

### AMP+<sup>1</sup> Mediation Success

**The Beauty Nation Pte Ltd  
&  
SKY  
[2025] AMP+ MED 1**

	<b>Claimant</b>	<b>Respondent</b>
<b>Name</b>	The Beauty Nation Pte Ltd	SKY
<b>Nationality / Country of Incorporation</b>	Singapore	Singapore
<b>Representation</b>	Rajah & Tann Singapore LLP	Anthony Law Corporation
<b>Lawyers</b>	Mr Tng Sheng Rong Mr Tan Kay Shin	Ms Oei Su-Ying Renee Nicolette

<b>Mediation Institution</b>	WIPO Arbitration and Mediation Center (“WIPO Center”)
<b>Mediator</b>	Mr Jonathan Choo (“Mediator”)
<b>Shadow Mediator<sup>2</sup></b>	Mr Samuel Wee, IPOS Young IP Mediator <sup>3</sup>
<b>Date of Mediation</b>	29 April 2025
<b>Mode of Mediation</b>	In Person

#### Background

The Beauty Nation Pte Ltd (“Claimant”) and SKY (“Respondent”) are Singapore-incorporated companies who operate both physical and online stores, selling various health products. The dispute arose in December 2024 when the Claimant alleged that the Respondent had allowed the unauthorised sale of certain products bearing the Claimant’s marks below and mirroring the description of the latter's products on platforms such as Shopee and Lazada.

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<sup>1</sup> The WIPO-ASEAN Mediation Programme (AMP+) offers funding for mediation under certain conditions (with additional funding from IPOS if a Singapore-based mediator is appointed).

<sup>2</sup> It is a condition of funding under AMP+ that Parties allow a “shadow” mediator to attend and observe the mediation.

<sup>3</sup> 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 mediations in future.

The allegations of trade mark, patent and copyright infringement were not legally contested. No other proceedings had commenced before the Parties had agreed to attempt mediation under the WIPO-ASEAN Mediation Programme ("AMP+"). Under AMP+, if a Singapore-based mediator is appointed, parties can receive reimbursement of mediation costs for up to S\$5,000. The Mediator was swiftly appointed and the mediation date was fixed.

### **Pre-Mediation**

The Parties met with the Mediator separately for a pre-mediation session on 24 April 2025, sharing their mediation statements prior to the meeting. At the session, the Parties were open in explaining their views and expressed their desire to resolve the dispute amicably. The session itself was useful in crystallizing the precise issues to be addressed during the mediation session to follow.

### **Mediation Process**

The mediation was held at the WIPO Singapore Office from 10.30 am to 7.45 pm on 29 April 2025. Procedurally, there were two initial joint sessions within the first hour, followed by several hours of shuttle mediation, and a final joint session to conclude the mediation session.

The first joint session was held between the Mediator and the Parties' legal counsel around 10.45 am, where it was emphasised that the assistance of the legal counsel would be relied upon to guide their respective clients towards achieving a realistic settlement. Legal counsel play a key role in assisting parties to evaluate their available options while building upon the mediator's efforts to establish common ground between the parties. Interestingly, in this mediation, the Claimant had appointed the same Mediator in an earlier IP mediation (see [2024] AMP MED 5). The Respondent agreed to the appointment as the Mediator had prior experience with the Claimant and thus understood the nature of its claims. The Parties' trust in the Mediator contributed to the eventual resolution of the dispute.

The second joint session began at 11.10 am, where Parties convened to commence the mediation proper. The Mediator set out the ground rules: to show mutual respect and to forbear from interrupting when any other individual was speaking. Both Parties were then invited to address each other. The Claimant expressed disheartenment at the potential intellectual property ("IP") infringements against its company, and queried how the incident arose. The Respondent responded with an earnest apology and explained that the logos were designed without any collateral intention. In short, the Respondent indicated that there was no desire to cause market encroachment. The Claimant highlighted that significant financial investment had been poured into the development of its IP and conveyed its desire to move beyond the events that had already occurred. The Mediator promptly set out the key issues to be resolved at the mediation and categorized them into three sub-issues. These issues were written on a nearby whiteboard to assist the Parties in visualising the issues to be addressed. Within half an hour of this joint session, two of the three sub-issues were readily resolved in principle, with the minor technical details left for the legal counsel to complete.

For the third sub-issue, Mediator then led the Parties to break out into separate rooms for shuttle mediation. The Parties sought to agree on an appropriate settlement. The Claimant sought a sum that was reparatory in nature while the Respondent sought to provide a sum that was compensatory, but at a level that did not necessitate the initiation of bankruptcy proceedings. The disparity in initial sums both offered and demanded reflected a difference of nearly 4000%. The Mediator provided insightful assessments and accurately reality-tested the sums floated throughout the discussions. Moreover, the Mediator consistently reminded the Parties that resolving the dispute that day would be a win-win solution, since undergoing any subsequent court proceedings would place an additional mental toll and financial burden on both Parties. Moreover, the litigation risk of court proceedings meant that

the legal costs (the fees payable to legal counsel) were not necessarily awarded in entirety. The Mediator also met privately with the legal counsel of each Party several times for an assessment of the Parties' positions as the mediation progressed. This proved to be an important "temperature-check" in determining the Parties' amenability to the proposed terms of the final agreement.

At several points throughout the mediation, the Mediator directly conversed with the Parties in Mandarin, which was the language that they were most comfortable with. In this way, the Mediator helped in bridging any language barriers that existed during the mediation session and ensured that all proposals were effectively communicated between the Parties. Additionally, the Parties were also put at ease with the knowledge that the Mediator could understand their views whether it was expressed in English or Mandarin.

The main breakthrough occurred around 6.30pm in a series of rapid exchanges between the Parties, facilitated by the Mediator's brisk shuttle mediation. The Parties were able to crystallise several crucial terms of their final agreement related to the structure and timing of the settlement payments. These terms were refined and finally agreed upon.

The Parties' legal counsel had come prepared with a template settlement agreement to expedite the drafting process. Crucially, this essential preparatory work led to the saving of multiple hours of contract-drafting that could otherwise have been necessary prior to the completion of the mediation.

The last joint session had both Parties reconvening in the main room to sign and exchange the physical copies of the settlement agreement at around 7.35 pm. The Mediator congratulated the Parties on the successful resolution of their dispute.

## **Challenges**

The first challenge in this mediation related to the decisive influence of symbols in influencing the success of the mediation. Symbolic actions – whether through an apology or making meaningful adjustments to the settlement sums offered – demonstrated the significant effort made by the Parties in their attempt to establish common ground. By clarifying the intent behind various symbolic acts, the Mediator accelerated Parties' progression towards their final agreement by helping each understand the other's perspective throughout every stage of the mediation.

The second challenge involved the Parties' understanding of how the courts assess and award damages in IP infringement cases. While statutory parameters for copyright, trade mark, and patent infringement are publicly available, the courts may not award the maximum amount even if there is a proven infringement. The Mediator played a pivotal role in clarifying the nuances of the likely judicial outcomes that the Parties could encounter had the case proceeded to trial. For instance, the court may only have ordered an award of nominal damages, or only allowed part of the legal costs to be recovered by the winning party. In sum, it remains critical for IP disputants to note that not all legal victories result in complete financial recompensation and parties would benefit from maintaining a conservative view of their IP's assessed value.

The third challenge arose from the involvement of individuals who played supporting roles to the main decision-makers in the mediation. Emotional reactions often reflect a desire for fairness — which is a natural and understandable response. These perspectives inevitably add a layer of complexity to the emotional terrain of the mediation. The Mediator skilfully guided the Parties' contemplations and discussions, keeping them grounded and focused on the possibility of resolving their IP dispute that very day. Together with the legal counsel, the Mediator led the Parties in traversing the nuanced

emotional dynamics of the mediation session while helping them precisely weigh their options at each stage.

Ultimately, the impeccable skill of the experienced Mediator helped the Parties to swiftly overcome these challenges at the mediation session. The Parties were thus able to make full use of the precious opportunity offered by the AMP+ mediation to conclude their IP dispute.

## **Reflections**

The Mediator commented:

I arranged to have separate pre-hearing sessions with each of the parties and their respective lawyers several days before the mediation hearing. These pre-hearing sessions were a good way for me to identify the main concerns held by each party. The sessions also allowed me to build rapport with the parties and their respective lawyers ahead of the mediation hearing and to mentally prepare them for the hearing. We were then able to progress more quickly during the hearing itself.

I want to commend the parties and their respective lawyers for being fully supportive of the mediation process. They approached the process with an open mind and worked closely with me to explore solutions to resolve the dispute. The entire mediation proceeded smoothly. From the time I was appointed as mediator until the hearing when parties were able to arrive at a settlement, everything was concluded within 18 days. This is a great example of how parties can use mediation to resolve their disputes quickly and efficiently.

I thank Caleb Goh and the team at the WIPO Arbitration and Mediation Center for supporting and guiding the parties through the various administrative steps and also graciously hosting the mediation hearing at the WIPO Singapore Office. They are very responsive and approachable.

The Claimant expressed appreciation as follows:

We are grateful for the dedication of our mediator, Mr Jonathan Choo, for his professionalism and relentless efforts. We also appreciate the support of Mr Caleb Goh, WIPO's representative, who patiently remained until the session concluded. Our sincere thanks also go to the commitment of our legal representatives. Everyone's willingness to extend their time beyond regular hours was instrumental in reaching a successful settlement. This level of professionalism and dedication truly highlights the collaborative spirit that drives positive mediation outcomes.

In addition, the Claimant affirmed that the availability of funding was a major factor to considering mediation. Other reasons include WIPO's fast response and efficient case management and the professionalism of the facilitating WIPO representative, Mr Caleb Goh.

The lawyers for the Claimant remarked:

We are grateful for the perseverance and dedication of our mediator, Mr Jonathan Choo. Although the parties started the day very far apart, Mr Choo's efforts and determination eventually got the parties over the line to reach a settlement that suited both parties. Without Mr Choo's proactive involvement at strategic junctures, the settlement would not have been possible.

We are also grateful to Mr Caleb Goh of WIPO for organising and managing the administrative aspects of the mediation, which were well coordinated and communicated throughout. Our thanks also goes to the wider WIPO and IPOS teams for supporting this mediation, in terms of the physical facilities and the funding aspects. These contributed significantly to our client's state of mind going into the mediation, and helped to smoothen out the negotiations.

The Respondent summarised its experience below:

We are thankful that we settled the matter without having to litigate this matter in court and having to spend more time on it.

As for what would encourage the Respondent to consider using mediation in future, it considered that the mediation fee must be reasonable.

The lawyers for the Respondent concluded:

Parties were extremely far apart in the beginning and the mediator was very effective in getting parties to meet in the middle.

As a Young IP Mediator shadowing the Mediator, I had the first-hand opportunity to accompany the experienced Mediator as he meticulously assisted both parties in navigating through the complexities of their dispute. It was a privilege to see how the Mediator's patience and professionalism could bring together viewpoints that initially began from drastically disparate positions, tying them into a shared outcome. When parties choose mediation, there is no doubt that they are taking a courageous first step towards bridging a chasm of confrontation. In my view, the success of this mediation was also built on a further three elements: First, the Parties had trust in their Mediator. Second, the Parties were willing to keep an open mind throughout the mediation. Third, the Parties had the foresight to avoid protracted legal proceedings. Instead, Parties chose to resolve their dispute within the day at the mediation session.

## **Conclusion**

AMP+ provides an essential and much-needed platform for parties to address and resolve their intellectual property disputes. This mediation was the second WIPO mediation that I have shadowed as a Young IP Mediator, and I am encouraged to observe the good work and results that this programme has continuously provided to parties within Singapore's intellectual property landscape.

Written by Samuel Wee, Young IP Mediator  
27 May 2025