

UPDATES FROM IPOS

AUGUST 2021

Dear readers,

Hope this email finds you well.

Recent Court decisions

- *Pauline New Ping Ping v Eng's Noodles House Pte. Ltd. & 5 Ors* [2021] SGHC(A) 4

This [appeal](#) before the Appellate Division of the High Court related to claims of unlawful means conspiracy and breach of fiduciary duties. In its decision, the Appellate Division briefly touched on issues relating to goodwill and other intellectual property rights: see [24] to [26]. The first instance judgment may be accessed [here](#) (see, in particular, [120] to [145] which deals with passing off).

- *TMRG Pte Ltd and anor v Caerus Holding Pte Ltd and anor* [2021] SGHC 163

The General Division of the High Court has [dismissed](#) a trade mark infringement suit commenced by the owners of “Luke’s Oyster Bar & Chop House” against the defendants’ use of “Luke’s Lobster”. In effect, the decision makes clear that the parties’ respective marks and businesses can co-exist and the defendants may continue to use “Luke’s Lobster” in Singapore.

- *Law Society of Singapore v Mahtani Bhagwandas* [2021] SGHC 170

This [decision](#) by the Court of Three Judges to suspend a legal practitioner for a period of 2 years may be of interest to some of our readers. It addresses, among other things, the Professional Conduct Rules relating to client confidentiality.

In brief, the respondent argued that he had not breached the rule that a legal practitioner must decline to represent, or withdraw from representing, a new client if he holds confidential information relating to a former client and the new client’s interest is (or may reasonably be expected to be) adverse to the former client’s interest. According to the respondent, this was because the new client already had knowledge of the information in question, and so it was not confidential.

The Court rejected this argument and held that for the purposes of the rule in question, the state of the new/current client’s knowledge is irrelevant (unless, of course, the information is known to the world at large and had thus lost its quality of confidentiality). The paragraphs of interest run from [40] to [52] of the decision.

- *Michat Pte. Ltd v Xiaomi Inc.* (HC/TA 5/2021, unreported)

The General Division of the High Court has allowed an appeal against the IPOS decision in [Xiaomi Inc. v MiChat Pte Ltd](#) [2021] SGIPOS 2. No public grounds of decision have been issued. The effect of the decision is that Xiaomi's opposition is dismissed and the "MiChat" application can proceed to registration in respect of Classes 9 and 42.

Recent IPOS decisions

- [Baidu Europe B.V. v Baidu Online Network Technology \(Beijing\) Co., Ltd.](#) [2021] SGIPOS 8

This was a trade mark revocation commenced by Baidu Europe B.V., (incorporated in the Netherlands) against Baidu Online Network Technology (a subsidiary of Baidu Inc. in China)'s registration for the



stylised Baidu mark: in Classes 38 and 42. After consideration, the hearing officer made an order for revocation in Class 38 but not in 42.

Launch of refreshed IPOS website and new IP/IT resources

We are pleased to share that we will be launching the new IPOS Corporate Website on 2 August 2021.

The new website has been improved to enhance the overall user experience, including design to simplify complex processes through infographics/charts, new navigation interface to simplify and break down processes into various steps, as well as content integration to encourage users to keep browsing.

Our readers may be particularly interested in our [new dispute resolution page](#) which includes, among other resources, a list of IP/IT court decisions as well as IP/IT academic articles with some connection to Singapore. Stay tuned for further updates to this page. We would be very glad for any comments you might have, and readers are more than welcome to suggest any resources we might have missed.

Featured Events

- IPOS is proud to support and participate in "**Thinking Internationally about IP and ADR: What Every Lawyer & Corporate Counsel Should Know**", an associated event of IP Week @ SG 2021. Find out more and register [here](#).

Thinking Internationally about IP and ADR: What Every Lawyer & Corporate Counsel Should Know

The importance of mediation and arbitration in resolving high-stakes intellectual property disputes is often overlooked. Join this two-hour CLE program, which features experienced speakers from government, international organisations, and industry, to gain insights on the following topics:

- Alternative Dispute Resolution (ADR) as a viable alternative in IP disputes.
- Understanding how IP-ADR works in Asia, Europe, and the United States.
- Standard Essential Patents: ADR as an alternative to national forum grabs.
- The role of international IP organisations and national IP offices in ADR.
- Trademarks and ADR: What brand owners need to know.

[Find Out More](#)

Date: 19 August 2021,
Thursday
Time: 8.40pm - 11.00pm
(SGT)

Programme line-up

8.20pm: Virtual Room Opens

8.40pm: Welcome Speech by
Rena Lee, Chief Executive, Intellectual Property Office of Singapore
Daryl Lim, Professor of Law & Director, Center for IP, Information & Privacy Law, UIC Law
Heike Wollgast, Head, IP Disputes Section, WIPO Arbitration & Mediation Center

9.00pm: Panel Discussion
Moderator/Panellist



Daryl Lim (Moderator)
Professor of Law and the Director of the Center for Intellectual Property (IP),
Information & Privacy Law at the University of Illinois Chicago School of Law

Panellists



Chiara Accornero
Representative of the WIPO Arbitration and
Mediation Center in Singapore, IP Disputes Section,
WIPO Arbitration and Mediation Center



Hon. James Holderman (ret.)
Mediator and Arbitrator, JAMS



David Perkins
Mediator and Arbitrator, JAMS



Marco Tong
Deputy Chief IP Officer & Chief Licensing Officer
ZTE Corporation



Sandy Widjaja
Senior Legal Counsel, Hearings and Mediation,
Intellectual Property Office of Singapore

11.00pm: Closing Remarks and Virtual Reception

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- Readers may be interested to note that a recording of the India-Singapore Mediation Summit 2021 (which took place on 17 July 2021 and which was attended by the Chief Justices of India and Singapore, as well as Minister Edwin Tong SC) may be accessed [here](#).

If you know of anyone that 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. And, 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.