INTELLECTUAL PROPERTY
OFFICE OF SINGAPORE

UPDATES FROM IPOS

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Dear readers

Here are some developments relating to IP & tech dispute resolution in Singapore.

Court decisions

ONI Global Pte Ltd and another v GNC Holdings LLC and another appeal [2026] SGCA(I) 3

This decision was about the enforcement in Singapore of a foreign arbitral award arising from a franchise dispute. GNC, an international seller and distributor of health products and dietary supplements, had a long-standing franchise relationship with ONI Global in respect of GNC franchised stores in Singapore. LAC Global, an associated company of ONI Global, operated the stores. The dispute centred on whether ONI was entitled to terminate the relevant Singapore agreements and rebrand 54 GNC franchised stores in Singapore as LAC stores in May 2022.

The arbitration was seated in Pittsburgh, Pennsylvania. The tribunal issued an award largely in favour of GNC, including damages and orders for specific performance. ONI Global and LAC Global resisted enforcement of the award in Singapore on grounds including public policy, natural justice and scope of submission to arbitration. The Singapore International Commercial Court rejected most of these objections, but declined to enforce three specific performance orders on natural justice grounds.

The Court of Appeal dismissed ONI Global and LAC Global's appeal and allowed GNC's cross-appeal. It held that the award should be enforced in full. In particular, the court found no basis to re-open the tribunal's findings on alleged destruction of evidence, and held that there was no breach of natural justice in the tribunal's detailed orders for specific performance.

KBP Biosciences Pte Ltd and another v Novo Nordisk A/S [2026] SGCA(I) 2

This case involved a worldwide freezing order granted by the Singapore International Commercial Court in support of a New York-seated arbitration. The dispute arose from Novo Nordisk A/S's ("Novo") acquisition of rights to Ocedurenone, a drug which KBP Biosciences Pte Ltd had been developing, under an asset purchase agreement governed by New York law.

Novo claimed that it had acquired the rights to Ocedurenone as a result of fraudulent breaches of warranty and misrepresentations by KBP and its founder, Dr Huang Zhenhua. In particular, Novo alleged that KBP had failed to disclose material information concerning the Phase 2 clinical trial results, including the significance of anomalous data from a Bulgarian clinical trial site. Novo also relied on the non-disclosure of an interim analysis of the Phase 2 results and prior negotiations with

another pharmaceutical company, Otsuka, which had declined to proceed with an acquisition after raising concerns about the Bulgarian site data.

The Court of Appeal dismissed the appeal and upheld the worldwide freezing order. It held that the Judge was entitled to find that Novo had a good arguable case that material information concerning Ocedurenone's efficacy had not been disclosed, and that there was a real risk of dissipation of assets. The Court also held that the Singapore court had jurisdiction under s 12A of the International Arbitration Act 1994 to grant interim relief in support of the New York arbitration.

Louis Vuitton Malletier v Ng Hoe Seng (formerly trading as EMCASE SG) [2026] SGCA 22

We first reported the High Court decision on this case in "Updates from IPOS" on 31 July 2025. There, the claimant was awarded statutory damages of S$200,000. In this appeal, the Court of Appeal substituted it with an award of S$510,000.

The Court of Appeal explained the proper interpretation of the principles governing statutory damages in the relevant legislative provisions in a detailed inquiry. The "Per Goods" and "Per Action" interpretations applied, rather than the "Per Mark" interpretation. Statutory damages are awarded with due regard to the different types of goods, and not as a lump sum. Hence, the more appropriate approach is to assess damages based on the relevant factors in respect of *each of the nine types* of goods in this case.

IPOS decisions

Rockwool A/S (Rockwool International A/S) v Saudi Rock Wool Factory [2026] SGIPOS 6

This was a trade mark opposition by Rockwool A/S, relying on its earlier registrations for ROCKWOOL, against an application by Saudi Rock Wool Factory to register " " for insulation and related goods in Class 17.

The Applicant had argued that "rockwool" or "rock wool" was a generic name for a type of insulation material, rather than a proprietary trade mark of the Opponent. However, after filing evidence, the Applicant's agent discharged itself and the Applicant did not file written submissions or participate in the hearing.

The Registrar proceeded on the basis that ROCKWOOL was the Opponent's trade mark and proprietary term, while noting that findings made in the absence of one party were necessarily tentative and would not bind the Registrar in future proceedings where the same issue may be fully contested. On that basis, the Registrar found that the marks were visually, aurally and conceptually similar, that there was an overlap in the goods, and that there was a likelihood of confusion. The opposition therefore succeeded under s 8(2)(b) of the Trade Marks Act 1998, and registration of the application mark was refused.

Merck KGaA v Pfizer Inc [2026] SGIPOS 7

Merck KGaA ("Merck") was unsuccessful in its opposition to Pfizer Inc's application to register the " 

" mark for vaccines for human use in Class 5. Merck relied on its earlier MAVENCLAD mark, which was also accompanied by a circle logo and registered for pharmaceutical and related goods in Class 5.

The Registrar found that Merck had not established the threshold requirement of marks-similarity under s 8(2)(b) of the Trade Marks Act 1998. This also defeated Merck's ground under s 8(4)(b)(i), and meant that Merck could not establish misrepresentation for the purposes of passing off under s 8(7)(a).

Merck argued that the circle logo was the dominant and memorable component of its mark. The Registrar rejected this argument. The circle logos in both marks were simple devices which did not evoke any particular concept and were more likely to be perceived as decorative elements. The dominant and distinctive components of the marks were instead their respective word elements, MAVENCLAD and ABRYSVO. These were visually and aurally dissimilar, and conceptually neutral as both were invented words with no meaning.

The case was also covered by the Straits Times under the headline "Pfizer wins Singapore trade mark dispute with Merck over vaccine brand".

Featured articles

Readers may be interested in the following articles.

- Chloe Lim, "M1-Simba deal: What are frequency spectrums and when does their use become unauthorised?", published in The Business Times on 18 May 2026. In brief, the article discusses IMDA's decision to pause its review of the proposed M1-Simba consolidation following allegations that Simba Telecom had made unauthorised use of radio frequency bands that were not assigned to it. The article also explains Singapore's spectrum management framework and why unauthorised spectrum use may raise regulatory concerns.
- Dr Stanley Lai SC, "Bicentennial Celebrations — Developments in Intellectual Property", Singapore Law Gazette, dated May 2026. This article traces the development of Singapore's intellectual property regime from its colonial origins to the present day. The article provides a useful overview of key milestones in Singapore's IP legislation, international treaty commitments, enforcement framework and dispute resolution ecosystem, before considering contemporary challenges including AI-generated content, e-commerce platforms and the Singapore IP Strategy 2030.

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