

## AMP<sup>1</sup> Mediation

**The Beauty Nation Pte. Ltd.**  
**&**  
**Sin Seng Medical & Herbs Pte. Ltd.**  
**The R.Co Pte. Ltd.**  
**[2025] AMP+ MED 3**

	<b>Party A</b>	<b>Party B</b>
<b>Name</b>	The Beauty Nation Pte. Ltd.	Sin Seng Medical & Herbs Pte. Ltd. The R.Co Pte. Ltd.
<b>Nationality / Country of Incorporation</b>	Singapore	Singapore
<b>Representation</b>	Rajah & Tann Singapore LLP	NA
<b>Lawyers</b>	Mr Tng Sheng Rong Mr Tan Kay Shin (collectively “Lawyers”)	

<b>Mediation Institution</b>	WIPO Arbitration and Mediation Center (“WIPO Center”)
<b>Mediator</b>	Mr Soh Kar Liang (“Mediator”)
<b>Shadow Mediator<sup>2</sup></b>	Elizabeth Ong-Chen, IPOS Young IP Mediator <sup>3</sup>
<b>Date of Mediation</b>	3 Oct 2025
<b>Mode of Mediation</b>	In Person

### Background

The Beauty Nation Pte. Ltd. (“Party A”) is a Singapore company supplying a range of health and wellness products through various retail channels. Among its product portfolio are several brands in which Party A has invested significantly over time, including through patent and trade mark registrations intended to support market positioning and brand consistency.

Sin Seng Medical & Herbs Pte. Ltd. is a traditional Chinese medical hall, operated by a father-and-son team. The R.Co Pte. Ltd is its affiliated online retail entity (collectively, “Party B”).

Since 2016, Party B had retailed Party A’s products in-store. This continued into the COVID-19 period, during which physical retail was substantially affected. In response to the shift in consumer behaviour

<sup>1</sup> The WIPO-ASEAN Mediation Programme (AMP+) offers funding for mediation under certain conditions (with additional funding from IPOS if a Singapore-based mediator is appointed).

<sup>2</sup> It is a condition of funding under AMP+ that Parties allow a “shadow” mediator to attend and observe the mediation.

<sup>3</sup> The IPOS Young IP Mediator initiative was launched with the objective to give more exposure and build up experience among those who may mediate or represent Parties in IP mediations in future.

during the pandemic, Party B expanded into e-commerce and advertised Party A's products on various online platforms. These listings continued until mid-2023.

Party A subsequently notified Party B that the online listings and accompanying use of product images and descriptions had not been authorised, and that the manner of online presentation risked impacting Party A's brand value and market perception. The parties continued to correspond, but differing recollections of what had been communicated resulted in a difference in expectations and views.

When direct discussions did not lead to resolution, Parties agreed to attempt to mediate their dispute under the WIPO-Singapore ASEAN Mediation Programme ("AMP+"). Under AMP+, the parties in a mediation case with a Singapore-based mediator can receive reimbursement of mediation costs, up to S\$7,000.

### **Mediation Process**

The mediation was held at the WIPO Singapore Office, starting at 9.25 am on 3 October 2025 and concluding at 4.50 pm, when the mediation was adjourned.

The mediation opened with a joint session. The Mediator welcomed the parties and introduced the mediation framework, emphasising confidentiality, voluntariness, and the objective of working toward a commercially sensible resolution if one could be found. He quickly identified that the parties themselves were all more fluent in Chinese, while not all parties were equally comfortable in English. To ensure that everyone could fully understand and participate in the process, the Mediator delivered his opening remarks in a bilingual, alternating structure, speaking each segment first in English and then in Chinese. This allowed him to explain key points — such as the Mediator's neutrality, the importance of respectful communication, and how proposals would be explored — clearly to both sides.

In this joint setting, Party A reiterated concerns regarding brand presentation, product image usage, and the potential impact of perceived unauthorised online activity on the company's commercial positioning. Party B explained that they believed they had acted in good faith during the pandemic. Party A expressed understanding about the difficulties posed by COVID-19 to all involved, but maintained its stance. Although the tone remained professional and the historical relationship was acknowledged on both sides, the Mediator observed early signs of differing understandings about what was intended and permitted in the past. Recognising the potential for tension and the need to ensure that communication remained focused and fair, he proposed that the rest of the mediation proceed in private, shuttle-style sessions.

Once the participants were situated in separate rooms, the Mediator began meeting each side in turn. With Party B, the Mediator spoke primarily in Chinese, which allowed the father and son to discuss operational details, commercial pressures, and their recollection of events with greater ease. They described the challenges they faced during COVID-19 and the decision to move online to sustain their business when physical retail traffic dropped significantly. The Mediator periodically checked in to ensure that they understood not only the process, but also the meaning and implications of the proposals that were being conveyed.

In contrast, sessions with Party A were conducted primarily through counsel in English. Party A's lawyers played an active and constructive role in assisting the mediation process: they helped articulate their client's priorities, provided context for how certain concerns had developed over time (including the impact of COVID-19 on Party A and across the entire industry), and thoughtfully engaged

with the practical implications of various proposals. This approach helped the Mediator to gain a clearer understanding of what would meaningfully address Party A's interests.

Throughout the day, the Mediator moved between the two rooms, acting as the bridge between English and Chinese, between differing communication styles, and between distinct levels of legal support.

As the discussions progressed, it became increasingly clear that the parties held sharply divergent views on what would constitute a fair financial resolution. The Mediator continued his shuttle process, helping the parties to examine the feasibility of potential proposals. However, the father and son eventually expressed that they could not make further decisions without the guidance of independent legal advice. Their request signalled both a responsible approach to decision-making and a recognition of the complexity of the matter. To preserve the integrity of the process, the Mediator supported an adjournment.

The mediation concluded with a brief joint session where the Mediator highlighted the progress made over the course of the day, and reminded parties that they had been better able to understand each other's perspective through the mediation.

Following the adjournment, Party B obtained independent legal advice. After considering the advice and the issues raised during the session, they informed WIPO that they would not be proceeding with mediation at this time.

### **Challenges**

While the mediation proceeded constructively, several structural challenges emerged that affected the pace and scope of discussions.

First, the parties entered the session with different levels of legal representation. Party A attended with their Lawyers, while Party B participated as unrepresented business owners. The Mediator thus had to ensure that Party B had sufficient clarity on the process and the implications of any proposals, which required additional time for explanation and reflection.

Second, although both sides actively engaged with proposals and counter-proposals, their respective expectations regarding an appropriate resolution remained significantly apart. This made it difficult to identify a mutually acceptable landing point at this stage.

Finally, while the bilingual nature of the session ensured clarity, it also meant that each message needed to be conveyed with precision. The Mediator alternated between English and Chinese to match the participants' preferences, and Party A's Lawyers assisted in framing legal concerns in simpler and clearer commercial terms. This required patience and a deliberate effort to maintain clarity across languages.

### **Reflections**

As a Young IP Mediator, this mediation provided a valuable opportunity to observe how the process values of mediation are upheld during a mediation session.

The Mediator's bilingual facilitation stood out as a central element of the session. Because Party B was more comfortable conversing in Chinese, the Mediator conducted their discussions primarily in Mandarin, while conversations with Party A's counsel proceeded in English. He delivered key

explanations sequentially in both languages during the opening joint session, ensuring that every part of the opening statement was understood by all participants. Throughout the day, he was attentive not only to what was spoken, but to how comfortably it was received. As my own speaking ability in Chinese is limited, he took time between shuttle rounds to clarify legal concepts or technical phrasing in English, and ensured that I understood what had been discussed. This demonstrated, in practice, how a Mediator's language sensitivity is integral to party autonomy and procedural fairness.

The advantages of a bilingual facilitation is observed by Party A:

We are grateful for the dedication of our mediator, Mr. Soh Kar Liang...[h]is bilingual skills were invaluable in facilitating clear and effective communication among all parties.

I also learned significantly from observing Party A's Lawyers. In particular, I left the session with a clearer understanding of what effective advocacy in mediation can look like in practice. They offered clarity and context to help the Mediator understand their clients' interests, and handled proposals and counter-proposals in a constructive way. I found their approach instructive.

The above was also shared by the Mediator:

The mediation also exemplified the importance and value of solicitors in the role of mediation advocates. The support and insights of the solicitors in attendance were a positive contribution to the progress achieved during the mediation session.

Party B's decision to attend without legal representation also offered an important lesson. Their engagement was sincere and thoughtful, and the Mediator devoted time to ensuring they understood each development. As issues grew more complex, Party B recognised the need to consult counsel before proceeding further. Their choice highlighted the importance of informed decision-making and reality testing in mediation.

As commented by Party B, the importance of the role played by the Mediator where only one party is represented is clear:

Our mediator, Mr. Soh Kar Liang...demonstrated professionalism throughout and took care to understand our concerns.

## Conclusion

Although the parties ultimately chose not to proceed further with mediation,<sup>4</sup> the session served a meaningful role in clarifying positions, refining expectations, and supporting informed decision-making. The process ensured that each party's concerns were heard and understood within a structured, respectful environment.

Party B recognised that "*the mediation provided valuable insights into alternative dispute resolution and reaffirmed the importance of open communication in resolving complex intellectual property matters.*"

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<sup>4</sup> The mediation was terminated on 31 Oct 2025.

Party A's Lawyers also commended the Mediator:

...Although the parties were ultimately unable to reach a settlement,<sup>5</sup> Mr Soh's efforts and determination greatly contributed to the mediation process. Mr Soh's proactive involvement at strategic junctures greatly aided the dialogue and conciliatory efforts between the parties.

I also learned much from the experience, and it deepened my understanding of the roles of the mediator and counsel in the mediation process.

Written by Elizabeth Ong-Chen, Young IP Mediator  
29 December 2025

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<sup>5</sup> The earlier mediations which Party A participated in both resulted in a full and final settlement of the disputes in those cases.