

Mediation Success at IPOS

Worldwide Bible Society (Singapore) & The Bible Society of Singapore [2022] SGIPOS MED 3

| | Party A | Party B |
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| Name | Worldwide Bible Society (Singapore) | The Bible Society of Singapore |
| Nationality / Country of Incorporation | Singapore | Singapore |
| Representation | Goodwins Law Corporation | Rajah & Tann Singapore LLP |
| Lawyers | Tan Teck Hian Wilson | Gregory Vijayendran, Senior Counsel Edina Lim Tomoyuki Lewis Ban |

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| Mediation Institution | World Intellectual Property Organization Arbitration and Mediation Center ¹ |
| Co-Mediators | Reverend Terry Kee Buck Hwa (“Rev Kee”) ² Professor Ng-Loy Wee Loon, Senior Counsel (Honoris Causa) (“Prof Ng-Loy”) ³ |
| Shadow Mediator ⁴ | Benedict Koh Yen Hin, IPOS Young IP Mediator ⁵ |
| Date of Mediation | 12 January 2022 ⁶ |

Background of the Parties

The Worldwide Bible Society (Singapore) (“Applicant”) is an organization which is a part of an international group of organizations whose mission is to translate Bibles into modern-day Chinese and to promote God’s Word.

The Bible Society of Singapore (“Opponent / Registered Proprietor”) is a registered society in Singapore since 1837 and also a part of a global movement whose mission is to spread the Word of God and is the largest supplier of all kinds of Bibles and Scriptures in all kinds of language to churches and Christian bookshops. The Opponent / Registered Proprietor also equips churches in Singapore and other parts of the world to share the Bible, and acts as an integrated Bible agency that helps people

¹ The World Intellectual Property Organization Arbitration and Mediation Center’s only office outside Geneva, Switzerland is in Singapore.

² Rev Kee is a pastor of Jurong Christian Church (Chinese). He has been a pastor of the Lutheran Church in Singapore since 1982. He was elected Bishop of the Lutheran Church in Singapore in 2009 and stepped down in 2021 after completing 3 terms of service as Bishop. He has also served as President of the National Council of Churches from 2012-2014 and 2018-2020.

³ Prof Ng-Loy teaches at the National University of Singapore, Faculty of Law and is an expert in the field of Intellectual Property (“IP”) Law.

⁴ It is a condition of funding under the IPOS Enhanced Mediation Promotion Scheme (“EMPS”) that parties allow a “shadow” mediator to sit in and observe the mediation; or have a co-mediator to assist in the mediation.

⁵ 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 mediation in future.

⁶ Parties reached an in-principle agreement at the end of the mediation session on 12 January 2022. Thereafter, IPOS was informed on 9 May 2022 that parties have entered into a Deed of Settlement.

to understand its message, through proper Bible translation, publishing, and distribution, literacy programmes, and other engagement and advocacy events.

Background to the Dispute⁷

The Applicant applied to register a trade mark in Class 16 as a series of 8 marks:⁸



(“Application Mark”). The Opponent / Registered Proprietor opposed the registration of the Application Mark. The Applicant proceeded to apply to invalidate and/or revoke two of the marks registered earlier by the Opponent / Registered Proprietor:

BIBLE SOCIETY ;⁹and

圣经公会 ^{10 11}

The parties’ primary concerns included, among others, the confusion which could arise from the use of the term “Bible Society”, such that third parties could deem the Applicant and Opponent / Registered Proprietor to be the same entity or related entities.

⁷ It is a condition of funding under the EMPS that parties agree to named publicity, without the need to disclose specific details of the settlement agreement.

⁸ Trade Mark No. 40202014164X. The Chinese characters in the marks translate into “Worldwide Bible Society” and their transliteration is “Huan Qiu Sheng Jing Gong Hui”.

⁹ Trade Mark No. T1402310Z.

¹⁰ Trade Mark No. T1402313D.

¹¹ The Chinese characters translate into “Bible Society” and their transliteration is “Sheng Jing Gong Hui”.

In this vein, the parties went for mediation, with a view towards resolving their dispute amicably. The co-mediators appointed matched the Christian-centric and IP-focused nature of the dispute, bringing in a wealth of experience from their years of deep involvement in the Christian community and IP respectively.

Putting Theory into Practice – the Mediation Process

This was my first time experiencing an actual mediation from the perspective of a mediator. My prior experience in mediation primarily came from hypothetical exercises in mediator accreditation training and mediation-related competitions. In these prior endeavours, there was a stronger impetus for me to follow a standard method of demonstrating important theoretical mediation-related skills – including rapport-building, reality-testing, active listening, caucuses, etc.

While these skills are just as applicable in actual mediations, my experience shadowing this mediation cast the flexibility and practical nature of these skills into even greater light. In this piece, I will focus on two specific aspects of the mediation – (1) rapport-building and (2) option generation & reality-testing. These were crucial in guiding the parties towards amicably resolving their dispute.

Firstly, I was struck by the efforts taken in building rapport between the parties. The rapport-building in this mediation took place even from before the mediation session. Building on the parties' selection of the mediators, the mediators selected Jurong Christian Church as the mediation venue, to reinforce the common Christian-centric nature of both organizations' work. Building on this, the mediators reinforced the fundamental commonality between the parties at the opening of the mediation session, by reminding the parties of their common identity as Christian-based organizations, and that both parties have a common purpose of serving God.

These efforts set a firm and cohesive tone for the session, in no small part due to the commitment from the Applicant and Opponent / Registered Proprietor themselves. Both parties were forthcoming with their underlying concerns – both religious and commercial – and were mutually respectful to each other. They also both emphasized the importance of co-operation in contrast to competing against one another.

From this, the mediators gradually skilfully elucidated the parties' respective interests, and guided them past merely recognizing their common ground, towards collaborating to fulfil both their underlying interests. The mediators also took additional care to ensure that both parties felt heard whilst channelling their emotions in a healthy and productive manner. I was impressed with how the mediators actively opted to not intervene at certain junctures of the mediation session. This allowed parties to engage with each other more seamlessly. At appropriate junctures after the parties were given the space to articulate their emotions and concerns, the mediators then stepped in to reframe the parties' words, calling for private sessions at appropriate points, among other efforts.

Secondly, building on the rapport, the mediators also guided the parties in generating options for resolution, whilst reality-testing these options to ensure the viability and sustainability of the parties' eventual agreements.

For instance, the mediators facilitated the parties' rigorous reality-testing of options raised. One example of this came from the testing of the suggestion that the Applicant change its name. To this, the parties questioned whether the Applicant could even change its name unilaterally, given that it was a part of a wider international organization (the Worldwide Bible Society), and there could be

consequent cross-border implications stemming from a unilateral change of name of the Applicant organization.

The parties also worked towards generating creative options beyond the corners of the law. Among others, the parties discussed the possibilities of joint marketing and publicity initiatives as well as educational efforts, and the packaging of such undertakings together into alternatives which are satisfactory for both parties.

Takeaways and Reflections

The parties eventually reached an amicable settlement.¹²

One of the co-mediators, Prof Ng-Loy observed:

The dispute in this case was somewhat akin to a family dispute because the parties are, ultimately, members of the same family (the Christian community) and their dispute is over the use of words/terms that have special meaning to the family as a whole. For this reason, I am particularly gratified that the parties were able to reach an amicable resolution of their dispute. In my view, there are two vital factors that contributed to the successful outcome in this mediation. First, the respect that the parties showed to each other in spite of their divergent views in the matter, and they should really be commended for this. Second, the wisdom of both sets of lawyers as they guided their respective clients to explore solutions to the dispute. The important role that lawyers play in mediation cannot be overstated.

The lawyers for the Opponent / Registered Proprietor commented:

Having this mediation framework in place and the [Enhanced Mediation Promotion Scheme ("EMPS")]¹³ scheme proved an appropriate dispute resolution avenue, and sufficient incentivization,¹⁴ for parties to mediate the dispute. The mediation forum was an excellent port of call for parties to better understand each other's concerns and interests as well as providing a conciliatory, conducive and conclusive problem solving platform for parties. The mediators played a vital role in facilitating parties to move towards an optimal, win-win resolution with a relational approach, excellent temperament and expert perspectives. Without them, we would not have arrived at such a solution so fast or at all. In short, we are very pleased that the issues between parties have been resolved in a creative and cost-efficient manner.

On a personal note, I was heartened that the parties were able to arrive at an amicable resolution through the mediation. The mediation process provided the parties with a safe platform to articulate their concerns and reach mutually beneficial solutions beyond the corners of the law. As both a Christian and a budding mediator, I am immensely grateful that I could witness first-hand the practical application of the mediation skills I had learnt in my prior training, and in a religious context which I hold close to my heart. I sincerely look forward to applying these takeaways into my future practice

¹² As indicated above, parties reached an in principle agreement after the mediation session ended on 12 January 2022 and IPOS was informed that parties entered into a Deed of Settlement on 9 May 2022.

¹³ Parties received funding under the EMPS scheme as the mediation session was conducted on 12 January 2022. With effect from 1 April 2022, the Revised Enhanced Promotion Scheme ("REMPS") was launched. Under REMPS, parties could claim up to S\$14,000 (compared to S\$12,000 under EMPS) where foreign IP rights are involved or S\$10,000 where local IP rights are involved.

¹⁴ Under EMPS, parties are claiming S\$10,000 (this case only involves Singapore trade mark rights) between themselves to offset mediation related fees.

as a mediation advocate and a mediator, in turn paying forward the opportunities I have received, so as to continue working for the good of others.

Written by Benedict Koh Yen Hin, Young IP Mediator
19 July 2022