

IPOS Decisions 2025: Year-in-Review



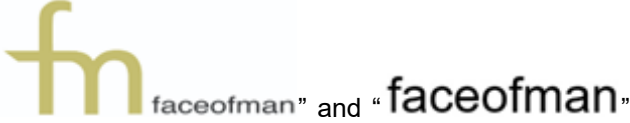

Selected Issues, Holdings and Comments of Interest

Please note:

- (1) Full Grounds of Decision and case summaries (where available) are accessible at: <https://www.ipos.gov.sg/manage-ip/resolveip-disputes-overview/legal-decisions>
- (2) We have a mailing list where we provide regular updates on recent developments in the field of IP/Tech dispute resolution in Singapore. To join, please contact ipos_hmd@ipos.gov.sg.

* Disclaimer: The list of issues, holdings and comments are provided for the convenience of readers, and are not intended to have any legal effect. Parties wishing to rely on IPOS cases should refer to the full grounds of decisions, which can be found at the link provided on the cover page of this document.

IPOS CASES IN 2025

Case Reference	Selected Issues, Holdings and Comments of Interest
<u>Essity Hygiene and Health Aktiebolag v Tianrong Co Ltd</u> [2025] SGIPOS 1	<p>The opponent is a hygiene and health company whose products include incontinence diapers under the brand “TENA”. The Applicant is in the business of baby care products including baby diapers; and applied to register "" in Classes 3 and 5 in Singapore.</p> <p>The IP Adjudicator found that the competing marks were not similar overall. The ground of opposition based on confusing similarity therefore failed. The opponent also could not establish goodwill, misrepresentation and damage; its ground of opposition under passing off likewise failed. Further, the IP Adjudicator did not find the opponent’s earlier mark well known to any sector of the public in Singapore. Thus, the opponent failed on the “well known mark” ground.</p> <p>Finally, the opponent also failed in its ground of bad faith because the application to register "" was found not to be dishonest nor to fall short of the stands of acceptable commercial behaviour observed by reasonable and experienced business people.</p>
<u>Chua Beng Hock v FM Skincare Pte Ltd</u> [2025] SGIPOS 2	<div style="text-align: center;">  </div> <p>In this trade mark dispute involving the marks “ faceofman” and “faceofman” in relation to skincare products and skincare salon services, the Principal Assistant Registrar worked through a web of historical and corporate details the parties were enmeshed in. The responding party was, at the very least, a co-owner of the goodwill. Applying the principle that one co-owner of goodwill cannot establish passing off against another co-owner, the initiating party ultimately failed in its opposition and application for declaration of invalidity against the marks, including on its grounds of passing off and bad faith.</p>
<u>Symphony Holdings Limited v Skins IP Limited</u> [2025] SGIPOS 3	<p>A relevant factor when determining whether there was bad faith is whether there has been a failure by the trade mark applicant to address the allegation of bad faith.</p> <p>In the present case, the applicant made no attempt to offer any explanation at all why it chose to use the word “SKINS” as its company name and trade mark given the factual context of the case. If it had nothing to hide, surely it would have come forward to respond to the allegations of bad faith. The Principal Assistant Registrar found that reasonable and experienced men in the trade would take umbrage with the applicant’s copying. The opposition therefore succeeded on the ground of bad faith.</p>

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<u>Hangzhou Pingpong Intelligent Technology Co. Ltd v Speedy Trade Finance Limited</u> [2025] SGIPOS 4	<p>The Principal Assistant Registrar found for the opponent on the ground of passing off. Despite not conducting business in Singapore at the relevant date, the opponent enjoyed goodwill in Singapore because of its pre-trading activity which generated demand for its services.</p> <p>As an aside, the issue did not have the benefit of robust contestation from both parties. The applicant chose not to make submissions, and its pleadings and evidence disclosed little more than a bare denial of the opponent's case.</p>
<u>TNSG Biotech Co Ltd v Murray Colin Clarke</u> [2025] SGIPOS 5	<p>In this opposition, the parties were connected to each other by business dealings. The mark was not a trade identifier used to distinguish the goods and services of the opponent from those of other traders. The IP Adjudicator found that the applicant held the genuine belief that it was the legal owner of the trade mark in question and did not act in bad faith in filing the opposed application to register that mark. The opposition failed on the ground of bad faith.</p>
<u>In a matter of an application for extension of time to file counter-statement by Jiang Yazheng and an objection by Wen Zhang Lao Mian Pte Ltd</u> [2025] SGIPOS 6	<p>The proprietor defending a trade mark invalidation action applied for an extension of time to file her counter-statement. Her mark agent at the relevant time, Eagle Mind Pte Ltd (an accounting company), misrepresented the reason to the Registrar as <i>"Our legal counsel is in the process of handling this matter with the High Court, and we will submit the required documents accordingly"</i> in order to obtain the extension. In so doing, they acted without instructions. The reason provided was also false. The Registrar granted the extension without knowledge of the falsehood. The applicant of the invalidation action requested the revocation of the extension of time on the basis that the proprietor had provided a false reason and made a false declaration.</p> <p>The Assistant Registrar revoked the extension of time granted. It would be a mockery of the established, transparent procedural rules if the case continued on the basis of a material untruth. She also cautioned that parties involved in contentious proceedings before the Registrar of Trade Marks should consider engaging a suitably qualified agent or lawyer, especially because such proceedings are governed by strict formal pleading and evidential requirements in the legislation.</p>
<u>In a matter of a trade mark application by Taiwan Semiconductor Manufacturing Company Ltd</u> [2025] SGIPOS 7	<p>This case concerned whether chipmaker TSMC's slogan "UNLEASH INNOVATION" could be registered as a trade mark for goods and services in classes 9, 40 and 42. The trade mark examiners who examined the application took the view that the subject application was devoid of any distinctive character and therefore not eligible for registration under s 7(1)(b) of the Trade Marks Act. TSMC was given the opportunity to submit evidence of acquired distinctiveness through use, but did not do so.</p> <p>The Principal Assistant Registrar ("PAR") found that the average consumers in question (professionals and specialists within the semiconductor and information technology industries) would perceive "UNLEASH INNOVATION" as a promotional message and not as a badge of origin and refused registration.</p>

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	<p>In reaching his decision, the PAR discussed the registrability of slogans as trade marks under s 7(1)(b) TMA (see [20]-[40], [88]-[90]).</p> <p>He also set out: (1) his observation that, assuming a mark is not registrable for certain goods, an applicant cannot obtain protection for such goods by the back door by registering the mark for the service of manufacturing these same goods (see [63]-[69]); (2) reasons why foreign registrations are not binding in Singapore (see [71]-[78]), and (3) reasons why “analogous” prior local registrations are of limited (if any) persuasive value (see [79]-[87]).</p>
<p><u>Applications for extensions of time to file counter-statements in three trade mark invalidation applications and two trade mark oppositions by Perfect Supply Chain Co Limited and objection thereto by Amer Sports Canada Inc</u> [2025] SGIPOS 8</p>	<p>This interlocutory hearing involved an out-of-time request for extensions of time to file counter-statements in respect of 5 related cases. For four of the cases, the period of delay was 60 days and for the remaining one case the period of delay was 51 days. The delay was attributed to a clerical error on the part of its solicitor. Given the long delay and lack of good and sufficient explanation, the hearing officer was not persuaded that the extension should be granted.</p>