

UPDATES FROM IPOS

JANUARY 2025

Dear readers,

Happy new year!


Here is this month's update on interesting developments relating to IP & tech dispute resolution in Singapore.

IPOS Decisions

[*Sunrider Corporation dba Sunrider International v Sunrise Plus \(Pte\) Ltd*](#) [2024] SGIPOS 9


Sunrider International, an American multi-level marketing company based in California, is the proprietor of "S U N R I S E", registered in Class 5 for herbal drinks. The applicant, Sunrise (Plus), is in the business of selling sports equipment, accessories, apparel and footwear manufactured by third parties. In addition, it offers a range of sports and health products under its own "SUNRISE" brand.



In August 2018, the applicant applied to register "  " in class 5 (under a single application) as well as various goods and services in classes 29, 30 and 35 (under a separate multi-class application). The applications were opposed by Sunrider International and the cases were heard together.

In allowing the opposition, the hearing officer found the marks to be visually similar to a high degree, aurally identical, and conceptually similar to a large extent. For the goods comparison, the hearing officer found "herbal drinks" (covered under the earlier mark) to be similar to nutritional supplements and dietary supplements under the application mark in class 5. In her view, the fact that the applicant had voluntarily limited its specification in this class to exclude liquid herb concentrates and herbal drinks did not detract from the fact that confusion can still occur. As regards class 35, the hearing officer found that retail services for health food products and supplements to be similar to herbal drinks as a good. And since the application was a multi-class one, even though there was no similarity between the products applied for in classes 29 and 30 to the opponent's herbal drinks in class 5, the hearing officer took the view that the opposition should succeed in relation to the entire application on the basis that partial oppositions cannot be allowed in Singapore: see [105] of the decision.

[*Apple Inc v Penta Security Inc*](#) [2024] SGIPOS 10

Apple Inc was unsuccessful in its bid to oppose an application by Penta Security, a South Korean company in the business of providing IT security services, to register the "  "



mark in class 9 for “Recorded computer software; recorded computer operating programs; recorded computer programs; computers; computer memories”. In the opposition, Apple relied on a number of its earlier “APPLE” registrations in class 9. The hearing officer found that the competing marks were not similar, whether visually, aurally or conceptually. Consequently, the grounds of opposition which required a finding a similarity of marks failed at the first threshold. For completeness, Apple Inc also pleaded that the applicant had applied to register the mark in bad faith but was unable to persuade the hearing officer that the choice of “WAPPLES” — which she found to be an invented word and distinctive and on its own merit dominant as a whole — could be said to be commercially unacceptable by reasonable and experienced persons in the trade.

Crypto industry case

[Finaport Pte. Ltd. v Techteryx Ltd.](#) [2024] SGHC 329

Readers may recall that we mentioned [Truecoin LLC v Techteryx, Ltd](#) [2024] SGHC 296 in our [previous update](#). In that case, the court granted Truecoin an anti-suit injunction (ASI) to restrain Techteryx from continuing to pursue court proceedings in Hong Kong in breach of an arbitration agreement.

In this case (where there was no arbitration agreement), a separate application for an ASI commenced by a different party (Finaport) against Techteryx to restrain the latter from pursuing litigation in Hong Kong was unsuccessful.

Articles

Readers may be interested in the following articles:

- Professor Tan Cheng Han SC, [Minority Protection and Corporate Wrongs Involving Intellectual Property](#) [2024] SAL Prac 26
- Jon Chan Wenqiang, [Breach of Confidence Actions in Singapore – Where Are We Now After I-Admin \(Singapore\) Pte Ltd v Hong Ying Ting \[2020\] 1 SLR 1130?](#) [2024] SAL Prac 24
- Melissa Tham, [A Guide to the Regulatory Treatment of Stablecoins Under the Singapore Payment Services Act 2019](#) [2024] SAL Prac 21
- David J Kappos, Sharonmoyee Goswami, Teh Joo Lin and Adriana Uson, [Why arbitration may be best route to resolve global AI IP disputes](#) (published in WTR on 18 Dec 2024). This article, with authors from Cravath Swaine & Moore, IPOS and the Singapore International Arbitration Centre, was also published in IAM under the title “[Making the case for arbitration in global AI IP disputes](#)”.

IPOS resources

At the beginning of each year, we publish and update various resources which we hope the community will find useful. Our annual year-in-review of IPOS decisions for the year 2024 is available [here](#). We’ve updated our Compendium of HMD Circulars [here](#) and you can view the tracked amendments to 3 circulars in Amendment No. 1 of 2025 [here](#). We’ve also updated our Trade Marks



Case Guide, available [here](#). The 2024 spotlight on selected IP & Tech decisions from the Singapore courts has also been published and is accessible [here](#).

Appointments to WIPO Mediation and Arbitration Advisory Committee

We are pleased to note that two Singaporeans have been appointed to the above Committee for 2025-2027. They are Lam Chung Nian (Partner, WongPartnership LLP) and Joyce A Tan (Principal, Joyce A Tan). Details regarding the Committee can be found in the following [link](#).

Featured event

- **US Event: [Intellectual Property and International Dispute Resolution: What every Lawyer and Corporate Counsel needs to know](#)**

3 March 2025 (Monday) 2.00 – 5.30pm EST (Hybrid) 3 CLE credits pending

Greenberg Traurig (New York)

One Vanderbilt Avenue, New York, NY 10017

[Register now](#)

6 March 2025 (Thursday) 2.00 – 5.30pm CST (Hybrid) 2.5 CLE credits pending

Greenberg Traurig (Chicago)

77 W Wacker Dr Ste 3100, Chicago, IL 60601

[Register now](#)

How is dispute resolution shaping, and being shaped by, the development trajectory of frontier technologies? Hear what global IP leaders and legal experts from the US and Singapore are saying about tech, IP, and dispute resolution. Speakers include:

- **Minister Edwin Tong**, Senior Counsel, Minister for Culture, Community and Youth; Second Minister for Law, Government of Singapore (via pre-recorded video);
- **Daren Tang, Director General**, World Intellectual Property Organization (via pre-recorded video);
- **Hon. Virginia Kendall**, Chief Judge, U.S. District Court of Northern District of Illinois;
- **Stanley Lai**, Senior Counsel, Chairman, Intellectual Property Office of Singapore;
- **Ignacio de Castro**, Director, World Intellectual Property Organization Arbitration and Mediation Center;
- **Jennifer Wu**, Partner, Groombridge, Wu, Baughman & Stone LLP and President, Federal Circuit Bar Association.

Topics include emerging trends, best practices and insights related to AI, Standard Essential Patents, Non-Fungible Tokens, cryptocurrency and many more!

Seminars are **complimentary** but registration is required. Registrants will be able to access **video recordings** of the seminars once they are available.

For enquiry, please email ipos_hmd@ipos.gov.sg with "USA 2025" in the subject header.

--



If you know of anyone who would like to be added to this mailing list (which deals primarily with IP/IT dispute resolution in Singapore), please drop us a note at ipos_hmd@ipos.gov.sg. IPOS also separately maintains another mailing list for circulars, legislative amendments and other related matters which you can join by contacting news@ipos.gov.sg. For any comments or feedback (or to draw our attention to any interesting news we might have missed), please email gabriel_ong@ipos.gov.sg. Archived copies of our previous updates are available at the following [link](#).

