

Mediation at IPOS¹

**ZipStorm, Inc.
&
SEEK Limited
[2026] SGIPOS MED 2**

	Applicant	Opponent
Name	ZipStorm, Inc.	SEEK Limited
Nationality / Country of Incorporation	USA	Australia
Representation	Ferzana Haq and Murgiana Haq - hslegal LLP (Singapore) Ms Julianne Henley - Sparrow IP PLLC (U.S.A.) (attended virtually)	Mr Bill Ladas and Mr James Robb - King & Wood Mallesons (Australia) (now Mallesons Australia) (attended virtually) ²

Mediation Institution	WIPO Arbitration and Mediation Center (“WIPO Center”)
Mediator	Mr Jonathan Choo (“Mediator”)
Shadow Mediator³	Elizabeth Ong-Chen, IPOS Young IP Mediator ⁴
Date of Mediation	26 February 2026
Mode of Mediation	Hybrid ⁵

Introduction

The current mediation arose from opposition in Singapore pertaining to the marks:

(1) 

(2) 

applied for in relation to services in Class 42, which covers SAAS services relating to a searchable database of job candidates, among other things.⁶

¹ The mediation was funded under IPOS Revised Enhanced Mediation Promotion Scheme (REMPS), which may be tapped upon in disputes before IPOS.

² The Opponent’s Singapore lawyers, Aaron Thng and Zachery Tan from Amica Law LLC, were not present at the mediation.

³ It is a condition of funding under the IPOS Revised Enhanced Mediation Promotion Scheme (“REMPS”) that parties allow a “shadow” mediator to sit in and observe the mediation.

⁴ 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.

⁵ This means that the mediation was conducted partly in person and partly online.

⁶ There are also an invalidation proceedings commenced by the Applicant, see below.

The parties sought to resolve all and potential disputes by way of a settlement agreement.⁷

The Parties

The Opponent is an Australian company incorporated in 1997. It operates online employment marketplaces and provides a broad range of related goods and services to hirers, recruiters, and job candidates via its websites and mobile applications. Its operations span a number of markets across the Asia Pacific region.

The Applicant is an American technology company which provides online and technology-based employment and recruiting services. It was founded in the USA in 2016 and its business has expanded globally including into Singapore in 2018.

Both parties operate within the broader recruitment sector. The Opponent provides online job marketplace services to employers and job seekers, and the Applicant offers a subscription-based recruiting platform and service.

The Dispute

The dispute centres on the use of the mark "seek" in recruitment-related services. The Opponent relies on its registered trademarks incorporating "SEEK". The Applicant contends that "seek" is descriptive or generic in the context of job search services and should remain available to market participants.

The disagreement has given rise to multiple proceedings, including opposition proceedings in Singapore initiated by the Opponent and an invalidation initiated by the Applicant against the "SEEK" trade mark registered by the Opponent for, amongst others, online job search services. Prior to mediation, the parties engaged in extensive negotiations on a "without prejudice" basis.

Mediation Process

The mediation commenced at approximately 9.00 am Singapore time with an opening joint session. The Mediator outlined the core principles of mediation, emphasising confidentiality and the importance of working toward a practical and commercially sustainable resolution. He encouraged constructive engagement and highlighted that parties needed to consider what issues had to be resolved to reach a full and final settlement.

Each party then presented opening remarks. The Applicant framed the dispute as arising from differing understandings developed during prior discussions, emphasised its distinct position within the recruitment ecosystem, and indicated willingness to explore a settlement arrangement. The Opponent, through counsel, focused on the development and protection of its "SEEK" brand and outlined concerns about market confusion arising from overlapping use of similar trade marks.

The Mediator then worked with the parties to identify key issues, including the status of ongoing trademark proceedings, and the scope of any prospective settlement arrangement. He also highlighted the significant time and resources both parties had already spent over five years of dispute, encouraging them to focus their efforts on their businesses instead.

⁷ Under REMPS, parties can receive reimbursement of mediation costs of up to S\$8,000 (where only Singapore IP rights are involved) or S\$12,000 (where both Singapore and foreign IP rights are involved).

The mediation proceeded in private shuttle-style discussions. With the Applicant, the Mediator explored the operational realities of its business across jurisdictions. Its lawyers noted:

"It was very useful that the mediator called for separate meetings with each party prior to the mediation session. He also asked us to think about the points which are 'deal breakers' prior to the negotiations, which enabled the parties to focus their minds on the key issues."

In parallel, the Mediator engaged with the Opponent through counsel to understand its objectives and how proposals might align with its commercial and brand considerations.

Over the course of the day, proposals were exchanged and the Mediator explored whether incremental arrangements might be viable. Despite continued engagement, the parties were unable to reach an agreed resolution which reflected each party's position. The mediation concluded at 3pm Singapore time without a final agreement, and the planned second day was vacated. Nevertheless, the process enabled both sides to engage substantively on the issues and develop a clearer understanding of the legal, commercial, and practical considerations at stake.

Challenges

The mediation faced two notable challenges.

First, differing time zones imposed a six-hour limit on discussions, requiring the Mediator to balance between giving parties adequate space with maintaining productive momentum.

Second, the hybrid format — with participants attending both in person and remotely — introduced complexity in managing communication and engagement across different settings, highlighting the practical difficulties of maintaining clarity and coherence across multiple channels.

Reflections

As a Young IP Mediator, this mediation offered a valuable opportunity to observe how a mediator navigates practical constraints while maintaining process integrity. The Mediator guided the parties through a structured progression — from identifying key issues to testing proposals and engaging with draft terms — underscoring the importance of pacing and prioritisation in complex disputes.

Both parties expressed appreciation for the Mediator's approach. The Applicant's Singapore lawyers noted his "methodical style" and observed that the mediation "helped crystallize the issues and clarified each party's perspective on this global dispute." The Opponent's lawyers appreciated his "proactive identification of contested issues and structured approach to managing participants split across three separate time zones."

The mediation also illustrated the central role counsel play in shaping how a dispute is framed and approached — structuring the discussion, defining negotiation parameters, and refining proposals. Observing these interactions provided useful insight into mediation advocacy and how counsel influence both the substance and tone of discussions.

Finally, the mediation reinforced that even where settlement is not achieved, the process serves an important function in clarifying the dispute and testing assumptions about the extent to which it is capable of resolution at a given point in time.

Conclusion

Although the parties did not proceed further with mediation, the session served a meaningful role in clarifying positions and supporting informed decision-making. It gave both parties their first opportunity to hear each other out directly. It was also a privilege to observe how counsel and the Mediator leveraged their expertise as IP lawyers to analyse complex commercial and legal issues, adapt as talks progressed, and prepare draft settlement proposals on the spot — an experience from which I learned a great deal.

Written by Elizabeth Ong-Chen, Young IP Mediator
22 June 2026