# Wine, Beer & Spirits

Businesses in the wine, beer and spirits industry come to RMKB for industry-specific expertise that stands apart from most other law firms and can provide a business advantage. Their expertise is evidenced in their far-reaching and prestigious international client base that includes Europe's largest winery, many well-known distilleries and wineries in Napa and Sonoma Counties, restaurants that provide private-label spirits, famous master distillers, craft distillers and craft breweries—including those who are well-known brand names and those who are striving to be the new favorite beer just waiting to discovered by consumers.

In addition to an extraordinarily high level of industry expertise, RMKB's wine, beer and spirits law practice offers both transactional and litigation experience as in both the international and domestic arena, as well as related intellectual property experience. This combination of transactional and litigation law has benefited our wine, beer and spirits clients in profound ways and offers the industry a range of services often not seen within law firms. We design transactions to avoid the industry pitfalls that lead to litigation, but when litigation cannot be avoided, RMKB's industry expertise adds a wealth of knowledge to the courtroom that can provide advantages seldom seen with general commercial litigators who are not working day-to-day within the industry.

RMKB's Robert A. Rivas provides the cornerstone of the wine, beer and spirts practice with over 20 years of work within the industry. His legal experience representing wine, beer and spirits makers began in 1999 when he handled a commercial litigation case with a potential impact on a brand acquisition amounting to hundreds of millions of dollars. His background, even prior to practicing law, overlapped with the industry and he gained vast experience in all aspects of running a wine, beer and spirits business including marketing, distribution and sales strategies.

Robert and the group also regularly perform mergers and acquisitions, negotiate endorsement deals and handle IP prosecution.  Among the many agreements they negotiate are trademark sales proceeds agreements. They also negotiate and draft international production, manufacturing, importation and distribution as well as master distiller agreements.  RMKB's wine, beer and spirits lawyers also have the expertise to counsel clients in the many complex industry regulations that impact wine, beer and spirits businesses.

For additional information, please contact Robert A. Rivas at (213) 312-2018 or robert.rivas@rmkb.com.

## Representative Experience

**Attorneys:** Robert A. Rivas
**Key Issues:** Wine Beer and Spirits, litigation
**Venue:** Superior Court of California
**Client Type:** Spirits Manufacturer

**Description:** Client, famous spirits brand manufacturer, sued US importer for rescission of US importation and distribution network allowing Tequila Cazadores to be sold to Bacardi and restructuring of US importation and distribution.

**Result:** Confidential Settlement allowing Tequila Cazadores to be sold to Bacardi.

**Attorneys:** Robert A. Rivas
**Key Issues:** Trade Dress, Spirits
**Venue:** United States District Court, Central District
**Client Type:** Spirits Brand Manufacturer

**Description:** Celebrity-owned vodka brand, Crystal Head Vodka, sued client Kah Tequila brand manufacturer alleging trade dress infringement over design and shape of a spirits bottle claiming the calavera shaped tequila bottle infringed trade dress of crystal skull vodka bottle.

**Result:** Successful on motion to dismiss second amended complaint allowing brand to launch and go on to sell hundreds of thousands of cases.

**Attorneys:** Robert A. Rivas
**Key Issues:** wine beer and spirits transactional manufacturing
**Client Type:** Spirits Brand Owner and Manufacturer

**Description:** Developed the structure of a spirits brand and negotiated and drafted international production, manufacturing, importation and distribution as well as master distiller agreements.   Negotiated and drafted trademark sales proceeds agreement.