

ALLEN & GLEDHILL

SINGAPORE'S COUNTERMEASURES AGAINST INTERNET-BASED INTELLECTUAL PROPERTY RIGHTS INFRINGEMENT

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OVERVIEW OF SINGAPORE'S LAWS AGAINST INTELLECTUAL PROPERTY RIGHTS ("IPR") INFRINGEMENT

Singapore has five main statutes which protect the ownership and use of IPR.

- **Copyright Act 2021**, which protects original works and software, published editions of such works as well as their performances;
- **Trademarks Act 1998**, which protects registered trade marks in Singapore, as well as trade marks which are well known (whether registered or otherwise) in Singapore;
- **Registered Designs Act 2000**, which protects registered designs;
- **Patents Act 1994**, which protects registered patents and inventions; and
- **Geographical Indications Act 2014**, which protects geographical indications.

Copyright

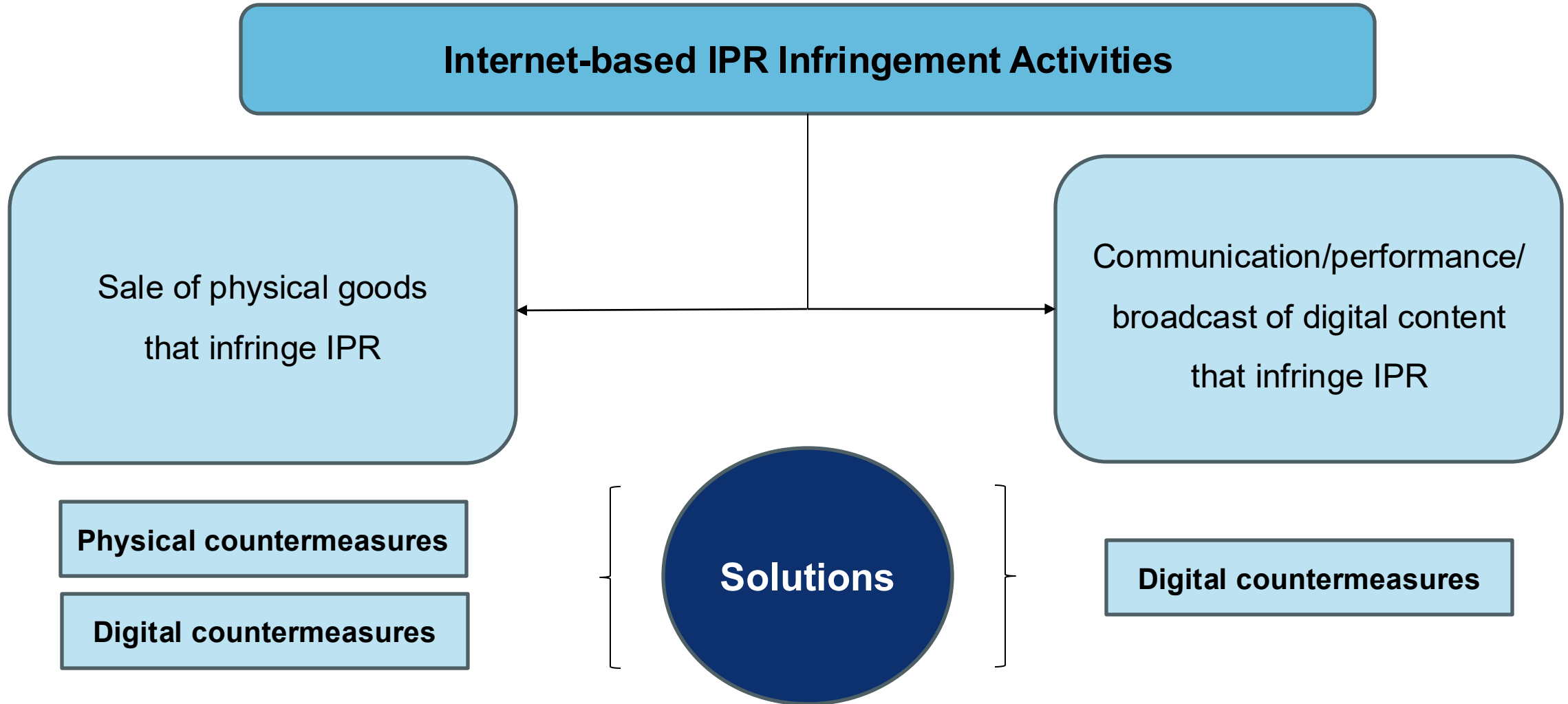
Trademarks

Registered Designs

Patents

Geographical Indications

TWO CATEGORIES OF INTERNET-BASED IPR INFRINGEMENT ACTIVITIES



PHYSICAL COUNTERMEASURES AGAINST THE SALE OF PHYSICAL GOODS

PHYSICAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Singapore protects most IPRs by regulating the import/export of physical goods at the borders

1) Seizure of goods on request

Certain IPR owners may lodge a written notice with the Singapore Customs to seize suspected infringing goods. The notice is valid for 60 days; if a seizure occurs, the IPR owner must commence action within 10 working days (extendable for another 10 working days). The IPR owner needs to provide sufficient security to Customs to reimburse reasonable expense or pay compensation if the goods do not infringe IPR.

PHYSICAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Singapore protects most IPRs by regulating the import/export of physical goods at the borders

1) Seizure of goods on request

Relevant laws:

Trade Marks: section 82 of the Trade Marks Act.

Copyright: section 332 of the Copyright Act.

Geographical Indications: section 56 of the Geographical Indications Act.

Registered Designs: section 68D of the Registered Designs Act

Singapore Customs are equipped with the corresponding (Border Enforcement Measures) Rules to each statute above as the legal basis to carry out IPR enforcement.

PHYSICAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Singapore protects most IPRs by regulating the import/export of physical goods at the borders

2) Seizure of goods by Singapore Customs

Singapore Customs may on its own initiative seize goods reasonably suspected to infringe registered trade marks, copyright, or registered GIs, then notify the IPR holder, who must promptly ask Customs to continue detention and file suit within 10 working days (extendable for another 10 working days).

PHYSICAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Singapore protects most IPRs by regulating the import/export of physical goods at the borders

2) Seizure of goods by Singapore Customs

Relevant laws:

Trade Marks: section 93A of the Trade Marks Act.

Copyright: section 336 of the Copyright Act.

Geographical Indications: section 67 of the Geographical Indications Act.

Singapore Customs are equipped with the corresponding (Border Enforcement Measures) Rules to each statute above as the legal basis to carry out IPR enforcement.

PHYSICAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Singapore's physical countermeasures extend to even "goods in transit", being goods which are not intended for Singapore as the final destination country

"Goods in transit" have been held by the Singapore courts to be subject to border enforcement

The Singapore Court of Appeal held that goods in transit still count as "imported" for purposes of the Trade Marks Act, so they may still infringe IPRs under Singapore law even if destined for another country (*Burberry Ltd v Megastar Shipping Pte Ltd* [2019] SGCA 1).

However, freight forwarders handling sealed containers with no knowledge of their content would not be liable as importers or exporters.

PHYSICAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

The Singapore Police Force and Singapore Customs consistently conduct joint border enforcement operations to stop the importation of counterfeit goods.



SINGAPORE CUSTOMS 新加坡关税局 KASTAM SINGAPURA சிங்கப்பூர் கஸ்தமுறை

MEDIA RELEASE

21 April 2015

Singapore Customs detains trademark-infringing goods

Singapore Customs detained more than 2,300 trademark-infringing goods on 8 April 2015. These counterfeit goods were imported from China via several air shipments.

During an inspection at the importer's warehouse at Kaki Bukit Avenue, Singapore Customs enforcement officers found an assortment of mobile phone accessories, watches, sunglasses, bags, wallets suspected to be counterfeit goods of popular brands.

Singapore Customs then notified the brand owners about the detention, and several of them are in the process of taking legal action against the importer of these trademark-infringing goods.

"Singapore does not condone such illegal trading activities," said Mr Yeo Sew Meng, Assistant Director-General (Intelligence and Investigation), Singapore Customs [新加坡关税局助理局长(情报与调查)杨秀明].

"Singapore Customs will take firm action against importers who bring in counterfeit goods. We will uphold our commitment to ensure a robust intellectual property rights enforcement regime in Singapore," said Mr Yeo.

Those with specific information on illegal trading activities can report it to Singapore Customs via email (customs_intelligence@customs.gov.sg). All information received will be treated in strict confidence.

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SINGAPORE
POLICE FORCE



SINGAPORE
CUSTOMS

SINGAPORE POLICE FORCE AND SINGAPORE CUSTOMS JOINT NEWS RELEASE

1 October 2017

Man arrested for importation of counterfeit bags for the purpose of trade

A 43-year-old man has been arrested following a six-hour operation for his suspected involvement in the importation of counterfeit bags for the purpose of trade.

On 18 September 2017, Singapore Customs inspected a consignment suspected to contain trademark-infringing goods. A total of 200 bags and luggage were detained after the brand owners confirmed that they were counterfeit. Singapore Customs referred the matter to the Criminal Investigation Department (CID) for follow-up.

On receipt of the information, officers from CID conducted extensive enquiries over several days. On 26 September 2017, officers from CID and Singapore Customs conducted raids at a warehouse in Jurong Port Road as well as a residential unit in Punggol, resulting in the arrest of the suspect.

A total of 318 counterfeit bags with an estimated street value of S\$11,680 were seized in this case.

Investigations are ongoing.

The authorities take a serious view on intellectual property right (IPR) infringements and will not hesitate to take action against perpetrators who showed blatant disregard for Singapore's IPR laws.

Persons found guilty of importing, possessing or distributing goods with falsely applied trade mark for the purpose of trade may be sentenced up to a maximum fine of \$100,000, or an imprisonment term of up to five years, or both.

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SINGAPORE
POLICE FORCE



SINGAPORE POLICE FORCE AND SINGAPORE CUSTOMS JOINT NEWS RELEASE

POLICE AND CUSTOMS SEIZED MORE THAN 600 COUNTERFEIT GOODS

The Police have arrested a 28-year-old woman for her suspected involvement in the importation and sale of counterfeit goods.

2. On 15 January 2023, the Immigration & Checkpoints Authority intercepted a consignment originating from a foreign country that consisted of more than 50 bottles of perfume and alerted Singapore Customs of it. Singapore Customs checked with the rights holders on the authenticity of the perfume and referred the case to the Police.

3. Follow-up investigation and raids conducted by officers from the Criminal Investigation Department at various locations in Singapore then led to the arrest of the suspect. During the 14-hour operation, more than 600 pieces of purported trademark-infringing goods comprising perfumes, apparel and stationery sets, with an estimated street value of more than S\$47,000 were seized. Police investigations are ongoing.

4. Under the Trade Marks Act 1998, the offence of importing, selling or distributing goods with falsely applied trademarks carries a fine up to \$100,000, an imprisonment term of up to five years, or both.

5. The Police take a serious view of intellectual property rights infringement and would like to remind the public that the importation, distribution and sale of counterfeit goods are serious offences. The Police will not hesitate to take tough action against perpetrators who profit at the expense of legitimate businesses and consumers.

SINGAPORE ALSO HAS CONSUMER PROTECTION LAWS WHICH INDIRECTLY PROTECT CERTAIN IPR

Singapore's consumer-protection legislation imposes restrictions on the sale of goods that are falsely described or advertised.

- Under the **Sale of Goods Act 1979**, where there is a contract of sale by description, there is an implied condition in the contract of sale that the goods will correspond with the description.
- Under the **Consumer Protection (Fair Trading) Act 2003**, it is an unfair practice to deceive or mislead consumers. Such unfair practices may lead to civil actions from aggrieved consumers, as well as potentially face regulatory action from the Competition and Consumer Commission of Singapore.

DIGITAL COUNTERMEASURES AGAINST THE SALE OF PHYSICAL GOODS

DIGITAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Digital countermeasures can be taken against the sellers of physical goods that infringe IPR.

Injunction and Statutory Damages against sellers

Courts may order (a) an injunction requesting the seller to stop the sale of infringing goods and/or (b) statutory damages against the seller under the Trade Mark Act.

- *Louis Vuitton Malletier v Ng Hoe Seng* [2025] SGHC 122

The defendant operated a store via the Instagram account “emcase_sg” and subsequently “emcrafts_sg” to sell various goods affixed with the registered marks of the Claimant. The Claimant became aware, made test purchases, and subsequently commenced action for trademark infringement.

The Singapore High Court ordered an injunction to prevent the defendant from continuing the infringing acts via the Instagram accounts.

DIGITAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Digital countermeasures can be taken against the sellers of physical goods that infringe IPR.

Injunction and Statutory Damages against sellers

In response to the claimant's claim for statutory damages under section 31(5)(c) of the Trade Marks Act, the Singapore High Court recognised that statutory damages were legislated by Parliament as an alternative and more convenient remedy to the traditional account of profits.

Claimants therefore do not need to prove actual or foreseeable losses as a result of the infringing activity. This was especially useful for the claimant when the lack of evidence relating to loss was occasioned by the absence of the defendant throughout proceedings.

Statutory damages of S\$200,000 were eventually ordered against the defendant.

DIGITAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Digital countermeasures against intermediary platforms which facilitate the sale of physical goods that infringe IPR.

Action against intermediary platforms

There are two types of intermediary platforms:

- Marketplaces which – for a fee – allow users to advertise/list goods and services for sale, and
- Social media/messaging apps which allow users to promote the sale of goods and services.

Singapore stops short of specifically imposing intermediary liability on such platforms as a class. This is because they typically function as middlemen and have typically not been considered to be the seller of the products. The situation might be different if a platform decides to sell products under their own name and in their own capacity.

DIGITAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Digital countermeasures against intermediary platforms which facilitate the sale of physical goods that infringe IPR.

Oversight over marketplaces: a “buyer beware” system

In 2022, the Inter-Ministry Committee of Scams (jointly established by various ministries such as the Ministry of Home Affairs and Ministry of Trade and Industry) launched the E-Commerce Marketplace Transaction Safety Rating (the “**TSR**”) in collaboration with major marketplaces in Singapore.

The TSR is a rating for implementation of anti-scam measures on:

- user authenticity,
- transaction safety,
- availability of loss remediation channels for consumers,
- the effectiveness of the anti-scam measures.

E-commerce Marketplace Transaction Safety Ratings



The E-commerce Marketplace TSR show the extent to which platforms have anti-scam measures in place to combat e-commerce scams, taking into account the number of scam reports made on the platforms.


































Source: [Ministry of Home Affairs Infographic](#) (last accessed 22 August 2025)

DIGITAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Digital countermeasures against intermediary platforms which facilitate the sale of physical goods that infringe IPR.

The E-Commerce Marketplace Transaction Safety Rating (the “TSR”)

- The Ministry of Home Affairs maintains a website which indicates the TSR ratings of participating e-commerce platforms and sets out the measures that each platform has implemented.





	 B2C	 B2C	 B2C	 B2C, C2C	 C2C	 C2C
Verification of seller identity					Optional	-
Monitoring for fraudulent seller behaviour						
Availability of secure payment solutions					Optional	-
Maintenance of transaction records and user data						
Reporting and dispute resolution mechanism						Reporting of suspicious listings is available

Source: [Ministry of Home Affairs website on TSR](#) (last accessed 22 August 2025)

DIGITAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

The E-Commerce Marketplace Transaction Safety Rating (the “TSR”)

- Amazon, Lazada, and Shopee achieve the highest platform ratings given that all the safety features have been implemented.
- In contrast, Carousell and Facebook Marketplace rank the lowest given that only *some* measures have been implemented.

Platform Rating	Platforms	Descriptors
	Amazon ^{B2C} , Lazada ^{B2C} , Shopee ^{B2C, C2C}	All the safety features have been implemented.
		Most of the safety features have been implemented.
	Carousell ^{C2C}	Some of the safety features have been implemented.
	Facebook Marketplace ^{C2C}	

Source: [Ministry of Home Affairs website on TSR](#) (last accessed 03 September 2025)

DIGITAL COUNTERMEASURES TARGETED AT THE SALE OF PHYSICAL GOODS THAT INFRINGE IPR

Digital countermeasures against intermediary platforms which facilitate the sale of physical goods that infringe IPR.

Is legal action against social media/messaging apps viable?

In theory, the companies behind social media/messaging apps can be held liable under the common-law tort law for authorising the sale of physical goods that infringe IPR.

However, it may be difficult to prove authorisation, given that these companies already have policies designed to distance themselves from sellers of infringing goods, for example the commonly used “take down notice”.

In practice, consumers have not taken action against these companies but have instead raised complaints to consumer-protection agencies such as the Consumers Association of Singapore (CASE) citing consumer protection law instead.

DIGITAL COUNTERMEASURES AGAINST THE COMMUNICATION/PERFORMANCE/BROADCAST OF DIGITAL CONTENT

DIGITAL COUNTERMEASURES TARGETED AT THE COMMUNICATION/PERFORMANCE/BROADCAST OF DIGITAL CONTENT THAT INFRINGE COPYRIGHT

Digital countermeasures can be taken against Internet Service Providers (“ISPs”) which provide users with access to online locations containing digital content which infringe copyright.

It has been accepted that is not effective to simply target the operator of the online location due to the operators’ anonymity.

Injunction against ISPs: an access disabling order

Singapore courts may declare a website as a “flagrantly infringing online location” and issue an “access disabling order” requesting ISPs to block access by users from Singapore. This order is available in cases relating to copyright infringement.

Relevant laws:

Section 99 of the Copyright Act 2021 for definition of a “flagrantly infringing online location”.

Section 325(1) of the Copyright Act 2021 for an access disabling order.

DIGITAL COUNTERMEASURES TARGETED AT THE TRANSMISSION OF DIGITAL CONTENTS THAT INFRINGE COPYRIGHT

From access disabling orders to dynamic injunctions

Singapore courts are now able to issue injunctions against ISPs to block their users from accessing “flagrantly infringing online locations” under an access disabling order.

Moving a step beyond the access disabling order, Singapore courts have shown robustness in ensuring the efficacy of the access disabling order by also issuing dynamic injunctions.

The dynamic injunction requires an ISP to, from time to time, block new means of accessing online locations containing the same infringing content.

DIGITAL COUNTERMEASURES TARGETED AT THE TRANSMISSION OF DIGITAL CONTENTS THAT INFRINGE COPYRIGHT

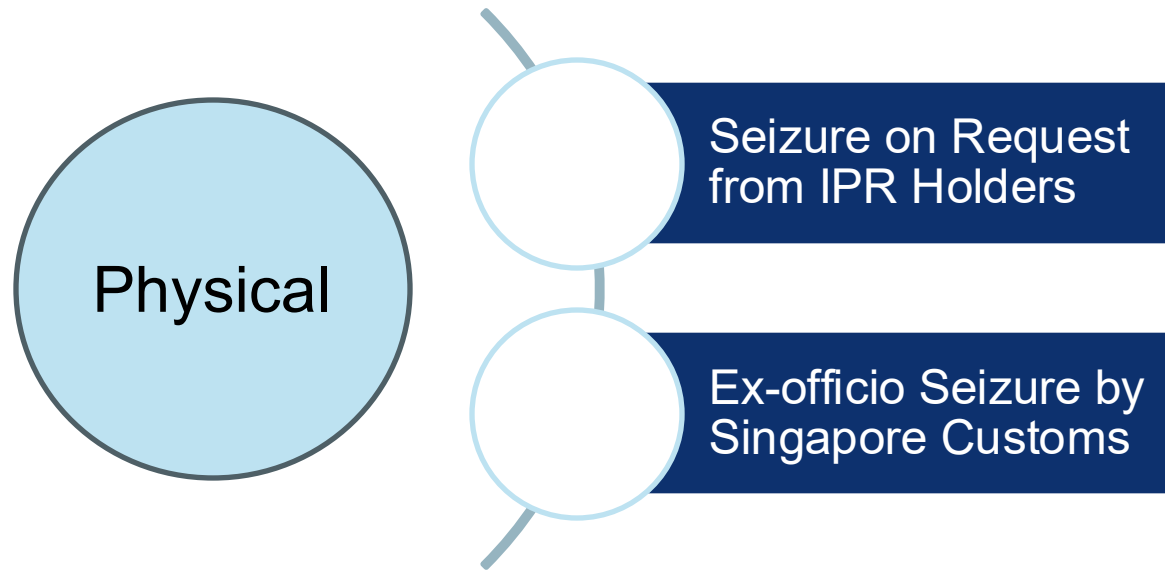
Injuncting the ISPs via the dynamic injunction

The dynamic injunction is a solution which anticipates and seeks to counteract circumventive measures that may be taken by the owners of infringing online locations. The court recognises the ease at which these owners may flaunt an access disabling order by moving content to new online locations, thereby decreasing the effectiveness of a court order (see *Disney Enterprises, Inc. & Others v M1 Ltd & Others* [2018] SGHC 206).

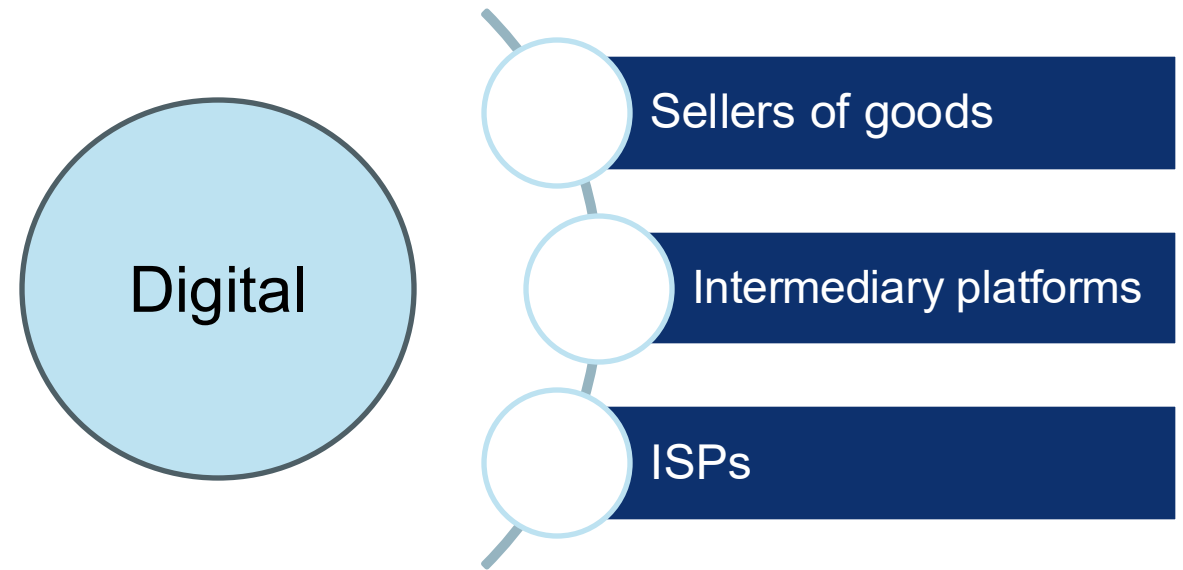
While the dynamic injunction was not specifically legislated by the Singapore Parliament, the Singapore courts found that it was still consistent with section 193DDA of the Copyright Act.

EVALUATING THE EFFECTIVENESS OF THE COUNTERMEASURES

SINGAPORE'S CURRENT COUNTERMEASURES AGAINST IPR INFRINGEMENT



Physical countermeasures aim to regulate and curb the import/export of goods which infringe IPR



Digital countermeasures aim to remove access to infringing content and to penalise the promotion, advertisement and sale of infringing goods and services in the digital domain

EVALUATION OF EFFECTIVENESS

Internet-based IPR Infringement Activities

Physical goods that
infringe IPR

Digital content that infringe IPR

Digital and physical countermeasures have worked in tandem to curb the import/export of infringing physical goods into and via Singapore.

- Should intermediary liability be statutorily imposed?
- Should access disabling orders and dynamic injunctions be included in all IP legislation as a remedy for the IPR owner?

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Notes

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