

# Bird & Bird ATMD

## IP Legal Update



### *Singapore's Enhanced Mediation Promotion Scheme*

*April 2019*

*From 1st April 2019, Singapore will provide supplementary funding to parties who choose mediation as an alternative to litigation for IP-related disputes.*

#### What is mediation?

- Mediation is an amicable method of resolving a dispute.
- Unlike an adversarial litigation process where a judge rules for one party against the other, the mediation process seeks a win-win outcome.
- A qualified mediator assists parties to evaluate their interests and objectives and to communicate and explore options.
- Mediation can be more flexible and efficient time and cost-wise than litigation, as parties have more control over the process.

#### What is the Enhanced Mediation Promotion Scheme (EMPS)?

- The Intellectual Property Office of Singapore ("IPOS") is offering to cover part of the costs of mediation, should parties choose it as an alternative to a hearing before IPOS.
- For each mediation case, IPOS will fund *up to S\$10,000* (or up to S\$12,000 if the IP dispute involves not only Singapore IP rights but additional foreign IP rights), regardless of the mediation outcome.
- The funding can be used to cover the official fees payable to the mediation centre; the mediator's fees; and up to 50% of a party's mediation-related lawyer/agent fees.

#### Who can apply?

- To benefit from the EMPS, parties must have *an existing dispute* before IPOS which they mutually agree to submit to a mediation forum *in Singapore*.
- The following conditions must also be met:
  - Allow a "shadow" mediator to observe the mediation.
  - Disclose your lawyer/agent fees.
  - Give feedback on your mediation experience.
  - Agree to named publicity, excluding details of the settlement terms.
  - Co-pay at least 50% of your mediation-related lawyer/agent fees (and mediation-related disbursements charged by your lawyer/agent).

To be eligible under the EMPS, the mediation session must take place no later than 31 March 2022 or until the available funding is drawn down, whichever is earlier.

For anyone involved in IP-related disputes before IPOS, the EMPS seeks to encourage and incentivise you to consider mediation as a meaningful dispute resolution option.

Wielding our award-winning IP expertise with a tenacious yet personable disposition, we are well-placed to assist you in any mediation process before any forum.

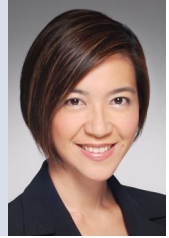
For further details, information or any assistance at all, please get in touch with us.

We'd love to hear from you.

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