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Barca Beats Bacardi Lawsuit

By Rudy Yniguez

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After seven years of legal battles, Barca Wine Cellars & Vineyards of Roseville has won a decision allowing it to use the Barca family name as a trademark.

Bacardi & Company Limited's complaint before the United States Patent and Trademark Office in Washington, D.C., said that Barca's mark for wines, when compared to Bacardi's mark for rum, was likely "to cause confusion, or to cause mistake, or to deceive."

Barcamerica International Corp. USA president Gino Barca was pleased with the board's decision. "We just won a big legal trademark battle," Barca said Friday. "I'm very happy to win."

The decision, by the Trademark Trial and Appeal Board, said "the cumulative differences... are sufficient that consumers are not likely to be confused."

Barcardi attorney William R. Golden, Jr., said he was not surprised by the board's ruling.

"In their own view, the trademark Barca is not confusingly similar to the trademark for Barcardi," He said. "I personally don't agree with the decision."

Golden, of the New York City law firm Kelley, Drey and Warren, added that if the Barca trademark does become confusing with Barcardi's, "we'll take action." But Barcardi took no action after the board's ruling. The company did not file an appeal, and the United States Court of Appeals for the Federal Circuit on April 9, 1997 ordered the case "dismissed."

Barca however, said he is going to take action against Barcardi for their opposition.

“They didn’t have a case.” Barca said. “But we’re going after them for damages... They offered, but we’re going to go after more, for the damages and attorney costs.”

He said he would seek \$30 million in a libel civil suit.

Barca’s attorney in the new case, Derk Schutmaat, of Schutmaat and Schuster of Auburn would not confirm any dollar amount, nor even if a lawsuit is planned.

“We’re researching claiming against Barcardi for filing this merit less claim against Barca.” Schutmaat said. He added that the research process will be completed “soon.”

Trademark fights are not unfamiliar to Barca, who said he has won several lawsuits in the past for similar disagreements. Barca has about 80 trademark names around the world.