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Resolving IP Disputes: Mediation in Singapore

When it comes to resolving legal disputes, litigation is often what first comes to mind. Taking the matter to trial, however, can be a lengthy and costly process, one that many can ill afford. This goes the same for IP dispute litigation, which too can well become a burdensome, long-drawn-out process. Depending on the circumstances of the case, mediation can be useful as a first port of call when a dispute arises, before turning to litigation.

Why mediation?

Mediation brings disputing parties to the negotiating table, where the mediator facilitates discussions with the aim of helping them come to a mutually acceptable conclusion. Unlike a judge, the mediator does not decide the outcome of the dispute. Instead, the mediator guides negotiations and helps parties explore possible solutions, with parties maintaining control over how the dispute is ultimately resolved. Parties are also able to choose their mediator.

Overall, mediation serves as a time-saving and cost-effective dispute resolution avenue for parties in dispute. Further, the process is confidential and can help parties come to win-win solutions.

IP mediation in Singapore

In Singapore, parties looking to engage in IP mediation can find options in the Singapore International Mediation Centre, Singapore Mediation Centre, and the World Intellectual Property Organization (“**WIPO**”) Arbitration and Mediation Center in Singapore.

Parties whose disputes are before the Intellectual Property Office of Singapore (“**IPOS**”) can turn to mediation any time before the outcome of the case is decided. If parties decide to mediate, IPOS proceedings will generally be suspended as mediation takes place.

Funding for IP mediation

There are existing programmes that can help to defray IP mediation costs.

Revised Enhanced Mediation Promotion Scheme

Under the Revised Enhanced Mediation Promotion Scheme (“**REMPS**”), parties in IPOS proceedings can seek up to SGD 8,000 in funding for mediation involving only Singapore IP rights, and up to SGD 12,000 for mediation involving both Singapore and foreign IP rights. Where both parties agree to mediate but only one party wishes to apply for REMPS funding, the applying party may still obtain up to SGD 1,000 in reimbursement. REMPS funding can be

used to cover mediation service provider fees, mediator fees, and up to 80% of parties' mediation-related lawyer or agent fees.

REMPS is available to parties holding their mediation sessions between 1 April 2025 and 31 March 2028, or until the REMPS fund is drawn down, whichever is earlier. A total of S\$120,000 has been set aside to support mediating parties through REMPS.

Other requirements for obtaining REMPS funding include agreeing to a “shadow” mediator sitting in during mediation, disclosing the relevant lawyer or agent fees, providing feedback on the experience of participating in mediation, and, where funding is obtained by both parties, allowing named publicity for the mediation. The mediation must also take place in Singapore, although video-conference may be used to accommodate party representatives who are unable to be physically present in the country, as long as the mediator is in Singapore and is a Singaporean or Singapore-based.

WIPO-ASEAN Mediation Programme

Another funding scheme is the WIPO-ASEAN Mediation Programme (“AMP+”), which provides support for parties from the Association of Southeast Asian Nations (“ASEAN”) who are engaged in IP or technology-related disputes or commercial contract negotiations, and are seeking mediation at the WIPO Arbitration and Mediation Center’s Office in Singapore. To qualify, at least one party must be an ASEAN national or entity, and the mediator must be based in an ASEAN Member State. Other requirements, such as providing feedback on the mediation experience, agreeing to named publicity, as well as allowing the appointment of a “shadow” mediator, apply.

Under the AMP+, WIPO provides funding of up to SGD 5,000 for each mediation case. This amount is increased to SGD 7,000 where a Singapore-based mediator is appointed, with IPOS providing an additional SGD 2,000, to be divided equally between the parties. Funding under AMP+ is available until 31 December 2025, or until the AMP+ fund is drawn down, whichever is earlier.

Qualifying parties can choose to obtain funding from either REMPS or AMP+ — but not both — for costs relating to the same or substantially the same dispute.

Conclusion

Not every dispute has to be taken to trial. Mediation offers a confidential, time-saving and cost-effective alternative avenue via which disputing parties may find a resolution. Parties involved in IP disputes can also take advantage of available funding to engage in mediation.

More information on IP mediation in Singapore, as well as the available funding schemes and successful mediation case studies, can be found on the IPOS website (www.ipos.gov.sg).

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