



Case Summary on Mediation for IP Disputes

Preamble: In situations where settlement seems impossible, mediation is sometimes a right fit for resolving the dispute. In mediation, the argument is not just about contractual rights; rather the focus is often on the underlying interest of the parties, problem-solving and moving parties to a future business interest.

In this case below, parties were able to resolve the issues with the help of an experienced mediator, be creative about solutions, and come to an expeditious, amicable and satisfactory settlement. This would not have been possible had they continued with litigation, as some remedies would not be available to a judge to award.

1. The Singapore International Mediation Centre (SIMC) recently administered a trademark-related dispute involving an international lifestyle technology company and a local reseller.
2. The international lifestyle tech company discovered that its products were being pilfered from its overseas factory premises, only to resurface for unauthorised sale on several e-commerce platforms. Estimating that its cross-border losses had run into the millions, the company sued the alleged reseller for various remedies, including the infringement of its registered trademarks (under section 27 of Singapore's Trade Marks Act). During the course of litigation, both sides made repeated attempts to settle the dispute on their own, but made little headway.
3. The parties then decided to mediate with SIMC. Through SIMC's end-to-end case administration, parties agreed on the details of the mediation, including selection of an experienced mediator, scope, parties to be present, fees and running of the mediation session.
4. Over the course of a one-day session, with the assistance of the mediator (who is an eminent member of SIMC's international panel of mediators) and the parties' lawyers, the parties canvassed their respective issues and interests. Eventually, they managed to reach an amicable settlement of their dispute. The breakthrough came with the agreement of the reseller to collaborate with the company's investigators into the alleged wrongful actions of other perpetrators. The tech company realised that such a collaboration would not be for the judge to compel even if it prevails in court; this addressed their real interest. The reseller's interest is to stop the legal proceedings, be able to afford the damages and to move on. The parties also agreed on a settlement sum, for the reseller to pay in instalments. With this settlement, the tech company discontinued the lawsuit. The parties and their lawyers were pleased with the final outcome and settlement.