

UPDATES FROM IPOS

July 2025

Dear readers

Welcome to our latest update on IP & tech dispute resolution in Singapore. Among other developments, the Singapore High Court has issued its first decision on the assessment of statutory damages under the Trade Marks Act.

Court decisions

[Louis Vuitton Malletier v Ng Hoe Seng](#) [2025] SGHC 122

The General Division of the Singapore High Court issued its first decision on the assessment of statutory damages under section 31(6) of the Trade Marks Act.

Counterfeit marks were applied to nine types of goods, including phone cases, watch straps and passport covers. The defendant did not participate in the proceedings, and deprived the claimant of an opportunity to quantify its losses.

Justice Dedar Singh Gill noted that Parliament had intended for deterrent considerations to feature in the assessment of statutory damages. The award should be high enough to deter the defendant and others from committing the same or similar acts of infringement (this is at odds with a purely compensatory aim). Further, the rubric of deterrence is wide enough for a consideration of the defendant's conduct. Gill J then applied the factors in section 31(6) to the facts of the case.

An additional point of interest in this case is that Gill J referred to the ease with which technology has made it easier for infringing acts to be carried out. Retailers could easily set up different online platforms and avail themselves of a hydra-like approach to continuing infringement, as even if one head is sliced off, another can easily spring up. This was what the defendant had done in this case. He also changed his offending Instagram page to a private account in an attempt to mask his infringing activities. The need to deter is acute.

In closing remarks, Gill J underscored that the assessment of statutory damages is the best a court can do when the claimant cannot prove its actual losses, even if the exercise is not perfect. The final award should be proportionate to the legislative scheme and the factors in section 31(6).



[Beltran, Julian Moreno and others v Terraform Labs Pte Ltd and others](#) [2025] SGHC(I) 17

The dispute in this matter arose out of the well known Terra-Luna cryptocurrency crash in 2022. TerraUSD was pegged to the US dollar at a one-to-one exchange rate but lost most of its market value.

This decision by the Singapore International Commercial Court deals with the first representative action before it. Ten representative claimants representing 356 other claimants suffered economic losses and sued three defendants for breach of unilateral contract, misrepresentation, inducing breach of contract, and unlawful means conspiracy. They partially prevailed.

[Re Terraform Labs Pte Ltd](#) [2025] SGHC(I) 18

In yet another set of court proceedings arising from the Terra-Luna cryptocurrency crash, a group of non-parties belatedly sought to join pending litigation against Terraform Labs Pte Ltd (TFL). The Singapore International Commercial Court granted TFL's application to enforce a moratorium intended to stop claimants such as the non-parties from pursuing claims that are inconsistent with the terms of TFL's plan of reorganisation already confirmed by the United States Bankruptcy Court for the District of Delaware and recognised in Singapore under the UNCITRAL Model Law on Cross-Border Insolvency.

The court awarded costs to TFL, and cautioned that "interference with recognition orders will expose any parties who take unjustified actions to costs awards, especially in cases such as this one where the adverse impact on the foreign debtor and its assets is directly related to a wilful violation of a court order".

[Re Taylor, Joshua James and another \(Official Receiver, non-party\)](#) [2025] SGHC 104

This decision concerns an application by the liquidators of the operator of the "EQONEX" digital asset exchange. Customers were able to hold and trade cryptocurrencies in digital wallets hosted by the exchange. When the exchange ceased to operate, some customers did not claim and withdraw their digital assets. The liquidator applied to have the unclaimed assets treated as being held on trust by the operator for customers (and subsequently, for the assets to be vested with the Official Receiver).

The court found on the facts of the case that there was no trust. It declined to infer a trust based on the label "custodial assets" used in the terms and conditions, nor based on the fact that customer wallets were segregated. Express disclaimers of fiduciary duties and affirmations of customer ownership negated the finding of a trust over the unclaimed cryptocurrencies.

Media coverage on IP-related disputes

[The Straits Times](#) reported on 27 July 2025 that home-grown hospitality group Topsy Collective has filed a lawsuit against its former leadership for breaches of fiduciary and contractual duties. The claimant also seeks an injunction to prevent its former CEO, director and founder from using any confidential company information that may have been retained.



Updated Resource

[“Singapore: A World Class Venue for IP & Technology Dispute Resolution”](#) is a brochure on why Singapore stands out as the trusted venue with unique, compelling advantages. Check it out in English at the preceding link, or view the [Chinese](#) edition.

Featured events

Global Forum on Intellectual Property (GFIP) Ideas to Assets: Innovating in Times of Change

Have you registered?

Join us at [IP Week@SG](#) on 26 and 27 August 2025 at the Marina Bay Sands Expo and Convention Centre, Singapore. IP and Tech Dispute Resolution highlights in the programme on 27 August 2025 not to be missed:

1. Panel 2B *Through the Looking Glass with IP: From Court to Court*
 - Judges from Australia, Europe, Singapore, UK and USA share insights on emerging legal trends
2. Panel 3B *Beyond Battlegrounds: From Territorial Considerations to Strategic Forum Selection*
 - Live enactment of client consultations
 - Strategic factors influencing forum selection; role of third party funding and claims insurance
3. Panel 4B *Beyond the Courtroom: From Litigation to Appropriate Dispute Resolution*
 - Arbitration: Live enactment of a procedural conference and an application for an interim injunction
 - Panel reflection on roleplay

Register [here](#) today.

However, if you are only able to attend on 27 August 2025, the following will be of interest:

IPOS x CI Arb Singapore: Appropriate Dispute Resolution for Tech & IP in Singapore (ADR TIPS)

CI Arb and IPOS are collaborating on ADR TIPS, which takes place on the afternoon of 27 August 2025 as part of IP Week, also an associated event of Singapore Convention Week. The event begins with a welcome address by Minister Edwin Tong, followed by a series of dramatic roleplays across 2 panels relating to an international tech & IP dispute. It culminates in a panel discussion reflecting on the scenes. More details can be found [here](#).

Ordinarily, one would have to sign up for the 2-day IP Week [conference](#) (priced at S\$1,750 before GST) to access this event (which takes place on Day 2, 27 August 2025 from 2 to 5.30pm). However, exclusive arrangements have been made to allow direct [registration](#) at the cost of S\$500 (before GST). In addition to full GFIP conference access for Day 2, the pass also includes all meals and access to the closing reception. Attending ADR TIPS is worth 3 public CPD points, while the full Day 2 is worth 5.5 public CPD points.



TechLaw.Fest

Reimagining Legal in the Digital Age

Mark your calendars! [TechLaw.Fest](#) returns on 10 and 11 September 2025 at the Marina Bay Sands Expo and Convention Centre, Singapore.

Don't miss Main Stage Panel 4A *Navigating Cross-Border Disputes in the Video Game Industry* on 10 September 2025. This panel brings together adjudicators, lawyers in private practice and in-house counsel to explore how disputes in the gaming ecosystem are addressed. From platform battles and intellectual property claims to cross border challenges, the panellists will unpack the developing landscape and discuss effective and efficient dispute resolution strategies.

Register at [Early Bird Rates](#) soon.

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

In this practice-oriented [seminar](#) in the afternoon of 25 September 2025, the Hearings and Mediation Department of the Intellectual Property Office of Singapore will address practical issues in navigating contentious proceedings at IPOS. Guest speakers are Aaron Thng from Amica Law LLC and Caleb Goh from the WIPO Arbitration and Mediation Center. This seminar is an accredited CPD activity (3.5 points).

Register [here](#) to enjoy attractive rates (\$272.50 GST included) subsidised by the Hearings and Mediation Department.

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 see_tho_sok_yee@ipos.gov.sg. Archived copies of our previous updates are available at the following [link](#).

