

# One Heke of a name

Waiheke Brewing Company is staring down a threat of legal action by a Ngapuhi elder over use of the name Heke to brand its island-based lager.

Company co-director and brewer Mark Hindmarsh says the name was chosen for its association with Waiheke, which means cascading or trickling waters. "It's a shortened version of a common nickname used by locals," he told Radio New Zealand last week.

David Rankin, a descendent of Hone Heke, has refused to give the company permission to trademark the name as he believes consumers could easily assume it refers to his celebrated warrior ancestor. Hone Heke Pokai, was the first Ngapuhi chief to sign the Treaty of Waitangi but, four years later, disillusioned with colonisation, ordered the cutting down of the British flagpole at Kororareka.

The row blew up after the company applied to trademark its brand with the Intellectual Property Office. The office referred the application to its Maori advisory committee which raised concerns about potential cultural misappropriation and asked the company to obtain clearance from Ngapuhi.

Mr Hindmarsh, who lives in Onetangi and has other business interests on the island, said Ngapuhi at first raised no objections.

However, after Mr Rankin learned the beer had been on sale for several months, he threatened legal action. "What puzzles me is that I was asked for permission to use the name after the product was launched and that, when I declined permission, I heard no confirmation from

the company," Mr Rankin told Newshub. "It's not a cultural offence, it's a human offence and the Waiheke Brewing Company is about to find out it will also be a financial defeat for them as well."

In 2016 craft brewer Birkenhead Brewing Company was forced to remove all references to the story of Hinemoa and Tutanekai from its labels after Te Arawa descendants raised objections.

“We are hoping to sit down and smooth the waters. We don't believe there's a need to take it to [court].”  
- Mark Hindmarsh

But Waiheke Brewing is comfortable with its position, Mr Hindmarsh told *Gulf News*. "We can still operate using that name though we would not have full protection of trademark."

In choosing the brand, the company had no intention of 'piggybacking' on the famous warrior's name, he said. "We just wanted a name that people would connect to the island, so we started throwing names around."

"We currently have Heke trademarked under common law and were applying to get a registered trademark after the name."

"We've spoken to a lot of people about it who have said there's no issue. Heke is just a name like John - no one can patent a name."

"We have reached out to talk to [Mr Rankin] and we are hoping to sit down



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and smooth the waters. We don't believe there's a need to take it to [court]."

Launched last August and sold only on Waiheke at this point, Heke beer uses local artesian water but is brewed in Auckland. Mr Hindmarsh says the bulk of sales are in local bars and restaurants such as Smugglers, The Oyster Inn and The Boathouse.  
• Geoff Cumming

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