

## Mediation at IPOS



**Foo Chin  
&  
Foo Fang Rou  
[2025] SGIPOS MED 1**

	<b>Applicant</b>	<b>Registered Proprietor</b>
<b>Name</b>	Foo Chin (“Applicant”)	Foo Fang Rou (“Registered Proprietor”)
<b>Nationality</b>	United Kingdom	Singapore
<b>Representation</b>	That. Legal LLC	Rajah & Tann Singapore LLP
<b>Lawyers</b>	Mr Mark Teng Mr Michael Yee	Mr Lau Kok Keng Ms Edina Lim Ms Claire Mak

<b>Mediation Institution</b>	WIPO Arbitration and Mediation Center
<b>Mediator</b>	Ms Francine Tan (“Mediator”)
<b>Shadow Mediator<sup>1</sup></b>	Ms Cindy Guo, IPOS Young IP Mediator <sup>2</sup>
<b>Date of Mediation</b>	28 and 29 August 2024
<b>Mode of Mediation</b>	In Person

### Introduction

The parties to this mediation are Foo Chin and Foo Fang Rou. Foo Chin is represented by his son Steven Foo, in this mediation. Foo Fang Rou is represented by her sister, Foo Fang Yih. Two days were set aside for the mediation.

### The Dispute

The mediation arises from Foo Chin’s application for a declaration of invalidity filed against the trade



mark registration for (‘Registered Mark’) in Class 43 in respect of ‘restaurant services’. The Registered Mark was used for the famous chicken rice business, Yet Con Chicken Rice & Restaurant (‘the Restaurant’). The parties’ areas of disagreement included other related disputes such as the sale of the property at 25 Purvis Street, Singapore, that used to house the Restaurant, the rightful ownership of other trade marks and goodwill to the names such as ‘YET CON’ and ‘逸群’, as well as purported outstanding sums owed by the Applicant to the Registered Proprietor.

<sup>1</sup> 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.

<sup>2</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 mediation in future.

## **IPOS Revised Enhanced Mediation Promotion Scheme (REMPS)**

Under REMPS, the parties in a mediation case can receive reimbursement of mediation costs of up to S\$10,000 (where only Singapore IP rights are involved) or S\$14,000 (where both Singapore and foreign IP rights are involved).<sup>3</sup>

### **Stalled Pre-Mediation Discussions**

Parties exchanged some correspondence pertaining to the chicken rice business, among other things, prior to the mediation. It started some years back, over the period of COVID-19 years. However, as the parties were not in Singapore during that time, correspondence was conveyed mainly through emails, and the progress of negotiations was not as speedy as face-to-face sessions.

### **Mediation Process**

After the pleadings to the invalidation proceedings were filed, IPOS conducted a case management conference and the parties decided to attempt mediation. The parties' representatives flew to Singapore from the United Kingdom and the United States.

The mediation began at The Great Room, Afro-Asia building at 9.35am on the first day, 28 August 2024. The Mediator started with a round of introductions and ground rules for parties to respect each other were set. The two authorised representatives are cousins by blood, with one family residing in the United Kingdom, and the other residing in the United States. The Applicant's son set the stage by emphasising the family ties that bind the two sides.

Parties took time to convey their initial thoughts on the current mediation, as well as expressed hopes for some form of settlement to be concluded for that day.

After the introduction, the Registered Proprietor's team left the room first, leaving behind the Applicant's team for a caucus. The Applicant's son was able to share concerns and thoughts at ease with the Mediator who, at the end of the caucus, sought confirmation on the information that she was allowed to divulge to the other party.

Throughout the session, multiple private caucuses were conducted in order to gain greater insights into the sentiments of each party. Both parties had clear disparities in their perspectives on the matters at hand. In these sessions, the Mediator attempted to tease out the core interest of the parties and explored different options with the parties. Various permutations of possible solutions were laid on the table.

On the second day of the mediation, the parties concentrated their discussions on a possible joint venture using the trade marks in question. They did not come to an agreement and the session ended around 4pm.

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<sup>3</sup> It is a condition of funding under the REMPS that parties agree to named publicity, without the need to disclose specific details of the settlement agreement and thus this article.

## **Main Challenge**

At the heart of the dispute is the Restaurant business, founded by their late father/grandfather Mr Foo See Hing in 1939. It was recognised as one of the heritage chicken rice brands in Singapore, which business both parties acknowledged was the tie that bound the parties. The Applicant and the father of the Registered Proprietor had contributed to the family business in their own way which they believed was crucial in the thriving business, and they therefore felt deserving of their share of the business. Their loyalty to their respective families was clear.

This resulted in a point during the mediation where parties were fixated on their diametrically opposing perspectives. Both parties refused to budge on certain issues, possibly due to some emotional baggage traced back many years. Recognising the impasse, the Mediator made a conscious effort not to dwell in the past which may not help matters and to pursue what was important at hand, that is, for parties to work together to preserve the legacy that their grandfather and fathers toiled hard to build.

## **Reflections**

The Applicant's son, Steven Foo, reflected:

Mediation was a useful process bringing together parties who for 5 years had not engaged in any face-to-face discussions. So although a final deal at mediation was not achieved it will be settled eventually.

The Applicant also gave feedback in its REMPS application form that "We are likely to use mediation as an alternative dispute resolution forum even without any funding. Of course, this depends on the circumstances of each case."

The Applicant's counsel, Mark Teng of That.Legal LLC, opined:

Mediation presents a good opportunity ahead of any hearing or trial for parties to come together to understand each other's underlying interest and is, in my view, the best mechanism for alternative dispute resolution.

The Registered Proprietor's evaluation is that:

Mediation will only work if both parties come with an open mind and the willingness to resolve an issue.

The Registered Proprietor's law firm appreciated that:

The mediator displayed a great amount of patience and persistence, actively engaging the parties and ensuring that they could air their concerns, thereby considering all perspectives.

Mediation allowed the parties to come face to face in a bid to resolve the various issues outstanding between them. Although the parties did not eventually come to a full settlement of the outstanding issues, they nonetheless managed to come to a consensus on one of the matters discussed during the mediation (i.e. the sale of the shophouse that was the venue of Yet Con).

The Mediator penned her reflections as follows:

It is commendable that the representatives for the Parties to the dispute each took the time and effort to travel to Singapore from the UK and the US to attend the mediation. Two days were set aside. It showed a commitment to the effort to try to resolve the dispute amicably, and this was observed throughout the course of the day.

The dispute concerned not only trade mark rights but involved a dispute relating to family-owned commercial real property. The dispute was complicated by the fact that there were historical difficulties in the family relationship involving the representatives' fathers, and perceived wrongs.

At the outset, I encouraged all parties to be respectful to each other and to allow the other to speak freely without interruption. Apart from the joint sessions, I also had separate sessions with the representatives and their respective counsel. A friendly rapport was established early on with the parties which, I felt, proved to be helpful.

The main challenge, in my view, was the general distrust of the other's intentions, and this required working with the respective representatives and counsel to look past their personal misgivings and to focus on identifying common ground and goals, that might lead to a shift in perception and position. When I sensed that it was appropriate, with permission of counsel, I had a separate session alone with the representatives. I believed that it would be helpful for them to have a frank and heartfelt discussion as they were, ultimately, cousins. At one point, when the discussion between them seemed to hit a wall and one of them stood up, ready to call it a day and leave, I was glad to be able to intervene and not allow that to happen. I strongly encouraged them not to give up, in view of what had been achieved thus far and the possible gains with a resolution. With the continued support and assistance of counsel, it was wonderful to see that the representatives were able to persist in the discussion and move from their positions on certain issues, and to reach an agreement relating to the property, and an agreement to discuss further on the issue of the ownership of the trade mark.

I would like to thank the WIPO Arbitration and Mediation Center (Margarita Kato and Caleb Goh) for the seamless support and administration of the process.

As a Young IP Mediator, I noticed the adversarial atmosphere from the parties' demeanour at the start of the session on the first day. It was clear that they both held strong views of what they believe was fair from their perspectives. They also had differences as to how the mediation should be conducted.

The greatest breakthrough in the mediation, I felt, was the session where the representatives spoke to the Mediator, without their legal counsel. That session felt like it was a family gathering, with cousins trying to iron out the issues. It was probably an overdue session that could have been conducted earlier before the build-up of animosity that benefited no one.

The Mediator handled the situation objectively as an impartial facilitator, peppering suggestions of how matters could move forward at appropriate junctures, when things were seemingly coming to a deadlock. The suggestions were embraced positively, possibly due to the rapport and confidence that the parties shared with the Mediator, built throughout their interactions in the session.

## **Conclusion**

The two-day session concluded with an agreement relating to the sale of the property at 25 Purvis Street which used to house the Restaurant, while parties take more time to explore a possible business collaboration involving the “YET CON” brand.

I am grateful for the privilege of witnessing a mediation conducted first-hand, where two parties started with objectives that clearly misaligned, and were eventually able to move discussion forward through the skilful facilitation of the Mediator, culminating in a win-win situation for all.

Written by Cindy Guo, Young IP Mediator  
16 April 2025