INTRODUCTION

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1 Singapore has always been a wonder to visitors, particularly those who have come to the island at different times over many years: enormous developments in industry and technology, science and research, architecture and infrastructure, culture and communications reveal a society of high dynamism and ambition. Nothing stands still, and on each visit one finds some new achievement to behold and bedazzle. Such matters are not confined to the immediate physical environment (although some new projects are certainly stunning), but are also reflected in the surrounding economic, social and cultural milieus. These changes are supported in turn by a legal system that marries a rich tradition of common law jurisprudence with policy and statutory innovation of a high order. This is particularly so in the area of intellectual property ("IP"), as the articles in this special issue will demonstrate. All contributors are either from Singapore or have had significant links with the Republic, either academically or professionally. While a number of contributions focus on particular developments in Singapore's IP laws, in each instance this is done with a careful eye to trends occurring elsewhere, whether in other comparable legal systems or internationally. Other contributions deal with issues that, while more international or comparative in nature, have strong relevance to Singapore and which will also be of great interest to readers of any nationality.

2 Beginning with patents, Stanley Lai SC deals with the vexed question of inventive step and how this is to be tested. UK law remains relevant here (as well as that of Australia), but the Singapore courts have made their own distinctive contributions, which Stanley describes and analyses with some care. He concludes with a proposal for a more delicately nuanced approach that brings together a number of different factors that will clearly be of assistance to courts in any common law jurisdiction in making the peculiarly difficult determination of whether a particular technical step that has been taken is inventive or is simply "obvious".

3 In the same vein, Elizabeth Ng considers the question of remedies for patent infringement, particularly in an age when patent litigation is undergoing a sea change in cases where multiple patents are involved. Unscrambling the mixture here can become extremely complicated, especially where there is the suspicion of speculative or

vexatious proceedings at the instance of a "patent troll". How should courts cope with the varied situations that arise here? Drawing on US experience, Elizabeth examines how this issue might be dealt with by Singapore courts in the context of applications for injunctive relief.

4 Following this, Rochelle Dreyfuss provides a most illuminating overview and synthesis of the changes brought about by the recent "America Invents" legislation: these will have significant implications for patentees (and would-be patentees) all around the world. Rochelle's article also puts these changes in the wider context of international patent harmonisation, noting the implications that they will have for future harmonisation from "ground up" rather than "top down". Her article will be compulsory reading for anyone seeking an understanding of these US developments and their wider implications.

5 Moving then to copyright, there is an interesting range of contributions here, beginning with Saw Cheng Lim and Warren B Chik's article on intermediary liability. This focuses particularly on the issue of authorisation liability, and contains an original and challenging analysis of the conflicting lines of common law authority (both English and Australian) on this question, including a critique of the "control factor" and its role. Like Stanley, both authors conclude with interesting recommendations as to how these issues might be approached in the future by Singapore courts.

6 Tan Tee Jim SC then takes up the issue of copyright in compilations and databases. He welcomes, cautiously, the possibility that increased originality requirements under Singapore law might result in the non-protection of preparatory efforts, and explores, with considerable effect, the question of whether Singapore, like the European Union, should consider the adoption of a *sui generis* form of protection. Tee Jim's article makes reference also to Australian developments in relation to issues of originality and authorship; these matters and various consequential issues in relation to the meaning of "work" and the concept of authorship in the online environment are considered in my own article that follows.

7 David Tan's article on fair dealing will be of especial interest to readers, as it draws on the wealth of judicial authority on this issue from the US and seeks to identify how this may be of use to Singapore courts, particularly in the case of "transformative" uses. David's command of his material is magisterial, and he provides a perceptive account of the developing approach of the US courts to such matters, specifically in cases of "appropriation art". Unlike Australia, Singapore has recently opted to adopt a broader fair use-type defence to copyright infringement, and it is clear that US precedents in this regard will be the most relevant. This will also be of great interest to Australian readers, as

the possibility of adopting such a defence is being presently considered by the Australian Law Reform Commission while there are proponents of the approach to be found in Europe as well.

8 The contributions on copyright conclude with a broad survey of the last 25 years of Singapore copyright jurisprudence by George Wei. This not only underlines the significant and creative contributions by Singapore's judiciary, but also highlights the close connection between the law and policy in this area. In addition, George has compiled a most useful chronology of the key milestones in Singapore's IP laws generally over the past quarter of a century, together with perceptive commentary on the background to some of these developments.

9 Protecting and encouraging creation and innovation is one thing; bringing the products of these endeavours into the marketplace is quite another and logically takes us into the sphere of trade marks and unfair competition law. In this respect, Singapore is ahead of a jurisdiction such as Australia, with specific statutory recognition of the doctrine of dilution. This is examined and evaluated in a comprehensive and instructive analysis by Ng-Loy Wee Loon. This will be a very valuable contribution not only to Singaporean readers but also to those from other jurisdictions, such as my own, where concepts of dilution, blurring and tarnishment are still only faintly appreciated.

10 We then move into the online environment where Mary Wong and Jacqueline Lipton provide us with an up-to-date explanation and analysis of the new generic top-level domain programme at the Internet Corporation for Assigned Names and Numbers. This has enormous implications for trade mark owners and it poses significant procedural issues as well. The new programme is only the latest stage in a train of developments that go back to the adoption of the original Uniform Domain Name Dispute Resolution Policy at the end of the last century, and Mary and Jacqueline's account is strongly recommended for all those wishing to remain abreast of this latest chapter of the domain name story.

11 In conclusion, we have two articles dealing with different, but highly relevant, issues. The first, by Burton Ong, takes up a theme that will already have become apparent in several of the previous contributions, namely, the broader and more policy-oriented approach to statutory interpretation taken by Singapore judges over the past couple of decades. To an outsider, this is a fascinating account and it underlines the significant contributions that have been made to the development of Singapore's IP laws by its judges. The second article, by Ignacio de Castro and Panagiotis Chalkias, provides a very useful overview of the alternative dispute resolution procedures now provided through the World Intellectual Property Organization ("WIPO"). This

will surely interest practitioners, particularly those who are faced with disputes that run over a number of jurisdictions. WIPO's achievements in this area have been significant over the past decade, and should not be overlooked by practitioners who are seeking cost-effective and speedy outcomes for difficult multi-jurisdictional disputes.

12 Notwithstanding the number and length of contributions in this special issue, there are still some areas that are not dealt with, most notably, designs law and confidential information. IP today is a broad church, with many compartments and by-ways: it is impossible to treat all of them within the space of one volume. On the other hand, the contributions in the present volume cast a sharp focus on a number of key aspects of each of the major IP regimes. Janus-like, they look both inwards (to Singapore) and outwards (to the rest of the world), while providing wider temporal and policy perspectives that place matters in their historical context and seeking to articulate clear views as to what the future might bring. As the guest editor, it has been a pleasure to read and review the different contributions: there is much instruction and illumination to be gained from each. My especial thanks are due to Justice Chao Hick Tin for according me the singular honour of editing the special issue, to Elizabeth Sheares for her efficient and effortless guidance throughout, and to Fiona Lim for her meticulous copy editing.

13 I therefore warmly commend the offerings in this volume to the reader.