APAA 2026, in Hong Kong
Trademark Committee
Group Report - Singapore

A. Developments

- No amendments have been made to the Trade Marks Act 1998 or its subsidiary legislation since January 2026.

- The SG Trade Marks Fast programme which allows enterprises to fast-track their trade mark applications has resumed since 1 September 2026.

- By Circular No. 4 of 2026 (25 September 2026), IPOS announced that the 13th Edition, Version 2027 of the Nice Classification (NCL (13-2027)) will enter into force on 1 January 2027, and that trademark applications filed on or after that date will be classified under the same.

B. Statistics

1. The number of new applications

Year	No. of new applications	Increase/Decrease
2023	**55,109**	-
2024	**55,080**	**Decrease of less than 0.1%**

Comments and /or additional statistics:

2. Average timeframe from filing up to registration

Year	Average timeframe from filing up to registration (months)
2024	7-9 months
2025	7-9 months

Comments and /or additional statistics:

The above average timeframe of 9 months assumes a straightforward case, namely an application that proceeds to registration without any objection / query from the Registry or an opposition by a third party.

C. CASES

(Note: At least two (2) representing cases are advisable)

Louis Vuitton Malletier v Ng Hoe Seng (formerly trading as EMCASE SG) **[2026] SGCA 22**

The Court of Appeal held that the limits on statutory damages for infringement involving counterfeit marks apply per type of goods and per action, not per mark. The court also set out how the factors in determining statutory damages for such an infringement action should be applied.

Facts

Louis Vuitton Malletier ("**LVM**") owned 13 "Louis Vuitton" marks registered in Singapore. The Respondent operated an Instagram store offering nine types of goods bearing signs identical to one or more of those marks. LVM obtained judgment in default in the court below. There, the High Court found that the infringement involved the use of a counterfeit trade mark and awarded S$200,000 in statutory damages under s 31(5)(c) of the Trade Marks Act 1998 ("**TMA**"). LVM appealed against both the High Court's interpretation of s 31(5)(c) and the quantum awarded.

Decision
The appeal was allowed and the High Court's award of S$200,000 was set aside and substituted with an award of S$510,000 to LVM.

Under s 31(5)(c) of the Trade Marks Act 1998 (**TMA**), statutory damages must not exceed:

1. S$100,000 for each type of goods or service in relation to which the counterfeit trade mark has been used; and
2. S$1 million in the aggregate, unless the claimant proves actual loss above that sum.

The Court held that the S$100,000 limit applies to each type of goods, however many counterfeit marks are used on them, and the S$1 million limit applies to each action. The Court observed that the regime was meant to compensate and deter, and not to punish.

<u>The factors under s 31(6) in determining the award of statutory damages for an infringement under s 31(5)(c) of the TMA</u>

The Court also expounded on the considerations relevant to ss 31(6)(a)-(d) of the TMA, emphasizing that this was non-exhaustive and meant to serve as general guidance:

- **Flagrancy (s 31(6)(a)):** the number of counterfeit marks used, the number of types of goods, and the scale of the defendant's operations.
- **Claimant's loss (s 31(6)(b)):** whether the parties compete directly. Lost sales are unlikely to be significant where counterfeits are much cheaper than genuine goods, but damage to exclusivity, reputation and goodwill is still relevant.
- **Defendant's benefit (s 31(6)(c)):** estimated profit margins, and the advantage of free-riding on the quality associated with the marks.
- **Deterrence (s 31(6)(d)):** general deterrence reflects the prevalence of counterfeit luxury goods and the ease of infringement online. Specific deterrence turns on the defendant's own conduct.

The Beauty Nation Pte Ltd v Herbs Health Ben Cao Kang Mu Pte Ltd and another **[2026] SGHC 77**

The High Court held that the under s 27 of the TMA may be implied from its conduct, and that use made with such consent does not constitute trademark infringement.

Facts

The plaintiff in this case, The Beauty Nation Pte Ltd ("**Beauty Nation**") owns 15 Singapore registrations for its traditional Chinese medicine supplements (the "**Trade Marks**"). Its related company, Root King Pte Ltd ("**RKPL**"), supplied the products to the first defendant, an authorised retailer, from 2011 to 2023 under an informal relationship built on trust.

There was no restriction on online sales. From 2017, the first defendant and its related entity (together, the "**Defendants**") sold and advertised the products online. Beauty Nation sued for infringement under s 27 of the TMA in respect of that online use.

Decision

The claim was dismissed.

The Court observed that each infringement ground under s 27(1) and (2) of the TMArequires use "without the consent of the proprietor". However, the Court held that Beauty Nation had, by its conduct, impliedly consented to the defendants' use of its trademarks given that:

1. Beauty Nation knew of the online listings from 2017, as it had pleaded;
2. RKPL continued supplying the products without objection until the cease-and-desist letter; and
3. RKPL acted on Beauty Nation's behalf in all dealings with retailers.

Additionally, given the parties' decade-long relationship, the continued supply despite knowledge of the use further evinced Beauty Nation's implied consent to the defendants' use of the marks in selling and advertising the products.

Accordingly, the Court found that the Defendants had used the given that Beauty Nation had impliedly consented its claim for trade mark infringement failed.