

## UPDATES FROM IPOS

JUNE 2023

Dear readers,

Here is this month's update on IP/IT dispute resolution in Singapore.

### Recent Court decision

- [The Republic of India v Deutsche Telekom AG](#) [2023] SGCA(I) 4

In this case, the Court of Appeal had to consider whether to make certain confidentiality orders in connection with proceedings for the enforcement of an arbitral award. Ultimately, the Court of Appeal declined to do so because the confidentiality of the arbitration had substantially been lost as a result of, among other things, multiple disclosures of information, the identity of the parties, and enforcement proceedings in Singapore and elsewhere. The decision, as well as the Court case summary, is available above.

- [CZT v CZU](#) [2023] SGHC(I) 11

An arbitral tribunal, by a majority, issued an award in favour of a party. However, the minority issued a dissenting opinion where serious allegations were made against the majority. The losing party applied to the Singapore International Commercial Court (SICC) to set aside the arbitral award, as well as applications for the tribunal to disclose their records of deliberations. The SICC refused to order the disclosure of the tribunal's deliberations. The decision, as well as the Court case summary, is available above.

### Appeals arising from IPOS decisions

- Fonterra Brands (Singapore) Pte Ltd has been granted leave, and has since filed an appeal to the Appellate Division of the High Court, against the decision of the General Division of the High Court in [Fonterra Brands \(Singapore\) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano](#) [2023] SGHC 77 (where the first instance IPOS decision was upheld)
- An appeal has been filed against [Nidec Control Techniques Limited v Uni-Drive Systems \(S\) Pte Ltd](#) [2023] SGIPOS 8
- Meanwhile, the appeal against the decision of the General Division of the High Court in [Australian Grape and Wine Inc v Consorzio di Tutela della Denominazione di Origine Controllata Prosecco](#) [2022] SGHC 33 remains pending and is scheduled to be heard by the Court of Appeal in August.



## WIPO-Singapore ASEAN Mediation Programme

A new ASEAN-wide mediation initiative has just been launched, and we would like to share the details with you.

ASEAN enterprises and individuals with IP or technology disputes anywhere in the world, or with outstanding terms to be agreed in IP or technology deals under negotiation, can now tap on funding for mediation to reach win-win outcomes. An example of “IP or technology deals” is a licence for standard essential patents; negotiating parties may not be able to agree on the licence fees, and could benefit from mediation to break the impasse.

The WIPO-Singapore ASEAN Mediation Programme (AMP) is an initiative by the WIPO Singapore office and the Intellectual Property Office of Singapore (IPOS). Each mediation case involving at least one ASEAN party may be funded up to SGD 8000. The WIPO Arbitration and Mediation Center will provide mediation services under AMP.

Among other things, (1) parties must consent to named publicity (excluding details of settlement terms), (2) the mediator must be based in Singapore, and (3) a shadow mediator appointed by IPOS from the Young IP Mediator initiative will observe the mediation.

AMP is available from 3 July 2023 to 31 December 2023. ASEAN parties with IP/technology disputes or negotiations are welcome to apply for WIPO mediation and AMP funding. More information is available [here](#).

### Publication spotlight: Bits & Bytes

Readers may be interested in [BITS & BYTES](#), a monthly bulletin presented by NUS Law’s TRAIL (Centre for Technology, Robotics, Artificial Intelligence & the Law) and its partners - Allen & Gledhill, Drew & Napier, Rajah & Tann, and WongPartnership – that showcases thought leadership in law and technology. The bulletin features commentaries on a particular area of law, technological development or legal policy, case notes and practice notes. We highlight the topics (together with links to the relevant articles) from this month’s issue below.

- [The Impact of Technology on Sports \(Part 1\)](#), by Lau Kok Keng (Rajah & Tann Singapore LLP)
- [Protection of Aesthetic Appearances in the Copyright Act 2021 and Registered Designs Act 2000](#), by Dr Stanley Lai, SC, David Lim and Linda Shi (Allen & Gledhill LLP)
- [“Robot, take the wheel”: Driverless cars and road traffic legislation](#), by Gary Low, Alex Goh and Victor David Lau (Drew & Napier LLC)
- [Issues of Jurisdiction in the Borderless World of Crypto Disputes](#), by Jansen Chow, Foo Xian Fong, Rajesh Sreenivasan, Steve Tan, Benjamin Cheong, Lionel Tan & Tanya Tang (Rajah & Tann Singapore LLP)
- [The Evolution of Money: Legal and Policy Considerations in a Digital Age](#), by Tian Sion Yoong and Daniel Chan (WongPartnership LLP)



## Media article

Another article which might be of interest is this Straits Times write-up titled "[Violet Oon's bid to buy out business partner goes to trial after she rejects his \\$6m offer](#)". It covers some recent developments in the dispute between local chef and restaurateur, Violet Oon (together with her family) on one hand and her former business partner Manoj Murjani on the other.

## Contentious Trade Mark Proceedings at IPOS: Best Practices and Other Practical Tips (Re-run)

The IPOS Hearings & Mediation Department will conduct a re-run of "Contentious Trade Mark Proceedings at IPOS: Best Practices and Other Practical Tips" on 17 October 2023. The workshop will address practical issues in navigating contentious proceedings at IPOS. Please see [here](#) for more information and register early.

## SIDRA Survey on IP and Tech Disputes

Our friends at SIDRA would be grateful for your help. SIDRA is a platform for thought leadership in international dispute resolution theory, practice and policy. A research centre at the Singapore Management University School of Law, SIDRA leads via projects that promote dynamic and inclusive conversations on how to constructively resolve disputes at national, regional and global levels.

This year, SIDRA has included IP and Tech dispute issues for their quantitative survey which is scheduled to be published by mid-2024. They are looking for respondents to help complete various surveys. The online survey for the IP & Tech dispute section will take about 15-30 minutes to complete each. Here are the links:

- Intellectual Property Disputes: <https://smu.sg/SIDRAipd2023>;
- Technology Disputes: <https://smu.sg/SIDRAtd2023>
- The entire list of surveys is available [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](mailto: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](mailto: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](mailto:gabriel_ong@ipos.gov.sg). Archived copies of our previous updates are available at the following [link](#).

