

## **Revised Enhanced Mediation Promotion Scheme (REMPS)**

### **Frequently Asked Questions (FAQ)**

#### **1. What is the REMPS?**

The REMPS is a funding scheme by the Intellectual Property Office of Singapore (IPOS) to cover part of parties' mediation costs. The funding covers (i) fees charged by the mediation service provider; (ii) mediator's fees; and (iii) up to 80% of mediation-related lawyer / agent fees (and mediation-related disbursements charged by the party's lawyer / agent).

The REMPS encourages parties in IPOS proceedings to choose mediation by funding the process, so that more can experience mediation as an attractive alternative to a hearing at IPOS, to resolve their disputes amicably. With an increase in uptake of mediation, and some publicity with the parties' consent, we hope to see a mindset change in businesses and individuals, in the way disputes are resolved in future.

#### **2. How much funding is available under the REMPS?**

The REMPS funds parties' mediation costs up to S\$10,000 per mediation case where the subject matter is limited to IP rights in Singapore. (This would be the primary starting point as the parties need to have a dispute before IPOS in the first place.)

The funding increases to S\$14,000 per mediation case if foreign IP rights are added to the subject-matter of mediation. (This happens when the parties have disputes in other countries and wish to resolve their disputes holistically in one mediation.)

Under the REMPS, S\$180,000 has been set aside to support parties who have their disputes mediated. This sum is available to parties who participate in a mediation session from 1 April 2022 and no later than 31 March 2025 or until the overall fund is drawn down, whichever is earlier. Parties are therefore encouraged to submit to mediation as soon as possible, before the overall fund is drawn down.

#### **3. What are the conditions to funding under the REMPS?**

The following conditions must be satisfied in order to qualify for funding under the REMPS:

- (i) Parties have an existing dispute before IPOS which is the subject-matter of a mediation on or after 1 April 2022, in any event, no later than 31 March 2025 or until the available funding is drawn down, whichever is earlier.
- (ii) The mediation takes place in Singapore. This may include the use of video-conferencing to involve party representatives who are not able to be present in Singapore during the mediation, as long as the mediator is physically in Singapore during the mediation, and is a Singaporean or is based in Singapore.
- (iii) Parties allow a “shadow” mediator appointed by IPOS from the Young IP Mediator (“YIPM”) Initiative to observe the mediation.<sup>1</sup>
- (iv) Parties disclose their lawyer / agent fees incurred from the start to the end of the IPOS proceedings.
- (v) Parties give feedback on their mediation experience.
- (vi) Parties agree to named publicity<sup>2</sup>, excluding details of the settlement terms (such as the quantum of the settlement). The purpose of the named publicity is to give concrete, relatable examples to other businesses and individuals and thus encourage them to consider mediation. The amount of detail in the publicity is not expected to disclose much more than the identity of the parties, the nature of their disputes, the countries spanned by their disputes, the duration of their disputes, the parties’ comments on the mediation process, any advice they have for others facing disputes etc.
- (vii) Parties co-pay at least 20% of their lawyer / agent fees relating to mediation (and mediation-related disbursements charged by their lawyer / agent).
- (viii) Parties submit their application for reimbursement with all the requisite documentation, except the agent fees incurred after the mediation, within **1 month** from the date of receipt issued by the mediation service provider or from the date of invoice and receipt (if any) issued by their lawyer / agent in relation to mediation-

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<sup>1</sup> In the event the YIPM is an accredited mediator, the appointment of the YIPM as a co-mediator will also satisfy the requirement of having a “shadow” mediator observing the mediation.

<sup>2</sup> In addition, see Question 6 below.

related agent fees, whichever is later. On this basis, IPOS will proceed with named publicity of the mediated case.

- (ix) Parties submit the final outstanding information on agent fees incurred after mediation, **within 1 month** of the close of the IPOS proceedings by way of an updated application for reimbursement. Please note that **non-compliance** with this deadline will render the relevant party **ineligible for funding**.<sup>3</sup>

***Important: You and the other party must agree to waive confidentiality (to a limited extent) in order to meet condition 3.(vi) above.***

**4. Which mediation service provider can I use under the REMPS?**

You can use any mediation service provider that is an organization. These include the World Intellectual Property Organization Arbitration and Mediation Center, the Singapore International Mediation Centre and the Singapore Mediation Centre.

**5. Must the mediation be successful for funding to be disbursed?**

No, you can apply for funding under the REMPS as long as you have participated in the mediation, regardless of the outcome of mediation.

**6. What if both wish to have their dispute mediated, but one party does not wish to apply for funding under the REMPS and the other party wishes to do so?**

Where one party wants to apply for REMPS funding but the other party does not, the former party will be able to claim reimbursement of up to S\$3,000. There would not be any named publicity as this requires the consent of both parties.

The purpose is to encourage openness to named publicity, as this promotes awareness of mediation's advantages through authentic cases.

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<sup>3</sup> In addition, see Question 8 below.

## 7. How do I obtain funding under the REMPS?

### Step 1

- (i) If parties wish to submit to mediation right **after** the close of pleadings, each party indicates in the Notification to Registrar that it wishes to submit the dispute in the IPOS proceedings to mediation and intends to apply for funding.
- (ii) If parties wish to submit to mediation **before** the close of pleadings or **after** the Notification to Registrar has been filed earlier, each party informs the Registrar in writing that it wishes to submit the dispute in the IPOS proceedings to mediation and intends to apply for funding.
- (iii) If parties wish to submit to mediation but are **undecided** at that point in time whether or not to apply for funding under the REMPS, they are encouraged to first inform the Registrar in writing that they may apply for funding; and update the Registrar later when they have come to a decision.

### Step 2

Parties submit a request for mediation to the chosen mediation service provider, copying IPOS.

### Step 3

Before the mediation, the parties consent to and IPOS arranges for a “shadow” mediator to observe the mediation (or a co-mediator to jointly mediate the dispute).

### Step 4

Parties participate in the mediation, with the mediator and minimally a “shadow” mediator.

### Step 5

Each party submits the application for reimbursement with all the requisite documentation, except the agent fees incurred after the mediation, within **1 month** from the date of receipt issued by the mediation service provider or from the date of invoice and receipt (if any) issued by the party’s lawyer / agent in relation to mediation-related agent fees, whichever is later.

Please note that REMPS funding is limited by budget and applications will be considered chronologically according to the **date of submission of the application for reimbursement** and not the date of the mediation.

**Step 6 (if relevant)<sup>4</sup>**

Each party submits the final outstanding information on agent fees incurred after mediation **within 1 month** from the close of the IPOS proceedings by way of an updated application for reimbursement.

**Step 7**

Upon successful application,

- (i) where both parties applied for the funding under REMPS: parties receive reimbursement of their mediation costs from IPOS, up to a total of S\$10,000 / S\$14,000 per mediation case. Each party can potentially receive an equal share of up to S\$5,000 / S\$7,000 unless otherwise agreed by the parties involved. Below are some possible permutations where foreign IP rights are involved:<sup>5</sup>

Example 1: both parties claim ≤ S\$7,000 in a mediation case involving foreign IP rights

Party A claims \$5,000 and will receive S\$5,000	Remark: Each party’s claim will be fully reimbursed.
Party B claims \$7,000 and will receive S\$7,000	

Example 2: one party claims < S\$7,000 and the other party claims > S\$7,000 in a mediation case involving foreign IP rights

Party A claims S\$5,000 and will receive S\$5,000	Remark: The claim < S\$7,000 will be fully reimbursed. The claim > S\$7,000 will not be fully reimbursed unless otherwise agreed by the parties involved. Please provide documentary support of the agreement.
Party B claims S\$10,000 and will receive S\$7,000 unless otherwise agreed by the parties	

Example 3: both parties claim > S\$7,000 in a mediation case involving foreign IP rights

Party A claims S\$10,000 and will receive S\$7,000	Remark: Each party will receive an equal share of S\$7,000 unless otherwise agreed by the parties involved. Please provide documentary support of the agreement.
Party B claims S\$15,000 and will receive S\$7,000	

<sup>4</sup> **Step 6** is only relevant for cases where the proceedings continue **after** the mediation.

<sup>5</sup> The same principles will apply for a case where only local IP rights are involved.

(ii) where one party applied for the funding under REMPS but the other party did not: the former party will receive reimbursement of mediation costs from IPOS, up to S\$3,000 per mediation case.

**8. What happens if after submitting the application for reimbursement, a party fails to submit the final outstanding information (3(viii) above) within 1 month of the close of the IPOS proceedings?**

Generally, the party who fails to submit the information will not receive funding. The counterparty in the same mediation case who does so will still receive funding i.e. up to S\$5,000 / S\$7,000.

**9. I notice there is another funding scheme called WIPO-Singapore ASEAN Mediation Programme (AMP). Can I apply for funding under both AMP and the REMPS?**

No, you can only apply for funding under either AMP or the REMPS, but not both.