

UPDATES FROM IPOS

OCTOBER 2024

Dear readers,

Here are some interesting developments in October relating to IP & tech dispute resolution in Singapore.

Court Decisions

[*Syed Suhail bin Syed Zin & 12 Ors v Attorney General*](#) [2024] SGCA 39

The Court of Appeal found the Attorney-General's Chambers and Singapore Prison Services to have acted unlawfully and in breach of confidence by, respectively, requesting and forwarding correspondence between death row inmates (the appellants) and various parties including their legal counsel. However, the court did not award any damages or equitable relief for breach of confidence. It also upheld the decision of the judge below to award nominal damages of \$10 for copyright infringement to three of the appellants. The decision was covered in the Straits Times in a report dated 12 October ([here](#)). The court case summary can also be accessed from the link above.

[*Dabbs, Matthew Edward v AAM Advisory Pte Ltd*](#) [2024] SGHC 260

An ex-employee (a former financial advisor, Executive Director and CEO of the defendant) sued his former employer, a wealth management and financial advisory company, for wrongful dismissal. The defendant maintained that it was entitled to summarily dismiss the claimant on grounds of misconduct. The court found, among other things, that the claimant had forwarded confidential client information and data relating to financial advisor commissions to his personal email account. By doing so, he had breached his confidentiality obligations to the defendant which amounted to gross misconduct justifying his summary dismissal.

[*Karan Chandur Tilani v Maarten Hein Bernard Koedijk and another*](#) [2024] SGCA 46

This case arose against the backdrop of a challenge by Mr Karan Chandur Tilani to an arbitration award. Mr Tilani had applied to set aside the said award on grounds of excess of jurisdiction, bias, and breach of the fair hearing rule. After the General Division of the High Court refused the setting aside application, the decision was appealed to the Court of Appeal. Mr Tilani then sought sealing orders aimed at preserving the confidentiality of the arbitration pending the hearing of the appeal. The respondents countered that the confidentiality of the arbitration had already been lost because Mr Tilani had exhibited a full copy of the final award in separate statutory demand proceedings. The Court of Appeal ultimately declined to grant the sealing orders because Mr Tilani was unable to show that the confidentiality of the arbitration was still intact.



Straits Times [report](#): Jail for Sim Lim Square seller of illegal streaming devices showing EPL matches, Netflix movies (24 October 2024)

A seller of illegal streaming devices in Sim Lim Square has been sentenced to 10 months' jail under s 150 of the Copyright Act (which covers "Infringement by making device or providing service, etc., to access works communicated without authority") read with s 445 of the Copyright Act (which provides that copyright infringement under s 150 is also a criminal offence). This case arises out of the first prosecution under these sections in Singapore.

IPOS Decision

[Monster Energy Company v Artisan Boulangerie Compagnie Pte Ltd](#) [2024] SGIPOS 8

Monster Energy Company ("MEC") has failed in its opposition to an application for the following "GREEN MONSTER SALAD" marks in Class 43 (for, among other things, services relating to drinks and restaurant services):



The opposition was based on s8(2)(b) of the Trade Marks Act. MEC relied on various earlier trade mark registrations including the plain word mark "MONSTER". The IP Adjudicator found that the competing marks were visually, conceptually and aurally more dissimilar than similar. This meant that the opposition failed at the first step. However, he went on to observe, *obiter*, that he regarded the following goods in Classes 30 and 32 to be similar to services relating to drinks and restaurant services in Class 43:

"beverages", "coffee", "tea", "coffee-based beverages", "tea-based beverages", "carbonated drinks and energy drinks", "soda water", "fruit juices", "non-alcoholic beer" and "beer".

Successful IP Mediation Case

Starting out far apart, divided by their legal positions, two parties in the education sector were able to communicate directly and sincerely, adopt a give-and-take approach, and resolve their dispute under the guidance of the mediator: [Lee Mei Lie t/a CY Education Centre & Fun with Abacus School Pte Ltd](#) [2024] AMP MED 4.

ASEAN parties with IP/technology disputes or negotiations are welcome to apply for WIPO mediation and AMP funding of up to SGD 8,000. More details on AMP can be found [here](#).



Roundup of IP & Tech Articles

- Ng-Loy Wee Loon, *Reversal of Burden of Proof in Patent Infringement Proceedings: The Curious Case of Singapore's Implementation of Article 34 of the TRIPS Agreement* - [Published on e-First 14 October 2024](#)
- Soh Kar Liang, *Bortezomib Battles: A Tale of Licensees and Burdens – Millenium Pharmaceuticals, Inc v Zyfas Medical Co [2023] SGHC 360* [case comment] [\[2024\] SAL Prac 16](#)
- Warren B Chik, *Generative Artificial Intelligence: The Protection of Personal Data and Countering False Narratives About the Person* [\(2024\) 26 SAclJ 307](#)
- Tan Tee Jim, SC, *Artificial Intelligence as Inventor?* [\(2024\) 36 SAclJ 346](#)
- Ben Chester Cheong & Kunhe Lin, *Crypto assets are property, specifically, choses in action, that are capable of being held on trust – ByBit Fintech Ltd v Ho Kai Xin [2023] SGHC 199* [case comment] [\[2024\] SAL Prac 2](#)

Readers may also be interested in [this Kluwer Arbitration Blog post](#) “Exploring the Frontier of IP and Technology Dispute Resolution: Highlights from the CIArb-IPOS Conference” written by Lingeng Zhuang (Morrison Foerster) dated 25 October 2024, which offers an overview of the Conference.

Featured events:

- *Intellectual Property & International Dispute Resolution: What Every Lawyer and Corporate Counsel Needs to Know* (3 and 6 March 2025)

Following the success of the seminars on Intellectual Property and International Dispute Resolution co-organised by IPOS, WIPO Arbitration and Mediation Center, and Pennsylvania State University in New York and Washington, D.C. in February 2024, we are pleased to announce that we will be co-organising similar seminars with WIPO Arbitration and Mediation Center, and Pennsylvania State University in early March 2025 in New York (3 March 2025) and in Chicago (6 March 2025). Join us to hear what distinguished judges, global IP leaders and legal experts from the U.S. and Singapore are saying about tech, IP and dispute resolution, and practical discussions of related topics, including: Artificial Intelligence, The state of IP dispute resolution in the US, Standard Essential Patents (SEP), Singapore IP Strategy 2030 and more.

More information is available [here](#).

- *AIPLA Committee Webinar: Intellectual Property, Technology and International Dispute Resolution* (November 13, 2024)

The American Intellectual Property Law Association's IP Practice in the Asia Pacific Committee, in coordination with the AIPLA Online Programs Committee, is organising a Webinar on Intellectual Property, Technology and International Dispute Resolution. It focusses on the benefits of choosing Singapore to resolve IP and Tech disputes. The speakers include Dr Stanley Lai SC (A&G) and Adriana Uson (SIAC). Registration is free for AIPLA members. Event details [here](#).



- *APIEx Symposium 2024: A focus on valuation in dispute contexts* (28 November 2024)

As the complexity of disputes has increased, the rigour and sophistication with which Courts and Tribunals assess valuations has also become more intense. APIEx is delighted to host a half day Symposium dedicated to valuations and supported by the Institute of Valuers and Appraisers, Singapore (IVAS), the Intellectual Property Office of Singapore (IPOS) and the International Valuation Standards Council (IVSC).

One of the panels will discuss the valuation of intellectual property and explore the unique challenges and strategies to deploy in disputes, including the appropriate measure of damages where the terms of the IP protection have been breached and the guidelines which can be followed.

The APIEx Symposium brochure is available [here](#).

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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](#).

