

UPDATES FROM IPOS

NOVEMBER – DECEMBER 2024

Dear readers,

Wishing you a restful holiday season, and a fruitful new year ahead!

Here are some interesting developments in November and December relating to IP & tech dispute resolution in Singapore.

Court Decisions

[TOWA Corporation v ASMPT Singapore Pte Ltd](#) [2024] SGCA 52

This appeal and cross-appeal was against two decisions (located [here](#) and [here](#)) of a High Court judge concerning the assessment of damages for patent infringement. By way of background, the plaintiff, TOWA, had sued ASMPT and its subsidiary for patent infringement arising from the manufacture and sale of certain moulding machines used to seal electronic parts with a type of protective resin. Ultimately, TOWA was successful and elected to claim damages. Both sides were dissatisfied with the assessment and argued for a more favourable result on appeal. After hearing the appeals, the Court of Appeal agreed with ASMPT on a single point (which had the effect of reducing the damages awarded in certain respects). Apart from that, the rest of the judge’s decisions were upheld.

[Fonterra Brands \(Singapore\) Pte. Ltd. v Consorzio del Formaggio Parmigiano Reggiano](#) [2024] SGCA 53

The Court of Appeal has allowed Fonterra’s request for a qualification of rights to be entered into the register of Geographical Indications (GIs). The effect of the qualification is that registered GI protection for “Parmigiano Reggiano” does not extend to the term “Parmesan”. Without this qualification, the Consorzio may be able to bring an enforcement action against the use of “Parmesan” in connection with cheese from elsewhere (including places such as Australia or New Zealand).

The essence of the appeal concerned whether “Parmesan” was a translation of “Parmigiano Reggiano” for the purposes of the relevant provisions in the Geographical Indications Act 2014. At first instance, the IPOS hearing officer took the view that there was evidence that “Parmesan” was indeed a translation of “Parmigiano Reggiano”. This was upheld on appeal by the General Division of the High Court.

However, the Court of Appeal disagreed and held that for the purposes of the GI Act 2014, it is not sufficient that “Parmigiano Reggiano” is a translation of “Parmesan”. It held that a translation must be one that is known to the average Singapore consumer to convey the same meaning as the GI in question. In this case, the evidence of marketing practices was found to support an inference that



consumers regard “Parmesan” and “Parmigiano Reggiano” as two different types of cheese with differing origins. Hence, the term was found to be not a translation of the GI.

In arriving at its ruling, the Court of Appeal was aided by the views of Professor David Llewelyn who appeared as independent counsel (formerly known as *amicus curiae*). The decision was covered widely by the media, including [Channel News Asia](#).

[Farm to Fork Sdn Bhd v Adamas Sq Pte Ltd & Anor](#) [2024] SGHC 286

Farm to Fork (“FTF”), a Malaysian company, entered into a consultancy agreement with Adamas. Under the agreement, Adamas provided the services of one Mr Kim (its sole shareholder and director) to act as chief financial officer of FTF. FTF sued Adamas and Kim for breaches relating to the consultancy agreement and alleged, among other things, that the defendants had breached various confidentiality obligations. Ultimately, the court dismissed all of FTF’s claims.

Media coverage of intended Labubu IP enforcement

POP MART, which manages the IP for Labubu and The Monsters in Singapore, has indicated its intention to act against what it considers to be unauthorised use the Labubu characters by various businesses in Singapore including in connection with food products shaped in their likeness. See, for instance, [this Straits Times report dated 22 November 2024](#).

Crypto industry cases

Readers may also be interested in the following cases:

- [Truecoin LLC v Techteryx, Ltd](#) [2024] SGHC 296 (grant of anti-suit injunction in support of arbitration restraining respondent from commencing court proceedings in Hong Kong)
- [Zipmex Pte Ltd v Zipmex Asia Pte Ltd & Anor](#) [2024] SGHC 298 (insolvency proceedings)

Pilot Initiative - Expedited Track for proceedings before the Registrar of Trade Marks

On 2 January 2025, IPOS will launch a pilot for an Expedited Track for proceedings before the Registrar of Trade Marks. It is an optional track that can only be activated with the consent of all parties. Parties can expect a decision around 9 months from the time a case is placed on the Expedited Track, if the requirements are met. More information can be found in the Q&As at <https://go.gov.sg/expeditedtrackinfo>.

We welcome feedback on the Expedited Track at <https://go.gov.sg/expeditedtracksurvey>.

Successful IP Mediation Case under ASEAN Mediation Programme

A skilful mediator helped parties in the health supplements industry break their impasse, ventilate their feelings, focus on their interests and engage openly towards an amicable outcome. This 15-hour mediation took place under the WIPO-Singapore ASEAN Mediation Programme: [The Beauty Nation Pte. Ltd. & Kiong Onn Medical Hall Pte. Ltd. \[2024\] AMP MED 5](#).



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