

Red Bull loses legal battle against gin maker with 'bull' in its name

A
artisanal gin-maker Bullards has won a legal battle against [Red Bull](#), after the energy drinks manufacturer claimed that the word “bull” within Bullards could cause confusion.


Norwich-based spirits firm Bullards, which has about 10 staff, had received a letter from lawyers acting for Red Bull opposing its application to register Bullards as a trademark.

The letter claimed there was a “likelihood of confusion on behalf of the public” as both brand names “include the term bull”.

It asked Bullards to delete a series of goods and services from its trademark application and registration, including energy drinks, events and non-alcoholic beverages.

Russell Evans, of Bullards, said some people had advised him to do as Red Bull asked as they have “deeper pockets than us”.

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“But it just seemed wrong to just cave in to the goliaths so we decided to take a stance and I’m glad we did,” he said.

A hearing ruled that Red Bull’s opposition to the trademark application failed, with its decision published this month.

Allan James, senior hearing officer at the UK Intellectual Property Office, wrote as part of his decision: “Bullards is not in any way a logical brand extension of Red Bull.”

Bullards was founded in 1837 by Richard Bullard, making beer and importing wine and spirits, before it was taken over by national brewery Watneys in 1963.

The Bullards name was revived in 2015, with the company focusing on gin.

Austrian firm Red Bull was launched in 1987, some 150 years after Bullards.

Mr Evans said he was “relieved” that the legal battle was over, adding: “It just begs the question as to why they think they can do things like this when all they did was start something that’s now been thrown out but it’s cost me £30,000 to defend.”

He said that Bullards does not want to make energy drinks, but Red Bull “also wanted us to not do soft drinks, which we do, and they also wanted us to stop doing events, which is ridiculous”.

“My view was even though we don’t want to do energy drinks, I didn’t want to concede to them the fact that they had the right to do so and we didn’t,” he said.

“It seemed a chink in our armour if we conceded that point so we decided to fight on all fronts.

“Even though we don’t want to make energy drinks we can if we

want to.”

Luke Portnow, trademark attorney for Bullards, said: “We stood firm that Bullards and Red Bull are of such different trade, no amount of reputation in energy drinks was enough to prevent use and registration here.

“The ruling confirms the mere fact that because the two marks share a common element is not a proper basis on which to base a finding of indirect confusion.

“It pains me that such unnecessarily aggressive – and expensive – enforcement practices continue in this field of law.

“It is legally and financially unfair on applicants to have to defend such actions, so you can only imagine how thoroughly thrilled I am for Russell and everyone behind the amazing Bullards brand.”

George Bullard, a great great great grandson of the brand’s founder says “We’re thrilled with the hearing outcome and the continuity which it embodies”.

Red Bull has been approached for comment.

In a statement issued last year when news of the threat of legal action emerged, the company said: “We do not believe it appropriate to comment on a current legal case.”

It is not the first legal dispute that Red Bull has had with a [Norwich](#) firm.

In 2013, Red Bull threatened the brewery Redwell Brewing with legal action over its name, which starts with ‘Red’ and ends with ‘ll’, before apparently backing down, saying there was “no dispute”.