons@idahobrewmag.com. Ideas published herein reflect the opinions of the authors, and do not necessarily reflect the opinions of *Idaho Brew Magazine* or its Editors. You can learn just about anything else you'd like to know about us at:

IdahoBrewMag.com

IN THIS ISSUE...

On The Cover:

Bear Island Brewing employees, from left to right: Christian Westover, Mike Westover, Miriam Westover, Beth Bechtel (Westover), and Steve Bechtel.

Upcoming Beer-Related Events3

Provided by BoiseBeerBuddies.com

"Bear Island: Boise's Biggest Little Brewery"4

Where "IPA" stands for Idaho **Potato** Ale!

"The Natural Progression" by Ryan Driscoll5

From picnic swill to bourbon barrel aged quads: the evolution of a beer geek. Article background photo is by Diane Miller (freeimages.com/gallery/dinny).

"Beer Law" by Steve Wieland6

This month, Attorney Wieland answers the question, "Why are breweries so aggressive when it comes to protecting their trademark brands?" Article background photo is by Miguel Saavedra (rgbstock.com/

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Upcoming Events

REGIONAL FOOSBALL TOURNAMENT — Saturday, April 11th, Bert's Growler Garage, Ontario

TASTE208 — Saturday, April 11th, Hyde Park, Boise

"PUSHING BORDERS" FILM PREMIER — Friday, April 24th. Powerhouse Event Center, Boise

CRAWL AROUND BOISE — Saturday, April 25th, Boise

AMERICAN CRAFT BEER WEEK — May 11th through May 17th

CROOKED FENCE 3-YEAR ANNIVERSARY PARTY — Friday, June 12th, Boise

TOUR de FAT — Saturday, August 15th, Boise

GET DETAILS ABOUT THESE EVENTS (& MORE) AT:

BoiseBeerBuddies.com

Your source for everything going on in the craft beer scene in the Treasure Valley and beyond! And don't forget to get to become a Boise Beer Buddy, and use your membership card for discounts on craft beer at locations throughout the Gem State!



BEAR ISLAND



Idaho Brew Magazine
April 2015, Page 4

BOISE'S BIGGEST LITTLE BREWERY

BEAR ISLAND BREWING is owned by Idaho native Beth Bechtel and her husband, Steve. Both are U.S. Navy special ops veterans who worked in "explosive ordnance disposal" (*aka* bomb tech). Calling themselves "Boise's Biggest Little Brewery," the company is family run, and the name "Bear Island" comes from the family's nickname for the island in the middle of Cascade Lake (read the entire story at bearislandbrewing.com/about-us.html).

While on deployment in the Middle East, Beth was faced with a scarcity of beer, so began making it herself. A month before returning from deployment, she found herself out of barley. Across the street from her quarters was a local market, where she headed in search of a suitable starch to substitute for the missing barley. As if gifted by fate, a display of Egyptian Russet potatoes caught her eye, and her imagination. The words "Idaho Potato Ale" flashed into Beth's mind, and the concept for Bear Island's signature "Idaho Potato Ale" (IPA) was born thousands of miles from home!

Since this inspirational moment, Beth has spent a great deal of time perfecting her Idaho Potato Ale, including consultation with breweries in Ireland who also incorporate potatoes into their brewing. The inaugural pint, crafted with Idaho Russet Potatoes and Mosaic hops, was released on St. Patrick's Day in 2015, and continues to sell out quickly across the valley.

Other Bear Island brews released include Fuse Pale Ale, a pale ale with a special kick, and Goldilocks Spring Seasonal, a Hefeweizen-cream ale. Upcoming brews include another foundational, some more seasonal styles, and even a few specialty concoctions. ♦♦♦

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Mind if I ask you a personal question? So... what's your favorite beer right now? Got an answer? Cool. Now ask yourself, what was your favorite beer a year ago. 5 years ago. A decade ago. Your first beer ever, maybe that beer that made an impression on you. The one your dad or granddad drank FOREVER with a shot of whisky, back when men were men. I am aware of these being extremely open-ended questions with many open-ended answers, but the answers from open-ended questions evoke a response for a reason.

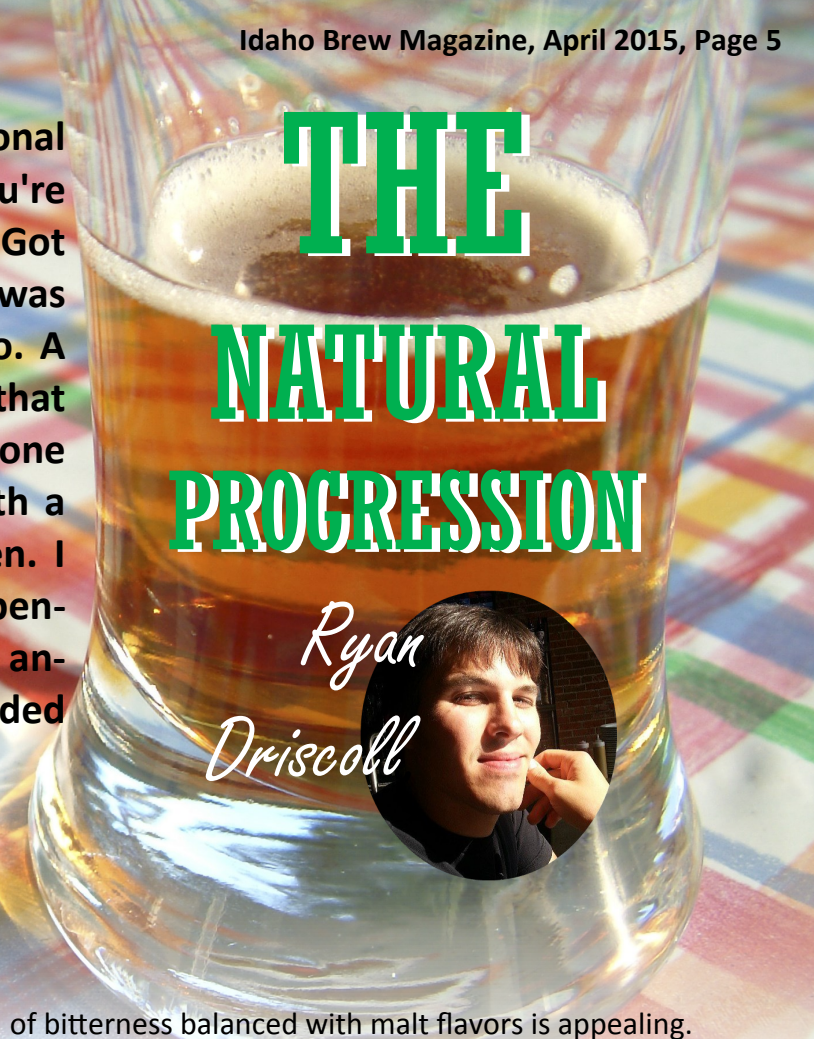
They demand answers.

So let's jump into it. Here's my completely valid hypothesis graduated to theory (sarcasm alert) as to the natural progression from initial beer drinker to beer snob, in flowery language:

More often than not, you start with whatever is put in front of you. For most, this ends up being cheap adjunct lagers, and those are just fine because after you get over the kinda weird beery flavors you cannot classify as anything else as "beer" taste, you get that kind of fun drunk that can only come from being young and pounding a 12 pack over a couple hours. And hopefully making out with someone for an hour or so. That's always cool.

Then maybe you end up at a family reunion, or corporate picnic. Some larger event where the bill is completely footed by someone else, and you just have to bring your beautiful self. You notice something else in the coolers filled with the usual suspects. What is this fancy labeled beer in a brown bottle? This must be that craft beer that people keep talking about. Well, it don't cost nothing, might as well go for it. *crack* *sip* Huh. This actually isn't that bad! It still tastes beery, but there's something else pleasant about it, and it's 6.5% which means I can get to Crunktown that much faster. Win-win!

The seed has been planted and you start trying more craft-beers. At first it's the more malt-forward, because you're still wrapping your mind around the idea of "beer flavors" and they're tasty-tasty. Then your first IPA comes along. This is the tipping-point/lag-phase. The idea



of bitterness balanced with malt flavors is appealing.

Then you either want as many hop cones as you can fit into your beer to feel that hop-sting, or fall on the milder citrus and flowers side of the fence. Either way, there are many flavors to be savored in the American IPA category, so this may be your purgatory.

It's not a bad place to end up, but there will be that moment where you think you're drinking your favorite IPA only to be informed that taps were switched, and in fact, you were drinking the IPA you liked least. This happens to all beer drinkers. It doesn't necessarily have to be an IPA, but you will end up trying a beer that you thought you hated. Be it from a friend's glass, or by ordering some super-flight, you will be humbled by the blind-taste. There is nothing wrong with this, but it is a thing you cannot unknow.

Your next stage is Europe, and anything barrel aged. You end up trying some beer that is your favorite ever, but now it's been barrel-aged. What? If this is a beer you've loved forever, you now have to start buying at least a half-case so you can try some now and save some for later. This is the slippery slope that leads to hording and bottle-trading. You will start discovering Europe around now, mostly Belgium. This leads to Paters. Dubbels. Trippels. Quads. TRAPPISTS & SOURS BABY!

Continued on page 7...

BEER LAW

Steve Wieland

Idaho Brew
Magazine
April 2015
Page 6

Why Are Breweries So Aggressive About Protecting Their Trademarks?

There are a number of practical reasons for the legal wrangling over beer trademarks. First, the craft beer industry is becoming more and more crowded every month. By now, there are likely over 3,500 breweries in our country. Each new brewery has a unique name and probably manufactures anywhere from a handful to dozens of kinds of beer, most with their own names as well. Add it all together, and there are probably tens of thousands of different name and/or logo trademarks packed into a single industry. Coming up with clever and unique trademarks isn't getting easier.

Technology is also making the crowding even worse. The last time America saw this many breweries was in the 1870s, at a time when beer was generally bought and consumed close to where it was made. Back then there was little chance for someone in one location to confuse one beer brand for another because there simply were not many to choose from in a given location. Now, modern packaging and transportation techniques make it possible to ship and market beer anywhere in the country.

Furthermore, even the tiniest of nanobreweries (intentionally or not) broadcast their logos, names, and brands worldwide merely by having a website. Spend a little time on Google and try counting how many beers have the word hoppy in their names. Chances are that many of those beers are not available where you live, but you can nonetheless find them in the same search results. Thus, the internet in some ways pits breweries against each other online even if they could not compete for your business in real life.

There is also a legal reason for the constant struggle. The law encourages trademark owners to threaten each other with lawsuits. This is because trademark owners' rights can deteriorate if competitors start creeping in with similar names and logos. Here's how it works.

Say you, an avid Mario Brothers fan, start a brewery and you name your flagship pale ale Bowser Ale. Then, say another company comes out with a product called Bowser Beer, but it's just a non-alcoholic beer for dogs (yes, this is real, by the way). Because you don't want to be nasty and you really, really love dogs, you let them make their product without a fuss. Later on, a different company releases Big Bowser Brown, and someone else puts out Bowser's Castle Imperial IPA, both of which are people beers. You don't make a brown ale or an IPA, so you let those slide, too, as well as several other Bowser beers. I mean, you quit your corporate job and started a brewery. You're not the type to give someone else a hard time, right?

After a couple years, another brewery finally makes a beer called Bowser Pale. They use nearly the exact same name as you and, someday, you are worried they may expand into Idaho and start competing for shelf space. Now you have a real problem.

When you sue the other brewery, they will point out that lots of breweries other than yours are using the word Bowser on beer, too. If lots of breweries use Bowser, putting that word on a beer label must not really indicate that any particular brewery made the beer.

Continued on page 7...



Attorney Steve Wieland represents Idaho businesses in civil legal disputes. He also co-founded Idaho's first Wine, Brew, and Spirits practice group as an attorney for Hawley Troxell. More information about Steve can be found at hteh.com/beerlaw. Send us your beer-related legal questions and we'll ask Steve! info@idahobrewmag.com

The Natural Progression

Continued from page 5

Now you can drink it all. You know what beers you like, and probably have a good community of people of your same ilk. You can drink any beer and will have an idea of what it is, what it will taste like, and if you will like it. After enough beer, you just know.

Then you start to pull back. Drinking this much rich beer is horizon-expanding, but takes it out of you. You still hunt Whalez(bro), but you want a taste, not a pint. You go to your favorite beer bar and grab a taste of the latest bourbon barrel aged quad, but order a Czech or German Lager. Because they are delicious, refreshing, and it allows you more time to engage of the act of drinking and conversation. This is the moment you've come full circle on your preferences. There is the jump from adjunct to traditional lagers, but you still have adjuncts you think are pretty OK.

While you are sitting and sipping though, someone pulls up a stool at the bar and asks for "The hoppiest beer you got". You smile not in judgement, but because you know they're on the same journey as you. If they continue to drink beer, they will continue to expand their horizons in the same way you did, and hopefully end up where you are. Sitting at the bar, bantering about beers you love and hate, and not being a dick about it. ♦♦♦

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Ann, Kate, Molly, and Gig Leadbetter

Beer Law:

Brewery Trademarks

Continued from page 6

In other words, there is a "crowded market" for Bowser beers, and marks in a crowded market are considered "weak" in a legal sense. Weak marks are harder to defend against infringers. You would have a much easier time winning if you had kept your trademark strong by proactively preventing those other companies from using the word Bowser on their products. So, when someone comes out with a name similar to one of your other beers, you suddenly feel compelled to do something about it.

Now that we live in the social-media age, we beer drinkers have a surprising amount of power to change breweries' behavior. We are a laidback people, so we often react with anger when think someone is acting like a bully. For example, in January, Lagunitas backed off a lawsuit against Sierra Nevada over how the two breweries displayed the letters "IPA" on their packaging. The reason? A social media firestorm from angry consumers. Similarly, Bell's Brewery, whose slogan is "bottling innovation since 1985," is in an ongoing struggle with Innovation Brewing in North Carolina over whether the latter can register the word innovation as a trademark for beer. The conflict has provoked a sizeable social media backlash against Bell's, which very well may cause them to drop the issue.

Now, I don't mean to suggest that all lawsuits or legal actions, including those mentioned here, are or are not justified. Sometimes businesses go too far in trying to prevent competitors from coexisting in the market. Further, breweries can often protect themselves by resolving their differences outside of court. Even so, a brewery's brand is among its most valuable assets, and there are some real reasons why breweries have to make hard decisions about how to protect their trademarks.

Given how difficult it is to protect a beer brand, and how good the media is at oversimplifying complex legal disputes, we should be judicious in attacking breweries that are trying to defend their trademarks. Right or wrong, at the end of the day, they're really just fighting to get your attention and a chance to win your trust. We can all appreciate that. ♦♦♦